



Child Disability Service, a guide for working or volunteering

Overview

This guide has been developed with the assistance of National Disability Services (NDS) and the Department of Health and Human Services (DHHS).

The *Registration to Work with Vulnerable People Act 2013* (the Act) aims to protect children from harm by requiring a high standard of compulsory background checking for eligible people who are involved in specified child-related activity in Tasmania, whether that activity is paid or unpaid, supervised or unsupervised.

The child-related activity is specified in Regulations made under the Act, and will include specified Child Disability Services from 1 October 2015. For other specified activities, see

www.justice.tas.gov.au/working_with_children

Examples of the people that must register by 1 October 2015 in this category are listed on the following page.

Organisations and each of their workers (paid or volunteer) have a shared responsibility under the Act to ensure those working in a regulated activity hold current registration. It is an offence to engage a person in a specified activity, and it is an offence for a person to engage in it, if the person is required to be registered and does not hold a registration.

Applications are commenced online at www.justice.tas.gov.au/working_with_children.

Working in different child-related regulated activities

If an applicant holds unconditional registration as an employee or a volunteer, this registration will allow them to engage as an employee or a volunteer in any child-related regulated activity. However, if the Registrar issues conditions on the registration, those condition(s) may restrict or place boundaries on an individual's engagement in regulated activities.

Applicants will be advised prior to registration if the Registrar proposes to issue registration with a condition. There will be the opportunity to provide further information to the Registrar if a condition on registration is proposed.

Conditional registration is not common but if there is a condition associated with a registration, it will be displayed when an individual/employer conducts a search against [Check Registration Status](#) on the Working with Children Registration website:

www.justice.tas.gov.au/working_with_children.

Who must apply for a Working with Vulnerable People (Children) Registration?

The Regulations specify that Child Disability Services are a regulated activity under the Act. Child Disability Services is defined as an activity conducted specifically for, or a service provided specifically to, children with a disability.

Disability is defined by reference to the *Disability Services Act 2011*. That is, disability means a disability of the person which –

- (a) is attributable to a cognitive, intellectual, psychiatric, sensory or physical impairment or a combination of those impairments; and
- (b) is permanent or likely to be permanent; and
- (c) results in –
 - (i) a substantial restriction in the capacity of the person to carry on a profession, business or occupation, or to participate in social or cultural life; and
 - (ii) the need for continuing significant support services; and
- (d) may or may not be of a chronic episodic nature.

This means that most people who work or volunteer in disability services specifically provided to children are required by the Act to have a Working with Vulnerable People (Children) Registration in place if they engage in that activity from 1 October 2015.

The Act has particular tests for what engaging in an activity means, what contact with a child means, and what kinds of people are exempt from mandatory registration. See www.justice.tas.gov.au/working_with_children for more details.

Even if you are exempt from mandatory registration, however, your employer or body for which you volunteer may require you to be registered.

Services providing disability services to children commonly include the following position titles which would typically be subject to mandatory registration under the Act – this is not an exhaustive list:

- Residential care providers (out of home care)
- Case Managers, Program Coordinators and Direct Support Workers (or their Team Leaders) working in:
 - children's respite services
 - homes and residential settings
 - community access programs
 - recreational programs
- Direct Support team leaders
- Tuition services
- Allied Health Practitioners (includes Speech Pathologists, Occupational Therapists, Psychologists, Social Workers, Counsellors, Physiotherapists, Podiatrists, Dieticians)
- Drivers/Transport Facilitator roles
- CEO/directors/managers/supervisors
- Board Members
- Students on placement

In some roles or functions workers may be required to register even if they are not subject to mandatory registration under the Act. For example, service providers may require their workers and volunteers to reduce the risks to vulnerable people by requiring registration as a condition of employment or volunteering.

For example, disability service providers may require people such as the following to hold registration:

- Direct Support Workers who normally engage with adult clients in their homes where children are present
- Organisational and Administrative support roles eg receptionist, Human Resources Administrator, Chief Financial Officer, Operations Manager, Business Development Manager and information support personnel.
- Cleaners, gardeners and kitchen staff (mandatory if role involves overnight stays)
- Home Maintenance and/or modification

Exemptions

There are some exemptions from registration. However, any employer or volunteer organisation can override the exemptions and make it a requirement that all those working and volunteering for their organisation are registered regardless of whether he/she is provisionally exempt from registration.

Employers will often make this decision based on their assessment of the risk of harm to children within the associated working or volunteering environment.

See Fact Sheet: 'Exemptions from Registration' at:
www.justice.tas.gov.au/working_with_children



Working with Children Registration is on Facebook. What a great way to get a reminder that it's time to apply, or when new resources are available. To connect, [login or sign up for Facebook](#) and search for Working with Children Registration.

The Process

Part A: How do I apply?

Part B: What if I am registered as a volunteer and now need registration for employment?

Part C: What are the fees?

Part D: What is assessed in my application?

Part E: When will I receive my results?

Part F: Refusals and Appeals

Part G: How will an organisation know if someone has applied for Registration?

Part H: How will an organisation know if registration is Suspended or Cancelled?

Part A: How do I apply?

Step 1: Complete the online* application form at:

http://www.justice.tas.gov.au/working_with_children/application

Applicants who do not have internet access may telephone 1300 13 55 13 for advice about locations that offer free internet access to the public.

Please make sure the details you provide are exactly the same as the details on your identity documents. If you have submitted the form with a mistake, please re-do the form to avoid the possibility of incurring additional cost and problems with the proof of identity requirements.

Once you have submitted the form, you will be able to print an application receipt. If you do not have a printer, write down your application number.

The application fee can be paid online by credit card or delayed and paid at Service Tasmania (see step 2).

Step 2: Present Proof of Identity and payment at Service Tasmania

You must bring all three of these items for your application to proceed:

- application receipt or application number
- proof of identity
- payment (if you have not already paid online)

You must present in person at Service Tasmania (please read the [Fact Sheet: Interstate and Overseas Applicants](#) if applying from outside of Tasmania). You cannot submit proof of identity for someone else.

To find a Service Tasmania shop near you, visit www.service.tas.gov.au/about/shops

For proof of identity requirements:

See *Fact Sheet: 'Proof of Identity'* at:
www.justice.tas.gov.au/working_with_children

Part B: What if I am registered as a volunteer and now need registration for employment?

Registration to Work with Vulnerable People is portable across all child related activities. For instance, if a person volunteers in a religious activity and also drives a school bus they are only required to register once.

However, registrants are required to amend their 'Registration Type' to show that they use the registration for both employment/volunteer. Registrants should also ensure they amend their registration information to include details of the bodies that engage the registrant for volunteering or employment.

If you currently hold a volunteer class registration and start paid employment in a child related activity, you are required to change your details online by following the steps below:

1. Go to the website http://www.justice.tas.gov.au/working_with_children/change_details
2. Click the link [online Registration Amendment form](#)
3. Enter your Application or Registration Number, Last Name and Date of Birth then click the 'Search'
4. If you have previously provided both SMS and Email details, you will be asked to select your preferred contact method to receive a 6 digit security code
5. Retrieve the code sent by SMS or Email (this will expire 10 minutes after being sent)
6. Enter the 6 digit code and click the 'Verify' button
7. Next to the heading 'Registration Type' click **Update**
8. Change the 'Class of Registration' to Employment/Volunteer
9. Pay the fee to change class online or at Service Tasmania
10. Next to the heading 'Existing Employment and Volunteer Details' click **Update**
11. Click 'Add Employer' and enter your new employment details
12. Click the 'Validate' button at the bottom of the page
13. If you have previously provided an email address, you will receive a PDF copy of your changes by email, please ensure the details you entered are correct
14. Please allow 21 days for a new card to be sent to you after payment has been made.

Part C: What are the fees?

Employment/Volunteer \$103.60

Volunteer only \$17.76

Change of Class \$85.84

Please note: From 1 July 2016 new fees will apply as follows

Employment/Volunteer \$107.10

Volunteer only \$18.36

Change of Class \$88.74

What if I Volunteer and Work with Children?

If you intend to use your Working with Vulnerable People (Children) Registration for Volunteering and

Employment during the three years of registration you should advise this at the time of your initial application. Completing this detail on the application will save applicants from incurring additional costs at a later stage.

For example: A person that volunteers for the local junior football club as a coach but also expects to work as a bus driver should complete the online application for both Employment/Volunteer.

Part D: What is assessed in my application?

Your records will be assessed to see if you have charges or convictions that indicate you pose a risk of harm to a child.

National criminal record information is routinely collected from sources in Australia (not overseas). This includes information about:

- Convictions for all criminal offences you may have
- All 'spent' convictions (convictions that do not need to be ordinarily declared)
- Any 'pending' charges (charges that have not yet been decided by a court)
- All 'non-conviction' charges (charges that have been finalised by a court but did not result in a conviction)

Information about your criminal record may also be obtained from authorised bodies in Tasmania and similar authorities in other states and territories such as:

- The Police
- The Office of the Director of Public Prosecutions
- The Department of Corrective Services
- The Department of the Attorney General
- The Department of Health and Human Services
- Courts.

Ongoing monitoring

If an applicant is successful in securing registration, the Registrar will continue to monitor an individual's record for relevant new records over the three year term of registration.

Certain types of new records may trigger an additional Risk Assessment to be undertaken by the Registrar who may subsequently determine that, based upon the new information available, a registration will be cancelled, suspended or conditions issued.

See Fact sheet: 'Risk Assessment Process' at the Working with Children Registration website:
www.justice.tas.gov.au/working_with_children

Part E: When will I receive my results?

Please allow six weeks to receive your results before emailing workingwithchildren@justice.tas.gov.au (with your application reference number). Information cannot be provided on your application before this time.

If successful, you will be posted a Working with Vulnerable People (Children) Registration Card.

If there are any issues with your application, you will be contacted by post or email (according to the preference indicated on your application form).

Usual cause of delays

For most people, delays may be caused by:

- the time it takes for information to be reported on a criminal history (2 to 5 weeks)

- having a common surname or date of birth
- sharing the same name as someone with a criminal history
- having records against your name.

Same name as someone with a criminal record

If you have the same name as someone with a criminal record, your results may be delayed while your identity is matched using additional information such as date of birth details. This will delay your results but ensure your records are not mistakenly associated with those belonging to someone else.

Records against your name

See 'Part C: What is assessed in my application?' in this guide.

Part F: Refusals and Appeals

When you apply for Working with Vulnerable People (Children) Registration, there are only three outcomes:

- registration to work with children (without conditions)
- registration to work with children (with conditions)
- refusal of application to work with children.

Being notified of a Possible Refusal

If there are concerns with your application, you will be informed in writing with reasons for the decision this is called a 'Proposed Negative Notice'.

You will be invited to submit further information which may affect the final decision. In the meantime, you cannot work or volunteer in a child-related activity.

Being notified of a Refusal

If your application is unsuccessful, you will be informed in writing with reasons for the decision.

If you are already in child-related work (or planning to be in such employment), your employer (or prospective employer) will be:

- notified that you have been refused a Working with Vulnerable People (Children) Registration
- instructed to remove you from child-related work.

Reasons for your refusal will not be shared with your employer (or prospective employer).

Consequences of the Refusal

If a Working with Vulnerable People (Children) Registration is refused, it is a criminal offence to work in regulated child-related activities for five years (unless circumstances have changed that permit an earlier application). Serious penalties apply.

If you are already working with children, you must immediately remove yourself from this work.

Applying for a Review of the Refusal

You can request a review of the refusal except if:

- you previously applied for Working with Vulnerable People (Children) Registration and were issued a Negative Notice
- less than five years has passed since your Working with Vulnerable People

(Children)Registration was cancelled

This does not apply if there has been a change in any relevant information about you.

Lodging an Appeal

You must lodge your application for a review with the Magistrates Court (Administrative Appeals Division) within 28 days of having your application refused (if you miss this deadline, contact the Administrative Appeals Division; it may grant an extension). For more information go to www.magistratescourt.tas.gov.au/divisions/administrative_appeals_division

Part G: How will an organisation know if someone has applied for Registration?

Overview

While successful applicants receive a Working with Vulnerable People (Children) Registration Card, the system of applying and verifying is online only.

If someone with Working with Vulnerable People (Children) Registration commits a criminal offence, their Registration may be cancelled, and their details removed from the online system.

It is then a criminal offence:

- for an individual to work in a child-related activity
- for an employer or volunteer body to engage an employee or volunteer for a child-related activity.

There is a two stage application process:

1. Complete the online form and print the application receipt (http://www.justice.tas.gov.au/working_with_children/application)
2. Take the application receipt to Service Tasmania with Evidence of Identity and Payment

Only after applicants have completed the second stage (at Service Tasmania) will there be an ability to track progress of the application online.

Importantly, it is an offence for a person to commence in a regulated child related activity unless they have completed both stages of the application process.

To check if a person has completed both stages use [Verify Registration Status](#) to review registered details.

- Enter **Application number** and **Surname**
- If an applicant has completed both application stages the website will display a message about where the application is in respect to a final decision.
- **If both stages have not been completed there will be no search result.**
- **Importantly, if an application has been refused there will be no search result.**

If this is the case you should raise this with your employee to ensure they complete both stages of the application process. If you have previously viewed the progress of an application and can no longer obtain a search result for that same applicant it may be that the applicant has been advised of a negative result. In which case you should discuss this with the applicant as they should not be engaged in a regulated activity until they either hold registration or the website provides evidence of an application being processed.

Part H: How will an organisation know if registration is suspended or cancelled?

This is important information because if a person's registration is suspended or cancelled it is an offence for an employer or volunteer organisation to engage that person in a child related activity.

Organisations will be advised of any important change to the status of a registrant but only where the organisations details are correctly recorded against a card holder.

It is important that employers and volunteer bodies confirm that their correct contact details are recorded against all people that require registration to work or volunteer with vulnerable people for their organisation.

In order to review a person's current registration status (including the bodies they have listed) all you will need is a person's Application/Card number and Surname.

You can then use [Verify Registration Status](#) to review registered details:

- Check the current details by selecting **View / Update Details**
- To add a new organisation click **Add Employer**
- Once you have entered the details the applicant will receive notification that a new organisations details have been added to their record.

If you are an employer or volunteer organisation, you must not accept the Working with Vulnerable People Registration Card or any other paper 'evidence' as proof of registration.

You must use Verify Registration Status (above) to verify if someone holds registration.

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