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a Working With Children Check

Who needs a Working With Children Check

Use the information on this page to decide if you or your workers or volunteers needs a Check. Remember the Working With Children Check is different from a Police Check and is required for people in NSW who work with children.

The Check lasts for five years even if you move jobs - the new employer needs to be given your Check number and details to verify you.

Employers need to determine which roles undertake child-related work and require a Working With Children Check and if any roles fall under an exemption.

Child related work (including voluntary work) is:

- providing services for under 18s
- where the work normally involves being face to face with children
- where contact with children is more than incidental to the work.

The legislation lists sectors and services that are child-related work.

If the role or sector for your business is not covered in the information but you believe it to be child related work, you can apply for a role to be considered by the Children's Guardian. To do this, write to the Children's Guardian using the 'Application to have work deemed child related' form and state your case being clear on why you deem the role or service to be child related work. This situation can arise if a worker is dealing with confidential records for a child, for example a researcher or administration person.

The following roles also require a Working With Children Check:

- An adult who resides or stays regularly (i.e. several nights a week) on the property of an authorised carer (foster carer or other authorised carer of children in statutory or supported out-of-home-care)
- a home-based education and care service provider
- a family day care service provider (where care is provided at home)
- potential adoptive parents.

Check not required

The Regulations include exemptions to requiring a Working With

Children Check. Employers should check the legislation for any exemptions that apply to their situation.

Exemptions include:

- Under 18s
- Visiting NSW for a short time
- Close relatives volunteering at their children's usual school and extra-curricular activities. There are three specific instances when close relatives **do** need a Check when they are volunteering at school or activities:
 1. providing personal care for a child with disability
 2. participating in a formal mentoring program
 3. at an overnight camp for kids.

If you are unsure, here are some examples of roles that do and don't require Checks:

Do you need a Working With Children Check?

Definitely

Not sure?

No Check
required

<p>You work with children (this includes music teachers, extracurricular coaches, instructors, dance teachers, tutors, au pairs and nannies).</p>	<p>✗ You work in an organisation that delivers services for children but do not have more than incidental contact with the children.</p>	<p>You are under 18.</p>
<p>You work or help children with disability.</p>	<p>✓ You work in an organisation that delivers services to children and handle confidential data.</p> <p>(Note that the employer may have to apply to have the role deemed child-related work.)</p>	<p>Your work occasionally includes helping out with children as an incidental part of your role your work with children is very short term - a visitor to a school as a guest speaker.</p>

<p>You provide transport for children (including to their work in the entertainment industry).</p>	<p>✗ You are a student, over 18, on a clinical placement in a hospital or other health service.</p>	<p>You are a co-worker or supervisor of a worker who is under 18.</p>
<p>You volunteer to work with children who are not close relatives.</p>	<p>✓ You are joining a formal mentoring program.</p>	<p>You work in the NSW or Australian Federal Police forces.</p>
<p>You are working or volunteering at a kids' overnight camp.</p>	<p>✓ You dress or make-up children working on an ad shoot.</p>	<p>You are a private practice health practitioner who treats children with another adult present.</p>
<p>You provide babysitting through an agency.</p>	<p>✗ You do informal domestic work at a home where there are children.</p>	<p>You are visiting from interstate and working with children for fewer than 30 days</p>

	<p>✘ You babysit by private arrangement.</p>	<p>You volunteer as a referee, umpire or lines person or other sporting official where the work does not involve contact with children for extended periods without other adults being present.</p>
	<p>✓ You chaperone or supervise children working in the entertainment industry.</p>	<p>A tradesperson who may incidentally come into contact with children but is not working with the children.</p>