



A Guide to the Working With Children (WWC) Check For Baptist Churches in Victoria

What Is It?

The Victorian Government has brought in a new initiative, called the Working with Children Check (WWC) to help protect children and youth in our community. It is similar to Police Records Checks but with some key enhancements; an ID card is issued to people passing the check, the organisations where the person performs child related work is linked to the card, and there is ongoing monitoring of the person while the card is active. Note however, the WWC only checks specific offences (see below) and is not as broad as a Police Records Check – therefore does not replace it.

This system commenced in July 2006 and will be phased in over the next 5 years. Without the check volunteers and employees will not be able to remain working with children, in any capacity. It can be downloaded from the Department of Justice Website: www.justice.vic.gov.au/workingwithchildren

The check is nationally based only. It is the *minimum* requirement for checking the suitability of any employee or volunteer who is working with children and youth. Not all criminal offences are checked, so it is recommended that Police Checks are also implemented for volunteers and employees.

Aim:

The aim of the Working with Children Check is 'to assist in protecting children from sexual or physical harm by ensuring that people who work with children, or care for, them have their suitability to do so checked by a government body'.

Why Is It Important?

The Government believes this is an important enhancement in the protection of children. The BUV encourages churches to warmly embrace this process. For us (even more than society in general) it is important because:

- Jesus loves children and has given us the mandate to welcome and care for children (Matthew 19:5-6)
- As the church, we need to provide a safe place for children and youth
- It is now a legal requirement.

Who Needs A Check?

Every one who works in direct and regular contact with children and youth without direct supervision! Therefore, all pastors, ministry staff, children's and youth leaders,

playgroup leadership All those in direct connection with those under 18 years old needs to apply for a WWC check.

Definitions - The legislation defines the following key words:

'Child' – a person under 18 years of age

'Direct Contact'- contact between a person and a child that includes physical contact, face to face oral communication and physically being within eyeshot.

'Regular contact' – is not specifically defined in the legislation and will only become established over time by case history. As a guideline, BUV would recommend that any more than four times a year is defined as regular contact.

'Direct supervision' – requires the supervisor to give immediate and personal supervision, but does not require constant physical presence (e.g. supervisor may need to leave for a **short time** to make a phone call or take a group to the bathroom)

'Child related work' – the contact with children and youth (paid or unpaid) falls within one or more of the 20 occupational fields set out in the WWC check form and involves, or usually involves 'regular', 'direct' and not directly supervised contact with children and youth. It also includes work engaged in 'as a minister of religion or as part of the duties of a religious vocation'.

One of the significant aspects of this definition compared with the former BUV guidelines on Police Checks, is that ALL leaders involved in an activity require a WWC check, not the "minimum of two" BUV has previously recommended.

Validity:

The WWC check is valid for 5 years (unless revoked). A person may use the same card for all child-related work they undertake, and change their list of organisations at any time. This change can be made by phone (1300 652 879) or the website: www.justice.vic.gov.au/workingwithchildren. It should be noted that a "volunteer" card cannot be used for any situation involving paid work.

When Is It Required?

Now! The phasing in period for churches has concluded. All those involved in working with children within the church must now have a WWC card on record at the church.

Cost:

For Volunteers, the WWC Check is free, as is replacing a volunteer's lost card.
For employees, the WWC Check application fee increased on 1 July 2008 to \$73.90.
The fee to replace an Employee WWC Check card increased to \$16.90

The Victorian Government automatically indexes certain fees and fines each year for inflation. Please check the current price before applying.

Exemptions:

The legislation defines several exemptions under which a WWC card is not required:

1. A person under the age of 18. Verification of the age of the applicant should be obtained if there is any doubt. As referred to in BUV's Duty of Care guidelines, please be cautious about the use of people under 18 in responsible leadership positions.
2. A registered Teacher under the Victorian Institute of Teaching Act. ID cards are given out annually and the volunteer organisation needs to record the details each year. The validity of a card ought to be checked (when periodically checking WWC holders) by phoning the VIT on 03 8601 5800 and quoting the teacher's registration number.
3. A sworn police officer. Check their ID badge. Again, these should be periodically checked by calling the HR department of the Victorian Police to verify which station the policeman/woman is working and confirm with that location whether their badge is still valid.
4. A volunteer parent assisting with an activity whose child participates in that activity. It is BUV's recommendation that all parents who assist on a regular basis (more than 4 times per annum) should have a WWC check. The exemption does not mean that the leaders of the group who have children involved may avoid obtaining a WWC card.
5. A relative to each child you have contact with in your work
6. A visiting worker from another State or Country if he/she does not ordinarily engage in that work in Victoria. Note – this exemption is to address practicalities of obtaining a WWC check. Most states of Australia have similar legislation, and BUV recommends that the relevant check for the visitor's state of origin is sighted prior to them being allowed to work with children.

Note: It is BUV's recommendation that the exemptions outlined above are not used to find excuses not to comply with a good policy, but only to save some people needing to go through similar processes more than once. It is to be hoped that people committed to caring for children should be happy to obtain a check to demonstrate their commitment to making children's ministry safer.

What Information Will Be Checked?

Not all offences committed are identified in a WWC check; rather it addresses specific issues that relate to suitability for involvement with children's work. The types of offences checked include:

- Serious sexual offences
- Serious violence offences
- Serious drug offences
- Relevant findings from prescribed professional bodies

If an offence is identified in any of the above areas – a WWC card cannot be issued. If one of a list of lesser offences has been committed, the Department of Justice retains discretionary powers to issue or withhold a WWC card. A full list of both sets of offences is given on the DOJ web site. As not all offences are checked, BUV still recommends Police Records Checks are conducted on leaders in other areas – such as Financial Management and controlling a vehicle.

Working with Children (WWC) Check card holders Obligations:

- Must advise the Department of Justice of any 'relevant change in circumstances', including if you change your name.
- Must advise the department of any change of address details
- Should advise the department of any change of employer or volunteer organisation, including changes to their contact details.

Church Obligations:

As an employer or volunteer organisation, your church has certain obligations under the *Working with Children Act 2005*. Agencies that list people for 'child-related work' also have these obligations. If you do not comply with these obligations, you may be subject to criminal penalties.

Churches must:

- Ensure that all employees or volunteers who are required to apply for a Working with Children (WWC) Check do so by the required deadline. If your organisation wishes to facilitate the applications of all relevant employees/volunteers, a bulk application process can be arranged through your local participating Australia Post outlet. Phone 13 13 18 to speak to the manager of your local outlet
- Ensure that you do not engage a person in 'child-related work' if they are required to apply for a WWC Check and have not done so by the due date
- Where your employees or volunteers are not required to apply for a WWC Check because their contact with children is directly supervised, ensure that the supervisor has applied for and passed the WWC Check unless an exemption applies (for example, the supervisor will not be required to apply for a WWC Check if he or she is a teacher with current registration with the Victorian Institute of Teaching)
- Ensure that employees or volunteers who are given a Negative Notice do not undertake 'child-related work', even if directly supervised
- Ensure that your employees are not undertaking 'child-related work' with a 'volunteer' Assessment Notice and WWC Check Card; employees must apply for an 'employee' Assessment Notice and WWC Check Card
- Ensure you comply with obligations to keep employees' and volunteers' information confidential as required under the *Working with Children Act 2005* and by any other relevant laws.
- Record your employees' and volunteers' unique Application Receipt Number (received when they lodge their application)
- Confirm that your employees and volunteers have passed the WWC Check
- Sight your employees' and volunteers' WWC Check card as evidence that they have passed the WWC Check
- Record your employees' and volunteers' WWC Check Number, which is different from their Application Receipt Number
- If you engage a self-employed person who is required to pass the WWC Check, you should sight the person's WWC Check card
- Develop internal processes in the event of an existing employee or volunteer being given an Interim Negative Notice or Negative Notice.

Recommended WWC Check Process for Churches

1. Assign a person to be responsible for WWC checks at your church, preferably not a pastoral team member or children/youth leader:

This person will:

- Confirm that your employees and volunteers who are working with children are legally able to do so and have the WWC Card.
- Liaise with the government department if/when information is given regarding checks that have been revoked.
- Do six monthly checks of all employee and volunteer cards through the government website.
- Do initial and annual Police Records checks of all employees and volunteers.

2. Maintain a list of all employees and volunteers who work with children and youth in your church.

This can be as simple as an XL spreadsheet, as long as it is maintained accurately.

Significant penalties do apply to organisations and their leaders who involve people in ministry with children if they do not have a current WWC check.

Accurate records and a good procedure for ensuring your church has complied with its obligations will be important if you are ever required to demonstrate your position in relation to this legislation.

3. Sight and record your employees' and volunteers' unique Application Receipt Number (received when they lodge their application).

Once the WWC check has been lodged you will be given a receipt. This needs to be retained. If the employee or volunteer passes the check then they will be sent an Assessment notice and a WWC check card in the mail.

In the future, employers or volunteer organisations will be sent a form letting them know those volunteers or employees who have acknowledged them as the organisation they are working for.

4. Sight and record your employees' and volunteers' WWC Check card as evidence that they have passed the WWC Check

As the employer or volunteer organisation you are required to have seen every person's WWC check card (you can make a photocopy of the card if preferred). On your volunteer and employee list, write down everybody's card number and expiry date.

Once you have sighted their card, the employee or volunteer can then commence working with children in your church.

5. Regularly check that every employee or volunteer working with children has a WWC card that is still valid

This can be done by going to: www.justice.vic.gov.au/workingwithchildren and clicking on 'Enquire on Status of WWC Check'. Put in the volunteers surname and number and this will give you their status. The onus is on the employer or organisation to do these regular checks (BUV recommends every six months).

Ongoing monitoring of checks will take place from criminal records and professional bodies. When informed that a person has been charged or found guilty of a relevant crime, or has been disciplined by a professional body, there will be a review of that person's suitability to undertake child related work. Organisations will be notified.

An 'Interim Negative Notice' means the card holder is being reassessed. They may lodge a submission to the DOJ as to why they believe they should pass the Check.

'Negative Notice' means the card has not been approved or is revoked. A Negative Notice may be appealed by the Applicant to the Victorian Civil and Administrative Tribunal – see the WWC website for more information.

6. Assist new employees or volunteers to get a WWC Card

Any new employees or volunteers need to be taken through the process of obtaining or updating their WWC card *prior to beginning their role*.

You can get WWC Check Application Forms from your local participating Post Office (not all PO's are processing the checks). Carefully read the form first then fill in the form in BLACK INK only.

It might be helpful to have a photocopied mock page 13 filled out for your leaders to copy with the organisation's details.

Every applicant needs to go in person to a participating Post Office and present:

- their filled in form (this needs to be signed in front of a Post Office employee)
- a passport photo
- 100 points of identification from the A, B and C categories (see the WWC check form for details)

If they have an existing card, they should be given a 'Change of detail form', which can be found on the government website. Fill this in with the leader and send it into the WWC check government department.

7. Develop and document a written procedure that ensures your church complies with WWC obligations and approve it at church leadership and membership meetings

This should clearly state that no one can work with children who does not have a current WWC Card, as well as how it will be handled if an employee or volunteer is issued with an Interim Negative Notice or a Negative Notice.

Photograph Requirements:

Some specific requirements apply in relation to the photograph to be supplied for the WWC card. While these are somewhat less arduous than passport photographs – they are still quite specific. Most chemists and providers of passport photo services understand these requirements and can readily assist in this regard.

When taking photos, it is important to ensure that the photograph is:

- 45 - 40 mm high and 35 – 40 mm wide from the bottom of the chin to the crown (i.e. top of head without hair) is between 32 mm and 36 mm
- Showing only the head and shoulders of the person and that these are in sharp focus and close up
- Showing the head measurement
- Printed on high quality paper, and at high resolution
- Or appropriate brightness and contrast and show skin tones naturally

Photographs provided must:

- Show your eyes open and clearly visible (no hair across the eyes)
- Have a neutral look on your face and mouth closed
- Show your face square on (both edges of the face should be visible but the photo need not show the ears)
- Show your shoulders square on (not portrait style with you looking over one shoulder)
- Be taken with a plain light coloured background (e.g. use a sheet that is either white, pale blue or light grey)
- Be taken with uniform lighting and not show shadows or flash reflections on your face, and no red eye
- Be no more than six months old
- Have no hats or head coverings
- When wearing glasses (which is not compulsory), show your eyes clearly with no flash reflection, and no tinted lenses (if possible, avoid heavy frames)

Further information is available from:

Department of Justice:

Website: www.justice.vic.gov.au/workingwithchildren
Email: Workingwithchildren@justice.vic.gov.au
Confidential Info Line: 1300 652 879

The Baptist Union of Victoria:

Website: www.buv.com.au
Email: wwc@buu.com.au
Phone: 03 9880 6100