

WORKING WITH CHILDREN CHECK PROCEDURE

Implementation document for the Working with Children Check policy

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The Department of Education uses a suite of pre-employment screening methods (probity checks) to ensure the safety of children in NSW public schools. The Working with Children Check (WWCC) is one such method and is a mandatory requirement for any worker engaged in child-related work.

This procedure outlines the WWCC process and the obligations of the department and its workers under the legislation. It also describes other child protection screening methods the department uses, including the National Criminal Records Check, Not to be Employed database and structured referee checks.

All workers who have direct (physical or face-to-face) contact with children need a WWCC clearance to work in a child-related role. The Child Protection (Working with Children) Act 2012 places specific obligations on employers and workers, as follows.

Workers in child-related roles must obtain a WWCC clearance prior to commencing in a child-related role.

Principals must verify the WWCC clearance (via Electronic Casual Pay Claims [eCPC] for non-teaching staff engaged directly by the principal), to ensure the worker is cleared to work with children, before the worker commences in a child-related role. Principals must also comply with the correct screening process for contractors and volunteers entering the school.

The department must only allow workers with a valid WWCC clearance to work in child-related roles. Schools/employees can find a range of additional resources (including quick guides on managing visitors to schools) on the [Working with Children Check intranet page](#).

1 Introduction

These procedures must be applied in conjunction with the Department of Education's [Working with Children Check policy](#).

These procedures implement the requirements under the [Child Protection \(Working with Children\) Act 2012](#) and [the Child Protection \(Working with Children\) Regulation 2013](#), which commenced on 15 June 2013.

A Working with Children Check (WWCC) clearance is a mandatory legislative requirement for people who work in child-related work, including some contractors and volunteers. The WWCC is one of the methods the department uses to protect children and young people and to manage risk. The department's procedures outline the processes for conducting the WWCC, the National Coordinated Criminal History Check, and other child protection pre-employment screening measures including the Not to be Employed database and structured referee checks.

Employment or engagement may also be subject to other requirements as prescribed in relevant legislation, industrial instrument or departmental policies. These may include the conduct and service check, health assessment requirements, and verification of professional and/or academic qualifications.

There are **4 declaration forms** that need to be completed relevant to each type of work. They are:

- [Declaration for Child-Related Workers](#)
- [Declaration for Non-Child-Related Workers](#)
- [Declaration for Child Related Work – Tertiary Practicum Students](#)
- [Declaration for Contractors with Workers in Child-Related Roles](#).

2 Audience and application

These procedures apply to persons employed or engaged, or who are seeking to be employed or engaged, in child-related work with the NSW Department of Education. See [section 11](#) for terms and definitions.

All workers engaged in child-related work require a Working with Children Check clearance, unless they are an exempt volunteer or under 18 years of age. See [section 4](#) for a full list of child-related workers, exempt workers and non-child-related workers.

All workers engaged who are required to hold a WWCC will have their continued engagement conditional on maintaining and holding a valid WWCC. Staff who no longer hold a valid WWCC may have their role terminated from the date that their WWCC is no longer valid, regardless of whether they have been engaged in a permanent or temporary role. For consequences of not holding a valid WWCC, see [section 5](#).

People who are employed or engaged (or who are seeking to be employed or engaged) in non-child-related work in the department may be subject to their own screening requirements.

For definitions of the different categories of workers, including employees, contractors and volunteers, see [section 11](#).

3 Responsibilities and delegations

Executive leaders, directors, managers and principals are responsible for ensuring that recruitment processes within their area/s of responsibility are consistent with the Working with Children Check policy and these procedures. This includes ensuring that all persons required to either obtain a Working with Children Check (WWCC) clearance or provide a WWCC declaration have met the relevant requirement, prior to commencing employment or engagement. Failure to comply may result in disciplinary action and referral to Professional and Ethical Standards (PES).

Unless a person's WWCC clearance has been verified and the person has met all other requirements (including the National Coordinated Criminal History Check and structured referee checks where applicable), a person **cannot** be:

- employed or engaged in child-related work
- given approval to teach as a school teacher
- placed on any employment and engagement lists for child-related work.

Once a worker provides their WWCC clearance, the department must verify the clearance with the Office of the Children's Guardian to ensure it is valid and current before the worker can be engaged.

For detailed information on responsibilities and delegations, read the [Working with Children Check policy](#) or the [Working with Children Check intranet page](#).

4 Applying for and verifying a Working with Children Check

4.1 Who needs to apply – is it a child-related role?

All staff in NSW public schools are automatically deemed to be in a child-related role.

Staff categories include:

- teachers
- executive staff and principals
- school administrative and support staff
- business managers
- teacher education students seeking to undertake paid internship (interns) or associate teacher program
- student support officers
- paraprofessional staff
- public service staff in schools (for example, general assistants, farm assistants, agricultural high school household staff, matrons and sub-matrons)
- non-school-based teaching service staff in schools.

The following **specified volunteers** are child related. Specified volunteers are volunteers 18 years or older, who are:

- parents or close relatives attending overnight excursions
- volunteers providing personal care services to children with disabilities involving intimate contact with those children (such as assistance with toileting, bathing or dressing)
- volunteers providing mentoring services as part of a formal mentoring program provided by a government or non-government agency
- volunteers at a school who are not parents or close relatives, including
 - Duke of Edinburgh's International Award volunteers
 - teacher practicum students (unpaid)
 - other people undertaking practical training as part of an educational or vocational course
 - special educator in ethics, minister, priest, rabbi, mufti or other like religious leader or spiritual official of a religious organisation, or in any other role in the religious organisation, involving activities primarily related to children including youth groups, youth camps, teaching children and child care
 - providers of special religious education and special education in ethics. The list of approved providers can be found on the [Special religious education and special education in ethics providers](#) intranet page. [Section 4.3](#) provides a definition of exempt workers.

The following **contractors** are child related:

- contractors in the Assisted School Travel Program
- contractors engaged by the principal or local parents and citizens association and who will have direct contact with children, for example
 - community users of school facilities during school hours
 - employment agency staff
 - tennis coaching school staff
 - karate school staff
 - drama groups
 - paid band/music tutors
 - paid sports coaches
 - paid choreographers
 - those employed to manage or lease school canteens
 - in-class tutors
 - project officers
 - external consultants
 - those employed under funded programs where local arrangements are made
- cleaners in schools.

Other child-related groups include:

- teaching service staff not located in schools (for example, non-school-based teaching service positions)
- certain roles are deemed to be in child-related work regardless of whether they have direct contact with children as prescribed in section 6(3) of the Act. These include, for example, assessment officers under the Child Protection (Working with Children) Act 2012
- paid employees of the school parents and citizens association (P&C) working in schools, including but not limited to paid canteen workers, outside of school hours care workers, music tutors employed by the school P&C
- volunteers of the school P&C working in schools, including but not limited to volunteer canteen workers and outside of school hours care workers
- volunteer outside of school hours care workers.

4.2 Discretion in determining which roles are child related

In relation to public service senior executive roles, the Executive Director, HR Operations will make a recommendation to the Secretary on whether a senior executive role is child related, following consultation with the relevant executive director or Deputy Secretary.

In relation to public service non-executive roles, and excluding the roles described in section 4.1 (Other child-related groups), the director of the functional area determines whether a role is child related.

4.3 Roles that are exempt or not considered child-related roles

The following categories of department staff are **exempt workers**. These workers must complete the relevant sections in the WWCC Declaration for Child-Related Work:

- people under the age of 18 years
- any parent volunteers (unless they are a specified volunteer – see [section 4.1](#) [specified volunteers]) coming into their child's school are exempt from obtaining a Working with Children Check (WWCC) clearance. This includes parents volunteering
 - to attend excursions during school hours
 - for reading groups in primary schools
 - at school events
 - in the canteen.

4.4 Roles not considered child-related roles

Individuals who fall into any of the categories below do not need a WWCC or declaration:

- parents and relatives of students, who are visiting the school but are not working as a volunteer or contractor (for example, attending a sports carnival)
- local members of Parliament
- local council officials
- cleaning inspectors employed by Public Works Authority
- School Infrastructure NSW asset management officers
- unpaid speakers and guests invited by the school on special occasions, where the person's contact with children is minimal and always supervised
- videographers in schools.

Individuals who will be undertaking work that does not involve direct contact with people under 18 years but will be done in an environment where they will be present are non-child-related workers. Non-child-related workers outside of those noted above (in this section) may be required to complete the WWCC Declaration for Non-Child-Related Workers and/or complete additional screening requirements.

Before engaging or employing an individual, the hiring manager or person who has engaged them should clearly determine and communicate their role, whether it is child-related or non-child-related, and the relevant screening requirements.

4.5 Applying for a Working with Children Check clearance

Where a person in child-related work is required to obtain a WWCC clearance as a condition of employment or engagement, it is that person's responsibility to apply for the WWCC clearance with the [Office of the Children's Guardian](#). The department's [Applying for a WWCC](#) intranet page also provides information on the application process.

4.6 Application outcomes

When an individual applies for a WWCC clearance with the Office of the Children's Guardian, the possible application outcomes are:

Clearance	The worker is cleared to hold the position applied for. The department will be notified if the cleared worker later becomes a disqualified person, has their WWCC cancelled or becomes subject to a bar or interim bar (see below).
Barred or subject to an interim bar	The person cannot be employed or engaged in child-related work, or placed on any employment or engagement lists for child-related work.
Closed	Either the applicant did not continue with the WWCC application process or the applicant's WWCC clearance was terminated.

4.7 The department will verify the Working with Children Check clearance

Once a worker provides their WWCC clearance, the department must verify the clearance with the Office of the Children's Guardian to ensure it is valid and current.

People Group will verify the WWCC clearance and undertake probity checks for all recruitment it coordinates (for example, all teachers, permanent SASS and corporate child-related roles).

Principals are responsible for all recruitment they coordinate (for example, temporary/casual SASS or contractors and volunteers), for checking the Not to be Employed database through Electronic Casual Pay Claims (eCPC), initiating the WWCC clearance verification (where this is required) through eCPC and keeping relevant records for 7 years. A principal can delegate the process of checking, verifying and record keeping to an appropriate school administrator (SAMs, SBMs, authorised to access eCPC). See the [Record Keeping Guidelines](#) for more information on record keeping.

The possible verification outcomes are:

Cleared	The person can commence or continue employment or engagement in child-related work.
Pending	Verification is underway. The person cannot commence or continue to work until a cleared result is received.
Declined/closed/cancelled	The person cannot be employed or engaged in child-related work or placed on any employment or engagement list for child-related work.

4.8 How and when workers need to renew their Working with Children Check

Once granted, a person's WWCC clearance remains valid for 5 years from the date it is granted.

A person's WWCC clearance may be closed or cancelled sooner or may become subject to an interim bar as determined by the Office of the Children's Guardian.

Declarations for volunteers and contractors are valid for the length of the volunteering/contracting period. For example, parents volunteering in their child's school every year from Kindergarten to Year 6 will submit one declaration for the entire period. However, if there is a break of greater than 12 months in the volunteering period, parents must complete a new declaration. Please see [section 4.9](#) for exceptions.

Individuals engaged by the department are required to hold a valid and verified WWCC. They must ensure it remains current and inform the department of any changes as soon as possible. Staff are

expected to action any WWCC renewals in a timely manner and follow the letter of direction from the department.

4.9 Nationally Coordinated Criminal History Check mobility between roles

Anyone moving from non-child-related to child-related work in the department (including temporary acting arrangements) must meet the relevant WWCC requirements outlined in these procedures prior to commencing the employment or engagement.

Where a person moves from one type of child-related work to another type of child-related work in the department, it is not necessary to re-verify the person's WWCC clearance or conduct a new screening, provided there is no break in child-related work with the department.

Exceptions to [section 4.8](#) are where:

- a volunteer who holds a volunteer WWCC clearance is to be engaged or employed in paid child-related work – the department does not accept a volunteer clearance from paid workers so the person must obtain a paid worker WWCC clearance with the Office of the Children's Guardian
- a contractor gains employment in a child-related role with the department – they are treated as a new employee and must obtain a WWCC clearance
- a person is changing status, for example from a child-related contractor to a child-related employee (whether permanent, ongoing, temporary or casual) or where a child-related contractor will be placed on an employment list, or changing from a temporary or casual child-related employee (or a person placed on an employment list) to a child-related permanent or ongoing employee, a probity screening must be processed, along with a re-verification of the individual's WWCC clearance
- a person is moving to a teacher or student learning support officer position (including all positions that have an in-classroom support role in schools), they must obtain a WWCC clearance – this is because a higher level of check applies to teachers and student learning support officers.

4.10 Providing a reference for an employee

If a principal or other workplace manager is asked to provide a reference as part of an Office of the Children's Guardian WWCC clearance risk assessment, they should complete all sections of the employer reference form, except part 6, and sign the form.

When completing the form, principals or managers should ensure they:

- complete the form in a timely manner
- state the facts as the principal or manager knows them
- do not delegate the task to another staff member (however they may consult other staff members if they can provide relevant information)
- provide a sufficient level of detail (generally one-line responses are not sufficient)
- complete the section that asks for the employee's length of service – log in to SAP on the department's website and follow the steps outlined in Table 1:

Table 1 Completing employee length of service in the department's system

Step	Action
1	Select 'My staff'
2	Select 'manage leave'
3	Select 'browse staff'
4	Select correct team or school
5	Select relevant staff member
6	Select 'service history'
7	Refer to the employee's start date with the Department and calculate their length of service

Alternatively, log a request for this information with the probity unit at wwcc@det.nsw.edu.au.

Refer the reference to the Executive Director, Professional and Ethical Services (PES) so that PES can complete verification of the WWCC clearance and approve the reference. PES will return the completed document to the Office of the Children's Guardian.

Do not provide a copy of the reference to the employee.

5 Bars, interim bars and non-compliance

This clause applies to an existing child-related worker, who is deemed to be an 'unauthorised person', because the worker:

- has withdrawn their WWCC application
- has surrendered their WWCC clearance
- is a disqualified person as defined under section 18 of the Child Protection (Working with Children) Act 2012
- is subject to an interim bar under section 17 of the Act
- is refused a WWCC clearance by the Office of the Children's Guardian
- has had their WWCC cancelled by the Office of the Children's Guardian
- has had their WWCC clearance or application closed by the Office of the Children's Guardian.

Where a WWCC clearance is required, the department will not accept a WWCC application number as meeting WWCC requirements. The department will only accept a WWCC clearance.

The Office of the Children's Guardian will immediately notify the department should the outcome of a WWCC application (or WWCC clearance) lead to an interim bar or bar.

Having a valid WWCC clearance is a pre-requisite for obtaining accreditation as a teacher. All department teachers need to comply with the relevant accreditation timeframe specified by the NSW Education Standards Authority (NESA). A teacher who has submitted a WWCC application but has not received a WWCC clearance does not satisfy this requirement. The department will manage decisions about accreditation in accordance with the relevant teacher accreditation legislation, policy and procedure.

In limited circumstances, a person refused a WWCC clearance or whose WWCC clearance is cancelled by the Office of the Children's Guardian may apply for review from the NSW Civil and Administrative Tribunal under Part 4 of the Act, within 28 days after notice of the decision being given to the person. Section 26(1) of the Act identifies the class of persons who are NOT entitled to apply for a review.

5.1 Consequences of not obtaining or renewing a WWCC clearance

An existing child-related worker who fails to obtain or renew a WWCC clearance cannot continue to be employed or engaged in child-related work.

In the case of a teaching service or SASS employee, the department may suspend the person's employment without pay or dismiss the employee under the Teaching Service Act 1980 [section 93L](#) and the Education (School Administrative and Support Staff) Act 1987 [section 32D](#).

In the case of a public service employee, the department may terminate the person's employment under the Government Sector Employment Act 2013 [section 47](#), for having failed to meet a condition of engagement as a child-related employee.

In the case of a contractor or volunteer, the department may terminate the person's engagement in child-related work.

Temporary staff engaged in child-related work may have their engagement terminated from the date that their WWCC clearance expires or is no longer valid. This may happen regardless of the overall length of their contract.

5.2 Duty to keep information up to date

The Child Protection (Working with Children) Amendment (Statutory Review Act 2018 [section 36B](#) states that 'a person who holds a Working with Children Check clearance or who has made a current application to the Children's Guardian for a Working with Children Check clearance must notify the Children's Guardian of any changes to the person's personal details within 3 months of the change occurring'. Personal details include:

- the person's name
- the person's address
- the person's contact details
- the person's employer or proposed employer
- any other information of a kind prescribed by the regulations.

A person who, without reasonable excuse, fails to comply with this section is guilty of an offence.

5.3 Disqualified persons, bars and interim bars

The Office of the Children's Guardian will notify the probity unit if, at any time after the department's initial verification:

- a person who holds or has applied for a WWCC clearance becomes a disqualified person
- a person is subject to an interim bar or bar
- a person's WWCC clearance is closed.

The probity unit will contact the school or business unit to inform it that the person is to be removed from duty. It will also contact the person to determine if they intend to appeal the decision or resign from the department.

The probity unit will record the information, place the person on the Not to be Employed database as required, and notify Professional and Ethical Services (PES). If the person is a teacher, the probity unit will also notify the NSW Education Standards Authority.

PES will determine the course of action regarding the person's employment or engagement with the department, having regard to the specific circumstances of the case and in accordance with any relevant legislation, industrial instrument, policy and procedure.

Where PES has no existing record of any matter giving rise to a disqualification, bar or interim bar, PES may liaise with the probity unit to inform the appropriate course of action.

Where a person's WWCC clearance has been closed, the probity unit will determine the course of action regarding the person's employment or engagement with the department. The probity unit will then advise the person and their principal/manager of the outcome.

If the holder of a barred or interim barred WWCC has lodged a successful appeal to the Office of the Children's Guardian and has been provided with a new WWCC clearance, they may be subject to employment screening requirements in addition to WWCC verification.

6 Record keeping

The department must keep records showing the person's WWCC clearance, and the date on which each clearance of the person ceases to have effect, for 7 years post-employment.

For centrally coordinated recruitment, this information is captured through the relevant human resources system. Once entered into the system for verification, it is captured automatically and no further action is required.

For principal arranged recruitment, the principal must retain a copy of all relevant documentation. Where the requirement is to only show or view a photographic identity document, principals do not need to retain copies of the identity document.

The documents collected to conduct the WWCC clearance verification and probity check contain sensitive personal information. They must be securely stored for 7 years, in compliance with the State Records Act, General Authority 28 (GA28-15.4.4) and privacy legislation.

Personal information stored in electronic files must be password protected and manual information storage systems such as filing cabinets must be locked when unattended. Limit access to staff whose duties require them to have access. Make back-ups of personal information in electronic and store these securely. Where practicable, transmit the information in an encrypted form.

When using credit/debit cards for identification purposes, retain only the front of the card with the cardholder name and obscure the numeric details. To comply with the Payment Card Industry Data Security Standard, never write down or store customer credit/debit card data.

Schools and business areas can scan and store an electronic copy of the documents instead of keeping the hard-copy records. After checking the documents have been saved to a secure electronic file, use a shredder or locked disposal bin to securely dispose of the original documents.

Further information is provided in the links below:

- [Records management intranet page](#)
- [Storage of and access to personal information](#)
- [Information management \(privacy\)](#)

The Records Management team can provide further advice on records management practices, at EDConnect.recordsmanagement@det.nsw.edu.au or consult the [Record Keeping Guidelines](#).

7 Other screening

7.1 National Criminal Records Check Procedure

In addition to the relevant WWCC requirements, all applicants for paid employment, contingent workers and contractors engaged in the Assisted School Travel Program must meet the department's National Coordinated Criminal History Check requirements.

The department conducts this requirement under a declaration and consent process, which involves the applicant:

- providing 4 pieces of identification ([Guide to Identity Documents](#))
- completing the [Declaration for Child-Related Workers](#)
- completing the [Nationally Coordinated Criminal History Check \(NCCHC\) – Application and informed consent form](#).

Once the department receives the above forms, it conducts a National Police Check with the National Coordinated Criminal History Check for centralised recruitment activities (including for teaching and non-teaching staff). The probity unit assesses the person's suitability for employment or engagement based on the records received from the criminal history check.

7.2 Not to be Employed procedure

The department maintains a list of persons who are Not to be Employed (NTBE) under any circumstance. This is an internal list, and the information is not publicly available. An NTBE check must be conducted to ensure prospective employees, contractors, guests and volunteers are NOT on the department's internal NTBE list

NTBE checks must be conducted in eCPC and the results recorded at:

- the point of engagement or at the point they are added to an employment list or declaration
- the beginning of each term, if their work takes place over an extended period
- the point of re-engagement, if the worker is returning after a period of at least 12 months inactivity.
- Schools should also perform a person search on temporary and ongoing school staff due to return from leave to ensure their WWCC, screening and approval details are up to date.

After a NTBE check is completed, the result must be recorded to meet audit requirements. Schools are strongly recommended to:

- take a screenshot of the search results in eCPC and save as per the department's [Record Keeping Guidelines](#) and/or
- include a column in their sign-in book to record NTBE check results and have it signed by the staff member who conducted the check.

A person who is identified as being on the NTBE list cannot be engaged and must not be allowed on school premises.

8 Monitoring, evaluation and reporting requirements

The Executive Director, Human Resources Operations, or their nominee, is responsible for periodically reviewing and revising, as appropriate, the Working with Children Check policy and the Working with Children Check Procedure.

Human resource areas, directors, managers and principals are responsible for maintaining records of the status of each position within their area/s of responsibility (whether a position is child related) and for reviewing these periodically to ensure consistency with policy and procedural requirements.

9 More information

Refer enquiries about the Working with Children Check Procedure to the probity unit, 02 7814 3825 or wwcc@det.nsw.edu.au.

10 Document history

Table 2 Document information

Document information	Details
Procedure title	Working with Children Check Procedure
Current version	5.1
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Role	Name
Procedure owner	Director, HR Operations, Policies and Systems
Procedure advisor	Lead, Probity
Procedure facilitator	Lead, HR Policy
Procedure contact	Manager, Policy and Compliance

Table 4 Document version history

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1.0	15/06/13	
2.0	8/08/13	Changes made following communications with the OCG
2.1	24/10/14	School cleaners confirmed as child-related workers
3.0	1/04/16	Phase-in compliance procedure added
4.0	27/09/16	Document restructured
4.1	3/12/18	Document reviewed and edited in light of development of mini-guides
4.2	3/12/18	Document reviewed and moved into revised template
4.3	30/11/19	WWCC Procedure Review and Update
5.0	2/03/20	Full review and update quick guides created
5.1	29/3/22	Additions added to sections 2,3,4.8 and 5.1 to reflect current practice in the department. No change to implementation

Key relevant legislation and regulation that determines, influences or defines this procedure is outlined in Table 5.

Table 5 Document linkages – legislation and regulation

Year of enactment	Title of legislation
2012	Child Protection (Working with Children) Act
2013	Child Protection (Working with Children) Regulation
1980	Teaching Service Act
1987	Education (School Administrative and Support Staff) Act
2012	Government Sector Employment Act
2018	Child Protection (Working with Children) Amendment (Statutory Review) Act

Reference procedures and procedures that flow from this procedure are outlined in Table 6.

Table 6 Document linkages – policies and procedures

Type	PD number	Title
Policy	PD-2005-0264	Working with Children Check policy

11 Terms and definitions

Department means the NSW Department of Education.

The Act means the Child Protection (Working with Children) Act 2012.

11.1 Definitions under the Child Protection (Working with Children) Act 2012

Worker means any person aged 18 years or over who is employed or engaged in work in any of the following capacities:

- as a paid department employee including permanent, ongoing, temporary, term, full-time, part-time and casual employment
- as a contractor engaged by the department
- as a volunteer engaged by the department
- as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience)
- as a special educator in ethics, minister, priest, rabbi, mufti, or other like religious leader or spiritual officer of a religion or other member of a religious organisation.

Children means persons under the age of 18 years.

Direct contact means physical contact or face-to-face contact.

Child-related work means any work in an area prescribed as child-related work in the Act or the Regulation. This includes but is not limited to work in the following areas:

- **education** – work in schools or other educational institutions, including private coaching or tuition of children
- **child development** – work in mentoring and counselling services for children
- **early education and child care** – work in education and care services, child care centres, nanny services and other child minding services; and work as an approved provider or manager of an education and care service, a certified supervisor of an education and care service, an authorised carer, assessment officer, or principle officer of a designated agency within the meaning of the Children and Young Persons (Care and Protection) Act 1998
- **clubs or other bodies providing services for children** – including bodies of a cultural, recreational or sporting nature that involve providing programs or services primarily for children
- **entertainment for children** – work at sporting, cultural or other entertainment venues used primarily by children and entertainment services for children
- **residential services** – work at refuges used by children, long-term home stays for children, boarding houses or other residential services for children and overnight camps for children
- **transport services for children** – work in providing transport services especially for children, including school bus services and taxi services for children with disability and supervision of school road crossings
- **religious services** – work for a religious organisation where the work is carried out as a minister, priest, rabbi, mufti or other religious leader or spiritual officer of the organisation, or in any other role involving youth groups, youth camps, teaching children or child care
- **school cleaners** – work as a cleaner providing cleaning services at a school.

Certain roles are deemed to be in child-related work regardless of whether they have direct contact with children as prescribed in section 6(3) of the Act. These include, for example, ‘assessment officers’ under the Children and Young Persons (Care and Protection) Act 1998.

11.2 Definitions of other terms in these procedures

Barred from child-related work means:

- where a person's application for Working with Children Check (WWCC) clearance is refused by the Office of the Children's Guardian under section 18 of the Act.
- where a person's WWCC clearance is cancelled by the Office of the Children's Guardian under section 23 of the Act.

Close relative of a person means:

- a spouse or de facto partner of the person
- a child, step-child, sibling, step-sibling, parent, carer, guardian, 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.

Contractors engaged by the department include:

- contractors engaged directly by the department
- subcontractors
- employees of a contractor or a subcontractor
- persons employed by a contingent labour supplier.

Disqualified persons has the same meaning as in section 18(1) of the Act, namely:

- a person convicted of a criminal offence specified in Schedule 2 of the Act, if the offence was committed as an adult
- a person against whom proceedings for any such offence have been commenced, if the offence was committed as an adult, pending determination of the proceedings for the offence.

Existing worker refers to employees, contractors and volunteers who have been continuously employed or engaged to perform child-related work prior to 15 June 2013. Existing workers also include persons who were placed on an employment list for child-related employment opportunities before 15 June 2013.

Employment and engagement lists include the following and other similar lists the department maintains:

- approved to teach list
- list of persons suitable to be engaged as a school administrative and support staff (SASS)
- eligibility lists and talent pools for child-related positions or roles
- contractor engagement lists or similar
- volunteer engagement lists or similar.

Formal mentoring program includes, but is not limited to, a mentoring program for children approved by the department or another government agency; a mentoring initiative approved by the principal; a mentoring/counselling service for children conducted through a non-government organisation where the roles of mentor and mentee are formally assigned.

Interim bar means an interim bar imposed by the Office of the Children's Guardian under section 17 of the Act where it is likely that there is a risk to the safety of children if the person engages in child-related work. A person who is subject to an interim bar cannot engage in child-related work.

Not to be Employed database is maintained by the department.

Office of the Children's Guardian is an independent government agency and is responsible for administering the Working with Children Check in NSW.

Parent means a parent or close relative of the child.

Refused a Working with Children Check clearance means a person whose application for a WWCC clearance has been refused wholly or partly on the grounds that the person has been charged with an offence (other than an offence specified in Schedule 2 of the Act).

Regulation means the Child Protection (Working with Children) Regulation 2013.

Specified volunteer means volunteers:

- providing personal care services to children with disabilities involving intimate contact with those children (such as assistance with toileting, bathing or dressing), parent volunteers
- providing mentoring services as part of a formal mentoring program provided by a government or non-government agency (this includes parent volunteers)
- attending overnight excursions
- at a school who are not parents or close relatives, including:
 - volunteers who perform work directly for the department
 - teacher education students and other people undertaking practical training as part of an educational or vocational course
 - persons employed or engaged by a third party who provides goods and/or services to the department at no cost to the department, including persons engaged by a school parents and citizens' association, a religious organisation, a provider of special religious education or a provider of special education in ethics.

Unauthorised person means:

- (a) a person whose Working with Children Check (WWCC) clearance is cancelled under section 23 of the Child Protection (Working with Children) Act 2012, other than a charged person
- (a1) a charged person or the person being convicted (within the meaning of the Child Protection (Working with Children) Act 2012) of an offence specified in Schedule 2 to that Act.

Note. A conviction includes a finding that the charge for an offence is proven, or that a person is guilty of an offence, even though the court does not proceed to conviction (see the definition of conviction in the Child Protection (Working with Children) Act 2012).