

# Working with Children Checks for kinship carers

Information Bulletin # 1 for divisional child protection practitioners  
6 April 2017

**This bulletin provides child protection managers and practitioners with information on Working with Children Checks for kinship carers. It outlines key roles and responsibilities in the implementation phase from April to September 2017.**

## Why do kinship carers need a Working with Children Check?

On 29 November 2016, the Victorian Parliament passed legislation including 'kinship care', where child protection has approved the placement, as child-related work under the *Working with Children Act 2005*. This becomes law on 1 May 2017 and the amendment brings Victoria in line with other jurisdictions which require kinship carers to hold a Working with Children Check.

Each approved kinship carer is required to apply for a Working with Children Check. From 1 May 2017, new kinship carers have 21 days from the commencement of the placement to apply for a Working with Children Check. Carers with children in their care prior to 1 May must apply for a Working with Children Check by 22 August 2017. If a carer has not applied for a Working with Children Check by this date, they will be in breach of the law and a child cannot remain in care of a kinship carer who does not hold a Working with Children Check card.

All people who engage in child-related work in Victoria are required under the Working with Children Act to hold a Working with Children Check card.

## Do carers need a Working with Children Check prior to the placement being made?

No. A Working with Children Check is not required prior to a placement being made. Child protection continues to make the initial assessment of a person's suitability to be a kinship carer including the Kinship Assessment Part A and a national police history check to assess the carer(s) suitability prior to a placement being made.

All usual household members over the age of 18 years are still required to undertake a national police history check prior to placement and every three years.

Where an identified kinship carer has a disclosable category A offence on their national police history check, the placement cannot proceed.

## How will this protect children in kinship care?

The Working with Children Check is an ongoing screening process that provides greater protection for children in kinship care by monitoring a person's suitability to work with, or care for children. It screens a person's criminal record to ensure those charged with, or convicted of, certain serious crimes, are unable to work with children. It is renewed every five years.

A failure to apply for a Working with Children Check or update details will be a breach of the law. Child protection will have a direct role in supporting kinship carers to apply for a Check, this is particularly important where children are in kinship care on an IAO and the matter will be returned to Court within 21 days to seek a final order or

extension. Child protection will need to be able to confirm that the kinship carer has applied for a Working with Children Check.

## Who in the household needs to apply?

Kinship carer(s) who have been approved by the Victorian child protection program to be a kinship carer for a specific child/ren and are caring for that child/ren.

There may be more than one person in a household who has been approved as a child's carer - both will be required to hold a Working with Children Check card.

## Who does not need to apply?

- other usual household members under or over the age of 18 years who are not the primary carer/s
- informal kinship arrangements – i.e. where child protection has not been involved in the approval of the placement
- permanent carers where the Children's Court has granted a permanent care order for the care of that child or children

## When and how do kinship carers apply?

### New carers

From 1 May 2017, all new kinship carers will be required to apply for or update their Working with Children Check within 21 days of a child being placed in their care.

Child protection practitioners need to discuss the requirement for a Check with all new kinship carers at the time of placement and may be required to assist current kinship carers to apply for a Check within the 21 day period.

### Current carers

Kinship carers who have children in their care prior to 1 May 2017, can apply for or update their Working with Children Check until the 22 August 2017.

Child protection practitioners need to discuss the requirement for a Check with current kinship carers and may be required to assist them to apply for a Check before 22 August.

## Applying for a Check

Please direct carers to the [Working with Children Check website](http://www.workingwithchildren.vic.gov.au) <www.workingwithchildren.vic.gov.au> and click on 'applications'.

Please provide carers with the Department of Justice and Regulation's '**Working with Children Check – Guide for New Applicants**' for information on how to apply. In summary:

- Each carer is required to complete an application form
- It is essential that carers use the full Department of Health and Human Services address and phone number below in the Organisational field:  
Department of Health and Human Services  
PCB- Safety Screening – Kinship Carer  
GPO Box 4057  
Melbourne 3000  
Phone 0390965715
- It is essential they select '80 – Kinship carer – caring for a child placed by Child Protection under the Children, Youth and Families Act 2005' in the drop down box in the Occupation field

- The must select 'Volunteer' for occupation type
- After the online application is complete, each carer will be emailed a barcode. Each carer will need to take the barcode to Australia Post, provide proof of identity and have their photo taken. Australia Post will give each carer a receipt. This completes the application process
- The Working with Children Check card will be sent to them in the mail in 4-8 weeks

## Is there a cost?

No. There is no cost to apply for a Working with Children Check in Victoria as carers are considered to be a 'volunteer' for the purpose of the Check and in Victoria can have their photo taken for free at Australia Post.

## Interstate carers

Approved interstate kinship carers of children who are clients of the Victorian child protection program, will require a Victorian Working with Children Check. They can apply online via the [Working with Children Check website](http://www.workingwithchildren.vic.gov.au) and [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au) and click on the 'apply from interstate' button. There will be a cost for interstate kinship carers to have their photo taken at Australia Post. This cost can be reimbursed by child protection upon presentation of a receipt by the carer from Australia Post.

## What if the carer already has a Working with Children Check?

If a carer holds a current Working with Children Check, for their current employment or volunteer work, they are required to update their kinship care status via the Working with Children Check website. They do not need to apply for a new Check.

Please refer to the Department of Justice and Regulation's '**Working with Children Check - Guide for Existing Cardholders**' for more information on how carers can update their details, and for more information.

## What if a carer's Working with Children Check comes back negative?

The Department of Justice and Regulation Working with Children Check Unit will notify the 'employer' if the application leads them to issue an interim negative notice (INN). The 'employer' will always include the Department of Health and Human Services central office.

At this time the Department of Justice and Regulation will send a letter to the carer outlining the reasons for the INN which will include the relevant offence/s, pending charges, or professional conduct reports that led to the INN being issued. The letter will explain how the carer can make a submission to appeal the notice.

The division will contact the kinship carer and commence a case plan review. If applicable, the funded Community Service or Aboriginal Community Controlled Organisation will also be contacted.

## Child protection roles and responsibilities

For the first few months of the implementation of this new law, central office will play a key role in managing the information from the Department of Justice and Regulation.

This will include close liaison with the Department of Justice and Regulation, Working with Children Check Unit, and an initial period (April to approximately August 2017) where central office (Office of Professional Practice) will record in CRIS the lodgement date of the kinship carer Working with Children Checks and the application number once the Check is issued or updated.

During this period, divisions will be responsible for identifying and auditing their kinship carers to ensure they comply with the new law.

After 22 August 2017, divisional child protection practitioners will be responsible for recording Working with Children Check details within CRIS for kinship carers.

## Kinship carers policy and practice advice

All kinship care related policies, procedures and advice will be updated and new policy, procedure and advice written and published on the Child Protection Manual prior to 1 May 2017.

### Roles and responsibilities

Kinship carers	Central office	Divisional child protection programs
<p><b>People without a Check</b> Apply for a Working with Children Check</p> <p><b>Existing card holders</b> Update their existing Working with Children Check</p>	<p><b>CRIS data entry</b></p> <p>Between March and September 2017 the Office of Professional Practice (OPP) will centrally manage the CRIS data entry for each child's carer including existing and new kinship carers.</p> <p>OPP will receive regular communication from the Department of Justice and Regulation with the list of kinship carers and take the following action:</p> <ul style="list-style-type: none"> <li>Match the kinship carer with children on CRIS</li> <li>Enter the lodgement date into every related child's CRIS file</li> <li>Enter the date and application number for all successful applications into the relevant CRIS files</li> </ul>	<p><b>Kinship carers</b></p> <ul style="list-style-type: none"> <li>Identify placements which may be at risk due to a potential interim negative or adverse notice</li> <li>Manage a list of all divisional kinship care placements. Include case contracted cases and unallocated cases on the list</li> <li>Working from the divisional list of kinship placements, monitor CRIS to ensure lodgement of Check has occurred and Check has been issued</li> <li>Assist kinship carers to apply and lodge an application as required</li> <li>Manage non-compliance by proactively following up with carers who have not lodged an application and support them to apply</li> </ul>
	<p><b>Interim negative and adverse notices</b></p> <ul style="list-style-type: none"> <li>Receive communication from Department of Justice and Regulation in relation to negative and adverse notices</li> <li>Contact the relevant Divisional Assistant Director, Child Protection in relation to interim negative notices and adverse notices in regard to their kinship carers</li> </ul>	<p><b>Interim negative and adverse notices</b></p> <ul style="list-style-type: none"> <li>Assistant Director, Child Protection will be the key contact for interim and adverse negative notices communication from central office</li> <li>Commence immediate case planning review of cases where an INN has been issued</li> </ul>
	<p><b>Practice Advice</b></p> <p>Child protection will review and update all related procedures, policies, advice and forms for kinship care and communicate these changes</p>	<p><b>Practice Advice</b></p> <p>Operationalise new procedures, policies, advice and forms and implement policy</p>

Any inquiries regarding this new requirement can be directed to [wwcckinship@dhhs.vic.gov.au](mailto:wwcckinship@dhhs.vic.gov.au)