



A GUIDE TO THE DEFENCE WORKING WITH VULNERABLE PEOPLE AND CHILDREN SUITABILITY ASSESSMENT POLICY

OVERVIEW

The Defence Working With Vulnerable People and Children Suitability Assessment policy is principles-based, articulates Defence intolerance of abuse of young people and establishes the measures to be implemented for assessing an individual's suitability to engage with young people on behalf of Defence.

POLICY PRINCIPLE

Defence will take all reasonable steps to ensure the suitability of Defence personnel and non-Defence personnel to engage with young people on behalf of Defence

POLICY INTENT

Suitability Screening helps to prevent people with a known history of violent and abusive behaviour from gaining access to young people and children through organisations, employment or volunteering. However, screening alone is not sufficient and needs to be coupled with interviews, thorough reference checks, policy development for child-safe organisations, and robust accountability frameworks for responding to allegations.

The aim of the policy is to inform Defence personnel and non-Defence personnel, that as a condition of their employment, contract or volunteering, they will undergo relevant suitability assessments should they work or volunteer in positions that have contact with young people on behalf of Defence. It is the departments position that no employee, contractor or volunteer engaged by the department should have unsupervised or unobserved contact with young people unless the performance of their positions / role requires that this must occur.

In such situations the individuals, managers, Commanding Officer's and / or relevant Career Management Agency must have complied with the suitability requirements of the Defence Working With Vulnerable People and Children Suitability Assessment policy.

Note: The terms Working With Children Checks, Working with Vulnerable People Checks, Clearances, Checks, Assessments, Suitability Screening have the same meaning and are used interchangeably in this document.

WHO IS COVERED BY THIS POLICY?

This policy applies to all Defence personnel and Non-Defence personnel (contactors and consultants including adult members of the ADF Cadets) who work and/ or volunteer in, or intend to work and / or volunteer in positions /roles that have contact with young people on behalf of Defence.





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A list of positions and roles requiring a Working With Vulnerable People / Children suitability assessment is located at **Annex A** of this document.

This policy has been developed in accordance with the Commonwealth Child Safe Framework and the National Principles for Child Safe Organisations. (**Annex B**). The Principles have been drafted by the Australian Human Rights Commission in consultation with representatives working with children and young people.

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This guide provides explanatory information applicable to the relevant sections of the policy. The main areas covered in this document are as follows:

- State and territory legislative requirements
- Who is covered by this policy
- What is a working with children and vulnerable people suitability assessment and how is it undertaken?
- The difference between a WWVP/C Assessment and a Police Check
- Who determines if a role or person should undergo a working with children and vulnerable people assessment?
- Management of Working With Children And Vulnerable People Assessment
- Applying for a Working With Children And Vulnerable People Assessment
- State and Territory Assessment Requirements
- Who pays for working with children and vulnerable people assessments?
- Assessment Outcomes, Notifications and Adverse Findings
- Roles and Responsibilities

MATERIAL SUPPORTING THIS GUIDE

- **Annex A.** A list of positions and roles requiring a Working With Vulnerable People / Children suitability assessment
- **Annex B.** National Principles for Child Safe Organisations
- **Annex C.** The differences between WWVP/C Assessments and Police Checks
- **Annex D.** Compares the information considered in WWC Clearance assessments and the WWVP check across these jurisdictions
- **Annex E** provides the decision flow for determining the Suitability Action





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COMMONWEALTH, STATE AND TERRITORY LEGISLATION

The department adopts an organisation wide approach to compliance with State and Territory legislation and relevant Commonwealth legislation and policies that protect young people. As far back as June 2010 the Community and Disability Services Ministers Conference agreed to progress nationally consistent approach to WWVP/C checks. The ongoing enhancement of existing WWVP/C check legislation and the requirement to increase consistency across jurisdictions, including information sharing opportunities takes considerable time to implement.

Most work and analysis relating to creating greater national consistency has been done in the area of screening and, while criminal history screening is crucial, it is important to acknowledge that it takes place at a point in time and consequently needs to be seen as only one element, albeit a fundamental element, in a broader system to be effective in promoting children's safety and creating child safe organisations. The main areas of the policy that is covered in this guide are as follows:

- What is a working with children and vulnerable people suitability assessment and how is it undertaken?
- Who determines if a role or person should undergo a working with children and vulnerable people assessment?
- Management of working with children and vulnerable people assessment
- Who pays for working with children and vulnerable people assessments?
- Adverse findings
- Reporting a change of circumstances

Note: Although the Commonwealth as an employer cannot be bound by state and territory legislation, individual employees are obliged to be registered under requirements of the *Defence Working With Vulnerable People and Children Suitability Assessment* policy. Where an individual is in breach of the relevant legislation the offences provided in the applicable Act would apply, regardless of the fact that they are employed by the Commonwealth.

STATE AND TERRITORY SUITABILITY ASSESSMENT FRAMEWORKS

There is no single national framework setting out the requirements for obtaining Working With Children Checks (WWCC) or Police Checks. Instead, all states and territories have legislation providing for pre-screening with requirements that must be met. Pre-employment screenings such as WWVP/C and Police Checks screen for an individual's criminal records and any reports on their professional conduct. They are designed to help ensure that the right people are chosen to work or volunteer with



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young people / children. They aim to prevent people from working or volunteering with young people / children if records indicate that they may pose a risk. Research has highlighted the advantages of having structured pre-employment screening processes in place (Child Protection Systems Royal Commission, 2016). These benefits include:

- basing decisions on standardised points of reference, subjective decision making is minimised.
- using structured risk assessment approaches is more reliable and valid than the use of professional judgement alone.
- the assumptions on which the risk assessment models are based can be clearly set out and may be tested.
- information can be dealt with transparently, and the person affected can put forward information as well as correct it.
- public awareness of the use of structured risk assessment models may deter possible offenders

TYPES OF SCREENING PROGRAMS

The first and most common type of screening program in operation is *individual-based*. It offers certification to engage in child-related work to individuals (NSW, NT, Qld, Tas., Vic. and WA). These certifications are valid for a period of time (e.g. three years in WA) and provide for ongoing monitoring of an individual's suitability. This means that if a relevant criminal offence is committed during the validity of the check, or if the individual is subject to relevant work-related disciplinary procedures, the administering authority may inform employers of the offence and alter or withdraw an individual's entitlement to work with children. Individuals can carry their certification between positions (but not between jurisdictions) and do not have to undergo repeated screening while their WWVP/C Clearance is valid.

The second is the *employer-driven system*, operating in South Australia, which mandates employers in relevant fields carry out background checks on prospective employees or volunteers. As of 1 July 2017, these background checks are valid for three years and are subject to ongoing monitoring, in line with recommendations made in the Royal Commission Into Institutional Responses to Child Sexual Abuse (2015) *Working With Children Checks* (2015) report.

The third type of screening program operates in the ACT, where three types of screening clearance are offered; the 'general certification' provides for the same conditions to engage in child-related work as found in the employer-driven and individual screening checks discussed above, including a three-year certification





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period, ongoing monitoring and mobility between role positions. The second type of certification is role-based, which restricts individuals to specified regulated activities with a stated employer. The role-based certification cannot be moved freely between regulated activities. The third type of registration is conditional, imposing specific conditions on an individual's registration.

THE DIFFERENCE BETWEEN THE WORKING WITH CHILDREN ASSESSMENT AND A POLICE CHECK

The WWVP/C assessment and the National Police Check are two different checks. The differences are explained in detail in Annex C. Working With Children clearance are more extensive, but also more targeted than Police Checks, as the purpose of a WWVP/ C Clearance is to make an assessment of the level of risk an individual poses to children's safety.

The Working with Children Assessment is an ongoing assessment of a person's eligibility to work or volunteer with children and young people and involves a check of a person's national criminal history (including all spent convictions, pending and non-conviction charges) and other disciplinary and police information. During the validity period relevant jurisdictions monitor clearance holders' criminal records and professional conduct determinations and findings.

For example, WWVP / C Clearances draw together information from various sources but may include a primary focus on certain types of offences (e.g. sexual offences, offences related to the harm or mistreatment of a child). In general, WWVP / C Clearances give consideration to:

- convictions – whether or not they are considered spent or were committed by a juvenile
- apprehended violence orders and other orders, prohibitions or reporting obligations
- charges (i.e. where a conviction has not been recorded because, for example, a proceeding has not been heard or finalised by a court, or where charges have been dismissed or withdrawn)
- relevant allegations or police investigations involving the individual
- relevant employment proceedings and disciplinary information from professional organisations (e.g. organisations associated with teachers, child care service providers, foster carers and health practitioners).

Across the five jurisdictions that currently carry out WWCCs (NSW, NT, Qld, Vic., and WA) and the two that carry out a Working With Vulnerable People (WWVP) check (ACT, Tas.), there are differences in what information is considered and what sources of information are used.



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The Police Check is only current on the day of issue and is a list of offences from a person's criminal history which can be disclosed. It does not involve an assessment by a government agency.

Annex D compares the information considered in WWC Clearance assessments and the WWVP check across these jurisdictions.

PERSONNEL WHO DO NOT REQUIRE A WWVP/C

Not every ADF member who interacts with young people in Defence needs a WWVP/C clearance, this may be because their position / role does not meet the criteria of 'contact' with young people / children as described in the DWWVP/C SA. For example, the interaction with the young person / child is observed and supervised and the interaction is not part of their normal duties. The decision Flow at Annex E has been designed to assist in this determination. Examples of positions / roles that **do not** require a WWVP / C Assessment:

- very short periods of not more than a total of 5 working days in a calendar year
- as a visiting speaker, adjudicator, performer, assessor or similar visitor for a one off occasion, in the presence of one or more adults
- 18-25 year old immediate peers/ colleagues/classmates of Defence Member under 18yrs old Peers, Defence member under 18yrs or colleagues.
- ADF Cadets participant under 18yrs old
- ADF and APS Member providing ad-hoc (unplanned) support to an ADF Cadets activity (is not to involve direct supervision of cadets).
- ADF and APS member providing medical support to ADF Cadets activity (which may include private consultation with a youth).
- Service Chiefs, Deputy Chiefs, Functional Commander
- Commanding Officer
- State / Territory Police or Australian Federal Police Officers in the role of police officer

WHAT ARE THE STANDARD SUITABILITY ASSESSMENTS IN DEFENCE?

The department operates in accordance with State and Territory legislation to ensure it complies with the working with vulnerable people and children legislation. This involves background check that assesses an individual's criminal history and non-conviction information, and determines whether or not an individual poses an



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unacceptable risk of harm to children / young people. Under the departments Defence Youth safety Risk Management Framework, the following strategies are applied to mitigate the risks of harm to young people.

- assessments as part of the Nationally Coordinated Criminal History Checks – these assessments are part of the entry level check for all Defence APS employees as outlined in the *Public Service Act 1999*. Assessments are coordinated by the Australian Criminal Intelligence Commission in partnership with Australian police agencies.
- Jurisdictional Working With Vulnerable People and Children (WWVP/C) assessment (as variously described in relevant jurisdictions) – these assessments are conducted by state or territory authorities under the relevant legislation in each jurisdiction.

If a person is determined by the relevant State or Territory authority as being suitable and not posing a risk to children and young people, then they become the holder of a WWVP/C clearance. A clearance holder can be engaged in a role that has contact with young people in Defence. The period for which a clearance is valid depends on the legislation in the relevant jurisdiction. Once a position or role has been identified as requiring a state or Territory WWVP/C Assessment the requirements of that State and Territory must be followed.

The each Defence business area / unit is responsible for this assurance as part of an annual audit to ensure compliance with these requirements

WHO DETERMINES IF A DEFENCE POSITION OR ROLE SHOULD UNDERGO A WORKING WITH VULNERABLE PEOPLE / CHILDREN ASSESSMENT?

In Defence each business area / unit ie manager, Commanding Officer and / or Career Management Agency assesses the level of contact that the individuals in these positions / roles will have or do have with young people / children under 18. The criteria used in Defence includes:

- a. whether the contact is a part of the individual's normal duties and not incidental to their work, for example the frequency of the contact that the person has with young people
- b. whether the contact is able to be observed by other staff, or conducted where there is no natural observation, such as in an interview room and can be considered unsupervised
- c. whether the individual can make decisions in connection with the young person or has access to the personal and sensitive information / data of a young person



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Note: in accordance with the *Public Service Act 1999*. Nationally Coordinated Criminal History Checks are part of the entry level check for all Defence APS employees.

Examples of Defence positions / roles that require a WWVP/C assessment include:

- Chaplains
- Instructors (including Physical Training Instructors)
- Divisional Officers and Senior Non Commissioned Officers of ab initio training units such as Initial Officer Entry ab initio units, Recruit training units, Initial Employment Training units
- Positions supporting Youth programs such as: ADF Cadets/Tall Ship Young Endeavour/Indigenous study tours/Flying camps
- Physical Training Instructors
- Young Endeavour crew
- RAAF Balloon Crew
- Flying Instructors
- Defence Work Experience Liaison Officers

Annex E provides the decision flow for determining the Suitability Action for ADF personnel, Contractors, volunteers and APS employees that do not currently have a WWVP/C clearance to determine if their position or role requires them to apply for a clearance.

MANAGEMENT OF WORKING WITH VULNERABLE PEOPLE AND CHILDREN ASSESSMENT

A record must be kept for all positions that have been identified as requiring a WWVP/C assessment as well as the outcomes of all personnel who hold a clearance, including the reference number, clearance type and expiry date is to be stored on the member's personal file. This information is recorded and maintained under the Position Accomplishments tab within Defence One as a Youth-Facing position.

The Defence business area / unit is required to bear the cost of WWVP/C assessments. Managers / Commanders / Career Management Agencies, Defence Personnel and non-Defence personnel should note that WWVP / C assessments under each State / Territory have different validity periods. Defence business areas / units are responsible for ensuring that clearances are current and renewing WWVP/C clearances.

APPLYING FOR A WORKING WITH VULNERABLE PEOPLE / CHILDREN ASSESSMENT

States and Territory government departments have different procedures for applying





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for a WWVP/C clearance. Once a position / role has been identified as requiring a suitability assessment the applicable jurisdiction procedure must be followed. For example some jurisdictions require the individual to apply and other jurisdictions require Defence to apply on behalf of the individual and may also require Defence to register the organisation.

- **ACT** requires individuals to apply online. There are three types of registration cards.
 - General registration (purple trim)
 - Role-based registration (aqua trim)
 - Conditional registrations (blue trim)

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-%28wwvp%29-registration#!tabs-2

- **NSW** requires organisations to register online with the Office of the Children's Guardian. <https://www.service.nsw.gov.au/transaction/register-organisation-online-working-children-check-system>
- **VIC** requires individuals to apply online <http://www.workingwithchildren.vic.gov.au/home/applications/apply+for+a+check/apply+in+victoria>
- **WA** requires individuals to apply online and the employer organisation to complete and sign parts of the application form.
<https://workingwithchildren.wa.gov.au/applicants-card-holders/applying-for-a-wwc-check/how-to-apply>
- **QLD** requires individuals to apply online <https://www.bluecard.qld.gov.au/>
- **TAS** has an online application process <https://wwcforms.justice.tas.gov.au/RegistrationForm.aspx>
- **SA** Screening can be done by an authorised screening unit, such as the Department of Human Services Screening Unit, or organisations can undertake their own criminal history assessments. The screening process needs to be **started by the organisation** requiring the screening, and is **completed by the individual applicant**. <https://screening.sa.gov.au/apply>
- **NT** requires individuals to apply either online or in person at a Territory Business Centre or Northern territory Police Station.

<https://nt.gov.au/emergency/community-safety/apply-for-a-working-with->



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[children-clearance](#)

<https://nt.gov.au/industry/licences/find-a-territory-business-centre>

<http://www.pfes.nt.gov.au/Contact-us.aspx>

ASSESSMENT APPLICATION AND NOTIFICATION

- **ACT.** Individuals are required to complete the application.. With the consent of the employee, or at the request of the Access Canberra, Defence managers / Cos / CMA may be asked to provide information that demonstrates the organisations risk management strategies including:
 - a code of conduct for employees
 - procedures for training and supervising people involved in regulated activities
 - policies and procedures for handling complaints about the treatment of vulnerable people / children, including guidelines for reporting and handling incidents, disclosures or suspicions.
- **NSW** Individual's must notify their manager / CO /CMA of the outcome of the WWVP/C assessment. Managers / CO / CMA must register to access the NSW system and verify an individual's WWVP/C status. The Employer registration section, will take managers /Cos to the registration form. Managers / CO / CMA are required to enter the Defence organisation's name, address and ABN and nominate at least one person (maximum of two people) within who will be notified of the assessment outcome. https://www.kidsguardian.nsw.gov.au/ArticleDocuments/183/Information_for_employers_Jan2015.pdf.aspx?Embed=Y
- **VIC** Individuals are required to complete the application and must notify their manager / CO / CMA of the outcome of the WWVP/C assessment. <http://www.workingwithchildren.vic.gov.au/home/applications/the+application+process/your+obligations/>
- **WA** managers / CO / CMA are required to complete the relevant information of the individual's application. The application **receipt** is proof that the individual has a pending application and in most cases allows them to start work or continue work. It is important that managers / CO / CMA sight the receipt and record the information as part of record keeping requirements. The receipt is valid for as long as it takes for a final outcome to be made. Managers / COs / CMA who have signed the application form or authorised the online renewal will receive a copy of the Assessment Notice. The manager/CO / CMA nominated on the application form will receive the notices for the Defence area / unit and





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will be notified if the applicant is issued with a WWVP/C Card, an Interim Negative Notice, a Negative Notice or if the applicant withdraws their application. <https://workingwithchildren.wa.gov.au/employers-organisations/the-checking-process/complete-the-application-form>

- **QLD** are responsible for applying for blue cards on behalf of their employees, contractors, volunteers. Managers / COs / CMA must:
 - lodge the appropriate application form with Blue Card Services, ensuring it is completed correctly and in full
 - provide a verbal warning that it is an offence for a disqualified person to sign a blue card application form
 - ensure that they have sighted and verified the applicant's identification documents and that the details match those on the application, including name, date of birth and signature.
<https://www.bluecard.qld.gov.au/volunteercoordseducationproviders/managingtheprocess.html>
- **TAS** Individuals are required to complete the relevant information of the individual's application and must notify their manager / CO / CMA of the outcome of the WWVP/C assessment. <https://www.cbos.tas.gov.au/topics/licensing-and-registration/registrations/work-with-vulnerable-people/applications/apply>
- **SA** An organisation that needs an individual to have a screening clearance must register with the Screening Unit. Go to Organisation Registration Large organisations such as Defence may wish to register each business unit separately. More information is available in [How to structure your organisation's online portal](#) As part of the registration process, Defence business areas / units will need to nominate several officers. The roles of nominated officers are in the information sheet. Nominated officers should read the [Confidentiality Guidelines](#)
- **NT** Individuals are required to complete the relevant information of the individual's application and must notify their manager / CO / CMA of the outcome of the WWVP/C assessment. <https://nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance>

ASSESSMENT OUTCOMES, NOTIFICATIONS AND ADVERSE FINDINGS

If the Defence personnel, contractor or volunteer's application or renewal for a WWVP/C Clearance is successful they or their manager, CO or CMA will be issued with an Assessment Notice in the form of a WWVP/C Card. Each state and territory agency has specific procedures for notifying the individual and/or the employer of the results of their WWVP/C assessment. It is important to note that WWVP/C clearances are not transferable between states and territories. Defence personnel and non-



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Defence personnel that work or volunteer with young people/children across state or territory boundaries must ensure that they have obtained appropriate clearance checks and screenings for all relevant separate jurisdictions.

State and territory agencies have different procedures for notification of the WWVP/C assessment outcome. Some agencies notify the nominated manager/CO/CMA of:

- any conditions imposed on a registration
- if a negative notice is issued
- if a WWVP/C registration has been cancelled or suspended

The relevant agency is unlikely to divulge the rationale for supporting the issuing of a negative notice, conditional registration or cancellation of a WWVP/C card unless written consent from the individual has been provided authorising the agency to release further information about the assessment process. State / territory jurisdictions have WWVP/C clearance validity periods ranging between three and five years. If informed of a change in these records, the relevant jurisdiction will determine if the individual can continue to work with young people / children or revoke the clearance. Holders of a WWVP/C clearance must immediately report to their manager /CO / CMA if their clearance is cancelled or conditions are imposed upon their clearance. If Defence personnel or non-Defence personnel has had a WWVP/C registration cancelled or suspended or receives a negative notice after a change in police information, Defence must:

- ensure that the individual does not continue to undertake duties that require contact with young people
- if the individual is to continue to employment in Defence the person is to perform work that does not involve contact with young people managers / CO /CMA are to ensure that appropriate policies and procedures are in place to manage any risks of harm to children and young people that may arise as a result of the person's ongoing employment in Defence.

The *Defence Working With Vulnerable People and Children Suitability Assessment* policy describes options available to managers / Cos regarding adverse findings.

ROLES AND RESPONSIBILITIES

Chief of Joint Capabilities

Chief of Joint Capabilities (CJC) has overall responsibility for developing and monitoring overarching, consistent and effective whole of Defence policies and practices with respect to youth safety, in order to ensure that Defence complies with



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state and territory legislation and relevant Commonwealth legislation and policies that protect young people.

Group Heads and Service Chiefs

Group heads and Service Chiefs must ensure that so far as reasonably practicable, positions identified and are annotated for Defence personnel and non-Defence personnel who are likely to have contact with young people under the age of 18 in the course of their duties, role including on operations.

Ensure that youth safety elements are embedded within their organisations' Codes of Conduct.

Head Reserve and Youth Division

Head Reserve and Youth Division is responsible for:

- a. supporting the CJC in the discharge of the responsibilities referred to above
- b. monitoring and reporting on the requirements of the Defence Youth Safety Framework in Defence
- c. providing subject matter expertise on Defence youth safety to stakeholders.

Managers, Commanding Officers and Career Management Agency

Managers, COs and CMA must:

- a. identify all positions, including positions occupied by non-Defence personnel, that include the management, instruction, supervision or contact with young people under the age of 18
- b. assess and manage all relevant youth safety risks associated with activities in which position holder may be involved
- c. conduct an annual audit to verify the currency of all requisite youth safety requirements
- d. ensure that before adult Defence personnel and non-Defence personnel who will be employed or posted under their command (including in an acting capacity), and who may have contact with a young person under the age of 18
 - 1) holds a current Working With Vulnerable People / Children (WWP/C) clearance from the relevant jurisdiction
 - 2) does not require a WWVP/C clearance or has an exemption under the relevant state or territory legislation



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- e. ensure that before assuming responsibilities associated with positions identified as requiring a WWVP/C clearance all Defence personnel and non-Defence personnel complete the appropriate level of youth safety training.
- f. assess and manage activities which may place young people in unsupervised one-to-one contact with Defence personnel, non-Defence personnel or volunteers.
- g. where appropriate, consider the use of other due diligence checks in accordance with the Defence Working With Vulnerable People and Children Policy
- h. ensure that their unit / program maintains a Youth Safety Code of Conduct, and that all Defence and non-Defence personnel demonstrate their commitment to youth safety through their agreement to undertake their duties in accordance with the Defence Youth Safety Code of Conduct.
- d. ensure the compliance of non-Defence personnel as a condition of their participation in Defence youth programs
- e. report incidents of suspected child abuse or child pornography involving Defence personnel or non-Defence personnel in accordance with DI(G) ADMIN 45-2 – Incident Reporting and Management

Career Management Agencies

CMA must:

- a. ensure positions involving the supervision, management or instruction of Defence members under the age of 18 are identified
- b. ensure Defence members have the appropriate suitability assessment / clearance prior to being posted into a position which involves the supervision, management or instruction of young people under the age of 18.
- c. where appropriate, consider the use of other due diligence checks in accordance with the Defence Working With Vulnerable People and Children Suitability Assessment Policy.
- d. report incidents of suspected child abuse or child pornography involving Defence personnel or non-Defence personnel in accordance with DI(G) ADMIN 45-2 – Incident Reporting and Management

Defence personnel and non-Defence personnel

Defence personnel and non-Defence personnel that have contact with young people under the age of 18 on behalf of Defence must:



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- a. ensure they meet the requirements of the Defence Youth Safety Framework and the Defence Working With Vulnerable People and Children Suitability Assessment policy.
- b. ensure the compliance of non-Defence personnel as a condition of their participation in Defence youth programs
- c. not permit other Defence personnel or non-Defence personnel without the appropriate jurisdictional WWVP/C clearance to have unsupervised contact with young people / children in the course of the conduct of their position or role
- d. report incidents of suspected child abuse or child pornography involving Defence personnel or non-Defence personnel in accordance with DI(G) ADMIN 45-2 – Incident Reporting and Management
- e. Defence personnel, who assume some of the functions and responsibilities of the parents (in loco parentis) of young people under the age of 18 who travel and reside away from their home location whilst participating in Defence activities must ensure appropriate supervision is arranged for the duration of the young person's participation.

Defence personnel procuring specified non-Defence personnel

Defence personnel conducting procurement activities to engage specified non-Defence personnel must:

- a. ensure that positions requiring a WWVP/C clearance are identified and annotated
- b. ensure contracts with specified non-Defence personnel, which may involve contact with young people / children, contain a condition by which specified non-Defence personnel agree to comply with the requirements of the Defence Youth Safety Framework and the policies contained in the Youth Policy Manual



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MATERIAL SUPPORTING THE POLICY

The following guidance has been developed to assist Managers/Commanders / CMA and Defence Personnel to Understand the rational and scope of the policy, including responsibilities of certain personnel.

Defence Youth Safety Suitability Screening Requirements Guidance Material	
<ol style="list-style-type: none">1. The Defence Youth Safety Risk Management Guide2. The Position Identification and Annotation Guide3. The Defence Youth Safety Training Guide4. The Youth Policy Manual Glossary5. The Defence Youth Safety Code of Conduct Guide	<ol style="list-style-type: none">6. The Self-declaration Guide7. State/Territory Incident Management Contact Information8. Good Decision-Making in Defence9. Due Diligence Actions





Role	Position Details	Suitability Action
<p>Chaplain services</p> <p>Counselling/support services</p>	<p>Chaplains counselling or providing other support services for children/youth</p>	<ul style="list-style-type: none"> Working With Vulnerable People / Children Clearance (from State or Territory Agency) The applicable Defence unit/area Youth Safety Code of Conduct Level 2 Youth Safety Training
<p>ADF Educational /Training Institutions</p> <p>including:</p> <ul style="list-style-type: none"> divisions of universities providing study or training programs institutions/training colleges providing study or training programs 	<p>Instructors (including Physical Training Instructors), Divisional Staff, Divisional Officers and SNCOs of ab initio training units. For example:</p> <ul style="list-style-type: none"> Initial Officer Entry ab initio units Recruit training ab initio units Initial Employment Training units 	<ul style="list-style-type: none"> Working With Vulnerable People / Children Clearance (from State or Territory Agency) The applicable Defence unit/area Youth Safety Code of Conduct Level 2 Youth Safety Training
<p>ADF/APS Allied Health Professionals</p>	<p>Certain positions in Defence may be considered as 'Youth-facing' positions, however, where a WWVP/C Clearance is not required under the State/Territory legislation, the use of Due diligence actions such as Defence Youth safety Self-declaration should be considered. Please refer to the relevant State or Territory legislation for to determine if there is a requirement for a WWVP/CC.</p>	<ul style="list-style-type: none"> The applicable Defence unit/area Youth Safety Code of Conduct Youth Safety Self-declaration Level 1 and 2 Youth Safety training
<p>ADF/APS Positions Supporting Youth programs</p> <p>(such as: ADF Cadets/Tall Ship Young Endeavour/Indigenous study tours/Flying camps)</p>	<ul style="list-style-type: none"> Physical Training Instructors Young Endeavour crew RAAF Balloon Crew Flying Instructors Defence Work Experience Liaison Officers 	<ul style="list-style-type: none"> Working With Vulnerable People / Children Clearance (from State or Territory Agency) The applicable Defence unit/area Youth Safety Code of Conduct Level 2 Youth Safety Training.





The Royal Commission into Institutional Responses to Child Sexual Abuse outlined in their Final Report recommendations that organisations should implement 10 standards for making institutions child safe. The National Children’s Commissioner led the development of the National Principles for Child Safe Organisations which extend on the Royal Commission’s standards to go beyond protection from sexual abuse and include protection from all types of harm to children and young people.

The National Principles are:

- Underpinned by the United Nations Convention on the Right of the Child
- Strengths based
- Designed to allow flexibility in implementation across all sectors
- Aligned with pre-existing state and territory child-safe frameworks and regulations.

The Australian Government established the National Office for Child Safety and charged them with the responsibility for leading the co-ordination of the National Principles for Child Safe Organisations. The National Office continues to work with state and territory governments as well as the National Children’s Commissioner and the non-government sector.

A number of tools already exist on the [National Office for Child Safety](#) website and more are currently being developed.

The National Principles:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes for complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.



The difference between the Working with Children Assessment and a Police Check



Question	Working with Children Check	Police Check
Does it allow someone to work or volunteer with children?	Yes. If a WWCC application is approved the applicant is issued with a positive notice which allows them to work in any regulated child-related employment or conduct any regulated child-related business for 3 years while their police information continues to be monitored.	No.
How does it work?	The working with children check is an ongoing assessment of a person's eligibility to work or volunteer with children based on their known past police and disciplinary information.	A Police Check is only current at the time of issue and is a list of offences from a person's criminal history which can be disclosed. There is no assessment or investigation made by a government agency.
What does it check?	A person's national criminal history (including all spent convictions, pending and non-conviction charges), and other disciplinary and police information. This information is collected from sources in Australia and also includes an assessment of: 1) child protection prohibition orders (whether a person is a respondent or subject to an application) 2) disqualification orders if a person is subject to reporting obligations under the <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i> or <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i>	This depends on the type of history obtained. A combination of histories will be required to obtain a picture of a person's charges and convictions. Queensland specific: <i>This information is limited to Queensland charges and will not disclose spent convictions, interstate, pending or non-conviction charges or other information taken into account by the working with children check. For example:</i> <i>A Criminal History (Queensland only) contains disclosable</i>





	<p>3) disciplinary information held by certain professional organisations including teachers, child care providers and foster carers, and information that the Police Commissioner may provide in relation to police investigations into allegations of serious child-related sexual offences, even if no charges were laid.</p> <p>Information about a person’s criminal record may also be obtained from authorised bodies and similar interstate authorities such as:</p> <ol style="list-style-type: none"> 1. the Police 2. the Office of the Director of Public Prosecutions 3. the Department of Corrective Services 4. the Department of Justice and Attorney-General 5. courts 	<p><i>convictions imposed in Queensland.</i></p> <ul style="list-style-type: none"> • <i>A National Police Certificate contains only Australian disclosable convictions.</i> • <i>A Person History contains Queensland charges only. While this includes Queensland cautions, community conferences and youth justice agreements under the Juvenile Justice Act 1992, it does not contain charges that have been preferred by police outside of Queensland.</i>
<p>How far back does the check go?</p>	<p>Is a point in time check and is only current on the day of issue.</p> <p>The check considers all relevant offences across a person’s lifetime.</p>	<p>Some offences cannot be disclosed, depending on when they were committed.</p>
<p>How long is it valid?</p>	<p>Generally a WWCC is valid for a period of time in that state or territory ie 3 years unless suspended or cancelled.</p> <p>An exemption card (for teachers and police officers undertaking work outside of their professional duties) remains valid while a person continues to be a police officer or approved teacher.</p>	<p>Only current at the time of issue.</p>





<p>Are criminal records monitored?</p>	<p>Yes. Ongoing monitoring of all card holders and applicants is conducted which enables action to be taken to protect children and young people if the person is charged with a concerning offence, including the suspending or cancelling of a card.</p>	<p>No. A police check is a point of time check. A new police check will be needed to show any new offences.</p>
<p>What happens when someone changes employers - is a new history required?</p>	<p>Once a WWCC is issued, it can be used across all categories of regulated employment and regulated business. For example, a person can use it to be a foster carer, operate a licensed child care service or coach a child's sporting team.</p> <p>Organisations are required to notify their state or territory agency if they engage an existing WWCC or exemption holder or applicant in regulated employment. This ensures appropriate action can be taken where a person's WWCC status changes.</p>	<p>Employers and organisations have their own policies around requiring police checks. The person may need a new police check when they start a new job.</p>

Notes:

- A spent conviction is one that does not need to be ordinarily declared.
- A pending charge is a charge that has not yet been decided by a court.
- A non-conviction charge is a charge that has been finalised by a court but did not result in a conviction. For example, a charge: that has been withdrawn; that has been the subject of a nolle prosequi; a no true bill or a submission of no evidence to offer; that led to a conviction that was quashed on appeal; or upon which a person was acquitted or disposed of by a court otherwise than by way of conviction.



The Information Considered in the Working with Children Assessment and a Police Check



Jurisdiction	Information considered
<p>ACT</p>	<p>The WWVP check comprises:</p> <ul style="list-style-type: none"> ▪ a risk assessment conducted by the Commissioner for Fair Trading, which can include checking for charges and convictions whether committed in the ACT or elsewhere for any: sexual offence; offence against the person; offence involving violence; offence involving dishonesty or fraud; offence relating to property; offence involving possession of or trafficking in a drug of dependence or controlled drug; an offence against an animal; and driving offences ▪ consideration is given to non-conviction information in relation to a relevant offence (or an alleged relevant offence) involving the following: where a person has been charged with the offence but a proceeding is not finalised; the charge has lapsed, been withdrawn or discharged, or struck out; the person has been acquitted of an alleged offence; a conviction for an alleged offence has been quashed or set aside; an infringement notice for an alleged offence has been served; or the person has a spent conviction for the offence ▪ consideration may also be given to: apprehended violence orders; care and protection orders for a child for whom the person has or had parental responsibility; and professional disciplinary proceedings against the person
<p>NSW</p>	<p>The WWCC comprises:</p> <ul style="list-style-type: none"> ▪ a National Police Check for charges and convictions (including spent convictions) for: any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge); any assault, ill treatment, neglect of or psychological harm to



The Information Considered in the Working with Children Assessment and a Police Check



a child; any registrable offence; and any offences of attempting, or of conspiracy or incitement, to commit any of the above offences

- consideration of whether any of the above offences were: committed in NSW and were punishable by penal servitude or imprisonment for 12 months or more; or committed elsewhere and would have been an offence punishable by penal servitude or imprisonment for 12 months or more if the offence had been committed in NSW
- consideration of relevant matters, including all matters irrespective of whether they are considered spent or were committed as a juvenile (relevant matters include charges that may not have been heard or finalised by a court; are proven but have not led to a conviction; or have been dismissed, withdrawn or discharged by a court)
- consideration of relevant Apprehended Violence Orders
- consideration of relevant employment proceedings, including: reportable conduct, any sexual offences or sexual misconduct committed against, with or in the presence of a child, including a child pornography offence; any child-related personal violence offence; any assault, ill treatment or neglect of a child; any behaviour that causes psychological harm to a child; or an act of violence committed by an employee in the course of employment and in the presence of a child. As part of an additional risk assessment, the Children's Guardian may give consideration to a range of different factors regarding previous matters that triggered the risk assessment. The Children's Guardian may also consider any other matters deemed necessary for an assessment to be made.

A 'reasonable person test' has been introduced in NSW. This means that a WWCC or enabling order cannot be granted unless the Children's Guardian or NSW Civil and Administrative Tribunal respectively is satisfied that a reasonable person would allow his or her child to have direct contact with the affected person who was not directly supervised.



The Information Considered in the Working with Children Assessment and a Police Check



<p>NT</p>	<p>The Working with Children (Ochre Card) Clearance Screening comprises:</p> <ul style="list-style-type: none"> ▪ a National Police Check – offences of most significance include: sexual offences involving children; violent offences involving children; and drug-related offences involving children ▪ an analysis of employment history, including an assessment of references and/or disciplinary proceedings instigated as a result of malpractice ▪ other material, which may include assessing whether an individual has attempted to change behaviours or address triggers to behaviours if they have a criminal history, etc.
<p>QLD</p>	<p>The Working with Children (Blue Card) screening system comprises:</p> <ul style="list-style-type: none"> ▪ a National Police Check ▪ consideration of any charge or conviction for an offence, whether or not a conviction is recorded ▪ consideration of whether a person is a respondent to or subject to an application for a child protection prohibition or disqualification order; or whether a person is subject to reporting obligations under the <i>Child Protection (Offender Reporting) Act 2004</i> ▪ disciplinary information from professional organisations associated with teachers, child care service providers, foster carers, nurses, midwives and certain health practitioners ▪ information from police investigations into allegations of serious child-related offences even if no charges were laid because the child was unwilling or unable to proceed.
<p>SA</p>	<p>Under the <i>Children's Protection Regulations 2010</i>, the Department of Human Services provides a wider child-related employment screening that includes:</p> <ul style="list-style-type: none"> ▪ a national criminal records check ▪ South Australian Police information regarding alleged offences regardless of outcome, including spent convictions, pending charges and non-



The Information Considered in the Working with Children Assessment and a Police Check



	<p>conviction charges, and circumstantial information around charges and convictions</p> <ul style="list-style-type: none"> ▪ information from SA government databases, such as SA child protection records and Care Concern investigations ▪ information from other jurisdictions ▪ information sourced from professional registration bodies.
<p>Tas.</p>	<p>The WWVP check obtains applicants' national criminal histories from sources in Australia. This includes information about:</p> <ul style="list-style-type: none"> ▪ convictions for all criminal offences the person may have ▪ all spent convictions (convictions that don't ordinarily need to be declared) ▪ any pending charges (charges that have not yet been decided by the court) ▪ all non-conviction charges (those that have been finalised by the court but didn't result in a conviction).
<p>Vic.</p>	<p>The WWCC comprises</p> <ul style="list-style-type: none"> ▪ a National Police Check – offences with most significance include: serious sexual offences; serious violent offences; serious drug related offences; offences against the <i>Working With Children Act 2005</i> (Vic.) itself ▪ a review of relevant findings from prescribed professional disciplinary bodies ▪ information sought from other bodies such as courts, the Director of Public Prosecutions and any employee within the meaning of the <i>Public Administration Act 2004</i>, Corrections Victoria and employers – including where a court: <ul style="list-style-type: none"> ▪ made a formal finding of guilt in relation to an offence



The Information Considered in the Working with Children Assessment and a Police Check



	<ul style="list-style-type: none"> ▪ convicted the applicant of an offence, accepted a plea of guilt from the applicant, or acquitted the applicant of an offence because of mental impairment ▪ information about any spent convictions, juvenile convictions and findings of guilt, pending charges and the circumstances surrounding any charges or convictions. <p>In addition, the following individuals are ineligible to apply for a WWCC:</p> <ul style="list-style-type: none"> ▪ registered sex offenders within the meaning of the <i>Sex Offenders Registration Act 2004</i> or subject to an extended or interim extended supervision order under the <i>Serious Sex Offenders Monitoring Act 2005</i> ▪ individuals subject to a detention order, including an interim detention order or a supervision order including an interim supervision order under the <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>.
<p>WA</p>	<p>The WWCC comprises:</p> <ul style="list-style-type: none"> ▪ relevant national criminal record information to see if the applicant has charges or convictions that indicate that he or she may be of harm to a child (relevant criminal records include information about: convictions for any offence whether committed as an adult or a juvenile; any spent convictions; any pending charge for a Class 1 or Class 2* offence; and any charge that has been finalised by a court for a Class 1 or Class 2 offence but which did not result in a conviction). <p>Information may also be obtained from authorised bodies in WA and similar authorities in other jurisdictions such as: the Police, the Director of Public Prosecutions, the Department of Corrective Services, the Department of the Attorney General and the courts.</p> <p>*Class 1 and 2 offences include various sexual offences against a child as well as offences such as murder, manslaughter, grievous bodily harm,</p>



The Information Considered in the Working with Children Assessment and a Police Check



Australian Government
Department of Defence

Annex D

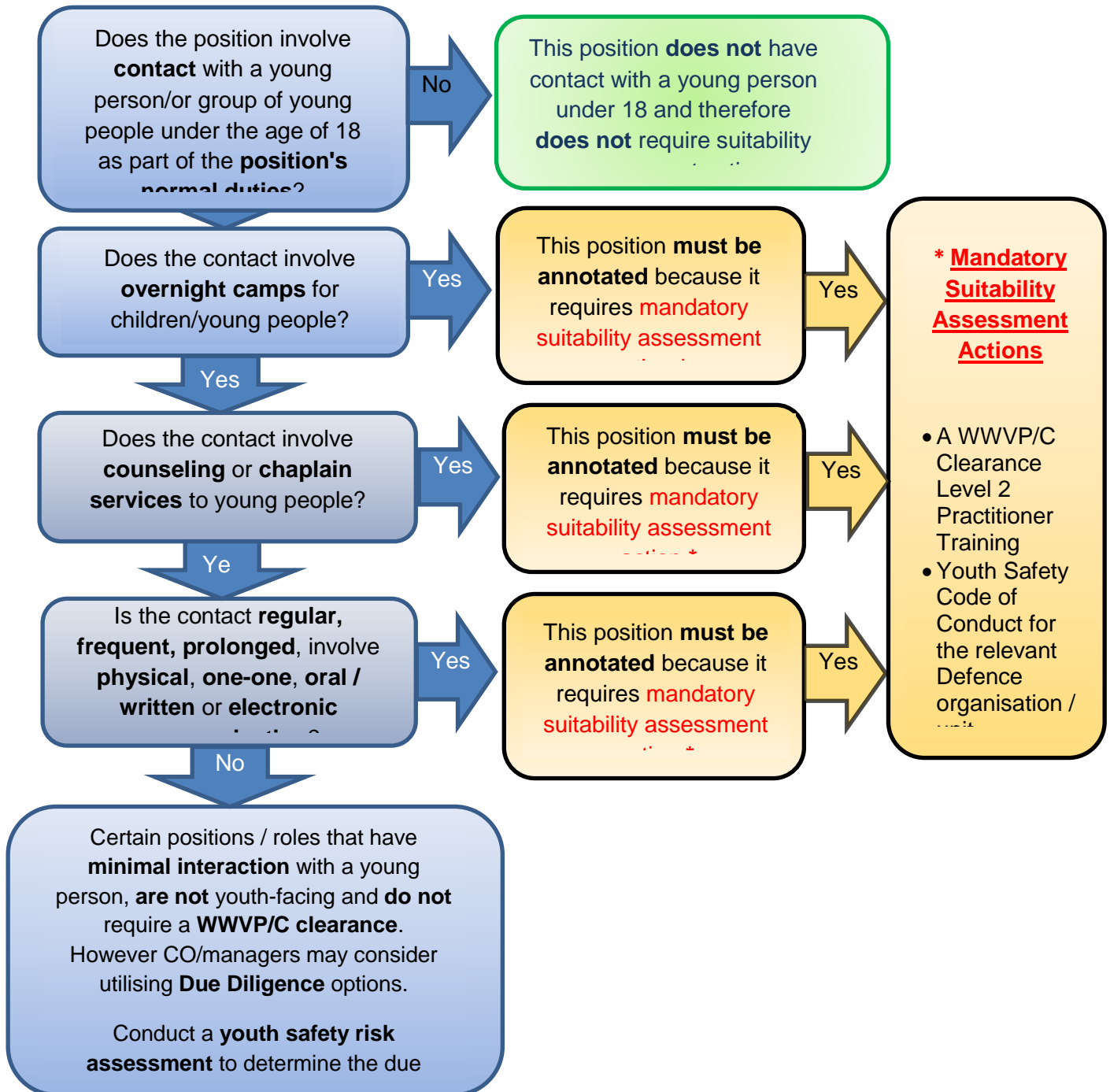
	indecent assault, making/viewing child pornography and involvement in child prostitution and other offences.
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Position Identification

This flow chart has been designed to assist CO, Managers and CMAs in determining whether a position requires mandatory suitability assessment action.





Determination of the Requirement for Youth Safety Suitability Assessment Action

