

## Guideline: Working With Children Check Guidelines for employees

**Owner:** Director, People and Culture

**Keywords:**

[Intent](#)

[Organisational Scope](#)

[Definitions](#)

[Guideline Content](#)

[What is a Working with Children check?](#)

[Who needs a Working with Children check?](#)

[Applying for a Working with Children check and ECU authorised representatives](#)

[Notifications of Card expiry](#)

[Interim and negative notices](#)

[Accountabilities and Responsibilities](#)

[Related Documents](#)

[Contact Information](#)

[Approval History](#)

### 1. INTENT

The Working with Children (Criminal Record Checking) Act 2004 (“the WWC Act”) requires a compulsory criminal record check for certain people working with children in Western Australia. This check is referred to as a Working with Children Check (“WWC check”).

This guideline outlines the administration of Working with Children checks for ECU employees, to ensure compliance with legislation and to ensure the safety of children in activities involving ECU employees.

### 2. ORGANISATIONAL SCOPE

These guidelines apply to all ECU employees.

### 3. DEFINITIONS

Term:	Definition:
Authorised ECU representative	An ECU employee authorised to sign WA WWC application forms (physical and online renewals) on behalf of ECU.
Child/Children	Means a person who is under 18 years of age.
Child-Related Activities	Means Child-Related Business and Child Related Employment as defined in the <a href="#">Working With Children (Criminal Record Checking) Act 2004 (WA)</a> , (WWC Act), noting the latter definition goes beyond Child-Related Work in the context of employment, and encompasses Child-Related Work carried out on a voluntary basis, and Child-Related Work carried out by a student as part of a student’s course of study.
<a href="#">Child Related Work</a>	Has the corresponding meaning as set-out in the WWC Act, but excludes Child-Related Work that is covered by an exemption under the WWC Act and <a href="#">Working With Children (Criminal Record Checking) Regulations 2005 (WA)</a> (WWC Regulations).

Term:	Definition:
Interim Negative Notice	Means a Notice that may be issued in some cases when the relevant Working With Children (WWC) screening unit receives information relevant to the immediate safety of children (e.g. a charge or conviction for a relevant offence). This prohibits a person from engaging in Child-Related Activities during the assessment or re-assessment, until a final decision is made.
Negative Notice	Means a Notice that is issued if the relevant WWC screening unit's assessment, or re-assessment, of a person's eligibility to hold a WWC Card indicates an unacceptable risk to children. A Negative Notice prohibits a person from engaging in any Child-Related Activities and remains current until cancelled under the WWC Act.
Working With Children Check (WWCC)	Means the compulsory screening strategy in Western Australia and the Christmas and Cocos (Keeling) Islands for people who engage in certain paid or unpaid work with children, described as Child-Related Work under the WWC Act. References to a WWCC within this policy should, whether explicitly stated or not, be taken to also include the equivalent clearance/check for the State or Territory within which the Child-Related Activities will occur.
WWC Act and WWC Regulations	Means the <a href="#">Working With Children (Criminal Record Checking) Act 2004 (WA)</a> and the <a href="#">Working With Children (Criminal Record Checking) Regulations 2005 (WA)</a> respectively.

#### 4. GUIDELINE CONTENT

##### 4.1 What is a Working with Children Check (WWC) check?

A WWC check is a compulsory screening strategy which requires a criminal record check for certain people working with children in Western Australia. It assesses charges, convictions and behaviours which may indicate they may harm a child. The assessment is ongoing until the check expires and includes but is not limited to a Nationally Coordinated Criminal History Check. A WWC check is valid for three years.

##### 4.2 Who needs a Working with Children check?

It is the responsibility of the Line Manager to assess their employees needing a WWC check. In accordance with the WWC Act, a WWC check is only required by people whose **usual duties** of work involve (or are likely to involve) **contact** with a child (under 18) in connection with one or more **categories of child-related work**, unless an **exemption** applies.

New employees commencing at the University in child-related work, or existing staff transferring to a position which is child-related work, must apply for a WWC card before they start working in the relevant position and provide the receipt confirming the application to the University, by email to Payroll Services ([payroll@ecu.edu.au](mailto:payroll@ecu.edu.au)).

##### 4.2.1 Contact with a child includes:

- Any form of physical contact,
- Oral communication (e.g. telephone) and
- Electronic communication (e.g. email or internet).

#### 4.2.2 Categories of child-related work

People are in child-related work and require a WWC check only if the usual duties of the work involve or are likely to involve contact with a child in connection with one of the 18 following categories. The University is only exempt from the educational institution category of work and not any of the other categories of child related work (refer to 3. below).

1. **a childcare service**; (means a child care service as defined in the Child Care Services Act 2007 s4 or an education and care service as defined in the Education and Care Services National Law (Western Australia) s5(1));
2. **a community kindergarten** registered under Part 5 of the School Education Act 1999;
3. **An educational institution for children**. Includes any school as defined in the School Education Act 1999 but does not include universities recognised or established under a written law or educational institutions prescribed by the WWC regulations.
4. **a coaching or private tuition service of any kind**, but not including an informal arrangement entered into for private or domestic purposes;
5. **an arrangement for the accommodation or care of children**, whether in a residential facility or private residence, but not including an informal arrangement made by a parent of the child concerned or accommodation or care provided by a relative of the child;
6. **a placement arrangement or secure care arrangement** under the Children and Community Services Act 2004;
7. **the performance by an officer**, as defined in the Children and Community Services Act 2004, of a function given to the officer under that Act. Officer means a person employed or engaged by the Department of Communities, whether as a public service officer under the Public Sector Management Act 1994, under a contract for services, or otherwise;
8. **a detention centre**, as defined in the Young Offenders Act 1994 section 3;
9. **a community child health service**;
10. **a counselling or other support service**;
11. **a religious organisation**;
12. **a club, association or movement** (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children, but not including an informal arrangement entered into for private or domestic purposes;
13. **a ward of a public or private hospital** in which children are ordinarily patients;
14. **a baby sitting or child minding service**, but not including an informal arrangement entered into for private or domestic purposes;
15. **an overnight camp**, regardless of the type of accommodation or how many children are involved;
16. **a transport service specifically for children**;
17. **a school crossing service**, being a service provided to assist children to cross roads on their way to or from school; or
18. **a children's entertainment or party service**

### 4.2.3 Exemptions

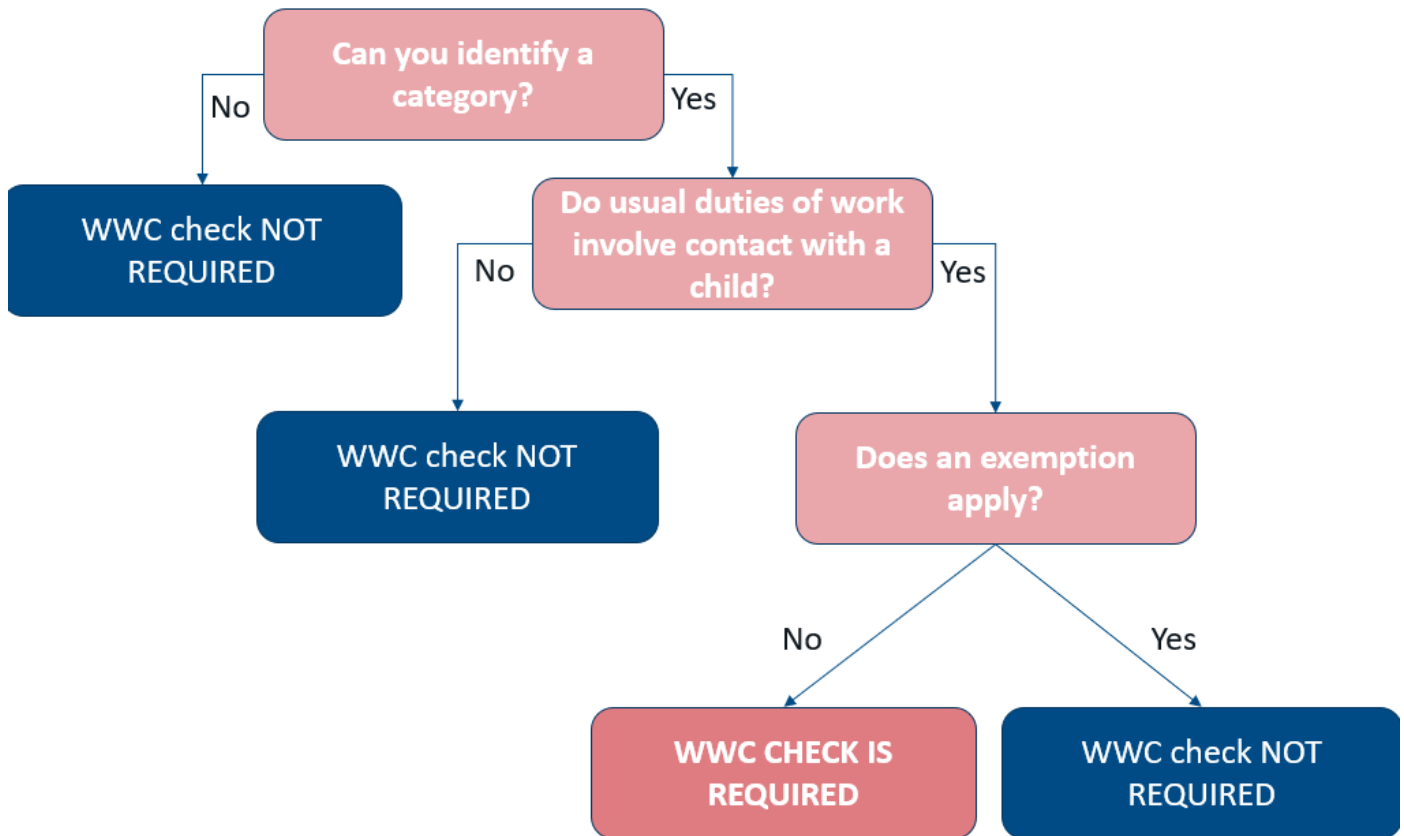
Certain people are exempt from the requirement to have a WWC check. If a person's work is covered by an exemption, then they are not in child-related work and are not required to apply for a WWC Check.

The University is only exempt from the educational institution category of work and not any of the other categories of child related work.

To check whether an employee is exempt refer to the Department of Communities' [Factsheet 2: Child-related work and exemptions](#).

### 4.2.4 Determining WWC requirements

Answering the questions below will assist you to determine if a person is in child-related work and requires a WWC check.



### 4.2.5 Short-term activities and child-related work

Short term activities undertaken which include contact with children need to be reviewed against the requirements above by the Line Manager to determine child-related work. If a WWC check is required, the employee undertaking the activity is required to apply for a WWC check prior to the activity commencing.

#### 4.2.6 Create or modify a position and WWC requirements

It is the responsibility of the Line Manager to identify positions at the University that require the employee/s to obtain and maintain a current and valid WWC card. This requirement applies to all ongoing, fixed term, casual and unpaid positions where the usual duties involve, or are likely to involve, contact with children. When establishing or modifying a position, Line Managers must ensure that People and Culture is notified of all special conditions attached to that position, including the requirement for a WWC check. This requirement is recorded against the position number in the HR Information System for recruitment and appointment activities such as appearing as a requirement in position descriptions and employment contracts.

#### 4.3 Applying for a Working with Children check

Employees who require a WWC check must not engage in child-related work without having applied for or received a WWC card by the first day of starting child-related work.

Where child-related work is unforeseen, there is a five-day grace period available in most cases to provide reasonable time to apply for a WWC card. This excludes child-related work in childcare services. The five-day grace period should not be relied upon where a WWC check requirement is known in advance.

##### 4.3.1 Employee application process

Employees should apply for a WWC Check prior to starting child-related work and are unable to conduct child-related work without an application receipt or WWC Card. *Application for a WWC check* forms are available from authorised Australia Post outlets.

1. Complete the form and read and sign the Applicant Declaration which provides ongoing consent
2. Contact an [ECU authorised representative](#) to complete Parts 5 and 6 of the form. The ECU authorised representative signs the 'employer, volunteer organization or education provider declaration' at part 7
3. Lodge the completed and signed form in person at an Australia Post outlet and pay the required fee. The cost of the WWC is at the employee's expense.
4. Keep your application receipt and send a copy to Payroll Services - [payroll@ecu.edu.au](mailto:payroll@ecu.edu.au). This allows you to continue or start child-related work.
5. When the application is complete and the WWC check is successful, a WWC card will be issued to the employee. Send a copy of the card to Payroll Services - [payroll@ecu.edu.au](mailto:payroll@ecu.edu.au).

A WWC is valid for three years. Employees must re-apply for a new WWC card prior to the expiry date by following the process above. Renewals over three months of the card expiry can be completed via the [online renewal process](#).

##### 4.3.2 ECU authorised representative process and responsibility

An [ECU WWC authorised representative](#) is the person who has been given permission to sign WWC Check application forms and confirm online renewals on ECU's behalf. This person is also the contact if further information about an application or renewal is required.

Training is required to hold this position within a School or Centre to ensure compliance with legislation and ECU policy and processes. The Department of Communities provides monthly [workshops](#) for authorised representatives or anyone responsible for the management and compliance of WWC checks. Please contact People and Culture Services - [people@ecu.edu.au](mailto:people@ecu.edu.au) for more information or to advise of a change to a School or Centre's authorised representative list.

When an ECU authorised representative is provided with a WWC application form, they must:

1. Check their details are correct and the applicant has signed the Applicant declaration.
2. Assess the correct category of child-related work and complete Parts 5 and 6. The ECU authorised representative should complete Part 6 with their name and ECU address details at 'Name of employer' section and sign at Part 7.
3. The Director People and Culture is the position at a central location to which the notices will be sent. Please include Director People and Culture, ECU 270 Joondalup Drive, Joondalup 6027 in the second half of Part 6 as the central location to receive all notices (copies of the WWC cards, interim and negative notices).
4. Remind the employee to submit and pay for the application at an Australia Post outlet and to send a copy of the application receipt and subsequent WWC card when received to Payroll Services - [payroll@ecu.edu.au](mailto:payroll@ecu.edu.au) to record the outcomes in the HR Information System.

#### 4.4 Notifications of card expiry

Several notifications are sent to remind the employee that their WWC Card is expiring. The WWC Screening Unit at the Department of Communities will notify the employee via email three months prior to expiry.

ECU's HR Information System automatically sends a number of email reminders to the employee copying in their line manager at three months and 6 weeks prior to expiry and on the expiry date, until a receipt of a new application or a new WWC card is sent to Payroll Services - [payroll@ecu.edu.au](mailto:payroll@ecu.edu.au).

An employee in child-related work is not permitted to work without a valid WWC Card.

Refer to 4.3 for how to apply or renew a WWC Card.

#### 4.5 Interim negative notices and negative notices

An Interim negative notice may be issued when information relevant to the immediate safety of children has been received. This prohibits a person from engaging in child-related work during the assessment until a final decision is made and the employee must be removed from child-related work immediately.

If the assessment of an employee's eligibility to hold a WWC Card indicates an unacceptable risk to children they will be issued with a Negative notice. This prohibits a person from engaging in child-related work and the employee must be removed from child-related work immediately.

The Director People and Culture will be notified of all outcomes of WWC checks including interim and negative notices. The Director People and Culture will notify and work with the relevant Executive Dean or Director in the case where an interim or negative notice has been issued.

The interim or negative notice will be recorded on the HR Information System.

## 5. ACCOUNTABILITIES AND RESPONSIBILITIES

In relation to these guidelines, the following positions are responsible for the following

Guidelines Owner

The Guidelines Owner, Manager, People and Culture Services has overall responsibility for the content of these guidelines and its operation in ECU.

## 6. RELATED DOCUMENTS:

### Policies

[Working with Children Check and Child Protection Policy](#)

[Position Establishment, Recruitment, Selection and Appointment Policy](#)

[Staff Code of Conduct](#)

### Legislation

[Working With Children \(Criminal Record Checking\) Act 2004](#)

### Operational documents and resources

[WA Government Working With Children Check FAQ](#)

## 7. CONTACT INFORMATION

For queries relating to this document please contact:

All Enquiries Contact:	Manager, People and Culture Services
Telephone:	08 6304 5995
Email address:	<a href="mailto:people@ecu.edu.au">people@ecu.edu.au</a>