

Fact sheet 12

Bars and appeals

February 2018



When you apply for a Working With Children Check, there are only two outcomes: a clearance to work with children or a bar against working with children.

When is a bar applied?

Risk assessment

If you are subject to a risk assessment you may become barred from working with children. For more information, see [FACT SHEET: Risk assessment](#), available from the fact sheets and resources page of www.kidsguardian.nsw.gov.au

Disqualifying offences

Offences listed in Schedule 2 of the [Child Protection \(Working with Children\) Act 2012](#) are disqualifying offences which means they will lead to an automatic bar against working with children. Details of Schedule 2 offences are available in the [FACT SHEET: Disqualifying offences \(Schedule 2\)](#).



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Receiving notification of a proposed bar

If a bar is being considered, you will be contacted by phone and by letter to inform you of the proposed decision. You will also be invited to submit information which may affect the decision, and this information will be taken into account in deciding the final outcome.

Receiving notification of a final bar

If the Children's Guardian decides not to grant you a clearance to work with children (that is, to impose a bar), you will receive a letter informing you of this decision. The letter will also provide you with the reasons for the decision.

If you are already in child-related work (or planning to be in such employment), your employer (or proposed employer), will be notified that you have been barred and instructed to remove you from child-related work. However, no information regarding your work or criminal records will be shared with your employer (or proposed employer), or anyone else without your consent.

What is the effect of a bar?

Once a bar is in place, it is an offence to work with children in a child-related role for five years and penalties apply. If you are already working with children, you must immediately remove yourself from this work. It does not matter whether the work is paid or voluntary.

What is the difference between a bar and an interim bar?

A bar is applied once a final decision has been made that an individual must not engage in child-related work for five years (unless circumstances have changed that permit an earlier application).

An interim bar is used to prevent high risk individuals from working with children while a risk assessment is conducted and until a final decision is made. A person who is subject to an interim bar must not engage in child-related employment while it is in force. An interim bar may be imposed for up to 12 months.

Not everyone who is subject to a risk assessment will receive an interim bar.

When can a bar be appealed?

You can appeal a bar in any circumstance **except** the following:

- you are subject to an interim bar which has been in force for less than six months (you must wait six months before you can apply)
- you have a bar due to ongoing proceedings relating to a disqualifying offence under Schedule 2 (you must wait until these proceedings have been concluded before you can apply)
- you have a bar because you were convicted of certain offences specified in s 26 of the [Child Protection \(Working with Children\) Act 2012](#) and were sentenced to full-time imprisonment or remain subject to certain types of orders. If you believe this may apply to you, we encourage you to seek your own independent legal advice.

How do I lodge an appeal?

Applications for a review must be lodged with the NSW Civil and Administrative Tribunal within 28 days of receiving notification of a final bar or after an interim bar has been in force for six months. If you miss this deadline, contact the NSW Civil and Administrative Tribunal as they may grant you an extension.

For more information on the review process, call the Civil and Administrative Tribunal Registry on 1300 006 228 or visit www.ncat.nsw.gov.au.

More information

For more information, please refer to the fact sheets available from the fact sheets and resources page of www.kidsguardian.nsw.gov.au/check. If you have a question, please email check@kidsguardian.nsw.gov.au.

See also:

[Child Protection \(Working with Children\) Act 2012](#)

[Child Protection \(Working with Children\) Regulation 2013](#)

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