



Working with Children Legislation

The parent volunteer exemption



Department of Sport and Recreation



Building stronger, healthier, happier and safer communities.

WHAT is the 'parent volunteer exemption'?

The Working with Children (Criminal Record Checking) Act 2004 gives an exemption for parent volunteers in most categories of child-related work – except for overnight camps – as long as their own child under 18 years of age is involved in the same setting or activity.

This means that many parents who provide voluntary work for organisations in which their child also participates are exempt from having a Working with Children (WWC) Check.

For example, a parent who volunteers to help at a football club where their child plays football, or at the playgroup their child attends, is exempt from the WWC Check.

WHY are parent volunteers exempt from requiring a WWC Check in most cases?

For the reasons outlined below, Western Australia, like other states, does not consider that the voluntary work done by parents to support their children should be controlled by legislation. While recognising that there is always a risk, it is considered that there are child safety measures which are more workable and effective in these situations:

- It is not possible, or desirable, to require all adults who have contact with children to have a WWC Check. As part of normal life, children regularly have contact with adults who do not have these Checks. This includes contact with the parents of their friends and classmates, as well as with adults they don't know, in many types of settings.



For example, children visit their friends' homes and their friends' parents may drive them to activities or attend their school and group events to provide support, or act as volunteers in their clubs. Children also have contact with adults at cinemas, shops, the beach and other public places.

- A WWC Check would be impractical to implement because of the many different roles parents can have. For example, parents may informally support individual children; directly participate; take on a formal volunteer role; occasionally help out; or watch activities from the sidelines. It would be impossible to separate all of these different activities to decide which ones constitute 'volunteering', or to communicate which ones should have a WWC Check, and then to ensure compliance. It would not be in the interests of the community to criminalise parents who did not apply for Checks to the extent that they would be liable to penalties of five years imprisonment and/or fines of up to \$60,000.

- Thousands of parents give up some of their time to volunteer at a club, school or group their child is involved with. Parents might opt out of volunteering if they had to apply for a WWC Card that was cumbersome for groups to implement and perceived to offer little extra protection because of all the contact possible that cannot be covered by legislation. In situations where there is clearly a higher risk, such as overnight camps, they do require a WWC Check.

The valuable community service provided by parent volunteers needs to be encouraged in order to enable clubs to function and the community to reap the benefits.

- If clubs identify specific activities where other criminal record checks would improve safety, they can require volunteers through their own policy provisions to get a National Police Check for Volunteers or a National Police Certificate.

More information about this is at:

www.checkwwc.wa.gov.au

WHAT should parents consider when their children join sports clubs and similar groups?

Parents' responsibilities for their children include monitoring their safety even when they are away from their care. They need to check that the club or group their child is involved with has 'child safe' policies and processes in place, as outlined in the next section. For example, where it is appropriate, clubs can require National Police Checks for parent volunteers. They should also have other recruitment and supervision processes in place to enhance children's safety and not rely on WWC or other criminal record checks.





WHAT should sports clubs and similar groups do to make their services safer for children?

Criminal record checks of any type need to be thought of as similar to a swimming pool fence – a great safety measure but not a substitute for supervision or teaching a child to swim. Organisations also need to have adequate child safe practices that go beyond screening of employees and volunteers. This is because checks like the National Police Check and WWC Check

will not identify those people who have not been charged for offences relating to children, although they may still pose a danger.

Organisations should have a planned risk management approach in place to meet their duty of care to children. This includes having policies and codes of conduct to cover visitor, volunteer and employee contact with children. Other desirable practices include assessing staff and volunteer's suitability for their roles by conducting referee checks, having supervision policies and identifying and addressing areas of potential risk. In addition, child safe organisations have a culture that encourages children to talk to trusted adults when they do not feel safe, and ensure that these adults know how to respond.

Planning for adequate supervision and safeguards needs to take into account the possibility that any adult, whether a paid staff member, parent volunteer or visitor to the premises, may be seeking to have contact with children for undesirable reasons, including drug dealing and sexual abuse.

To help sporting & recreation organisations, the 'Safe Clubs 4 Kids' program has been introduced. The WA Sports Federation (WASF) in partnership with the Department of Sport and Recreation, Surf Lifesaving WA, Working with Children Screening Unit and WA Police is delivering the 'Safe Clubs 4 Kids' program to support the sport and recreation industry implement effective child protection policies and practices. Contact WASF for more information on this program (phone 9387 8100).

Other sectors such as church groups and community organisations should also have child safe policies in place, and be able to articulate these.

WHEN are parent volunteers NOT exempt from getting a Working with Children Card?

The main situation when parent volunteers are NOT exempt is when the parent is volunteering at an overnight camp for children.

WHAT IF the parent volunteer's child is absent from the club or group for some reason, but the parent still wishes to volunteer at these times?

As long as the child is 'ordinarily' involved in activities, the parent volunteer is still able to volunteer in their own role when their child/children are absent.

MORE INFORMATION about child safe strategies is available on the Working with Children Check website at: www.checkwwc.wa.gov.au

and also on the Play by the Rules website for sporting organisations at: www.playbytherules.net.au

Further details on the Act's requirements, including who is defined as a parent, exceptions to the exemptions and information on child safe practices, are available at: www.checkwwc.wa.gov.au

This information is given as a guide only and should not be a replacement for legal advice. For more detailed information please visit www.checkwwc.wa.gov.au. The content of this publication/flyer is made available with the intention of providing you with access to general information in relation to the Working with Children legislation in Western Australia and is not designed to offer specific legal or other advice of any kind. If you need any information for a specific or legal matter, you should obtain appropriate professional/legal advice that takes into account your particular set of circumstances.

