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## Undertaking the Check

What is checked?

The Working With Children Check screening process checks the following groups of records:

1. Your national criminal history. The records that are reviewed include:

- convictions (spent or unspent)
- charges (whether heard, unheard or dismissed)
- juvenile records.

2. Any findings of misconduct by a reporting body and notifications made by the NSW Ombudsman.

Reporting bodies must inform their worker if they are the subject of a relevant misconduct finding. They must also tell the employee that they have a statutory obligation to report the misconduct to the Office of the Children's Guardian.

If a misconduct investigation has found that sexual misconduct or serious physical assault of a child has occurred, nominated reporting bodies must report this finding. The NSW Ombudsman will also report matters that indicate serious risk to children.

Though this process, any concerns can trigger a risk assessment.

How long will it take?

80 percent of applications are processed within 48 hours when the applicant has no records.

Once proof of identify has been provided to a Service NSW Centre, most people receive their result within a few days.

However, please allow up to four weeks before making contact to enquire about your application's progress. The most common reasons for this waiting time are:

- The application form was not completed correctly
- There is a police or disciplinary information about the applicant that must be retrieved and considered before determining their

eligibility to work with children

- The applicant has a common name shared by more than one person, and so work is required to match the name with the correct records that need to be reviewed.

Though this process, if any triggers arise, the application can be sent for risk assessment which extends the assessment process.

What if I have a criminal history?

Having a criminal record does not necessarily result in a bar from working with children. You can still apply for a Working With Children Check. The outcome of the Check will depend on the type of criminal or workplace records you have.

Records in Schedule 2 of the *Child Protection (Working With Children) Act 2012* lead to an automatic bar against working with children. Equivalent records from other states and territories also result in an automatic bar.

Schedule 1 offences require review by risk assessment.

There are many factors that are considered when the OCG reviews criminal records.

Factors relating to the conduct

- Seriousness (as demonstrated by details of the conduct, court outcome and penalty)
- Length of time since it occurred
- Age and vulnerability of the victim
- Relationship between offender and victim(s)
- Age difference between offender and victim
- Whether the offender knew or could have known the victim was under 18

#### Factors relating to the applicant

- Conduct since the offence
- Age at the time
- Current age
- Seriousness of total criminal records

#### Factors relating to recurrence

- Likelihood of the offences being repeated
- Impact on children of the offences being repeated.

We notify people if their application results in an automatic bar or is required to undergo a risk assessment.

#### Application number

You do not need to wait to receive your Check number to start work.

Once you have been to a Service NSW Centre with your identification

documents (and paid if you are a paid worker), you can provide your Application number to your employer to verify you until you receive your Check clearance or other outcome. Most people can work with children with an Application number. An exception is those working in the education sector which has separate legislation for which people must have a cleared Check number.

Some employers only accept a Working with Children Check clearance number and there are some instances where the OCG will notify you that you are not to continue working with children, such as an interim bar.

Give your Application number to your employer so they can verify you online until your Working With Check clearance number is sent to you. You also need to provide the clearance Check number to your employer.

## Continuous monitoring

In NSW, we have a very strong Check that includes continuous monitoring.

This means that if a person gets a new relevant police or workplace record, we are notified and can change the status of their Check. Some records will trigger a risk assessment, which may lead to the clearance being cancelled.

If this happens, we tell the employing organisation that the Check status has changed so they can remove that person from working with children.

## Personal information and how it's used

The Office of the Children's Guardian uses the information you provide and the information we have access to so that we can assess your application.

We do not disclose any of this information to anyone unless required to do so for legal reasons. The information is used to:

- Identify you
- Check your criminal history and workplace records (if any)
- Conduct a risk assessment (if required)
- Reassess your suitability to hold a WWCC if the Children's Guardian is notified of new relevant offences or workplace records
- Contact you about your application or Check (for example, when it is time to renew).

Our [Privacy Management Plan \( 541.1KB\)](#) explains how the OCG manages personal and health information in line with the relevant [NSW Privacy laws](#).