

WORKING WITH CHILDREN CLEARANCES – NORTHERN TERRITORY



In this tool, you will find:

- » An overview of Working with Children Clearance (WWCC) legislation in the Northern Territory
- » How to meet your obligations under this legislation as a CaFIS provider
- » How to obtain and maintain up-to-date and relevant NT clearances for your staff
- » Links to additional helpful resources and assistance

KEY GUIDANCE

Background

In Australia, professionals or volunteers who interact with children in a professional setting are required to undergo a WWCC check to ensure children are protected and potential risks or harms are minimised.

The Northern Territory WWCC process includes:

- 1 National police records check,
- 2 Review of any charges, guilty pleas, acquittals and convictions,
- 3 Review of any findings of certain professional disciplinary bodies (such as teaching associations), and
- 4 Information may also be sought from other sources such as treating medical professionals or employment history.

Currently, WWCC requirements are implemented on a state or territory legislation level and organisations must ensure their employees hold current WWCCs for each jurisdiction in which they will work or they have obtained an exemption for inter-state work.

Your obligations under the Care and Protection of Children Act

The *Care and Protection of Children Act 2007* (NT) is the primary piece of legislation governing WWCCs in the Northern Territory.

Its requirements include:

- » Employees who are employed in certain “child-related employment or activities” must hold a valid clearance from the Screening Assessment for Employment in the Northern Territory (SAFE NT) before commencing work
- » The only exception to the above is if an organisation has applied for a short-term exemption on behalf of an employee to commence work prior to obtaining a clearance (see exemptions below)
- » Employees must hold the correct type of WWCC (e.g. an Employee vs Volunteer WWCC)
- » Employees must not continue to work in child-related work if their WWCC has expired
- » Employees who hold a current WWCC in relation to previous employment must notify SAFE NT of their new employer when they commence their new employment
- » Any applicant who is found in breach of the Schedule 3 Disqualifying Offences or who poses an unacceptable risk of harm or exploitation to children must not engage in ‘child related work’
- » Schedule 3 Disqualifying Offences include sexual offences involving children, violent offences involving children and drug-related offences involving children.

APPLICATION TO CaFIS PROVIDERS

As per the CaFIS supplementary grant conditions, only “child-related” personnel, contractors and sub-contractors, agents and volunteers of CaFIS providers are required to hold WWCCs. This means employees of CaFIS providers who will not interact with children (e.g. administrative staff, etc.) are not required to obtain and maintain current WWCCs.

For providers under the previous program, Intensive Family Support Service, it is likely they have already been required to meet these obligations, however new CaFIS providers may need to familiarise themselves with these requirements.

If an organisation is found to engage in child-related work and its child-facing employees do not hold a current WWCC, the organisation or individual employees may be fined up to \$76,500.

How to apply for a WWCC

New employees are able to lodge WWCC applications via:

- » NT Police SAFE NT website
- » SAFE NT Darwin office
- » Any Territory Business Centre
- » Any Northern Territory Police station

If employees are not able to provide the required identification verification documents (e.g. birth certificate, drivers license, etc.) due to being located in a remote or regional context or other relevant circumstances, it is recommended the CaFIS provider contact SAFE NT to explore alternative pathways to proving identification.

It is possible for organisations to apply for a group application for multiple WWCCs. This application can be submitted by contacting SAFE NT by email or in person.

If an employee or volunteer has a WWCC from a previous employer, CaFIS providers must sight the existing WWCC and can either contact SAFE NT or search online via the SAFE NT WWCC Validity Checking function to confirm the clearance is current and the correct type (Employee vs Volunteer).

WWCC Exemptions

Short-term exemptions to the requirement for child-facing employees to hold a current WWCC may be granted whilst a lodged WWCC application is being processed and cannot take the place of obtaining a WWCC. This form should be lodged by the CaFIS provider and is available on the Northern Territory Government WWCC webpage provided below.

How to appeal a WWCC decision

If a WWCC application is rejected by SAFE NT and the applicant believes the decision is incorrect, the applicant has a right to appeal the decision and request a review. Applicants must contact the Local Court of the Northern Territory within 28 days of receiving the rejection of a WWCC. The review will be able to view new material and the original decision will remain binding during the period in which the review is being carried out until a review decision is made. For more information on appeals, visit the SAFE NT website.

How to monitor WWCCs

The responsibility for monitoring compliance with the WWCC legislative requirements rests with both the employee and their employer. This section will focus on how CaFIS organisations as employers can monitor their employees' WWCCs. It is recommended CaFIS

providers also conduct their own research into how their employees can monitor their own WWCC compliance and include as part of training or onboarding materials.

Once a WWCC has been granted, the employee will receive an Ochre Card and clearance notice and their listed organisation will receive an Assessment Notice. It is recommended the organisation maintain a record of Assessment Notices. WWCCs are valid for a period of 2 years from when they are granted and listed organisations will receive a renewal notice prior to expiry.

WWCCs are subject to 'rolling checks' by the Department to ensure the holder remains fit to hold a Clearance. If this check results in any changes to a holder's clearance status, the Department will notify the organisation listed on the clearance.

The following processes are recommended for organisations to ensure the WWCC clearances of employees remain current and up to date:

- » Physically sight and record the Ochre Card and expiry date upon employment commencing with your organisation
- » Confirm the clearance via checking on the SAFE NT website using the 'Check status' function
- » Have a corporate WWCC policy in place and easily accessible by employees or volunteers detailing the requirements around WWCCs and renewal procedure
- » Keep copies of the Ochre Card and clearance type (volunteer or employee) on file
- » Ensure stored information is up to date
- » Set up systems such as a WWCC Register to ensure your organisation keeps track and is notified of when WWCCs will expire
- » Assign responsibility for creating and monitoring your WWCC Register to ensure it is up-to-date.

Disclaimer

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Where to go for more information

NT Government WWCC webpage for information on NT legislation and how to apply:

<https://nt.gov.au/emergency/community-safety/working-with-children-clearance-before-you-apply>

NT Police SAFE NT webpage for information on WWCC application process and renewal:

<https://pfes.nt.gov.au/SAFENT>

SAFE NT WCCC Validity Checking function:

<https://forms.pfes.nt.gov.au/safent/CheckValidity.aspx?IsValidityCheck=true>