



Department of  
**Education**

# **Working with Children Checks in Department of Education Sites Procedures**

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Version: 2.3

Accurate at the time of printing 29/07/2021.

These procedures must be read in conjunction with the Working with Children Checks in Department of Education Sites Policy.

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**These procedures must be read in conjunction with the Working with Children Checks in Department of Education Sites Policy.**

## 1. Policy supported

Working with Children Checks in Department of Education Sites Policy

## 2. Scope

These procedures apply to all Department employees who are employed in child-related employment or who manage individuals, including non-employees, engaged in child-related work.

## 3. Procedures

### 3.1 Compliance with legislation

Employees in child-related employment must:

- provide evidence to the site manager (or their nominee) of an application in progress or that they hold a Western Australian Working with Children Check (WWC Check) by way of an application receipt or valid WWC Check card; and
- apply for renewal prior to the expiry of their current WWC Check.

Site managers must:

- inform new employees undertaking child-related work within their employment contract or appointment letter that a valid WWC Check is a requirement for commencement and continuation of employment;
- inform non-employees undertaking child-related work that a valid WWC Check is a requirement for initial and continued engagement;
- physically sign or electronically approve WWC Check applications for employees, visitors and volunteers commencing or continuing in child-related work at their site;
- confirm that employees and non-employees in child-related employment on site have applied for or hold a valid WWC Check by sighting evidence;

- not accept other states WWC Check (or equivalent) in lieu of a Western Australian WWC Check;
- confirm WWC Check validity through the WWC Recording System prior to engaging the employee or non-employee;
- complete the online [WWC Checks](#) (staff only) training every three years; and
- direct employees assisting with WWC Check monitoring to complete the online [WWC Checks](#) (staff only) training every three years.

## Guidance

Correspondence generated through the Recruitment Advertising Management System (RAMS) includes reference to WWC Check requirements in the templates provided for use. Site managers can include this wording in an employee's employment contract or appointment letter: "In accordance with the Working with Children (Criminal Record Checking) Act 2004, this position is considered to be child-related employment. Your employment is therefore subject to a Working with Children Check (Assessment Notice) being issued."

The organisation an individual works for is responsible for signing their WWC Check application. Non-employees who are self-employed or who work for another organisation should have their application signed by their employer.

Information on who requires a WWC Check and on how to complete an application can be found at:

- Appendix A. Education Employees requiring WWC Checks,
- Appendix B. Non-employees WWC Checks Requirements,
- Appendix C. Completing and lodging a WWC Check application; and
- Appendix D. Reimbursement of the WWC Check application fee.

On visual inspection of a WWC Check application receipt a person may commence or continue in child-related employment for a period of 12 weeks pending their WWC Check application outcome.

A person may continue in child-related employment after more than 12 weeks from the date of issue of their WWC Check application receipt only if:

the applicant has been issued with a WWC Check; or

the applicant has confirmed with the Department of Communities WWC Screening Unit that their application is still pending.

The status of a person's WWC Check application can be checked online at the [Department of Communities WWC website](#).

Each state has separate legislation governing WWC Checks and the offences that preclude someone from being able to work with children. The Department of Education cannot accept a WWC Check or their equivalent from other states.

### Confirming WWC Check validity

A person may hold a WWC Check that is current according to the expiry date, but is no longer valid, as the WWC Screening Unit has reassessed the card holder and cancelled the card.

Site managers should not assume an employee with a Department ID number has a valid WWC Check as this may not be the case. Validity should always be confirmed in the Department's WWC Recording System when the person commences at a site. The WWC Recording System is accessible through the [lkon](#) (staff only).

If the WWC Recording System is unavailable, WWC Check validity may be checked via the [Department of Communities WWC website](#). However WWC Check application receipt and card details are to be recorded within the WWC Recording System when next available.

The WWC Check online professional learning course is available through [lkon](#) (staff only).

### 3.1.1 Five day threshold

Site managers must:

- not apply the 'five day threshold' to:
  - an employee who holds a position identified as child-related employment where a valid WWC Check is a condition of their employment (i.e. teacher, residential college employee);
  - employees and non-employees on overnight camps;
  - billeting arrangements;
  - a person working with licensed child-care services;
  - a person who has been convicted of, or has a pending charge for a Class 1 or 2 offence;  
or
  - a person who has a current Negative Notice, Interim Negative Notice or has withdrawn their application for a WWC Check.
- communicate when the 'five day threshold' defence does not apply to employees and non-employees where necessary.

### Guidance

Under the [Working with Children \(Criminal Record Checking\) Act 2004](#) (Act) people who are engaged in child-related employment for a period of no more than five days in a calendar year have a defence, not an exemption.

If a site manager or individual is unsure whether a person may be working in child-related work for more than five days in a calendar year, it is recommended the person apply for a WWC Check.

The 'five day threshold' is in place to allow flexibility for people who are not usually engaged in, and who are required to undertake, child-related employment in unforeseen circumstances where their role changes to

include child-related work. It does not relate to five working days but rather five occasions, regardless of the length of the occasion. It is cumulative across all positions of child-related work a person may hold, and is therefore not restricted to duties performed in connection with the Department.

## 3.2 Non-compliance with legislation

Employees engaged in child-related employment must advise their site manager if they have:

- not applied for or do not hold a current WWC Check;
- withdrawn their application for a WWC Check;
- a pending charge or have been convicted of a Class 1 or Class 2 offence;
- been charged or convicted of an offence that may make it inappropriate for them to carry out child-related employment; or
- been issued with a Negative Notice or Interim Negative Notice.

Site managers must not employ or engage a person in child-related employment if they are aware the person has:

- not applied for or does not hold a WWC Check;
- withdrawn their WWC Check application;
- a pending charge or has been convicted of a Class 1 or Class 2 offence or they reasonably suspect a person has been charged with or convicted of an offence, that makes it inappropriate for the person to undertake child-related work;
- been issued with a Negative Notice or Interim Negative Notice; or
- lodged an appeal against a Negative Notice or Interim Negative Notice.

Site managers must immediately notify the Director, Standards and Integrity Directorate if they become aware of the above for any current employee or non-employee, including parents.

### Guidance

Additional obligations exist for employees to report any change to their criminal history under the [Criminal History Screening for Department of Education Sites policy](#).

The WWC Check assesses the criminal records and other relevant information about people who engage in child-related work to see if they have charges, convictions and behaviours that indicate they may harm a child. This includes Class 1 and Class 2 offences which are outlined in the [Act](#).

### Exemptions

Under the Act there are several exemptions that excuse people from requiring a WWC Check in some categories of child-related work. A person who is exempt under the Act is not considered to be in child-related work and therefore is ineligible to apply for a WWC Check. Site managers should not insist a person who is exempt apply for a WWC Check.

More information on categories of child-related work and relevant exemptions can be found in [Factsheet 2: Child-Related Work and Exemptions](#) on the Department of Communities WWC website.

### 3.2.1 Failure to apply for a WWC check

Site Managers must:

- not commence employment of an employee or non-employee in child-related employment who has failed to apply for a WWC Check when advised of the requirement to do so; and
- remove an employee or non-employee from child-related employment if they have failed to renew their WWC Check.

#### Guidance

The Department of Communities WWC Screening Unit no longer sends hardcopy reminder letters to individuals whose WWC Checks are due to expire, however a reminder email is sent if the individual has registered for the [WWC Check online services](#).

Site managers, or their nominees, should regularly monitor the Department's WWC Recording System and give reasonable warning to employees and non-employees when their WWC Check details are expiring. The WWC Recording System generates reminder emails to individuals when WWC Check details are expiring, however the recorded email address may not be regularly reviewed or current.

Some relief staff may not be able to apply for or renew their WWC Check until they have been offered a position. For more information refer to A.2 of Appendix A. Education Employees requiring WWC Checks.

#### Process for employees failure to reapply

If an employee fails to reapply for their WWC Check before it expires, site managers should verbally direct the employee to attend an authorised Australia Post outlet to immediately reapply for their WWC Check. The person may recommence child-related employment after they provide the site manager with their new application receipt within 24 hours of being directed to a Post Office.

If the employee refuses to immediately reapply for their WWC Check, site managers should issue a written directive, direct the employee off site, place the employee on cease pay, and contact the Employee Relations Directorate regarding the employee's contract.

An employee's failure to hold a valid WWC Check may affect the tenure of their employment. In this instance, Standards and Integrity Directorate and the Employee Relations Directorate will undertake the relevant process. In some cases, the Director, Standards and Integrity Directorate may elect to investigate the circumstances through a disciplinary process.

### **Process for non-employees failure to apply**

A non-employee who fails to apply for or renew their WWC Check should be immediately removed from child-related employment and directed away from the site. Non-employees may recommence child-related employment provided they produce evidence that they have made an application for or hold a valid WWC Check.

### **3.2.2 Notify employer of relevant change to criminal record**

Employees must immediately inform their site manager if they have had a change to their criminal record.

Site managers must:

- advise employees and non-employees in child-related employment that they are required to notify the site manager or the Director, Standards and Integrity in writing if they have a change to their criminal record;
- provide written notification to the Director, Standards and Integrity if they become aware an employee or non-employee in child-related employment has a relevant change to their criminal record; and
- provide written notification to the Director, Standards and Integrity if they reasonably suspect an employee or non-employee in child-related employment has been charged with or convicted of an offence.

The Director, Standards and Integrity must inform the Department of Communities' WWC Screening Unit of a change to a person's criminal record in accordance with section 16 of the Act.

### **Guidance**

Under section 29(1) of the Act, employees must advise their employer if they have had a relevant change to their criminal history. A relevant change to a criminal record under this policy is when a person is charged with or convicted of a Class 1 or Class 2 offence listed in the Act.

Additional obligations exist for employees to report any change to their criminal history under the Criminal History Screening for Department of Education Sites policy.

Upon receipt of a section 16 notification, the Department of Communities WWC Screening Unit undertake a reassessment of the individual's criminal record. This reassessment may result in a change to the person's WWC Check status.

The Director, Standards and Integrity may also elect to investigate the circumstances through a disciplinary process.



### 3.2.3 Negative notice or interim negative notice

Employees must immediately inform their site manager if they are issued with a Negative Notice or Interim Negative Notice.

Site managers must:

- notify the Director, Standards and Integrity Directorate of a Negative Notice or Interim Negative Notice for any individual engaged at their site; and
- in consultation with the Standards and Integrity Directorate, immediately remove an individual issued with a Negative Notice or an Interim Negative Notice from child-related employment and direct them away from the site.

The Director, Standards and Integrity Directorate and the Manager, Labour Relations will coordinate the termination of employment for employees issued with a Negative Notice or Interim Negative Notice under the Act.

#### Guidance

If a Negative Notice or Interim Negative Notice is issued under the Act, it immediately prohibits a person from being employed in child-related employment and/or undertaking child-related work.

Under section 22(3) of the Act it is an offence to employ someone with a Negative Notice or Interim Negative Notice in child-related employment and can constitute a \$60,000 fine and five years imprisonment for the employer. The Department of Education will terminate the employment of an employee issued with a Negative Notice or an Interim Negative Notice.

The Director, Standards and Integrity Directorate may elect to commence a disciplinary process and undertake an investigation into the circumstances leading to the Negative Notice or Interim Negative Notice.

The Department of Education has no authority to dispute WWC Check outcomes. An individual may apply to the State Administrative Tribunal for a review of the decision, pursuant to section 26 of the Act.

An employee who has had their contract of employment terminated due to the issue of a Negative Notice or Interim Negative Notice, and who is subsequently reissued with a WWC Check, will not automatically be re-employed by the Department of Education.

If an individual is subsequently reissued with a WWC Check by the Department of Communities' WWC Screening Unit, they may be considered for re-employment only when the following pre-conditions are met:

- They have their WWC Check.
- Any relevant registration requirements are reinstated, including for teachers, registration with the Teacher Registration Board of Western Australia pursuant to the Teacher Registration Act 2012.
- All outstanding disciplinary or criminal matters have been finalised.

- They are cleared by the Department's Employee Suitability and Assessment Committee.

When these pre-conditions have been met the Department can re-employ the individual on a similar basis to that which they were employed prior to their employment being terminated. The Department can reinstate their employment and find a placement for them in a position similar to their prior employment, but not in their previous position or at their previous work location. The employee is not eligible to be paid for the period of time where the employee was not employed by the Department.

#### **Parents issued with an Interim Negative or Negative Notice**

Although parents volunteering at their child's school are exempt from applying for a WWC Check, there are some situations where they may be required to apply for a WWC Check. Examples include volunteering on an overnight camp, undertaking one on one mentoring with a student, coaching a sports team or applying for paid work at the school.

In the event a parent is issued with an Interim Negative or Negative Notice, they are prohibited from engaging in child-related work. Principals will need to discuss the matter with the parent and advise them that they can no longer volunteer at the school nor be on site, other than for normal pick up and drop off of their children or to attend a scheduled parent/teacher meeting.

More information on Principal's authority and responsibilities regarding visitors attending school sites can be found in the [Visitors and Intruders on Public School Premises policy](#).

## **3.3 Contract, licence and funding arrangements**

### **3.3.1 Contracts with external providers**

Site managers must:

- only enter into contracts with external providers offering a service to the school or students onsite during school hours if they are satisfied the external provider is complying with the [Act](#); and
- enter the WWC Check details for external providers into the WWC Recording System to verify WWC Check card validity.

#### **Guidance**

Advice should be sought from [Commercial Services](#) before commencing any purchase or procurement process valued at \$50 000 (inc GST) and above.

It is recommended the following statement be used in contracts with external providers engaged by the Department:

"This contract and the continued provision of services by <insert name of company> is subject to <insert name of company> being aware of its obligations under the [Working with Children \(Criminal Record Checking\) Act 2004](#) and complying if required to do so. For further information regarding the Working with Children Checks

visit [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au) or telephone 6217 8100. <insert name of company> will advise the Department of Education of any relevant changes or criminal charges against any of their staff or volunteers.”

Site managers should request external providers provide them with information on any critical incidents that occur on school or department premises as soon as possible after they occur.

### 3.3.2 License for use of school facilities

Site managers must only enter into licence agreements if they are satisfied the individual or organisation is complying with the Act.

Site managers are not required to sight the WWC Checks or receipts for individuals or organisations licensed to use school facilities, they must only be satisfied the external provider is complying with the Act. This can be determined from the information they provide through correspondence or on the external provider’s website.

#### Guidance

WWC Check information for external providers working with children during school hours should be recorded on the WWC Recording System to verify WWC Check card validity.

Advice should be sought from Commercial Services and the Community Use of School Facilities and Resources in Public Schools policy before entering into a licence to use school facilities.

Site managers should request individuals or organisations licenced to use school facilities provide them with information on any critical incidents that occur on school or department premises as soon as possible after they occur.

### 3.3.3 Funding or grant provided by the Department

Site managers must only provide funding or a grant if they are satisfied the individual or organisation is complying with the Act.

Site managers are not required to sight the WWC Checks or receipts for funding or grant recipients, they must only be satisfied the external provider is complying with the Act. This can be determined from the information they provide through correspondence or on the individual’s or organisation’s website.

#### Guidance

Advice should be sought from Commercial Services before entering into a funding or grant agreement.

It is recommended the following statement be included in funding agreements at the Department:

“This funding and the continued provision of funds to <insert name of company> is subject to <insert name of

company> being aware of its obligations under the Working with Children (Criminal Record Checking) Act 2004 and complying if required to do so. For further information regarding the Working with Children Checks visit [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au) or telephone 6217 8100."

### 3.4 Record keeping

Before employees or non-employees commence child-related employment on their site, site managers (or their nominees) must:

- sight the person's WWC Check information;
- take a copy of the WWC Check information and store it in accordance with the Department's Records Management policy and procedures; and
- record the WWC Check information:
  - on the Commencement or Movement Advice for employees; and
  - in the Department's WWC Recording System for both employees and non-employees.

Site managers must record the details of parents/guardians who billet children or who volunteer on overnight camps on the WWC Recording System.

#### Guidance

Appropriate WWC Check information to verify compliance include:

- a WWC Check application receipt less than 12 weeks old;
- a current WWC Check;
- a WWC Check assessment outcome notification letter sent from the Department of Communities WWC Screening Unit.

The WWC Recording System is accessible through Ikona (staff only). Access is automatically granted to Principals, Deputy or Associate Principals, Manager Corporate Services, School Officers, Executive Directors, Directors, Managers, and Administrative Assistants. Additional users can be added by the site manager using the 'Roles' tab within the WWC Recording System.

Keeping adequate records, particularly in the correct location, enables the Department to notify the appropriate site managers should the Department become aware of a person who has been issued with a Negative Notice or Interim Negative Notice. More information on recordkeeping processes can be found on Ikona (staff only).

For information on employee and non-employee eligibility for reimbursement of the WWC Check application fee see Appendix D. Reimbursement of the WWC Check application fee.

## 4. Definitions

### Child-related work

Section 6 of the Working with Children (Criminal Record Checking) Act 2004 determines work is child-related if the usual duties of the work involve, or are likely to involve, contact with a child in connection with a category of child-related work.

### Non-employee

People who are not employees of the Department but attend Department worksites to engage in child-related work as a volunteer, visitor or external provider.

### Site manager

Officers, including Principals, Line Managers and Residential College Managers who have executive responsibility for overall management and control of any Department of Education workplace.

## 5. Related documents

### Relevant legislation or authority

[Department of Commerce Pre-Employment Screening policy](#)

[Public Sector Labour Relations policy Working with Children Checks](#)

[Public Sector Management Act 1994 \(WA\)](#)

[School Education Act 1999 \(WA\)](#)

[State Records Act 2000](#)

[Teacher Registration Act 2012 \(WA\)](#)

[Vocational Education and Training Act 1996](#)

[Working with Children \(Criminal Record Checking\) Act 2004](#)

[Working with Children \(Criminal Record Checking\) Regulations 2005](#)

## **Related Department policies**

[Child Protection in Department of Education Sites](#)

[Community Use of Public School Facilities](#)

[Criminal History Screening for Department of Education Sites](#)

[Disputes and Complaints](#)

[Duty of Care for Students in Public Schools](#)

[Excursions in Public Schools Procedures](#)

[Occupational Safety and Health](#)

[Private Tutors in Public Schools](#)

[Records Management](#)

[Recruitment, Selection and Appointment](#)

[Short-Term Visits/Study Tours by Overseas Students in Public Schools](#)

[Staff Conduct and Discipline](#)

[Visitors and Intruders on Public School Premises](#)

## **Other documents**

[Swimming Pools at Schools – CEO instruction](#)

[WWC Volunteer Reimbursement form \(staff only\)](#)

## **6. Contact information**

### **Policy manager:**

Director, Standards and Integrity

### **Policy contact officer:**

Consultant, WWC Check Coordination

WWC Check Coordination

T: 9264 8974

**Policy, WWC Recording System and reimbursement enquiries:**

Standards and Integrity Directorate

Department of Education

151 Royal Street, East Perth, WA, 6004

T: (08) 9264 4740

E: [wwcc.query@education.wa.edu.au](mailto:wwcc.query@education.wa.edu.au)

W: [www.education.wa.edu.au](http://www.education.wa.edu.au)

**Legislation and application queries:**

Working with Children Screening Unit

Child Protection and Family Support

Department of Communities

PO Box 1262, West Perth, WA, 6872

T: (08) 6217 8100

For country callers: 1800 883 979

E: [checkquery@cpfs.wa.gov.au](mailto:checkquery@cpfs.wa.gov.au)

W: [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au)



## 7. History of changes

<b>Effective date</b>	25 August 2009
<b>Last update date</b>	30 August 2018
<b>Policy version no. Notes</b>	Minor changes to include reference to Public Schools D18/0151652
<b>Effective date</b>	18 February 2020
<b>Last update date Policy version no. Notes</b>	Major review undertaken and endorsed by the Director General on 6 November 2019 D19/0546474
<b>Effective date</b>	18 February 2020
<b>Last update date</b>	27 February 2020
<b>Policy version no. Notes</b>	Minor Change to update Related Documents. D20/0095704
<b>Effective date</b>	18 February 2020
<b>Last update date</b>	19 January 2021
<b>Policy version no. Notes</b>	Minor changes to replace the Regional Executive Director position title with Director of Education D20/0647278
<b>Effective date</b>	26 July 2021
<b>Last update date Policy version no. Notes</b>	Major changes to clarify compliance processes in procedures endorsed by Director General on 15 April 2021.

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## 8. Appendices

Appendix A: [Appendix A. Education employees requiring WWC Checks](#) (PDF file - 347.1kB)

Appendix B: [Appendix B. Non-employees' WWC Check requirements](#) (PDF file - 332.4kB)

Appendix C: [Appendix C. Completing and lodging a WWC Check application](#) (PDF file - 401.5kB)

Appendix D: [Appendix D. Reimbursement of the WWC Check application fee](#) (PDF file - 271.4kB)

## 9. More information

### Supporting content

#### Policy

[Working with Children Checks in Department of Education Sites Policy](#)

### Procedure review date

18 February 2023

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