

A GUIDE TO THE WORKING WITH CHILDREN CHECK FOR BAPTIST CHURCHES

What Is the Working With Children Check?

In 2006, the Victorian Government introduced a new checking system to help protect children less than 18 years of age from physical or sexual harm. The [Working with Children Act 2005](#) requires that people who work or volunteer in certain [child-related work](#) pass a Working with Children (WWC) Check.

The WWC Check creates a mandatory minimum checking standard across Victoria and helps to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work.

The national check is the *minimum* requirement for checking the suitability of any employee or volunteer who is working with children and youth.

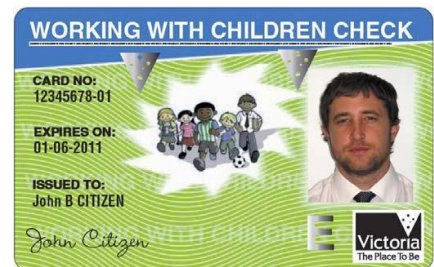
Only certain criminal offences are taken into account for a WWC Check application, so the BUV recommends that [Police Record Checks](#) are also obtained for volunteers and employees, especially those who are responsible for areas of ministry that involve financial management or driving kids around.

The WWC Check is just one mechanism to help keep children safe. It is designed to complement good recruitment, selection (including reference checking), supervision and training practices for staff and volunteers who work with children.

Benefits of the Check:

The benefits of the WWC Check include:

- Ongoing checking of a person's criminal record while the person's WWC Check is valid. The department is also advised of any future relevant findings made against a person by the out of home care Suitability Panel, or against a person currently registered with the Victorian Institute of Teaching
- Providing employers, volunteer organisations and agencies with the ability to verify WWC Check cards at any time
- Card holders do not need to apply for a new WWC Check when they change their employer or volunteer organisation, unless they are moving from volunteer to paid work. WWC Check Cards are valid for five years (unless revoked because of a relevant change in the holder's circumstances or voluntarily surrendered by the holder)



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 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 WWC Check?

Under the Working with Children Act 2005, only people engaging in 'child-related work' must apply for and pass the Working with Children (WWC) Check.

Not everyone whose work brings them into contact with children will need to apply for a WWC Check.

You need to apply for and pass the WWC Check if you meet all of the following criteria:

- your work or volunteer role involves contact with children in connection with one of the 20 listed child-related [occupational fields](#) (i.e. religious organisations)
- you volunteer or do this work on a regular basis
- you have direct contact with children under 18 years of age and are not directly supervised
- you do not qualify for an exemption from the need for a WWC Check

Your work is included in the WWC Check if you are:

- a volunteer (this does not include unpaid work done for a private or domestic purpose, such as driving a neighbour's children to school)
- performing unpaid community work under a court order
- an employee or an independent contractor (self-employed person)
- a minister of religion or performing duties of a religious vocation
- an officer of a body corporate
- a member of a committee of management (unincorporated body or association) or partnership
- a person doing practical training as part of an educational or vocational course, for example, a student teacher

Your work is not included in the WWC Check if you are only:

- participating in an activity with a child on the same basis as a child, or
- supervising a work experience arrangement organised by an educational institution or a structured workplace learning arrangement as part of a course at school, TAFE or universities with TAFE divisions

Does your work or volunteering usually (or is likely to) involve regular, direct contact with a child where that contact is not directly supervised?

'Direct contact' is any contact with a child that involves any of the following:

- physical contact
- talking face-to-face
- physically being in view – this means you can see them

Direct contact does not include telephone, email or internet contact with a child

To be considered 'directly supervised', your supervision must be:

- undertaken by a person who has the role of supervising your 'child-related work'
- immediate and personal

Direct supervision does not require constant physical presence. For example, a person who is directly supervising a worker may leave the room in which they are engaging in the work to make a phone call

In most churches, all pastors, ministry staff, children's and youth leaders will need to apply for a WWC check. Remember – the more people who have them, the more people you can draw on to assist with children's ministry events!

Exemptions from Applying for a Check:

An exemption means that you do not need to apply for a Working with Children (WWC) Check, even if you undertake 'child-related work'. If an exemption applies, a person is not prevented from applying for a WWC Check. The WWC Check [exemptions](#) are:

People under the age of 18 years

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.

Parent volunteers whose child ordinarily participates in that activity

This exemption only applies to volunteer parents who participate in their children's activities. For example: Brett is a volunteer coach for a school football team on which his son Joshua ordinarily plays. Brett does not have to apply for and pass the WWC Check to do this even if Joshua does not attend some of the practice sessions or games. 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.

People closely related to each child they have contact with in their child-related work

'Closely related' means you are the child's: parent, spouse, step-parent, mother-in-law or father-in-law, grandparent, uncle or aunt, brother or sister (including half-siblings and step siblings, brother-in-law or sister-in-law). 'Closely related' also includes de facto relationships. 'Spouse' includes domestic partners, as defined in the Relationships Act 2008.

For example: Karen does not need a WWC Check in order to home school her daughter and her nephew as she is closely related to both of the children.

18 or 19 y.o. student volunteers where the volunteer work is at or has been organised by the student's educational institution

For example: Khalil, 18, is a student at Happy Valley Secondary College. He has been asked to lead a peer support group of Year 7 students. As this activity has been organised by his school, he does not need to apply for a WWC Check to do this.

Visiting workers who do not ordinarily live and perform child-related work in Victoria

For example: Keith lives in New South Wales and coaches a baseball team that is selected to play in a one-off competition to be held in Victoria. Because Keith does not ordinarily live and perform 'child-related work' in Victoria and will only be in Victoria for a few days, he does not need to apply for a WWC Check. 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.

Sworn police officers (who are not suspended from duty)

Sworn police officers are exempt from needing a WWC Check for any 'child-related work' as they are already checked by a similar scheme. Check their ID badge at the same time you would be checking the validity of WWC Cards. 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.

Teachers who have current registration with the Victorian Institute of Teaching

Teachers with current registration with the Victorian Institute of Teaching are exempt from needing a WWC Check for any 'child-related work' as they are already checked by a similar scheme. The validity of their registration ought to be checked (when periodically checking WWC holders) by phoning the VIT on 03 8601 5800 or at www.vit.vic.edu.au.

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 Is Checked?

The Working with Children Check involves:

- a national police records check
- a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching and the out of home care Suitability Panel but other professional bodies may be included in the future)

Broadly, the criminal offences of most significance for a Working With Children Check are:

- serious sexual offences
- serious violent offences
- serious drug-related offences
- offences against the Working With Children Act itself

The national police records check may reveal criminal history information held by police in Victoria and other States and Territories. Further information can also be sought from other bodies, such as the courts, Corrections Victoria and employers. This information can include circumstances where a court has:

- made a formal finding of guilt in relation to an offence
- convicted you of an offence
- accepted a plea of guilt from you
- acquitted you of an offence because of mental impairment

It can also include information about:

- any spent convictions you have
- convictions and findings of guilt from when you were a child (aged under 18)
- any charges which are pending against you
- the circumstances surrounding any of these charges or convictions

As not all offences are checked, BUV still recommends Police Records Checks are conducted on leaders who have responsibilities in other areas as well, such as Financial Management or controlling a vehicle.

How the Check Works:

WWC Check applications are assessed by the [Department of Justice](#).

The outcome of your WWC Check will depend on the results of a national police records check and a review of any findings from specified disciplinary bodies. Only a limited range of offences and disciplinary findings are taken into account.

Applicants who pass the WWC Check receive an Assessment Notice and a WWC Check card.

If the department intends to give you a Negative Notice, which means that you have not passed the WWC Check, you will first be given an Interim Negative Notice so that you have an opportunity to make a submission to explain why you believe you should pass the WWC Check.

After a Negative Notice has been issued, in most cases you can apply to the Victorian Civil and Administrative Tribunal (VCAT) for an Assessment Notice to be given to you. VCAT can order the department to issue an Assessment Notice and a WWC Check card, provided that you are not subject to reporting obligations imposed by the Sex Offenders Registration Act 2004, or subject to an extended supervision order under the Serious Sex offenders Monitoring Act 2005.

Employers, volunteer organisations and agencies can verify the status of a WWC Check application or card at any time online or by calling the WWC Check Information Line.

One of the key features of the WWC Check is that it provides ongoing checking of a person's criminal record while a WWC Check is valid (5 years). The department is also advised on an ongoing basis of any relevant findings made against a person by the out of home care Suitability Panel, or against a person currently registered with the Victorian Institute of Teaching.

Validity:

The WWC check is valid for 5 years (unless revoked). It should be noted that a "volunteer" card cannot be used for any situation involving paid work. Card holders do not need to apply for a new WWC Check when they change their employer or volunteer organisation, unless they are moving from volunteer to paid work.

Cost:

The WWC Check is free for volunteers, as is replacing a volunteer's lost card. If you require a WWC for employment purposes, or need a replacement card, log onto the Department of Justice website for current prices. The Victorian Government automatically indexes certain fees and fines each year for inflation. Please check the current price before applying.

Church Obligations:

As an employer or volunteer organisation, your church has certain obligations under the *Working with Children Act 2005*. 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 have done so. If your church wishes to facilitate it, 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.
- 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.

- Put into place an internal procedure to follow in the event of an existing employee or volunteer being given an Interim Negative Notice or Negative Notice.

Interim Negative Notices:

Being given an Interim Negative Notice means that the Department of Justice intends to give you a Negative Notice, but a final decision has not yet been made.

The Interim Negative Notice and attached letter informs you of:

- the intention to give you a Negative Notice (which would mean you have failed the Working with Children (WWC) Check)
- the reason(s) why the department intends to give you a Negative Notice, including any information about your criminal history or findings made by a professional body that has been considered
- your opportunity to make a submission and explain why you believe you should pass the WWC Check.

The Department of Justice is required to send a copy of your Interim Negative Notice to your employer, volunteer organisation or agency (where known). The letter enclosing a copy of the Interim Negative Notice will not include information about your criminal history or about disciplinary findings.

If you receive an Interim Negative Notice after you were initially given an Assessment Notice you must inform your employer, agency or volunteer organisation in writing within 7 days of being given the Interim Negative Notice.

An Interim Negative Notice is not a final decision and you are not prevented from continuing your 'child-related work' while a final decision about your application is made. However, your employer, agency or volunteer organisation may wish to put in place other arrangements while your application is being decided.

See the Dept of Justice for more information on [Interim Negative Notices](#).

The BUV recommends that Churches have a written policy dealing with the issuing of Interim Negative Notices to employees or volunteers of the church. This policy should be read, understood and agreed to in writing by those working with children in the church prior to commencing the work.

Sample Policy: It is the policy of Sample Baptist Church that any employee or volunteer of the church who is issued with an Interim Negative Notice will cease working with children until the matter is resolved by the Department of Justice.

Please note: whilst it is still legal for people to work with children after being issued an Interim Negative Notice, due to exclusions in the General Liability Insurance Policy that covers all Baptist Churches in Australia, any church who allows "Person of Concern" to continue working with children will not have the same level of insurance cover.

Please contact the Professional Standards Workers at the Baptist Union of Victoria for more information on what processes **must** be followed in the event that an employee or volunteer is issued with an Interim Negative Notice.

This is to allow the church to fulfill its Duty of Care to the children, as well as to the person to whom the Interim Negative Notice has been issued.

Checking the Status of your workers and volunteers:

You can verify whether your employees' or volunteers' WWC Check cards or applications are valid, by calling the WWC Check Information Line or going to the Dept of Justice website at: <http://www.justice.vic.gov.au/workingwithchildren>.

It is recommended that you confirm this for new employees, volunteers or any self-employed person you engage, but you can verify a WWC Check Assessment Notice or card at any other time you think it is necessary.

The BUV recommends churches check the status of all employees and volunteers at least annually.

Applicant Obligations:

If you are an employee, a volunteer or self-employed and work with children, you need to determine whether you need to apply for a Working with Children (WWC) Check.

If you are required to apply for a WWC Check, you need to:

- apply for a WWC Check before you commence paid or volunteer 'child-related work'
- provide true and correct information on your application form
- when requested, show your Application Receipt to your employer, volunteer organisation or the individual or organisation to whom you provide services as evidence that you have applied for a WWC Check
- inform your employer, agency or volunteer organisation (where relevant) and the Department of Justice in writing within seven days if you have a relevant change in circumstances, for example, if you have been charged or found guilty of a new relevant offence.
- inform your employer, agency or volunteer organisation in writing within seven days if you have been issued with an Interim Negative Notice or Negative Notice

If you do not comply with the above obligations, you may be subject to criminal penalties.

Card Holder Obligations:

If you hold a current Assessment Notice and Working with Children (WWC) Check card, you must:

- inform your employer, agency or volunteer organisation and the Department of Justice if you have a 'relevant change in circumstances', for example, if you have been charged or found guilty of a new relevant offence, changed your name, changed your address etc
- inform your employer, agency or volunteer organisation in writing within seven days if you have been given an Interim Negative Notice or Negative Notice
- return your Assessment Notice and WWC Check card as requested if the Department of Justice revokes your Assessment Notice after reassessment
- return your Assessment Notice and WWC Check card if your Assessment Notice has been expired for more than three months and the Department of Justice requests that you return them

If you hold a current Assessment Notice and Working with Children (WWC) Check card, you should:

- present your WWC Check card to your employer, volunteer organisation or the individual or organisation to whom you provide services on request or when applying for 'child-related work'
- keep your Assessment Notice and WWC Check card in a safe and secure place

- not give your WWC Check card to anyone else
- apply for a new WWC Check within three months of your card expiring
- advise the department of any change of employer or volunteer organisation, including changes to their contact details

Moving from volunteer to paid work:

- If you are a volunteer who holds a current Assessment Notice and WWC Check card, you can only use your 'volunteer' Assessment Notice and WWC Check card for volunteer work. If you intend to undertake 'child-related work' for profit or gain, you will need to re-apply for an 'employee' Assessment Notice and WWC Check card.

If you do not comply with the above obligations, you may be subject to criminal penalties.

Where Can I get an Application Form?

The application form can be obtained from any Australia post outlet or it can be downloaded from the Department of Justice Website: www.justice.vic.gov.au/workingwithchildren.

Further information is available from:

Working with Children Check Unit
Department of Justice
GPO Box 1915
Melbourne VIC 3001
Email: workingwithchildren@justice.vic.gov.au
Web: <http://www.justice.vic.gov.au/workingwithchildren>
Information Line: 1300 652 879
Hours of operation are 8:30am - 5pm weekdays (excluding public holidays)

The Baptist Union of Victoria
Phone: 03 9880 6100
Website: www.buv.com.au