

## Working with Children Checks and Other Police Checks

**Summary** This Policy Directive outlines the mandatory requirements for National Police Checks (NPCs) and Working with Children Checks (WWCCs) for persons engaged or employed within NSW Health and for persons seeking to be employed or engaged in NSW Health. It includes the requirements of the Child Protection (Working with Children) Act 2012 and Child Protection (Working with Children) Regulation 2013 for child related workers, the requirements of the (Commonwealth) Aged Care Act 1997 for aged care workers and the transition arrangements under the Disability Inclusion Act 2014 for NDIS workers.

**Document type** Policy Directive

**Document number** PD2019\_003

**Publication date** 14 January 2019

**Author branch** Workplace Relations

**Branch contact** (02) 9391 9373

**Replaces** PD2016\_047

**Review date** 14 January 2024

**Policy manual** Not applicable

**File number** DG18/6996

**Status** Active

**Functional group** Personnel/Workforce - Conditions of employment, Conduct and ethics, Employment Screening, Industrial and Employee Relations, Recruitment and selection

**Applies to** Ministry of Health, Public Health Units, Local Health Districts, Board Governed Statutory Health Corporations, Chief Executive Governed Statutory Health Corporations, Specialty Network Governed Statutory Health Corporations, Affiliated Health Organisations, NSW Health Pathology, Public Health System Support Division, Cancer Institute, Government Medical Officers, Community Health Centres, NSW Ambulance Service, Dental Schools and Clinics, Public Hospitals

**Distributed to** Ministry of Health, Public Health System, Government Medical Officers, NSW Ambulance Service, Health Associations Unions, Tertiary Education Institutes

**Audience** Workforce, Recruitment, Clinical Placement/ volunteer coordinators, Managers, All staff

## WORKING WITH CHILDREN CHECKS AND OTHER POLICE CHECKS

### PURPOSE

This Policy Directive and the attached Procedures outline the mandatory requirements for National Police Checks (NPCs) and Working with Children Checks (WWCCs) for persons already engaged or employed within NSW Health and for persons seeking to be employed or engaged in NSW Health.

This policy includes the requirements of the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013* for child related workers, together with the requirements of the (Commonwealth) *Aged Care Act 1997* for aged care workers and the transition arrangements under the *Disability Inclusion Act 2014* for NDIS workers.

### SCOPE

This policy applies to all paid and non-paid workers in NSW Health. It includes staff on rotation, overseas applicants, volunteers, students undertaking clinical or research placements, Visiting Practitioners, on-going, temporary or casual appointments, 'locum' or agency staff, contract staff, eligible midwives and nurse practitioners appointed to Public Health Organisations otherwise than as employees and honorary appointments.

This policy applies to all public health organisations and all other bodies and organisations under the control and direction of the NSW Minister for Health or the Secretary NSW Health, including the NSW Ministry of Health and Albury Wodonga Health in respect of staff employed in the NSW Health Service and affiliated health organisations in respect of their recognised establishments and services.

### MANDATORY REQUIREMENTS

- NSW Health organisations must identify the type of checks required for each position and ensure that workers have the required NPC and WWCC.
- Except for existing staff members or existing volunteers (where specified in this Policy Directive) NPCs are mandatory for preferred applicants to NSW Health, including for Visiting Practitioners and for volunteers. This is in addition to any requirement to have a WWCC.
- The use of the NSW Health NPC Consent Form and Identification Checklist are mandatory for all NPCs lodged through NSW Health.
- NSW Health organisations must manage and assess criminal history identified through NPCs in accordance with this Policy Directive and any requirements specified by the HealthShare's Employment Screening and Review Unit (ESRU).
- For types of engagements not mandated or so described in this Policy Directive, NSW Health organisations must determine the need for NPCs based on a risk assessment in accordance with this Policy Directive.
- Except in circumstances set out in this Policy Directives, individuals must have a valid WWCC clearance before starting in a child related role requiring a WWCC.

- NSW Health organisations must validate WWCC numbers with the Children's Guardian for all individuals engaged in child related work in NSW Health.
- For new child related workers, a signed NSW Health Criminal History Declaration stating no criminal history and a WWCC clearance probity flag that indicates no criminal history meet the mandatory requirement for a NPC.
- The use of the Criminal History Declaration and WWCC clearance probity flag may only be used in strict accordance with this Policy Directive.
- NSW Health organisations must have systems in place to ensure that accurate and complete records relating to WWCC validations and Police Checks are maintained accordingly.
- Except for existing NSW Health workers, students attending clinical placements in NSW Health organisations must have a clear Police Certificate or approval to do so from HealthShare's Employment Screening and Review Unit.
- In accordance with the *Child Protection (Working with Children) Regulation 2013*, students attending clinical placements are exempt from the requirement to have WWCCs.
- NSW Health organisations must ensure that:
  - aged care workers maintain satisfactory NPCs (renewed every three years)
  - child related workers maintain valid WWCC clearances (renewable every five years)
  - community transport drivers undergo NPCs every three years in accordance with funding arrangements with Transport for NSW
  - NDIS workers have satisfactory NPCs (renewed every four years).

## IMPLEMENTATION

### Roles and responsibilities

**Chief Executives** are to ensure their organisation implements this policy.

**Workforce Directorates / Human Resource Department** are to ensure the provision of instruction, information and training as necessary to implement this policy.

**NSW Health Workers** are to comply with the mandatory requirements of this policy.

## REVISION HISTORY

Issue Date	Approved by	Amendment notes
January 2019 (PD2019_003)	Deputy Secretary, People, Culture and Governance,	Replaces PD2016_047 NSW Health WWCC phase in information removed - obsolete Changes for students attending clinical placements Process for managing WWCC Bars/interim Bars/non renewals Changes in recruitment to existing staff changing roles NDIS Worker Check transition requirements added Clarification of WWCC for non-health practitioners and emergency appointments

September 2016 (PD2016_042)	Deputy Secretary. Governance, Workforce and Corporate	Reference to CrimTrac updated to reflect that on 1 July 2016, CrimTrac merged with the Australian Crime Commission to become the Australian Criminal Intelligence Commission (ACIC) NSW Health WWCC phase in schedule updated to reflect legislation and student criminal record check requirements updated.
August 2013 (PD2013_028)	Deputy Director General, Governance Workforce and Corporate	Replaces PD2008_029 Employment Screening Updates changes regarding procedures for students undertaking clinical placements Reflects change of ownership from CGM to Workplace Relations Reflects changes to the Working with Children legislation and the Aged Care requirements Replaces IB2012_001 Clinical Placements - Student Compliance Checking - Criminal Record Checks & Immunisation Status
June 2008 (PD2008_029)	Director General, NSW Health	Replaced: Child Related Employment Determination PD2005_196, Employment screening of staff and other persons in Child related areas – policy and procedures PD2005_177, Employment Screening using Criminal Record Checks PD2005_552, Improper Conduct – Procedures for Recruitment /employment of staff and other persons PD2005_109, Risk Assessments arising from Criminal Charges /convictions PD2005_193.

## LIST OF ATTACHMENTS

1. Working with Children Checks and other Police Checks: Procedures.

## Working with Children Checks and other Police Checks

---



**Issue date:** January 2019

PD2019\_003

## CONTENTS

<b>1</b>	<b>BACKGROUND.....</b>	<b>3</b>
<b>2</b>	<b>KEY DEFINITIONS.....</b>	<b>3</b>
2.1	Legal and Legislative Framework.....	4
<b>3</b>	<b>OVERVIEW OF POLICE CHECK REQUIREMENTS .....</b>	<b>5</b>
<b>4</b>	<b>NSW HEALTH'S ROLE IN UNDERTAKING POLICE CHECKS.....</b>	<b>6</b>
4.1	HealthShare's Employment Screening and Review Unit (ESRU) .....	6
4.2	NPCs may only be lodged with informed consent from the individual.....	6
4.3	Identification Checking Requirements for the NPC.....	6
4.4	Where the NPC reveals criminal records .....	7
4.5	Contacting the applicant for a risk assessment .....	7
4.6	Only designated risk assessors may be told about criminal history information .....	7
4.7	Outcome of the risk assessment .....	9
4.8	The risk assessment report .....	9
4.9	Management and retention of NPC records.....	9
4.10	Emergency conditional appointments without a NPC .....	9
<b>5</b>	<b>CHILD RELATED WORK .....</b>	<b>10</b>
5.1	Child Related Work in NSW Health .....	10
5.2	Additional NSW Health positions that require WWCCs .....	11
5.3	Child Related Work that does not require a WWCC .....	11
5.4	NSW Health recruitment requirements for Child Related Work.....	12
5.5	Obtaining a WWCC .....	12
5.6	NSW Health organisations must validate WWCCs and keep records .....	13
5.7	When are separate NPCs required for new Child Related Workers .....	13
5.7.1	The WWCC clearance probity flag .....	14
5.7.2	The NSW Health Criminal History Declaration.....	14
5.7.3	Information disclosed in the Declaration .....	15
5.8	Emergency conditional appointments without a WWCC clearance .....	15
5.8.1	Starting work without a valid WWCC application .....	15
5.8.2	Starting work without a valid WWCC clearance.....	16
5.8.3	Emergency appointments to child related work without a finalised NPC.....	16
<b>6</b>	<b>MANAGING ONGOING COMPLIANCE WITH THE WWCC .....</b>	<b>17</b>
6.1	Individuals must maintain valid WWCCs to remain in child related work .....	17
6.2	NSW Health must validate WWCCs that have been renewed .....	17
6.3	Closed WWCCs .....	18
6.3.1	Managing closed WWCCs.....	18
6.4	Managing WWCC 'interim approvals' .....	18
6.5	WWCC bars/interim bars .....	19

6.6	Making decisions about alternative non child related work or suspension.....	19
<b>7</b>	<b>AGED CARE WORK .....</b>	<b>20</b>
7.1	Definition of aged care work .....	20
7.2	Aged care workers requiring an aged care check.....	20
7.3	Requirements for the aged care provider.....	21
7.4	Additional Statutory Declaration requirements for aged care applicants .....	21
7.5	Emergency conditional appointments in aged care .....	21
<b>8</b>	<b>NON CHILD RELATED WORK .....</b>	<b>22</b>
8.1	Contractors – Service / Utilities (non-clinical services) .....	22
<b>9</b>	<b>CLINICAL PLACEMENTS IN NSW HEALTH .....</b>	<b>22</b>
9.1	Students with criminal history or pending charges.....	23
9.2	Managing student compliance.....	24
9.3	Student Supervisors / Facilitators.....	24
9.4	Students from High School or TAFE .....	25
<b>10</b>	<b>NDIS WORKERS.....</b>	<b>25</b>
10.1	Which NDIS workers are affected .....	25
10.2	What checks are required for NDIS workers.....	25
10.3	What is a satisfactory NPC for a NDIS worker .....	26
<b>11</b>	<b>COMMUNITY TRANSPORT .....</b>	<b>26</b>
<b>12</b>	<b>HEALTHCARE AGENCY AND LOCUM STAFF .....</b>	<b>26</b>
12.1	Healthcare agency and locum staff must provide their WWCC clearance for child related work 27	
12.2	Healthcare agency and locum staff must have a satisfactory NPC.....	27
12.3	Healthcare agency and locum staff in aged care work .....	27
12.4	Health care agency and locum staff in NDIS work.....	27
12.5	Agency staff - non health care.....	27
<b>13</b>	<b>OVERSEAS AND INTERSTATE WORKERS .....</b>	<b>27</b>
13.1	WWCC exemptions for interstate /overseas workers .....	28
13.2	Overseas/interstate applicants and National Police Checks .....	28
13.3	Additional NPC requirements for overseas applicants .....	28
<b>14</b>	<b>VOLUNTEERS.....</b>	<b>29</b>
<b>15</b>	<b>OTHER TYPES OF ENGAGEMENTS.....</b>	<b>29</b>
<b>16</b>	<b>EXISTING NSW HEALTH WORKERS CHANGING ROLES .....</b>	<b>30</b>
16.1	Requirements for NPCs for existing staff changing roles .....	30
16.2	Requirements for WWCCs for existing staff changing roles.....	30
<b>17</b>	<b>LIST OF ATTACHMENTS.....</b>	<b>31</b>



## 1 BACKGROUND

The safety, welfare and wellbeing of NSW Health clients and patients is paramount. NSW Health is committed to ensuring that there are effective systems for protecting patients, clients, staff and assets. One way to do this is to ensure that any person engaged to work in NSW Health has undergone appropriate criminal record checks, in addition to all other pre-employment screening requirements detailed in relevant NSW Health recruitment policies.

Preferred applicants for engagement within NSW Health organisations must undergo National Police Checks (NPCs) prior to engagement to ensure that identified relevant criminal convictions or pending charges may be assessed in terms of potential risk.

This document provides the mandatory procedures for the criminal record checking of preferred applicants for paid and unpaid positions (including for volunteers and students) in NSW Health. It also includes the legislative requirements relating to 'child related work' and 'aged care work' in recruitment and after engagement, as well as the transition arrangements for NDIS workers pending the start of the NDIS Worker Check in July 2019.

## 2 KEY DEFINITIONS

For the purpose of this Policy Directive, the following definitions apply:

**Healthcare agency staff** refers to health practitioners engaged in NSW Health through a healthcare staffing agency where the health practitioner maintains an ongoing relationship with the healthcare staffing agency.

**ACIC – the Australian Criminal Intelligence Commission** provides, on behalf of Australian Police Services, national police checking services to accredited organisations.

**Children's Guardian** refers to the Office of the Children's Guardian (OCG), responsible for issuing Working with Children Check clearances.

**Children** means persons under the age of 18 years as defined in the *Child Protection (Working with Children) Act 2012*.

**Healthcare staffing agency** refers to a recruitment agency that places health practitioners in work in NSW Health and maintains ongoing relationships with those health practitioners (this includes locum and nursing and midwifery agencies).

**NPC – National Police Check also known as a National Criminal Record Check (NCRC) or a National Police History Check** is an Australia-wide check of a person's criminal records history. A NPC undertaken for the purpose of working in an Australian Government subsidised aged care service is referred to as an 'Aged Care Check.' A NPC may be in the form of a 'National Police Certificate' or 'Police Certificate' obtained by an individual directly from the Australian Federal Police, a State or Territory police service, or an ACIC accredited agency.



**NSW Health**, for the purpose of this policy, consists of NSW Health organisations and the NSW Ministry of Health.

**NSW Health organisation** refers to a local health district, a statutory health corporation, the Ambulance Service of NSW, NSW Health Pathology and Health Infrastructure and Public Health System Support Divisions of the Health Administration Corporation, and Albury Wodonga Health.

**Overseas applicant** is a person who is employed or engaged directly from overseas, including from New Zealand.

**Preferred applicant** is an individual who is the recommended or preferred person for a vacant or volunteer position, but who has not yet been formally offered that position.

**Staff member**, for the purpose of this policy, refers to any person who is employed or engaged in paid work in NSW Health (including as a temporary or casual), or as a visiting practitioner. It does not include locum and nursing agency staff, students or volunteers.

**Volunteer** includes, for the purpose of this policy, anyone engaged to work in NSW Health without being paid or remunerated except for out of pocket expenses. This includes volunteer chaplains providing patient pastoral care and may also include consumer representatives/advisors.

**WWCC – the Working with Children Check** is a NSW based legislative requirement, managed by the Office of the Children’s Guardian, for anyone in child related work.

**Valid WWCC** is either a WWCC application or clearance number that has been validated with the Children’s Guardian.

**WWCC Application number** is the WWCC number that has been activated at the NSW Motor Registry Office or Service NSW office.

**WWCC Clearance number** is the number provided by the Children’s Guardian clearing the person to be engaged in child related work.

**Worker** is any person who is employed or engaged in paid or unpaid work in NSW Health, (including as a temporary, casual, or locum or health care agency staff member), visiting practitioners, students, volunteers, other agency staff, contractors etc.

## **2.1 Legal and Legislative Framework**

This policy outlines the:

- Working with Children Check requirements for work defined as ‘child related’ in accordance with the (NSW) *Child Protection (Working With Children) Act 2012 and Child Protection (Working with Children) Regulation 2013*
- Police Certificate requirements for work in NSW Health services and aged care facilities/positions that receive Australian Government funding in accordance with the (Commonwealth) *Aged Care Act 1997*

- Transition arrangements for the NDIS Worker Check requirements for workers providing NDIS funded services in accordance with the *Disability Inclusion Act 2014*, the (Commonwealth) *National Disability Insurance Scheme Act 2013* and *National Disability Insurance Scheme (Practice Standards–Worker Screening) Rules 2018*.

### 3 OVERVIEW OF POLICE CHECK REQUIREMENTS

NPCs (including for aged care) are required for all new appointments to NSW Health (refer to [Section 16](#) for requirements for existing staff members changing roles).

To ensure appropriate criminal record checking and compliance with relevant legislation, all positions, including for volunteers, should be categorised as one of the following:

- **Child related work** requires a valid WWCC clearance and NPC on appointment and thereafter a new WWCC every five years
- **Aged care work** requires a NPC (for aged care purposes) on appointment and thereafter a new NPC every three years
- **Child related work and aged care work** requires a valid WWCC and NPC (for aged care purposes) on appointment and thereafter a new WWCC every five years and a new NPC (for aged care purposes) every three years
- **Non child related (and non-aged care) work** requires a NPC on appointment only
- **NDIS Work**
  - staff engaged before 1 July 2018 must have had a satisfactory NPC within past four years or hold a valid WWCC (if child related) and after 30 June 2019 a NDIS Worker Check in accordance with any phase in requirements
  - staff engaged between 1 July 2018 and 30 June 2019 - require a valid NPC on appointment or a current WWCC (if child related) and thereafter a NDIS Worker Check in accordance with any phase in arrangements
  - from 1 July 2019 – require a valid NDIS Worker Check on appointment and thereafter a new NDIS Worker Check every four years
- **Students** attending clinical placement require a National Police Certificate valid for five years (subject to additional requirements for aged care work or NDIS work)
- **Types of engagements not captured or so described by this Policy Directive** require a risk assessment to determine the need for a NPC (Note: this may be in addition to any requirements for a WWCC).

Applicants for positions in NSW Health must be advised of the criminal record check requirements as part of the recruitment process.

Refer to [Section 13](#) for additional requirements for overseas applicants.

Refer to [Section 16](#) for requirements for existing NSW Health workers changing roles.

Refer to [Appendix 7](#) for a summary of NPC and WWCC recruitment requirements for workers.

## **4 NSW HEALTH'S ROLE IN UNDERTAKING POLICE CHECKS**

NSW Health only processes NPCs for:

- preferred applicants for positions in NSW Health, including for visiting practitioners and volunteers, and
- existing staff members in permanent, temporary or casual positions only where required by legislation or otherwise in accordance with this Policy Directive.

NSW Health does not process NPCs for students, individuals engaged through a healthcare staffing agency, or workers who are self-employed or employed by a third party organisation. In these circumstances, it is the responsibility of the healthcare staffing agency, the individual or the third party organisation to ensure that the person meets NSW Health's requirements regarding NPCs.

For workers recruited to NSW Health via other recruitment agencies for long term or permanent roles, NSW Health processes the NPC.

### **4.1 HealthShare's Employment Screening and Review Unit (ESRU)**

ESRU has responsibility for the lodgement of NPCs for NSW Health. This includes managing NSW Health's compliance with contractual arrangement with ACIC around access to, and management of, criminal history information across NSW Health.

ESRU also has a role in helping NSW Health organisations manage compliance with the WWCC legislation. This includes NSW Health's WWCC record keeping requirements, managing the WWCC employer registrations and being the central contact point for the Children's Guardian for barred workers and validation processes.

### **4.2 NPCs may only be lodged with informed consent from the individual**

NSW Health organisations must have informed consent in the form of a signed NSW Health NPC consent form and evidence that an appropriately delegated NSW Health staff member has sighted ACIC's required evidence of identification for every NPC lodged.

When lodging NPCs, the use of the [NSW Health NPC consent form and NSW Health Identification Checklist](#) are mandatory.

### **4.3 Identification Checking Requirements for the NPC**

The NSW Health organisation must satisfy itself as to the applicant's identity and the linkage between the applicant and claimed identity. To confirm the applicant's identity, at least four identity documents must be sighted and the link between the applicant and

claimed identity verified by NSW Health. These requirements are specified by ACIC and set out in the [NSW Health Identification Checklist](#).

There is no requirement to keep copies of identification documents.

#### **4.4 Where the NPC reveals criminal records**

Where a NPC reveals criminal records, ESRU forwards relevant convictions or pending charges to the designated risk assessor in the NSW Health organisation.

The designated risk assessor must determine if the records are relevant and affect the individual's ability to undertake the key responsibilities of the position for which they are being considered.

If the records do not impact on the individual's ability to undertake the key responsibilities of the position, the appointment should proceed.

If the designated risk assessor determines that there are potential risks that could impact on the role, the applicant must be contacted and a risk assessment undertaken

If ESRU identifies that the position is in aged care, it will advise the designated risk assessor if the criminal records automatically preclude the person from working in aged care. In these circumstances the appointment may not proceed.

#### **4.5 Contacting the applicant for a risk assessment**

The risk assessor must ask the applicant to confirm their full name, date of birth and current address and be told the purpose of the NPC.

Once the person's identity has been confirmed, they may verbally be given a summary of the substance of the police history information, including dates, and asked to confirm the accuracy of the information. If the applicant states that the record does not belong to them or is inaccurate, ESRU must be contacted for further advice.

If the applicant confirms the criminal records, they may be given a copy of the criminal history information. The designated risk assessor should advise them of the relevance of the record to the position, the type of information that may assist the risk assessment, and give them an opportunity to provide additional information to support their application.

At all times, the principles of procedural fairness, privacy and confidentiality must be maintained when conducting employment risk assessments.

#### **4.6 Only designated risk assessors may be told about criminal history information**

Designated risk assessors must not give, send or disclose information about the applicant's criminal history to any third party person including to the hiring manager, panel convenor or any other NSW Health worker.

Designated risk assessors are NSW Health staff members who are registered as 'risk assessors' with ESRU. In accordance with ACIC's contractual arrangements, only designated NSW Health risk assessors may sight, have access to or be given information about criminal records or documents used in an employment risk assessment.

The following information may be considered as part of the risk assessment:

- seriousness, nature and number of convictions/pending charges, and how they relate to the key responsibilities of the position
- if there is a pattern or it is an isolated matter
- period of time over which the offending occurred and time since the last offence
- penalties awarded by the court (possible reflection of seriousness)
- submissions from the applicant that may include:
  - mitigating information in relation to the offences. This might include factors such as peer pressure, difficult family circumstances or other stress factors in the person's life at the time such as drug or alcohol abuse etc.
  - action they have taken to address contributory factors and/or changes to their circumstances that may reduce the risk of reoffending
  - references supporting information the applicant has provided – the type of reference will depend on the nature and circumstances of the offences, but could include workplace references as well as information from professionals from whom the applicant has sought treatment, counselling or other help. This may include references from probation or parole officers or other court appointed professionals.
- nature of the role the applicant is being considered for:
  - the degree of direct or unsupervised contact or access the person will have with patients, clients' confidential information, property, finances etc.
  - whether the person will be working alone or as part of a team
  - the environment in which the work will be conducted.

Where the criminal record relates to pending charges, risk assessors should avoid asking the applicant what happened and instead focus on the seriousness and nature of the charges and their relevance to the role. The applicant should be asked for a copy of the Police Charge sheets to assist with the risk assessment.

The NSW Health organisation must assess the available information to identify any risks arising from the criminal record or pending charges, their relevance and whether they will affect the person's ability to undertake the full range of responsibilities and tasks associated with the role.

For further information on the use of criminal history in recruitment processes refer to the Australian Human Rights Commission's website at

<https://www.humanrights.gov.au/discrimination-employment-basis-criminal-record>

#### **4.7 Outcome of the risk assessment**

The NSW Health organisation must:

- document in a report its reasons to continue with the appointment or to decline the appointment because of the criminal history
- advise the applicant of the risk assessment outcome
- inform ESRU of its outcome and provide any other information as required by ESRU.

#### **4.8 The risk assessment report**

This should include a summary of the criminal records (including the nature of the convictions or charges, approximate dates and penalties), their relevance to the key responsibilities of the role, any mitigating or risk factors associated with the role, a summary of any information provided by, or obtained from, the applicant or referees or any other body, and an analysis of the resulting risks and the decision whether or not to appoint.

#### **4.9 Management and retention of NPC records**

Only designated risk assessors are allowed access to information about criminal history, which must be kept securely and confidentially at all times.

Information obtained about a person's criminal history must not be used for any purpose other than for what it was collected.

Any criminal history information must be destroyed as soon as the risk assessment is complete or within three months at the latest; this includes criminal history information sent or received or stored electronically.

All other records, including consent forms, Declarations and Risk Assessment Reports, created or obtained in connection with NPCs must be kept in accordance with the requirements of the NSW State Records General Retention and Disposal Authority.

For the current requirements for retaining records obtained during the recruitment and selection of staff members, refer to the NSW Policy on [recruitment](#).

#### **4.10 Emergency conditional appointments without a NPC**

Emergency conditional appointments to manage individuals without finalised NPCs should only be used where:

- approval has been provided by a delegated decision maker in accordance with local procedures, and



- the delegated decision maker is satisfied that in all the circumstances, it is necessary for the person to start work without a finalised NPC and that any risks have been appropriately mitigated, and
- the NSW Health organisation is waiting on the outcome of a NPC, and
- all other relevant pre-employment screening checks have been completed, including a WWCC clearance if required.

**Note:** A NPC is considered finalised if there is a WWCC clearance with a probity flag indicating no records and the applicant has declared that they have no records in the NSW Health Criminal History Declaration.

Refer to [Section 7](#) for special requirements for emergency appointments to aged care.

## **5 CHILD RELATED WORK**

The Checklist at Appendix 8 is designed to assist NSW Health organisations determine the requirement for a WWCC.

### **5.1 Child Related Work in NSW Health**

Child related work is paid or unpaid work that involves face to face or physical contact with anyone under the age of 18 years in an area prescribed in the legislation as child related work.

These prescribed areas include but are not limited to:

- work as a health practitioner providing health services if the work includes the provision of health services to under 18 year olds
  - health practitioners include non-registrable staff who provide health services
- work by persons (other than health practitioners) who provide health and care services in paediatric or adolescent health services
- work in mentoring and counselling services for children if the mentoring and counselling services are provided to children as part of a formal mentoring program
- work in providing family welfare services is child-related work, if clients to whom the services are provided ordinarily include children and contact with children is more than incidental
- work in child protection services if contact with children is more than incidental
- work in education and care services, child care centres, nanny services and other child minding services provided on a commercial basis
- work at detention centres and juvenile correctional centres if contact with children is more than incidental



- work for a residential parent and child program involving inmates or detainees, and their children, at a correctional centre, juvenile correctional centre or detention centre or other place if the contact with children is more than incidental.

**Health Practitioner** for the purpose of this policy is taken to have the same meaning as in the [Child Protection \(Working with Children\) Regulation 2013](#).

**Child related roles also include the following roles:**

- An approved provider or manager of an education and care service
- A certified supervisor of an education and care service
- An authorised carer
- An Assessment Officer within the meaning of Section 27A of the *Children and Young Persons (Care and Protection) Act 1998*
- The Principal Officer of a designated agency, as defined by the *Children and Young Persons (Care and Protection) Act 1998*
- The Principal Officer of an accredited adoption service provider within the meaning of the *Adoption Act 2000*.

## **5.2 Additional NSW Health positions that require WWCCs**

Under the [Child Protection \(Working with Children\) Act](#), the Office of the Children's Guardian may provide approval for an employer to require WWCCs for identified positions that do not have contact with under 18 year olds but handle sensitive personal information about children.

NSW Health has approval from the Office of the Children Guardian for nominated identified positions handling sensitive personal information to require WWCCs. These positions are listed and updated as required on the [NSW Health Intranet](#).

Requests for approval for additional positions to be deemed child related and requiring a WWCC are managed through the Ministry of Health's Workplace Relations Branch.

## **5.3 Child Related Work that does not require a WWCC**

Under the Child Protection (Working with Children) Regulation, there are circumstances where individuals in child related work are not required to have WWCCs. These include:

- a worker who provides administrative, clerical or maintenance services, or other ancillary services, if the work does not ordinarily involve contact with children for extended periods
- a health practitioner who is working in and visiting New South Wales from outside the State, if the period of work does not exceed a total of five days in any period of three months

- a worker who is working in and visiting New South Wales from outside the State for the purpose of child-related work if the worker is the holder of an interstate working with children check in the jurisdiction in which the person ordinarily resides, or is exempt from the requirement to have such a check in that jurisdiction, and the period of the child-related work in New South Wales does not exceed a total of 30 days in any calendar year
- a worker who works for a period of not more than a total of five working days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present
- a worker who is under the age of 18 years
- a worker who is a health practitioner in private practice, if the provision of services by the practitioner in the course of that practice does not ordinarily involve treatment of children without one or more other adults present
- a worker who is a co-worker of a child or who is a work supervisor or work placement supervisor of a child;
- a visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where child-related work is carried out if the work of the person at that place is for a one-off occasion and is carried out in the presence of one or more other adults.

The Regulation also specifies that students attending clinical placements in NSW Health are not deemed to be in child related work and are not required to obtain a WWCC

Further information about the WWCC is available from the website of the Children's Guardian at <https://www.kidsguardian.nsw.gov.au/>.

## **5.4 NSW Health recruitment requirements for Child Related Work**

People seeking to be employed or engaged in NSW Health in child related work are required to have the following two checks as part of the recruitment process:

1. a valid WWCC number validated as a WWCC clearance with the Office of the Children's Guardian, and
2. a satisfactory NPC in the form of a:
  - NPC result with no criminal history, or a NPC result assessed as satisfactory after risk assessment, or
  - WWCC clearance probity flag indicating no criminal history and a completed NSW Health Criminal History Declaration stating no police history or pending charges (unless the position is categorised as aged care then a separate NPC is still required).

## **5.5 Obtaining a WWCC**

Individuals are responsible for obtaining and paying for their five year WWCC clearance from the Children's Guardian.

NSW Health organisations may not pay for WWCCs on behalf of individuals or reimburse the cost to individuals.

Individuals requiring WWCC clearances apply to the Children's Guardian for **non-volunteer clearances** to allow them to be engaged in either paid or unpaid work; or **volunteer clearances** which only allow them to be engaged in unpaid child related work.

Applicants apply online for a WWCC number, which is only activated for use when the person attends, with their identification, and any applicable fee, at a NSW Motor Registry Office or a Service NSW office. Information for applicants about obtaining WWCC is available at <https://www.kidsguardian.nsw.gov.au/>

## **5.6 NSW Health organisations must validate WWCCs and keep records**

NSW Health organisations must validate WWCCs numbers with the Children's Guardian for all new child related workers, including for healthcare agency staff.

For existing workers, as long as a WWCC clearance has already been validated by NSW Health and is still current and valid for the work being undertaken, there is no further requirement to revalidate the WWCC number with the Children's Guardian.

NSW Health organisations are to validate WWCCs using 'employer log on' details registered by the ESRU with the Children's Guardian.

By validating a worker using the ESRU registered 'employer log on' details, the Children's Guardian is able to identify NSW Health as an 'employer' of the worker should there be any change to the person's WWCC status.

For each child related worker, records must be kept of the:

- Worker's full name
- WWCC number
- Date and outcome of the WWCC validation and
- WWCC clearance expiry date.

These records may be electronic or in hard copy format, but must be available to the Children's Guardian if required for audit and monitoring purpose. There are penalties in the WWCC legislation for failing to validate WWCCs and for failing to keep records.

These records must be retained for the period of time the worker is engaged in child related work in NSW Health and for at least seven years after.

## **5.7 When are separate NPCs required for new Child Related Workers**

In addition to WWCCs, the NSW Health Criminal History Declaration (the Declaration) and WWCC probity flag are used instead of lodging separate NPCs.

Separate NPCs are only required for new child related staff members if:

- the position is also classified as [aged care work](#)

- there is information indicating that the preferred applicant may have criminal history (for example, from the Declaration or from the WWCC probity flag) or
- the WWCC probity flag is not available in recruitment (because the validation process is being managed manually or not through a designated web server) or
- the applicant has not completed the Declaration.

Refer to [Section 16](#) for the requirements for existing workers changing roles.

### **5.7.1 The WWCC clearance probity flag**

When NSW Health validates WWCC numbers with the Children's Guardian through designated web servers, including the Recruitment On Boarding (ROB) system, a WWCC probity flag is provided with the clearance results.

The WWCC probity flag indicates if the person had any convictions or charges including for non-child related matters across Australia at the time the Children's Guardian granted the clearance or any "trigger" or "disqualifying" charges or convictions (as listed in Schedules 1 and 2 of the [Child Protection \(Working with Children\) Act 2012](#)) in NSW after the date of the WWCC clearance.

The WWCC probity flag picks up any criminal records, even those that may not be disclosed in a NPC.

The WWCC probity flag indicating no records is only available if the applicant has provided consent for this information to be released to NSW Health. In the absence of consent, the flag defaults to the position that the person may have criminal history.

The WWCC probity flag is not available for validations conducted manually through the website of the Children's Guardian.

### **5.7.2 The NSW Health Criminal History Declaration**

Applicants new to NSW Health for child related positions are required to sign the [NSW Health Criminal History Declaration](#).

The Declaration, not intended for use for existing NSW Health workers changing roles, requires applicants to make a declaration about criminal history (including pending charges).

The use of the Declaration must comply with the following mandatory requirements:

- it is not accessible or disclosed to the selection panel or used as part of the process for selecting the preferred applicant
- it is only used after the person has been selected as a preferred person and for the purpose of determining whether a separate NPC is required
- it is only accessible to staff with responsibility for determining and/or processing NPCs
- it is only activated if the WWCC clearance validation process accesses the WWCC probity flag.

Declarations must be retained securely and confidentially and in accordance with the record keeping requirements set out in the NSW Health policy on [recruitment and selection](#).

### **5.7.3 Information disclosed in the Declaration**

Applicants are only required to disclose criminal history as lawfully allowed in accordance with the relevant State or Territory spent convictions legislation.

The Declaration requires applicants to state whether they have any of the following matters recorded against their name (including bonds but excluding minor traffic offences, matters that have been quashed, dismissed, withdrawn or which are otherwise spent):

- convictions in the last 10 years or
- convictions for sexual offences or
- convictions for which a prison sentence of more than 6 months was imposed or
- criminal charges which are yet to be finalised or heard in court.

If an applicant is found to have deliberately withheld or provided false information in the Declaration about convictions or pending charges, the application may be rejected or if the person has been appointed, it may be grounds for dismissal.

## **5.8 Emergency conditional appointments without a WWCC clearance**

Child related workers must have a WWCC clearance before they start work in NSW Health, except in the limited emergency conditional appointment circumstances set out in Sections 5.8.1 and 5.8.2.

A person's appointment should not be confirmed until they have a valid WWCC clearance.

NSW Health organisations must ensure that the ongoing appointment of child related workers in NSW Health is dependent on a valid WWCC clearance and a satisfactory NPC.

For emergency conditional appointments, all other required pre-employment screening checks are to be completed, relevant risks assessed and management strategies implemented to mitigate them working without the clearance.

Only delegated staff should authorise emergency conditional appointments for applicants without a valid WWCC clearance.

### **5.8.1 Starting work without a valid WWCC application**

The [Child Protection \(Working with Children\) Act 2012](#) provides circumstances in which an individual may start in child related work without a valid WWCC application and work for up to five days without one.

NSW Health organisations may start a person without a WWCC application in child related work using these emergency conditional provisions only in the following two circumstances:

1. The health practitioner is an overseas or interstate applicant and they have been unable to lodge their application at the NSW Motor Registry Office or Service NSW office before starting work and
  - a delay to them starting work is likely to significantly affect service delivery and
  - the NSW Health organisation removes them from the role if they have not validated their WWCC application or clearance within five days of the person starting work.
2. There are other extenuating circumstances for the applicant being unable to lodge an application before starting work that the NSW Health organisation determines are valid and
  - the engagement of that worker is necessary in the circumstances to prevent an increased risk to the safety and wellbeing of children and
  - the NSW Health organisation removes them from the role if they have not validated their WWCC application or clearance within five days of the person starting work.

The reasons for the emergency conditional appointment must be documented and available for auditing purposes.

There are penalties under the *Child Protection (Working with Children) Act 2012* for employers and for individuals who fail to comply with the WWCC requirements.

### **5.8.2 Starting work without a valid WWCC clearance**

If a delay to an individual starting work is likely to significantly affect service delivery, the NSW Health organisations may conditionally appoint them in child related work if:

- they have lodged and paid for a WWCC application at the NSW Motor Registry Office or Service NSW office and
- the NSW Health organisation has validated the WWCC details with the Children's Guardian as a valid application with no restrictions on undertaking child related work
- the person has a satisfactory separate NPC undertaken as part of the recruitment process.

As the ongoing appointment is dependent upon a valid WWCC clearance, the NSW Health organisation must revalidate the WWCC application number until it is returned as a clearance.

### **5.8.3 Emergency appointments to child related work without a finalised NPC**

The NSW Health organisation is responsible for ensuring that the criteria (set out in [Section 4.10](#)) for an emergency conditional appointment have been met and for mitigating any risks associated with an applicant starting work without a finalised NPC. This includes ensuring that only delegated staff authorise such conditional appointments, and that all other relevant pre-employment screening checks are completed, including, where required a WWCC clearance.



A WWCC clearance probity flag and Declaration that both state no criminal history meet the requirement for a finalised NPC.

## **6 MANAGING ONGOING COMPLIANCE WITH THE WWCC**

NSW Health organisations must have systems in place to monitor WWCC compliance and to ensure that no-one is working in a role that requires a WWCC without a valid WWCC.

There are penalties under the [Child Protection \(Working with Children\) Act 2012](#) for employers and for workers that fail to comply with these requirements.

This requires local procedures to manage WWCC renewals, expired WWCCs, interim approvals and to respond to notices of WWCC bars, interim bars and closed WWCCs.

If the Children's Guardian identifies that NSW Health has validated an individual's WWCC, it will notify ESRU if it issues the individual with a WWCC bar/interim bar or closes their WWCC. ESRU forwards the notification to the relevant NSW Health organisations to immediately remove the person from child related work.

The NSW Health policies on [managing misconduct](#), [child related allegations](#), [complaints and concerns about clinicians](#) and [Service Check Register](#) should be consulted as appropriate where WWCC non-compliance issues relate to:

- child related allegations, charges or convictions
- serious charges or convictions (such as a sexual or violent assault), or
- a staff member failing to follow reasonable direction to renew their WWCC or provide relevant information to assist a risk assessment.

### **6.1 Individuals must maintain valid WWCCs to remain in child related work**

If a worker fails to renew their WWCC by its expiry date, they must be removed from child related work.

If there are no alternative non child related positions available, the staff member must be stood down. This must not be without pay unless explicit contractual or statutory conditions permit (for example, s120A of the *Health Services Act 1997*).

The person may not return to their role until they have renewed their WWCC and the application /clearance number has been validated with the Children's Guardian. If a person fails to renew within a reasonable period or after being directed to do so, consideration should be given to any necessary action or proceedings.

### **6.2 NSW Health must validate WWCCs that have been renewed**

NSW Health must re-validate WWCC clearances that have been renewed to identify the new expiry date. NSW Health organisations must monitor expiry dates and renewals to ensure ongoing compliance with the WWCC, including ensuring that StaffLink (or any



other record keeping system) is updated accordingly. Records must be kept in accordance with this Policy Directive.

There are penalties under the *Child Protection (Working with Children) Act 2012* for employers that fail to validate WWCCs and keep records.

### **6.3 Closed WWCCs**

Staff members may not remain in child related work if their WWCC has been 'closed' by the Children's Guardian.

A WWCC is 'closed' because:

- the individual has failed to renew their WWCC, or
- the Children's Guardian is undertaking a risk assessment and the person has failed to provide supporting information within three months of the Children's Guardian requesting it.

#### **6.3.1 Managing closed WWCCs**

If the Children's Guardian has closed the WWCC application because the staff member has not provided information for a risk assessment, the NSW Health organisation:

- must immediately remove them from child related work
- should remind them of the NSW Health Code of Conduct regarding notifying the employer of criminal charges and convictions
- should request from them their correspondence from the Children's Guardian
- should advise them to reapply for their WWCC and provide information to the Children's Guardian
- should complete a risk assessment to identify options for managing the staff member.

If the reason for the closure is because the staff member has just failed to renew their WWCC, they should be managed under Section 6.1.

### **6.4 Managing WWCC 'interim approvals'**

If the Children's Guardian, as part of the WWCC renewal process for an existing NSW Health staff member, provides interim approval for the person to undertake child related work, the NSW Health organisation should monitor its progress.

Where there are delays in a new clearance being provided, the NSW Health organisation should consider seeking further information to determine if a risk assessment is required.

A risk assessment may be required if the delay is because of action being undertaken by the Children's Guardian in relation to information about the person's records.

In these circumstances, NSW Health should seek information about the records being considered so that it may assess and manage any associated risks to the workplace.

As the interim approval means that the individual is not prevented from undertaking child related work, the NSW Health organisation may request information directly from the Children's Guardian. A formal application for information from the Children's Guardian may be made if needed using Chapter 16A, Section 245D of the *Children and Young Persons (Care and Protection) Act 1998*.

The request should make reference to the need for the information to assist in assessing and managing risk in relation to the individual's role in providing health services to children / health and care services to children /other child related work.

The staff member should also be asked to provide any correspondence they have received from the Children's Guardian about the risk assessment process.

Pending information about the records under consideration by the Children's Guardian, the staff member may need to be stood down.

## **6.5 WWCC bars/interim bars**

If the Children's Guardian issues a WWCC bar/interim bar, the NSW Health organisation must immediately remove the worker from child related work.

There are penalties under the [Child Protection \(Working with Children\) Act 2012](#) for allowing a person without a valid WWCC to remain in child related work.

Termination proceedings should commence if the person has been issued with a WWCC bar and alternative non child related work is not available or not suitable following risk assessment or because there is no information available about the reason for the bar.

## **6.6 Making decisions about alternative non child related work or suspension**

Before placing a staff member in alternative non child related work, their suitability must be risk assessed against the reason for the WWCC bar/interim bar/WWCC interim approval/closure. This means sighting the staff member's correspondence about the WWCC bar/interim bar/interim approval /closure from the Children's Guardian.

Once the staff member has provided copies of their correspondence from the Children's Guardian, or the Children's Guardian has provided information, the risk assessment may be updated.

The risk assessment should consider whether the matters giving rise to the actions of the Children's Guardian are relevant to the role of the person (in the case of interim approval only) or to any available alternative non child related work and if there is any information that mitigates those risks.

If the person has been charged with an offence punishable with 12 months or more, or there is alleged conduct involving under 18 year olds, refer to the Policy Directives on managing misconduct and/or child related allegations, charges and convictions against NSW Health staff.

Where consideration is being given to seconding or transferring the staff member to another position, the NSW Health policy on [recruitment](#) should be consulted.

If there are no alternative non child related positions available, the staff member has not provided information to sufficiently inform the risk assessment, or the risks are assessed as too high to place the person in an alternative position, they must be stood down. This must not be without pay unless explicit contractual or statutory conditions permit, (for example, s120A of the *Health Services Act 1997*).

## **7 AGED CARE WORK**

### **7.1 Definition of aged care work**

The Australian Government's Department of Health is responsible for the legislative Police history checking requirements for workers in aged care work. Further information may be obtained from their website at:

<https://agedcare.health.gov.au/police-certificate-guidelines-for-aged-care-providers>

Aged care workers include all paid staff members aged 16 years or over and relevant volunteers in NSW Health services and aged care facilities that receive Australian Government funding. These include:

- Residential aged care facilities
- Flexible Care services, such as:
  - Home Care Packages (formerly known as Community Aged Care Packages, Extended Aged Care at Home & Extended Aged Care at Home-Dementia Packages)
  - Multi-Purpose Service residential aged care services and
  - Transitional Aged Care services.

### **7.2 Aged care workers requiring an aged care check**

Aged care staff members and volunteers are required to have a valid NPC on appointment to NSW Health. The NPC must be identified as being for the purpose of aged care and be repeated every three years for those:

- Staff, contractors (including health care agency staff) or consultants within a residential aged care facility, who have, or are reasonably likely to have, access to care recipients or with access to the care recipient's own home through a Home Care Package or other community service
- Volunteers visiting care recipients under the Community Visitors Scheme and
- Volunteers who have or are reasonably likely to have, unsupervised access to care recipients, and have turned 16 years of age or, if for full-time students, have turned 18 years of age.

The following are not aged care workers for the purpose of the Australian Government's criminal record check requirements:

- Visiting medical practitioners, pharmacists and other allied health professionals who have been requested by, or on behalf of, a care recipient but are not contracted by the approved provider or
- Tradespeople who perform work otherwise than under the control of the approved provider (that is, independent contractors). For example, plumbers, electricians or delivery people who are utilised on an 'ad hoc' basis
- Visiting people who attend the service at the invitation of a care recipient (e.g. family and friends) and
- Aged Care Assessment Teams who are visiting professionals not contracted by the approved provider.

### **7.3 Requirements for the aged care provider**

NSW Health organisations must undertake NPCs on all new staff members and volunteers to aged care work as part of the appointment process and thereafter every three years.

People are precluded from working in Australian Government funded aged care services if they have a conviction for murder or sexual assault or a conviction for, and sentence to imprisonment (including one that is suspended) for any other form of assault.

NSW Health organisations must ensure that aged care workers have NPCs every three years, and that persons with convictions precluding their employment are not engaged or allowed to continue to work in aged care.

### **7.4 Additional Statutory Declaration requirements for aged care applicants**

In addition to the Australian NPC, before starting in aged care work, individuals must sign a Commonwealth Statutory Declaration stating that they have never been convicted of murder or sexual assault, or been convicted of, and sentenced to imprisonment for, any other form of assault in any other country.

The Commonwealth Aged Care Statutory Declaration is available on the [NSW Health Intranet](#) and [NSW Health Internet](#).

### **7.5 Emergency conditional appointments in aged care**

The Commonwealth Aged Care Act provides limited exceptional circumstances in which a person may start in aged care work without a valid NPC.

A person may start work in aged care without a valid NPC only if:

- the care or other service to be provided by the person is essential and

- an application for a NPC or police certificate has been made before the date on which the person first becomes a staff member or volunteer and
- the person will be subject to appropriate supervision during periods when the person has access to care recipients and
- the person has made a statutory declaration (using the Aged Care Statutory Declaration) stating that they have never been convicted of murder or sexual assault or convicted of, and sentenced to imprisonment for, any other form of assault.

A decision to use these emergency provisions must be documented and address each of these requirements.

## **8 NON CHILD RELATED WORK**

Non child related work is any work that is not child related or aged care work or if it is in child related work, it falls within an exemption from the WWCC.

All new staff members and volunteers engaged to work in NSW Health in non-child related roles must undergo a NPC through NSW Health as part of the appointment process.

As long as the person remains in work in NSW Health that does not require an Aged Care Check, there is no requirement for a further NPC.

### **8.1 Contractors – Service / Utilities (non-clinical services)**

For short term/one off delivery/repair work, no NPC is required. If a contractor is required to enter hospital wards or premises, the person is to be supervised and informed of the areas they are permitted to enter.

For long term contracts/tendered agreements the NSW Health organisation should determine whether NPCs are required based on a risk assessment.

If as a result of a risk assessment, it is determined that the workers engaged by the contractor should undergo NPCs, it is the responsibility of the contracted company to organise them.

## **9 CLINICAL PLACEMENTS IN NSW HEALTH**

Clinical Placements also known as student placements or fieldwork education, refer to the provision of supervised tertiary or post graduate education or research in a clinical setting by University / TAFE / other Registered Training Organisation students.

Students attending clinical placements in NSW Health are not required to obtain a WWCC.

Except for existing NSW Health staff members, students aged 18 years and over wishing to undertake clinical placements must have a satisfactory National Police Certificate, which must be valid for the duration of any placement.

For the purpose of clinical placements, the Police Certificate is valid for five years. Students are responsible for obtaining their own Police Certificate.

Students attending clinical placements in aged care work or NDIS work may be subject to additional requirements (refer to Sections [7](#) and [10](#)).

Existing NSW Health staff members are not required to provide a Police Certificate to attend clinical placements, but must still be compliant with any requirements regarding aged care work or NDIS work.

Overseas students, whether enrolled in an Australian or Overseas Tertiary Institution, must in addition to obtaining an Australian National Police Certificate, also obtain National Police Certificates from their home country (including the country in which they currently reside if different) or any country that they have been residents of for more than six months since turning 18 years of age (translated in to English). An international Criminal History Check obtained through an AHPRA approved supplier as part of an application for registration in Australia meets this requirement.

If they are unable to obtain the required overseas Police Certificates, the student must complete the NSW [Template Statutory Declaration](#).

All students must sign the NSW Health Code of Conduct Agreement for Students Undertaking a Clinical Placement stating that they have read and understood the NSW Health Code of Conduct and that they will notify NSW Health if they are charged with any criminal offences.

## **9.1 Students with criminal history or pending charges**

Students with criminal history or pending charges are not allowed to start or continue in clinical placements in NSW Health organisations until they have obtained authority to do so from HealthShare's Employment Screening and Review Unit (ESRU).

- Students must apply directly to ESRU using the form 'Application for authority to undertake clinical placements in NSW Health facilities' available on the NSW Health website at <https://www.heti.nsw.gov.au/Placements-Scholarships-Grants/clinical-placements/student-compliance>.

Criminal history does not necessarily constitute a barrier to clinical placement. Each application is considered on its merits, and its relevance to undertaking clinical placements in NSW Health facilities. On application, ESRU completes a risk assessment, which considers mitigating factors, including but not limited to, the length of time since the convictions, the nature of the convictions and action taken since by the student or changed circumstances (refer to [Section 4.7](#) for factors considered in the risk assessment).

If the risks relating to the criminal history are not relevant or are sufficiently mitigated, the student will be provided with authority to undertake clinical placements in NSW Health.



If the risks relating to the criminal history are unacceptable, or the student has not provided the required documentation, NSW Health may decline the application or withdraw authority for the student to undertake placements if it had been previously provided.

ESRU will inform the student of its decision, and of any review options, and will notify the Manager, ClinConnect and Clinical Placements so that ClinConnect is appropriately updated.

- ClinConnect is the web-based application that is used for booking and managing clinical placements. For further information about ClinConnect, refer to <https://www.heti.nsw.gov.au/Placements-Scholarships-Grants/clinical-placements>.

## **9.2 Managing student compliance**

NSW Health organisations must ensure that all students attending clinical placements are compliant with the requirements of this and other relevant polices, including those relating to immunisation status.

If the student fails to comply with the Police Certificate requirements or the NSW Health facility is not able to manage the placement in accordance with any conditions stipulated by ESRU, the placement should not commence or should be discontinued.

## **9.3 Student Supervisors / Facilitators**

Student supervisors / facilitators are individuals nominated by the education provider and approved by the NSW Health organisation to provide education and supervision to students on clinical placement. They may be engaged by the tertiary institution, a healthcare staffing agency or be an existing NSW Health employee.

Except for existing NSW Health employees, student supervisors/facilitators must provide evidence of a NPC. This NPC must have been completed either in the last three years or at the time of their appointment with the Tertiary Institution or healthcare staffing agency.

Student supervisors / facilitators who are existing NSW Health workers are not required to undergo a further NPC to undertake the role of student supervisor/facilitator.

Student supervisors / facilitators are required to have a WWCC clearance if the work meets the definition of child related work requiring a WWCC.

Where student supervisors/facilitators are required to have a WWCC, the NSW Health organisation must validate it with the Children's Guardian and keep records in accordance with this Policy Directive. This requirement is regardless of who the student supervisors' primary employer is.

If working in a NDIS service, student supervisors / facilitators may also be required to comply with any requirements regarding the NDIS checks.



## **9.4 Students from High School or TAFE**

Students from High School or TAFE completing work experience for their secondary school qualifications at a NSW Health organisation do not require NPCs as they must be supervised at all times by a staff member who is allocated responsibility for them.

## **10 NDIS WORKERS**

NSW Health organisations that are registered National Disability Insurance Scheme (NDIS) service providers or that have workers delivering NDIS funded services to individuals must comply with the transition NDIS Worker Check requirements.

### **10.1 Which NDIS workers are affected**

NSW Health workers captured by the NDIS Worker Check requirements are those:

- involved in the direct delivery of NDIS services or supports to a person with disability
- whose normal duties are likely to require more than incidental contact with a person with disability in providing a NDIS service.
  - More than incidental includes physical contact, building a level of rapport with the person as an ordinary or integral part of the role or having contact with multiple people with disability, either as part of the direct delivery of a specialist disability support or in a specialist disability accommodation setting
- in key personnel roles such as those holding executive, senior management and operational positions in a registered NDIS provider, for example, as a Chief Executive Officer, Chairperson or Board Member.

Secondary school students on formal work experience programs do not require NDIS Worker checks. They must however be supervised by a worker that does have one.

### **10.2 What checks are required for NDIS workers**

All existing NSW Health workers engaged in NDIS work since before 1 July 2018 must have a satisfactory NPC clearance undertaken within the past four years or a WWCC clearance if they are providing services to children.

All new NDIS workers appointed after 1 July 2018 must have had a satisfactory NPC clearance as part of the appointment or if they are providing services to children, a current WWCC.

**From 1 July 2019**, new NDIS workers will be required to obtain a NDIS Worker Check valid for four years in accordance with the requirements of the *National Disability Insurance Scheme Act 2013 (Commonwealth)* and *National Disability Insurance Scheme (Practice Standards- Worker Screening) Rules 2018*.

Existing NDIS workers will be required to obtain a NDIS Worker Check in accordance with any phase in arrangements set down by the NDIS Quality and Safeguards Commission. For further information refer to the Commission's [website](#).

### **10.3 What is a satisfactory NPC for a NDIS worker**

Workers may not be engaged or continue in work identified as NDIS work if they have a criminal offence prescribed in Schedule 2 of the [Disability Inclusion Act 2014](#). These include violence offences, sexual offences and offences under Section 13 or 14 of the [Crimes \(Domestic Violence and Personal Violence Act 2007\)](#) for which the person has been sentenced to two or more years' imprisonment or a prescribed sexual offence as defined in the [Criminal Procedure Act 1986](#).

## **11 COMMUNITY TRANSPORT**

Any drivers engaged to provide community transport in connection with a funding contract with Transport for NSW Health under the Home and Community Care Program or the Community Transport Program must every three years have NPCs, satisfactory driving records verified by a driving record check and health assessments.

NSW Health organisations with funding contracts with the NSW Government Department 'Transport for NSW' for community transport services should check their contracts for full details of the requirements.

## **12 HEALTHCARE AGENCY AND LOCUM STAFF**

Healthcare agency and locum staff must have both a valid WWCC clearance and NPC before starting in NSW Health organisations unless:

- they are working only in non-child related roles or aged care work in which case they only require a valid NPC (refer to Sections [7](#) or [8](#)), or
- their role involves providing NDIS services in which case they must meet the requirements set out in Section [10](#), or
- they meet the criteria in this Policy Directive for an emergency conditional appointment,
- they fall within exemptions for short term or casual overseas or interstate workers referenced in Section [13](#).

It is the healthcare staffing agency's responsibility to ensure that it provides NSW Health with staff that have valid WWCCs and satisfactory NPCs in accordance with this Policy Directive, and to provide evidence as required to the NSW Health organisation.

### **12.1 Healthcare agency and locum staff must provide their WWCC clearance for child related work**

The NSW Health organisation must validate the individual's WWCC with the Children's Guardian and keep records in accordance with this Policy Directive. This is to be done before the person starts work in NSW Health.

### **12.2 Healthcare agency and locum staff must have a satisfactory NPC**

For a healthcare agency staff member, a satisfactory NPC is a:

- National Police Certificate obtained within the last three years and a Statutory Declaration relating to any offences committed since the date of the Certificate, or
- NPC obtained by the locum or healthcare staffing agency as part of the person's engagement with the agency.

The healthcare staffing agency must provide the NSW Health organisation with the reference number for the Police Certificate or the NPC, the date it was undertaken and confirmation that they have assessed any identified criminal records and there is nothing in the person's criminal record history preventing them from undertaking all the key responsibilities of the role.

Refer to the NSW Health policy on the [employment of locum medical officers](#) for further information about Medical Locum Agency requirements.

### **12.3 Healthcare agency and locum staff in aged care work**

Before placing healthcare agency staff in aged care work, NSW Health organisations must be satisfied that the person has met all the requirements for working in aged care.

### **12.4 Health care agency and locum staff in NDIS work**

Before placing healthcare agency staff in NDIS work, NSW Health organisations must be satisfied that the person has met all the requirements for working in NDIS services.

### **12.5 Agency staff - non health care**

Long term agency staff in non-clinical / non healthcare roles identified as non-child related or exempt from the WWCC should have a NPC before starting work in NSW Health.

For short term non clinical agency staff, the NSW Health organisation may determine if NPCs are required based on a risk assessment.

## **13 OVERSEAS AND INTERSTATE WORKERS**

Interstate and overseas applicants are subject to the same Australian NPC requirements as other applicants.

Overseas and interstate workers engaged in child related work in NSW Health are required to obtain a WWCC clearance before starting work except in limited emergency circumstances (refer to Section [5.8](#)) or unless they fall within an exemption.

### **13.1 WWCC exemptions for interstate /overseas workers**

Where the interstate /overseas worker is engaged on a casual (i.e. fly in/fly out arrangement) or on short term contracts in child related work, they do not require a NSW WWCC if they are:

- an Interstate/overseas health practitioner engaged by a NSW Health organisation for fewer than five days in a three month period, or
- an Interstate health practitioner/worker engaged to work in NSW Health for fewer than 30 days in a calendar year and they have an interstate WWCC or equivalent clearance.

NSW Health organisations must ensure that interstate and overseas workers are compliant with any WWCC requirements.

### **13.2 Overseas/interstate applicants and National Police Checks**

The Australian NPC may be lodged before the person arrives in NSW as long as they provide a completed NSW Health NPC consent form and certified copies of original documents for the ID Check. Once they arrive in NSW, the original documents must be sighted by the NSW Health organisation and the NSW Health ID Checklist completed.

Certified copies are copies authorised, or stamped as being true copies of originals, by a person or agency recognised by the law of the country/state or territory in which the person is currently residing as having the authority to authorise or stamp such documents.

### **13.3 Additional NPC requirements for overseas applicants**

In addition to requirements for the WWCC and Australian NPC, applicants recruited directly to NSW Health from overseas (including New Zealand) must provide:

- A National Police Certificate from their home country and any country they have resided in for a period exceeding six months when aged 18 years or more. Applicants may provide their Overseas Police Certificate obtained for the purpose of registering with AHPRA to meet this requirement.
- If unable to provide the required overseas Police Certificates, they must complete a NSW Statutory Declaration stating they have no criminal charges or convictions (including any pending). If they do have such records, they must list date of offence, type of offence and court outcome (refer to [Appendix 3](#)).

Any criminal record check in a language other than English must be accompanied by a 'certified copy' of an English translation of the criminal record.

## 14 VOLUNTEERS

NPCs are required for all volunteers engaged to provide services in NSW Health facilities, in clients' or patients' homes or in other services where they are required to have direct face to face or physical contact with patients or clients or have access to confidential information about NSW Health patients, clients or staff, or access to finances.

Volunteers working in federally funded aged care facilities also have to meet the aged care requirements if:

- they are visiting care recipients under the Community Visitors Scheme or
- have or are reasonably likely to have, unsupervised access to care recipients, and have turned 16 years of age or, if for full-time students, have turned 18 years of age.

In addition, some volunteers may also require a WWCC.

Volunteers who provide health and care services in paediatric or adolescent health services are in child related work. They are exempt from requiring a WWCC however if they do not have contact with children in the adolescent or paediatric health service for extended periods of time, or if they provide health and care services in a paediatric or adolescent health service for fewer than five days a year and it involves minimal contact with children or the contact is supervised.

Outside of paediatric and adolescent health services, volunteers are only required to have WWCCs if they are in one of the other specified categories of child related work (refer to the definitions of 'child related work' and 'WWCC exemptions' in this Policy Directive).

Volunteers may also be subject to the requirements of the NDIS Worker Check requirements.

## 15 OTHER TYPES OF ENGAGEMENTS

There may be some types of engagement that are not captured or so described in this Policy Directive in relation to NPCs.

In these cases, the decision to undertake a NPC will be based on a risk assessment in relation to the level of risk to client safety, service delivery and community confidence.

**The decision to undertake a NPC for any types of engagement not captured or so described by this Policy Directive should include the following considerations:**

- the length of time of the engagement (engagements that are for less than two weeks or one-off engagements will usually not require a NPC)
- the type of work being undertaken, including if it involves direct contact with patients/clients, the vulnerability of those patients /clients, the nature of that contact and how supervised it is, what sort of information will they have access to, level of financial responsibilities or access to drugs etc.

- any protective factors that already mitigate any identified risks – such as the level of supervision involved, the level of access to patients, the physical environment in which the individual will be working, other checks undertaken on the person and any other factors that will affect the level of risk
- any protective factors or measures that could be put in place to mitigate and manage risks, such as increased supervision, working in teams, limiting access, setting clear boundaries etc.

If a NPC is required, the NSW Health organisation should identify whose responsibility it is to undertake the NPC, noting that NSW Health only process NPCs for individuals it directly engages.

Any decisions made under this section should be appropriately documented and retained. In all cases, if a risk assessment identifies risks in the workplace, risk management strategies should be identified and put in place. These may be instead of a NPC or to support the NPC.

## **16 EXISTING NSW HEALTH WORKERS CHANGING ROLES**

For the purpose of this policy, an existing NSW Health worker is taken to mean a person who is engaged or employed in NSW Health at the point in the recruitment or appointment process when NPC/WWCC requirements are being determined.

### **16.1 Requirements for NPCs for existing staff changing roles**

Existing NSW Health staff members or volunteers changing roles (whether child related or not) are not required to undergo a further NPC, unless:

- NSW Health has not previously undertaken a NPC on the individual
- a NPC is required for the purpose of aged care work or transition arrangements for the NDIS.

This also applies to existing staff members who are rotating as part of their training or contractual requirements.

**Note:** for existing staff applying for aged care roles, any previous NPCs must be checked to ensure compliance with aged care requirements in relation to ‘precluded offences.’

### **16.2 Requirements for WWCCs for existing staff changing roles**

An existing worker moving from a non-child related role to a child related role that requires a WWCC must have a valid WWCC clearance before commencing in their new role (subject to emergency conditional appointment provisions in this Policy Directive).

Once an existing staff member or volunteer has obtained a WWCC from the Children’s Guardian and it has been validated by NSW Health, it does not need to be revalidated with the Children’s Guardian every time the person changes roles within NSW Health.



The employing NSW Health organisation must ensure that the WWCC is current, that it is the correct WWCC (i.e. a non-volunteer WWCC for paid workers) and that the records show that it has been validated by NSW Health.

## **17 LIST OF ATTACHMENTS**

- Appendix 1: [Policy Directive checklist for implementation](#)
- Appendix 2: [NSW Health Criminal History Declaration](#)
- Appendix 3: [Statutory Declaration \(overseas applicants/ students\)](#)
- Appendix 4: [National Police Check consent form](#)
- Appendix 5: [National Police Check ID checklist](#)
- Appendix 6: [Statutory Declaration for aged care purposes](#)
- Appendix 7: [Table of requirements for staff members and volunteers Health workers](#)
- Appendix 8: [NSW Health WWCC requirements- Checklist](#)

## Attachment 1: Implementation checklist

<b>NSW Health organisation /Facility:</b>			
<b>Assessed by:</b>		<b>Date of Assessment:</b>	
<b>IMPLEMENTATION REQUIREMENTS</b>	<b>Not commenced</b>	<b>Partial compliance</b>	<b>Full compliance</b>
1. An appropriate person has been given identified as having responsibility for implementing this policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
2. Local procedures have been implemented in accordance with the requirements of this Policy Directive and Procedures and communicated with relevant managers across the organisation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
3. Relevant staff understand and apply the requirements regarding the WWCC, the Aged Care check and the NDIS worker check for new and existing workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
4. Relevant staff understand and apply the record keeping requirements in this Policy Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
5. Each NSW Health organisation has designated risk assessors registered with ESRU for managing criminal history	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		
6. Positions are appropriately classified in StaffLink in relation to checks required and information is accurately maintained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Notes:</u>		

## Criminal History Declaration

### For child related work in NSW Health

This declaration supports NSW Health's requirements for new starters to NSW Health to undergo a National Police Check as part of the recruitment process. This declaration is only for applicants for child related work; it is **not** for existing workers already engaged in NSW Health.

#### Personal details

FAMILY NAME			
FIRST NAME		MIDDLE NAME(S)	
ALIASES/PREVIOUS NAMES (if any)			
DATE OF BIRTH			
ROLE APPLIED FOR			
NSW HEALTH ORGANISATION			

#### Declaration

I understand that:

- It is a condition of engagement with NSW Health that I disclose any criminal history as lawfully allowed in accordance with the relevant State or Territory Spent Convictions legislation, noting that I am not required to disclose spent criminal history.
- I have separately provided consent for NSW Health to undertake a National Police Check (NPC) to confirm information I have provided in this declaration, and that a NPC may be undertaken should I be selected as a preferred person for this role.
- The disclosure of criminal records does not automatically preclude me from this role, and I understand that each case is considered on its merits.
- If disclosed criminal records are considered relevant to the requirements of the role, I may be asked to provide additional information in support of my application.
- Information disclosed in this declaration will be treated in strict confidence and will only be viewed by authorised staff; it will only be considered if I am a preferred person for this role and for the purpose of determining if further information is required in respect of any criminal records.
- If I have deliberately withheld or provided false information about convictions or pending charges, my application may be rejected or if I have been appointed, it may be grounds for dismissal.

I make the following declaration in relation to criminal records recorded against my name:

I have had one or more of the following recorded against my name (including bonds but excluding minor traffic offences, matters that have been quashed, dismissed, withdrawn or which are otherwise spent): <ul style="list-style-type: none"> <li>• convictions in the last 10 years, or</li> <li>• convictions for sexual offences, or</li> <li>• convictions for which a prison sentence of more than 6 months was imposed, or criminal charges which are yet to be finalised or heard in court.</li> </ul>	Yes/No (circle one)
--	------------------------

I confirm that the information I have given in this declaration is true and complete to the best of my knowledge and belief.

Name: .....

Signature: .....

Date: .....

# **STATUTORY DECLARATION** **OATHS ACT 1900, NSW, EIGHTH SCHEDULE**

For overseas applicants or students –applicants for aged care work must use the Commonwealth Aged Care Statutory Declaration

I, .....  
*[name, address and occupation of declarant]*  
do solemnly and sincerely declare that I **\*do not have / have (listed below)** any criminal convictions/pending charges in my country of origin or any country, outside of Australia, which I have resided in for a period exceeding six months when aged 18 years or over.

Date of charge/conviction	Details of pending charge or conviction	Country	Penalty / Sentence

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: ..... on .....  
*[place]* *[date]*

.....  
*[signature of declarant]*

in the presence of an authorised witness, who states:

I, ..... , a .....  
*[name of authorised witness]* *[qualification of authorised witness]*

certify the following matters concerning the making of this statutory declaration by the person who made it:

- \*I saw the face of the person *OR* \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
- \*I have known the person for at least 12 months *OR* \*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was .....  
*[describe identification document relied on]*

.....  
*[signature of authorised witness]*

.....  
*[date]*

**\* Cross out any text that does not apply**

NOTE 1.-A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 5 years – see section 25 of the *Oaths Act 1900 (NSW)*.

NOTE 2.-A statutory declaration under the *Oaths Act 1900 (NSW)* may be made only before a Justice of the Peace; a Legal Practitioner; a Judicial Officer; or a person authorised to witness a declaration in the jurisdiction in which it is sworn.

NOTE 3 - **identification document** means either a primary identification document within the meaning of the *Real Property Regulation 2008*, or a Medicare card, pensioner concession card, Department of Veterans' Affairs entitlement card or other entitlement card issued by the Commonwealth or a State Government, a credit card or account (or a passbook or statement of account) from a bank, building society or credit union, an electoral enrolment card or other evidence of enrolment as an elector, or a student identity card, or a certificate or statement of enrolment, from an educational institution.

## National Police Check Consent Form

## NATIONAL POLICE CHECK CONSENT FORM

Please read the General Information sheet attached and complete all sections of this Form. **NSW Health is required to sight your original identifying documents as per NSW Health's Identification Checklist.**

Is this a renewal check (e.g. Aged Care) ☐ Yes ☐ No

<p>You must disclose all names you have been known by throughout your life, including your primary name, name before marriage (maiden name), and other previous names and/or alias names.          With each additional name you provide, you must include your family name, first given name and other given names (if applicable).          Example:</p> <p>When Lucianne was born, she was given the first name of Lucianne, second given name Jane and Surname Jones. When she married, she changed her name to Smith. Lucianne commonly uses the Lucy when introducing herself in the community.</p> <p>As such, Lucianne has four known names – her current name, maiden name, the alias she used before she got married and the alias she uses now. She needs to provide all four names when completing this form as follows:</p> <p><b>Current Name:</b> Smith, Lucianne Jane  <b>Maiden Name:</b> Jones, Lucianne Jane  <b>Alias name:</b> Smith, Lucy Jane  <b>Previous name:</b> Jones, Lucy Jane</p>				
	<b>Family Name</b>	<b>Given Name (Primary)</b>	<b>Given Name 2</b>	<b>Given Name 3</b>
<b>Primary Name</b>				
<b>Maiden Name</b>				
<b>Previous/Alias Name 1</b>				
<b>Previous/Alias Name 2</b>				
<b>Previous/Alias Name 3</b>				
<b>Previous/Alias Name 4</b>				
<b>Gender</b>	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unspecified		<b>Date of Birth</b>	/ / (dd/mm/yyyy)
<b>Place of Birth</b>	<b>Suburb/Town:</b>			
	<b>State:</b>		<b>Country:</b>	
<b>Current Residential Address</b>	<b>No/Street:</b>			
	<b>Suburb/Town:</b>			
	<b>State:</b>		<b>Postcode:</b>	<b>Country:</b>
<b>Residing at above address from:</b>				
<b>Previous Address (over the last 5 years)</b>				
<b>Previous Address (if any)</b>	<b>No/Street:</b>		<b>Period of Residence: If actual dates are unavailable, details of year of residence will suffice</b>	
	<b>Suburb/Town:</b>		<b>From: To:</b>	
	<b>State:</b>	<b>Postcode:</b>	<b>Country:</b>	
<b>Previous Address (if any)</b>	<b>No/Street:</b>		<b>Period of Residence</b>	
	<b>Suburb/Town:</b>		<b>From: To:</b>	
	<b>State:</b>	<b>Postcode:</b>	<b>Country:</b>	
<b>Previous Address (if any)</b>	<b>No/Street:</b>		<b>Period of Residence</b>	
	<b>Suburb/Town:</b>		<b>From: To:</b>	
	<b>State:</b>	<b>Postcode:</b>	<b>Country:</b>	
<b>Email</b>				
<b>Telephone No</b>	<b>Mobile:</b>	<b>Business:</b>	<b>Private:</b>	
<b>Position</b>	<b>Type of Position</b>		<input type="checkbox"/> Paid <input type="checkbox"/> Volunteer	
If you have used one of these documents to verify your identity, please fill in these details:				
<b>Driver's Licence (Number)</b>			<b>Issuing State:</b>	
<b>Passport (Number)</b>			<b>Issuing Country:</b>	

## National Police Check Consent Form

<b>Firearms Licence</b> (Number)	<b>Issuing Agency:</b>
(Office Use Only) Notes/Adjustments made to consent form after verifying Identity Documents	

- I acknowledge that I understand the information on this form.
- I acknowledge that NSW Health is collecting information in this form to provide to the Australian Criminal Intelligence Commission (ACIC) and police agencies for a national Police check to be conducted;
- I have fully and accurately completed this form, and the personal information I have provided relates to me, and contains my full name and all names previously and currently used by me;
- I acknowledge that withholding and/or providing misleading or false information on this form and in any supplied identity documents is a Commonwealth offence and may lead to prosecution under the *Criminal Code Act 1995 (Cth)*.
- I acknowledge that any information sent by mail or electronically, in relation to this form, including identity documents, is sent at my risk and I am aware of the consequences of sending information in these ways.
- I am aware that I am providing consent for a national Police check to be conducted using all personal information provided in this form and provided in supplied identity documents
- I acknowledge that the national Police check is being submitted for the purpose of unsupervised contact with vulnerable groups as a requirement of working in NSW Health and that this is not a Working with Children Check. I understand and consent to the police information relating to me being disclosed in accordance with the purpose of the check and applicable legislation and information release policies (including spent convictions legislation described in Australian Government and state or territory legislation)
- I give consent to:
  - The ACIC and police agencies using and disclosing my personal information that I have provided in this form and personal information contained in my supplied identity documents to conduct a national Police check;
  - The ACIC disclosing the police information sourced from the police agencies to NSW Health;
  - NSW Health disclosing to the legal entity employer my personal information and police information to assess my suitability for the role I have applied for.
- I acknowledge that it is usual practice of my personal information and police information to be used by police agencies and the ACIC for law enforcement, including purposes set out in the *Australian Crime Commission Act 2002 (Cth)*.
- I acknowledge that any information provided by me on this form relates specifically to my engagement within NSW Health.
- I am aware that if any such records are identified, NSW Health may seek additional information relating to that record from sources such as courts, police, prosecutors and past employers
- I understand that the purpose of seeking this information is to enable a full and informed employment risk assessment and that where other information is available, NSW Health will obtain that information for employment risk assessment purposes only.

**Note: The information you provide on this form, will be used only for the purposes stated above, unless statutory obligations require otherwise.**

Applicant's  
Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Parent/Guardian Consent** - If you are under 18 years of age, a parent or guardian must provide consent.

## Parent / Guardian Details

Name  
(printed  
in full): \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Terms to be used in this form**



## GENERAL INFORMATION - National Police Check Consent Form

**National Police Check** – Describes both: the checking process undertaken by the ACIC and police, and the result received by the accredited body. Commonly known as a ‘police check’.

**Australian Criminal Intelligence Commission (ACIC)** – Australian Government agency responsible for facilitating access to national Police checks.

**Personal Information** – Information about you, including any information contained in your identity documents

**Police Information** – Information released as part of a national Police check.

### What is a National Police Check (NPC)?

A national Police check is conducted with your informed consent to determine your suitability for employment, a position of trust or as required by legislation. A national Police check contains your personal information, and any relevant police information about you, according to the purpose of your national Police check.

## PRIVACY NOTICE

### How will my information be used?

#### *The ACIC and Australian police agencies*

The ACIC and Australian police agencies use the information on this form and the applicant’s identity documentation:

- to disclose police information relating to you, to NSW Health.
- to update records held about you
- for law enforcement, including purposes set out in the *Australian Crime Commission Act 2002* (Cth)

#### *The employer – NSW Health*

The accredited body or its legal entity customer uses the personal information collected in this form to request a national Police check and to assure itself of your identity.

You can contact NSW Health for more information on how they handle your personal information using the contact details at the end of this section

### *How is my national Police check result determined?*

Police information is disclosed in accordance with applicable spent conviction legislation and information release policies of the Australian Government and state and territory governments.

These links may help you source information on spent convictions:

Australian Government	<a href="http://www.legislation.gov.au">www.legislation.gov.au</a>
Australian Capital Territory	<a href="http://www.legislation.act.gov.au">www.legislation.act.gov.au</a>
New South Wales	<a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>
Northern Territory	<a href="http://www.legislation.nt.gov.au">www.legislation.nt.gov.au</a>
Queensland	<a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a>
South Australia	<a href="http://www.legislation.sa.gov.au">www.legislation.sa.gov.au</a>
Tasmania	<a href="http://www.thelaw.tas.gov.au">www.thelaw.tas.gov.au</a>
Victoria	<a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>
Western Australia	<a href="http://www.legislation.wa.gov.au">www.legislation.wa.gov.au</a>

### *How do I dispute my result?*

If you do not agree with the results of your national Police check, contact NSW Health, using the contact details on page 1 or your employing organisation and tell them you want to dispute the result. NSW Health accepts and escalates all disputes.

### *Providing incomplete, false or misleading information*

You must take reasonable steps to ensure you provide accurate, complete and up-to-date personal information. Withholding and/or providing misleading, or false information on this form is a Commonwealth offence and you may be prosecuted under the *Criminal Code Act 1995* (Cth). If you become aware you have provided incorrect information you must contact NSW Health as soon as possible.

*If you have any questions concerning this form, please contact Employment Screening and Review Unit, HealthShare NSW on 02 8848 5175 or [hsnsw-esruenquiries@health.nsw.gov.au](mailto:hsnsw-esruenquiries@health.nsw.gov.au)*

		For new starters			Once engaged
Type of Work	Category of worker	WWCC clearance	NPC	Declaration & WWCC Probity flag instead of NPC	
Child Related	Staff members & volunteers	Yes	Yes	Yes	WWCC every five years
	Agency staff	Yes	Yes – Healthcare staffing agency responsible	No	WWCC every five years NPC every three years – refer PD
	VMO/VDOs	Yes	Yes	Yes	WWCC every five years
	Overseas applicants	Yes	Australian NPC plus Overseas Police Certificates or Statutory Declaration	Yes	WWCC every five years
	Student supervisors/ facilitators	Yes	Yes – Police Certificate or evidence from health care staffing agency or tertiary institution. No NPC required if an existing staff member	No	WWCC every five years NPC every three years – refer PD
	Students on clinical placement	No	Police Certificate provided by student No NPC required if an existing staff member		NPC every five years unless in aged care ( then three years )
	Overseas students	No	Yes - Police Certificate Overseas Police Certificates or NSW Statutory Declaration	No	NPC every five years unless in aged care ( then three years )
	Students on work experience	No	No	No	N/A
Aged Care	Staff members, including VMOs, volunteers and agency staff	No	Australian NPC plus Aged Care Statutory Declaration Compliance by the healthcare staffing agency for agency staff	No	NPC ( aged care) every three years
	Overseas applicants	No	Australian NPC plus Aged Care Statutory Declaration Overseas Police Certificates or NSW Statutory Declaration	No	NPC (aged care) every three years
Aged Care and Child related	All affected staff	Yes	Australian NPC plus Aged Care Statutory Declaration (Commonwealth)	No	NPC (aged care) every three years and WWCC every five years
Non Child related /non aged care	Staff members or volunteers	No	Yes	No	None
	Contractors – non clinical	No	Depends on risk assessment	No	None
Type of engagement not covered	Engagements not described in policy	Depends if child related	Depends on risk assessment	Depends on risk assessment and who does NPC if required	If child related, WWCC every five years
NDIS	Transition arrangements until 1 July 2019 – refer to NSW Health Policy WWCCs and other Police Checks and NDIS Commission website				

Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

1 Insert the name,  
address and  
occupation of  
person making  
the declaration

I,<sup>1</sup>

make the following declaration under the *Statutory Declarations Act 1959*:

2 Set out matter  
declared to in  
numbered  
paragraphs

2

1. I declare that (*place a tick or cross in applicable box*):

- ☐ Since turning 16 years of age, I have been a citizen or permanent resident of a country/countries other than Australia.
- ☐ Since turning 16 years of age, I have never been a citizen or permanent resident of a country/countries other than Australia.

2. I declare that I have never been:

- (a) convicted of murder or sexual assault; or
- (b) convicted of, and sentenced to imprisonment for, any other form of assault.

I acknowledge that continued employment with a NSW Health agency is conditional upon a satisfactory outcome of the check which I have consented to.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of  
person making  
the declaration

3

4 Place  
5 Day  
6 Month and year

Declared at <sup>4</sup> on <sup>5</sup> of <sup>6</sup>

Before me,

7 Signature of  
person before  
whom the  
declaration is  
made (see over)

7

8 Full name,  
qualification and  
address of person  
before whom the  
declaration is  
made (in printed  
letters)

8

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

**A statutory declaration under the *Statutory Declarations Act 1959* may be made before—**

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public  
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)  
Bailliff

Bank officer with 5 or more continuous years of service  
Building society officer with 5 or more years of continuous service  
Chief executive officer of a Commonwealth court  
Clerk of a court

Commissioner for Affidavits  
Commissioner for Declarations  
Credit union officer with 5 or more years of continuous service  
Employee of the Australian Trade Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Employee of the Commonwealth who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association  
Finance company officer with 5 or more years of continuous service  
Holder of a statutory office not specified in another item in this list  
Judge of a court  
Justice of the Peace  
Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*  
Master of a court  
Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student  
Member of the Association of Taxation and Management Accountants  
Member of the Australasian Institute of Mining and Metallurgy  
Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
  - (b) a State or Territory or a State or Territory authority; or
  - (c) a local government authority;
- with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

# Appendix 5 - Identification Checklist for consent to undertake a National Police Check (NPC)

## Instructions

- a) To lodge a National Police Check (NPC), original identifying documents must be sighted (scanned or photocopied certified copies are not acceptable), checked against each other and the applicant for linkage and consistency (refer Information Sheet on [NSW Health Intranet](#)) and against the applicant's completed NSW Health NPC Consent Form and this Checklist completed. This must be by a NSW Health staff member (as appropriately delegated). There is no requirement to retain copies of the identification documents.
- b) The combination of documents sighted must include the applicant's full name, date of birth and photograph: If the applicant is unable to provide a photo in a *Commencement of identity/Primary Use in Community/Secondary Use in Community* document, a passport-style photograph certified by a person listed in Schedule 2 of the *Statutory Declarations Regulations 1993 (Cth)* must be provided.
- c) As a minimum requirement, the applicant must provide four identity documents:
  - one 'commencement of identity' document (Section 1 below)
  - one 'primary use in the community' document (Section 2 below)
  - two 'secondary use in the community' document (Section 3 below)
 If they cannot meet these requirements, refer to the Special Provisions (Section 4 below)
- d) **Change of Name-** If an applicant provides identity documents using a former name, such as a maiden name, they must provide evidence of the name change in addition to the four identity documents. This means providing a:
  - change of name certificate issued by an Overseas Government Agency or Australian Registry of Births, Deaths and Marriages or
  - Marriage certificate issued by an Overseas Government Agency or an Australian state or territory (church or celebrant issued certificates are not accepted) or
  - Deed Poll.
- e) **Evidence of ability to work in Australia:** If the documents do not include an Australian /New Zealand passport or Australian birth/citizenship certificate, a valid visa or work permit allowing the person to work in Australia must be sighted.

Applicant's Full Name: \_\_\_\_\_

Mandatory record of identifying documents sighted:						
Description of document	Full name on document (including middle names)	Date issued	Place/ Office of issue/ issuing organisation	Expiry date	Checked Against NPC Consent Form	Document Type(eg Commencement, Primary or Secondary)
Mandatory record of document sighted that confirm person's ability to work in Australia						

I have checked the details provided above against the applicant's National Police Check consent form as required at point (a) above, and I confirm:

- the names in the ID documents are the same (or are linked), address details are consistent and signatures and photos match and are the same as the person presenting them, and
- the names in the ID documents are included in the consent form, and
- any reference numbers for documents detailed in the consent form match those I have sighted today, and
- the applicant has provided evidence that they are allowed to work in Australia, as required at point (e) above

I have confirmed with the applicant that all aliases / former / middle names are included in the consent form.

Full Name: \_\_\_\_\_ Position: \_\_\_\_\_ Employee Number: \_\_\_\_\_

NSW Health Organisation: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 5 - Identification Checklist for consent to undertake a National Police Check (NPC)

### Documents

#### Section 1: Commencement Documents

- a) Full **Australian Birth Certificate** (not extract or birth card)
- b) Current **Australian passport** (not expired)
- c) **Australian Visa** current at the time of entry to Australia as a resident or tourist
- d) **ImmiCard** issued by Immigration and Border Protection that enables the cardholder to prove their visa and/or migration status and enrol in services
- e) **Certificate of Identity** issued by Foreign Affairs and Trade to refugees and non-Australian citizens for entry to Australia
- f) **Document of Identity** issued by Foreign Affairs and Trade to Australian citizens or persons who have the nationality of a Commonwealth country for travel purposes
- g) Certificate of **evidence of resident status**.

#### Section 2: Primary Use in the Community Documents

- a) Current **Australian drivers licence**, learner permit or provisional licence issued by a state or territory, showing a signature and /or photo and the same name as claimed.
- b) **Australian marriage certificate** issued by a state or territory (church or celebrant-issued certificates are not accepted)
- c) Current **passport** issued by a country other than Australia with a valid entry stamp or visa
- d) Current **proof of age** or **photo identity card** issued by an Australian Government agency in the name of the applicant, with a signature and photo
- e) Current **shooters** or **firearms licence** showing a signature and photo (not minor or junior permit or licence)
- f) For persons under 18 years of age with no other Primary use in the Community Documents, a **current student identification card** with a signature or photo.

#### Section 3: Secondary Use in the Community documents

- a) **Certificate of identity** issued by Foreign Affairs and Trade.
- b) **Document of identity** issued by Foreign Affairs and Trade.
- c) **Convention travel document secondary** (United Nations) issued by Foreign Affairs and Trade
- d) **Foreign Government issued documents** (for example -drivers licence)
- e) **Medicare Card**
- f) **Enrolment with the Australian Electoral Commission**
- g) **Security Guard or Crowd Control photo licence**
- h) **Evidence of right to an Australian Government Benefit** (Centrelink or Veterans' Affairs)
- i) **Consular Photo Identity Card** issued by Foreign Affairs and Trade
- j) **Photo Identity Card** issued to an officer by a Police Force
- k) **Photo Identity Card** issued by the Australian Defence Force
- l) **Photo Identity Card** issued by the Australian Government or a state or territory government
- m) **Aviation Security Identification Card**
- n) **Maritime Security Identification Card**
- o) **Credit Reference Check**
- p) **Australian Tertiary student photo identity document**
- q) **Australian secondary student photo identity document**
- r) **Certified Academic Transcript** from an Australian University
- s) **Trusted Referees report**
- t) **Bank Card**
- u) **Credit Card**

#### Translation of identity documents to English

If an identity document is provided in a language other than English, an accredited translation must be obtained from the National Accreditation Authority for Translators and Interpreters.

## Appendix 5 - Identification Checklist for consent to undertake a National Police Check (NPC)

### Section 4 – Special Provisions

#### Special Provision 1 – where the applicant cannot provide from all three categories

Where the applicant cannot provide a:

- **Commencement in the Community document, they must provide:**
  - One primary use in the community document and
  - Three secondary use in the community documents, one of which must contain a photograph
- **Primary use in the Community document, they must provide:**
  - One commencement of identity document and
  - Three secondary use in the community documents
- **Secondary use in the community document, they must provide:**
  - One commencement of identity document and
  - Three primary use in the community documents

At least one document provided must contain proof of the applicant's full name, date of birth and photograph. If the applicant cannot provide a document with a photograph, they must submit a passport-style photograph certified by a person listed in Schedule 2 of the **Statutory Declarations Regulations 1993 (Cth)**.

#### Special Provision 2 – Verification of an applicants claimed identity by an authorised referee

If the applicant cannot provide any identity documents from the three special provision categories, they must provide a:

- Passport-style photograph certified by a person listed in Schedule 2 of the **Statutory Declarations Regulations 1993 (Cth)** and
- An authorised referee report that substantiates their claim

The authorised referee must:

- Meet the Australian Criminal Intelligence Commission's authorised referee requirements
- Complete the required sections in the special provisions form, including a declaration
- Provide, if requested, a written reference confirming the applicant's identity on company or/organisation letterhead.

#### Special Provision 3 – Verification of the applicant's identity with a parent, legal guardian or authorised agent

Access to this provisions is restricted to applicants who:

- are under 18 years of age
- have a disability requiring part or full-time care from an authorised agent
- were raised in foster care or similar arrangements

To meet the requirements of Special provision 3, the applicant, parent, legal guardian or authorised agent must all meet these minimum proof of identity requirements.

Applicant must provide:

- one identity document containing a photograph from the *Commencement of identity/Primary Use in Community/Secondary Use in Community* categories. If they cannot, they must submit a passport-style photograph certified by a person listed in Schedule 2 of the Statutory Declarations Regulations 1993 (Cth).

Parent, legal guardian or authorised agent must:

- confirm their own identity by meeting the minimum proof of identity requirements and
- provide a documentary link between the child and the parent or legal guardian, such as the child's birth certificate or provide a documentary link between the applicant and their authorised agent, such as a signed power of attorney.

#### Special Provision 4 – limited to overseas applicants not in the country at the time of the check

Applicant must provide:

- a current overseas passport and
- **three of any of the following:** a foreign driver's licence, a birth certificate, bank card, evidence of qualifications from a tertiary institution, utility bill, government issued ID card, evidence of membership of professional association

Certified copies of original documents must be sighted before lodgement of NPC and originals provided after arrival in NSW.



## NSW Health Working with Children Check requirements

### Instructions

1. This Checklist is to assist in determining Working with Children Check (WWCC) requirements
2. This Checklist may be used for paid and unpaid positions.
3. Documented decisions, using this Checklist, should be maintained locally and may be subject to scrutiny by external agencies, such as the Office of the Children's Guardian
4. This Checklist is designed to be worked through in numeric order.
5. This Checklist supports the implementation of the current NSW Health WWCC policy located at <http://www.health.nsw.gov.au/policies/Pages/default.aspx>
6. Any questions about this Checklist should be directed to Workplace Relations, Ministry of Health

**Title of position/class of positions:**.....

**Main function of role:**.....

**Location/facility:**.....

**Position Number/s** .....

**1. Does the position involve any direct face to face or physical contact with under 18 year olds?**

- ☐ Yes (proceed to number 2)
- ☐ No (proceed to number 8)

**2. Is the position for a Health Practitioner (includes health practitioners that are registered under the Health Practitioner Regulation National Law(NSW) as included at Appendix 1 and any other individual who provides a health service) whose role includes providing health services to under 18 years?**

- ☐ Yes (proceed to number 6)
- ☐ No (proceed to number 3)

**3. Is the position classified as a worker (other than a health practitioner) who provides health and care services in a paediatric or adolescent health service?**

- ☐ Yes (proceed to number 4)
- ☐ No (proceed to number 5)

**4. Do either of these statements apply?**

- ☐ The work providing health and care services in a paediatric or adolescent health service does not ordinarily involve contact with children for extended periods of time.
- ☐ The work providing health and care services in a paediatric or adolescent health service is for a period of not more than five days in a calendar year and involves minimal direct contact with children or is supervised when children are present
- ☐ If the answer is yes to **either** of these (proceed to number 8)
- ☐ If the answer is no to **both** of these (proceed to number 6)

## NSW Health Working with Children Check requirements

### 5. Does the position fall under one of these areas of work:

- ☐ work in mentoring and counselling services for children if the mentoring and counselling services are provided to children as part of a formal mentoring program
- ☐ work in providing family welfare services is child-related work, if clients to whom the services are provided ordinarily include children and contact with children is more than incidental
- ☐ work in child protection services if contact with children is more than incidental
- ☐ work in education and care services, child care centres, nanny services and other child minding services provided on a commercial basis
- ☐ work at detention centres and juvenile correctional centres if contact with children is more than incidental
- ☐ work for a residential parent and child program involving inmates or detainees, and their children, at a correctional centre, juvenile correctional centre or detention centre or other place if the contact with children is more than incidental.
- ☐ Is the position one of the identified positions handling sensitive information that has been approved by the Children's Guardian to require WWCC – refer to list on the NSW Health Intranet at <http://internal.health.nsw.gov.au/jobs/empchecking/index-empchecking.html>
- ☐ Yes (proceed to number 6)
- ☐ No (proceed to number 8)

### 6. Does the child related worker fall into any exemptions from requiring the WWCC?

- ☐ a worker who provides administrative, clerical or maintenance services, or other ancillary services, if the work does not ordinarily involve contact with children for extended periods
- ☐ a health practitioner who is working in and visiting New South Wales from outside the State, if the period of work does not exceed a total of five days in any period of three months
- ☐ a worker who is working in and visiting New South Wales from outside the State for the purpose of child-related work if the worker is the holder of an interstate working with children check in the jurisdiction in which the person ordinarily resides and the period of the child-related work in New South Wales does not exceed a total of 30 days in any calendar year
- ☐ a worker who works for a period of not more than a total of five working days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present
- ☐ a worker who is under the age of 18 years
- ☐ a worker who is a health practitioner in private practice, if the provision of services by the practitioner in the course of that practice does not ordinarily involve treatment of children without one or more other adults present
- ☐ a worker who is a co-worker of a child or who is a work supervisor or work placement supervisor of a child;
- ☐ a visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where child-related work is carried out if the work of the person at that place is for a one-off occasion and is carried out in the presence of one or more other adults
- ☐ a student attending clinical placements
- ☐ If **any** of these statement apply (proceed to number 8)
- ☐ If **none** of these statements apply (proceed to number 7)

**NSW Health Working with Children Check requirements****7. This position requires a Working with Children Check:**

Briefly state how the position has direct contact with children:

**8. This position does not require a Working with Children Check**

Briefly state how the position has no direct contact with children

If the work/worker falls into an exemption – specify and note any action required to monitor ongoing application of exemption

**Recommended:**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Approved:**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## NSW Health Working with Children Check requirements

### Useful definitions

**Ancillary services** are those services that are not the organisation's core business, but are necessary to support the core business; this includes corporate, clerical, maintenance administrative, Wardspersons, Health and Security Assistants and Hospital Assistants.

**Extended Periods** can be taken to mean where the contact is close and ongoing over a period of time reasonably allowing a relationship of trust to develop (e.g. School cleaners work within schools during school hours alongside the same group of children over an extended period of time resulting in the potential for the development of relationships with those children)

**Health Practitioner** as defined under Part 1 of the [Health Practitioner Regulation National Law \(NSW\)](#)

Health practitioner means an individual who practises a health profession.

Health profession means the following professions, and includes a recognised specialty in any of the following professions—

- (a) Aboriginal and Torres Strait Islander health practice;
- (b) Chinese medicine;
- (c) chiropractic;
- (d) dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist);
- (e) medical;
- (f) medical radiation practice;
- (g) nursing and midwifery;
- (h) occupational therapy;
- (i) optometry;
- (j) osteopathy;
- (k) pharmacy;
- (l) physiotherapy;
- (m) podiatry;
- (n) psychology.

**Health Service** includes the following:

- a) Medical, hospital and nursing and midwifery services
- b) Dental services
- c) Mental health services
- d) Pharmaceutical services
- e) Ambulance services
- f) Community health services
- g) Health education services
- h) welfare services necessary to implement any services referred to in paragraphs (a)–(g),
- i) services provided in connection with Aboriginal and Torres Strait Islander health practices and medical radiation practices,
- j) Chinese medicine, chiropractic, occupational therapy, optometry, physiotherapy, podiatry and psychology services,
- k) optical dispensing, dietician, massage therapy, naturopathy, acupuncture, speech therapy, audiology and audiometry services,
- l) services provided in other alternative health care fields

## NSW Health Working with Children Check requirements

### Child related work categories in the Child Protection (Working with Children) Regulation

- ☐ Children's health services
  - Work as a health practitioner providing health services in wards of hospitals where children are treated.
  - Other work as a health practitioner providing child health services.
  - Work by persons (other than health practitioners) who provide health and care services in paediatric or adolescent health services.
  - Work as a student in the course of a student clinical placement in a hospital or other health service is not child-related work.
- ☐ Child protection services
- ☐ Child development and family welfare services - work in mentoring and counselling services where the services provided are part of a formal mentoring program, or the clients to whom the family welfare services are provided ordinarily include children.
- ☐ Child care centres and early education centres - work in education and care services, child care centres, nanny services and other child minding services provided on a commercial basis, providing babysitting services, unless the services are provided under a private arrangement (whether or not a fee is payable) and work as an au pair, if the work involves the provision of child care.
- ☐ Disability services - work in providing respite care or other support services primarily for children with a disability; the work is not child-related work if the work does not ordinarily involve contact with children for extended periods without other adults being present.
- ☐ Detention centres and juvenile correctional centres:
  - Work as a supervisor or case manager of children on community justice placements, for a government or non-government body.
  - Work for a residential parent and child program provided by a government or non-government agency involving inmates or detainees, and their children, at a correctional centre, juvenile correctional centre or detention centre or other place.
  - Expressions used in this clause have the same meaning as they have in the *Children (Detention Centres) Act 1987* and the *Crimes (Administration of Sentences) Act 1999*.
- ☐ Entertainment for children at sporting, cultural or other entertainment venues where services, activities or entertainment is provided on a commercial basis primarily for children, work that involves providing entertainment services primarily for children on a commercial basis, however, providing food or equipment at or for a sporting, cultural or other entertainment venue or providing a venue is not child-related work.
- ☐ Religious services where children form part of the congregation or organisation if the work is carried out as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of the organisation; or in any other role in the organisation involving activities primarily related to children, including youth groups, youth camps, teaching children and child care.
- ☐ Residential services in refuges used regularly by children; boarding houses or places providing other residential services for children; or overnight camps for children.
- ☐ Transport services for children including school bus services and taxi services for children with a disability.
- ☐ Youth work

For further information on any of these categories refer to the website of the Office of the Children Guardian