



NMCA

POLICY

## NMCA WORKING WITH CHILDREN CHECK (WWCC)

Resource: Cricket Victoria

Working With Children Check (WWCC) – Club & Association Guidelines

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This document and the information contained herein is confidential and the exclusive property of Cricket Victoria.

### **1. PURPOSE**

The Working With Children Check (Check) is a mandatory minimum background check of people who work or volunteer in child-related work. It applies to people who have regular direct contact with children. The Check 'helps to protect children aged under 18 years from physical and sexual harm by preventing those who pose a risk to their safety from working with them'. This policy outlines roles where people are required to apply for a Check before commencing child-related work.

### **2. SCOPE**

This policy applies to all cricket clubs and associations from 1 July 2008. Penalties and restrictions will apply from 1 July 2009 if these procedures have not been followed.

A number of sports have developed sport-specific policies in relation to the Check. Cricket Victoria in conjunction with its affiliates has developed a minimum standard for Clubs and Associations to adopt to ensure the sport is doing everything possible to prevent child related offences.

Under the Act, a person involved in cricket is considered to be engaging in child related work and must apply for a Check if they:

1. Work or volunteer in a role that brings them into contact with children under 18; and
2. Volunteer or do this work on a regular basis; and
3. Do not qualify for one of the exemptions in the legislation (subject to Cricket Victoria's policies).

Previously, those volunteers whose work was directly supervised were exempt from applying for a Working With Children Check. It is important to note that amendments to the Working With Children Act 2005 now state that even if a person's contact with children as part of their child-related work is supervised by another person, they will still need to apply for a Working With Children Check.

### **3. EXEMPTIONS**

Cricket Victoria endorses the following exemptions from the legislation and it will recognise that Clubs and Associations shall not require the following individuals to apply for a Check (subject to appropriate proof being sighted):

1. Persons aged under 18;
2. Sworn Members of Victoria Police;
3. Teachers registered with the Victorian Institute of Teaching (still required to sight the VIT registration and confirm online at [www.vit.vic.edu.au](http://www.vit.vic.edu.au))

It is recommended that where exemptions apply, a central point of reference at the Club ("Nominated Person") exists for recordings and sightings of the Check. In majority of instances this will be the Club Secretary. An example record keeping form is available from <http://www.sport.vic.gov.au>

Interstate visitors can do child-related work in Victoria without a Victorian Check for a period of up to 30 days in the same calendar year for:

1. Several events or occasions with a Check from their state or territory; or
2. Only one event or occasion without a check from their state or territory.



#### **4. PARENTS**

Under the legislation, parents do not have to apply for a Check if their child is involved in the relevant activity. However, Cricket Victoria does not endorse this expression and it expressly requires that all parents that meet the criteria set out above apply for, and obtain, a Check. Cricket Victoria is one of a number of sports that have taken this view in order to maximise the protection of children involved in cricket.

#### **5. CLUBS**

Cricket Victoria expects that Clubs with junior teams will, as a minimum requirement, have the following people apply for, and obtain, a Check:

1. Junior Coordinator;
2. MILO in2CRICKET Coordinator;
3. Team Coach and/or Manager of a team;
4. Other members of the junior club who are involved in regular and direct contact with children. This contact can be oral, written or electronic communication as well as face-to-face and physical contact.

In the case where junior players are playing in a senior team, the minimum requirements for Clubs in this instance are as follows:

1. Senior Coach;
2. Club Secretary;
3. Captains of teams;
4. Other members of the senior club who are involved in regular direct contact with children. This contact can be oral, written or electronic communication as well as face-to-face and physical contact.

In all instances above, it is recommended that there is a central point of reference at the Club (“Nominated Person”) for recording and sightings of the Check. In majority of instances this will be the Club Secretary. An example record keeping form is available from <http://www.sport.vic.gov.au>

#### **6. ASSOCIATIONS**

Cricket Victoria expects that Associations will, as a minimum requirement, have the following people apply for, and obtain, a Check:

1. Association representative team Coaches and/or Managers that have players under the age of eighteen participating;
2. Other members of the Association who are involved in regular direct contact with children. This contact can be oral, written or electronic communication as well as face-to-face and physical contact.
3. Associations should also maintain a register, provided by each Club affiliated to that Association, of the people within the Association who have been approved under the legislation. It would not be necessary for the Association to sight actual check documents.

#### **7. UMPIRES**

Cricket Victoria expects that all Umpires, who are officially appointed to officiate in sanctioned matches in Victoria, apply for and obtain a Check.

Associations should maintain a register of all Umpires within the Association who have been approved under the legislation.



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## **8. INTERIM NEGATIVE NOTICES**

In accordance with legislation, a person who receives an interim negative notice or is waiting for their application to be processed can still perform child related work until such time as a decision on their application is made. However, a Club or Association should have an internal process to follow if this situation arises. The following should apply if indeed this occurs:

1. Until such time as a decision is made, the Club or Association should ensure that the Coach who has received an interim negative notice (or is waiting for their application to clear) is directly supervised by someone who holds a WWCC. This should continue until a decision on the Coach is made via the Department of Justice (e.g. they obtain a WWCC).

It is extremely important to maintain confidentiality and discretion when approaching this situation. Meeting with the Coach to explain that they will be supervised during this interim period is recommended, as the Coach can challenge the interim negative notice received from the Department of Justice.

If the person in question and Club agree, the person can be moved outside of their role with children (e.g. to a senior coaching role where no children are involved). However this must be agreed to as the legislation stipulates that an organisation cannot refuse to allow a person to continue in their role if no final decision has been made by the Department of Justice.

If a final decision is made and the person does not pass the WWCC, then the person in question *“...cannot apply for, or engage in child related work, regardless of whether that work is directly supervised by another person”*. This person is unable to apply for a WWCC for five years after the date of the final decision.

## **9. PRODUCTION OF INFORMATION**

Amendments to the Act have now also enabled the Secretary to the Department of Justice and Regulation to compel the production of certain information for the purposes of compliance monitoring. As listed above, it is inherent on Clubs and Associations to ensure that they keep accurate and up-to-date records of all required persons within their Organisation to ensure compliance with the Act.

## **10. SUMMARY**

The Check is one strategy a Club, Association or organisation will employ to best minimise the chance of child related offences occurring. The Check is designed to help keep children safe and co-exist with other measures such as a Coach ‘Code of Conduct’ and a clear policy on ‘drop-off and pick-up by parents’ at matches or training.

For information regarding the process of obtaining a Check, please visit the Department of Justice website at [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren) or your nearest Australia Post outlets – bulk lodgements are available for your Club or Association from Australia Post.

Please also note that a change of details form is available from the above website – this is particularly relevant if a new person with an existing Check comes on board at your Club and has or Association and has not included the Club’s details in their original application.

The above requirements, to comply with the Working With Children Act 2005, are in addition to all existing Cricket Victoria and affiliated member policies such as Code of Behaviour and Member Protection By-Law.