



Working With Children Requirements for Community Bands in NSW

The information provided has been copied from the [Office of the Children's Guardian](#) website and provided to you to assist Community Bands to correctly determine their legal obligations in regards to who in your band is legally required to obtain a Working With Children Check. Please note that the below is a guideline only. It is up to each band to make an educated decision, using the WWCC legislation to determine who needs to obtain a check to ensure that our bands provide safe and supportive environments for children.

What is a Working With Children Check?

A Working With Children Check is a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct.

The Working With Children Check is fully portable so it can be used for any paid or unpaid child-related work in NSW for as long as the worker remains cleared.

Workers and Volunteers who apply for a WWCC will be assessed based on their national criminal history and any findings of workplace misconduct.

The result of a WWCC is either a "Clearance" to work with children for five years, or a "Bar" against working with children. Cleared applicants are subject to ongoing monitoring, and relevant new records may lead to the Clearance being revoked.

The Working With Children Check (WWCC) is a legal requirement for workers and volunteers who are in child-related work. Child-related work is defined as physical or face-to-face contact with children within your organisation.

What is Happening?

All workers and volunteers involved in clubs or other bodies who have direct contact with children as part of their roles will be required to have completed a WWCC by the **31 March 2016** at the latest. If they have not or refuse to obtain a check then they will not be able to continue in their role within the Community Band. Some workers such as a parent volunteers involved in the same activity as their children are exempt from these requirements. You should identify and apply these exemptions where they are relevant before the 31 March 2016.

Roles that require a Working With Children Check clearance:

****but not limited to***

- Conductors of a Junior Band or Junior Band Program (A Junior Band or Junior Band Program is a Band comprised wholly of members under the age of 19 years)
- Tutors working with Junior Bands or working one on one with under 18 years olds

- A helper who assists a Junior Band or the delivery of a Junior Band program or activity
- A board or committee member whose role extends beyond strategic management, administrative or clerical duties e.g. a board or committee member who mentors U18s or actively assists with the delivery of programs and activities specifically for children (for example: A Junior Band program).

Roles that DO NOT require a WWCC

****but not limited to***

- Adult and Senior Bands, or a Community Band which is a mix of adults and juniors may not be required to obtain a WWCC unless a specific Junior Band program is in place.
- Individual members of an adult or mixed adult/juniors community band are not required to have a WWCC unless they are acting as a one on one mentor or tutor of under 18 year old persons.
- Conductors, Tutors, Volunteers, Band Administrators, Secretaries, Committee Members, and other administrative roles within an adult senior or Mixed community band are generally NOT required to have a WWCC unless they are also directly involved in the delivery of a Junior Band program or one on one mentoring/tutoring of under 18 year olds.

However, we advise that organisations should undertake a risk assessment as, there may be instances in an adult or mixed community band where a Conductor, Tutor, Mentor or Band member takes on a One on One mentoring role of under 18's which may require a WWCC.

With the exception of those in conducting, mentoring and tutor roles which may have one on one contact or be involved in running a Junior Band Program, Individual Adult members of a Community Band are NOT required to have a WWCC just because under 18 year olds are present and playing in that band.

We do recommend that Community Bands make it clear and obvious that their Bands are an Adult or Mixed organisation.

What your Band needs to do before 31 March 2016:

1- **Notify** all child related workers (paid and volunteer) of the WWCC requirement and when it is needed by.

2- **Register** the service/organisation online at www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/apply/applyas an employer

Registration enables employers to verify a WWC or APP number to ensure it is valid.

3- **Verify** the status of each WWC or APP number online.

4- **Keep a record** of verification results. A WWCC Register must be kept for auditing purposes.

A short video guide to assist with your WWCC can be found at

https://www.youtube.com/watch?v=2qUq_59Zmzc

Further Information can be obtained by visiting www.kidsguardian.nsw.gov.au or calling 02-9286 7219

If you have any concerns, or further questions, please contact the BANSW secretary at secretary@bandnsw.com