

Working with Children Check

General Information Sheet

What is the Check?

The Working with Children (WWC) Check helps protect children from physical and sexual harm. The scheme aims to prevent those who pose a risk to children from working or volunteering with them.

How is the WWC Check different from a Police records check?

The WWC Check and a Police Check are two different checks.

The WWC Check is an ongoing assessment by the Department of Justice of a person's eligibility to hold a WWC card. The WWC Check checks a person's criminal history for relevant serious sexual, physical and drug offences and where appropriate, professional disciplinary findings. The WWC Check is valid for 5 years unless it is revoked.

The Police Check does not involve an assessment by a government agency. It is only a list of offences at a point in time. Some organisations need the list to help them assess a person's suitability for other kinds of work.

Do I need a WWC Check?

You need a WWC Check only if you meet all of the following criteria:

- your paid or volunteer work and in some cases training, involves working with or caring for children in one of the occupational categories listed on the WWC Check website
- contact with children is not incidental to but a normal part of the service or activity you are providing children
- you are not directly supervised
- you are not exempt or excluded from a WWC Check

If you meet all the criteria listed above, you are doing 'child-related work'. As some exemptions apply you must determine if you need a WWC Check before applying.

When do I need to apply?

If you are not exempt and intend doing child-related work, you need to lodge a Working with Children Check application before commencing to work with or care for children.

What if I don't apply?

It is a criminal offence for you to start child-related work without applying for a WWC Check.

It will also be an offence for your employer or volunteer organisation to engage you in 'child-related work' if you have not applied for a WWC Check.

How do I apply?

You must complete the online application form. To do this go to the WWC website, answer the questions, print out your application summary and submit your documents at a participating Australia Post retail outlet.

Most people can do child-related work while their application is processed. However you cannot if you:

- have been charged with, convicted or found guilty of a serious sexual, violent or drug-related offence known as a Category 1 or Category 2 offence in the *Working with Children Act 2005* (the Act)
- have previously been given a Negative Notice and have not been subsequently given a WWC card
- are subject to orders or reporting obligations under the:
 - *Sex Offenders Registration Act 2004*
 - *Serious Sex Offenders Monitoring Act 2005*
 - *Serious Sex offenders (Detention and Supervision) Act 2009*

Some organisations are governed by other legislation or policies which permit applicants to work only after they have passed the WWC Check. Please check with your organisation regarding this matter.

How much will it cost?

Applying for a WWC Check is free for volunteers. It is unlawful to use a Volunteer WWC Check for paid child-related work.

For paid workers, there is a fee. Please check the website for the current fee. An Employee WWC Check card can be used for both paid and volunteer child-related work.

What is checked?

- Applications are checked for serious sexual, violent and drug-related offences. A list of relevant offences is available on the website
- Disciplinary findings of professional agencies are also considered. These agencies are:
 - Victorian Institute of Teaching (VIT),
 - out of home carers Suitability Panel;
 - Victorian Civil and Administrative Tribunal (VCAT) regarding relevant determinations under the *Health Professions Registration Act 2005*.

Other professional agencies may be included in the future.

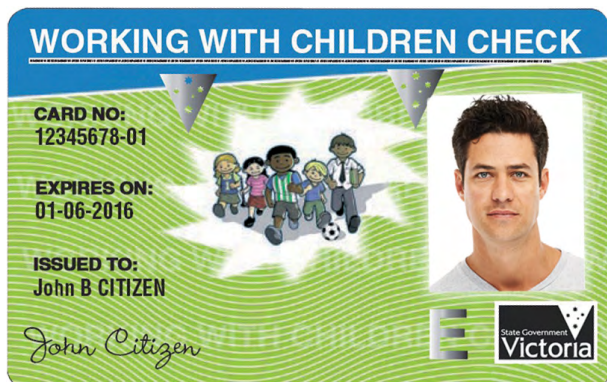
If you do not have a criminal record, and no professional disciplinary findings have been made against you, you will pass the WWC Check.

How will I know that I have passed the WWC Check?

People who pass the WWC Check will be mailed a WWC Check card. Applicants who have provided a current mobile number will also receive an SMS prior to receiving their card.

Your employer or volunteer organisation must make sure you have passed the WWC Check and will ask to see your WWC Check card as proof.

A sample WWC Check card is shown below:



Can I still pass the WWC Check if I have a criminal history or a professional disciplinary finding?

The outcome will depend on the type of finding made against you, the offence involved and the circumstances surrounding the finding or offence.

Not all offences and findings are considered to indicate a risk to the safety of children.

You can contact the Customer Support Line to discuss your personal circumstances.

People who are subject to sex offender reporting requirements or a supervision or detention order under the *Serious Sex Offenders (Detention and Supervision) Act 2009* are prohibited from working with or caring for children and must not apply for a WWC Check.

What happens if I don't pass the WWC Check?

If the Department of Justice intends to refuse to give you a WWC Check, you will be given an opportunity to explain in a written submission why you believe you should pass the Check. Your submission will then be considered by the department.

If you do not pass the WWC Check after your submission has been considered, you will then be issued with a Negative Notice and you must not work or care for children. In most cases you may apply to Victorian Civil and Administrative Tribunal (VCAT) to review the department's decision.

Do I need to update my details?

Yes. While your application is being processed and as a cardholder, you must inform the department within 21 days of changes to your personal, contact or organisation's details. You can update your details online anytime.

How will my privacy be protected?

The Department of Justice, employers and volunteer organisations are bound by privacy and confidentiality laws.

The organisations that engage you in child-related work will be notified of the outcome of your application, and if your WWC Check card is revoked.

The details of any criminal records, findings from a professional disciplinary agencies or relevant VCAT determinations will not be provided to your employer or volunteer organisation.

The WWC Check website provides detailed information on any of the issues outlined in this publication.

Further Information

Website www.workingwithchildren.vic.gov.au

Email workingwithchildren@justice.vic.gov.au

Customer Support Line 1300 652 879
8.30am-5pm Monday — Friday (excluding public holidays)

TTY 13 36 77 **Speak & Listen** 1300 555 727



If you need an interpreter, please call the Translating and Interpreting Service on 13 14 50 and ask them to contact the WWC Customer Support Line.

Large print Please email the WWC Check Unit.

This information is intended as a general guide only. It is not intended to be given as legal advice and should not be relied upon as such. It is recommended that you obtain legal advice relevant to your particular circumstances.

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