

## POLICE CHECKS AND WORKING WITH CHILDREN CHECKS

**Background checks are sometimes used by volunteer-involving organisations to help minimise the risk of an inappropriate placement.**

**Working with Children Checks are mandatory in certain circumstances; you must understand and comply with this law.**

### Police checks

This check searches the criminal records database for any current police investigations or charges and previous offences (with certain conditions).

This check is **optional** unless funding or service contracts require it. Volunteering Victoria recommends police checks only be used when the possibility of a criminal record has direct bearing on the volunteer role. Mostly this will apply where the volunteer will:

- work with vulnerable people
- have significant access to money
- have heavy driving responsibilities.

### HOW TO GET ONE

There are two options for obtaining a police check:

**Apply direct to Victoria Police** for a National Police Certificate by completing a form and submitting copies of the volunteer's identification along with the application fee of \$46 (unless eligible for reduced fees – see below). The application takes ten days and results will be returned directly to the volunteer for privacy reasons.

[www.police.vic.gov.au](http://www.police.vic.gov.au)

**Use the CrimCheck service:** Not for Profits must register first to make use of this automated online service, which promises to return 84 per cent of checks within one hour. For a reduced rate CrimCheck users should be registered with ACNC. The CrimCheck system is set up to allow direct access to results for the organisation when the applicant gives permission for release of the information in the application process.

[www.crimcheck.org.au](http://www.crimcheck.org.au)

### PAYING FOR POLICE CHECKS

Community organisations can obtain police checks for their volunteers at a reduced rate. You must first apply to Victoria Police for a Community Volunteer Fee (CVF) number – an application form is available on the Victoria Police website. Organisations wishing to register for CrimCheck should call CrimCheck to discuss options. However you choose to conduct police checks, organisations generally bear the cost of this fee, not volunteers.

### A negative result— what now?

Negative results from a compulsory Working with Children Check leave you with **no option** but to decline a volunteer's application, as they are prohibited by law from engaging in 'child-related work'.

But you can apply more discretion when considering the results of a volunteer's **police check**. Remember that police checks should only be one part of the screening process. The volunteer's experience and skills and their general fit for the role may be just as important as their police record.

It is not unlawful to refuse to recruit someone on the basis of their criminal record. But it may mean a missed opportunity or just be plain unfair .

## Working with Children Checks

The Working with Children Check was made compulsory by law in 2005 for all employees and volunteers engaged in 'child-related work' – see right for more explanation.

All organisations **must** be aware of their obligations under the *Working with Children Act 2005* and ensure volunteers have a current Working with Children Check if required. Those that don't are breaking the law and face **serious penalties**, including fines up to \$150,000.

### OBTAINING THE CHECK

Volunteers will need to complete an application and lodge it at the post office, with identification and a passport photo. There is no fee for volunteers to obtain a Working with Children Check.

If the volunteer passes the check they will be assigned an Assessment Notice and card. It is the organisation's duty to check these documents are valid.

Go to <http://www.justice.vic.gov.au/wps/wcm/connect/Working+With+Children/Home/>

## Keep it to yourself

In most circumstances the law prohibits you from sharing information about a volunteer's Working with Children Check.

If you believe it is important to disclose what you know about a volunteer, we recommend you get **legal advice** first.

Criminal records, too, can be subject to privacy laws. Whether a volunteer-involving organisation is bound by these laws depends on several factors – to understand more see *Fast Facts – Protecting the privacy of volunteers*.

### Who needs a Working with Children Check?

The Working with Children Act lists a broad range of occupations and activities deemed to be 'child-related work' that require a check. The full list is available on the [Department of Justice website](#).

But what of organisations that only work with children occasionally? What about people who volunteer only a couple of times a year?

The law states that people who regularly work with under 18s without direct supervision must obtain the check.

**Regularly** means that they will usually come into contact with children as part of their normal role; it does not include people who work with children infrequently in a service that is not particularly targeted at children.

**Direct supervision** means that another person, themselves with a valid Working with Children Check, works alongside the volunteer in a supervisory capacity. The supervisor may leave the volunteer for short periods infrequently, for example to make a phone call.

For help deciding whether your volunteers need Working with Children Checks, call the **Department of Justice information line: 1300 652 879**

### More information

Volunteering Victoria's *Fast Facts – Protecting the Privacy of Volunteers*

Department of Justice website – [Protecting Our Children](#)

Legal advice for community organisations: PilchConnect: 8636 4444