



FREQUENTLY ASKED QUESTIONS

Q. What is the Working with Children Check?

A Working with Children Check is a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct.

The result of a Working with Children Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

The Working with Children Check is fully portable so it can be used for any paid or unpaid child-related work in NSW for as long as the worker remains cleared.

Q. I already have a volunteer check do I still need to pay for a new Check?

Simply update your existing Check details online before paying the \$80 application fee required for paid employees. Do not apply for a second Check.

To update your details:

1. Go to www.kidsguardian.nsw.gov.au/check
2. Click the 'Start Here' button and choose the option 'Change from volunteer to paid.'
3. Fill in your details and select 'Yes' next to the option 'Change clearance from volunteer to paid worker'.

You will receive an application number. Please take your application number and proof of identity to a NSW Motor Registry, RMS Agency, or Service NSW office (not your local Council) and pay the \$80 application fee.

Once processed, your Working with Children Check number will stay the same. The only change will be the letter at the end, with the old 'V' now changed to an 'E'.

Q. I have been known by previous names, do I need to supply all names when applying?

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 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.

Q. How long will it take to get my WWCC?

Please allow up to **four weeks** to receive your results.

If there is a delay, these are the most common reasons:

- common surname or date of birth
- sharing the name as someone who has a criminal history
- records against your name.

You do not need to wait to receive your WWCC number. Please provide your APP number to the CSO once you have completed the application process so that it can be verified as quickly as possible.

Q. What gets checked?

The Working with Children Check assesses an applicant's national criminal history from CrimTrac.

The records include:

1. convictions (spent or unspent)
2. charges (whether heard, unheard or dismissed)
3. juvenile records.

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

Schedule 2 of the *Child Protection (Working with Children) Act 2012* lists the offences that will cause a person to be automatically disqualified from working with children.

Findings of misconduct by a reporting body and notifications made by the NSW Ombudsman are also considered. If a misconduct investigation finds that sexual misconduct or serious physical assault of a child has occurred, nominated reporting bodies must report this finding. The NSW Ombudsman will also report matters that indicate serious risk to children.

If you have a record that may cause your application to be risk assessed, you should consider applying early.

Q. What happens if I get risk assessed by the Office of the Children's Guardian?

A risk assessment is an evaluation of a person's suitability for [child-related work](#), conducted by the Office of the Children's Guardian. Assessment triggers include:

- records listed in Schedule 1 of the [Child Protection \(Working With Children\) Act 2012](#) (equivalent records from other states and territories are also assessment triggers)
- findings of misconduct by a reporting body and notifications made by the NSW Ombudsman
- a pattern of behaviour which raises concern.

Section 15 of the [Child Protection \(Working With Children\) Act 2012](#) sets out what must be considered when assessing risk. These are:

Factors relating to conduct:

- seriousness (as demonstrated details of the conduct, court outcome and penalty)
- how long since it occurred
- age and vulnerability of the victims
- relationship between offender and victim(s)
- age difference between offender and victim(s)
- whether the offender knew or could have known the victim(s) was under 18

Factors relating to the applicant:

- conduct since the offence
- age at the time
- current age
- seriousness of total criminal and misconduct record

Factors relating to recurrence:

- likelihood of the offences being repeated
- impact of the offences being repeated.

The Office of the Children's Guardian also takes into consideration any information given in relation to the application and any other matters that the Office of the Children's Guardian considers necessary.

Q. What happens if I get interim barred?

If a bar is being considered, you will be contacted by phone and by letter to inform you of the proposed decision. You will also be invited to submit information which may affect the decision, and this information will be taken into account in deciding the final outcome.

An interim bar is used to prevent high risk individuals from working with children while a risk assessment is conducted and until a final decision is made. A person who is subject to an interim bar must not engage in child-related employment while it is in force. An interim bar may be imposed for up to 12 months.

Not everyone who is subject to a risk assessment will receive an interim bar.

Q. What happens if I get barred?

If the Children's Guardian has decided not to grant you a clearance to work with children (that is, to impose a bar), you will receive a letter informing you of this decision. The letter will also provide you with the reasons for the decision.

If you are already in child-related work (or planning to be in such employment), your employer (or proposed employer), will be notified that you have become barred and instructed to remove you from child-related work. However, no information regarding your work or criminal records will be shared with your employer (or proposed employer).

Applications for a review must be lodged with the NSW Civil and Administrative Tribunal within 28 days of receiving notification of a final bar or after an interim bar has been in force for six months. If you miss this deadline, contact the NSW Civil and Administrative Tribunal as they may grant you an extension.