Frequently Asked Questions

### Working With Children (WWC) Check

1. **What is a WWC Check and why do we need to conduct it?**
2. **How is a WWC Check different to a Police Check?**
3. **When does the WWC Check need to be introduced?**
4. **Who will require a WWC Check?**
5. **What is meant by ‘usually or likely to be involved in regular, unsupervised, direct contact’?**
6. **Who will pay for the WWC Check and how much will it cost?**
7. **How long is a WWC Check valid for?**
8. **How do you apply for a WWC Check?**
9. **How long does it take to process a WWC Check?**
10. **What does a WWC Check achieve or result in?**
11. **What happens if you get an 'Assessment Notice and WWC Card' from a WWC Check?**
12. **What happens if you get an 'Interim Negative Notice' or a 'Negative Notice' from a WWC Check?**
13. **Can you appeal the outcome of a WWC Check?**
14. **What is the UB monitoring and record keeping process for WWC Checks?**
15. **What happens if my personal circumstances change after I have had a WWC Check?**
16. **Where can I find the UB WWC Check Policy and Procedure?**
17. **How and where do I get more information on the WWC Check?**

### 1. What is a WWC Check and why do we need to conduct it?

The WWC Check is a legislative requirement under the Working with Children (WWC) Act 2005 and the Working with Children (WWC) Regulations 2006.

In 2006, the Victorian Government introduced a new checking system to help protect children under 18 years of age from physical or sexual harm. The WWC Check is one mechanism to help keep children safe. It is designed to compliment good recruitment, selection (including reference checking), supervision and training practices for staff, volunteers and contractors who work with children.
The WWC Check creates a mandatory minimum checking standard across Victoria. Applicants are checked to make sure they do not have any relevant criminal offences or findings that may mean they are not suitable to work with children.

2. How is a WWC Check different to a Police Check?

The WWC Check is a different and separate process from a Police Check in the following ways:

- The WWC Check is a legislated process administered by the Victorian Department of Justice whereas the Police Check is a voluntary administrative process administered by Victoria Police.
- The WWC Check will only consider serious sexual, violence and drug offences as part of the assessment. For example any fraud convictions would not be taken into account as part of the assessment.
- Unlike the Police Check, the WWC Check is monitored on an on-going basis. This means that the holder of a WWC Card will continue to be checked for any new relevant offences throughout the valid period of the Check. Any new relevant offences will result in a re-assessment of the WWC Check.

It is important to note that if you have had a Police Check you will still need a WWC Check if you are engaged in child-related work as defined.

3. When does the WWC Check need to be introduced?

The WWC Checks have been progressively introduced throughout relevant industries and professions in Victoria since April 2006.

In our case, the legislated deadline for our relevant staff, volunteers and contractors to have undergone a WWC Check is the 1 July 2008.

4. Who will require a WWC Check?

In general, universities are exempt from the WWC legislation unless they have the following child-related work or activities:

1. Staff, volunteers and contractors who are usually or likely to be involved in regular, unsupervised, direct contact with students under 18, enrolled in VCAL or VCE programs.
   
   This is more likely to effect persons based at locations where this category of students are likely to attend and where staff, volunteers or contractors may be regularly working unsupervised (on their own) and, are likely to come in direct contact with this particular student cohort.
2. The following are other likely groups of people and work/activities that may be affected and therefore the staff, volunteers or contractors concerned are likely to require a WWC Check:

- Leisure & sports facilities or programs;
- Residential, counselling, community or children services;
- Overnight camps or similar activities and transport services;
- Coaching or private tuition services;
- Registered childcare services operated by the University where the staff, contractors or volunteers are usually or likely to be involved in, regular, unsupervised, direct contact with persons under 18 years of age.

3. Library, hospitality and maintenance services who are usually or likely to be involved in regular, unsupervised, direct contact with students under 18 enrolled in VCAL or VCE programs.

5. **What is meant by 'usually or likely to be involved in regular, unsupervised, direct contact'?**

It is important to note that it is not the intention of the legislation to require everyone who works with children in every circumstance to undergo a WWC Check.

In making a judgement on whether you will require a WWC Check, you will need to understand the legislative intention of what is meant by the phrase "...usually or likely to be involved in regular, unsupervised, direct contact...".

In order to do this, you will need to work through the definitions of the key words in the phrase. The WWC Act 2005 only defines some of these words and the others can be defined using the most commonly accepted dictionary definitions as follows:

**Usually:** Commonly or ordinarily observed, practised happening. (Oxford Dictionary) Habitual or customary. (Macquarie Dictionary)

**Likely:** Probable, such as might well happen or be or prove true or turn out to be the thing specified; to be expected to. (Oxford Dictionary) Probably or apparently going or destined to be. (Macquarie Dictionary)

**Regular:** recurring uniformly or calculably (likely to do), habitual, constant. (Oxford Dictionary) Usual, normal, customary, observing fixed times or habits. (Macquarie Dictionary)

The following terms have been defined in the Working with Children Act 2005 as follows:

**Unsupervised:** "Where the contact is not directly supervised by another person". Section 9, (1)(c).
"Direct supervision of a person requires immediate and personal supervision but does not require constant physical presence……'Supervised' has its ordinary, everyday meaning. A supervisor is a person who has the role of overseeing the work of another person while that person engages in the work". Section 9. (2).

**Direct Contact:** "means any contact between a person and a child that involves -

a. physical contact; or  
b. face to face oral communication; or  
c. physically being within eyeshot." Section 3 (1).

If you are still in doubt after working through these definitions, you can also refer to a range of examples or scenarios that have been prepared by the Victorian Solicitors Office by downloading the following link: [VSOWWCGuidelinesRevised5DEC07 (pdf, 2.84mb)](mailto:VSOWWCGuidelinesRevised5DEC07.pdf)

6. **Who will pay for the WWC Check and how much will it cost?**

**Existing staff**

Firstly, existing staff will need to complete a UB [WWC Check Consent Form](mailto:WWCCheckConsentForm) and forward it to Human Resources. The University of Ballarat will pay for the initial WWC Check for all relevant existing staff. The current cost of the WWC Check application is $70 however, a passport photo is also required for the application. It is envisaged that our UB Media, Print & Web Services will be able to provide a passport photo service for $8. Existing staff will also be able to apply for their WWC Check during their normal working hours.

For reimbursement of costs, existing staff will be required to complete a 'Staff Requisition for Reimbursement' form and attach all receipts. Reimbursement will be made into your nominated bank account within approximately two weeks. The 'Staff Requisition for Reimbursement' form is available from the following website: [Minor Expenses Claim Form](mailto:MinorExpensesClaimForm). All reimbursement enquiries need to be directed to Finance.

**New Employees**

New employees will be required to present their WWC Card at the job interview. For positions where it is envisaged a WWC Check will be required, it will be clearly stipulated in the Key Selection Criteria of position descriptions. This requirement should also be made clear in job advertisements for the position. A new employee cannot commence employment in 'child-related work' until they can present a valid WWC Card.

**Volunteers**

A WWC Check application for volunteers is currently free of charge. Volunteers will only need to pay for their passport photo.

**Contractors**

Affected contractors will be required to present their WWC Card prior to being engaged in any work. This requirement will also need to be stipulated in tender documents and be included as part of the UB tender process.
7. **How long is a WWC Check valid for?**

A WWC Check is valid for 5 years and is transferable when you change employers unless it is revoked or surrendered within that time period.

8. **How do you apply for a WWC Check?**

Application for a WWC Check can only be made by the individual concerned and lodged at most Australia Post offices. Application forms are available from most Australia Post offices and will also be made available from designated Administrative Offices at each campus. This information will be provided as soon as possible.

An applicant must also provide a recent colour passport size photograph of themselves which must be affixed to the WWC Application Form. The Application Form must then be signed by the applicant and witnessed by an Australia Post Officer.

Passport type photos can be provided by our UB Media, Print & Web Services at Mt. Helen Campus.

Further details on how to complete the WWC Check Application Form are outlined on the form itself.

9. **How long does it take to process a WWC Check?**

It can take anywhere between 3 to 8 weeks to process a WWC Check application.

However, the WWC Act 2005 does allow persons to continue performing child-related work whilst the application is being processed unless they:

- are subject to reporting obligations under the Sex Offenders Registration Act 2004; or
- are subject to an extended supervision order under the Serious Sex Offenders Monitoring Act 2005; or
- have previously received a Negative Notice without having subsequently received an Assessment Notice.

10. **What does a WWC Check achieve or result in?**

On processing a WWC Check application, the Department of Justice will issue and forward directly to the individual either of the following:

- an Assessment Notice & WWC Card; or
- an Interim Negative Notice (pending an appeal or more information to be sought or provided by the individual); or
- a Negative Notice.
11. What happens if you get an 'Assessment Notice and WWC Card' from a WWC Check?

If you are issued with an Assessment Notice and WWC Card, you will need to present both items to your respective Head of School or Director to be sighted.

**Existing, on-going or fixed-term employees**

If you are an existing, on-going or a fixed-term employee, your Head of School or Director will be responsible for signing off on your Assessment Notice and WWC Check Card as sighted, photocopying and placing copies in a sealed envelope and forwarding them to the Director, Human Resources. This information will be stored on your employee personnel file.

You will then be required to carry your WWC Card at all times when you are working in child-related work or activities as defined.

**Existing casual/sessional employee or a contractor or a volunteer**

If you are an existing casual/sessional employee or a contractor or volunteer, your Head of School or Director will be responsible for signing off on your Assessment Notice and WWC Check Card as sighted, photocopying them and confidentially storing them in your work area.

12. What happens if you get an 'Interim Negative Notice' or a 'Negative Notice' from a WWC Check?

**Employees**

If you are issued with an Interim Negative Notice or a Negative Notice, you must notify your relevant Head of School or Director in writing within seven (7) days. Your Head of School or Director will then require you to cease your child-related work or activities immediately and arrange for you to meet with the Director, Human Resources. The Director, Human Resources will sight the Interim Negative or Negative Notice, record the date of issue on your employee personnel file and determine the next appropriate course of action. This will be done together with the relevant Head of School or Director in consultation with the relevant Deputy Vice-Chancellor or Vice-President.

**Contractors or Volunteers**

If you are a contractor or volunteer and are issued with an Interim Negative or Negative Notice, you must notify the relevant Head of School or Directorate in writing, within 7 days. Your relevant Head of School or Directorate will then meet with you and require you to immediately cease your child-related work or activities.

They will then sight, photocopy and sign off on the Interim or Negative Notice, record the date of issue on your records file and determine the next appropriate course of action in consultation with the appropriate Deputy Vice-Chancellor or Vice-President.

**Appropriate Course of Action**

If an Interim or Negative Notice is received by an existing staff member, contractor or volunteer, the University may take (and not be restricted to) any of the following actions:

- immediately cease your work in the child-related work area; or
13. Can you appeal the outcome of a WWC Check?

If you have been issued with an Interim Negative or Negative Notice, you can appeal the decision to the Victorian Civil & Administrative Tribunal (VCAT) as outlined in the WWC Act 2005 and WWC Regulations 2006. You cannot be engaged in any child-related work or activities during this appeal process.

You will not be entitled to the appeals process if you are subject to reporting obligations under the Sex Offenders Registration Act 2004 or an extended supervision order under the Serious Sex Offenders Monitoring Act 2005.

Any appeal will need to be lodged and actioned by the individual and will be solely between the individual and the Department of Justice. The University of Ballarat will not become involved in any appeal nor will it lodge any appeals on individuals' behalf.

14. What is the UB monitoring and record keeping process for WWC Checks?

Existing, on-going or fixed-term employees

The Human Resources department will monitor Assessment Notice expiry dates for existing, on-going or fixed-term employee and provide this information to all relevant Schools and Directorates on a regular quarterly basis, as part of the current management reporting process. It will then be the responsibility of the relevant Heads of School or Directors to advise individuals of re-application 4 months prior to the expiry date.

Existing casual/sessional employees or contractors or volunteers

The Head of School or Director will be required to monitor your Assessment Notice and WWC Card expiry date and advise you of re-applying 4 months prior to the expiry date.

15. What happens if my personal circumstances change after I have had a WWC Check?

If after you have undergone a WWC Check your personal circumstances change as follows:

- you are charged or convicted or receive a final determination (even if you are acquitted) in relation to a relevant offence; or
• you become subject to reporting obligations under the Sex Offenders Registration Act 2004; or
• you become subject to an extended supervision order under the Serious Sex Offenders Monitoring Act 2005; or
• the Department of Justice revokes your Assessment Notice after any re-assessment; or
• the Assessment Notice has expired; or
• if you have moved from volunteer work to paid work; or
• a relevant finding from the Victorian Institute of Teaching is made against you, you must advise your relevant Head of School or Director in writing within seven (7) days. Failure to notify will be considered as serious misconduct and may result in termination.

The Head of School or Director will immediately withdraw you from all child-related work or activities and will determine the next course of action either in conjunction with the Director, Human Resources or the relevant Deputy Vice-Chancellor or Vice President.

Furthermore, you must also advise the Department of Justice within seven (7) days. Failure to do so could result in criminal penalties.

16. Where can I find the UB WWC Check Policy and Procedure?

The University of Ballarat WWC Check Policy and Procedure can be found on both the Human Resources website under Policies, Procedures and Guidelines; and on the UB Home Page under UB Policy Database.

17. How and where do I get more information on the WWC Check?

More information on the WWC Check can be sought on the Department of Justice website or by contacting Carl Trotta, Manager, Human Resources on 5327 9304 or via email: c.trotta@ballarat.edu.au