Frequently Asked Questions

Volunteers' Working with Children Check

Who is considered a volunteer?

A volunteer is a person who performs work for no financial reward. Reimbursement for out-of-pocket expenses does not constitute financial reward.

Is there a fee for volunteers seeking a check?

No. The Commission for Children and Young People's Working with Children Check is free for volunteers.

Is there a minimum age at which people should be checked?

Employment screening does not apply to children and young people (under 18) in **unpaid** employment.

However, there is no minimum age at which checks should conducted for those in **paid** employment.

Do volunteers need a criminal history check if they were engaged before 1 May 2002?

Yes. From 1 May 2002, volunteers in specific types of child-related employment must undergo a criminal history check if, over twelve months, they work:

- at least once a week over one month, or
- at least once a fortnight over two months, or
- at least once a month over six months.

This includes volunteers who only work for part of a day.

However, if a volunteer entered an agreement with an organisation to provide services for a set period before 1 May 2002, they will not need to have a criminal history check until they enter into a new agreement. In these cases, an employer can apply to the Commission for a criminal history check if they 'know or reasonably suspect' the volunteer has a criminal history that may make them unsuitable for child-related employment. An application form is available from the Commission for this purpose.

Do parents who volunteer at their children's schools need a criminal history check?

Parents who volunteer to help with activities at their child's school do not have to undergo a criminal history check, even if the activities they participate in do not include their child. As long as the child is enrolled at the school and is under 18, the exemption applies.

Parents who volunteer at a church, club, or association.

Must my child be on the team I coach before I am exempted from having to undergo a criminal history check?

No. Volunteer parents do not have to be screened if their child is involved in 'the same or similar activity' as the one in which they are involved.

As long as their child is also taking part in the activity for which the parent is providing services (eg. that particular sport) the parent is not required to have a criminal history check.

Do I need a criminal history check if I coach a team and my child is not involved in the activity?

Yes. In this instance, you require a criminal history check, as your child is not taking part in 'the same as or similar' activity as the one for which you are volunteering.

Do members of voluntary management or advisory committees require a check?

Yes. If members of the committees are in child related employment and they:

- provide services directed mainly towards children, or
- conduct activities mainly involving children.

I'm a Uni student and am required to work in child-related employment as part of my studies. Do I have to be checked?

Yes. University students required to work in child-related employment as part of a university course are required to undergo the Working with Children Check.

The person responsible for the agency at which the student is placed (eg. the Principal of a school) is responsible for applying to the Commission for a suitability card on behalf of the student.

However, if a placement is considered a "vocational placement" under the *Training and Employment Act 2000*, the student and the agency (or person) they are placed with are not considered to have an employer-employee relationship. In this instance, the students will not have to have a Working with Children Check.

I'm a registered teacher but do volunteer work in a church, club or association. Do I require a check?

Yes. If registered teachers are not employed as teachers, eg. if they volunteer for a church group involving children, they will have to undergo employment screening.

Where registered teachers are employed in their capacity as teachers they are not required to undergo a criminal history check through the Commission.

If I am screened as a volunteer, then get paid work, do I need to have another check?

No – not until your current suitability card expires after two years. People who are checked as volunteers are not required to pay the $40 fee. However, if they are in paid work when they reapply, they will have to pay the $40 application fee.

Do 'Work for the Dole' participants have to undergo a check if they are working with children or young people?

Yes. Participants in the 'Work for the Dole' scheme are regarded as volunteers and must undergo a criminal history check if their contact with children is frequent enough. The frequency of contact requiring volunteers to have a check is listed on page 1.

I have a criminal history. Will I be considered unsuitable?

Not necessarily. A person who has a criminal history, or who has been charged with an offence, will not necessarily be deemed unsuitable by the Commission.

Any criminal history will be considered in terms of:

- whether it is a conviction or charge
- whether an offence is serious
- when the offence was committed or alleged to have been committed
- the nature of the offence and its relevance to child-related employment, and
- any additional information which is relevant to your suitability.

A negative (ie. unsuitable) notice will be issued if a person has been convicted of a serious offence, unless the Commissioner is satisfied the offence does not pose any risk to the interests of children. A list of serious offences can be obtained from the Commission's website at www.childcomm.qld.gov.au

If an applicant is considered unsuitable, and they want to appeal the Commissioner's decision, they have the right to have the decision reviewed by the Children Services Tribunal.

In what circumstances would the Commissioner issue a suitability card if I have a criminal history?

Exceptional circumstances are determined on a case by case basis and may include:

- the age of the applicant at the time of the offence
- how long ago the offence was committed
- the number and types of offences
- personal circumstances of the applicant at the time
- whether the applicant has re-offended or breached an order.

Before being issued with a negative or unsuitable notice, the person will be advised of the decision and invited to provide a submission on why the criminal history does not preclude him or her from child-related employment. The person's submission will be considered by the Commissioner before an unsuitable notice is issued.

Can I engage a volunteer while I'm waiting for the result of their Working with Children Check?

Yes. A volunteer without a current suitability card can work, provided:

- you have forwarded their application to the Commission
- you are not aware the applicant has a conviction for a serious offence
- you have not been advised by the Commission that the volunteer has withdrawn his or her consent to the 'working with children check', and
- you are not aware that the volunteer has a current unsuitable notice issued against him or her.

Are checks conducted through other authorities accepted eg. local police station?

No. A criminal history check arranged through the Queensland Police Service may not provide a full criminal history.

The Commission's Act overrides time limits which apply to police checks under the *Criminal Law (Rehabilitation of Offenders) Act 1986* and allows the Commissioner to access a person's full criminal history and any charges pending. This means the Commission has access to juvenile records in addition to other offences, regardless of when the offence was committed or how it was finalised.

Can a volunteer be dismissed if found to be unsuitable?

Yes. A volunteer must not be employed in child related employment if the organisation is aware the Commission has issued a current negative or unsuitable notice to the volunteer. Penalties apply if an organisation fails to comply with the legislation.

How long is a suitability card, or 'blue card' valid for?

Two years from the date of issue, unless there is a change to the cardholder's criminal history in that time. The Commission will notify you when your card is due to expire so a new application can be submitted.

Volunteer organisations are advised to keep a record of their volunteers' suitability card

numbers and expiry dates to ensure their 'blue cards' are current.

Can I be sure someone who has passed a suitability check is safe to work with children?

Although employment screening is vital, it is important employers understand a suitability card is no substitute for an appropriate range of risk management strategies. Organisations must ensure they effectively monitor the behaviour of staff or volunteers where children are concerned.

Can I ensure that my details will be kept confidential?

There are strict confidentiality provisions within the Act to protect the privacy of people being checked. It is an offence to disclose information collected about a person's criminal history other than for employment screening purposes.

Volunteer organisations will not have access to information about a person's criminal history.

The organisation will only be informed as to whether a volunteer is "suitable" or "not suitable".

Contact us

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