


PROCEDURE

Working With Children Checks (WWCC) Procedure



Issued with the authority of the Chief Commissioner
and CEO of Scouts Australia NSW

Chief Commissioner signature		CEO signature	
Sponsor	Child Protection and Issues Management Officer		
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Working With Children Checks

1 Purpose and Scope

- 1.1 The purpose of this procedure is to give effect to the Scouts Australia NSW *Child Protection Policy* and must be read in conjunction with that Policy. This procedure is subordinate to that policy and works in conjunction with the Scouts Australia NSW *Child Protection Procedure*.
- 1.2 This procedure details Scouts Australia NSW methods of screening adults who are seeking to engage in Scouts Australia NSW activities.
- 1.3 **PLEASE SEE ANNEX B – for a simple, “at a glance” table regarding WWCC requirements relating to Scouting events and activities taking place in NSW.** Please note this table is a guide only and does not negate the need to read and understand the full procedure set out below.
- 1.4 The terms used in this procedure are defined in the Scouts Australia NSW *Child Protection Policy*.
- 1.5 For the purpose of this procedure the term ‘direct contact’ is defined as when an adult interacts face-to-face or has physical contact with anyone under the age of 18 on a regular basis and/or the interaction includes overnight supervision. The contact must be usual and more than incidental¹.
- 1.6 This procedure is applicable to any ‘adult’ as defined in the Scouts Australia NSW *Child Protection Policy*.

2 Working With Children Check Clearance

An Overview of Scouts Australia NSW Adult Suitability Screening

- 2.1 Screening of adults to ensure their suitability to engage with youth is achieved by Scouts Australia NSW through a number of different procedures, including:
 - (1) NSW Working With Children Check.
 - (2) Working with children / vulnerable people checks from other states / territories.
 - (3) Personal declaration of suitability to work with children.

¹ Please note this definition is as per the current definition outlined in the applicable legislation, namely the NSW Working With Children Check is the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*. This may be subject to change.



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- (4) Police Check.
- (5) Referee checks.
- (6) Interview with Group Leader / Leader-In-Charge / Section Leader / General Manager Scouts Australia NSW Branch.

- 2.2 Scouts Australia NSW uses a risk-based approach to the screening of adults joining the organisation. This approach enables the organisation to reduce the risks to children without placing overwhelming burdens on potential and current adult participants.
- 2.3 Therefore, not all adults will complete all of the above screening processes. The requirement for an adult to complete any or all of the above screening processes is determined by Scouts Australia NSW after consideration of the type of involvement of the adult in the Scouts program, and the assessed risk in relation to that type of involvement.
- 2.4 This procedure describes the requirements and processes for obtaining, advising and recording a NSW Working With Children Check clearance (and equivalent checks from other Australian states and territories), and for use of a personal declaration (M5) in lieu of a Working With Children Check clearance in specified circumstances. Other Scouts Australia NSW procedures describe the other adult screening methods listed above.

NSW Working With Children Check

- 2.5 A NSW Working With Children Check clearance is a requirement for some people who work or volunteer in child-related work in NSW. It involves a national criminal history check and a review of findings of workplace misconduct by a government body (the Office of the Children's Guardian or OCG).
- 2.6 The result of a NSW Working With Children Check is either:
- a) a clearance to work with children for five years, or
 - b) a bar against working with children.

Cleared applicants are subject to ongoing risk assessments and monitoring and relevant new records may lead to the clearance being revoked.

- 2.7 The legislation applicable to the NSW Working With Children Check is the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*.
- 2.8 The obligations of an adult engaged in child-related work under the NSW Act and Regulations are detailed at the website of the Office of the Children's Guardian at: <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>



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Working With Children Check Clearance Requirements for Categories of Child-Related Work in Scouts Australia NSW

- 2.9 The categories of child-related work in Scouts Australia NSW, and the requirements to complete a NSW Working With Children Check (or equivalent check of another state or territory) and / or submit a form, are set out in detail in **Annex A** to this Procedure. A short summary “at a glance” table is set out in **Annex B** in order to assist with clarity and understanding of this complex issue.
- 2.10 Except for a Rover Scout, Venturer aged 18 or over, or a paid employee or contractor of Scouts Australia NSW Branch, an adult is required to obtain any WWCC clearance and / or submit any form/s indicated in Annex A **before** engaging in that type of involvement in a Scouts Australia activity, including at Group, District, Region, Branch, National and international levels.
- 2.11 A Rover Scout or Venturer aged 18 or over is required to obtain any WWCC clearance and / or submit any form/s indicated in Annex A within one month of reaching the age of 18 years or within one month of commencing as a Rover Scout.
- 2.12 A paid employee or contractor of Scouts Australia NSW Branch is required to submit any form/s indicated in Annex A **before** commencing paid employment/ contract work and is required to obtain any clearance indicated in Annex A within one month of commencing paid employment/ contract work.

How to Obtain or Renew a NSW Working With Children Check Clearance

- 2.13 A NSW Working With Children Check clearance is obtained through the Office of the Children’s Guardian. Details of the process, as well as forms, guiding documents and videos are available at the Working With Children Check website:
<http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>
- 2.14 At the completion of the Working With Children Check process, a person who is cleared to work with children will receive a Clearance Letter from the Office of the Children’s Guardian.
- 2.15 For the purpose of a NSW Working With Children Check application:
- The ‘Child-related sector’ is Clubs or other bodies providing services for children.
 - The ‘Employer’ is Scouts Australia NSW Branch.
- 2.16 Adults, except Scouts Australia NSW Branch paid employees, are responsible for all costs incurred to undertake a volunteer level NSW Working With Children Check.



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- 2.17 Paid employees of Scouts Australia NSW Branch must have an employee WWCC (note this is different to a volunteer WWCC). Paid employees may be reimbursed for the costs of obtaining an 'employee' Working With Children Check clearance, in accordance with instructions issued by their direct line manager or the CEO of Scouts Australia NSW Branch.

Advising Scouts Australia NSW Branch of a NSW Working With Children Check Clearance

- 2.18 The cleared adult must advise Scouts Australia NSW Branch via mail or email of their NSW WWCC clearance. This can be achieved by sending one of the following:
- A hard copy of the NSW WWCC Clearance Letter to Scouts NSW State Office.
 - An electronic copy of the NSW WWCC Clearance Letter to the following email address: wwcc@nsw.scouts.com.au
 - An email containing Surname, NSW Working With Children Check clearance number (from the Clearance Letter), and Date of Birth to: wwcc@nsw.scouts.com.au
 - Completion of any adult application which includes a NSW WWCC clearance number.
- 2.19 This information will enable Scouts Australia NSW Branch to:
- A. record in ScoutLink the Working With Children Check details of each adult;
 - B. conduct the mandatory NSW online verification process that every employer must complete in order to check the validity and currency of a NSW Working With Children Check.

M5 - Personal Declaration & Consent to Police Check

- 2.20 Where a WWCC is not required, Scouts NSW may still recommend the completion of an M5 "personal declaration and consent to police check" form, by any adult attending any Scouts NSW event or activity. The M5 form can be found on the Scouts NSW website.
- 2.21 **Annexe A** outlines the instances within which an M5 form may be recommended.
- 2.22 The completed Scouts Australia NSW form M5 – *Personal Declaration & Consent to Police Check* may be submitted to Scouts Australia NSW Branch by sending either:
- (7) A hard copy to the Scouts NSW State office; or
 - (8) An electronic copy to the following email address: wwcc@nsw.scouts.com.au



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Confirming NSW Working With Children Checks at the Commencement of a Scouts Australia NSW Activity

- 2.23 The Leader-in-Charge of a Scouts Australia NSW activity is responsible for ensuring, in consultation with Scouts Australia NSW Branch, that each adult participating in the activity holds the appropriate clearance to work with children and meets all other requirements specified in Annex A to this Procedure. This includes ensuring that any working with children clearances from states / territories other than NSW are valid for the duration of the activity.
- 2.24 Spot checks may be undertaken at any time by Region Commissioners or State Office to ensure compliance with this requirement. Failure to comply may result in sanctions under the Scouts NSW behavioural management process or termination from the organisation.

Inter-state Scouting Visitors

- 2.25 Where leaders are coming from another state, it is a prudent measure for the NSW Event Lead to check with their home branch and make sure all the leaders and children are registered members of their home branch (i.e. Scouts Victoria, Scouts Queensland etc). By obtaining such confirmation, Inter-state branches should also be able to flag any issues of concern, deficiencies in inter-state equivalent checks (i.e. QLD Blue card etc).
- 2.26 Where an interstate visitor cannot be verified by their home branch by the NSW Event Lead, they should not be permitted to attend any Scouts NSW Event or Activity.
- 2.27 Scouts NSW expect those leaders and children as our guests to act in accordance with the Scouts NSW code of conduct and child protection policy and work with our NSW leaders to ensure they are operating in a child safe way.
- 2.28 Two deep leadership remains key at all times.

International Scouting Visitors

- 2.29 Where leaders are coming from another jurisdiction, it is a prudent measure for the NSW Event Lead to check with their home branch and make sure all the leaders and children are registered members of their home branch (i.e. Scouts UK, Scouts Italy etc).
- 2.30 Where an international visitor cannot be verified by their home branch, they should not be permitted to attend any Scouts NSW Event or Activity.
- 2.31 Scouts NSW expect those leaders and children as our guests to act in accordance with the Scouts NSW code of conduct and child protection policy and work with our NSW leaders to ensure they are operating in a child safe way.
- 2.32 Two deep leadership remains key at all times.



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- 2.33 The process for international visitors wishing to attend any Scouts NSW event involves the international contingent getting in touch with their home country international commissioner and registering their wish to travel overseas. The international commissioner will then liaise with the Scouts Australia International Commissioner who will facilitate the visit and the checks.

See website links below:

<http://international.scouts.com.au/team-and-contacts>

Actions Required When an Adult is Barred From Working With Children or His / Her Clearance is Revoked

- 2.34 An adult who is required to obtain a Working With Children clearance and fails to obtain this clearance, or has his / her clearance revoked (that is, the Office of the Children's Guardian, or other state / territory equivalent, has barred the adult from working with children) is not to engage in any Scouting activities in any Scouts Australia branch.

- 2.35 Further:

Each supervisor of adults is to:

1. request any adult without a current Working With Children clearance (or exemption) to leave a Scouting activity,
2. ensure that the adult has no further direct contact with children while in the area of the activity, and
3. immediately report such incidents to Scouts Australia NSW Branch via wwcc@nsw.scouts.com.au.

Scouts Australia NSW Branch role is to:

1. implement administrative actions to bar the adult from Scouting activities until he / she holds a current Working With Children clearance or exemption;
2. if applicable, undertake actions to terminate the appointment, employment or contract of the person;
3. notify the NSW Office of the Children's Guardian and / or other relevant state / territory authorities of the matter; and
4. notify another Scouts Australia branch, if applicable.



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Actions Required When a Working With Children Check Clearance Expires or is About to Expire

- 2.36 **It is the personal responsibility of every adult engaged with Scouts Australia NSW to ensure that he / she complies with the Working With Children laws of NSW, the Working With Children laws of the state / territory in which he / she resides, and the policies and procedures of Scouts Australia NSW.** This includes undertaking the process of renewing a Working With Children Check clearance when one expires.
- 2.37 Scouts Australia NSW will not be responsible for providing warnings or reminders to adults involved in Scouting of the expiry, or impending expiry, of their Working With Children clearance. Any failure to renew a WWCC and supply the details to Scouts Australia NSW may result in suspension or termination of membership.
- 2.38 All renewed WWCC clearances should be emailed to the Member Services team at State Office via the Scouts NSW WWCC email address - wwcc@nsw.scouts.com.au.
- 2.39 If the table in **Annex A** of this Procedure states that a Working With Children Check clearance is required and the adult does not possess the appropriate clearance at the commencement of, or at any time during, a Scouting activity, that adult is not to participate in the activity. It is therefore the responsibility of:
- each adult to ensure that his / her Working With Children clearance is valid for the whole period of the Scouting activity;
 - each line leader or supervisor of adults to request any adult without a current Working With Children clearance (or exemption) to leave a Scouting activity, and to ensure that the adult has no further direct contact with children while in the area of the activity; and
 - any adult in Scouting to report any breaches of this procedure to Scouts Australia NSW Branch via the Scouts NSW WWCC email address - wwcc@nsw.scouts.com.au or directly to the Child Protection Team.

Scouts NSW members attending Interstate Events

- 2.40 Each state / territory branch of Scouts Australia has its own policy and procedures for ensuring compliance with the Working With Children / Vulnerable People laws of their state / territory.
- 2.41 Therefore, adults and youth of Scouts Australia NSW who are attending Scouting activities in another state / territory must ensure their own compliance with the Working With Children laws of the state / territory they are visiting, and the policies and procedures of the applicable Scouts Australia branch.



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3 Scouts Australia NSW Branch Responsibilities

Responsible Officers

- 3.1 The responsible officers for ensuring Scouts Australia NSW compliance with NSW legislation, and implementation of this procedure, are the Chief Commissioner of Scouts Australia NSW and the CEO of Scouts Australia NSW.

Contact Information

- 3.2 The Scouts Australia NSW Branch contacts for the purposes of Working With Children checks, clearances, bars and enquiries are:

(9) Member Services – via the Scouts NSW WWCC email address - wwcc@nsw.scouts.com.au; and

(10) The Child Protection Team.

Scouts Australia NSW Branch

Level 1, Quad 3

PO Box 125

102 Bennelong Parkway

Lidcombe NSW 1825

Sydney Olympic Park NSW 2127

Phone: 02 9735 9000 Fax: 02 9735 9001

Email: ChildProtection@nsw.scouts.com.au



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Working With Children Check Requirements

Part 1 – A person who is a resident of NSW and over 18 at the time of submitting an application and/or participating in a Scouts Australia NSW activity

	NSW Working With Children Check Clearance Required by Scouts NSW WWCC Policy	Legal Exemption under Part 4 of the <i>Child Protection (Working With Children) Regulations 2013</i> may apply	SANSW form M5 - Personal Declaration & Consent to Police Check recommended ^{Note 1}
LEADER / ADULT MEMBER ^{Note 5}			
A leader or adult member (who is NOT a parent ^{Note 2a} / guardian ^{Note 2b} or close relative ^{Note 2c} of a youth member in the same Group and Section)	Yes	No	No
A leader or adult member who is also a parent / guardian or close relative of a youth member in the same Group and Section – <u>attending daytime activities only</u>	Yes ^{Note 3}	Yes ^{Note 4a}	No
A leader or adult member who is also a parent / guardian or close relative of a youth member in the same Group and Section – attending <u>overnight activities</u>	Yes	No	No
ROVER SCOUT ^{Note 6}			
Rover Scout or Venturer aged 18 or over	Yes	No	No



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	NSW Working With Children Check Clearance Required by Scouts NSW WWCC Policy	Legal Exemption under Part 4 of the <i>Child Protection (Working With Children) Regulations 2013</i> may apply	SANSW form M5 - <i>Personal Declaration & Consent to Police Check</i> recommended ^{Note 1}
ADULT HELPER – a person who volunteers for 5 or more days or part days per calendar year and is not a leader or adult member ^{Notes 3 & 7}			
An adult helper who is over 18 but is NOT a parent ^{Note 2a} / guardian ^{Note 2b} or close relative ^{Note 2c} of a youth member in the same Group and Section. NOTE: This person must also fill out an A2 form.	Yes	No	No
An adult helper who is over 18 and who is also a parent / guardian or close relative of a youth member in the same Group and Section – <u>attending daytime activities only</u> NOTE: This person must also fill out an A2 form.	Yes ^{Note 3}	Yes ^{Note 4a}	No
An adult helper who is over 18 and who is also a parent / guardian or close relative of a youth member in the same Group and Section – <u>attending overnight activities</u> NOTE: This person must also fill out an A2 form.	Yes	No	No
ADULT SUPPORTER – a person who volunteers for 5 or less days or part days per calendar year ^{Notes 3 & 8}			
A person who is over 18 and volunteers for five or less days or part days per calendar year at <u>daytime activities only</u>	No	No	Yes
A person who is over 18 and volunteers for five or less days or part days per calendar year at <u>daytime activities only</u> AND is a parent / guardian or close relative of a child member in the same Group and Section	No	Yes ^{Note 4a}	Yes
Any person who is over 18 and volunteers for five or less days or part days per calendar year at <u>overnight activities</u>	Yes	No	No



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	NSW Working With Children Check Clearance Required by Scouts NSW WWCC Policy	Legal Exemption under Part 4 of the <i>Child Protection (Working With Children) Regulations 2013</i> may apply	SANSW form M5 - Personal Declaration & Consent to Police Check recommended ^{Note 1}
VISITOR ^{Note 3}			
A visiting speaker, adjudicator, performer, assessor or other similar visitor attending for a one-off occasion	No	Yes ^{Note 4b}	Yes
SCOUTS AUSTRALIA NSW BOARD AND COMMITTEES			
Director of Scouts Australia NSW Board	Yes ^{Note 3}	No	No
Member of a Scout Group Committee	Yes	Yes ^{Note 4c}	No
Member of a Scouts NSW Committee (other than a Group Committee).	Yes	No	No
EMPLOYEE OF SCOUTS AUSTRALIA NSW ^{Note 9}			
Employee of Scouts Australia NSW Branch	Yes	No	No
CONTRACTOR TO SCOUTS AUSTRALIA NSW			
Contractor who is in direct contact ^{Note 3} with children as normal duties of their contract	Yes	No	No
Contractor who is NOT in direct contact with children as normal duties of their contract	No	Yes ^{Note 4c}	Yes

Table Notes:

1. An M5 form provides a personal declaration and consent for a criminal records check. Where a WWCC is not required by this policy – the M5 form is a helpful risk mitigation measure that should be completed and retained where possible.
2. For the purpose of the above table, the terms used are defined in the Scouts Australia NSW *Child Protection Policy*. In addition, the following definitions apply to the indicated terms:
 - a. 'Parent' is defined as per the NSW *Child Protection (Working With Children) Act 2012* and NSW *Child Protection (Working With Children) Regulation 2013* as the person having, in relation to the child, all the duties, powers, responsibilities and authority which, by law, parents have in relation to their children.



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- b. 'Guardian' is defined to be the same as that of 'Parent'.
- c. 'Close Relative' is defined as per the NSW *Child Protection (Working With Children) Act 2012* and NSW *Child Protection (Working With Children) Regulation 2013* as either:
- (1) a spouse or de facto partner of the person;
 - (2) a child, step-child, sibling, step-sibling, parent, step-parent, grandparent, step-grandparent, aunt, uncle, niece or nephew of the person; or
 - (3) in the case of an Aboriginal person or a Torres Strait Islander, a person who is part of the extended family or kin of the person according to the indigenous kinship system of the person's culture.
3. The requirement for a WWCC has been applied by Scouts NSW in relation to the roles and requirements placed upon adults in Scouting. The key term used in the legislation is 'Direct Contact'. 'Direct Contact' is defined by this policy as when an adult interacts face-to-face or has physical contact with anyone under the age of 18 on a regular basis and / or the interaction includes overnight supervision. There may be instances where from a policy perspective, and in the interests of creating a child safe environment – Scouts NSW will designate a category of volunteers as requiring a WWCC.
4. There are specified exemptions from the Working With Children Check – see <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/about-the-check/exemptions>. People covered by these exemptions are not required to have a Working With Children Check.
- The exemptions include:
- a. **Volunteering by a parent or close relative at daytime activities only** (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. NB: Please note there has recently been a change in the law relating to the requirement for parents attending overnight camps to obtain a WWCC².
 - b. **Very short term work.** 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.
 - c. **Administrative, clerical, maintenance or ancillary work** not ordinarily involving contact with children for extended periods.
5. The category of "Leader / Adult Member" includes the following appointments:
- a. All adult leaders who have been issued with a Certificate of Appointment and a Certificate of Adult Leadership";
 - b. All other appointments of the following Types:
 - (1) "Adviser";
 - (2) "Commissioner";

² <https://www.nsw.scouts.com.au/for-parents/become-an-adult-helper/>



- (3) "Fellowship";
- (4) "Leader";
- (5) "Trainee"; and
- (6) "Training".

- 6. The category of "Rover Scout" includes the following "other" appointments:
 - a. all of type "Rover".
 - b. Any Venturer who is aged over 18 will also fall into the same category as Rovers re the need to obtain a WWCC. When turning 18, WWCC details must be supplied to State Office within one month of the date of an 18th birthday.
- 7. The category of "Adult Helper" includes the following "other" appointments:
 - a. all of types:
 - (1) "Helper"; and
 - (2) "Honorary" (except "Chief Scout of NSW").
- 8. The category of "Adult Supporter" includes the following "other" appointments:
 - a. all of type "Supporter".
- 9. The category of "Employee Of Scouts Australia NSW" includes the following "other" appointments:
 - a. all of type "Professional".



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Annex B

“At a Glance” WWCC Table for over 18s attending Scouts NSW Events or Activities

Please note this table has been produced in order to provide simple clarity to all members – please see full Scouts NSW WWCC Procedure – Annex A (above) – for full definitions and explanations.

	WWCC?	Form?	Notes
LEADER / ADULT MEMBER	Yes	A1	
ROVER SCOUT or VENTURER aged 18 or over	Yes	A1	
ADULT HELPER – a person who volunteers for 5 or more days or part days per calendar year and is not a leader or adult member or <u>ANYONE WHO ATTENDS AN OVERNIGHT CAMP</u> (including parents, guardians or close relatives)	Yes	A2	
ADULT SUPPORTER – a person who volunteers for 5 or less days or part days per calendar year at daytime activities only	No	M5	
VISITOR – one off visit	No	M5	This person should be supervised during their visit
DIRECTOR OF SCOUTS NSW BOARD	Yes		
MEMBER OF A SCOUT GROUP COMMITTEE	Yes	A2	
MEMBER OF A SCOUTS NSW COMMITTEE	Yes	A2	
EMPLOYEE OF SCOUTS AUSTRALIA NSW	Yes		
CONTRACTOR TO SCOUTS AUSTRALIA NSW – with direct contact with youth members	Yes	A2	
CONTRACTOR TO SCOUTS AUSTRALIA NSW – without direct contact with youth members	No	M5	This person should be supervised during their visit
INTERSTATE VISITORS	No		Obtain confirmation of membership from Interstate Home Branch
INTERNATIONAL VISITORS	No		Obtain confirmation of membership from International Home Branch and liaise with Scouts Australia International Commissioner

