

# Guidelines

<b>Title:</b>	Child Protection and the NSW Working With Children Check		
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September 2018	Changes to section 7 – OCG Compliance Program (previously OCG Audit) <i>Updated information on the OCG Compliance Program and related information.</i>

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## 1.0 OVERVIEW

### 1.1 What does it mean to be a Child Safe Organisation?

Surf Life Saving Clubs (SLSC), as organisations that involve children, should have a strong interest in keeping children safe. As such Surf Life Saving New South Wales (SLSNSW) has developed a number of procedures and resources which complement the Surf Life Saving Australia (SLSA) Member Protection Policy and the SLSA Safeguarding Program.

It is important for SLSCs to understand that good child safe policies and practices are the best way to reduce potential environmental risks and keep kids safer in our organisation. SLSNSW encourages all clubs to use a range of responses to manage the potential risks in their individual environments, including meeting their Working With Children Check (WWCC) legal obligations.

While a WWCC can be an important tool in an organisation’s approach to being ‘child safe’, they cannot identify people who have not previously been caught or are yet to offend. As such, although an important part of being a child safe organisation, practices such as reviewing risks, appointing Member Protection and

Information Officers (MPIO), good communication and training, and managing allegations, are equally important.

## 1.2 The NSW Working With Children Check

The [Child Protection \(Working with Children\) Act 2012](#) and the [Child Protection \(Working with Children\) Regulation 2013](#) with legislation developed to better protect our children, means that a WWCC is now a prerequisite for anyone in child-related roles, either paid or voluntary.

From April 2016 all sporting organisations must comply with the Child Protection legislation. Surf Life Saving (SLS) falls under the sport sector, and as such all members in New South Wales in child-related roles will be required to have a WWCC.

The WWCC is managed by the [Office of the Children's Guardian](#) (OCG) and involves a national criminal history check and review of findings of workplace misconduct. The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring, and relevant new records may lead to the clearance being revoked.

## 2.0 CHILD PROTECTION RESPONSIBILITIES

### 2.1 Surf Life Saving Members

All members of SLS, no matter whether they are in a child-related role or not, have a responsibility to protect children. All members must follow SLS policy, procedure and codes of conduct and should advise the nominated person in their club if they identify any risks to child protection. Members are accountable for their own behaviour and are expected to comply with any screening requirements and with any decisions and/or disciplinary measures imposed under legislation and SLS policy and procedure.

SLSNSW members who are in defined 'child-related' roles, where they do not fall under any of the legislative exemptions (see Section 3.2), must complete a WWCC. They must complete the WWCC application process and provide their WWCC Number or Application Number to their club as per the process detailed in Section 4.0.

### 2.2 Surf Life Saving Clubs

SLSCs have a responsibility to be a Child Safe Organisation. To achieve this they should have good structures and practices in place, meet their legal requirements and manage allegations. The [SLSA Safeguarding](#) program provides a range of information and resources for clubs which we encourage members to access.

## 1. Good structures and practices

- a) Become familiar with relevant [SLS policy and procedure](#), including the Member Protection Policy and Grievance Procedure.
- b) Take steps to identify and reduce child protection [risks](#).
- c) Appoint a [Member Protection and Information Officer](#) to help manage member protection questions (including child protection) at the club.
- d) Understand [privacy obligations](#), and respect the privacy rights of children as well as those people who provide information.
- e) Regularly tell members about child protection expectations, policies and procedures via websites, meetings, newsletters and other channels.
- f) [Train](#) key members – including your MPIO, committee and those working in child-related roles – on child protection issues and management.
- g) Encourage [participation](#) – it is an integral component of being a Child-safe Child-friendly organisation. If kids' participation is not valued and facilitated in an organisation, children and young people are unlikely to speak up about experiences of feeling unsafe.

## 2. Meet legal requirements

Clubs must ensure that all volunteers and employees in child-related roles, who do not fall under the exemptions, must get a WWCC (see Section 3.0). It is also a clubs responsibility to verify the WWCC and accept, suspend or reject membership and participation of these people as per the process detailed in Section 4.0.

## 3. Manage allegations

With good structures and practices in place (e.g. clear grievance procedures and trained members), clubs will be in a better position to deal with allegations effectively. All child abuse allegations should be dealt with promptly, sensitively and professionally ideally by a trained MPIO, or if not another allocated person within the club who has knowledge/experience in handling such allegations.

Serious allegations – Members and employees of SLSCs may come across children being abused or who disclose their abuse to them. This abuse may be occurring within or outside of the club. Anyone who suspects, on reasonable grounds, that a child or young person is at risk of significant harm should call the Child Protection Helpline on 132 111. For more information who can make a report and how to make a report click [here](#).

## **3.0 THE NSW WORKING WITH CHILDREN CHECK REQUIREMENTS**

### **3.1 Who needs a Working With Children Check?**

The WWCC is a prerequisite for paid and unpaid child-related work. Under Part 2, Section 6 of the [Child Protection \(Working With Children\) Act 2012](#), child-related work is defined as work in a specific, child-related role or face-to-face contact with children in a child-related sector.

SLS is given consideration under the Act as a 'Club or other body providing services for children' which defines that:

(1) Work for a club, association, movement, society or other body of a cultural, recreational, sporting or community service nature that involves providing programs or services primarily for children is child-related work.

(2) Without limiting subclause (1), work as a coach or as a team manager, or an assistant coach or assistant team manager, for a sport or activity for children is child-related work.

(3) However, the work is not child-related work if the work is work as a referee, umpire, linesperson or otherwise as a sporting official or a groundsperson, and the work does not ordinarily involve contact with children for extended periods without other adults being present.

### **3.2 Who is exempt from needing a Working With Children Check?**

There are specified exemptions from the WWCC. People covered by these exemptions are not required to have a WWCC. The exemptions which are most relevant to SLS include:

- Children (under the age of 18)
- Administrative, clerical, maintenance or ancillary work not ordinarily involving contact with children for extended periods
- Very short term work:
  - A worker who works for a period of not more than a total of 5 working days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present
  - As a visiting speaker, adjudicator, performer, assessor or other similar visitor for a one off occasion, in the presence of one or more other adults
- Work only with close relatives (except as an authorised carer)
- Volunteering by a parent or close relative (except where the work is part of a formal mentoring program or involves intimate, personal care of children with a disability) with a team, program or other activity in which the child usually participates or is a team member
- Co-workers and supervisors where a child works
- Interstate visitors:
  - can work or volunteer at a one-off event such as a jamboree, sporting or religious event or tour, for up to 30 days a year without a NSW Working With Children Check
  - can work or volunteer in any child-related work for up to 30 days a year, if the person holds an interstate Working With Children Check, or is exempt from the requirement to have such a check in his or her home jurisdiction

### **3.2 Parent Volunteers and the Working With Children Check**

The WWCC allows parents to volunteer in activities that involve their own children without needing a Check. However, this is not a blanket exemption for all parent volunteers. If the work is part of a formal mentoring program or involves intimate personal care of children with a disability, the parent volunteer must get a Check.

There are only two exemptions for parent volunteers:

- Volunteering by a parent or close relative of a child in activities for the child's school, early education service or other educational institution

- Volunteering by a parent or close relative, with a team, program or other activity in which the child usually participates or is a team member.

If the volunteering work fits either of these descriptions, the parent does not need to get at Check.

Part 1, clause 3 of the Regulation defines a close relative as:

- (a) a spouse or de factor partner of the person, or
- (b) a child, step-child, sibling, step-sibling, parent, step-parent, grandparent, step-grandparent, aunt, uncle, niece or nephew of the person, and includes, in the case of an Aboriginal person or a Torres Strait Islander, persons who are part of the extended family or kin of the person, according to the indigenous kinship system of the person’s culture.

### 3.4 Surf Life Saving Roles

The following table defines the roles within SLS which are likely to have contact with children, whether a person undertaking this role would need a WWCC, and why or why not. This may not be an exhaustive list and Clubs should consult the above information about who requires a WWCC and what the exemptions are.

A ‘tick’ indicates that a WWCC is required.

	I am a paid worker	I am under 18 years	I am a volunteer and my child does not participate in the activity	I am a volunteer and my child participates in the activity	Reason for / against a WWCC
<b>Governance/Officer positions</b>					
Committee member	n/a	n/a	<input type="checkbox"/>	n/a	Governance/management tasks are not considered child-related work. If a Committee member also helps with other activities they should refer to the relevant role below.
MPIO / Grievance Officer	n/a	n/a	<input checked="" type="checkbox"/>	n/a	MPIOs / Grievance Officers are responsible for the protection of children & may have them seek them out for support, thus resulting in an unsupervised situation.
<b>Junior Activities Positions</b>					
Junior Activity Chairperson	n/a	<input type="checkbox"/>	<input checked="" type="checkbox"/>	n/a	JACs are responsible for the protection of children & may have them seek them out for support, thus resulting in an unsupervised situation.
Age Manager	n/a	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Age Managers are in child-related roles and need a WWCC unless they come under the exemptions for parents/close relative.
Age Manager Assistant	n/a	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Age Manager Assistants are in child-related roles and need a WWCC unless they come under the exemptions for parents/close relative.
Water Safety for Nippers	n/a	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water Safety personnel who support Nippers programs are in child-related roles and need a WWCC unless they come under the exemptions for parents/close relative.



<b>Youth Activities Positions</b>					
Youth / Rookie / YEP Coordinator	n/a	<input type="checkbox"/>	<input checked="" type="checkbox"/>	n/a	Youth Coordinators are responsible for the protection of children & may have them seek them out for support, thus resulting in an unsupervised situation.
Youth program 'helper' for 5 days or less a year	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Youth Program helpers are in child-related roles and need a WWCC unless they come under the exemptions parents/close relative or for short term work.
Youth program 'helper' for more than 5 days a year	n/a	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Sport Positions</b>					
Coach for an under 18s only squad/team	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A coach for a squad or team which has only members who are under 18 years is deemed to be child-related work and need a WWCC unless they come under the exemptions for parents/close relative.
Coach for a mixed squad/team (adults & children under 18yrs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A coach for a mixed ages squad is not in child-related work and does not need a WWCC.
Officials/event assistants for a sporting event.	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Personnel who support events are deemed not to be in child-related roles and therefore are not required to get a WWCC.
<b>Member and Community Education Positions</b>					
Chief Training Officer / Program Coordinator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	n/a	Tasks in these roles are not considered child-related work. If a CTO/Program Coordinator also helps with other activities they should refer to the relevant role /scenario below.
TAFs/program assistants/water personnel for an under 18s only group for 5 days or less a year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Trainers/Assessors/Facilitators, program assistants and water safety personnel for a group which has only members who are under 18 years is deemed to be child-related work, but has an exemption if it is short term work.
TAFs/program assistants/water personnel for an under 18s only group for more than 5 days a year	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trainers/Assessors/Facilitators, program assistants and water safety personnel for a group which has only members who are under 18 years is deemed to be child-related work and need a WWCC unless they come under the exemptions for parents/close relative.
TAFs/program assistants/water personnel for a mixed group (adults & children under 18yrs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Trainers/Assessors/Facilitators, program assistants and water safety personnel for a mixed ages group is not in child-related work and does not need a WWCC.
<b>Lifesaving Positions</b>					
Any (Eg. patrol captain, patrol members etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Although people under the age of 18 may hold positions in lifesaving alongside adults, there is an exemption for co-workers and supervisors in the child's 'place of work'.
<b>Other Positions</b>					
Eg. Administrative, clerical, maintenance or ancillary work (this includes BBQ helpers for example).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These roles do not ordinarily involve contact with children for extended periods or in unsupervised situations and therefore are not deemed child-related work.

It should be noted in the table above, the statement “my child does/does not participate in the activity” is different depending on the activity.

- Nippers: The child can be in any group / age group on the beach. As long as the child is enrolled in Nippers and regularly attends, their parent/close relative is exempt. This is due to the fact that Nippers activities happen on the same day, and at the same location, no matter which group the child is in.
- Other activities: The child must be in the same group for the parent/close relative exemption to apply. This is because other activities can happen in isolation from other groups.

## **4.0 THE WORKING WITH CHILDREN CHECK PROCESS**

### **4.1 Process for Members**

The process for SLSNSW Members who are required to have a WWCC as per the table above involves:

Those who already have a WWCC Number:

- Provide the WWCC Number, full name and date of birth to their Club for online verification

Those who do not already have a WWCC:

- Complete the [online application form](#) (once the form has been submitted an Application Number will be received)
- Take the Application Number and proof of identify to a NSW Motor Registry, Government Access Centre, or Service NSW office
- Provide the WWCC Number to the SLSC

If there is urgent need for a member to start in a role before the WWCC comes back, a WWCC Application Number can be provided to the Club to use for verification. Please note that an Application Number can only be used to verify after proof of identity has been supplied to the NSW Motor Registry and the WWCC Number will still need to be provided to the SLSC for re-verification once received however.

Child-related work cannot be undertaken until such time that the Club has completed the online verification process (see section 4.2) and the result comes back as ‘Application In Progress’ or ‘Cleared’.

If the club receives a ‘Barred’ or ‘Interim Barred’ result during the initial verification process or at any other point during the person’s engagement with the Club, then the person must cease any child-related work. The OCG will contact both the person who has been barred and the Club to advise and to discuss how to progress from that point.

Fees for the Working With Children Checks are \$80 for paid workers and free for volunteers, and lasts for a period of five years. Please note that a volunteer WWCC is not valid for paid work. If you begin paid work you will have a maximum of 30 days from the date you receive your first pay to upgrade to a WWCC for paid workers.

## 4.2 Process for Clubs

The process for Clubs who undertake child-related activities involves:

1. **Register as an ‘employer’ with the OCG** (if not already completed click [here](#) to be taken to the registration portal, or click [here](#) to be taken to an online tutorial)
2. **Identify who will need a WWCC**, based on the table in Section 3.4, and advise the individuals.

It is recommended that once individuals have been advised they need a WWCC this is recoded somewhere to ensure this person gets their WWCC before starting in a child-related role. The ‘Member Protection Note’ field under the ‘Member Protection’ section on a member’s SurfGuard profile could be utilised for this purpose. By using SurfGuard issues are easily identified by running a custom report (see step 7).

3. **Complete the [online verification process](#)** using the WWCC Number or WWCC Application Number for those who require a WWCC (based on the table in Section 3.4). An online tutorial can be found [here](#).

A WWCC Number is always preferable, however the WWCC Application Number can be used to verify if there is an urgent need to get the member into the role before such time that their WWCC Number is received. Please note that if a WWCC Application Number is used however the result will only come back as ‘Application in Process’ and the SLSC will need to re-verify the member once their WWCC Number is supplied.

NB: Do not verify WWCCs for any person who is not required to undertake one – this puts unnecessary pressure on Club resources and the resources of the OCG, and means that the Club is not abiding by the legislation.

### 4. Enter the WWCC details in to SurfGuard

**It is essential to record the verification date, WWCC expiry date, WWCC (or Application Number) and verification result after each online verification as the OCG does not store this information on their system for later recall.**

SurfGuard Field	Information to be Entered by SLSC
Working with Children Registration / Verification Date:	Record the date that the online verification was made
Working with Children Registration Expiry Date:	Record the WWCC expiry date (only available if verifying a WWCC Number, not an Application Number. Needs to be up-dated once the WWCC is received)
Working with Children Registration No:	Record the WWCC Number (or Application Number)
Member Protection Note:	Write the result of the online verification, ie “Result: In Progress/Cleared/Barred/Interim Barred/Not Found”.

If using an Application Number to verify a member initially, you will need to re-verify once the WWCC Number is received and re-populate the fields above with the new verification date, expiry date, number and result.

For paid workers who are not current financial members of SLS, you will need to utilise another recording method. Please see the [website of the Office of the Children’s Guardian](#) for a template and resources.

**5. Appoint or remove a worker depending on the outcome of the WWCC verification:**

<b>Status</b>	<b>Meaning</b>
Application in progress	A Working With Children Check application is being processed and the applicant may work with children. If the applicant becomes barred, the Office of the Children’s Guardian will contact the person applying for the WWCC and any organisations who have completed the online verification to advise of what to do next.
Cleared	This applicant has a Working With Children Check clearance that is valid until the listed expiry date.
Barred	The applicant has been barred from working with children and it is an offence to engage this person in child-related work or child-related roles.
Interim barred	The applicant has been barred from working with children during the course of a risk assessment. It is an offence to engage this person in child-related work or child-related roles.
Not found	The database cannot find a matching Working With Children Check for any one of these reasons: The data entered for verification (name, date of birth and Working With Children Check number or application number) has errors; The person’s application has been withdrawn or terminated without an outcome; The person has not completed an application for a Working With Children Check (filled in the online form, presented proof of identity and paid any applicable fee). It is an offence to engage this person in child-related work or child-related roles.

**6. Remove anyone in a child-related role should their ‘Cleared’ status change at any time.**

The WWCC is valid for five years and during this time, cleared applicants will be subject to ongoing monitoring.

If a relevant new record appears it may lead to the worker becoming barred before the Check’s five year expiry date, the SLSC will be notified using contact information supplied during the online verification process. If the club has not verified the worker online, the OCG may not be able to notify immediately if that worker is barred.

If the OCG sends a letter advising the Club that a current employee or volunteer has become barred (or has an interim bar) they must immediately remove them from child-related work. It does not matter whether they are paid or unpaid; supervised or unsupervised.

The SLSC has the option to:

- dismiss the worker / volunteer;
- suspend them from child-related work pending the outcome of an appeal; or
- transfer them to a non child-related role within the club (although they are under no legal obligation to find an alternative position for a barred worker).

## 7. Provide the SurfGuard data to the OCG if required as part of the Compliance Program

The OCG updated their audit procedures in 2018, and are now implementing a [Compliance Plan](#) which aims to ensure that employers and employees understand and comply with their responsibilities under the Act. The compliance program is primarily focused on achieving compliance and not engaging employers in enforcement action. Where we identify persistent non-compliance we will use all available enforcement options to ensure the safety and well-being of children.

If the OCG requests the clubs WWCC records the club will need to provide them with:

- Member's full name
- Member's date of birth
- Member's WWCC Number (or Application Number where appropriate)
- The verification date
- The WWCC's expiry date
- The verification outcome
- Whether they are a paid or volunteer worker

In order to provide this information to the OCG the club will need to run a custom SurfGuard report using the following method:

a) 'Tick' the appropriate columns

Under 'General Details' tick:

- First Name
- Last Name
- Date of Birth

Under 'State Based Details' tick:

- Protection Form Registration Date
- Protection Form Registration Expiry Date
- Protection Form Registration Number
- Protection Form Note
- Screening Withdrawn Date
- Screen suitability Notice Date
- Screening Type

b) Insert the appropriate 'selection criteria'

Under 'Organisation Membership Details' select 'Active' and enter the current season year under 'Registered for Season' (eg. 2017 for the 2017/18 season)

c) Under 'Display Type' select 'Downloadable CSV (Excel Format)' and then click 'Display Report'

- d) Change the column titles in your Excel Report to better reflect the terms above to make it easier for the OCG to identify which column relates to which piece of data needed by them. If you wish you can also sort your columns and remove any members who do not require a WWCC.

The OCG Compliance Program is another important reason why the data from online verifications need to be entered straight in to SurfGuard.

8. **Monitor WWCC records** to ensure that those in child-related roles renew their WWCC before their current WWCC expires.

## 5.0 FURTHER INFORMATION

[SLSNSW Website: Members](#)

[Office of the Children's Guardian: Working With Children Check](#)

[Office of Sport: Member Protection](#)

[Play by the Rules](#)

[NSW Government: Keep them Safe](#)