

2.3 Working with Children Card - Application and Renewal Requirements for Carers and Carer Household Members

Last Amended: 2/02/2015 3:30 PM

Policy

[Working with Children Card - CPFS Staff and Carers Policy](#)

[Criminal Record Check Policy](#)

[Overarching CPFS Record Screening Policy](#)

Purpose

To inform child protection workers of the Working with Children Card application and re-application (renewal) requirements and processes for foster carers and adult household members who provide care or support to a child in the Chief Executive Officer's (CEO's) care.

Legislative Authority

[Children and Community Services Regulations 2006](#)

[Working with Children \(Criminal Record Checking\) Act 2004](#)

[Working with Children \(Criminal Record Checking\) Regulations 2005](#)

Standards

There are no specific standards.

Practice Requirements

- Child protection workers must confirm that all foster carers (general, relative and significant others, and respite carers), including the carer's spouse or defacto partner, as applicable, have the required Criminal Record Check and Client and Child Protection Record Checks conducted by the Department's Screening Unit, and Working with Children (WWC) Checks.
- All adult household members who will be providing care or support to the foster child must have a WWC Check and departmental screening checks.
- Child protection workers must not proceed with an application for a WWC Check for a prospective carer if they are aware of any information (such as, from the criminal or department record check) that the person is not suitable to be a carer.
- Child protection workers can only place a child with a carer/s who has a current WWC Card (or a pending application). The only exception is where the child is placed in an urgent situation with a relative or significant other carer. In this case, the carer must apply within five days of the child being placed in their care. A Form 562 - Statutory Declaration and Form 395 - Record Check Consent Form must be completed and signed by the carer and all adults in the household before the child is placed (for further information see Chapter 9: Placement of a Child in the Care of the CEO with a Relative or Significant Other).
- Child protection workers must remove a child from a placement and cease the subsidy if the carer/s has not applied for a new WWC Card by the expiry date of their current WWC Card, or if the carer/s has not applied for the WWC Card within five days of the child being placed in an urgent situation.
- Child protection workers must notify the Department's Screening Unit if they become aware of any person having been charged with, or convicted of, a Class 1 or Class 2 offence, or any other offence that the Department assesses as inappropriate for them to carry out child-related work. The Department's Screening Unit will then notify the WWC Screening Unit.
- Child protection workers must consult with their line manager and the Department's Screening Unit if they are unclear regarding the type of checking that is required.
- Where a carer, or household member who provides a caring or support role to the child, has been issued with a Negative Notice or Interim Negative Notice, child protection workers must advise the Professional Conduct Consultant in the Integrity Services Unit via email – noticecompliance@cpfs.wa.gov.au – to advise that the person is no longer caring for the child in care. The Professional Conduct Consultant must advise the Compliance Manager at the WWC Screening Unit when the person is no longer caring for a child in care.

Process Map

Refer to the following flowcharts in related resources:

- WWC Card - Application and Renewal Process for Carers
- WWC Card - Monitoring Process for Carers.

Procedures

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Procedure - 2.3 Working with Children Card - Application and Renewal Requirements for Carers and Carer Household Members

Overview

The Working with Children (Criminal Record Checking) Act 2004 (WWC Act) is administered by the Department's WWC Screening Unit.

The WWC Check is a compulsory criminal record check required for people who work with children under the age of 18 years in Western Australia, including self-employed people, paid employees, employers/organisations, volunteers and unpaid people. Refer to the following documents on the WWC website - www.checkwwc.wa.gov.au:

- Factsheet 1: What is 'Child-Related' Work?
- Factsheet 3: Information for Employers and Volunteer Organisations
- Factsheet 6: Information for Employees and Volunteers
- WWC Check Summary of Key Features.

A new WWC Card must be applied for every three years. Information about the application and 'renewal' process can be found at www.checkwwc.wa.gov.au. The following flowcharts detail the application and monitoring processes for carers (see related resources):

- WWC Card - Application and Renewal Process for Carers
- WWC Card - Monitoring Process for Carers.

Note: unless otherwise indicated, the term 'carer' throughout this Chapter is inclusive of adult household members who provide care or support to the foster child.

If a proposed carer applying for a WWC Card does not have sufficient identity documents or cannot attend an authorised Australia Post outlet as they live in a rural or remote location (for instance they may live in a remote Indigenous community), contact needs to be made with the WWC Screening Unit so that special arrangements can be made. If required, child protection workers should support the proposed carer to obtain proof of identity documents needed to lodge the application.

When a carer has a current application for a WWC Check pending or a WWC Card, a decision can be made at any time that the placement is no longer needed, the carer is not assessed as suitable, or that the carer is to be withdrawn. WWC Checks can only be undertaken for persons in child-related work. Child protection workers must advise the Department's Screening Unit if an application is no longer required. The Department's Screening Unit will subsequently notify the WWC Screening Unit. This notification enables the WWC Screening Unit to cease the process if the person is not doing any other type of child-related work.

Where the Department places a child in a funded out-of-home care service, the funding agreement stipulates compliance with the WWC Act. The Department must be satisfied of compliance with the WWC Act and other contracted requirements.

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WWC Checks for carers and other adult persons in the household

All carers, including the carer's spouse or defacto partner as applicable, require the same standard of departmental carer assessment and WWC screening, as they are all involved in child-related work as defined under s.6(1)(a)(vi) of the WWC Act.

A person cannot be approved as a carer until they have a WWC Card, or have proof of lodgment of an application for a WWC Check. Both the primary carer and the carer's spouse or defacto partner, as applicable, are considered to be undertaking child-related work and therefore both have to apply for the WWC Card. Single carers whose circumstances change will need to advise the Department as soon as possible. Their new partner will need to make an application for a WWC Card, and Criminal and Client and Child Protection Checks must be conducted by the Department's Screening Unit.

Failure by the carer/s and relevant adult household members to have a current WWC Card (or to have a pending application) constitutes a breach of the WWC Act. There is a penalty of \$60,000 and 5 years imprisonment for both the employer and the carer (the Department is considered to 'employ' departmental carers in child-related work).

Other adult household members

Other adult household members who commonly or regularly provide care for or undertake activities with the child in care are considered under the WWC Act to be 'employed' by the Department in child-related work, and also require a WWC Check. Examples include looking after the child while the carer is away, transporting the child to school or activities, or assisting the child with activities.

As part of the carer assessment and placement supervision process, the 'duties' of other household members (what they will be doing with the child) must be clarified. Child protection workers will need to explore with adult household members their proposed involvement in providing care for the child. If they will not be providing any care or support to the child, this needs to be recorded in the assessment. If this changes and the adult household member does look after or undertake activities with the child, an application must be made for a WWC Check.

Adult household members who will not be caring for, supervising or undertaking other activities with the child do not require WWC Checks, but still require criminal and Client and Child Protection checks through the Department's Screening Unit.

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Application for a WWC Card by a person being assessed as a carer

An 'Application for a Working with Children Check' must be lodged for anyone being assessed to become a carer, after the assessor is confident they will be recommending the applicant to be approved as a carer and before a child is placed. The only exception is where a child is placed in an urgent situation. In this instance, a Form 562 - Statutory Declaration and Form 395 - Record Check Consent Form must be completed and signed by the carer and all adults in the household before the child is placed. Subsequently, the carer must apply for a WWC Card within five days of the child being placed in their care. If a child is placed in an urgent situation and the carer or other relevant adult household member have not applied for a WWC Card within five days of the placement, the child must be removed and the subsidy should cease (see flowcharts in related resources).

A Department worker must complete part 6 and 7 of the 'Application for a Working with Children Check'. The Department's Screening Unit contact details must be noted in Part 6 of the WWC application form so that the Screening Unit receives the WWC notification letter when a WWC Card has been issued (see example in related resources). An adult household member should note their role as 'Carer Household member' on the application form.

The assessor should request a copy of the Australia Post WWC application receipt from the applicant, which confirms the application has been lodged. The receipt is usually from Australia Post but may be from the WWC Screening Unit where a person has not been able to attend an Australia Post outlet. The worker must update Assist with the WWC Check application number and date of lodgment. The receipt must be provided to the business manager to arrange recoup of the cost to the applicant and scanning onto Objective. Although this is the preferred method, where it is not possible for an applicant to attend the district office to provide a copy of the receipt in a timely manner (such as rural and remote locations), the applicant can telephone the district office and advise the child protection worker of the WWC application receipt number. In this instance, the applicant will need to post a copy of the receipt to the child protection worker at the district office, or give a copy to a remote child protection worker, who will provide it to the business manager for reimbursement of the cost.

When the WWC Card is issued to the applicant, the Department's Screening Unit is sent the WWC notification letter, which includes a picture of the issued card. The Screening Unit enters the WWC Card information into Assist on behalf of the district and retains the notification letter.

Under the WWC legislation, the WWC Card is valid for three years and portable across all types of child-related work unless there is a new charge or conviction that requires re-assessment of the person's eligibility to hold the WWC Card.

For further details regarding the application process, see flowcharts in related resources.

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Individuals with existing WWC Cards

If the person applying already has a WWC Card because of other child-related work, the child protection worker must:

- check that it is valid via the WWC website www.checkwwc.wa.gov.au
- register the person's employment details on the WWC website to show they are now 'employed' by the Department ([click here to Update Details](#))
- record the WWC Card number, issue and expiry date on Assist and on the person's Form 395

Record Check Consent Form

- check that the name and date of birth are consistent with records on Assist
- check that Form 395 is completed and sent to the Department's Screening Unit.

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Monitoring and reapplying for WWC Cards

The WWC information system will automatically generate a WWC Expiry Notice, which will be sent to the carer three months before their WWC Card expires. The notice will be sent to the address last recorded by the WWC Screening Unit.

Through the Critical Management Report (CMR) WWC Check – Carer Compliance Report in Assist, districts must monitor the status of carer's WWC Cards (and relevant adult household members) on a regular basis and remind carers in their district to apply for renewal prior to expiry of their WWC Card.

To reapply for a WWC Card that is close to expiring:

- Carers must complete an 'Application for a Working with Children Check'. Identification requirements are detailed in the application form (see related resources), and information where a shortened identification process is possible is included in the notice of expiry.
- A Department worker must complete part 6 and 7 of the 'Application for a Working with Children Check'. The Department's Screening Unit contact details must be noted in Part 6 of the application form so they receive the notification letter when a WWC card has been issued. To see an example, refer to the related resource material section of this entry.
- A Department worker must request a copy of the Australia Post or WWC Screening Unit receipt from the applicant, which confirms the application has been lodged. The worker must update Assist with the WWC Card application number and date of lodgment. The receipt must be provided to the business manager to arrange recoup of the cost to the business and scanning onto Objective. Although this is the preferred method, where it is not possible for the carer to attend the district office to provide a copy of the receipt in a timely manner (such as rural and remote locations), they can telephone the district office and advise the child protection worker of the WWC application receipt number. In this instance, the carer will need to post a copy of the receipt to the child protection worker at the district office, or give a copy to a remote child protection worker, who will provide it to the business manager for reimbursement of the cost.

The Department's Screening Unit will send a letter (see related resources: Letter 1 – Reminder Notice) to any carers who have not applied for a new card one month prior to the date of expiry of their WWC Card. This letter will have enclosed an 'Application for a Working with Children Check' and the Information Sheet for Carers (see related resources). The letter will advise the carer of the need to apply for a new card and will ask them to contact their district office and advise if they: already have a card; have lodged an application; or require any assistance with the process.

Carers who have still not applied for a new WWC Card will be sent another letter (see related resources: Letter 2 – Final Notice) by the child protection worker 10 working days prior to the expiry date of the WWC Card. This letter will have enclosed an 'Application for a Working with Children Check' and the Information Sheet for Carers (see related resources). This letter must be sent registered mail and advise the carer they have until the expiry date of the WWC Card to apply, or the child will be removed and subsidy will cease.

If the carer has not applied for their new WWC Card by the expiry date of their current WWC Card, the child protection worker must remove the child and cease the subsidy.

The child protection worker must place an alert on Assist, and the carer must be sent a letter from the district director (see related resources: Letter 3 – Cessation Notice) which states no child will be placed with them until they have a current WWC Card.

For further details regarding the re-application process, see flowcharts in related resources.

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Interstate considerations

The state in which a carer was approved is not relevant; it is where the child-related work is provided.

If a child in the care of the Chief Executive Officer (CEO) of the Department lives interstate with a Western Australian (WA) approved foster carer, the carer is not required to have a WA WWC Check for care provided in another state or territory. The carer will still need a Department criminal record check and have to comply with legislation that exists in the other state or territory.

If such a carer travels with the child in the CEO's care to WA (for example, on a holiday) and provides

care in WA, there is a short exemption for having to apply for a WWC Check. This exemption, for a carer not ordinarily a resident of WA, only applies during the two week period after the carer arrives in WA and cannot exceed a total of two weeks in any period of 12 months.

If the child is in the care of another state, but is living with a foster carer in WA, the carer must have a WA WWC Check. The child-related work is being provided in WA and therefore the foster carer is subject to the Working with Children (Criminal Record Checking) Act 2004.

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Contact with the Department's Screening Unit in relation to carers and WWC Cards

Child protection workers must notify the Department's Screening Unit if:

- they become aware of any person having been charged with, or convicted of, Class 1 or Class 2 offences (see Factsheet 4 in related resources), or any other offence that the Department assesses as inappropriate for them to carry out child-related work. While this is a general provision, it must also be observed in the Department's case practice regarding carers, persons living in the carer household and Department employees, and charges or convictions relating to abuse in care
- a decision is made to cease the assessment of a proposed carer or associated adult household member (for example, the placement is no longer required or seen as not suitable because of factors in the household)
- a decision is made to cease placing children with a departmental foster carer (including where a process is underway for the revocation of the foster carer's approval)
- a decision is made that an adult household member cannot have responsibilities for children in the placement (this includes household members who are required to leave the home if the placement is to continue).

The Department's Screening Unit must be consulted if it is unclear regarding the type of checks or actions required.

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