IMPORTANT UPDATE FOR PRINCIPALS

WORKING WITH CHILDREN CHECKS – EXISTING TEACHERS

From 1st April 2016 existing staff engaged in child-related work in secondary school education will need to apply for a Working with Children Check (WWCC) and must have a WWC Number by 31st March 2017.

This new WWCC applies to all existing teachers and other employees, with those engaged in child-related work in primary and early childhood education being phased in by the Office of the Children’s Guardian (OCG) from 1st April 2017 with a WWC Number required by 31st March 2018 – see Fact Sheet 2 – Phase in Schedule published by the OCG.

A WWCC is a requirement for anyone in paid or voluntary child-related work. The process involves an assessment of a person’s full criminal history, including lapsed or spent convictions and charges. It may also include a review of any relevant workplace records involving sexual misconduct, grooming or serious physical assault. The result is either a clearance to work with children for five years or a bar against working with children (including an interim bar).

As much as 60 percent of the existing teaching workforce will be required to apply for and meet the requirements of the WWCC in 2016, 2017 and 2018.

Staff at the OCG have indicated that upon application, an existing employee should have a decision with 10 days or less. These timelines may vary depending on demand and the capacity of the OCG. If the decision is an ‘interim bar’ this will signal to the applicant that further investigation is required. This investigation could take up to 6 months’. There may be reason to withdraw some applicants from working with children i.e. they receive a bar or an interim bar, the school must not continue to employ the worker in child related work.

What should you do if an existing staff member receives a bar or an interim bar?

If an existing staff member receives a bar the school will not be permitted to employ them and they will not be permitted to engage in child related work so in most circumstances their employment will cease. If an existing employee receives an interim bar, the situation is not clear and schools will need to make a decision about the employee’s ongoing employment on a case by case basis. We encourage you to contact the Workplace Management Team at AISNSW to discuss the particular circumstances.

A case which is currently before the Fair Work Commission will likely set a precedent in relation to these matters and AISNSW will provide further information when the matter is determined.

The OCG has provided an information sheet for existing staff that outlines the process of applying for a WWCC and the possible outcomes of their application – see NSW Working with Children Check Information. The OCG Fact Sheet 12 – Bars and Appeals and Fact Sheet 14 – Assessment Requirement Triggers can be provided to staff for further clarification.


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Principals should consider briefing staff in relation to the WWCC requirements very early in Term One so that staff who may have concerns about the possible outcome of a risk assessment can apply for their WWCC as soon as the phase in period commences. This may allow for an interim bar to be resolved by the OCG before 31st March 2017 when the employee must have a WWC Number to remain in child related employment.

As mentioned above, if an employee receives an interim bar, schools should contact the Workplace Management Team at AISNSW to discuss their risk assessment and options in relation to the particular employee.
**Note:** existing Early Childhood Teachers have until 18th July 2016 to register with BOSTES for accreditation at Proficient teacher. A requirement of registration with BOSTES is evidence of a WWCC clearance. This means that existing Early Childhood Teachers will need to apply for a WWCC prior to the timeline set out by the OCG in order to meet the BOSTES requirement for registration in 2016. All teachers must be accredited by BOSTES to continue teaching from 1st January 2018.
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**Offences that are considered in a Working with Children Check application**

Schedule 1 of the Child Protection (Working with Children) Act 2012 (the Act) lists the offences that will cause an application to be risk assessed.

Schedule 2 of the Act is a list of all the offences that will cause a person to be automatically disqualified from working with children.

**Applications requiring risk assessment**

If you have a relevant offence or workplace record your application may be risk assessed.

A risk assessment is as thorough assessment of all records and may take some time. Delays can occur when court records and other information are required to assess your application, particularly when those records are interstate or archived.

Records are assessed to determine a person’s risk to the safety of children, with the outcome either a clearance to work with children or a bar against working with children. If you have a record that will cause your application to be risk assessed, you should consider apply early in the phase in schedule.

**During the risk assessment process**

If you have a previous history that indicates a risk to the safety of children, the Office of the Children’s Guardian may issue you with an interim bar while further information is collected. If you are interim barred, you will not be allowed to work with children until the risk assessment is completed.

**Continuous monitoring**

You will be continuously monitored by the OCG for any relevant workplace disciplinary proceedings or any new offences listed by the NSW Police Force. You may be disqualified if you are subsequently charged with a relevant offence, or subject to disciplinary proceedings which indicates you are a risk to the safety of children.

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If you are disqualified from working with children

In most circumstances, you will have a right to appeal the decision of the Children’s Guardian through the NSW Civil and Administrative Tribunal (NCAT).

I have a volunteer Check

You cannot work in paid child-related employment with a volunteer clearance.

A paid clearance number ends in the letter ‘E’ and a volunteer clearance number ends in a ‘V’. The cost for an upgrade to a paid Check is $80.

Changing your WWC Number from volunteer to paid

You can change your application to a paid Check online. Click on the Change from volunteer to paid button. Payment is made at a Service NSW Centre.

Do not apply through the Apply for your check button as you will be given another WWC Number and your volunteer number will be closed. This may affect your volunteer position.

A Working with Children number can be used for every employer

Your number is portable across employers. For example, if you are a casual teacher, give the same number to all employers who must then verify your status online.

Previous names and aliases

Your application must include all names you have been known by.

If you do not declare all names you have been known by and a previous name is found, either through the identity verification or criminal history searches, your application will be closed and you will need to re-apply. You will be charged an additional $80 fee for your new application. No refunds will be given in these circumstances.

For more information and to apply