



Working with Children Check Procedure

Approved by: *Deputy Secretary, Corporate Services*

Approval date: *14 February 2017*

Brief Description:

The Department of Education uses a suite of pre-employment screening methods to ensure the safety and welfare of all children in NSW public schools and to preclude unsuitable people from working with the department. The Working with Children Check (WWCC) is one such method and is a mandatory requirement for any worker engaged in *child-related work*. The following procedure outlines the WWCC process and the obligations of the department and workers under the legislation. It also describes other child protection screening methods used by the department, including the National Criminal Records Check, “not to be employed” (NTBE) database and structured referee checks.

All workers who have direct (physical or face-to-face) contact with children need a WWCC clearance to work in a child-related role. The *Child Protection (Working with Children) Act 2012* places the following specific obligations on employers and workers:

Workers in child-related roles:

Must obtain a WWCC clearance prior to commencing in a child-related role (for new workers).

School principals:

Must verify the WWCC clearance (via Electronic Casual Pay Claims (eCPC) for workers engaged directly by the school principal), to ensure that the worker is cleared to work with children, prior to the worker commencing in a child-related role.

The department:

Must only allow workers with a valid WWCC clearance to work in child-related roles.

Procedure: *Working with Children Check*

Version: *4.0*

Updated: *7 May 2019*

PD number: *HRPD001*

Table of Contents

Contents

1. Introduction.....	3
2. Audience and applicability.....	3
3. Definitions.....	3
4. Types of Working with Children Check.....	8
5. Applying for the Working with Children Check.....	9
6. Verification of the Working with Children Check.....	10
7. Renewing the Working with Children Check.....	11
8. Mobility between roles	11
9. Providing a reference for an employee.....	11
10. Bars, interim bars and non-compliance	12
11. Record keeping.....	13
12. Monitoring, evaluation and reporting requirements.....	14
13. National Criminal Records Check Procedure	14
14. Not to be employed database	15
15. Structured referee checks.....	15
16. More information.....	15
17. Document history	15

1. Introduction

These procedures must be applied in conjunction with the Department of Education's Working with Children Check Policy.

1.1 These procedures implement the requirements under the *Child Protection (Working with Children) Act 2012* (the Act) and the *Child Protection (Working with Children) Regulation 2013* (the Regulation), which commenced on 15 June 2013. In addition, from 1 January 2018, a valid WWCC clearance is a mandatory requirement of teacher accreditation with the NSW Education Standards Authority.

1.2 A Working with Children Check (WWCC) is a mandatory requirement for people who work or volunteer in *child-related work*. The WWCC is one of the methods the department uses to protect children and young people. These procedures outline the processes for conducting the WWCC, the National Criminal History Check (NCHC), and other child protection pre-employment screening measures including the NTBE database and structured referee checks.

1.3 Employment or engagement may also be subject to other requirements as prescribed in relevant legislation, industrial instrument or departmental policies. These may include: the conduct and service check; health assessment requirements; and verification of professional and/or academic qualifications.

2. Audience and applicability

2.1 Applicability

These procedures apply to people who are employed or engaged, or who are seeking to be employed or engaged, in *child-related work* in the NSW Department of Education.

3. Definitions

Note: defined terms are italicised throughout this document.

3.1 Definition of child-related work

Subject to conditions and exemptions under the Act and the Regulation, a worker is considered to be employed or engaged in *child-related work* in the department, where the work involves *direct contact* with children.

Under the Act:

- a) **“Worker”** means any person aged 18 years or over who is employed or engaged in work in any of the following capacities:
- i. as a paid employee of the department, including school based and non-school based permanent, ongoing, temporary, term, full-time, part-time and casual employment
 - ii. as a contractor engaged by the department
 - iii. as a volunteer engaged by the department

- iv. as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience)
 - v. as a special educator in ethics, minister, priest, rabbi, mufti, or other like religious leader or spiritual officer of a religion or other member of a religious organisation.
- b) **“Children”** means persons under the age of 18 years.
- c) **“Direct contact”** means physical contact or face-to-face contact.
- d) **“Child-related work”** means any work in an area prescribed as *child-related work* in the Act or the Regulation. This includes but is not limited to work in the following areas:
- i. **education** – work in schools or other educational institutions, including private coaching or tuition of children
 - ii. **child development** – work in mentoring and counselling services for children
 - iii. **early education and child care** – work in education and care services, child care centres, nanny services and other child minding services; and work as an approved provider or manager of an education and care service, a certified supervisor of an education and care service, an authorised carer, assessment officer, or principal officer of a designated agency within the meaning of the [Children and Young Persons \(Care and Protection\) Act 1998](#) (CYP CP Act)
 - iv. **clubs or other bodies providing services for children** – including bodies of a cultural, recreational or sporting nature that involve providing programs or services primarily for children
 - v. **entertainment for children** – work at sporting, cultural or other entertainment venues used primarily by children and entertainment services for children
 - vi. **residential services** – work at refuges used by children, long term home stays for children, boarding houses or other residential services for children and overnight camps for children
 - vii. **transport services for children** – work in providing transport services especially for children, including school bus services and taxi services for children with a disability and supervision of school road crossings
 - viii. **religious services** – work for a religious organisation where the work is carried out as a minister, priest, rabbi, mufti or other religious leader or spiritual officer of the organisation, or in any other role involving youth groups, youth camps, teaching children or child care
 - ix. **school cleaners** – work as a cleaner providing cleaning services at a school.
- e) Certain roles are deemed to be in *child-related work* regardless of whether they have *direct contact* with children as prescribed in [section 6\(3\)](#) of *the Act*. These include, for example, “assessment officers” under the CYP CP Act.

3.2 Definitions of other terms in these procedures

- a) **“The Act”** means the *Child Protection (Working with Children) Act 2012*.
- b) **“Barred”** from *child-related work* means:
- i. where a person’s application for WWCC clearance is **refused** by the Office of the Children’s Guardian (OCG) under [section 18](#) of *the Act*, or

- ii. where a person's WWCC clearance is **cancelled** by the OCG under [section 23](#) of *the Act*.
- c) **"Close relative"** of a person means:
- i. a spouse or de facto partner of the person, or
 - ii. a child, step-child, sibling, step-sibling, parent, step-parent, grandparent, step-grandparent, aunt, uncle, niece or nephew of the person, and includes, in the case of an Aboriginal person or a Torres Strait Islander, persons who are part of the extended family or kin of the person according to the indigenous kinship system of the person's culture.
- d) **"Contractors"** engaged by the department include:
- i. *contractors* engaged directly by the department
 - ii. subcontractors
 - iii. employees of a *contractor* or a subcontractor
 - iv. persons employed by a contingent labour supplier.
- e) **"Disqualified persons"** has the same meaning as in [section 18\(1\)](#) of *the Act*, namely:
- i. a person convicted of a criminal offence specified in [Schedule 2](#) of *the Act*, if the offence was committed as an adult
 - ii. a person against whom proceedings for any such offence have been commenced, if the offence was committed as an adult, pending determination of the proceedings for the offence.
- f) **"Existing worker"** refers to employees, contractors and volunteers who have been continuously employed or engaged to perform *child-related work* prior to 15 June 2013. Existing workers also include persons who were placed on an employment list for child-related employment opportunities before 15 June 2013.
- g) **"Employment and engagement lists"** include the following and other similar lists maintained by the department:
- i. Approved to Teach list
 - ii. list of persons suitable to be engaged as a School Administrative and Support staff (SASS)
 - iii. eligibility lists and talent pools for child-related positions or roles
 - iv. contractor engagement lists or similar
 - v. *volunteer* engagement lists or similar.
- h) **"Formal mentoring program"** includes, but is not limited to a mentoring program for children approved by the department or another government agency; a mentoring initiative approved by the school principal; a mentoring/counselling service for children conducted through a non-government organisation where the roles of mentor and mentee are formally assigned.
- i) **"Interim bar"** means an interim bar imposed by the OCG under [section 17](#) of *the Act* where it is likely that there is a risk to the safety of children if the person engages in *child-related work*. A person who is subject to an interim bar cannot engage in *child-related work*.
- j) **"NTBE"** means the Not-to-be-employed database maintained by the department.

- k) **“OCG”** means Office of the Children’s Guardian. The OCG is an independent government agency and is responsible for the administration of the Working with Children Check in NSW.
- l) **“Parent”** means a parent or *close relative* of the child.
- m) **“Refused a WWCC clearance”** means a person whose application for a WWCC clearance has been refused wholly or partly on the grounds that the person has been charged with an offence (other than an offence specified in Schedule 2 of the Act).
- n) **“Regulation”** means the *Child Protection (Working with Children) Regulation 2013*.
- o) **“Specified volunteer”** means *volunteers*:
 - i. providing personal care services to children with disabilities involving intimate contact with those children (such as assistance with toileting, bathing or dressing). This includes parent volunteers, or
 - ii. providing mentoring services as part of a formal mentoring program provided by a government or non-government agency (this includes parent volunteers); or
 - iii. at a school who are not parents or close relatives.
- p) **“Volunteers”** engaged by the department include:
 - i. *volunteers* who perform work directly for the department
 - ii. teacher education students and other people undertaking practical training as part of an educational or vocational course
 - iii. persons employed or engaged by a third party who provides goods and/or services to the department at no cost to the department, including persons engaged by a school Parents and Citizens’ Association, a religious organisation, a provider of Special Religious Education or a provider of special education in ethics.

3.3 Categories of child-related workers in the department

A *worker* (paid *employee*, *volunteer* or *contractor*) is considered to be in *child-related work* if that work will ordinarily involve *direct contact* with children (i.e. physical or face-to-face contact). Appendix 1 outlines the WWCC and NCHC requirements by category.

The following categories of staff in the department are automatically considered to be in *child-related work*:

- a) **All staff located in NSW Public schools are considered to be in *child-related work*, including:**
 - i. All employees in school-based positions and roles are in *child-related work*. This includes:
 - Staff located in NSW Public schools - for example school teachers; executive staff and principals; school administrative and support staff; student support officers; paraprofessional staff; Public Service staff in schools (for example, general assistants and farm assistants).

- Child wellbeing staff - for example, “Assessment officers” within the meaning of section 27A of the *Children and Young Persons (Care and Protection) Act 1998*. Officers in the department’s Child Wellbeing Unit who meet the definition of “assessment officer” are engaged in *child-related work*.

b) Volunteers in schools are considered to be in *child-related work*:

- Specified *volunteers* - are *volunteers* 18 years or older, who will provide:
 - personal care services to children with disabilities involving intimate contact with those children (such as assistance with toileting, bathing or dressing), or
 - mentoring services as part of a formal mentoring program provided by a government or non-government agency.
- Duke of Edinburgh Award *volunteers*
- Volunteers* in *child-related work*
- Parent *volunteers* and *volunteers* under 18 years of age.

c) Certain contractors in schools are considered to be in *child-related work*:

- Contractors* in the Assisted School Travel Program
- Contractors* who have been engaged by the principal and will have direct contact with children. For example:
 - community users of school facilities in Out of School Hours
 - employment agency staff
 - tennis coaching schools
 - karate schools
 - drama groups
 - paid band/music tutors
 - paid sports coaches
 - paid choreographers
 - those employed to manage or lease school canteens
 - in class tutors
 - project officers
 - external consultants
 - those employed under funded programs where local arrangements are made.
- Cleaners in schools.

d) Other groups:

- Teaching Service staff not located in schools (for example, Non-school based teaching service positions)
- Teacher education students seeking to undertake an internship (interns) or associate teacher program
- Other people undertaking practical training as part of an educational or vocational course
- Special educator in ethics, minister, priest, rabbi, mufti or other like religious leader or spiritual official of a religious organisation, or in any other role in the religious organisation involving activities primarily related to children including youth groups, youth camps, teaching children and child care

- v. Providers of Special Religious Education (SRE). The list of approved SRE providers can be found at <https://education.nsw.gov.au/religion-and-ethics/approved-sre-providers>.
- vi. Paid employees of the School Parents and Citizens' Association working in schools. This includes but is not limited to paid canteen workers, paid Outside of School Hours Care workers, paid music tutors employed by the school P&C.
- vii. *Volunteers* of the School Parents and Citizens' Association working in schools, including, but not limited to, *volunteer* canteen workers and *volunteer* Outside School Hours Care workers
- viii. *Volunteer* Outside School Hours Care workers.

3.4 The following are not considered child-related roles

- a) Visitors and guests to a school, who are not *volunteer workers* or *contractors*, are not in *child-related work* and are not subject to WWCC or NCHC requirements. Such visitors and guests include:
 - parents and relatives of students who are visiting the school, but are not working as a volunteer or contractor
 - local members of Parliament
 - city council officials
 - speakers and guests invited by the school on special occasions.

3.5 Categories where the department has discretion in determining whether a role is child-related

- a) In relation to Public Service senior executive roles, the Executive Director, Human Resources will make a recommendation to the Secretary on whether a senior executive role is child-related following consultation with the relevant Executive Director or Deputy Secretary.
- b) In relation to Public Service non-executive roles, the Executive Director of the functional area determines whether a role is child-related.

3.6 Mandatory requirements

Unless a person's WWCC clearance has been verified and the person has met all other requirements (including the NCHC and structured referee checks where applicable), a person cannot be:

- employed or engaged in *child-related work*
- given Approval to Teach as a school teacher
- placed on any employment and engagement lists for *child-related work*.

4. Types of Working with Children Check

People who are seeking to be employed or engaged in *child-related work* in the department are required to meet one of the WWCC requirements (a or b) below.

An overview of each category of staff's WWCC and NCHC screening requirements can be found in Appendix 1.

- a) **WWCC Clearance** – this requires a person to apply to the NSW Office of the Children’s Guardian (OCG) for a WWCC clearance and provide 100 points of identification (more information in Appendix 6). WWCC clearances are valid for five years.

There are two classes of WWCC:

- i. **Paid workers clearance** – a person with a paid worker’s clearance can be engaged in both paid and unpaid *child-related work*.

An application fee applies (currently \$80, to be renewed after 5 years- see section 7) which is paid for by the person applying for the clearance. Under [clause 17\(3\)](#) of the *Regulation*, certain people are exempted from paying this fee including those undertaking practical training as part of an educational or vocational course.

- ii. **Volunteer clearance** – a person with a *volunteer* clearance can be engaged in unpaid *child-related work* only. A WWCC is free for *volunteers*.

- b) **Declaration for volunteers and contractors** (other than specified volunteers and contractors in the Assisted School Travel Program) – this requires a person to provide:

- i. a declaration composed of the following components:
- a declaration ([Appendix 5](#)) that they have no offences that would bar them from working with children under [Schedule 2](#) of the Act,
 - an undertaking to advise the department should they become barred or convicted of a relevant offence (also a part of [Appendix 5](#)), and
- ii. 100-points of proof of identity ([Appendix 6](#)).

5. Applying for the Working with Children Check

Where a person in *child-related work* is required to obtain or renew a WWCC clearance as a condition of employment or engagement, it is that person’s responsibility to apply for the WWCC clearance with the OCG.

The application process is prescribed by the OCG on its website www.kidsguardian.nsw.gov.au.

5.1 Application outcomes

When an individual applies for a WWCC clearance with the OCG, the possible outcomes are:

- a) **“Clearance” - WWCC clearance issued**

If the outcome of a WWCC is a clearance, the department will be notified if the worker who is a holder or an applicant of a WWCC clearance becomes a disqualified person; has their WWCC clearance cancelled or becomes subject to an *interim bar* or *bar*.

- b) **“Barred” or is subject to an “interim bar”**

In such cases, the person cannot be employed or engaged in *child-related work*, or placed on any employment or engagement list for *child-related work*.

- i. Where the person is seeking child-related employment or engagement with the department, the principal or manager must not employ or engage the person.
- ii. Where the person is currently employed or engaged in *child-related work* with the department, refer to clause 9 below.

c) **“Refused” a WWCC clearance**

In such cases, the person cannot be employed or engaged in *child-related work*, or placed on any employment or engagement list for *child-related work*.

- i. Where the person is seeking child-related employment or engagement with the department, the principal or manager must not employ or engage the person.
- ii. Where the person is currently employed or engaged in *child-related work* with the department, refer to clause 9 below.

6. Verification of the Working with Children Check

6.1 Verification responsibilities

Once a *worker* provides their WWCC clearance, the department must verify the clearance with the OCG to ensure that it is valid and current.

- a) For all recruitment coordinated by Human Resources (HR) (e.g. all teachers and permanent SASS and child-related corporate roles), HR will verify the WWCC clearance and undertake probity checks.
- b) For all recruitment arranged by school principals (e.g. casual SASS or contractors), school principals are responsible for checking the *NTBE* database through eCPC; initiating the verification of the WWCC clearance through eCPC and keeping relevant records for 7 years. Refer to clause 10 for further guidance on record keeping.
- c) If the *worker* coming in to the school (e.g. a paid employee of the P&C, a Special Religious Educator or cleaners in schools etc) has been engaged by a third party employer, the employer must provide written advice to the school principal that the worker has met the requirements of *The Act* and that the WWCC clearance has been verified. The worker must also provide their name and date of birth to the school, and the school must check the worker on the NTBE database prior to commencement.

6.2 Verification outcomes

- a) For all recruitment coordinated by HR, the business area will be notified of the outcome of the WWCC via eCPC.
- b) For all recruitment arranged by school principals, principals must first check eCPC to determine if the person is on the department’s NTBE database. If the person is cleared the principal can proceed to initiating the WWCC clearance through eCPC. The possible verification outcomes are:
 - **“Cleared”** - the person can commence employment or engagement in *child-related work*.
 - **“Pending”** – verification is underway, the person cannot commence work until a “cleared” result is received
 - If the person has been **barred** or is subject to an **interim bar** the school will be contacted by the Probity Unit.
 - **“Refused”** – the person cannot be employed or engaged in *child-related work*, or placed on any employment or engagement list for *child-related work*.

7. Renewing the Working with Children Check

Once granted, a person's WWCC clearance remains valid for up to five years from the date it is granted. A person's WWCC clearance may be cancelled sooner, or may become subject to a closure, interim bar or bar as determined by the OCG.

Declarations for *volunteers* and *contractors* are valid for the length of the volunteering/contracting period. For example, parent *volunteers* volunteering in their child's school every year from K-6 will submit one declaration for the entire period. However, if there is a break of greater than 12 months in the volunteering period, a new declaration should be completed.

8. Mobility between roles

Where a person is moving from non- child-related to *child-related work* in the department (including temporary acting arrangements) on or after 15 June 2013, they must meet the relevant WWCC requirement outlined in these procedures prior to commencing the employment or engagement.

Where a person moves from one type of *child-related work* to another type of *child-related work* in the department, it is not necessary to re-verify the person's WWCC clearance, provided that there is no break in *child-related work* with the department.

The only exceptions are:

- where a *volunteer* who holds a *volunteer* WWCC clearance is to be engaged or employed in paid *child-related work*. The department does not accept a *volunteer* clearance from paid workers. The person therefore must apply for a paid worker clearance with the OCG.
- where a contractor gains employment in a child-related role with the department, in this case they are treated as a new employee and are required to obtain a WWCC clearance.

9. Providing a reference for an employee

If a principal or other workplace manager is asked to provide a reference as part of a WWCC clearance risk assessment they should complete all sections, apart from part 6 of the Office of the Children's Guardian (OCG) employer reference form and sign the form. When completing the form, principals or managers should ensure they:

- Complete the form in a timely manner
- State the facts, as the principal or manager knows them
- Do not delegate the task to another staff member (however other staff members can be consulted if they can provide relevant information)
- Provide a sufficient level of detail – generally one line responses are not sufficient
- Complete the section which asks for the employee's length of service. To find this information login to ESS and follow the steps below (alternatively, a call can be logged with EdConnect to request this information):
 - Select "My staff"
 - Select "Manage leave"
 - Select "Browse staff"
 - Select correct school or team
 - Select relevant staff member
 - Select "Service history"

- Refer to the employees start date with the department and calculate their length of service

The reference should then be referred to the Executive Director, Employee Performance and Conduct Directorate (EPAC) so that part 6 can be completed and the reference approved. EPAC will return the completed document to the OCG. A copy of the reference should not be provided to the employee.

10. Bars, interim bars and non-compliance

10.1 Applicability

This clause applies to an existing child-related worker who:

- has submitted a WWCC application to the OCG, including full payment of any application fee, but has not received the outcome of the WWCC by their expiration date, or
- has failed to submit a WWCC application, and/or failed to pay an application fee in full, by their expiration date, or
- has withdrawn their WWCC application, or
- has surrendered their WWCC clearance, or
- is a disqualified person as defined under [section 18](#) of the Act, or
- is subject to an interim bar under [section 17](#) of the Act, or
- is refused a WWCC clearance by the OCG, or
- has had their WWCC clearance cancelled by the OCG.

10.2 Pending WWCC clearance

- Where a child-related worker is required to hold a WWCC clearance under [Appendix 1](#), the department will not accept a WWCC application number (APP) as meeting WWCC requirements, regardless of the fact that a valid application is considered sufficient for employment in some other types of employment.
- The OCG will notify the department immediately after the outcome of a WWCC application (or WWCC clearance) if an *interim bar* or a *bar* is to be issued.
- Having a valid WWCC clearance is a pre-requisite for obtaining accreditation as a teacher in NSW. All teachers employed by the department must comply with the relevant accreditation requirements specified by the NSW Education Standards Authority (NESA). A teacher who has submitted a WWCC application but has not received a WWCC clearance does not satisfy this requirement. Decisions in relation to accreditation will be managed in accordance with the relevant teacher accreditation legislation, policy and procedure.
- In limited circumstances, a person who is refused a WWCC clearance or whose WWCC clearance is cancelled by the OCG may apply for review from the NSW Civil and Administrative Tribunal under [Part 4](#) of the Act, within 28 days after notice of the decision was given to the person. [Section 26\(1\)](#) of the Act identifies the class of persons who are NOT entitled to apply for a review.

10.3 Consequences of not obtaining a WWCC clearance

An existing child-related worker who fails to maintain a WWCC clearance cannot continue to be employed or engaged in *child-related work*.

- a) In the case of a Teaching Service or SASS employee, the department may initially suspend the person's employment without pay or dismiss the employee, under section 93L of the *Teaching Service Act 1980* and section 32D of the *Education (School Administrative and Support Staff) Act 1987*.
- b) In the case of a Public Service employee, the department may terminate the person's employment under [section 47](#) of the Government Sector Employment Act 2013, for having failed to meet a condition of engagement as a child-related employee.
- c) In the case of a contractor or volunteer, the department may terminate the person's engagement in child-related work.

10.4 Disqualified persons, bars and interim bars

- a) The OCG will notify the Probity Unit if at any time after the initial verification by the department:
 - i. a person who is a holder or an applicant of a WWCC clearance becomes a disqualified person
 - ii. a person's WWCC clearance is cancelled
 - iii. a person's WWCC application is refused
 - iv. a person is subject to an *interim bar*.
- b) The Probity Unit will record the information, place the worker on the NTBE database as required, and notify the Employee Performance and Conduct Directorate (EPAC).
- c) EPAC will determine the course of action regarding the person's employment or engagement with the department, having regard to the specific circumstances of the case and in accordance with any relevant legislation, industrial instrument, policy and procedure.
- d) Where EPAC has no existing record of any matter giving rise to a disqualification, *bar* or *interim bar*, EPAC may liaise with the Probity Unit to inform the appropriate course of action.

11. Record keeping

Records showing the *worker's* WWCC clearance and the date on which each clearance of the *worker* ceases to have effect, must be kept by the department for seven years post-employment.

- a) For recruitment coordinated by HR, this information is captured through the relevant HR system. Once entered into the system for verification, it is captured automatically and no further action is required.
- b) For recruitment arranged by school principals, the school principal must retain a copy of all documentation collected, including copies of:
 - the WWCC clearance
 - Appendix 5
 - Appendix 7
 - Appendix 8
 - Appendix 11

- a copy of the 100 points of ID (Appendix 6)

12. Monitoring, evaluation and reporting requirements

12.1 The Executive Director, HR, or their nominee, is responsible for the periodic review and revision, as appropriate, of the Working with Children Check Policy and the Working with Children Check Procedure.

12.2 Human resource areas, directors, managers and principals are responsible for maintaining records of the status of each position within their area/s of responsibility (i.e. whether a position is child-related) and for reviewing these periodically to ensure consistency with policy and procedural requirements.

13. National Criminal History Check Procedure

13.1 Applicability

In addition to relevant WWCC requirements under clause 3, all applicants for paid employment and contractors engaged in the Assisted School Travel Program must meet the department's National Criminal History Check (NCHC) requirements.

13.2 The NCHC process

From 15 June 2013, the department's NCHC requirement has been conducted under a declaration and consent process which involves the applicant:

- a) providing 100-point proof of identity ([Appendix 6](#));
- b) completing the [NCHC Declaration \(Appendix 7\)](#); and
- c) completing the [National Police Checking Service – Application and Consent Form \(Appendix 8\)](#).

The department conducts a National Police Check with NCHC for centralised recruitment activities (including for teaching and non-teaching staff), following the receipt of the above forms. The person's suitability for employment or engagement is assessed by the Probity Unit based on the records received from NCHC.

13.3 Mobility between *child-related work*

Where a person moves from one type of *child-related work* to another type of *child-related work* in the department, it is not necessary to undertake a new NCHC process provided that there is no break in the person's *child-related work* with the department.

The only exceptions are:

- a) where a person is changing status, for example:
 - i. from a contractor to an employee (whether permanent, ongoing, temporary or casual employee), or where a contractor will be placed on an employment list; or
 - ii. from a temporary or casual employee (or a person placed on an employment list) to a permanent or ongoing employee; or
- b) where a person is moving to a teacher or student learning support officer position (including all positions that have an in-classroom support role in schools). This is because a higher level of check applies to teachers and student learning support officers.

In all above cases, the person will need to complete the forms specified in clause 10.2 again.

14. Not to be employed database

A person cannot be employed or engaged by the department if they are currently placed on the department's NTBE database. This should be checked with the relevant HR area or through eCPC prior to any recruitment or engagement process. School principals must check the NTBE database prior to any worker or volunteer coming into the school.

15. Structured referee checks

Structured referee checks are to be undertaken for all recommended applicants for paid child-related employment, and those placed on an employment or engagement list.

15.1 Structured referee checks are in addition to other referee checks that may need to be conducted under the relevant recruitment or merit selection processes.

15.2 Structured referee checks must meet the following requirements:

- a) As a minimum, two referees must be contacted (as provided by the applicant) for structured referee checks.
- b) One referee will be the applicant's current supervisor, unless acceptable reasons are provided for not nominating that person.
- c) If the applicant is not working, the applicant's most recent supervisor should be nominated as a referee. If the applicant has never been employed, the applicant may provide contact details of persons who are able to provide reliable character references.
- d) Referees should be asked information on the applicant's good character and suitability for working with, or in the presence of, children.

A suggested question to be asked is:

"To your knowledge is there any aspect of the applicant's behaviour, actions or activities that would make them unsuitable for working with children?"

- e) The answer provided by the referees to the question must be noted on the selection panel report, along with a brief description of each referee's relationship with the applicant, and where available the length of time that each referee has known the applicant.

15.3 If an applicant is not recommended as a result of structured referee checks, a separate written report must be submitted by the selection panel and attached to the selection panel report.

16. More information

Enquiries in relation to the Working With Children Check Procedure should be referred to the Probity Unit, 02 7814 3825 or wwcc@det.nsw.edu.au

17. Document history

17.1 Document information

Procedure title	Working with Children Check Procedure
Current version	4.1
Procedure number	HRPD001
Approved by	Deputy Secretary, Corporate Services
Approval date	14 February 2017
Implementation date	15 February 2017
Date of last update	7 May 2019
Next scheduled review date	15 February 2018
Audience	Publicly available
Location in taxonomy	Recruitment
Subject keywords	Working with Children, Child protection, screening

17.2 Document accountability

Role	Name
Procedure Owner	Director, Recruitment and Employment
Policy Advisor	Lead, Probity
Policy Facilitator	Lead, HR Policy

17.3 Document version history

Version	Date	Author	Change description
1.0	15/06/13	Edwin Christiansen	
2.0	08/08/13	Edwin Christiansen	Changes made following communications with the OCG
2.1	24/10/14	Kai Song	School cleaners confirmed as child-related workers.
3.0	1/04/16	Kai Song	Phase-in compliance procedure added.
4.0	27/9/16	Michelle Egan	Document restructured
4.1	7/5/19	Michelle Egan	Document reviewed to remove references to Appendix 9 and 10 (now deleted) and all references to transitional arrangements.

17.4 Document linkages

Legislation and regulation

Key relevant legislation and regulation that determines influences or defines this procedure:

Year of enactment	Title of legislation
2012	Child Protection (Working with Children) Act
2013	Child Protection (Working with Children) Regulation
1980	Teaching Service Act
1987	Education (School Administrative and Support Staff) Act
2012	Government Sector Employment Act

Policy and Guideline

Reference policy or guidelines that relate to this procedure:

Type	PD number	Title
Policy	HRPL001	Working with Children Check Policy