

Child Protection (Prohibited Employment) Act 1998 - 'The Working with Children Check'

Information for General Practices

Unfortunately history has shown that some adults use their positions of power and trust to harm children. The Wood Royal Commission into the NSW Police Service (May, 1997) led to increased community awareness of the significant number of child sexual assaults and incidence of abuse that occurs. It also highlighted the need for the development and implementation of strategies to protect children from abusive situations.

'The *Child Protection (Prohibited Employment) Act 1998* makes it an offence for a person convicted of a serious sex offence (a prohibited person), or a Registrable Person under the *Child Protection (Offenders Registration) Act 2000* to apply for, undertake or remain in, child-related employment.' (The Working With Children Check Guidelines, NSW Commission for Children and Young People, April 2004, Revised October 2005). Therefore it is recommended that the Principal GP/employer undertake the following steps:

Please refer to The Working With Children Check Guidelines for all definitions available at <http://www.kids.nsw.gov.au/check/guidelines.html>. All forms mentioned below may be downloaded from the 'Forms and Resources' page on the Working With Children Check website <http://www.kids.nsw.gov.au/check/resources.html>

- As the principal GP/employer it is your responsibility to determine which position/s within your practice requires *The Working With Children Check* and to ensure that the appropriate documentation is completed. The identified positions need to be recorded in your practice-based policy (see below).
- As a self employed GP it is your responsibility to also complete the appropriate documentation.
- The Principal GP/employer should ensure that the practice has a practice based policy on Child Protection and *The Working with Children Check*. For more information in regard to Child Protection and *The Working With Children Check* go to *The Working With Children Check Guidelines* available from <http://www.kids.nsw.gov.au/check/guidelines.html>.
- As the principal GP/employer you should determine which approved screening agency you will register with. In the case of general practice the approved screening agency is the NSW Department of Health.
- As the principal GP/employer you should determine who needs to have a check, i.e. an employee where one of the essential duties of the employee '*involves direct contact with children where that contact is not directly supervised.*' For example, other GPs, registrars, Practice Nurses, and any practice staff who have unsupervised access to children.
- At a minimum level all identified staff should have a Prohibited Employment Declaration signed and completed.* This declaration is available from the *Forms and Resources* page: <http://www.kids.nsw.gov.au/check/resources.html>
- Current Employees**
 - Ask the identified employee to complete a *Prohibited Employment Declaration*. This completed form should remain with the employee's Human Resource file at the Practice.

New Employees

- For new employees it is the Principal GP/employers responsibility to advise that *Prohibited Persons* are not permitted to apply and that the *Working with Children Check* will be done for all preferred applicants.
 - The Principal GP/employers should obtain *Prohibited Employment Declaration* forms for preferred applicants.
 - The Principal GP/employers should obtain consent to employment screening from preferred applicants. The preferred applicant will need to complete the *Consent Form* available from the *Forms and Resources* page.
- Should the Principal GP/employer decide to undertake the full *Working with Children Check* on their employee/s, the Principal GP/employer must register with the NSW Dept of Health.
- Go to the *Forms and Resources* page to download the *Employer Registration Form* and fax back the completed form to the NSW Department of Health Employment Screening and Review Branch on 02 9391 9795.
- Before background checks can be completed on an employee the required form *Working with Children Check Employment Screening Consent* must be completed by the employee.

For further information on *The Working With Children Check*, please visit the NSW Commission for Children & Young People's website: <http://www.kids.nsw.gov.au/check>.

Please note the shaded area indicates the minimum requirements for General Practice. However, the Alliance NiGP Reference Group highly recommends that all aspects of the *Child Protection (Prohibited Employment) Act 1998* - '*The Working with Children Check*' be undertaken within General Practice.