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Risk assessment

Triggers for risk assessment

There are a number of records that can trigger a Working with Children Check application to be sent for risk assessment:

- offences listed in Schedule 1 of the WWC Act
- findings of misconduct
- notifications by the Ombudsman
- a pattern of behaviour.

Findings of misconduct

We risk assess if there are any findings by a reporting body that any of the following conduct has occurred:

- a. Sexual misconduct committed against, with or in the presence of

- a child, including grooming a child
- b. Any serious physical assault of a child.

Notifications by the Ombudsman

The Ombudsman may notify the Office of the Children's Guardian of any concerns that are raised to them relating to an applicant working with children. These will be considered in the risk assessment process.

Patterns of behaviour

Convictions or pending charges for offences involving violence or sexual misconduct may also trigger a risk assessment if they indicate a pattern of behaviour that warrant an investigation because of child safety concerns.

Risk assessment process

The Office of the Children's Guardian will let you know that your application is being risk assessed. We will also keep you informed during the process.

1. We notify you that your application has been identified as needing a risk assessment
2. Risk assessment undertaken. We request and work through records and information. We take into consideration any relevant information you provide. Please call us at this stage to discuss your application
3. If a bar is being considered, we will send documents to you to

fill in and provide relevant information

4. Final decision made. You will be notified and receive either a clearance email or, if the decision is a bar, you will be notified by letter. If you receive a bar, most applicants can appeal through the NSW Civil and Administrative Tribunal. You cannot work with children if you have been barred.

Request to withdraw an application

You can request to withdraw your application during risk assessment.

Email WWCCassessment@kidsguardian.nsw.gov.au to request to withdraw your application. Your request will be considered by the Children's Guardian. If the Guardian is of the opinion that it is likely that there is risk to the safety of children you may not be permitted to withdraw your application and the risk assessment will continue.

You will be advised if your request to withdraw your application is accepted or refused. Please note, if your application is withdrawn and you applied for a Paid Working with Children Check, the fee you paid is non-refundable.

How long risk assessment takes

The risk assessment process is often complex and assessments can take varying lengths of time to complete. We rely on external agencies such as NSW local and district courts, Corrective Services NSW and the Department of Family and Community Services to provide information to inform the assessment process. Complex applications

can take many months.

What is considered in the risk assessment process

Section 15 of the *Child Protection (Working with Children) Act 2012* sets out what can be considered when assessing risk.

As part of the risk assessment process, we may request information from other agencies as well as the applicant.

You will be contacted by the Office of the Children's Guardian if your application is being risk assessed and you can provide information. It is an opportunity to participate in the process and put forward your case for being cleared.

Working while being risk assessed

Most people can do child-related work using their Application number until they receive their clearance or a bar. Check with your organisation about working during the screening process as some organisations only allow applicants to work after they have been cleared and given their cleared Working with Children number.

If there are concerns that there is a likely risk to the safety of children we can issue an Interim Bar until we have completed our risk assessment.