

Fact sheet 23

Work deemed child-related by the Guardian

February 2018



What is additional child-related work?

Only workers in child-related work as defined under the *Child Protection (Working with Children) Act 2012* are required to obtain a Working With Children Check.

However, Section 7 of the Act provides that where a worker is NOT in child-related work, but has access to confidential records or information about children, an employer may seek the approval of the Children's Guardian to have the position approved as additional child-related work for the purposes of requiring a Working with Children Check.

For the purposes of this provision a worker is defined under Section 7 (1) of the Act. This provision DOES NOT apply if the worker is a volunteer.

If approved, the employer will notify the worker of the requirement to obtain a Working with Children Check clearance.

What is considered confidential records or information about children?

The Report on the Review of the NSW *Commission for Children and Young People Act 1998* provides an example of additional child-related work as work "where employees access confidential information about vulnerable children."

Records and information about a child are considered confidential if they are of a sensitive nature in relation to their health and well-being and the information has been provided in confidence. The circumstances will be considered on a case by case basis by the Children's Guardian.

Where information held is simply the name, address or other contact details of children they are not considered confidential for the purposes of this provision.



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Types of workers who may be in additional child-related work

Workers in this group may include workers who have access to confidential records or information about children which includes names and other identifiable details and may include those working in the statutory child protection system such as caseworkers, court workers, adoption workers in out-of-home care agencies.

Researchers, policy makers and other workers who have access to confidential information of a sensitive nature may also be considered e.g. a university researcher undertaking work on behalf of a government agency where access to children's confidential records is required for that work.

How to apply to have non child-related work deemed to be child-related

To apply for authorisation from the Children's Guardian to have work which is non child-related deemed to be child-related for the purposes of requiring a Working With Children Check, please:

1. complete the online form Application for Approval of Additional Child-related Work, available from the [fact sheets and resources page](#) of www.kidsguardian.nsw.gov.au/check
2. save it as a PDF and email it to: check@kidsguardian.nsw.gov.au marked Attention, Director of Legal Services.

Alternatively, please print and complete the form, then post it to:

The Children's Guardian
Office of the Children's Guardian
c/- Level 13, 418A Elizabeth Street
Surry Hills NSW 2010.

More information

Please refer to the information for employers which is regularly updated with important information. Please also refer to the fact sheets available from the fact sheets and resources page of the website at www.kidsguardian.nsw.gov.au/check.

If you have a question, please email us at 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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