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employer

Role of an employer

Any organisation that has people who work or volunteer to provide services to children or young people is considered an 'employer'.

What employers need to do

Employers have legal obligations around working with children. It is against the law to engage anyone in child-related work without a Working with Children Check. If a worker or volunteer requires a Check, there are actions the employer must take.

Employers must:

- Register the organisation by filling in an online form that creates an online profile with the Office of the Children's Guardian.

Employers nominate a username and password so they can log into the system and verify workers

- Identify roles within their organisation undertake child-related work and need a Working with Children Check and which roles are not child-related or fall under an exemption
- Verify workers' Working with Children Check numbers online including:
 - new workers or volunteers firstly using their Application (App) number and then their WWCC clearance number (except those working in the Education sector where a Clearance number is required)
 - a renewed Check, updated after five years.
- Ensure their own WWC number (if required) is verified online by an appropriate person in the organisation (employers cannot self-verify)
- Keep records of employees who require a Check and when they were verified
- As part of registering, nominate two people from the organisation who are authorised to receive confidential information in case we need to contact you about a change in someone's Check status. Please keep these contact details up to date.
- Remind employees to renew which they can do up to three months before their Check expires
- Remove anyone who's Check status is barred, interim barred, whose Check cannot be found or has expired from child-related work. You can only employ people who have an Application number or Check clearance in child-related work.

If you receive a letter or email advising you that a current employee or volunteer has become barred (or has an interim bar) you must

immediately remove them from child-related work. It doesn't matter whether they are paid or unpaid; supervised or unsupervised.

Seek your own legal advice and check your work's policies but your options may include:

- transfer the worker to a non-child-related role within the business
- suspend them from child-related work pending the outcome of an appeal
- dismiss the worker.

Using a third-party verifier

Some employers engage a third party to verify their workers' Working with Children Check clearance numbers and manage other information about their workers for them. The Office of the Children's Guardian does not provide any endorsement or authorise third-party verifiers to undertake this task, and they do not have any additional access to the NSW Working with Children Check system.

Before engaging a third-party verifier, here are some things employers should consider.

The third-party verifier must be registered in our system as the employer. This means that the Office of the Children's Guardian will advise the verifier of any change to a worker's Check status. The verifier is then responsible for informing the direct employer who must then remove the person from working with children.

Responsibility for removing the person from working with children remains with the direct employer. If they fail to remove a person from working with children, penalties may be applied.

Any exchange of information must abide by privacy laws. The employer will need to explain to their workers and volunteers that they are sharing their personal information with the third-party verifier, and what the third party will be doing with their information.

Record keeping

Employers need to keep records for each worker, including:

1. Full name
2. Date of birth
3. WWC number
4. Verification date
5. Verification outcome
6. Expiry date
7. Whether the worker is in paid or volunteer work.

You can use or adapt our record keeping template for your organisation.

[Record keeping template \(105.8KB\)](#)

Sole trader

A sole trader who employs people is considered an employer and must register their business as an employer, verify their employees and keep a record.

If you are a sole trader who works alone, you should provide your Working with Children Check number to your clients. Also, provide them with your surname and date of birth as they need to verify your Working with Children Check number. We have There is more information on how to do this under the Parent section of the website. To verify someone, your client needs to fill in the online form.

You can also show parents and carers your Working with Children Check is valid using the QR code on the Service NSW app.