

Determining which checks are required

NOTES

1. The tables in this Appendix identify the **Working with Children Check (WWCC)** and the **National Criminal Records Check (NCRC)** requirements that apply to key categories of child-related work in the Department.

Refer to sections 3, 4 and 6 of the [Working with Children Check Procedures](#) for related provisions.

2. Where a particular category of child-related work is not listed in the tables, the relevant human resources manager should be contacted for advice on whether the work is child-related in accordance with [Child Protection \(Working with Children\) Act 2012](#) and the [Child Protection \(Working with Children\) Regulation 2013](#).
3. In addition to the WWCC requirements outlined in the tables below, all applicants for paid employment in the Department and contractors in the Assisted School Travel Program are required to meet:
 - the Department's National Criminal Records Check (NCRC) requirement, including providing proof of identification that meets the 100-point check ([Appendix 6](#)). Refer to section 6 of the [Working with Children Check Procedures](#); and
 - all other relevant checks, as prescribed in relevant legislation, industrial instruments or policy. This includes but is not limited to the conduct and service check; health assessment requirements; and verification of professional and/or academic qualifications.
4. Where a person is identified in the tables as requiring a WWCC Clearance as a condition of employment or engagement, **transitional arrangements apply to existing employees, volunteers and contractors** – i.e. those employed as an employee, or engaged as a volunteer or contractor, (or placed on an employment list, or a volunteer or contractor engagement list), immediately prior to 15 June 2013.

Subject to conditions, **existing** employees, volunteers and contractors who continue to be engaged or employed in child-related work by the Department are not required to apply for a WWCC Clearance until the compliance date that applies to that worker. Refer to [Appendix 9](#) for transitional arrangements for existing child-related workers.

1. Paid employees of the Department – whether as a permanent, temporary or casual employee

Notes:

- The provisions below relating to the WWCC Clearance do not apply to existing employees until the relevant compliance date as outlined in [Appendix 9](#).
- In addition to the WWCC requirement for child-related workers, paid employees of the Department must also meet the Department’s NCRC requirements.
- Where a particular category of paid child-related work is not covered in the table below, the relevant human resources manager should be contacted for advice on the relevant requirements.

Category of work	Relevant checks	Responsibilities
<p>1.1 Staff located in NSW Government schools</p> <p>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).</p> <p>1.2 Teaching Service staff (for example, NSBTS positions)</p> <p>1.3 TAFE teaching and related positions</p> <p>1.4 Staff in Sport and Recreation programs and facilities where the work will ordinarily involve direct contact with children (i.e. physical or face to face contact) for extended periods.</p>	<ul style="list-style-type: none"> • WWCC Clearance (as issued by the NSW Children’s Guardian) • NCRC 	<ul style="list-style-type: none"> • The person must provide a WWCC Clearance number. If they do not have this yet, they must apply to obtain this from the NSW Children’s Guardian (Appendix 4). • Paid employment therefore the person is also subject to the NCRC requirements and must provide: <ul style="list-style-type: none"> (i) completed Declaration for Child-related Work–NCRC (Appendix 7); and (ii) completed National Police Checking Services Application/Consent Form (Appendix 8); and (iii) 100-point Proof of Identity (Appendix 6).
<p>1.5 Paid employment (other than those in sections 1.1 to 1.4 above) where the work will ordinarily involve direct contact with children (i.e. physical or face to face contact) for extended periods.*</p> <p><u>*Notes:</u></p> <ul style="list-style-type: none"> • If a person will provide administrative, clerical or maintenance services or other ancillary services, which do <u>not</u> involve contact with children for 		<ul style="list-style-type: none"> • WWCC verification and NCRC screening process to be initiated by the relevant recruiting via the relevant HR system (for example, iSeries, Lattice, STMS, or eCPC), or, in the case of the Office of Communities, by forwarding a request (using the approved template) to the Department’s Staffing Services Probity Unit. • The NSW Children’s Guardian to verify that the person is cleared.

<p>extended periods, the person is <u>not</u> considered to be in child- related work.</p> <ul style="list-style-type: none"> • A person in non child-related work is <u>not</u> required to have a WWCC Clearance however the person will still be required to meet NCRC requirements. • Section 1.5 does not limit the operation of any legislation which may require a worker to obtain a WWCC Clearance as a condition of employment. 		<ul style="list-style-type: none"> • The person cannot be employed until the NSW Children’s Guardian has verified that the person is cleared, and the person has met NCRC requirements.
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2. Volunteers

- A volunteer is a person who works without being paid.
- The Department’s NCRC requirements do not apply to volunteers.
- The reference to “**formal mentoring program**” in the table below 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.
- The provisions below do not apply to existing volunteers (including those already placed on a volunteer engagement list or similar) until a certain date, subject to conditions. Refer to [Appendix 9](#) for relevant conditions.

Category of work	Relevant checks	Responsibilities
<p>2.1 Volunteers who will provide:</p> <ul style="list-style-type: none"> • 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; 	<p>WWCC Clearance (as issued by the NSW Children’s Guardian)</p>	<ul style="list-style-type: none"> • The person must provide a WWCC Clearance number. If they do not have this yet, they must apply to obtain this from the NSW Children’s Guardian (Appendix 4). • WWCC verification to be initiated by the relevant recruiting area via the relevant HR system (for example, iSeries, Lattice, STMS, or eCPC); or in the case of the Office of Communities, by forwarding a request (using the approved template) to the Department’s Staffing Services Probity Unit. • The NSW Children’s Guardian to verify that the person is cleared. • The person cannot be engaged until the NSW Children’s Guardian

		has verified that the person is cleared.
<p>2.2 Volunteers who will have direct contact with children (i.e. physical or face to face contact) <u>other than</u> those providing:</p> <ul style="list-style-type: none"> 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; <p>The above volunteers include but are not limited to the following:</p> <ul style="list-style-type: none"> unpaid sports coaches; unpaid band/music tutors; unpaid choreographers; people undertaking unpaid research; work experience persons who are 18 years old or older 	<p>WWCC Declaration for volunteers and contractors (Appendix 5)</p>	<ul style="list-style-type: none"> The person must complete the WWCC Declaration (Appendix 5) and provide this to the relevant manager or Principal. The person cannot be engaged until they have provided a completed declaration.

3. Work as a contractor in the Assisted School Travel Program

- Where the contractor is engaging a sub-contractor or an employee to perform the work, the contractor is responsible for confirming to the relevant manager or Principal in writing (prior to the commencement of work) that the sub-contractor or employee has met relevant requirements under the [Child Protection \(Working with Children\) Act 2012](#) and the [Child Protection \(Working with Children\) Regulation 2013](#).
- Contractors (i.e. drivers) in the Assisted School Travel Program must also meet the Department's NCRC requirements.

Category of work	Relevant checks	Responsibilities
<p>Contractors in the Assisted School Travel Program</p>	<ul style="list-style-type: none"> WWCC Clearance (as issued by the NSW Children's Guardian) NCRC 	<ul style="list-style-type: none"> The person must provide a WWCC Clearance number. If they do not have this yet, they must apply to obtain this from the NSW Children's Guardian (Appendix 4). The person is also subject to the NCRC requirements and must provide:

		<ul style="list-style-type: none"> (i) completed Declaration for Child-related Work–NCRC (Appendix 7); and (ii) completed National Police Checking Services Application/Consent Form (Appendix 8); and (iii) 100-point Proof of Identity (Appendix 6). <ul style="list-style-type: none"> • WWCC verification and NCRC screening process to be initiated by the relevant recruiting area via STMS. • The NSW Children’s Guardian to verify that the person is cleared. • The person cannot be engaged until the NSW Children’s Guardian has verified that the person is cleared, and the person has met NCRC requirements.
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4. Work as a contractor other than as a contractor in the Assisted School Travel Program

- Where the contractor is engaging a sub-contractor or an employee to perform the work, the contractor is responsible for confirming to the relevant manager or Principal in writing (prior to the commencement of work) that the sub-contractor or employee has met relevant requirements under the [Child Protection \(Working with Children\) Act 2012](#) and the [Child Protection \(Working with Children\) Regulation 2013](#).
- Contractors other than those in the Assisted School Travel Program are not required to meet the Department’s NCRC requirements.
- The reference to “**formal mentoring program**” in the table below 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.

Category of work	Relevant checks	Responsibilities
<p>Contractors who will have direct contact with children (i.e. physical or face to face contact).</p> <p>“Contractors” include but are not limited to the following:</p>	<p>WWCC Clearance (as issued by the NSW Children’s Guardian) – this applies:</p> <ol style="list-style-type: none"> 1. where the person will provide personal care services to children with disabilities involving 	<ul style="list-style-type: none"> • The person must provide a WWCC Clearance number. If they do not have this yet, they must apply to obtain this from the NSW Children’s Guardian (Appendix 4). • WWCC verification to be initiated by the relevant recruiting area via the relevant HR system (for example,

<ul style="list-style-type: none"> • employment agency staff; • community users of school facilities in Out of School Hours where the person is engaged by the principal and paid for that work – for example: <ul style="list-style-type: none"> – 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. 	<p>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; or</p> <p>2. in all other cases where the contractor work will ordinarily involve contact with children for extended periods.</p>	<p>iSeries, Lattice, STMS, or eCPC); or in the case of the Office of Communities, by forwarding a request (using the approved template) to the Department's Staffing Services Probity Unit.</p> <ul style="list-style-type: none"> • The NSW Children's Guardian to verify that the person is cleared. • The person cannot be engaged until the NSW Children's Guardian has verified that the person is cleared.
	<p>WWCC Declaration for volunteers and contractors (Appendix 5) – this applies where the person will have direct contact with children (i.e. physical or face to face contact), however:</p> <ul style="list-style-type: none"> • the work does not fall into the categories identified in items 1 or 2 above, and • the person will provide administrative, clerical or maintenance services or other ancillary services, which do not involve contact with children for extended periods 	<ul style="list-style-type: none"> • The person must complete the WWCC Declaration (Appendix 5) and provide this to the relevant manager or Principal. • The person cannot be engaged until they have provided a completed declaration.

5. Teacher education students and people undertaking practical training as part of an educational or vocational course

Category of work	Relevant checks	Responsibilities
<p>Teacher education students seeking to undertake an internship (interns) or associate teacher program</p>	<p>The higher education institution is responsible for ensuring that the person has met relevant requirements under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.</p>	<ul style="list-style-type: none"> • Prior to the start of each semester, the higher education institution will confirm in writing to the Director, Staffing Services, that the person has met relevant requirements under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.

		<ul style="list-style-type: none"> The person cannot commence the internship or program in schools until the written confirmation has been provided.
Other people undertaking practical training as part of an educational or vocational course	The course workplace supervisor is responsible for ensuring that the person has met relevant requirements under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013 .	<ul style="list-style-type: none"> Prior to the start of each semester, each course workplace supervisor will confirm in writing to the relevant Principal (if the training is undertaken in NSW Government school), or to the relevant manager (for example, if the training is undertaken in a TAFE NSW Institute) that the person has met relevant requirements under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013. The person cannot commence practical training in schools until the written confirmation has been provided.

6. Persons working for a religious organisation (for example, work as a minister, priest, rabbi, mufti or other religious leader or spiritual office) and providers of Special Religious Education (SRE)

Category of work	Relevant checks	Responsibilities
<p>Work as a 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.</p> <p>Providers of Special Religious Education (SRE)</p>	<p>The religious organisation is responsible for ensuring that the person has met relevant requirements under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.</p>	<ul style="list-style-type: none"> Prior to the start of the work, the religious organisation will confirm in writing to the relevant manager or Principal that that the person has met relevant requirements under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013. The person cannot work in schools until the written confirmation has been provided.

7. Persons working for the School Parents and Citizens' (P&C) Associations

Category of work	Relevant checks	Responsibilities
<p>Paid employees of the School Parents and Citizens' Association working in schools. This includes but is not limited to:</p> <ul style="list-style-type: none"> • Paid canteen workers • Paid Outside of School Hours Centre workers • Paid music tutors employed by the school P&C. 	<p>The P&C is responsible for ensuring that the person has met relevant requirements under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.</p>	<ul style="list-style-type: none"> • Prior to the start of the work, the P&C will confirm in writing to the Principal that the person has met relevant requirements under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013. • The person cannot work in schools until the written confirmation has been provided.
<p>Volunteers of the School Parents and Citizens' Association working in schools. This includes but is not limited to:</p> <ul style="list-style-type: none"> • Volunteer canteen workers • Volunteer Outside School Hours Centre workers 	<p>WWCC Declaration (Appendix 5) that the person is not a "disqualified person".</p>	<ul style="list-style-type: none"> • The person must complete the WWCC Declaration (Appendix 5) and provide this to the P&C. • The P&C will confirm in writing to the Principal that the person has submitted a completed WWCC Declaration (Appendix 5). • The person cannot work in schools until the written confirmation has been provided.