

Yachting Victoria Working with Children Check Policy

1 Working with Children Check

1.1 What is the Working with Children Check

The Working with Children Check (“**WWCC**”) is a mandatory minimum background check of people who work or volunteer in **child-related work**. It applies to people who have **regular direct contact** with children where that contact is **not directly supervised**. The WWCC helps to protect children aged under 18 years from physical and sexual harm by preventing those who pose a risk to their safety from working with them. The policy outlines roles where people in Clubs and Associations are required to apply.

The WWCC is managed by the Department of Justice and is being phased in for the sport sector. Under the phasing-in plan, people who work or volunteer in connection with yachting and who need a WWCC are required to apply between 1 July 2009 and 30 June 2010.

While people working within yachting are not required to have undertaken the WWCC until 30 June 2010, Yachting Victoria **strongly recommends** that season 2009/10 is used as the starting point to ensure Clubs and Associations comply with the relevant laws. Penalties and restrictions will apply from 1 July 2010 if these procedures have not been followed.

Yachting Victoria has developed a minimum standard for Clubs and Associations to adopt to ensure the sport is doing everything possible to prevent child related offences.

1.2 Child-related work

Under the Act, a person involved in yachting is considered to be engaging in child-related work and must apply for the WWCC if they:

- work or volunteer in a role that brings them into contact with children under 18; and
- volunteer or do this work on a regular basis; and
- have **direct contact** with children under 18 which is not **directly supervised**; and
- do not qualify for one of the exemptions in the legislation.

1.3 What is Direct Contact?

Direct contact is any contact with a child that involves any of the following:

- physical contact
- talking face-to-face
- physically being in view – this means you can see them.

Direct contact does not include telephone, email or internet contact with a child.

1.4 What is Directly Supervised?

To be considered “directly supervised”, the supervision must be:

- undertaken by a person who has the role of supervising “child-related work”
- immediate and personal.

Direct supervision does not require constant physical presence. For example, a person who is directly supervising a worker may leave the room in which they are engaging in the work to make a phone call.

1.5 Exemptions

Yachting Victoria endorses the following exemptions from the legislation and will recognise that Clubs and Associations shall not require the following individuals to apply for the WWCC (subject to appropriate evidence being provided):

- persons aged under 18;
- sworn members of Victoria Police;
- teachers registered with the Victorian Institute of Teaching;

It is recommended that where exemptions apply, a nominated person within the Club or Association records this to ensure up-to-date records are maintained.

Under the legislation, parents do not have to apply for a WWCC if their child is involved in the relevant activity. However, Yachting Victoria does not endorse this exemption and expressly requires all parents that meet the criteria set out above to apply for, and obtain, a WWCC. Yachting Victoria is one of a number of sports that have taken this view in order to maximise the protection of children involved in yachting.

1.6 Expectations of Clubs

Yachting Victoria expects that Clubs with junior racing and sail training programs will, as a minimum requirement, require the following people to obtain a WWCC:

- Race Officers;
- Safety boat skippers and crew;
- Sail Training Coordinator;
- Sailing instructors and assistant instructors;
- Sailing coaches and assistant coaches;
- other members of the Club who are involved in regular contact with children that are not directly supervised by a person who has completed a WWCC

Clubs should appoint someone at the club to be responsible for WWCC matters (“Nominated Person”). This person can provide members with information, validate the WWCC cards and record details. In the majority of instances this will be the Club Secretary. It is recommended that where exemptions apply, the Nominated Person at each Club records this to ensure up-to-date records are maintained.

An example record keeping form is available from <http://www.sport.vic.gov.au> and is attached to this policy.

1.7 Expectation of Class Associations

Yachting Victoria expects that Class Associations will, as a minimum requirement, require members of the Association who are involved in regular contact with children, that are not directly supervised by a person who has completed a WWCC, to obtain a WWCC.

Associations should also maintain a register of the people within the Association who have been approved under the legislation. It would not be necessary for the Association to sight actual check documents.

1.8 Existing Yachting Victoria policies

The above requirements, to comply with the WWCC legislation, are in addition to all existing Yachting Victoria policies such as the Member Protection Policy.

2 Process for obtaining a WWCC

The process for obtaining a WWCC is as follows:

2.1 Complete a WWCC Application Form.

Application forms are available from participating Australia Post outlets or by submitting an electronic Application Forms Request form which can be found on the Department of Justice Website:

<http://www.justice.vic.gov.au/wps/wcm/connect/Working+With+Children/Home/>

Note: Do not sign the form as you will need to do so when you lodge your application.

2.2 Lodge the Application Form

Once you have completed your application form you must lodge it at a participating Australia Post outlet with your original identification documents, and a passport size photograph. You need to sign the form and Application Receipt in front of the attendant.

2.3 Pay the Application Fee if required

If you undertake paid child-related work, you will also be required to pay the application fee at this time. The current cost for a WWCC for a paid worker is \$73.90. Currently, all Checks for volunteer workers are free of charge.

For further information regarding the process of obtaining a WWCC, visit the Department of Justice website at www.justice.vic.gov.au/workingwithchildren or your nearest Australia Post outlets – bulk lodgments are available for your Club from Australia Post.

3 About the WWCC

3.1 What is checked as part of the WWCC?

People who apply for a WWCC will be checked for relevant criminal convictions or findings of guilt, pending charges, and relevant professional disciplinary findings. The WWCC will also identify whether a person is on the Sex Offenders Register or subject to an extended supervision order under the *Serious Sex Offender Monitoring Act 2005*.

As part of your application process the following is checked:

- proof of identity
- National Police records check
- professional disciplinary body check
- assessment of any criminal offences and/or findings from a professional disciplinary body

Note: Where required, the Department of Justice may seek further information from you or others.

3.2 What happens if my WWCC is clear?

If a person has no relevant criminal or professional disciplinary history, he or she will be granted an assessment notice and a WWCC card. This entitles the holder to undertake child-related work.

Note: currently WWCC cards are valid for 5-years from the date of issue.

3.3 What happens if my WWCC is not clear?

If you do not pass the WWCC, the Department of Justice will, in the first instance, issue an Interim Negative Notice so that you have an opportunity to make a submission to explain why you believe you should pass the WWCC.

If an interim Negative Notice is issued, you may lodge a submission explaining why you believe you should pass the WWCC, which will be considered by the department in assessing your application. If you are still considered ineligible to receive a WWCC card, the Department will issue a Negative Notice.

If you are issued with a Negative Notice you cannot undertake any child related work, even if it is supervised.

3.4 Does the WCCC replace a Police Check?

The WWCC is a check set up specifically to check for child-related offences. A range of other criminal offences are checked as part of a comprehensive police check. If for some reason your organisation requires checks on specific offences checked as part of a police check, a separate police check will have to be carried out.

4 Obligations of card-holders and employers

There are a range of obligations both card-holders and employers are expected to abide by as follows:

4.1 Card Holder Obligations

If you hold a current Assessment Notice and WWCC card, you **must**:

- inform your employer, agency, or volunteer organisation, and the Department of Justice, if you have a relevant change in circumstances, for example, if you have been charged or found guilty of a new relevant offence;
- inform your employer, agency, or volunteer organisation in writing within seven days if you have been given an Interim Negative Notice or Negative Notice;
- return your Assessment Notice and WWCC card as requested if the Department of Justice revokes your Assessment Notice after reassessment; and

- return your Assessment Notice and WWCC card if your Assessment Notice has been expired for more than three months and the Department of Justice requests that you return them.

If you hold a current Assessment Notice and WWCC card, you **should**:

- present your WWCC card to your employer, volunteer organisation or the individual or organisation to whom you provide services on request or when applying for 'child-related work';
- keep your Assessment Notice and WWCC card in a safe and secure place;
- not give your WWCC card to anyone else;
- apply for a new WWCC within three months of your card expiring;
- advise the Department of Justice of any 'relevant change in circumstances', including if you change your name;
- advise the department of any change of address details; ans
- advise the department of any change of employer or volunteer organisation, including changes to their contact details.

4.2 Moving from volunteer to paid work

If you are a volunteer who holds a current Assessment Notice and WWCC card, you can only use your 'volunteer' Assessment Notice and WWCC card for volunteer work. If you intend to undertake 'child-related work' for profit or gain, you will need to reapply for an 'employee' Assessment Notice and WWCC card.

If you do not comply with the above obligations, you may be subject to criminal penalties.

4.3 Employer and Volunteer Organisation Obligations

As an employer or volunteer organisation, you have certain obligations under the *Working with Children Act 2005*. Agencies that list people for 'child-related work' also have these obligations. If you do not comply with these obligations, you may be subject to criminal penalties.

You must:

- ensure that all employees or volunteers who are required to apply for a WWCC do so by the required deadline. If your organisation wishes to facilitate the applications of all relevant employees/volunteers, a bulk application process can be arranged through your local participating Australia Post outlet;
- ensure that you do not engage a person in 'child-related work' if they are required to apply for a WWCC and have not done so by the due date;
- where your employees or volunteers are not required to apply for a WWCC because their contact with children is directly supervised, ensure that the supervisor has applied for and passed the WWCC unless an exemption applies (for example, the supervisor will not be required to apply for a WWCC if he or she is a teacher with current registration with the Victorian Institute of Teaching);
- ensure that employees or volunteers who are given a Negative Notice do not undertake 'child-related work', even if directly supervised;
- ensure that your employees are not undertaking 'child-related work' with a 'volunteer' Assessment Notice and WWCC card – employees must apply for an 'employee' Assessment Notice and WWCC card; and

- ensure you comply with obligations to keep employees' and volunteers' information confidential as required under the *Working with Children Act 2005* and by any other relevant laws.

Additionally, you should:

- record your employees' and volunteers' unique Application Receipt Number (received when they lodge their application);
- confirm that your employees and volunteers have passed the WWCC;
- sight your employees' and volunteers' WWCC card as evidence that they have passed the WWCC;
- record your employees' and volunteers' WWCC number, which is different from their Application Receipt number;
- if you engage a self-employed person who is required to pass the WWCC, you should sight the person's WWCC card; and
- develop internal processes in the event of an existing employee or volunteer being given an Interim Negative Notice or Negative Notice.

4.4 Check Status

You can verify whether your employees' or volunteers' WWCC cards or applications are valid, either on this website or by calling the WWCC Information Line.

It is recommended that you confirm this for new employees, volunteers or any self-employed person you engage, but you can verify a WWCC Assessment Notice or card at any other time you think it is necessary.

5 Further information

For further information or queries about the WWCC contact:

Working with Children Check Unit
Department of Justice
GPO Box 1915
Melbourne VIC 3001

Tel: 1300 652 879

Email: workingwithchildren@justice.vic.gov.au

Web: <http://www.justice.vic.gov.au/wps/wcm/connect/Working+With+Children/Home/>