Frequently Asked Questions

Question:
Why have the forms changed?

Answer:

The recent changes have come about due to a review by the NSW Commission for Children and Young People and the Children and Young Persons Amendment (Wood Inquiry Recommendations) Regulation 2010. The forms have been amended to reflect the findings of the Wood Inquiry and the changes in legislation that come into effect from the 31st of March 2010.

Question:
What is different in comparison to the old screening process?

Answer:

The key points below outline the important changes –

- Volunteers who provide mentoring to disadvantaged children or are providing personal care to children with disabilities are required to complete the Applicant Declaration and Consent form and are to be submitted for screening
- Forms for new employees have been amended and include a combined Applicant Declaration and Consent form. This replaces the Prohibited Employment Declaration and the Working With Children Background Check Consent form
- New mandatory information requirements
- New employment categories replacing the existing field Paid Mandatory (Y/N)
- 100 points of ID requirements are outlined in forms
- The Employment Screening Unit will soon be providing outcomes for the Working with Children Check electronically, via email (please ensure your contact email details are current) where this suits your business processes.

Question:
Why do we screen prospective employees?

Answer:

The Commission for Children and Young People Act 1998 commenced in July 2000 and introduced mandatory requirements for background checking of people working with children. For the Working with Children Check, a child is anyone under the age of 18.
Question:

What is the *Working with Children Check*?

Answer:

The *Working with Children Check* is a pre-employment check for child-related employment. Volunteers in some high risk roles must be checked. The *Working with Children Check* involves a national criminal record check for relevant offences, relevant employment proceedings involving reportable conduct, and relevant apprehended violence orders.

Question:

Do volunteers get the *Working with Children Check*?

Answer:

Volunteers in some high risk roles must be checked. These are volunteers who mentor disadvantaged children in family-like relationships, or provide intimate personal care (e.g. bathing or toileting) for children with disabilities. All other volunteers or students on placement working with children must sign the Volunteer Declaration.

It is an offence for prohibited persons to apply for or attempt to obtain, undertake or remain in child-related employment in any capacity, whether paid, volunteering or self employed.

Employers must ask all preferred applicants for child-related employment to declare that they are not a prohibited person, using the Applicant Declaration and Consent or, for volunteers, the Volunteer Declaration.

Question:

How do I get my own Check for working interstate or overseas?

Answer:

Your *Working with Children Check* is valid only in New South Wales. Each Australian state and territory has its own system for checking people before they can work with children, so you will need to contact the relevant agency in the state or territory in which you plan to work.

If you plan to work overseas you can apply to the Australian Federal Police for a copy of your criminal history. You can find out how to apply at [www.afp.gov.au](http://www.afp.gov.au)
Question:

After collecting relevant paperwork from potential employees I noticed that some information fields have been left blank on the Applicant Declaration and Consent, does this matter?

Answer:

All mandatory areas of Applicant Declaration and Consent must be fully completed. A screening is unable to take place without all required information – including the applicants date of birth and signature. If information is missing then it must be returned to the applicant for completion.

Question:

Why is it important to obtain certified identity documents?

Answer:

Identity documents should verify all names a person is known by including middle names and former surnames and support the date of birth included on the Applicant Declaration and Consent. The result of the background check relies on the accuracy of information contained in the consent form and can be compromised by incomplete or false information.

Question:

What is a Prohibited Person.Registrable Person?

Answer:

A ‘Prohibited Person’ is a person convicted of sex offences, kidnapping or murder of a child or child related personal violence offences. In addition, a registrable person under the Child Protection (Offenders Registration) Act 2000 is a Prohibited Person. Such people are prohibited from applying for, undertaking or remaining in child-related employment in NSW.

Question:

Is it an offence to employ a Prohibited Person in a child-related position?

Answer:

Yes. Under the Commission for Children and Young People Act 1998 it is an offence for an employer to employ a person in child-related employment without first requesting the person to complete an Applicant Declaration and Consent or Volunteer Declaration. It is also an offence for a prohibited person or a registrable person to apply for child-related employment.
Question Nine:

How can I follow up an outcome for a screening request for a potential employee?

Answer:

The result of a screening request is usually available within 2 to 10 business days from the date of request. There is normally a maximum 10 day turnaround time for results for all screening requests where no information of concern is detected. You should contact the Employment Screening Unit on 02 9836 9200 to seek advice on the progress of a result.

Question:

Does the Department of Education and Training accept a Self Employed Certificate?

Answer:

The Department of Education and Training has expanded requirements for contractors, subcontractors and self employed persons. For information on the new requirements in relation to the Children and Young Persons Amendment (Wood Inquiry Recommendations) Regulation 2010 and how this applies to contractors, subcontractors and self employed persons please contact the Employment Screening Unit on 02 9836 9200.

Question:

The Link I have saved in my “Favorites” Folder brings up the out of date forms. How do I get access to the new versions?

Answer:

In the case where the old forms appear on your screen, click the refresh button after initially clicking on the link and this should update the link and the new forms will appear. This will be in place from 31st March 2010.

Question:

My contact details have recently changed – who do I need to inform?

Answer:

An Amendment to Employer Details form needs to be completed and either faxed or emailed to the Employment Screening Unit on (02) 9836 9222 or to Esumail@bkesu.det.nsw.edu.au
Question:

What is the best way to contact the Employment Screening Unit?

Answer:

You can reach the Employment Screening Unit by either phone on 02 9836 9200, by fax on 02 9836 9222 or via email on esumail@bkesu.det.nsw.edu.au

Question:

How can I access the relevant legislation?

Answer:


Question:

How often do I screen my staff?

Answer:

Permanent child-related employees in your organisation are screened when they are first employed and do not require further screening unless they cease employment with you and are then re-employed.

Casual staff, people employed under employment contracts and other short term employees require screening as outlined in the Short Term Employees provisions in the Working with Children Employer Guidelines. In most instances, there would be an annual re-screening requirement.