

WORKING WITH CHILDREN CHECK POLICY

SCOPE

This policy and associated guidelines apply to all persons involved with the Sport of Squash in Western Australia who are engaged in 'child-related work' with either WA Squash or any of our affiliated clubs.

In this policy and associated guidelines, the definition of 'child-related work' is consistent with the definition in Section 6 of the *Working With Children (Criminal Record Checking) Act 2004*.

Persons engaged in 'child related work' in either WA Squash or any of our affiliated clubs include:

- employees (paid and unpaid)
- volunteers (including students on placement)
- other people carrying out child-related business (such as coaches, referees, etc).

This is a system-wide policy and supersedes all policies and guidelines related to Working With Children (WWC) Checks.

POLICY STATEMENT

WA Squash has a duty of care to provide the highest level of safety for everyone involved with the Sport of Squash in this State. Children are some of the most vulnerable members in society and their well-being and protection from harm is the paramount consideration in all decision-making concerning acceptance or exclusion of persons from working in a child-related area.

The *Working with Children (Criminal Record Checking) Act 2004* (the Act) requires that people who start or continue in child-related work have a WWC Check and provides for the administration and management of WWC Checks and their outcomes. A WWC Check is valid for 3 years, after which time the individual is responsible for obtaining a renewal.

A WWC Check is compulsory for all people in child-related work as defined in Section 6 of the Act.



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In order to apply for a WWC Check, the usual duties of a person's work **must** involve or be likely to involve contact with a child **in connection with** one of the 19 work categories specified in the Act. WA Squash will assist by advising employees (prospective and actual), volunteers and contractors if the position they hold or are applying for is child-related as defined in the Act. It is the responsibility of the individual who is in, or is likely to be in child-related work to be aware of their legal requirements under the Act.

There is **no** legislative authority to run a WWC Check on a person whose duties do **not** bring them in contact with a child **in** one of the specified categories. People who are not in child-related work are by law unable to apply for a WWC Check and employers are by law unable to require that people who are not in child-related work obtain a WWC Check. When deciding who needs a WWC Check, WA Squash will make this decision on a case by case basis. It is not acceptable to adopt a "blanket policy" whereby an employer requires all or a significant number of employees to apply for a WWC Check, regardless of whether they undertake child-related work or not.

Paid employees who started on or after 1 January 2007 must apply for a WWC Check upon commencement of child-related work. 'Existing' employees who commenced and continued in child-related work on or before 31 December 2006 without a break in service will have to apply for a WWC Check according to the phasing-in schedule outlined in the WWC Check Guidelines (page 7). Volunteers and contractors should also consult the phasing-in schedule to see when they need to apply for a WWC Check.

Employees, contractors and volunteers (including students) in relevant child-related work who do not show proof that they have applied for a WWC Check to their immediate manager by the specified dates may have their contract terminated or may not be able to work or continue to work in WA Squash.

It is WA Squash policy that individuals in or applying for child-related work who are issued with a Negative Notice or an Interim Negative Notice by the WWC Screening Unit or withdraw their application for a WWC Check are deemed unsuitable to undertake work in WA Squash.

Any subsequent action taken by WA Squash will be documented, transparent, legally defensible and capable of review in accordance with the principles of natural justice. All information relating to WWC Checks and their outcomes will be dealt with in the strictest confidence and in accordance with relevant legislation and policies.

Employees, volunteers and other people in child-related work in WA Squash are required by the Act to notify their employer in writing if any 'relevant change' in their criminal record occurs (for example, a change or conviction for a Class 1 or 2 offence). They are not required to disclose details of the charge or conviction to the employer, but rather just the fact that they have had a relevant change in their record. The employer is then required to notify the WWC Screening Unit in writing by email at checkquery@dcp.wa.gov.au or fax on 9485 1944. Self employed people should contact the WWC Screening Unit and the health area where they are providing services.



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The cost of a WWC Check is:

- \$50 for paid people in child-related work; and
- \$10 for volunteers and other unpaid workers.

The fee is payable at a nominated Australia Post outlet when first applying for a WWC Check and then when renewing a WWC Check every 3 years.

DEFINITIONS

For the purposes of this policy, the following definitions in the Act are relevant:

Child means a person who is under the age of 18 years.

Child related work has a specific definition in the Act. “Work” is child-related if the usual duties of the work involve, or are likely to involve contact with a child in connection with at least one of the 19 categories of child-related work. For the purposes of the WWC legislation, volunteers under 18 years of age are exempt from the legislation and not in child-related work.

Class 1 and Class 2 offences are those specifically listed in the WWC legislation. To view a list of these offences, go to Quick Links/Factsheets/Factsheet 4 –List of Offences at <http://www.checkwwc.wa.gov.au>.

Contact includes:

- (a) any form of physical contact
- (b) any form of oral communication, whether face to face, by telephone or otherwise
- (c) any form of electronic communication

but does not include contact in the normal course of duties between an employer and an employee or between employees of the same employer.

An **Interim Negative Notice (INN)** is a notice that prohibits a person from undertaking child-related work in Western Australia before a final decision is made by the WWC Screening Unit. An INN is issued when it is determined that the person poses a serious and immediate risk to children and effectively prohibits the person from doing child-related work while the assessment process is finalised.



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A **Negative Notice** is a notice that prohibits a person from undertaking child-related work in Western Australia and is valid until its cancellation under the Act.

A **Working with Children Card** is issued to a person when their WWC Check has been successful. It is also referred to as an assessment notice (see definition of “Assessment Notice”).

A **Working with Children Check** is a compulsory national criminal record check for people who undertake child-related work in Western Australia.

SUPPORTING INFORMATION

- Working With Children Check Website
<http://www.checkwwc.wa.gov.au>

RELEVANT LEGISLATION

Working With Children (Criminal Record Checking) Act 2004

Working With Children (Criminal Record Checking) Regulations 2005