



Information Sheet

Working with Children Check for volunteers

The Commission for Children and Young People is committed to protecting children from harm and promoting their wellbeing.

An important child protection initiative of the Commission is the Working with Children Check.

The Working with Children Check is a detailed assessment of a person's suitability to work with children under the age of 18, based on the person's criminal history.

From 1 May 2002, the *Commission for Children and Young People Act 2000* (Qld) requires all volunteers working in specific child related employment to undergo a criminal history check. People who fail to comply with the the Act can be penalised.

Who needs to apply?

Volunteers working with children must be checked if they work in:

- out of home residential facilities
- school boarding facilities
- schools
- churches, clubs and associations providing services or conducting activities mainly directed towards children
- child counselling and support services, and
- private teaching, coaching or tutoring.

Who is exempt?

The following volunteers are not

required to undergo the check:

- children under 18 who are volunteers
- parents who volunteer to provide services or conduct activities at their child's school
- parents who volunteer to provide services or conduct activities through a church, club or association, if their child is involved in the same or similar service or activity.

Minimum length of service

Volunteers **must** have a criminal history check if they work within a 12 month period:

- at least once a week over one month, or
- at least once a fortnight over two months, or
- at least once a month over six months.

Volunteers working on a "short term" or "one-off" basis are not required to have a criminal history check.

Definition of 'parent'

A 'parent' of a child is the child's mother, father or other adult with parental responsibility for the child.

A person standing in the place of a parent of a child on a temporary basis is not the parent of the child.

A parent of an Aboriginal or Torres Strait Islander child includes

a person who, under Aboriginal tradition or Torres Strait Islander custom, is regarded as the parent of the child.

How do I apply?

The organisation (ie. the volunteer coordinator/manager) is responsible for applying to the Commission for a suitability check for volunteers before their appointment or engagement.

The volunteer coordinator must see original documents proving the applicant's identity. Documents which can be used as proof of identification are on the application form. One of the documents sighted must show the applicant's signature (eg. driver's licence, passport).

Volunteers must complete their personal details on the application form and consent to the criminal history check.

When the Commission receives the application, a criminal history check is sought from the Queensland Police Service and other Police Services in Australia. This includes a check for any charges and convictions occurring in Australia no matter when they occurred.

Additional information about the person's criminal history may also be sought from the courts, police and prosecuting authorities.

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On the basis of the person's criminal history, the Commission will assess the person's suitability for working with children.

If an applicant is suitable, a notice is issued to them in the form of a blue plastic suitability card.

The suitability card is valid for two years and is transferable across certain child-related employment, whether as a volunteer, paid employee or self-employed. Once people have a 'blue card', they are not required to undergo employment screening for another two years, unless there is a change in their criminal history.

If an applicant is deemed unsuitable, a negative notice is issued by the Commission. This prohibits the applicant from working in the listed child-related employment.

If an applicant has a criminal history, it does not necessarily mean he or she will be deemed unsuitable. Before a negative (unsuitable) notice is issued, the applicant may provide a submission addressing the criminal history and suitability for child-related employment.

The Commissioner assesses the submission and the nature and circumstances around the offence/s before making a final decision.

If an applicant is considered unsuitable, that person is given notice of the decision and reasons for the decision. He or she has a right to have the

Commissioner's decision reviewed by the Children Services Tribunal.

A notice that a person is unsuitable is valid indefinitely unless it is cancelled by the Commission or on successful review by the Children Services Tribunal (administered by the Department of Justice and Attorney-General).

The volunteer organisation also will be notified by the Commission of the applicant's suitability status.

How much does the 'working with children check' cost?

A Working with Children Check is free of charge for volunteers.

What are the penalties and offences?

Penalties apply to volunteers who are engaged in child related work without a suitability card.

It is an offence if a volunteer organisation:

- engages or continues to engage a person in voluntary child-related employment without applying for a suitability card
- engages or continues to engage a person deemed unsuitable
- has applied for a suitability card for the volunteer, and has been notified by the Commission that the person has withdrawn consent to the criminal history check and engages or continues to engage that volunteer
- is aware that the volunteer has been convicted of a serious offence and the volunteer

coordinator has not received a suitability notice for that person

- knowingly provides false or misleading information for the criminal history check.

It is an offence if the volunteer:

- holds a current suitability notice and is subsequently convicted of a serious offence and continues to work with, applies for, or starts work as a volunteer with children or young people
- does not notify their organisation of a change in their criminal history
- provides false or misleading information for the criminal history check.

Change in criminal history

Volunteers must immediately disclose any change in their criminal history to the organisation for which they work. After being told, the organisation must not continue to engage that person without applying to the Commission for a further suitability notice. Failure to do so will result in an offence. The only information the volunteer is obliged to tell the organisation is that a change in criminal history has occurred.

Other information about the Working with Children Check

For more information about the Working with Children Check for paid employees and people carrying on child related businesses see one of the sources below.

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