



Working with children checks

New South Wales

Legislation

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the *Working With Children Check* (WWCC). In NSW the WWCC for people in sport and recreation involves three components:

- **Ensuring** volunteer employees sign the Volunteer/Student Declaration which states they are not prohibited from working with children.
- **Ensuring** all paid employees who will be working in child-related employment, sign the Applicant Declaration and Consent and produce 100 points of ID.

(*Note:* Volunteers who mentor disadvantaged children or who provide intimate personal care to disabled children also sign this form and are now background checked).

Submitting all paid applicants for child-related employment (as well as the volunteers mentioned) to the Commission for Children and Young People for a WWCC background check – this involves a check for relevant criminal records, any relevant Apprehended Violence Orders (AVOs) and any relevant employment proceedings.

- **Reporting** relevant employment proceedings (REPs) to the Commission for Children and Young People for any paid and unpaid employees. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a children.

Where can I get a criminal history or police check done?

The Approved Screening Agency for sporting and recreation organisations within NSW is **Commission for Children and Young People**.

Who has to apply?

The employer (sporting organisation) is responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. The organisation should register with

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Commission for Children and Young People, and nominate a contact (eg. Club administrator or General Manager) who will receive the information relating to the background checks.

For forms and information go to the Commission for Children and Young People at www.kids.nsw.gov.au.

Self employed people over the age of 18 years who work with children have until 1 May 2011 to obtain their Certificate for Self Employed People. The Certificate gives self-employed people the opportunity to demonstrate to their clients they do not have criminal records that ban them from working with children. People who have previously had a WWCC as an employee of another organisation, are still required to get the Certificate if they work with children in a self employed capacity, as the WWCC is not transferable between organisations.

If you are self-employed, go to [NSW Commission for Children and Young People](http://www.kids.nsw.gov.au) for further information.

What does a *Working with Children Check* or police check cover?

The records considered in the NSW Working with Children background check include:

- relevant criminal records
- relevant AVOs
- any relevant employment proceedings.

Are there penalties for not conducting the WWCC?

Yes. Refer to the [NSW Commission for Children and Young People](http://www.kids.nsw.gov.au) website for information about the fines and/or gaol terms for non-compliance.

What are the requirements for visitors from other states/territories?

If an employee is engaged to work with children outside NSW but their work occasionally requires them to work with children in NSW, the WWCC does not apply.

You should **always** ensure that you comply with the background checking legislation in your own State.

Relevant information

How much does it cost?

There is no cost for a background check.

How long is it valid for?

The check is valid as long as the individual remains in the same position within the organisation for which they were checked.

Also, “[short-term employees](#)” (i.e. where the person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

Is it transferable to a different organisation?

No. The new employer must apply for another WWCC for that individual.

Resources

Where can I get further information or resources?

- [NSW Commission for Children and Young People](#)
- [NSW Sport and Recreation](#)