

STANDARD 5



Robust human resource management

People working with children are suitable and supported to reflect child safeguarding values in practice

5.2 Relevant personnel (including all seminarians, clergy and religious) have current working with children checks or equivalent background checks.

Guidance for Working With Children Checks and criminal history screening.

The following guidelines are provided to support Catholic entities to determine the requirements for Working with Children Checks (WWCC) and Criminal History Checks for their people:

- It is important to note that WWCC and Criminal History Checks are intended to be a component of safeguarding practices and are limited in and of themselves unless accompanied by other child safe recruitment practices.
- It is recognised that each state and territory manages their own WWCC process and as such it is important that the guidance provided here be considered with respect to the entity's specific legislative requirements.
- A WWCC is required when an individual is in a child-related role (having direct contact), engaging in activities or providing services directed mainly towards children. Direct contact can refer to physical, face-to-face, written, oral or electronic contact which takes place as part of the regular duties of the individual's role.
- It is critical that entities assess roles for the level of contact with children and ensure that individuals in roles which require a WWCC (as per legislation) can evidence the currency of their check. Entities need to be very clear about the scope of the WWCC legislation in their relevant jurisdiction(s) and may need to seek further advice from statutory authorities in relation to particular types of roles to clarify if a check is required. Entities may inadvertently act outside of legislative parameters by requiring WWCCs for roles that would not be considered relevant under the legislation. Using WWCCs beyond their intended scope may risk breaching Privacy legislation.
- Criminal History Checks are a 'point in time' check and are only valid on the day they are issued. As they are only a 'point in time check', for roles which have been determined to require a Criminal History Check, you should consider how frequently this check is conducted (i.e. every 3 years).

Additional Guidance

Where roles are exempt from WWCC (not working with children) entities should be undertaking appropriate screening and eligibility processes. This may include an entity requesting a declaration from the individual stating that the individual has no prohibiting offences that would prevent them from obtaining a WWCC.

Things to consider when assessing role eligibility and suitability:

- Have you assessed the role for its engagement with children in accordance with your relevant state and territory WWCC legislation?
- How have you advertised the role or need?
- Has there been mention of safeguarding requirements in the advertising, screening and recruitment for the role?
- Have you highlighted your commitment to safeguarding and a zero-tolerance approach to child abuse in the advertisement, screening and recruitment of the role?

- Have you assessed the individual's suitability for the role through appropriate screening, interviews and referee checks?

Roles which require a WWCC

A WWCC (or equivalent) is one tool in a suite of screening tools that must be used in human resource management to protect children from harm. It is a legal screening requirement for people who work or volunteer in child-related work. It screens an individual's criminal records and professional conduct history and therefore prevents people who pose an unjustifiable risk to children from working with or caring for them. There is no single national framework setting out requirements for WWCC. Each state and territory in Australia has its own procedures and variations in scope regarding what this type of check entails.

For Catholic entities the following guidelines apply:

- It is a requirement that any clergy or religious in active ministry has a valid WWCC:
 - *Active ministry* means, an individual who exercises public ministry, regardless of how occasional and/or regardless of being classified as 'retired'.
 - Those who are infirm or in a nursing home and do not exercise any formal or public ministry may not require a WWCC. It is advised that each entity undertakes an assessment of all their personnel to determine those who are in active ministry and those who are not to establish who requires a WWCC.
- Any role which works directly with children requires a WWCC (this may be as a paid employee or volunteer).
- Leadership or management roles overseeing child related activities require a WWCC.

See appendix A: State and territory WWCC information for more information and contact links for relevant legislative requirements. It is recommended that you contact your relevant statutory authority to clarify your legislative requirements. When you receive formal guidance and advice from your relevant statutory authority, it is recommended that you record and file this guidance to justify your screening approach.

Consideration for Criminal History Checks

A Criminal History Check differs from a WWCC as it is a list (at a given point in time), of police history information. Obtaining a Criminal History Check for a potential employee can assist in assessing suitability of people applying for roles to positions of trust and responsibility. Some entities may develop a policy requiring some, or all, of their personnel to undergo a Criminal History Check. This reflects a risk-based approach in assessing the individual's role/position and determining the appropriate checks which are required based on the child safety risk of the position. Criminal History Checks can be used when a person is not captured by the legislative requirement to have a WWCC.

Criteria which can help you decide if a Criminal History Check is necessary are:

- Roles which work directly with children (understanding that some offences do not prohibit obtaining a WWCC).
- Roles involving management and oversight of people and/or the entity's resources.
- Roles which represent the entity in a formal setting with external bodies/groups (i.e. sector level or visiting the hospital/aged care facility) when there are no child related activities occurring.



- Roles which have access to facilities after hours or without formal supervision.
- Roles which have financial responsibility and handle money.
- A member of a board, council or committee.

Examples of roles which may require WWCC/Criminal History Check or no check at all

WWCC	Criminal History Check	No check required
<ul style="list-style-type: none"> • Clergy or religious in active ministry. • Roles that involve ministry to children. • Formal ministry role (as defined by legislation). 	<ul style="list-style-type: none"> • Roles that access facilities or grounds outside community assembly times. • Board, committee or council members. • Roles which have management of assets or handle finances. • Roles which represent the entity in a formal capacity. • Roles which provide transportation (i.e. bus driver) 	<ul style="list-style-type: none"> • Role performed in front of the assembled community or with constant supervision. • Not a formal volunteer but assists occasionally and always with supervision (i.e. setup of event).

Entity Requirements

It is a requirement of the National Catholic Safeguarding Standards that entities have a policy and related procedure/s articulating the risk-based approach taken when assessing an individual’s role responsibilities and work duties. This may include, but is not limited to, implementing processes for periodic re-administration of Criminal History Checks and requiring Criminal History Checks to be administered in circumstances where a WWCC is not required by legislation.



Appendix A: State and territory WWCC information

	Check	Authority	Legal Requirements
Australian Capital Territory	Working With Vulnerable People (WWVP) check	Background Screening Unit, Access Canberra	The Working with Vulnerable People Act requires those working with children (and other vulnerable groups) to complete a Working With Vulnerable People check and be registered before they can commence employment.
New South Wales	Working With Children Check	NSW Office of the Children's Guardian	A Working With Children Check is mandatory for anyone who works with children and involves a National Criminal History Check and a review of findings of workplace misconduct.
Northern Territory	Working With Children Check / Ochre Card	Screening Assessment for Employment – Northern Territory (SAFE NT), Northern Territory Police	It is mandatory for people who have contact or potential contact with children to hold a Working with Children Clearance Notice and an Ochre Card .
Queensland	Blue Card Check / Working With Children Check	Blue Card Services / Public Safety Business Agency	People who work with children and young people must hold a Blue Card or an exemption card if their work falls into one of the regulated categories of business or employment.
South Australia	Working with Children Check	The Department for Human Services Screening Unit	People need a Working With Children Check if they are in a 'prescribed position'. This means people who: <ul style="list-style-type: none"> • Are in paid or volunteering roles where it is reasonably foreseeable that they will work with children • Run or manage a business where the employees or volunteers work with children • Are employed to provide preschool, primary or secondary education to a child
Tasmania	Registration to Work with Vulnerable People (RWVP) / Working with Children Registration	Department of Justice	People who work or volunteer with children or would be expected to have more than incidental contact with children as a normal part of their duties require a Registration to Work with Vulnerable People .
Victoria	Working With Children Check	Department of Justice and Regulation, Working with Children Check Unit	The Working with Children Check is compulsory for people who wish to work with or volunteer with children.
Western Australia	Working With Children Check	WWC Screening Unit (Department for Child Protection and Family Support)	A Working with Children Check is compulsory for people who carry out child-related work in Western Australia.

