



**Uniting Church in Australia**

**SYNOD OF NSW AND THE ACT**

**BACKGROUND CHECK  
POLICY AND PROCEDURES**

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| <b>SECTION 1: RECRUITMENT</b>  | <b>EFFECTIVE: 12 SEPTEMBER 2013</b> |
| <b>BACKGROUND CHECK POLICY</b> |                                     |

This document provides all Uniting Church organisations within the bounds of the Synod of NSW and the ACT with information to enable them to meet their legislative obligations in relation to background checks.

Background checks include, but are not limited to, Working with Children and Vulnerable Person Checks, Criminal Record Checks and Entitlement to Work in Australia Checks.

## **POLICY**

All Uniting Church organisations within the bounds of the Synod must undertake background checks on both existing and prospective paid and unpaid workers in accordance with prevailing legislation and Synod requirements.

Where prevailing legislation mandates that a background check must be undertaken, no individual can be engaged as a paid or unpaid worker within a Uniting Church organisation without the organisation being first provided with documentary evidence to substantiate the individual's suitability for the role to be undertaken.

A "**paid worker**" is an individual that receives some form of remuneration or remuneration in kind for the services provided.

An "**unpaid worker**" is an individual that volunteers his/her services and receives no form of payment for the services provided.

Prevailing legislation includes, but is not limited to:

- (a) *Commission for Children and Young People Act 1998* (NSW); and
- (b) *Working with Vulnerable People (Background Checking) Bill 2011* (ACT); and
- (c) *Aged Care Act 1997* (Cth); and
- (d) *Migration Act 1958* (Cth).

## **NSW WORKING WITH CHILDREN CHECK OBLIGATIONS**

A Working with Children Check is mandatory for any individual in NSW involved in child-related work.

Child-related work is defined as face-to-face contact with children in a child-related sector or work in a child-related role. All Uniting Church organisations fall within the scope of a child-related sector, however some organisations may not engage in face-to-face contact with children.

**All ordained ministers or individuals engaged as religious leaders or spiritual officers must undergo a Working with Children Check regardless of whether they engage in face-to-face contact with children.**

Working with Children Clearances can only be issued by the NSW Commission for Children and Young People and are valid for five (5) years.

### All

- individuals seeking to engage in child-related work must provide a clearance number issued by the NSW Commission for Children and Young People to an organisation before they can be permitted to engage in such work; and

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- organisations must verify every individual's clearance number online with the NSW Commission for Children and Young People before they permit an individual to engage in child-related work with their organisation.

### **ACT WORKING WITH VULNERABLE PERSONS CHECK OBLIGATIONS**

A Working with Vulnerable Persons Check is mandatory for any individual in the ACT involved in regulated activities with vulnerable persons.

Vulnerable persons are defined as children under eighteen years of age or disadvantaged adults.

**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.**

Working with Vulnerable Persons Clearances can only be issued by the Commissioner for Fair Trading and are valid for three (3) years.

#### All

- individuals seeking to engage in regulated activities with vulnerable persons must provide a clearance card issued by the Commissioner for Fair Trading to an organisation before they can be permitted to engage in such work; and
- organisations must ensure that all individuals hold a clearance card issued by the Commissioner for Fair Trading before they permit an individual to engage in regulated activities with vulnerable persons within their organisation.

### **AGED CARE CRIMINAL RECORD CHECK OBLIGATIONS**

A criminal record check is mandatory for any individual involved in activities within an aged care service in NSW and the ACT.

Criminal Record Checks must be issued by an authorised government agency and are valid for three (3) years.

#### All

- individuals seeking to engage in activities within an aged care service must hold a valid Criminal Record Check clearance issued by an authorised government agency before they can be permitted to engage in such work; and
- organisations must ensure that every individual holds a valid Criminal Record Check clearance issued by an authorised government agency before they permit an individual to engage in activities within an aged care service.

### **OBTAINING BACKGROUND CHECK CLEARANCES**

Annexure A      Guide to obtaining a NSW Working with Children Clearance

Annexure B      Guide to obtaining an ACT Working with Vulnerable Persons Clearance