



Guide for those working in Child Care services

Overview

Working with Children Registration is a new requirement for anyone involved in child-related work in Tasmania. It does not matter whether the work is paid or unpaid, supervised or unsupervised.

Working with Children Registration applies to paid workers, volunteers, self-employed people, child care service providers, and adults who reside at the home where a home-based child care service is provided.

The application form is completed online. Once application has been made, the applicant is required to visit a Service Tasmania shop to present proof of identity and payment. Successful applicants will receive a Working with Children Registration card via post.

Working with Children Registration is valid for three years.

Who must apply for a Working with Children Registration?

If you work or volunteer with children in the child-care sector you might need to apply for this new registration.

The following work is child related work, which means paid workers and volunteers (unless exempt) require Working with Children Registration:

- an education and care service as defined in the *Education and Care Services National Law (Tasmania)*, Section 5(1)
- child care service as defined in Section 3(1); and child care as defined in section 4 of the *Child Care Act 2001*

Further examples include those working in:

- child care centres
- family day care services
- outside school hours care services

And services not previously Regulated under the *Child Care Act and Education and Care Services National Law (Tasmania)* including:

- nanny and other child minding services provided on a commercial basis
- baby-sitting, unless the services are provided under a private arrangement (e.g. care by family and friends, for fees or otherwise)
- au pair work, if the work involves providing child care

These roles also require Working with Children Registration:

- an approved provider*, manager or person with management or control of an education and care service
- the licensee (or their representative) of a child care service under the *Child Care Act 2001*
- all members of the service operator of a child care service under the *Child Care Act 2001*
- child care educators and staff members, including ancillary staff such as cooks, groundskeepers, administrative staff, bus drivers
- students, 18 years of age and over on work placement in child care services that are regulated under the *Child Care Act 2001* or the *Education and Care Services National Law (Tasmania)*.
- an adult who resides** at a home where family day care or home-based care takes place. This applies to family members and includes anyone 18 years of age or older.

Notes

*An approved provider means a person who is taken to be an approved provider under the *Education and Care Services National Law (Application) Act 2011*.

**Residing at a home is not limited to a permanent living arrangement and there are a number of factors to be considered in determining whether or not someone resides at a home. These include (but are not limited to):

- the amount of time the person spends at home
- how frequently they stay
- whether or not their staying at the home is a regular or usual arrangement
- whether the arrangement will be ongoing

You do not need to have lived at a place for any particular amount of time before you are considered to be residing there.

It is also possible for you to reside at more than one home.

Other activities planned to commence from 1 April 2015 are:

- religious services (for example, work as a minister, priest, rabbi, mufti or similar religious leader or spiritual officer of the organisation)
- commercial services for children
- coaching and tuition services
- clubs, associations and movements

If you are not involved in one of these activities, but you are involved in another regulated activity, you will be phased in to the new Working with Children Check according to your sector.

See 'Fact Sheet: Phase in Schedule' at the Working with Children Check website:

www.justice.tas.gov.au/working_with_children

Who is exempt from Working with Children Registration?

There are a limited number of exemptions from Working with Children Registration. However, while exemptions exist they can be overruled by any employer who determines that these exemptions should not apply in their workplace or volunteering occupation. Employers will often make this decision based on their assessment of the risk of harm to children within

See 'Fact Sheet: Exemptions' at the Working with Children Check website:
www.justice.tas.gov.au/working_with_children

There may also be requirements under other Legislation, such as the *Education and Care Services National Law (Application) Act 2011*.

When will I need a Working with Children Check?

From 1 October 2014, people working or volunteering in education and care (child care) services will need to hold **either** a Tasmanian Working with Children Check (WWCC) or a **valid** safety screening clearance issued by the Department of Education.

This applies until all people have transitioned to the WWCC.

For those in the education and care (child care) sector, the WWCC will be phased in over the next eighteen months.

Please consult the following table to determine when you will need to apply for a WWCC, based on the expiry date of your safety screening clearance. Please note that the expiry date on your safety screening clearance is **not** the date from which you will need to hold a WWCC.

Information for those already holding a Safety Screening Clearance

My safety screening clearance expires between:	Apply for a new safety screening clearance	Mandatory WWCC registration date
1 July 2014 and 30 September 2014.	by close of business 31 August 2014.	If you are issued with a new safety screening clearance between 1 July and 30 September 2014 you will need to apply after 1 July 2015 and have registration by 1 January 2016.
My safety screening clearance expires between:	Apply for a Working with Children Check from:	WWCC will be mandatory from:
1 October 2014 and 30 June 2015.	1 July 2014.	1 January 2015* . Your safety screening clearance will no longer be valid from this date.
1 July 2015 and 30 June 2016.	1 January 2015.	1 July 2015* . Your safety screening clearance will no longer be valid from this date.
1 July 2016 and 30 June 2017.	1 July 2015.	1 January 2016* . Your safety screening clearance will no longer be valid from this date.

* The Department of Justice recommends applying a minimum of **six weeks before** needing the Working with Children Check

Information for those intending to commence work in the education and care sector or other child-related work

When do you intend to commence work in the sector:	Which screening should you apply for:	WWCC will be mandatory from:
I intend to commence working in the sector before 1 October 2014	Apply for a safety screening clearance by close of business 31 August 2014.	If you are issued with a new safety screening clearance between 1 July and 30 September 2014 you will need to apply after 1 July 2015 and have registration by 1 January 2016
I intend to commence working in the sector on or after 1 October 2014	Apply for a WWCC from 1 July 2014.	You must hold a WWCC before commencing work.

*The Department of Justice recommends applying a minimum of **six weeks before** needing the Working with Children Check

Why does the table include applying for a safety screening clearance?

As the WWCC legislation does not require registration until 1 October 2014, those with a safety screening clearance expiring before this date are able to re-apply for a safety screening clearance.

The Conduct and Investigations Unit (C&I) within the Department of Education will continue to process safety screening applications as long as they are received by C&I by close of business 31 August 2014.

This is to reduce the possibility that people in this category may have an expired safety screening and also be without a valid WWCC.

Please Be Aware

The C&I Unit within the Department of Education has advised that they are returning safety screening applications that do not meet the guidelines for processing.

All safety screening applications received by the C&I Unit with expiry dates from **1 October 2014** will be returned without being processed.

How does the WWCC fit with requirements under education and care legislation?

Due to the transition process, the *Education and Care National Regulations 2011* have been amended to enable people to hold **either** a safety screening clearance or a WWCC.

Once everyone has transitioned from safety screening to a WWCC, and then only the WWCC will apply.

The tables on page four assist people to be able to meet the requirements of both the *Registration to Work with Vulnerable People Act 2013* and the education and care legislation, that is, the *Education and Care Services National Regulations* and the *Child Care Act 2001*.

Who needs to apply for a WWCC under education and care legislation?

All people working or volunteering in an education and care service, including students 18 years and over are required to have a WWCC. If you are required to hold a safety screening clearance currently, and you continue to be involved in child related activities, you will be required to hold a WWCC.

Penalties for not complying

If you do not hold a Working with Children Check (or have a completed application in progress) in line with the above timetable, you will be committing an offence, and penalties **may** apply.



The Working with Children Check is on Facebook. What a great way to get a reminder that it's time to apply. To connect, [login or sign up for Facebook](#) and search for Working with Children Checks

The Process

Part A: How do I apply?

Part B: What are the fees?

Part C: What is assessed in my application?

Part D: When will I receive my results?

Part E: Refusals and Appeals

Part F: Employers - How to verify a clearance online

Part A: How do I apply?

Step 1: Complete the online* application form at:

http://www.justice.tas.gov.au/working_with_children/registration_form

*Applicants who do not have internet access may telephone 1300 13 55 13.

Please make sure the details you provide are *exactly the same* as the details on your identity documents. If you have submitted the form with a mistake, please re-do the form to avoid problems with the proof of identity requirements.

Once you have submitted the form, you will be able to print an application receipt. If you do not have a printer, write down your application number.

Step 2: Present proof of identity and payment at Service Tasmania

You must bring all three of these items for your application to proceed:

- application receipt or reference number
- proof of identity
- payment

You must present in person at Service Tasmania (this cannot be done outside of Tasmania). You cannot submit proof of identity for someone else.

To find a Service Tasmania shop near you, visit www.service.tas.gov.au/about/shops

For proof of identity requirements:

See 'Fact Sheet: How do I apply for a Check' at

www.justice.tas.gov.au/working_with_children

Part B: What are the fees?

You only need to apply once every three years for a Working with Children Check. If you have a paid job and volunteer role working with children, registration for paid workers will cover you for both.

Employees = \$103.60 (This equates to \$34.53 annually for the three years)

Volunteers = \$17.76 (This equates to \$5.92 annually for the three years)

Note: Students and adult family day care household members are considered to be volunteers.

Part C: What is assessed in my application?

Your records will be assessed to see if you have charges or convictions that indicate you pose a risk of harm to a child.

National criminal record information is routinely collected from sources in Australia (not overseas). This includes information about:

- Convictions for all criminal offences you may have
- All 'spent' convictions (convictions that do not need to be ordinarily declared)
- Any 'pending' charges (charges that have not yet been decided by a court)
- All 'non-conviction' charges (charges that have been finalised by a court but did not result in a conviction)

Information about your criminal record may also be obtained from authorised bodies in Tasmania and similar authorities in other states and territories such as:

- The Police
- The Office of the Director of Public Prosecutions
- The Department of Corrective Services
- The Department of the Attorney General
- The Department of Health and Human Services
- Courts

Ongoing monitoring:

If you are successful, you will be subject to ongoing monitoring for relevant new records for the three year life of your Working with Children Check.

Some records will trigger a risk assessment, which may lead to your Working with Children Check being cancelled.

»»See 'Fact sheet: Risk assessment' at the Working with Children Check website at www.justice.tas.gov.au/working_with_children

Part D: When will I receive my results?

Please allow six weeks to receive your results before emailing workingwithchildren@justice.tas.gov.au (with your application's reference number). We cannot provide any information on your application before this time.

If successful, you will be posted a Working with Children Check Card.

If there are any issues with your application, you will be contacted by post or email (according to the preference indicated on your application form).

Usual cause of delays

For most people, delays may be caused by:

- the time it takes for information to be reported on a criminal history
- having a common surname or date of birth
- sharing the same name as someone with a criminal history
- having records against your name

Same name as someone with records

If you have the same name as someone with a criminal history, your results may be delayed while your identity is matched using additional information such as date of birth details. This will delay your results but ensure your records are not mistakenly associated with those belonging to someone else.

Records against your name

»»See 'Part C: What is assessed in your application?' in this guide.

Part E: Refusals and Appeals

When you apply for a Working with Children Check, there are only three outcomes:

- registration to work with children (without conditions)
- registration to work with children (with conditions)
- refusal of application to work with children

Risk assessment

If you are subject to a risk assessment, you may be refused a Working with Children Check. You may receive a 'proposed negative notice' (see 'being notified of a possible refusal' below).

»»See 'Fact sheet: Risk assessment' at the Working with Children Check website at www.justice.tas.gov.au/working_with_children

Disqualifying offences

If you have a record that is listed in Schedule 2 of the Ministerial Risk Assessment Order, you will be automatically refused Working with Children Registration. Equivalent records from other states and territories also lead to an automatic refusal.

»»See 'Fact sheet: Assessment requirement triggers (Schedule 1)' and 'Fact sheet: Disqualifying offences (Schedule 2)' at the Working with Children Check website at www.justice.tas.gov.au/working_with_children

Being notified of a possible refusal

If your application is unsuccessful, you will be informed in writing, with reasons for the decision this is called a 'proposed negative notice'.

You will be invited to submit further information which may affect the final decision. In the meantime, you cannot work or volunteer in child-related services

Being notified of a refusal

If your application is unsuccessful, you will be informed in writing, with reasons for the decision.

If you are already in child-related work (or planning to be in such employment), your employer (or prospective employer) will be:

- notified that you have been refused a Working with Children Check
- instructed to remove you from child-related work.

Reasons for your refusal will not be shared with your employer (or prospective employer).

Consequences of the refusal

If a Working with Children Check is refused, it is a criminal offence to work in regulated child related activities for five years (unless circumstances have changed that permit an earlier application). Serious penalties apply.

If you are already working with children, you must immediately remove yourself from this work.

Applying for a review of the refusal

You can request a review of the refusal except if:

- you previously applied for a Working with Children Check and were issued a negative notice
- less than five years has passed since your Working with Children Check was cancelled

This does not apply if there has been a change in any relevant information about you.

Lodging an appeal

You must lodge your application for a review with the Magistrates Court (Administrative Appeals Division) within 28 days of having your application refused (if you miss this deadline, contact the Administrative Appeals Division; it may grant an extension). For more information go to

www.magistratescourt.tas.gov.au/divisions/administrative_appeals_division

Part F: Employers – How to verify a clearance online?

Overview

While successful applicants receive a Working with Children Registration card, the system of applying and verifying is online only.

If someone with Working with Children Registration commits a criminal offence, their Registration may be cancelled, and their details removed from the online system.

It is then a criminal offence:

- for them to work in a child-related activity
- to hire them for a child-related activity, paid or unpaid.

How to verify online

If you are an employer, you must not accept the Working with Children Registration card or any other paper 'evidence'.

You must use the new online system to verify if someone has Working with Children Registration. To do this, you will need their Working with Children Registration number, surname and date of birth.

When to verify

If you're hiring a new, paid worker, you need to verify that they have Working with Children Registration before they start work.

All existing workers and all new and existing volunteers will be phased in according to the industry they work in.

»»See 'Fact sheet: Phase in schedule' at the Working with Children Registration website at www.justice.tas.gov.au/working_with_children

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