



A Guide to Working with Vulnerable People in the ACT



ACT
Government

Justice and Community Safety



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**A GUIDE TO
WORKING WITH VULNERABLE PEOPLE
IN THE ACT**

January 2015

OUR CUSTOMER COMMITMENT

Who We Are:

We are the Office of Regulatory Services (ORS). ORS undertakes a variety of licensing, registration and compliance activities including:

- Liquor Licensing
- Security Industry Licensing
- Charitable Collections
- Incorporated Associations
- Agents
- Land Titles
- Births, Deaths and Marriages
- Working with Vulnerable People Background Screening
- Workplace Health and Safety
- Rental Bonds
- Outdoor Cafes
- Tobacco regulation
- Consumer protection
- Transport registration
- Parking operations

Objective:

Our mission is that we are a regulator of best practice, serving the ACT community, industry and government. Our objective is to register, licence and ensure compliance of activities against relevant legislation.

What you can expect from us:

As a customer you can expect high quality, responsive and respectful customer service.

Where to get more information:

Information relating to Working with Vulnerable People can be found at our website at: www.ors.act.gov.au

If you wish to make a complaint or you have a suggestion:

Please contact the ORS on (02) 6207 3000 or via email at wwvp@act.gov.au if you have enquiries or wish to lodge a complaint.

Or attend the office at:

255 Canberra Avenue Fyshwick ACT 2609

Our office hours are: 9am – 4.30pm Monday to Friday (excluding Public Holidays)

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Why do we need working with vulnerable people checks?

The protection of the rights of children and vulnerable adults in the ACT is a pressing social need. The premise of background checking is that the past behaviour of an individual can provide an indication of the possible future behaviour of that individual. Examples or patterns of abusive or inappropriate behaviour can sometimes be evident in information available for assessment, which includes an individual's criminal record.

The ACT Government considers that the creation of a checking system with appropriate safeguards for people who work with, or who want to work with vulnerable people is consistent with section 28 of the *Human Rights Act 2004*.

Who is a vulnerable person?

A person is defined as being vulnerable if they are a child under the age of 18 years or an adult who is experiencing disadvantage and accesses a regulated activity or service related to the disadvantage.

This definition has the advantage of establishing a basis for the determination of the types of services or activities that might attract background checking. The definition also recognises people's changing circumstances, as they will not be considered vulnerable at all times.

Who is an employer?

For the purposes of the WWVP Act, an employer is an agency, organisation or individual who engages an employee or volunteer in a regulated activity or service.

Who is an employee?

For the purposes of the WWVP Act, an employee is a person who is engaged by an employer to provide one or more regulated activities or services to vulnerable people and receives a monetary payment (remuneration) from an employer for providing those regulated activities or services (including sub-contractors).

Who is a volunteer?

For the purposes of the WWVP Act a person is a volunteer if the person is engaged to provide a regulated activity or service to vulnerable people and does not receive payment for providing the activity or service (apart from any payment for expenses).

What does being registered to work with vulnerable people mean?

Being registered to work with vulnerable people means that you will be able to work or volunteer with vulnerable people in a regulated activity.

What is a regulated activity?

Regulated activities are outlined under Schedule 1 of the WWVP Act and will begin in different years depending on the type of activity or service you work in. The below table shows the timeframe for employees and volunteers in each regulated activity to be registered.

Year	Regulated Activities (see schedule 1 of the WWVP Act for further details)	Dates for Registration
1	<ul style="list-style-type: none"> activities or services for children* 	8 November 2012 to 7 November 2013
2	<ul style="list-style-type: none"> homeless people victims of crime community services disability services respite care services religious organisations 	8 November 2013 to 7 November 2014
3	<ul style="list-style-type: none"> coaching and tuition vocational and educational training clubs, associations and movements migrants, refugees and asylum seekers 	8 November 2014 to 7 November 2015
4	<p style="text-align: center;">Review of WWVP Act</p> <p style="text-align: center;">No new services or activities to commence renewals for activities or services captured in year 1</p>	8 November 2015 to 7 November 2016
5	<ul style="list-style-type: none"> housing and accommodation prevention of crime emergency services personnel transport <p><u>renewals</u> for activities or services captured in year 2</p>	8 November 2016 to 7 November 2017
6	<ul style="list-style-type: none"> mental health justice facilities services for addictions <p><u>renewals</u> for activities or services captured in year 3</p>	8 November 2017 to 7 November 2018

*Activities or Services for Children

Child Protection Services

Justice Facilities for Children

Childcare Services

Child Education Services

Child Accommodation Services

Counselling and Support Services for

Children

Commercial Services for Children

You may however meet the provisions for exemption as described under section 12 (2) of the WWVP Act. For example:

You will not be required to be registered if you engage in a regulated activity (other than an overnight camp) for no more than;

- 3 days in any four week period, and
- 7 days in any 12 month period.

For further information about the applicable exceptions, you can access the WWVP Act at:

www.legislation.act.gov.au

How will I know if I am working or volunteering in a regulated activity and will need to be registered?

ORS has developed a simple online test to help you determine whether you are working or volunteering in a regulated activity and whether you will be required to be registered.

To take the test, please visit:

www.ors.act.gov.au/community/working_with_vulnerable_people and select the link 'Am I required to be registered?'

Is there any cost for registration?

Yes. An application fee of \$73 applies to obtain a registration to work with vulnerable people. Fees are the responsibility of the individual not the employer, and are a tax-deductible expense.

A similar fee is applied by other Australian jurisdictions operating a card based registration system for people working with children.

There is no cost to volunteers unless you are also employed in another service that is considered to be a regulated activity.

Are self-employed people required to be registered?

A self-employed person would have to be registered if they are engaged in, or providing a service to vulnerable people that is considered being a regulated activity.

Will people convening peer support groups be required to be registered?

In some instances, convenors will require registration. However, if they participate as a member of the peer support program they are not required to register under section 12(2) (f) of the WWVP Act – i.e. where they are *engaged in an activity in the same capacity as a vulnerable person*.

Can I work or volunteer with vulnerable people if I am not registered?

You must be registered if you are going to be working or volunteering with vulnerable people in a regulated activity or service on a regular basis.

However, if you have applied for registration and ORS has not made a decision about your registration, you may be able to engage in a regulated activity if, the named employer agrees and you are supervised at all times while undertaking the regulated activity.

It is the employer's responsibility to ensure an employee/volunteer is supervised if it is a condition of their registration or while they are waiting on a registration decision.

However, if a Kinship carer has applied for registration and ORS has not made a decision about the registration, the person may engage in the regulated activity in accordance with s 16 of the WWVP Act.

Self-employed people should ensure they are registered prior to engaging in a regulated activity.

If you have been issued with a Negative Notice, you may not work in a regulated activity (supervised or unsupervised).

When do I need to register?

The WWVP Act establishes a staged approach for registration. In the first year of operation all employees and volunteers who provide regulated activities and services to children will need to be registered.

All other employees and volunteers who provide regulated activities and services to vulnerable people will be required to be registered from years 2 to 6 of the scheme's operation.

For a more detailed overview please see the fact sheet – ‘*When do I need to register?*’ or visit the ACT legislation register: <http://www.legislation.act.gov.au/a/2011-44/default.asp>

Are potential staff or volunteers able to be registered to work with vulnerable people prior to being employed?

Yes, people may apply for registration at any time.

What do I need to do to be registered and do I need to provide evidence of being registered?

You will need to apply for registration with ORS to work with vulnerable people in a regulated activity.

The ORS will conduct a thorough risk assessment of your conviction and non-conviction history, and any other information relevant to the background screening process.

Based on the outcome of the risk assessment you may be issued with a registration card with a unique identifying number that is valid for up to three years. You must carry the card at all times while engaged in a regulated activity as you may be asked to produce it to verify current registration.

Your employer will be able to validate your registration with ORS through the unique ID on the card.

What do I do if I don't have a birth certificate or other formal identification information?

Identity credential verification will comply with the National Identity Security Strategy Gold Standard Enrolment Framework.

For a person to satisfy the identification requirements they must provide at least three original or certified identity documents. At least one document must be from the primary identity list.

***See the Proof of Identity table on the next page.**

Primary Proof of Identity (at least one required):	Secondary Proof of Identity (must be accompanied by at least one form of primary ID):
<ul style="list-style-type: none"> • A Photographic Driver Licence issued in Australia (current or expired up to 2 years) • Full Australian Birth Certificate (not a Commemorative Certificate or an extract). If the certificate is not in the name currently used appropriate linking documentation will be required • Australian Passport (current or expired up to 2 years) • Overseas Passport (expired by up to 2 years if accompanied by a current Australian Visa) • Australian Citizenship Certificate or Naturalisation Certificate • Department of Immigration and Citizenship travel document (valid up to 5 years after issue) • Department of Immigration and Citizenship Certificate of Evidence of Resident Status • ACT Police Officer Photo-identity card • Australian Proof of Age Card (includes NSW Photo Card) with appropriate security features, showing date of issue by an Authority (current or expired up to 2 years) 	<ul style="list-style-type: none"> • Current Medicare Card • Current Credit Card or Account Card, with signature and embossed name from a Bank, Building Society or Credit Union • Current Student Identity Document (with photo and / or signature) issued by an Educational Institution • Current Centrelink or Department of Veterans Affairs Concession Card • Australian-issued Security Guard / Crowd Controller Licence (with photo) • ACT Working with Vulnerable People Registration Card (current of expired up to 2 years) • Australian-issued Firearm Licence (with photo) • Current Consular photograph identity card issued by Department of Foreign Affairs and Trade • Current State, Territory, or Federal Government employee photo-identity card • Australian Defence Force Photo-identity card (excluding civilians) • ACT Services Access Card issued by the ACT Government (for Asylum seekers)

Please refer to the *ORS - Proof of Identity Policy (2012)* for further information.

What is a “risk assessment”?

Risk assessment describes the process of considering available criminal and non-conviction history, past working with vulnerable people registration history and other relevant information to arrive at a determination about the risk of harm to vulnerable people posed by a particular applicant. A risk assessment will be conducted in accordance with the Risk Assessment Guidelines made by ORS.

Risk assessment does not determine guilt or innocence.

Do I have to consent to provide my personal information in order to have a risk assessment undertaken?

Applicants must provide their consent for a risk assessment to take place. If you do not provide your consent and personal identifying information (name, date of birth and, when possible, address/s) a risk assessment cannot occur and you will not be registered to work with vulnerable people.

During the risk assessment process you may be requested to provide further information. If you do not provide further information, as requested by the Office of Regulatory Services, a decision will be made based on the available information (i.e. you may be issued with a conditional or role based registration when you could be eligible for general registration, or be issued a negative notice when you could be eligible for a conditional or role-based registration).

What is criminal history information?

Criminal history about a person means any conviction of, or finding of guilt against, the person for a **relevant offence** e.g. convictions for sexual offences; offences against a person; offences involving violence; offences involving dishonesty or fraud; offences relating to property; offences involving possession of, or trafficking in, a drug of dependence or a controlled drug; offences against an animal; and driving offences. Criminal history information will be considered as part of the risk assessment process where it is relevant to the requirements of working with vulnerable people.

See the [Guide to Relevant Offence categories](#) under s26 of the *Working with Vulnerable People (Background Checking) Act 2011* for further information on what types of offences fall within each category.

Criminal history information does not include parking tickets.

What is non-conviction information?

Non-conviction information includes where a person has been charged with a relevant offence, but the proceeding is not finalised or the charge has lapsed or been withdrawn; been acquitted; had a conviction for the alleged offence quashed or set aside; or been served with an infringement notice for the alleged offence. It includes spent convictions.

What is relevant information?

Relevant information is any supporting information you supply with your application, for example, supporting information from your employer, counsellor, psychotherapist, or other health practitioners such as a clinical psychologist. Any information you supply must be considered during the risk assessment process.

The ORS can also request relevant information from any entity believed to have information relevant to deciding the application; this may include the entities above, other regulatory/authorising authorities, Independent Advisors and other law enforcement agencies.

The ORS must not take into account any information unless satisfied on reasonable grounds that the information is accurate.

What happens to my personal information once I provide it with my application form?

Your personal information will be used to determine your suitability for registration to work or volunteer with vulnerable people who are accessing or attending a regulated service or activity. It will be securely stored in line with the protections provided in the *Privacy Act 1988* (C'wlth). Significant penalties apply for persons who misuse an applicant's protected information.

However, it may be provided to certain law enforcement and other Government agencies as required by other Legislation.

Who will see my personal information?

ORS staff, who will be employed in a position of trust will have access to the information you provide for the purposes of registration. ORS staff are bound by the *Privacy Act 1988* (C'wlth).

How is my personal information protected?

Information supplied to ORS under the Working with Vulnerable People Background Checking Scheme is protected from disclosure by the Commonwealth *Privacy Act 1988* and protected information provisions in the WWVP Act. Only information that is necessary to conduct a risk assessment, or to determine a registered person's continuing suitability to be registered, will be requested.

Strict controls are in place for staff who use personal information while conducting a function under the Act to ensure that protected information is not disclosed, or is only disclosed with the person's consent (where necessary). However, the Act requires that where an employer is named on the application form, ORS must tell them about the outcome of your application (pending, general, conditional, role-based, negative notice), but not the reasons for arriving at that outcome.

Limited information about your registration status will be available online. It is not a "public register". Rather it will act as a validation system for employers who have a person's registration number and the card number. Once inputted, the system will show the type of registration (general, conditional or role-based) and whether it is current. No personal details will be accessible.

Who are the Advisors to the Commissioner?

The WWVP Act requires the Commissioner for Fair Trading to appoint 7 or more people as Independent Advisors to the Commissioner. ORS may seek advice from a minimum of three Independent Advisors when considering issuing a negative notice, role-based registration or for any other aspect of risk assessment. Appointment as an Advisor is dependent on qualifications and/or expertise in relevant fields including, but not limited to, forensic or clinical psychology, domestic violence, drugs and alcohol, and mental illness.

The Appointment of an Independent Advisor is a Notifiable Instrument.

Will my overseas convictions be considered for background screening?

The legislation provides that an applicant must disclose if they have been convicted or found guilty of a relevant offence in Australia or overseas, and a person must advise ORS within a stipulated time if they are charged, convicted or found guilty of a relevant offence while registered, including offences committed overseas.

The ORS will not pursue information from overseas agencies/organisations and will not undertake further background checking unless there is evidence of behaviour which will place vulnerable people at risk.

Do I have to disclose orders related to child protection, private protection or domestic violence that have been made against me?

You will be required to declare any previous or ongoing orders if it is relevant to the assessment process (e.g. a number of child protection orders have been issued and you are seeking to volunteer in a primary school), particularly where it has resulted in a charge, conviction, or finding of guilt for breaching an order. The ORS will assess this information to determine whether the order(s) along with any other conviction or non-conviction history indicates there is a level of risk to vulnerable people.

Why are disciplinary issues considered during screening?

Disciplinary issues may indicate a history of behaviours which could place a vulnerable person at risk of harm and may include:

- substantiated past allegations or disciplinary matters relevant to a regulated activity;
- allegations or disciplinary matters will be considered where a registered person has been charged, convicted or found guilty of a relevant offence, and ORS believes there is new relevant information to conduct an additional risk assessment;
- unresolved allegations or disciplinary matters referred to ORS may be taken into consideration where it is a reportable relevant offence, and the person has been charged but proceedings are not finalised; and

- an unresolved allegation against an employee/volunteer in relation to a reportable offence and the alleged incident is relevant to the 'inherent requirements' of the person's role.

What happens if the ORS seeks further information?

With your consent, the ORS can seek more information which may assist in the risk assessment process. It is important that the ORS is provided with a broad range of information so that both 'risk factors' (behaviours or circumstances which indicate a risk) and 'mitigating factors' (behaviours or circumstances which reduce the level of identified risk) may be considered in making a balanced determination.

The ORS may also seek specialist information from the Independent Advisors to the Commissioner, when considering issuing a negative notice, role-based registration or any other aspect of risk assessment.

What happens if I cannot obtain the requested information within the required timeframes?

When you have applied for registration and are asked by the ORS for more information and you find that the information requested is not readily available; or you are not in a position to provide it, you can seek an extension of time to provide the requested information.

At times, you may need more time than you anticipated to provide further information in response to an ORS notification of intent to issue a conditional or role-based registration. If you have advised the ORS that you wish the decision to be reconsidered and you need more than the agreed time to provide the required information, contact the ORS to discuss the possibility of an extension of time. It will be helpful if you can tell the ORS when you expect to receive the required information.

What happens if I get asked for more information and I don't want to provide it?

It is your choice whether to provide the information. However, assessments are based only on the information available. There is a possibility that you may be issued with a conditional registration, role-based registration or a negative risk assessment notice unnecessarily, or the assessment may not be able to proceed without the required information.

Can I be registered if I have a criminal history?

It is possible that a registration will be granted even if you have convictions. However, it is not possible to determine whether a person will be eligible for registration without the ORS being provided with conviction and non-conviction information, which will be considered against the inherent requirements of your job (regardless of whether you are undertaking the job in a paid or voluntary capacity).

However, if you are concerned that you will not be eligible for general registration, in the first instance talk to your employer and consider whether you would prefer to apply for a conditional or role-based registration.

ORS may seek advice from the Independent Advisors before making a decision about a registration.

What can my employer do to support my application for registration?

Background checking and risk assessment complements an organisation's recruitment practices and other policies to create safe working places for clients, employers, employees and volunteers. With your consent, your employer can provide any information they believe will assist the assessor to determine your suitability for registration.

In the situation where a role-based registration has been proposed, there are specific documents which are required to be provided to the ORS. The *Risk Management Strategy Guide* is a document that provides specific guidance for employers in providing the evidence required to support role-based registration applications.

What is general registration?

General registration allows you to move between all regulated activities and employers for up to 3 years without the need to reapply.

What is conditional registration?

Conditional registration imposes specific conditions on your registration, for example, you may not be able to transport vulnerable people due to your licence being cancelled as a result of drink driving offences.

You can ask the ORS a reconsideration of a conditional registration if you don't agree with the decision.

What is role-based registration?

Role-based registration restricts you to engaging in specified regulated activities with a stated employer. You cannot move freely between other regulated activities or employers.

What type of registration will I receive?

Applicants will receive the most general type of registration for which they are eligible. For instance, an applicant who has applied for role-based or conditional registration may instead receive a general registration if eligible.

If an applicant only wants role-based or conditional registration, they can indicate this preference in their application form.

Some applicants may be issued with a negative assessment, which means they are not eligible for registration.

How often does my registration need to be assessed?

Role-based registration, Conditional Registration and General Registration are to be renewed every three years. However, a person may ask the ORS to reconsider the type of registration if new or corrected information becomes available at any time during the registration period.

Conditional or role-based registrations may also be issued for a shorter period of time.

What is a negative risk assessment?

A negative risk assessment is when the ORS conducts a risk assessment for a person and is satisfied that the person poses an unacceptable risk of harm to a vulnerable person. A negative risk assessment means that you will not be registered to work or volunteer with vulnerable people attending or accessing a regulated activity.

If you are issued with a **proposed negative notice**, and you disagree with the decision, you can ask ORS to reconsider the decision. A request to reconsider the decision must be made in writing (time limits apply). See section 38 of the WWVP Act for further information.

If the person asks ORS to reconsider the decision, ORS must conduct a 'revised risk assessment'.

Can I reapply for registration after being issued with a negative risk assessment or after my registration has been cancelled?

You can only reapply for registration three years after being issued with a negative notice or cancellation of registration, or sooner if information on which a decision was made has changed.

What can I do if I am not happy with the proposed outcome of my assessment?

You will be informed in writing of any proposal to issue a negative notice, conditional registration, or role-based registration. If you are not happy with the proposed decision, before a final decision is made, you can ask ORS to reconsider the decision.

The ORS will reconsider the decision (including any new, relevant information) and, in certain circumstances, consult with the Independent Advisors to the Commissioner before a final decision is made.

In the event that a reconsideration of a proposed negative notice has been requested, ORS will undertake a revised risk assessment for the person.

What can I do if I am not happy with the outcome of the reconsideration?

There are a number of decisions made by ORS that can be reviewed. Formal Reviews of Decision are heard by the ACT Civil and Administrative Tribunal (ACAT). The ACAT is the review body for the majority of government decisions in the ACT. There are time limits to appeal decisions and fees apply. For more information on ACAT or the appeals process, go to www.acat.act.gov.au

What will my employer be told about the outcome of my application?

The ORS will advise your nominated employer of the conditions imposed on your registration if you are issued with a **conditional registration**, including **role-based registration**. ORS cannot inform your employer of the rationale supporting the issuing of a

conditional or role-based registration unless you have provided written consent authorising ORS to release further information about the assessment process.

The processing of an application for a role-based registration can only occur if the identified employer is supportive of the applicant receiving a role based registration. For an identified employer to be able to effectively support a role based application, the applicant should discuss their conviction and non-conviction history with their employer prior to submitting their application.

The ORS will tell your employer if you are issued with a **negative risk assessment notice**. The ORS cannot inform your employer of the rationale supporting the issuing of a negative risk assessment notice unless you have provided written consent authorising ORS to release further information about the assessment process.

Are the conditions of my registration listed on the back of my registration card?

Yes. The WWVP Act prescribes what details a card must contain such as the unique identifying number and the date the registration ends.

What happens if I have a conditional registration and believe that I have relevant information to seek a review of the condition/s imposed?

You can apply to amend your registration to remove or amend a condition/s imposed on your registration. As part of this process, the ORS may, by written notice, request further information to make a decision to amend your conditional registration. Further, a revised risk assessment may also be undertaken to take into account the new relevant information.

What can trigger a reassessment of a person's registration?

Triggers for reassessment may include new information provided by a registered person (or in respect of a negative notice), or evidence has been provided of a breach of registration e.g. an offence has been committed that impacts on the inherent requirements of the person's engagement in the regulated activity (embezzles money and is responsible for financial affairs).

What happens if a complaint is made about a particular person to the ORS?

The ORS has established procedures on complaint management which are publicly available on the ORS website: <http://www.ors.act.gov.au/page/view/1050>.

Why can an employer refuse to employ me and/or allow me to volunteer when I am registered to work with vulnerable people?

The decision of whether or not to employ a particular person in a particular employment role rests solely with the employer. The ORS's decisions are of an administrative nature only and are not intended to influence an employment decision.

Will I need to be registered if I take on a work experience student or student placement?

Employers/supervisors who are engaged in a regulated activity will be required to be registered if they engage work experience students and student placements. They will be required to be registered to work with vulnerable people because they work in a regulated activity/service, not because they are engaging a student who may be under the age of 18 years.

Employers/supervisors who are not engaged in a regulated activity will not be required to be registered if they engage work experience students and student placements. They are not required to be registered to work with vulnerable people because their sector is not deemed to be regulated under Schedule 1 of the WWVP Act.

Examples of non-regulated activities include garages, building firms, accounting firms, law firms, hairdressers, bakeries.

Do regulated activity employers need to develop new risk and staff management policies and procedures?

Most employers will not need to develop new risk management policies or procedures. The current policies and procedures will generally be suitable for employing general, and potentially conditional, registered people; it is up to the employer to determine whether their risk management strategies are sufficient.

However, the standards expected of employers who employ a role-based registered person are much higher, and may require changes to risk and/or staff management procedures. To demonstrate that these procedures and policies are in place, the WWVP Regulation requires that the employer's Risk Management Strategy be provided to ORS prior to a role-based registration being issued.

Why can't agencies/organisations do their own risk screening of current and future employees/volunteers?

The introduction of a centralised background checking system in the ACT will have benefits for vulnerable people, employees, volunteers, organisations and employers.

The system will establish mandatory minimum checking standards that will apply across regulated activities. Vulnerable people can be assured that all persons delivering services have been subject to a minimum level of checking. Risk assessments conducted by ORS will also be based on a broader range of information than checks currently able to be undertaken by individual service providers.

Under a centralised checking system, risk assessments and decision making processes will be more consistent and open to appeal. From the perspective of persons subject to checking, this will lead to more considered and reliable checking outcomes.

Registered persons will be able to move between employers or organisations within the ACT without the need to be rechecked. This is of benefit to both registered persons and the employers or organisations with which they are engaged and will reduce duplication of the checking effort across the ACT community.

Is there any other legislation the Working with Vulnerable People (Background Checking) Act 2011 has to refer to?

Public authorities are obliged under sections 40A and 40B of the *Human Rights Act 2004*, to act compatibly with other legislation and give due consideration to relevant human rights when making a decision.

In addition, sections 28 of the *Human Rights Act 2004*, as well as the principles of the *Discrimination Act 1991* have been considered and applied during the development of the WWVP legislation. When authorised officers undertake risk assessments on behalf of the

Commissioner for Fair Trading, the officers are required to comply with impacting ACT and Commonwealth legislation, such as the *Human Rights Act 2004*, *Discrimination Act 1991* and the *Privacy Act 1988* (C'wlth).

Where can I find out more information?

Telephone: ORS on (02) 62073000

Web: www.ors.act.gov.au

Human Rights Commission: <http://www.hrc.act.gov.au>

The WWVP legislation can be located at the ACT Legislation Register:

<http://www.legislation.act.gov.au/a/2011-44/default.asp>

Frequently Asked Questions - Am I required to be registered?

Question: I teach yoga and dance to school aged children. Do I need a WWVP registration?

Answer: Coaching and Tuition are regulated activities captured under the WWVP Act and therefore require registration. These staff would be required to obtain the registration in year three (3), which commences on 8 November 2014 until 7 November 2015.

Similarly, many sporting coaches and managers who have contact with vulnerable people (including children) will be required to be registered in year 3.

Question: My colleagues and I attend various schools as volunteers to promote a number of Emergency Services. We oversee the safety of the children accessing the equipment and interact with the children. We also assist with the annual community open day where volunteers interact with the community including a number of children.

Answer: People who work or volunteer for an Emergency Service are considered Emergency Services Personnel and are required to obtain registration in year five 5, which commences on 8 November 2016 until 7 November 2017.

If a volunteer is engaged in a regulated activity for no more than 3 days in a four week period or 7 days in a 12-month period (exemption provisions under section 12 of the WWVP Act), then the person will not be required to obtain registration.

Question: I work as an Instructor with a pets for therapy organisation and we provide services to a wide range of people, including people under the age of 18 years.

Answer: People who provide services specifically for people with a disability are required to obtain registration. People who provide services such as 'Pets for Therapy' and 'Guide Dogs' and have instructors that provide a 'Disability Service' are captured in year 2 of the scheme. The dates for registration are from 8 November 2013 to 7 November 2014.

Question: I work in a medical practice and the medical and administrative staff isn't sure if we require registration?

Answer: For a Health Professional to practice, they must first be registered with a National Board in conjunction with the Australian Health Practitioners Registration Authority (AHPRA). In accordance with Section 12 of the WWVP Act, registered health professionals are exempt from Registration whilst engaging in regulated activities as part of their profession.

Administration staff may still be captured under the Act but it depends on their role and type of service provided by the practice. Please see section 1.15 - Services for Addictions or 1.16 - Community Services of the WWVP Act for further information.

Question: Can you please clarify what implications the WWVP scheme has for schools and their staff?

Answer: Schools of all levels (excluding University, CIT and TAFE) or other educational institutions are considered to be child education services and are captured in year 1. Employees and volunteers who are engaged by the school for the purpose of, or under the auspice of a child education service will need to obtain a WWVP registration by 7 November 2013.

This includes: teachers (both government and non-government, teachers' assistants, parent readers, janitors/grounds keepers (who are employed at schools during school hours), canteen volunteers (where they meet the frequency requirements), office staff, and education staff at a public attraction that are engaged by a school to provide education services and /or tours specifically for children as part of their schooling (see the Q&A re cultural institutions).

Please see the fact sheet '*WWVP and the ACT Teacher Quality Institute Act 2010*' for further information about teacher registrations.

Question: Do Australian Defence Force Members and Australian Protective Services staff who supervise work experience students on placement require registration?

Answer: Section 12 of the WWVP Act outlines when a person is not required to obtain a registration. In this case, section 12(2)(h) provides that person is not required to obtain registration if they are an employer or supervisor of a vulnerable person, **unless** the vulnerable person is engaged in a regulated activity. Examples for this provision include:

- A person supervising a school student on a work experience placement at a childcare centre is required to be registered because a child care service is a regulated activity.
- A person supervising a school student on a work experience placement at an accounting firm is not required to be registered as the accounting firm is not captured as a regulated activity.

In short, if the students are not engaged in a regulated activity, then the supervisor will not be required to obtain a registration in accordance with section 12 of the Act.

Question: I conduct a range of child related, in-home studies (research) for various government agencies. We are anticipating that some children will be interviewed unsupervised. It is also possible that some children we interview may have moved out of home and be living without a guardian.

Answer: Based on the information available, research activities are not considered a regulated activity under the WWVP Act. Therefore the field interviewers would not be required to obtain a registration.

Question: Are the various Cultural Institutions classified as a Commercial Service for children?

Answer: As it does not meet the definition of being an entertainment service specifically for children, it does not meet the definition of a Commercial Service for children. However, many Cultural Institutions provide specific tours and educational programs for school

groups. Employees and volunteers who provide these programs will be required to obtain a WWVP registration under 'Child Education Services' (year 1) between 8 November 2012 and 7 November 2013.

Staff who do not engage with children or are not providing an education service (such as administrative, food or gift shop staff) are not required to be registered. Further, it is up to the individual organisation's business practices if they wish to extend the registration scheme to all staff.

Question: Are enrolled nurses required to obtain a WWVP registration or are they considered a registered Health Practitioner under the Health Practitioner Regulation National Law?

Answer: For a Health Professional to practice, they must first be registered with a National Board in conjunction with the Australian Health Practitioners Registration Authority (AHPRA). The Nursing and Midwifery Board of Australia records all eligible registered nurses, midwives and enrolled nurses. As a result, enrolled nurses are included alongside other registered health professionals. In accordance with Section 12 of the WWVP Act, registered health professionals are exempt from Registration whilst engaging in regulated activities as part of their profession.

Question: Are swim teachers and life guards required to be registered under the WWVP scheme?

Answer: Swim teachers and swim schools are captured under 'Clubs, Associations, and Movements' and 'Coaching and Tuition' (year 3) and will be required to obtain a WWVP registration between 8 November 2014 until 7 November 2015.

The activities performed by a life guard are not captured under the regulated activities and services therefore life guards are not required to obtain a WWVP registration.

Question: I teach children's Sunday school for a Religious Organisation. Am I required to register, and if so, when?

Answer: Sunday school is a regulated activity captured under 'Religious Organisations' (year 2). Employees or volunteers of Religious Organisations who engage with children at Sunday school will be required to obtain a WWVP registration between 8 November 2013 and 7 November 2014.

Question: Are public housing maintenance contractors required to obtain a WWVP registration?

Answer: Yes. Employees and volunteers who provide services to people suffering social or financial hardship; or who need support to live independently are captured under Community Services (year 2) and will require a WWVP registration between 8 November 2013 and 7 November 2014. This includes home maintenance or modification services (including subcontractors) for accommodation specifically for people experiencing social or financial hardship or requires support to live independently (public housing maintenance providers and their subcontractors).

Question: I volunteer with a children's group and this involves assisting at a number of overnight camps. Do I need a WWVP Registration?

Answer: Child accommodation services (including overnight camps for children) are captured in year 1 of the schemes operation. If a person stays overnight at a child accommodation service and is expected to have contact with a child, they will be required to obtain a WWVP registration.

Further, for the purposes of the Act, if an accommodation service specifically caters for youth (e.g. 16-25) it is considered a child accommodation service.

Other child accommodation services that will attract a WWVP registration include; student exchange hosts, Scouts (jamborees etc), school camps, crisis accommodation providers for

people under 18 years, school boarding accommodation, overnight respite for children, people who billet children (usually for a specific event).

Question: My 16 year old daughter babysits for some families in our neighbourhood. Can you please tell me if she will need a WWVP registration?

Answer: Commercial childcare facilities are captured under year 1 of the scheme's operation. A person who babysits under informal and infrequent arrangements for a parent is not a commercial entity and is not required to be registered e.g. a person who babysits for a few hours on a Saturday night.

Further, a person who is under 16 years of age is not required to be registered to work in a regulated activity or services in accordance with the exemptions outlined in s 12 of the WWVP Act *'when is a person required to be registered?'*

Question: Are Management Committees and Board Members required to obtain a WWVP registration (e.g. a school board member or childcare centre management committee etc)?

Answer: Management committees and Board members who typically meet outside normal work hours and do not have contact or make decisions about individual vulnerable people do not require a WWVP Registration.

Question: If I receive a reimbursement for expenses incurred for engaging in a regulated activity, would I be considered a volunteer or an employee for the purpose of a registration under the Act?

Answer: A person volunteering their time and who is only receiving a reimbursement for any expenses incurred to undertake the regulated activity and is not issued with a mandatory payment; they can apply as a volunteer.

It will be a requirement under the application process for a person who is both, an employee and volunteer, and engaged in a regulated activity in both capacities must apply as an employee.

Example: For the purposes of the Act, a Foster Carer is considered a volunteer, as any payment received as a result of providing the care is considered a reimbursed for expenses.

Question: I attend University and part of my study includes a placement in a regulated activity. Do I need to obtain a WWVP registration?

Answer: A student who attends a University, CIT or TAFE and engages in a regulated activity as part of a student placement is required to obtain a WWVP Registration unless captured by the exemption provisions specified in Section 12 of the WWVP Act (e.g. a Health Practitioner, including intern or provisional, registered with AHPRA, certain professions or infrequent contact etc).