



WORKING WITH CHILDREN CHECK GUIDELINES

1. INTRODUCTION

The Working with Children Check (WWCC) 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'. These guidelines outline roles where people are required to apply for a check before commencing child-related work.

These guidelines must be read in conjunction with the laws of the Commonwealth and Victoria (as amended from time to time) including but not limited to:

- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)
- Crimes Act 1958 (Vic) and
- Working with Children Act 2005 (Vic)
- Baseball Victoria Child Safe Policy
- Baseball Victoria Member Protection Policy

2. DEFINITIONS

Associations means Victorian Summer Baseball League, winter associations, affiliated associations, charters, clubs, representative teams

Child means a person involved in the activities of Baseball Victoria and under the age of 18 years

Nominated person means the person at an association who maintains the Working with Children Check register.

3. SCOPE

Baseball Victoria requires all associations, affiliated club personnel including committee members, volunteers, coaches, officials and umpires and anyone else who has contact with children to possess a valid Working with Children Check.

Under the Working with Children Act 2005, a person involved in baseball is considered to be engaging in child related work and must apply for a check if they:

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

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.

4. EXEMPTIONS

Baseball 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):

- Persons aged under 18
- Sworn Members of Victoria Police
- Teachers registered with the Victorian Institute of Teaching

It is recommended that where exemptions apply, the **nominated person** shall note details and sightings of the check. In majority of instances this will be the club secretary. An example record keeping form is available from:

<https://www.workingwithchildren.vic.gov.au/about-the-check/resources/record-keeping-for-organisations>

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:

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

5. PARENTS

Under the legislation, parents do not have to apply for a check if their child is involved in the relevant activity. However, Baseball Victoria **does not endorse this** and requires that all parents that meet the criteria set out above and obtain a check.

6. CLUBS

Baseball Victoria expects that clubs with junior teams will, **as a minimum requirement**, have the following people apply for, and obtain, a check:

- Club and game officials
- Junior coordinator
- Team coach and/or manager
- 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:

- Senior coach
- Team manager
- Club and game officials
- Captains of teams
- 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

The **nominated person** shall record details and sightings of the check. In the majority of instances this will be the club secretary. An example record keeping form is available from:

<https://www.workingwithchildren.vic.gov.au/about-the-check/resources/record-keeping-for-organisations>

7. EVENTS

Baseball Victoria expects that members undertaking official roles at Baseball Victoria sanctioned events will, as a minimum requirement, have the following people apply for, and obtain, a check:

- Baseball Victoria staff
- Coaches, managers and/or executive officers that have players under the age of eighteen participating
- Umpires and officials
- Other members of the teams 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

Baseball Victoria shall maintain a register of the people participating in an event who are required to have a valid WWCC. It would not be necessary for Baseball Victoria to sight actual documents, however BV will verify the status of each person.

8. UMPIRES

Baseball Victoria expects that all umpires, who are officially appointed by the club or an umpire association to officiate in sanctioned matches involving children in Victoria, apply for and obtain a check.

9. 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. The following should apply if indeed this occurs:

- Until such time as a decision is made, the association should ensure that the individual 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 (eg. they obtain a WWCC).

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

If the person in question and club agrees, the person can be moved outside of their role with children (eg. 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.

10. 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 organisations to ensure that they keep accurate and up-to-date records of all required persons to ensure compliance with the Act.

11. SUMMARY

The check is one strategy a club, 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 the 'Codes of Conduct'.

For information regarding the process of obtaining a check, please visit the Working with Children Check Victoria website <https://www.workingwithchildren.vic.gov.au>

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.