

# DECLARATION FOR CHILD-RELATED WORKERS

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## Implementation document for the Working with Children Check policy

This declaration is to be completed by current and prospective employees, contractors, volunteers, and other persons seeking to be engaged in child-related work. Child-related work is work that:

- involves direct contact (face-to-face, online or physical) with people under the age of 18, where this contact is a usual part of, and more than incidental to, the work

OR

- has been determined to be child-related by the NSW Department of Education (the department).

Individuals who are exempt from the Working with Children Check (WWCC) requirement should complete all relevant sections in this form, including part 1, part 3 and part 4 (section C).

### Reason for completing this form

- I am seeking to be engaged in child-related work with the NSW Department of Education as an employee or contractor
- I am currently employed with the department and am being appointed to a new position/role or require a probity check to continue working in my current role
- I am a parent, guardian, or close relative of a student at the school where I am volunteering or am considered an exempt person under the Child Protection (Working with Children) Act 2012
- I am a volunteer who is not the parent, guardian or close relative of a student at the school I am volunteering.

**Part 1 – Applicant details**

Family name			
Given name(s)			
Previous name(s)			
Date of birth			
Gender (please tick)	Female <input type="checkbox"/>	Male <input type="checkbox"/>	Unspecified <input type="checkbox"/>
Town/City of birth			
State of birth (AUS only)			
Country of birth			
Country of citizenship			
Street address			
Town/suburb		Postcode	
State			
Email			
Telephone			
Employee ID number (if known)			

**Part 2 – WWCC details**

WWCC number	
Name on WWCC clearance	
WWCC expiry date	

**Part 3 – Identity documents (volunteers and contractors)**

Complete this section if you are a volunteer or contractor. You must present one form of government-issued photo ID showing full name, date of birth and current address. Include details of your ID below. For further information see the [WWCC Guide to Identity Documents](#). Not applicable to Duke of Edinburgh's International Award volunteers.

ID document name	Issuing agency	Reference number

## Part 4 – Declaration

Read this declaration form before signing it. Place a tick in either section A, B or C as applicable to your circumstances.

**Note:** For positions that require a criminal history check, or for any application where section 'B' has been ticked, you must also complete the Nationally Coordinated Criminal History Check (NCCHC) Application and Informed Consent Form and provide four (4) specified identity documents (as specified on page 2 of the NCCHC form).

### Section A

I declare that:

1. I have no criminal convictions within the meaning of the Criminal Records Act 1991. I understand that 'conviction' defined in the Act includes a conviction whether summary or on indictment, for an offence, and includes a finding or order that an offence has been proved, or that a person is guilty of an offence, without proceeding to a conviction
2. I have no criminal convictions that cannot become spent within the meaning of the Criminal Records Act 1991 including, but not limited to convictions for which a prison sentence of more than six months has been imposed or convictions of sexual offences
3. I am not subject to any pending court proceedings relating to a criminal matter in Australia or overseas
4. I am not, and have never been, subject to any allegations or charges of a criminal matter in Australia or overseas

### Section B

Complete this section if you are unable to make the relevant declaration in section A.

I declare that:

1. I am unable to make the declaration in section A
2. I have completed the Nationally Coordinated Criminal History Check (NCCHC) Application and Informed Consent Form and understand that my employment or engagement will be subject to a national criminal history check to determine my suitability for employment or engagement.

**Note:** The department's probity unit will conduct screening for these applicants. The probity unit may contact the applicant for further information about the applicant's criminal history from the Nationally Coordinated Criminal History Check (NCCHC) to determine their suitability for employment.

**Part 4 – Declaration (continued)**

**Section C**

<input type="checkbox"/>	<p>Complete this section if you will be engaged in a child-related role but are <u>exempt from the requirement</u> to hold a Working with Children Check (WWCC) clearance under the Child Protection (Working with Children) Regulation 2013 at the time of the making of this declaration.</p> <ol style="list-style-type: none"><li>1. I am not a disqualified person within the meaning of Section 18 of the NSW Child Protection (Working with Children) Act 2012</li><li>2. I have not had a Working with Children Check cancelled, refused nor am I subject to an interim bar on engaging in child-related work under the Child Protection (Working with Children) Act 2012 (this declaration may be made if a clearance was subsequently granted to you, a clearance was surrendered by you or the cancellation was overturned on review)</li><li>3. I have not been convicted of an offence, or subject to a finding of guilt for an offence or a finding that the charge for an offence is proven, where the offence was committed as an adult in NSW or elsewhere and was an offence of the kind set out in the list of offences on page 6 of this declaration</li><li>4. I am not, and have never been, subject to any allegations or charges of the kind set out in the list of offences on page 6 of this declaration and any other criminal matters in Australia or overseas.</li><li>5. I am not, and have never been, subject to any disciplinary action or findings of misconduct from a previous employer or other agency</li><li>6. I undertake, as a condition of my continuing to perform work (including volunteering) for _____ School/business area, that I will notify them of:<ol style="list-style-type: none"><li>i) the cancellation, refusal to be granted or imposition of an interim bar of any clearance I may hold under the NSW Child Protection (Working with Children) Act 2012 that would prevent me from engaging in child-related work that requires a Working with Children Check clearance</li></ol></li></ol> <ul style="list-style-type: none"><li>• any allegations, charges or conviction imposed on me for an offence, or finding that I am guilty of an offence, or finding that the charge for an offence against me is proven, where the offence is of the kind referred to on page 6.</li></ul>
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<b>False and misleading information</b>	
<input type="checkbox"/>	<p>I am aware that providing false or misleading information in either sections A, B or C in this document may lead to the department:</p> <ul style="list-style-type: none"><li>• withdrawing any offer of employment or engagement it has made to me; or</li><li>• terminating my employment or engagement, or taking disciplinary action which may include my dismissal; and</li><li>• to consider any false or misleading information I provide, when considering any future applications by me for employment or engagement.</li></ul>

Signed

Print name

\_\_\_\_\_

\_\_\_\_\_

Date

\_\_\_\_\_

## FOR OFFICE USE ONLY

Only to be completed for volunteers and contractors.

To be completed by authorised NSW Department of Education (DoE) officer, or an authorised delegate of that officer. Authorised delegates checking the declaration and ID are identified in the department's Working with Children Check Procedure.

Is this application for a Duke of Edinburgh's International Award Volunteer?

Yes

No

I, (name)

\_\_\_\_\_

Role

\_\_\_\_\_

Location

\_\_\_\_\_

Have checked and verified the applicant:

has completed and signed this declaration form correctly

has presented photo ID to verify their identity – matched

is **not** included on the NTBE database (via eCPC Person Search)

(if relevant) has an existing employee ID number in eCPC and a current, verified WWCC clearance: \_\_\_\_\_

Signed

Print name

\_\_\_\_\_

Date

\_\_\_\_\_

## Privacy statement

The department will use your personal information collected on this declaration document to manage risk associated with its legal obligations to ensure the protection of children and young persons in its care and for purposes directly related to your employment or engagement with the department.

The department will use this information to verify your identity and Working with Children Check (WWCC) clearance and to check the department's business systems, including eCPC and the database of persons Not to be Employed (NTBE), to ensure that there is no barrier to engaging the person.

All information you provide will be used, disclosed and stored consistent with the NSW privacy and other relevant law. The completed declaration form will be filed by the school/business area in secure storage for 7 years from date of inactivity and then destroyed. You may request access to this information from the school or business centre at which it is held. The department will not disclose the information to another agency or person unless required or authorised by law.

If you fail to provide all the information requested in this declaration the department may decline your request for engagement or employment.

## List of offences

The following list is consistent with the offences outlined in the Child Protection (Working with Children) Act 2012 and is not an exact copy. For a detailed list of disqualifying offences, please refer to the Schedule 2 of the Child Protection (Working with Children) Act 2012.

As referred to on page 3 in section C of the declaration:

- a. sexual assault or intercourse offence
- b. the common law offence of rape or attempted rape
- c. an indecent assault offence
- d. a sexual servitude offence
- e. observing a person engaged in a private act, for the purpose of obtaining sexual arousal or sexual gratification (voyeurism)
- f. filming another person engaged in a private act or filming another person's private parts, for the purpose of obtaining, or enabling another person to obtain, sexual arousal or sexual gratification
- g. installing a device, or constructing or adapting the fabric of a building, for the purpose of facilitating the observation or filming of a child, with the intention of enabling any person to commit an offence referred to at (d)-(e) above
- h. murder
- i. manslaughter of a child (other than as a result of a motor vehicle accident)
- j. intentional wounding or causing grievous bodily harm to a child who was three or more years younger than me
- k. a child prostitution offence
- l. an offence involving an act of indecency with or towards a child
- m. procuring or grooming a child under 16 years of age for unlawful sexual activity
- n. using a child for the production of child abuse material, or producing, disseminating, possessing or importing child abuse material
- o. possessing or importing child pornography
- p. offences relating to the use of a postal or similar service for child pornography material or child abuse material
- q. offences relating to the use of a postal or similar service involving sexual activity with a child under 16
- r. publishing indecent articles
- s. an offence of kidnapping a child, unless a parent or carer of the child at the time of the offence
- t. a forced labour or deceptive recruiting for labour or services offence, where the victim was a child
- u. intentional or reckless infliction of grievous bodily harm on a child, during or after the delivery of the child
- v. intentionally abandoning or exposing a child under the age of seven
- w. bestiality
- x. an offence an element of which is an intention to commit one of the above offences or
- y. an offence of attempting, or of conspiracy or incitement, to commit one of the above offences or
- z. an offence under a law of another state or a territory, the Commonwealth or a foreign jurisdiction that, if committed in New South Wales, would constitute an offence listed in this clause.