



**uniting
church**
in Australia,
Synod of NSW & ACT

Guideline - Working with Vulnerable People Check in the ACT

This guideline applies to all Synod entities in the ACT other than those which require a specific tailored policy. In particular, it is for Ministers, Ministry of Pastor, Lay Leaders, Employees, Volunteers and Members of Councils in a Congregation, Parish Mission or Presbytery of the Uniting Church, Synod of NSW and the ACT.

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Guideline - Working with Vulnerable People Check in the ACT

Background

The [Working with Vulnerable People \(Background Checking\) Act 2011](#) (the WWVP Act) aims to reduce the risk of harm or neglect to vulnerable people in the ACT.

The WWVP Act requires those who work or volunteer with vulnerable people to have a background check and be registered. A vulnerable person is defined as a child (under 18 years of age) or an adult who is disadvantaged, and who is accessing a regulated activity or service in relation to that disadvantage.

WWVP Summary of Requirements

All employees or volunteers must be registered and hold a WWVP card which is appropriate for their particular interaction with vulnerable people.

Employers are responsible for ensuring that all employees, ministers and volunteers hold the appropriate WWVP card before interacting with vulnerable people. Significant penalties apply for breaching the WWVP requirements. Holders of a WWVP card must have their card available for presentation if requested. WWVP must be renewed every 3 years, or more often if this is a condition of registration.

Responsibilities

An 'Employer'

For the purposes of the WWVP Act, an employer is an agency, organisation or individual who engages an employee or volunteer in a regulated activity or service. This includes such entities as Presbyteries, parish missions and congregations.

Synod employers are responsible to ensure all relevant workers are registered. All supervisors must ensure their workers (paid and unpaid) work within the registration level and any other conditions of their registration.

Employees

For the purposes of the WWVP Act, an employee is a person who is engaged by an employer to provide one or more regulated activities or services to vulnerable people and receives monetary payment from an employer for providing those regulated activities or services (including sub-contractors).

All UCA 'employees' including ordained ministers are responsible for remaining registered, and ensuring that they can produce their registration card at any time it is requested. Employees must also advise the Safe Church Unit if they, or anyone they supervise, receives a Negative Notice.

Volunteers

For the purposes of the WWVP Act a person is a volunteer if the person is engaged to provide a regulated activity or service to vulnerable people and does not receive monetary payment for providing the activity or service (apart from any payment for expenses).

Volunteers must ensure they are registered if required and be able to produce their card if requested by UCA or any relevant authority. Volunteers must also advise their supervisor or Ministry Agent if they receive a Negative Notice.

Negative Risk Assessment

Access Canberra will inform the employer if a negative risk assessment notice is issued. Access Canberra cannot inform the employer of the rationale supporting the issuing of a negative risk assessment notice unless written consent has been provided authorising Access Canberra to release further information about the assessment process. There is a process for applying to amend a registration to remove or amend a condition/s imposed on a registration.

If a WWVP is denied or an issued WWVP card is revoked for any reason, the Safe Church Unit must be informed immediately by the employer - safechurch@nswact.uca.org.au

A person commits an offence if:

- they are not registered to work with vulnerable people and are participating in a regulated activity that requires them to be registered; and,
- they are participating in a regulated activity and are asked to produce their registration card by a police officer or authorised person and do not produce it.
- It is an offence if a person engages in regulated activity, for which they are required to be registered, is not registered and knows, or is reckless about whether the person is engaging in a regulated activity or is required to be registered.
- They are registered and contravene a condition listed on their registration card. An employer also commits an offence if they allow a registered person to contravene a condition of the person's registration.

People who have received a Negative Notice may not work or volunteer in a regulated activity (supervised or unsupervised).

Who needs to be registered?

The WWVP Act requires those who work or volunteer with vulnerable people to have a background check and be registered.

Examples of those who need a valid WWVP check in the Synod of NSW and the ACT context:

- Ordained ministers
- People in Ministry of Pastor roles
- Chaplains
- Childcare workers
- Teachers
- School Principals
- Lay church leaders
- SRE Teachers
- Volunteers in a service to the homeless
- Any employed person or volunteer who contributes to any program involving children.

NOTE: All ordained ministers or individuals engaged as religious leaders or spiritual officers must undergo a Working with Vulnerable Persons Check regardless of whether they engage in regulated activities with vulnerable persons.

To assist in determining the need for registration, see the questionnaire at:

www.act.gov.au/wwvptakethetest

Who Does NOT require a working with vulnerable people registration?

Not everyone who encounters vulnerable people as part of their work or volunteering activities needs to be registered. Registration is not needed for people who are under 16 years old. Details of other exemptions are included in the table below.

If a person may come into contact with a vulnerable person, or is working in a regulated activity or service, they must check if registration is required.

For more information on Working With Vulnerable People (WWVP) registration, see the [Access Canberra](#) website.

Summary of WWVP Application Process

- Complete a [WWVP application for registration \(Online\)](#). Before applying determine which of the three types of WWVP clearance you require.
There are 3 types of registrations under the WWVP check system.
 1. General (purple trim) - People with general registration can work in all regulated activities.
 2. Role-based (aqua trim) - People with role-based registration are restricted to only working in specified regulated activities with a stated employer. Details of their restriction will be listed on the back of the card
 3. Conditional (blue trim) People with conditional will have conditions associated with their WWVP registration. These conditions will be listed on the back of the card.
- Attend an [Access Canberra Service Centre](#) located at Belconnen, Gungahlin, Tuggeranong or Woden to provide proof of your identity (refer below) and have your photo taken.
- When a person applies for a registration, Access Canberra will complete a risk assessment of any conviction and non-conviction history, and other relevant information to assess the risk of harm posed to vulnerable people by the applicant.
- Receive a WWVP registration card by post after Access Canberra has assessed your application and given clearance.
- Renew your WWVP registration before the expiry date.

Further Information

Lay church leader:	Includes: <ul style="list-style-type: none"> • Members of church council • Elders recognised as having an active spiritual ministry within the congregation • People identified by the ministry agent as key leaders such as in the areas of worship, music and technology • Accredited lay preachers
Examples of when a WWVP check is not required:	Registration is not required where the person: <ul style="list-style-type: none"> • is under 16 years old; • does not work or volunteer with vulnerable people for more than three days in four weeks and seven days in 12 months (other than an overnight camp);

<p>Examples of when a WWVP check is not required (cont.):</p>	<ul style="list-style-type: none"> • is registered under a similar law in another State or Territory, as long as they do not work or volunteer with vulnerable people for more than 28 days in 12 months; • is a close relative of the vulnerable people they work or volunteer with; • is a close relative of a vulnerable person they are volunteering with, as long as a close relative of each vulnerable person involved also participates. For example, an event or class for children where a parent of each child is participating; • is a work colleague or team-mate of the vulnerable person, or otherwise participating in the same way as them; • is a school student on a work experience placement or doing practical training; • is an employer or supervisor of a vulnerable person, unless the vulnerable person is working or volunteering in an activity they would normally need registration to do; • is working or volunteering as a police officer, an Australian Federal Police appointee, a registered health professional or health practitioner, a lawyer, a staff member of an approved aged care provider or a financial services licensee; • will only speak to the vulnerable person by telephone, or will only work with a record of the vulnerable person; • is working or volunteering in a declared state of emergency.
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Guideline Review

This guideline is to be reviewed annually by Synod Risk & Compliance and amendments approved by the Synod Governance Oversight Committee (SGOC)