



The NSW Working With Children Check

Who needs a Check?

People who work providing services to children generally need a Working With Children Check.

Child-related work is

- providing services for under 18s
- where the work normally involves being face to face with children for extended periods
- where the worker or volunteer may be on their own with the kids
- working with confidential information about children.

Exemptions are:

- A worker or volunteer who is under 18
- Private arrangements in your own home (such as with baby sitters and cleaners)
- Visiting NSW for a short time (less than 30 days or a one off event)
- Close relatives volunteering to help with their children at their usual school or extra-curricular activities, *except* in these three circumstances that do require a Check:
 - Providing personal care for a child with disability
 - Part of a mentoring program
 - Attending an overnight kids' camp.

Remember

If you apply for a Working With Children Check:

- You must keep your contact details up to date.
- Your Check can be transferred with you, should you move roles – just remember to tell your new employer your Check number.
- There is no card – keep your Check Number which will be on the letter or email from your application and on your clearance notice.

What is checked?

The Working With Children Check involves a screening process that checks:

1. Your national criminal history:
 - convictions (spent or unspent)
 - charges (whether heard, unheard or dismissed)
 - juvenile records.
2. Any findings of misconduct by a reporting body and notifications made by the NSW Ombudsman.

If any triggers arise through this process, the application can be sent for risk assessment.

Outcomes

There are six possible outcomes of applying for a Working With Children Check:

- **Clearance** – you can work with children
- **Risk assessment** – you can work with children using your application number unless we notify you otherwise. You can request to withdraw your application during risk assessment.
- **Interim bar** – can happen during risk assessment if we consider there may be risks in you working with children
- **Bar** – can be an outcome following the risk assessment meaning you cannot work with children
- **Automatic bar** – convictions for some offences mean you cannot work with children.
- **Closed** – there are many reasons an application may be closed including duplicate applications and not responding to requested information.

We send you a clearance notification if you are cleared to work with children.

We notify you if your application results in an interim bar, automatic or other bar or is required to undergo a risk assessment. In these instances, we have to tell your employer about your status as you cannot perform child-related work. However, no other information will be shared with them without your written consent.

Factors we consider

There are many factors that are considered when the OCG reviews records for risk assessment.

Factors relating to the conduct

- Seriousness (as demonstrated by details of the conduct, court outcome and penalty)
- Length of time since it occurred
- Age and vulnerability of the victim
- Relationship between offender and victim(s)
- Age difference between offender and victim
- Whether the offender knew or could have known the victim was under 18

Factors relating to the applicant

- Conduct since the offence
- Age at the time of offence and age now
- Seriousness of total criminal records

Factors relating to recurrence

- Likelihood of the offences being repeated
- Impact on children of the offences being repeated

Continuous monitoring

In NSW we have a very strong Check that includes continuous monitoring.

This means that if a person gets a new relevant police or workplace record we are notified and can change the status of their Check.

Some records will trigger a risk assessment by the Office of the Children's Guardian, which may lead to the clearance being revoked.