Policy Frameworks
MP 0176/22
Effective from: 23 December 2022

Working with Children Check Policy

1. Purpose

The *Working with Children (Screening) Act 2004* (WWC Act) sets out the requirements for compulsory screening of individuals who engage in paid or unpaid child- related work, referred to as a Working with Children Check (WWC Check). WA health entities are responsible for complying with the WWC Act, and serious penalties including fines and imprisonment apply for non-compliance.

The Department CEO, as the System Manager, is committed to the protection of children across the WA health system.

The *Working with Children Check (WWC) Policy* sets out the minimum requirements with which the WA health entities must comply to ensure a consistent approach to meeting the requirements of the WWC Act. This policy serves to support a systemwide approach to the protection of children, as one aspect of mitigating risks to the safety of children. WA health entities employ other risk mitigation strategies for the protection of children outside of WWC processes.

To reduce the risk of harm to children, WA health entities are committed to ensuring that only individuals who have WWC Check evidence, including a valid WWC Card or a valid receipt for a WWC application, undertake child-related work, as defined by the WWC Act. There are many roles involving contact with children that do not meet the definition of child-related work as defined by the WWC Act. Under the WWC Act, it is unlawful for employers to require WWC Checks for individuals who are not engaged in child-related work. 'Blanket approaches' where all individuals, or groups of individuals, are required to apply for a WWC Check, regardless of whether the individual engages in child-related work or not, must not be applied.

This policy must be read in conjunction with Government Sector Labour Relations (formerly Public Sector Labour Relations), Working with Children Checks Policy.

This policy is a mandatory requirement for Health Service Providers (HSPs) under the *Workforce and Employment Policy Framework* pursuant to section 26(2)(f) of the *Health Services Act 2016* (HS Act).

This policy is also a mandatory requirement for the Department of Health pursuant to section 29 of the *Public Sector Management Act 1994* (PSM Act).

This policy supersedes OD 0454/13 *WA Health Working with Children Check Policy.*

2. Applicability

This policy is applicable to WA health entities.

The requirements contained within this policy are applicable to the services purchased from contracted health entities where it is explicitly stated in the contract between the contracted health entity and the State of Western Australia or HSP. The State of Western Australia or HSP contract manager is responsible for ensuring that any obligation to comply with this policy by the contracted health entity is accurately reflected in the relevant contract and managed accordingly.

3. Policy Requirements

WA health entities must:

- assign responsibility to a position for coordinating matters related to this policy, including compliance and reporting requirements
- develop, implement and evaluate local processes for the identification and review of all positions undertaking child-related work as defined under the WWC Act, including employee and non-employee positions
- ensure contracts or agreements accurately reflect the requirements contained within this policy, and are managed accordingly, for services purchased from or provided by other service providers including but not limited to contracted health entities, or other contracted entities and their personnel, self-employed individuals, non-employee staff members, and non-government or not-for-profit organisations
- not permit any individual to commence, or continue, in child-related work without a valid WWC Check application receipt or a valid Western Australian WWC Card (WWC Card). Any exceptions must be authorised by the Director General for the Department of Health, the Chief Executive for HSPS, or their identified delegate and be consistent with WWC Act requirements, including not exceeding the five-day threshold for an individual in a calendar year, where applicable
- manage ineligibility to undertake child-related work, including immediately removing from child-related work, any individual who has:
    - been issued with an Interim Negative Notice or Negative Notice
    - withdrawn their WWC application
    - cancelled their WWC Card
    - an expired WWC Card, without a valid WWC application receipt
    - a relevant change to their criminal record
      or
    - any charge or conviction which makes it inappropriate for the individual to continue to undertake child-related work.
- maintain complete and accurate WWC Check records, including:
    - all positions that undertake child-related work, including the category of child-related work and date of review, if applicable
    - WWC application receipt and WWC Card details, including full name, date of birth, WWC application receipt or WWC Card number, expiry date, and a copy of WWC Check evidence. The expiry date for WWC application receipts must be set as three months after the date of the receipt to facilitate the following up of WWC Check applications as required
    - actions taken in relation to exceptions or exemptions

    - validity check records, including date of check, outcome and proof of the validity check
    - notifications and actions taken relating to ineligibility to undertake child-related work.
- reimburse the cost of WWC Checks, where required, under the Government Sector Labour Relations (formerly Public Sector Labour Relations) Working with Children Checks Policy
- develop, implement and evaluate local procedures to ensure compliance with this policy and the relevant procedures listed in section 5 Related Documents
- provide reports on WWC Check compliance to the Chief Executive and board, where applicable, for Health Service Providers and Director General for the Department of Health. At a minimum this must specify relevant operational areas and include:
    - any exceptions
    - rate of compliance
    - period of non-compliance
    - trends in non-compliance.

Employees undertaking child-related work must:

- have applied for, or hold, a valid WWC Card and provide WWC Check evidence, before commencing, and while continuing, child-related work
- renew their WWC Card before it expires
- notify their employing authority of any matter that may affect their eligibility to undertake child-related work.

4. Compliance Monitoring

The Governance and System Support Directorate, on behalf of the System Manager, may request:

- attestations of policy compliance as required
- an aggregated report, including but not limited to, trend analysis related to WWC Check compliance on a six-monthly basis.

The reporting format and timing will be developed in consultation with the Department of Health and HSPs.

5. Related Documents

The following documents are mandatory pursuant to this policy:

- Working with Children Check Procedure: Employees
- Working with Children Check Procedure: Students
- Working with Children Check Procedure: Volunteers

6. Supporting Information

The following information is not mandatory but informs and/or supports the implementation of this policy:

- Working with Children Check – Resources and Guides: factsheets and other resources (wa.gov.au)
- WWC Reimbursement Form

7. Definitions

The following definition(s) are relevant to this policy and the procedures.

Term	Definition
Category of child-related work	As defined in section 6 of the WWC Act. Refer to Infographic CRW01: Categories of child-related work available on the WWC website.
Child	A person who is under the age of 18 years.
Child related work	Work is child-related if the usual duties of the work involve, or are likely to involve, contact with a child in connection with at least one of the categories of child- related work defined in section 6 of the WWC Act. Child-related work may be paid or unpaid. Refer to Infographic CRW01: Categories of child-related work available on the WWC website.
Contact	As defined in section 4 of the WWC Act, contact with a child includes: a) any form of physical contact b) any form of oral communication, whether face to face, by telephone or otherwise c) any form of electronic communication but does not include contact in the normal course of duties between an employer and an employee or between employees of the same employer.
Contracted health entities	As defined in section 6 of the HS Act, a contracted health entity means a non-government entity that provides health services under a contract or other agreement entered into with the Department CEO on behalf of the State, a HSP or the Minister.
Employee	Under the PSM Act for Department of Health: an employee means a person employed in the Public Sector by or under an employing authority. Under the HS Act for the Department of Health: A person employed under s.22. Under the HS Act for HSPs: an employee means a person employed in a Health Service Provider and includes - a) the Chief Executive of the HSP b) a health executive employed in the HSP c) a person employed in the HSP under s.140 of the HS Act; d) a person seconded to the HSP under s.136 or s.142 of the HS Act.
Employing authority	Employing authority means: a) in relation to Health Service Providers: i. for a Chief Executive – the Department CEO

	ii. for all other employees of a board governed Health Service Provider – the board iii. for all other employees of a Chief Executive governed Health Service Provider – the Chief Executive. b) in relation to Department of Health employees – the Director General.
Exception	Where the Director General for the Department of Health, Chief Executive for a HSP, or their identified delegate authorises an individual to commence, or continue, in child-related work without WWC Check evidence. Any exceptions must be consistent with WWC Act requirements, including not exceeding the five-day threshold for an individual in a calendar year, where applicable.
Exemption	Where a class of individual, or type of work, is excluded by the WWC Act or *Working with Children (Screening) Regulations 2005* from the definition of child-related work. Refer to the factsheets on WWC exemptions available on the WWC website.
Health Service Provider	HSP established by an order made under section 32(1)(b) of the HS Act.
HRMIS	Human Resources Management Information System.
Ineligibility to undertake child-related work	Ineligibility to undertake child-related work includes where an individual has: • been issued with an Interim Negative Notice or Negative Notice • withdrawn their WWC application • cancelled their WWC Card • an expired WWC Card, without a valid WWC application receipt • a relevant change to their criminal record or • any charge or conviction which makes it inappropriate for the individual to continue to undertake child-related work.
Interim Negative Notice	A written notice that prevents an individual from undertaking child-related work until a Negative Notice, or a WWC Card, is issued.
Negative Notice	A written notice that prevents an individual from undertaking child-related work.
Non-employee	An individual who is not an employee and who undertakes child-related work. Non-employees may include, but are not limited to: • staff members who are not employees, such as Contracted Medical Practitioners • volunteers • ministers of religion

	• students • contractors.
Relevant change	A relevant change occurs if an individual is charged with or convicted of a Class 1 or Class 2 offence. Class 1 and Class 2 offences are offences specifically listed in section 7, Schedules 1 and 2 of the WWC Act. Refer to Factsheet OFF01: Class 1 and Class 2 offences available on the WWC website.
Valid	A WWC Card or WWC application receipt is valid if the WWC Card number or application number has been checked on the Working with Children Check website and is confirmed as valid.
WA health entities	WA health entities include: i. Health Service Providers as established by an order made under section 32 (1)(b) of the *Health Services Act 2016*. ii. Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the *Public Sector Management Act 1994*.
WA health system	The WA health system is comprised of: (i) the Department; (ii) Health Service Providers (North Metropolitan Health Service, South Metropolitan Health Service, Child and Adolescent Health Service, WA Country Health Service, East Metropolitan Health Service, PathWest Laboratory Medicine WA, Quadriplegic Centre and Health Support Services); and (iii) contracted health entities, to the extent they provide health services to the State.
WWC Check application	A process of applying for a WWC Check assessment.
WWC application receipt	A valid WWC application receipt that can be accepted as proof of a pending application for a WWC Card.
WWC Card	A successful Western Australian WWC Check assessment notice issued as a card which has a photograph, signature and card number.
WWC Check	Compulsory screening strategy for individuals who engage in certain paid or unpaid child-related work. The WWC Check includes a nationally coordinated criminal history check, but also involves the ongoing collection and assessment of information relevant to whether a child may be exposed to a risk of harm should an individual undertake child-related work.
WWC Check evidence	WWC Check evidence includes: • a valid WWC Card or • a valid receipt for an WWC application, including for the renewal of a WWC Card.

WWC Flag	A condition applied to a position which indicates that the position undertakes child-related work.
WWC Screening Unit	Unit within Department of Communities established to administer the WWC Act.

8. Policy Contact

Enquiries relating to this policy may be directed to:
Title: Executive Director
Directorate: Governance and System Support
Email: OED.GSSD@health.wa.gov.au

9. Document Control

Version	Published date	Effective from	Review date	Amendment(s)
MP 0176/22	23 December 2022	23 December 2022	December 2025	Original version
MP 0176/22 v.1.0	15 February 2023	15 February 2023	December 2025	Amendment as listed below.
• Transfer of policy from Integrity Policy Framework to Employment Policy Framework.				
MP 0176/22 v.2.0	5 December 2023	5 December 2023	December 2025	Amendment, detailed below.
• Updated the title of the *Working with Children (Screening) Act 2004* and Regulations to reflect the change in title effective from 1 July 2023. • Updated policy hyperlinks. • Compliance monitoring section: Updated to reflect the change in policy ownership from System-wide Integrity Services to the Governance and System Support Directorate. • Updated Policy Contact. • Supporting information: Replaced WWC Screening Unit Fact Sheets, WWC Check Position Assessment Tool, WWC Check Exception Form resources with a hyperlink to the WA Government: Working with Children Check - Resources and guides: factsheets and other resources. • Definitions section: updated to refer to resources on the WWC website.				
MP 0176/22 v.2.1	6 February 2024	6 February 2024	December 2025	Minor amendments as listed below.
• Definitions section: Hyperlinks updated within 'Category of child-related work' and 'Child related work' definitions.				
MP 0176/22 v.2.2	16 July 2026	6 February 2024	December 2025	Amendments as listed below.
• Policy contact generic email updated to align with Unit changes.				

10. Approval

Approval by	Jodie South, A/Assistant Director General, Clinical Excellence, Department of Health
Approval date	21 December 2022

This document can be made available in alternative formats on request for a person with a disability.

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