

Working with Children Check

General Information Guide

English

What is the Working with Children Check?

The Working with Children Check (the Check) assists in protecting children from sexual and physical harm by ensuring that people who work with, or care for, them are subject to a screening process.

Who needs a Check?

Under the *Working with Children Act 2005* ('the Act'), you need a Check only if you meet ALL of the following six conditions for child-related work:

1. You are an adult volunteering or paid to work with children aged under 18 years of age.
2. You are working with children in one of the services, places or bodies listed in the Act as 'Occupational fields'.
3. Your work involves direct contact with children, which means you are able to talk face-to-face or have physical contact with children.
4. The contact you have with children is part of your duties.
5. Your contact with children is not directly supervised by another person.
6. You are not [exempt](#) from having a Check*.

*Details are on the Working with Children website, under 'Exemptions'.

It is an offence to start child-related work without applying for a Check first.

Your organisation is also committing an offence if they ask you to start child-related work before you have applied for a Check.

Ministers of religion

All ministers of religion are required to pass the Check, unless the contact they have with children is only occasional and always incidental to their work.

Child-related work for ministers is defined more broadly than for everyone else. For ministers, child-related work is not limited to work involving direct and unsupervised contact with children. Any contact with children, unless it is only occasional and incidental, is enough to trigger the requirement to get checked.

This would include having children present in their congregation, or attendance at schools or children's camps, even when all their contact with children is supervised.

Full details are on the Working with Children website, under '[Who needs a Check?](#)'

How do I apply?

- Go to the Check website and select either 'Apply in Victoria' or 'Apply from interstate'
- Fill in the online application form, providing details about yourself and the organisations where you'll be doing child-related work
- Victorian applicants can verify their identity online. The [Interstate applicant information sheet](#) explains how interstate applicants can verify their identity and submit their application
- Finalise your application using the barcode and instructions that will be emailed to you.

It is an offence to use a Volunteer Check for paid child-related work.

Can I work during the screening process?

The Act allows most people to do child-related work during the screening process. However, by law, you **must not** if you:

- have been charged with, convicted or found guilty of a sexual, violent or drug offence listed in clause 2 of Schedule 3 of the Act
- have been given a Negative Notice and not subsequently passed the Check
- will be supervising a child in employment under the *Child Employment Act 2003*
- will be working in a service regulated by the *Children's Services Act 1996* or in an education and care service under the Education and Care Services National Law 2010 (Victoria)
- are required to report or be supervised under the:
 - *Sex Offenders Registration Act 2004*
 - *Serious Sex Offenders Monitoring Act 2005*
 - *Serious Sex Offenders (Detention and Supervision) Act 2009*.

Ask your organisation about working during the screening process, as some organisations only allow applicants to work after they have passed the Check.

What is checked?

You are screened for sexual, violent and drug offences and adverse professional conduct reports made by the agencies listed in the Act. The list of offences is on our website.

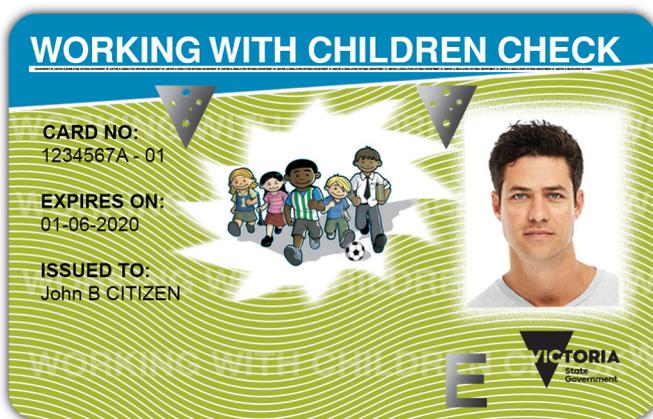
The protection of children is the paramount consideration for any decision made under the Act.

How do I know if I have passed the Check?

The Department of Justice and Regulation notifies both you and your organisation if you pass the Check.

The Check is valid for five years unless the department suspends or revokes it.

You must apply to renew your Check before it expires if you want to continue doing child-related work.



Sample Check card

What if I have a criminal record or an adverse professional conduct report?

Not all offences and adverse professional conduct decisions mean that you pose an unjustifiable risk to the safety of children.

Whether you pass or fail the Check depends on the type of adverse professional conduct report, the offence you have committed, and the circumstances surrounding these matters.

It is unlawful to apply for a Check if you are required to report or be supervised under the:

- *Sex Offenders Registration Act 2004*
- *Serious Sex Offenders Monitoring Act 2005*
- *Serious Sex Offenders (Detention and Supervision) Act 2009.*

You should seek independent legal advice about your personal circumstances.

What if I don't pass the Check?

If the department believes you pose an unjustifiable risk to children, it will notify you that it intends to prohibit you from working with children by issuing you an Interim Negative Notice. This gives you the opportunity to write to the department and ask it to consider the reasons why you think you should pass the Check.

If, after the department considers your reasons, you fail the Check, the department will issue you with a Negative Notice prohibiting you from working with children.

How is my privacy protected?

The department is bound by privacy and confidentiality laws. It will notify your organisation when you pass or fail the Check and if your card is ever suspended or revoked, but it does not provide any details of your offences or the adverse decisions about your professional conduct.

Is the Working with Children Check the same as the Police Check?

No. The Working with Children Check screens your criminal and professional conduct records and rigorously assesses any relevant sexual, violent or drug offences over your lifetime. The Police Check lists offences at a given point in time.

The Working with Children Check monitors a cardholder's criminal and professional conduct records for the life of their card. The Police Check does not. As the checks are quite different, some organisations require both checks.

More details on the differences between the checks are on the Working with Children website, under 'How is a Police Check different?'

More Information

Website www.workingwithchildren.vic.gov.au

Email workingwithchildren@justice.vic.gov.au

Customer Support Team 1300 652 879
8.30am–5pm, Monday–Friday (except public holidays)

TTY 13 36 77

Speak & Listen 1300 555 727



If you need an interpreter, please call the Translating and Interpreting Service on 13 14 50 and ask them to contact the Working with Children Customer Support Team.

Translations Download translations of this publication from our website.

Large print Email workingwithchildren@justice.vic.gov.au.

This information is intended as a general guide only. It is not intended to be given as legal advice and should not be relied upon as such. It is recommended that you obtain legal advice relevant to your particular circumstances.