

Working With Children Checks for Pony Club



Pony Club WA supports as a core principle that the safety and welfare of our children comes before all else and is our highest priority.

To achieve this, Pony Club WA and member clubs have committed to, and implemented, child safe policies complying with the National Principles for Child Safe Organisations.

The Working With Children's (WWC) Check is one important part of complying with the national Principles for Child Safe Organisations to ensure our children remain safe and continue to feel safe in Pony Club.

It is legally compulsory to ensure compliance with the Working with Children (Criminal Record Checking) Act 2004.

This applies to member Pony Clubs as well as Pony Club WA as there are certain responsibilities that need to be carried out to ensure compliance.

The intent of this guide is to put into Pony Club friendly terms you and your club's obligations.

The legislation is complex, and the following is intended to give a simplified Pony Club only guide for your advice. Please read the Fact Sheets at www.workingwithchildren.wa.gov.au for more detailed information that may be more specific to your own circumstances. Please do not hesitate to contact the state office or WWC Unit if you have any questions.

What are WWC Checks and why do we have them?

WWC Checks are a State Government screening initiative to help protect children. This brings us into line with other states that have similar child protection legislation. Essentially the checks involve checking on an applicant's criminal record to see if that person has any child related criminal convictions or charges. The only real way of predicting a person's likely future behaviour is by looking at their past behaviour, which is why criminal record screening checks are carried out.

Pony Club WA supports this risk screening initiative to ensure those that pose a risk to our children are not employed as a volunteer within Pony Club.

Who carries out these checks?

The employer is responsible for identifying workers, carrying out the checks, recording, maintaining, and ensuring WWC Check compliance. In the case of volunteers and workers at club activities, the employer is the club. In the case of accredited officials and accredited coaches, who are accredited through Pony Club WA, Pony Club WA is the employer. For events conducted by your club, your club officials will ensure all workers who work with children at the event have a WWC Check or exemption. For events conducted by Pony Club WA, Pony Club WA is responsible for ensuring all workers who work with children at the event have a WWC Check or exemption.

Why is not Pony Club WA responsible for carrying out checks and maintaining them?

Legislation requires the employer to be responsible for WWC Check compliance for very practical reasons. Our clubs are responsible whom they engage at the club level on an event-by-event basis. This not only includes members who may be registered on MyPonyClub, but volunteers and other workers who may not be registered or work on an ad-hoc basis. Not every person at a club at any one time will be working with children, and it is the responsibility of the employer to be on site to ensure all workers have a WWC Check or are exempt.

Workers have their WWC Check Cards recorded on MyPonyClub through Pony Club WA. Isn't this enough?

No. Pony Club WA maintain MyPonyClub as a membership management system for the benefit of clubs and members. It has the capacity to record WWC Check information, much of which is maintained by Pony Club WA. However, as the employer, the club is best placed to know and identify which of its workers are working with children and are required to apply for a WWC Check or are recorded as exempt. As the employer 'on site' at Pony Club activities there is a legal responsibility for the employer to ensure that all positions that are defined as working with children are filled by workers that have a WWC Check or are recorded as exempt. It is not possible for Pony Club WA to know this information or manage workers 'onsite'.

Who are defined as 'Children'?

Any person who is under the age of 18 years.

What does 'Working with Children' mean, and who is considered to be 'Working with Children'

The Act says that Working with Children means any contact whatsoever with a child under 18 as part of your usual* duties. That can be physical, spoken, phone, text, email or written. It can even cover using social networking websites (such as Facebook, Instagram, and Twitter) if you contribute to these as part of your club duties. Working with Children means that any person who has this contact is deemed to be working with children whether in paid employment or as a volunteer. If any club members fall into this category, then you need to go to the next step, which is to assess whether there is a need to apply for a WWC Check as there are several exceptions.

*Usual duties mean those duties that are outlined in a job description. Incidental contact not described in usual duties does not mean working with children. For example, saying 'hello' to a child in passing does not constitute working with children. However, should your job's usual duties involve regular incidental contact with children, then job descriptions should be revised to include this contact as part of the job role.

Does everyone who 'Works with Children' need to apply?

No. There are several exceptions which under most circumstances may exempt many of your club members.

Please note: Under the Act it is a legislative requirement that a person who is exempt **cannot** apply for a WWC Check.

What positions at our club will require a WWC Check?

As above, any position where, as part of the duties of that position, they may contact children, whether directly, physically or on the phone or by letter or by email or even text. Pony Club WA will develop some job descriptions for the most common roles including officials and coaches. Your club may have roles which may differ, but the Pony Club WA supplied descriptions will start you off.

Does that mean that parents and helpers can use the WWC Check as an excuse to 'get out' of volunteering?

No. As a benefit of developing job descriptions workers without a WWC Check can be given other non-child working related tasks.

Our club has many volunteers, coaches, and officials, many of whom have qualifications that require a WWC Check. We don't even know which of our members have qualifications. How do we document or assess these?

You only need to have checked those officials, coaches or volunteers that *actively* undertake roles in your club. If for example a member volunteers as a Coach, then the first time he/she volunteers the assessment process needs to occur (see below) and the result documented.

You said that there are exceptions, what are they?

The Act provides several exceptions to having to have a WWC Check. These are:

- If you are a parent of a child (under 18) and you volunteer to do child related work and your child normally participates in club activities, you are exempt and do not need a WWC Check. The exception is any volunteer who attends an overnight camp MUST have a WWC Check.
- If you do not volunteer for child related work more than 5 days in any year whether at your club or elsewhere this can be used as a defence – note this 5-day rule is not an exemption, the employer should make all attempts to ensure all child related workers have a WWC Check or are exempt. The 5-day rule can be used to fill a position in an emergency i.e., a volunteer does not show up and if not filled the activity would not proceed.
- A child (under 18) working with children does not require a WWC Check.
- Short term visitors to WA working with children. This cannot exceed 2 weeks in any year.

My child has turned 18 and I still wish to volunteer (work) at my club, am I still exempt from having a WWC Check?

No, unless you have another child under 18 participating at that club or your duties do not involve working with children you will now need to apply for a WWC Check.

I also volunteered 3 days at my child's football club, as well as 4 days this year at my pony club, am I exempt under the 5-day rule still?

No, the 5-day rule applies across ALL child related work and must only be used in exceptional circumstances.

I have children who participate; however, I often volunteer at my club when my child is not actually riding on the day, am I still exempt from having a WWC Check?

Yes. While your children are under 18, and still involved in your club you are exempt from having a WWC Check.

I am a grandparent who sometimes take my grandchildren to rallies at the club. While there I like to volunteer. Am I exempt under the same exemption as parents?

No. There are very clear definitions of a parent in the Act. You must be the father, mother, stepfather, or stepmother or someone at law who has responsibility for the care of the child at home, or in a defacto relationship with one of these people. Please refer to WWC Fact sheets for a more detailed definition of a parent. Grandparents, siblings over 18, and other relatives require a WWC Check if they volunteer to work with children.

Are spectators and visitors to the club required to have a WWC Check?

No. They are not engaged in child-related work. Unless they volunteer in a child related job it is against the law to require them to obtain a WWC Check.

How long does the WWC Check last?

It lasts for 3 years.

We have a coach visiting from interstate, does she/he need a WWC Check?

WWC Checks are only valid in WA and if a coach has a children clearance from another state, it is not valid here. For any visiting coach (or any visiting official or volunteer) if the visit does not exceed 2 weeks across all visits to all clubs, then No a WWC check is not required, however if the coach's combined visits exceed two weeks, then he/she needs to apply for WWC Check.

Our visiting interstate coach (or official/volunteer) exceeds the 2 weeks limit, how can he/she apply if they live interstate?

Your coach can apply when she/he arrives in WA at any post office. Once the application has been made, they may then coach while the assessment is being undertaken.

How do you apply for a WWC Check or renew a WWC Check?

Obtain a form from any post office. Complete your details. Have your club (or Pony Club WA if you do not have a club) complete their details. Attend in person at a designated post office (ph. 131318 or www.auspost.com.au). Provide a 100-point id and pay \$11. Your photo will be taken for free, and the application will be assessed by the WWC Screening unit. Your card will be returned to you and your club (or Pony Club WA) will be advised on the outcome. Your club (or Pony Club WA) needs to retain this advice and record the volunteer details.

Can our club simply insist that all people working at the club have a WWC?

No. The WWC Unit have advised that organisations cannot implement 'blanket' policies. Each individual worker needs to be assessed on their merits. This is important because people who are not in child-related work or exempt are by law unable to apply for a WWC Card.

I read that the Act says that the 'employer' has the responsibility for ensuring WWC Checks are carried out. Who is the 'employer'?

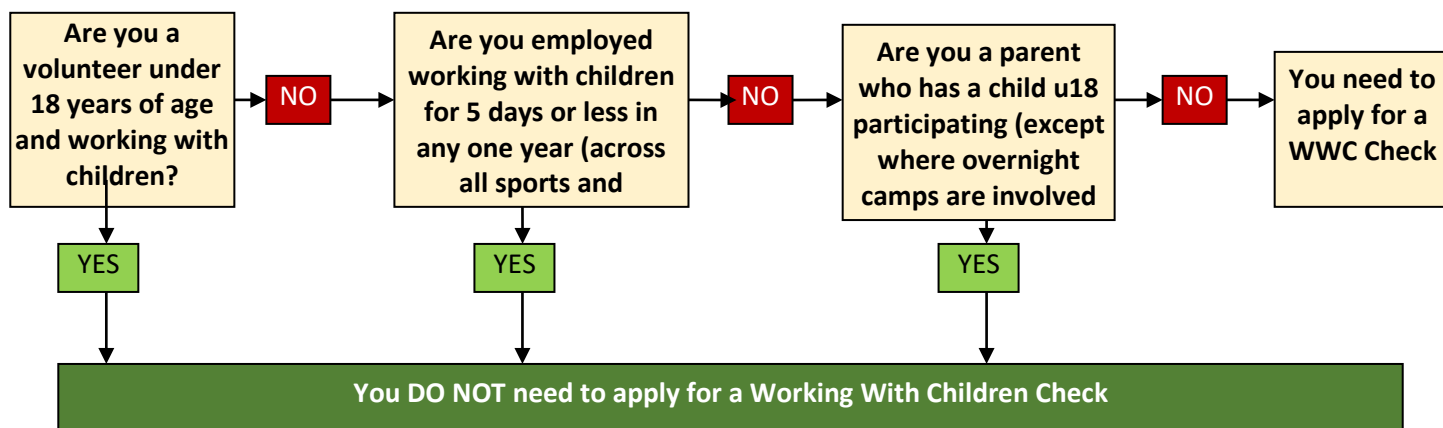
In most cases it will be your club. For those volunteers not associated with any particular club Pony Club WA will be the employer. On the day of any event, it will be the role of the host club as the employer to ensure that all volunteers have their WWC Check card or are exempt.

That sounds difficult. How do we do this?

Pony Club WA appreciates this is an extra duty for already overworked club volunteers, however once set up the compliance need not be onerous.

1. The most important step is to allocate a person/s to coordinate WWC Checks within your club.
2. Ensure the allocated person/s familiarise themselves with the requirements. Attend info sessions, review the www.workingwithchildren.wa.gov.au website, call the Sport West WWC Check officer or WWC Unit.
3. Identify which positions at your club will require a WWC Check and incorporate WWC Check statements into job descriptions. Pony Club WA are developing generic job descriptions to assist clubs, which can be amended if required.

Ensure the people identified obtain the WWC Check, and assess if any exemptions apply (see step by step process below)



4. Develop a system to manage the WWC Check process and record keeping. You need to be able to demonstrate that if your club receives a written request from the WWC Screening unit you comply. Any documentation should show:
 - a. The list of positions that require checks
 - b. The holders of these positions
 - c. Their WWC Card number, or the reason they are exempt from holding one
 - d. The WWC Card expiry date
 - e. The date the card was last validated online at www.checkwwc.wa.gov.au
5. Ensure all your members are aware of, understand and are willing to work with the WWC Check policy. On your notice board place information that your club is child safe by working with the WWC Check legislation and the contact person within the club.
6. Keep up to date with any changes to the WWC Check legislation. Pony Club WA will distribute information as it comes to our attention.

SUMMARY

The WWC legislation is here to stay, and it is up to all of us make it work for the safety of our children. Above are outlined some key requirements that relate to Pony Club. Remember there is much more detail that may apply to you or your club's particular circumstances, so ask questions if you are unsure.

WWC Checks for Pony Club



QUICK REFERENCE CHECKLIST	
	<p>Appoint a Child Safe Officer and identify an authorised representative (may be the same person). See: https://tinyurl.com/WWC-Fact-Sheet-18 WWC Checks in the Sport and Recreation Sector</p>
	<p>Identify the roles and positions in your club that work with children. See: https://tinyurl.com/WWC-Fact-Sheet-18 WWC Checks in the Sport and Recreation Sector</p>
	<p>Create and update all Job Descriptions to identify if 'working with children' or 'not working with children' See https://tinyurl.com/WWC-Fact-Sheet-2 Child-Related Work and Exemptions</p>
	<p>All adverts and information for roles working with children should specify requiring a WWC Check.</p>
	<p>Identify all workers who according to their job description will be working with children. See https://tinyurl.com/WWC-Fact-Sheet-2 Child-Related Work and Exemptions</p>
	<p>Identify which workers who will be working with children, according to their job description, and are exempt from applying for a WWC Check. See https://tinyurl.com/WWC-Fact-Sheet-2 Child-Related Work and Exemptions</p>
	<p>Ensure that at each club event or activity all club workers who are carrying out a task related to working with children have a current WWC Check or are exempt. See https://tinyurl.com/WWC-Fact-Sheet-2 Child-Related Work and Exemptions</p>
	<p>Complete a Record Keeping Worksheet identifying which workers (including visiting coaches, officials, and volunteers) who work with children, and if any exemptions apply. MyPonyClub can be used to track workers instead of a spreadsheet. See https://tinyurl.com/WWC-Record-Keeping Record Keeping</p>
	<p>Sight, and take a copy of the workers original WWC Check Card, and check validity on the WWC Check website. Complete regular checks online for validity. Record on Record Keeping Spreadsheet and update at each validation. See https://www.workingwithchildren.wa.gov.au/card-validation Card Validation</p>
	<p>Register on the WWC Check website as the employer of those who already have cards See https://tinyurl.com/WWC-Register-Workers Register or Unregister Workers</p>
	<p>Develop a Working With Children Check Policy. See https://tinyurl.com/WWC-Health-Check WWC Check Health Check</p>
	<p>Complete the WWC Check Health Check online at the WWC Check website. See https://tinyurl.com/WWC-Health-Check WWC Check Health Check</p>
	<p>Have Child Safety as a standing agenda item at all committee meetings.</p>
	<p>Promote WWC Checks and Child Safety to all members. See: https://tinyurl.com/WWC-Fact-Sheet-18 WWC Checks in the Sport and Recreation Sector</p>