

NSW Health checklist for determining whether a position or a class of positions require a Working with Children Check

Instructions

1. This Checklist is for use in the review of positions being undertaken as a pre-requisite to phasing in existing child related workers into the new Working with Children Check (WWCC) scheme.
2. This Checklist relates only to existing workers that may fall under the classification of 'children's health services' under the *Child Protection (Working with Children) Regulation 2013*. All other categories of existing child related workers, as listed at Appendix 1, are required to have already been phased in.
3. Complete this Checklist to determine whether a position, or a class of positions, is classified as child-related work, and requires a WWCC.
4. This Checklist should be used for paid and unpaid positions.
5. This Checklist supports the implementation of the current employment checking policy located at <http://www.health.nsw.gov.au/policies/Pages/default.aspx>.
6. Documented decisions, using this Checklist, must be maintained locally and may be subject to scrutiny by external agencies, such as the Office of the Children's Guardian or the NSW Ombudsman.
7. This Checklist is designed to be worked through in numeric order.
8. Any questions about this checklist, or suggested amendments, may be directed to Kate Jonas, Workplace Relations, Ministry of Health on 9391 9740 or kjona@doh.health.nsw.gov.au

Title of position/class of positions:.....

Location/facility:.....

Position Number/s:.....

1. Does the position involve any direct face to face or physical contact with under 18 year olds?

- No (*proceed to number 10*)
- Yes (*proceed to number 2*)

2. Is the position involved in the provision of health services (as defined at Appendix 1) or in supporting the provision of health services?

- No (proceed to number 10)
- Yes (proceed to number 3)

3. Is the position classified as one of the following:

- Health Practitioner (includes health practitioners that are registered under the Health Practitioner Regulation National Law(NSW) as included at Appendix 1 and any other individual who provides a health service); or
- A worker (other than a health practitioner or ancillary services worker as defined at Appendix 1) who provides health and care services in a paediatric or adolescent health service.

- Yes (proceed to number 9)
- No (proceed to number 4)

4. Is the position classified under ancillary services (see Appendix 1)?

- No (*proceed to number 10*)
- Yes (*proceed to number 5*)

5. Is the position based in a general facility that includes a paediatric or adolescent unit/ward and will the worker ordinarily have contact with children in the paediatric or adolescent unit /ward for extended periods (see Appendix 2)?

- Yes (proceed to number 9)
- No (proceed to number 6)

6. Is the position a Hospital Assistant (cleaning services), Wardsperson or Health and Security Assistant and is it based entirely in a dedicated paediatric or adolescent health service?

- No (proceed to number 7)
- Yes (proceed to number 9)

7. Is the position a Hospital Assistant (food services) administrative, corporate, clerical or maintenance and is it based entirely in a dedicated paediatric or adolescent health service?

- Yes (proceed to number 8)
- No (proceed to number 10)

8. Does the position ordinarily have direct contact with children for extended periods?

- Yes (proceed to number 9)
- No (proceed to number 10)

9. This position requires a Working with Children Check:

Briefly state how the position has direct contact with children:

10. This position does not require a Working with Children Check

Briefly state how the position has no direct contact with children or is otherwise exempt:

Recommended:

Name: _____ Position: _____

Signature: _____ Date: _____

Approved:

Name: _____ Position: _____

Signature: _____ Date: _____

Appendix 1 - Useful definitions

Ancillary services are those services that are not the organisation's core business, but are necessary to support the core business; this includes corporate, clerical, maintenance administrative, Wardspersons, Health and Security Assistants and Hospital Assistants.

Extended Periods can be taken to mean where the contact is close and ongoing over a period of time reasonably allowing a relationship of trust to develop (e.g. School cleaners work within schools during school hours alongside the same group of children over an extended period of time resulting in the potential for the development of relationships with those children)

Health Practitioner as defined under Part 1 of the [Health Practitioner Regulation National Law \(NSW\)](#)

Health practitioner means an individual who practises a health profession.

Health profession means the following professions, and includes a recognised specialty in any of the following professions—

- (a) Aboriginal and Torres Strait Islander health practice;
- (b) Chinese medicine;
- (c) chiropractic;
- (d) dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist);
- (e) medical;
- (f) medical radiation practice;
- (g) nursing and midwifery;
- (h) occupational therapy;
- (i) optometry;
- (j) osteopathy;
- (k) pharmacy;
- (l) physiotherapy;
- (m) podiatry;
- (n) psychology.

Health Service includes the following:

- a) Medical, hospital and nursing and midwifery services
 - b) Dental services
 - c) Mental health services
 - d) Pharmaceutical services
 - e) Ambulance services
 - f) Community health services
 - g) Health education services
 - h) welfare services necessary to implement any services referred to in paragraphs (a)–(g),
 - i) services provided in connection with Aboriginal and Torres Strait Islander health practices and medical radiation practices,
 - j) Chinese medicine, chiropractic, occupational therapy, optometry, physiotherapy, podiatry and psychology services,
 - k) optical dispensing, dietician, massage therapy, naturopathy, acupuncture, speech therapy, audiology and audiometry services,
 - l) services provided in other alternative health care fields
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Child related work categories in the Child Protection (Working with Children) Regulation

- ❑ Children's health services
 - Work as a health practitioner providing health services in wards of hospitals where children are treated.
 - Other work as a health practitioner providing child health services.
 - Work by persons (other than health practitioners) who provide health and care services in paediatric or adolescent health services.
 - Work as a student in the course of a student clinical placement in a hospital or other health service is not child-related work.
 - ❑ Child protection services
 - ❑ Child development and family welfare services - work in mentoring and counselling services where the services provided are part of a formal mentoring program, or the clients to whom the family welfare services are provided ordinarily include children.
 - ❑ Child care centres and early education centres - work in education and care services, child care centres, nanny services and other child minding services provided on a commercial basis, providing babysitting services, unless the services are provided under a private arrangement (whether or not a fee is payable) and work as an au pair, if the work involves the provision of child care.
 - ❑ Disability services - work in providing respite care or other support services primarily for children with a disability; the work is not child-related work if the work does not ordinarily involve contact with children for extended periods without other adults being present.
 - ❑ Detention centres and juvenile correctional centres:
 - Work as a supervisor or case manager of children on community justice placements, for a government or non-government body.
 - Work for a residential parent and child program provided by a government or non-government agency involving inmates or detainees, and their children, at a correctional centre, juvenile correctional centre or detention centre or other place.
 - Expressions used in this clause have the same meaning as they have in the *Children (Detention Centres) Act 1987* and the *Crimes (Administration of Sentences) Act 1999*.
 - ❑ Entertainment for children at sporting, cultural or other entertainment venues where services, activities or entertainment is provided on a commercial basis primarily for children, work that involves providing entertainment services primarily for children on a commercial basis, however, providing food or equipment at or for a sporting, cultural or other entertainment venue or providing a venue is not child-related work.
 - ❑ Religious services where children form part of the congregation or organisation if the work is carried out as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of the organisation; or in any other role in the organisation involving activities primarily related to children, including youth groups, youth camps, teaching children and child care.
 - ❑ Residential services in refuges used regularly by children; boarding houses or places providing other residential services for children; or overnight camps for children.
 - ❑ Transport services for children including school bus services and taxi services for children with a disability.
 - ❑ Youth Work.
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Appendix 2: WWCCs and administrative, corporate, clerical, maintenance and other ancillary workers (Wardspersons, Health and Security Assistants and Hospital Assistants)

The *Child Protection (Working with Children) Regulation 2013* provides that “work by persons (other than health practitioners) who provide health and care services in paediatric or adolescent health services is child related work” and therefore requires a Working with Children Check (WWCC). The Regulation also specifically exempts those workers who provide “administrative, clerical or maintenance services, or other ancillary services, if the work does not ordinarily involve contact with children for extended periods”.

As there are no definitions in the Regulation for “ancillary services” or “extended periods”, the Ministry of Health has applied the following meanings:

- Ancillary services are those services that are not the organisation’s core business, but are necessary to support the core business; this generally includes the services provided by Hospital Assistants, Wardspersons and Health and Security Assistants.
- Contact for extended periods means more than just fleeting or incidental contact; it is where the contact is ongoing over a period of time reasonably allowing a relationship of trust to develop.

Based on the following assumptions, administrative, clerical, corporate, maintenance and other ancillary workers in the general hospital system will generally not meet the threshold for having contact with children [in the paediatric or adolescent units/wards] for ‘extended periods’ and are therefore exempt from the WWCC as:

- their contact with children in those units/wards is likely to be incidental to their role
- their contact with children in those units/wards usually forms a relatively small part of their daily routine, if any, and is generally fleeting in nature rather than sustained over a lengthy period of time.
- children in the paediatric or adolescents units/ wards are more likely to be inpatients for relatively short periods, there is likely to be a high turnover of patients and the majority will not be repeat inpatients, therefore minimising ongoing contact over a period of time.

For some ancillary workers engaged solely in dedicated paediatric or adolescent services, their contact with children may be more sustained, ongoing and less fleeting in nature.

The Office of the Children’s Guardian has suggested NSW Health organisations use school cleaners as a benchmark for ancillary workers who are required to have WWCCs

School cleaners work within schools during school hours alongside the same group of children over an extended period of time (up to six/seven years), resulting in the potential for the development of relationships with those children.

As Hospital Assistants (cleaning services) and Wardspersons/ HSAs working solely in dedicated paediatric or adolescent services on the wards or in other public areas work alongside children all day every day, some of whom will be repeat or long term patients, they are likely to meet the threshold for WWCCs.

The contact that Hospital Assistants (food services) have with children is generally more fleeting in nature as it is limited to the delivery of food; this contact would generally not meet the threshold for a WWCC.

Other ancillary workers, including administrative, corporate, clerical and maintenance workers are also unlikely to meet the threshold, unless their duties require them to be based in the ward or other public area of the dedicated paediatric or adolescent service and they have the opportunity for close ongoing contact with the same children or adolescents over an extended period of time.

The following WWCC requirements should be applied to NSW Health Wardspersons, Health and Security Assistants and Hospital Assistants (cleaners and food Services).

If working solely in a dedicated paediatric or adolescent service:

- WWCCs are required for Hospital Assistants (cleaning services) and Wardspersons / Health and Security Assistants;
- WWCCs are generally not required for hospital assistants (food services).
- WWCCs are generally not required for administrative, corporate, clerical or maintenance workers.

If working in the general hospital system, which may include a paediatric or adolescent unit/ward:

- WWCCs are generally not required for Hospital Assistants (cleaning or food services) or for Wardspersons / Health and Security Assistants.

As this advice is based on a number of stated assumptions, local variations in hospital services, and structures will need to be taken into account in determining whether a role meets the threshold for child related work.
