



Working with Children Check Procedures

1. LEGISLATION/ENTERPRISE AGREEMENTS/POLICY SUPPORTED

[Recruitment, Selection and Appointment Policy](#)

Working with Children (Criminal Record Checking) Act 2004 (WA)

2. IMPLEMENTATION PRINCIPLES

The following principles underpin these procedures:

- a) the University must comply with the *Working with Children (Criminal Record Checking) Act 2004 (WA)* [“the WWC Act”] which requires a compulsory criminal record check for certain people working with children in Western Australia;
- b) all persons covered by the scope of these procedures are required to have a valid Working with Children Check (WWC Check) or application pending.

3. PROCEDURAL DETAILS

3.1. Obligations under the WWC Act

- 3.1.1. The University must not commence or continue a person in child-related work on more than five days (or five part days) in a calendar year, or any days if employed in the Early Childhood Centre or University Counselling Services:
 - a) unless the person already holds or has applied for a WWC Check by the date required under the WWC Act;
 - b) if aware that the person has a current Interim Negative Notice or a current Negative Notice;
 - c) if aware that the person has a conviction or pending charge for a Class 1 offence or Class 2 offence, and the person does not have a valid WWC Check or an application pending; or
 - d) if aware that the person has withdrawn their WWC Check application.

3.2. Identification of University position(s) requiring a WWC Check (Staff)

- 3.2.1. Line Managers assess and identify positions within their work area which require the occupant to hold a valid WWC Check.
- 3.2.2. Line Managers include the requirement for a staff member to hold a valid WWC Check in the Position Description provided to the Director, People and Culture or nominee.
- 3.2.3. The Director, People and Culture or nominee maintains a register of these positions, assigning WWC Check status against such positions in the Human Resource Information System (HRIS).

3.3. Identification of University courses and units of study requiring a WWC Check (Students)

- 3.3.1. Heads of School or nominees ensure the requirement to hold a valid WWC Check when undertaking child-related work as a student is included in the relevant Unit Outlines and the Curtin Courses Handbook.
- 3.3.2. Heads of School or nominees maintain a register of these courses and units, assigning WWC Check status and expiry date against enrolled students who require a WWC Check which is reported upon as required for compliance purposes.

3.4. Identification of staff and students completing research projects requiring a WWC Check

- 3.4.1. Heads of School or nominees identify staff and students involved in research projects who require a valid WWC Check.
- 3.4.2. Heads of School or nominees include the requirement for a staff member to hold a valid WWC Check in the Position Description provided to the Director, People and Culture or nominee.
- 3.4.3. Heads of School or nominees maintain a register of research projects and details of WWC Checks.

3.5. Application for a WWC Check

- 3.5.1. The University identifies and notifies persons required to undergo a WWC Check to submit an application to the WWC Screening Unit.
- 3.5.2. The relevant Head of School/Area or nominee must authorise the application as confirmation that the person is, or will be, carrying out child-related work. People who are not in child-related work are not eligible to apply for a WWC Check.
- 3.5.3. The cost of a WWC Check is borne by the person required to undergo a WWC Check or may be reimbursed at the discretion of the Head of School/Area.

3.6. WWC Check assessment and commencement of child-related work

- 3.6.1. Applicants and the Head of School/Area or nominee who authorised the application are notified of the WWC Check outcome. No criminal record history information is detailed in the notice.
- 3.6.2. A person issued with a WWC Check commences child-related work, as directed by the University, after presenting their WWC Check for sighting and recording as follows:
 - a) staff and University Associates present their WWC Check to the Director, People and Culture or nominee; and
 - b) students present their WWC Check to their Head of School or nominee.
- 3.6.3. A person issued with a Negative Notice or Interim Negative Notice:
 - a) immediately ceases or does not commence any child-related work;
 - b) notifies their Head of School/Area or nominee in writing of receipt of such notice; and
 - c) discusses their options with their Head of School/Area or nominee.
- 3.6.4. Heads of School/Area or nominees forward any written advice of receipt of a Negative Notice or Interim Negative Notice to the Responsible Officer who maintains records for compliance purposes.
- 3.6.5. The Responsible Officer maintains records of Interim Negative Notices and Negative Notices notified to the University and acts upon the received notice.

3.7. Relevant change of criminal record

- 3.7.1. A person undertaking child-related work who has a relevant change of criminal record must notify the WWC Screening Unit and their relevant Head of School/Area in writing as soon as practicable after the change occurs. The WWC Screening Unit may also notify the University of the relevant change as disclosed.
- 3.7.2. The University must provide written notice to the WWC Screening Unit of a relevant change in a persons criminal record as soon as practicable.
- 3.7.3. Any obligation to place staff in alternative employment does not apply where a staff member has failed to notify the University of a relevant change of criminal record as soon as practicable.

3.8. Compliance review and reporting

- 3.8.1. The Director, People and Culture or nominee, conducts a review of WWC status positions and staff records as required for compliance purposes.
- 3.8.2. Head of School or nominees conduct a review of University courses and units requiring WWC checks and student records as required for compliance purposes.
- 3.8.3. The Responsible Officer and Deputy Responsible Officers review and report on staff and student compliance with the WWC Act as required.

4. RESPONSIBILITIES

- 4.1. The Responsible Officer is responsible for establishing and maintaining an effective compliance program in relation to the WWC Act in accordance with the *Compliance Policy and Compliance Procedures*. The Responsible Officer for the WWC Act is currently the Director, People and Culture.
- 4.2. Deputy Responsible Officers are responsible for assisting the Responsible Officer in a number of functions to ensure and monitor University compliance with the WWC Act.

4.3. The Director, People and Culture or nominee is responsible for:

- a) recording positions requiring a WWC Check in the Human Resources Information System (HRIS);
- b) conducting reviews of staff positions to ensure valid WWC Checks are held by all persons carrying out child-related work;
- c) maintaining an up-to-date record of WWC Checks, Interim Negative Notices and Negative Notices received from Schools/Areas or individuals;
- d) providing written notice to the WWC Screening Unit as soon as practicable if made aware of a relevant change in a staff members or University Associates criminal record.
- e) acting on advice of Interim Negative Notices and Negative Notices received from Schools/Areas or individuals and notifying the Responsible Officer;
- f) notifying the Responsible Officer of any non-compliance issues; and
- g) keeping confidential and secure any information regarding a person's WWC Check, ensuring use only for the purpose of complying with the WWC Act or as otherwise permitted by law.

4.4. Heads of School/Area or nominees are responsible for:

- a) identifying positions within their work area requiring a WWC Check and providing the Director, People and Culture or nominee with up-to-date Position Descriptions;
- b) identifying courses and units that involve child-related work in the Unit Outlines and the Curtin Courses Handbook;
- c) identifying research projects where staff, students and/or volunteers may require a WWC Check;
- d) maintaining a register of courses and units requiring a WWC Check and providing reports for compliance purposes as required periodically by the Responsible Officer;
- e) signing applications for WWC Checks as confirmation that the applicant is, or will be, carrying out child-related work for the University;
- f) advising persons in their School/Area who carry out child-related work of their obligations under the WWC Act;
- g) providing written notice to the WWC Screening Unit as soon as practicable if made aware of a relevant change in a student or volunteers criminal record.
- h) notifying the Responsible Officer of any Negative Notices or Interim Negative Notices received from staff, University Associates or students;
- i) notifying the Responsible Officer of any non-compliance issues; and
- j) keeping confidential and secure any information regarding a person's WWC Check, ensuring use only for the purpose of complying with the WWC Act or as otherwise permitted by law.

4.5. Staff, students and University Associates carrying out or intending to carry out child-related work on more than five days (or five part days) in a calendar year, or any days if employed in the Early Childhood Centre or University Counselling Services, are responsible for:

- a) applying for a WWC Check as directed by the University, and for its renewal every three years;
- b) not commencing or continuing child-related work without a valid WWC Check or an application pending
- c) not commencing or continuing child-related work if issued with an Interim Negative Notice or a Negative Notice
- d) not commencing or continuing child-related work if convicted of a Class 1 offence committed as an adult
- e) notifying the WWC Screening Unit if an application for a WWC Check is pending and there is a relevant change of criminal record;
- f) ceasing any child-related work immediately and providing written notice to the WWC Screening Unit and the University if, subsequent to receipt of a WWC Check, there is a relevant change of criminal record; and
- g) carrying their WWC Check Card whilst carrying out child-related work.

5. SCOPE OF PROCEDURES

5.1. These procedures apply to persons who carry out, or propose to carry out, child-related work for the University at campuses and education centres in Western Australia for whom an exemption under the WWC Act does not apply. Such persons may include, but are not limited to:

- a) students aged 18 years and over who are required to undertake child-related work;
- b) persons in the Early Childhood Centre;
- c) persons in the University Counselling Services;
- d) persons who supervise Curtin students engaged in child-related work and who in their supervisory role will also have contact with children;
- e) persons who, as part of their usual duties, visit schools where they will have contact with children;
- f) persons who undertake research which brings them into contact with children.

5.2. These procedures do not apply to persons exempted under the WWC Act as follows:

- a) Curtin staff interacting with Curtin students in the course of their normal teaching, research or administrative duties (even if a student is under 18 years of age). This is due to universities being specifically excluded from the definition of an educational institution for children under the WWC Act;
- b) persons supervising children who attend Curtin for work-experience or educational programs (unless otherwise engaged in child-related work which requires a valid WWC Check);
- c) persons carrying out child-related work at campuses or education centres outside Western Australia. However, as each state and territory has its own screening requirements, more detailed advice should be sought from the relevant state or territory body;
- d) Curtin students under the age of 18 years who are required to undertake child-related work for which they are not remunerated;
- e) Curtin volunteers under the age of 18 years.

6. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

Child(ren)

Means a person under the age of 18 years.

Child-related work

Means where the usual duties involve, or are likely to involve, contact with a child in connection with at least one of the 19 categories of work identified under the WWC Act (refer <http://www.checkwwc.wa.gov.au/checkwwc>). For students, child-related work includes any approved practical work, teaching, study or research activity required by the University as an integral part of the course or unit of study, where the usual duties involve contact with children.

Class 1 offence

Means serious sexual offences against young children, as defined in the WWC Act (refer <http://www.checkwwc.wa.gov.au/checkwwc>).

Class 2 offence

Includes other serious offences mostly of a sexual or violent nature, as defined in the WWC Act (refer <http://www.checkwwc.wa.gov.au/checkwwc>).

Contact

Includes any form of physical contact; any form of oral communication, whether face to face, by telephone or otherwise; and any form of electronic communication.

Deputy Responsible Officer

Means a person designated by the Responsible Officer to assist in raising awareness and monitoring compliance of the WWC Act.

Interim Negative Notice

Means a notice issued by the WWC Screening Unit which prohibits a person from undertaking child-related work in Western Australia before a final decision is made by the WWC Screening Unit.

Negative Notice

Means a notice issued by the WWC Screening Unit which prohibits a person from undertaking child-related work in Western Australia.

Relevant change of criminal record

Means when a person is charged with, or convicted of, a Class 1 offence or a Class 2 offence.

Responsible Officer

Means a person who is designed ownership of the WWC legislation under the Compliance Policy and Compliance Procedures.

WWC Screening Unit

Means the Department for Community Development - Working with Children Screening Unit or other screening agency authorised under the WWC Act.

Working with Children Check or WWC Check

Means a national criminal record check that is compulsory for people who carry out child-related work in Western Australia. The WWC Check issued by the WWC Screening Unit is valid for three years, subject to there being no relevant change of criminal record. The WWC Check bears the holder's photograph, signature, Assessment Notice number and expiry date, and is portable across all types of child-related work. A WWC Check is not a National Police Clearance (NPC).

7. SCHEDULES

Nil

8. RELATED DOCUMENTS/LINKS/FORMS

[Working with Children Check Website for Western Australia](#)

[Legal and Compliance Services: Fast Compliance - 10 essential things you need to know about the Working with Children \(Criminal Record Checking\) Act 2004 \(WA\)](#)

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Policy Manager	Deputy Vice-Chancellor, Academic
Approval Authority	Deputy Vice-Chancellor, Academic
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REVISION HISTORY

Version	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Approval / Resolution Number	Key Changes and Notes
New	Approved	17/05/2012	Vice President, Corporate Services	EM1207	Conditional upon PMC rescinding the current policy and procedures at its 29 May 2012 meeting
	Administratively Updated	05/02/2014	Director, Legal and Compliance Services		Updated Policy Contact
	Administratively Updated	02/02/2015	Director, Legal and Compliance Services		Updated Policy Contact
	Administratively Updated	11/02/2015	Director, Legal and Compliance Services		Updated Policy Manager
	Administratively Updated	20/04/2015	Director, Legal and Compliance Services		Director, Human Resources changed to Director, People and Culture
	Administratively Updated	06/10/2015	Director, Legal and Compliance Services	EC 76/15	Executive Manager Title Changes