

# Working with Children Checks

What do I need to know?



# What is a Working with Children Check (WWCC)?

A WWCC is a check that the Office of the Children's Guardian (OCG) does. It aims to protect children under 18 by checking people who:

- work or volunteer with children, or
- take care of children in their homes.

This fact sheet explains when you need one, how to apply for one, and what happens after you apply.

## Do I need a WWCC?

### You need one if you're over 18 and you work or volunteer at a place with children

For example, if you work or volunteer:

- in places like schools, child care centres or libraries
- with kids doing sport or overnight camps as a school bus driver or a school cleaner.

You usually don't need one if you volunteer at a place where your child, or a child who is your close relative, goes.

### You need one if you care for children as an 'authorised carer'

You are usually an authorised carer if you care for children in your home as a guardian, under a kinship arrangement or as a foster carer.

If you want to be an authorised carer, and other adults live in your home, they'll need a WWCC too even if those adults are your own children.

You usually don't need a WWCC:

- if you are looking after your kids, or kids who are related to you, and
- there is no court order, and
- Family and Community Services (FACS) are not involved.

## How do I apply for a WWCC?

- You can apply online at [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au). Look under Home > Child safe organisations > Working with Children Check.

After you've done this take your identity documents to Roads and Maritime Services (RMS) or Service NSW Centre to show you are who you say you are.

- If you don't have the internet go to RMS or Service NSW Centre with your identity documents to apply.

### What documents do I need?

- A driver licence if you have one.
- If you don't have one you need 2 other types of ID-like a:
  - birth certificate or passport, and
  - Medicare card, or bank account statement.

Make sure both your IDs spell your name the same way.

Ask RMS if you have any questions.

### How much does it cost?

It's free if you are a volunteer, an authorised carer or an adult living in an authorised carer's home.

For everyone else please check the OCG website.

## If I have a criminal record can I still get a WWCC?

You may be able to get a WWCC even if you have a criminal record. The OCG will look at your criminal history. If they think you won't be a risk to children then you can still get a WWCC.



## Can I work with or care for children while I wait for a decision?

Yes. But sometimes the employer or place where you want to volunteer may not allow you to start until you get a WWCC.

If FACS or another agency placed a child with you, you must apply to become an authorised carer no later than 5 days after the child comes to live with you.

## What happens after I apply?

The OCG will check if you have ever been charged with, or convicted of, a criminal offence even if a court dismissed the charges or said you were not guilty.

The OCG will give you a WWCC unless:

- you have been convicted of a serious offence—like murder, sexual or indecent assault, or the assault of a child.
- they do a ‘risk assessment’ and decide that you are a risk to children. We explain this more under **What is a risk assessment?**

Sometimes the OCG will put an ‘interim bar’ on you. This means that you can’t work or volunteer with, or care for, children while the OCG decides if they will give you a WWCC.

## What is a risk assessment?

This is when the OCG looks at your criminal history or workplace misconduct record to decide if you would be a risk to children.

They can look at:

- your history of Apprehended Violence Orders (AVOs) and assaults
- statements that people made about you to FACS or other government departments
- if you were ever charged with an offence by police
- charges that were withdrawn or dismissed
- offences you were found not guilty of, and
- your criminal history from when you were under 18.

They will also look at:

- how serious your offences were
- when your last offence was
- how old you were
- how old the victim was
- your relationship with the victim
- what you’ve done since then (for example, did you do a course or see a psychologist to help you not to offend again), and
- how likely you are to offend again.

The OCG will write to you to tell you what information they have about you. They will ask you to explain what you have been doing since the offence or allegation.



## What can I do if the OCG don't give me a WWCC?

Speak to a lawyer as soon as possible.

You may be able to appeal the OCG's decision, but you only have 28 days to do that.

You can get more information about appeals in the Legal Aid NSW fact sheet Not happy with a WWCC decision?

## Can I work with or care for children without a WWCC?

No. You will have to wait 5 years to apply again unless you can show the OCG that there has been a big change in your life that means you are not a risk to children.

## How long does the WWCC last?

It lasts for 5 years. You need to apply again every 5 years if you want to keep working or volunteering with, or caring for, children.

The OCG can cancel your WWCC if they think you are a risk to children.

## Where can I get more help?

Talk to a lawyer from Legal Aid NSW or a community legal centre.

If you don't know how to do this call **LawAccess NSW**.

They can also give you free help over the phone.

**1300 888 529**

[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)



### Do you need an interpreter?

If you need help to talk to us in your language, call the **Translating and Interpreting Service (TIS)** on **131 450** (9am – 5pm).



### Do you find it hard to hear or speak?

If you find it hard to hear or speak, call us through the **National Relay Service** on **133 677** or [www.relayservice.gov.au](http://www.relayservice.gov.au)

*This publication is a general guide to the law. You should not rely on it as legal advice, and we recommend that you talk to a lawyer about your situation.*

*The information is correct at the time of printing. However it may change.*

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