



# Commonly Asked Questions – Grant Recipients

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## 1. WHAT HAS CAUSED THIS CHANGE?

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In 2013 the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in response to allegations of sexual abuse of children in institutional contexts. The Royal Commission final report was delivered on 15 December 2017 with 409 recommendations aimed to make institutions safer for children. The Government has accepted most of the recommendations relating to the Commonwealth.

The Royal Commission recommendations highlight the need for organisations to adopt child safe practices including appropriate screening of staff, mandatory reporting and adoption of the National Statement of Principles for Child Safe Organisations (the National Principles).

The Department is committed to the safety, welfare and wellbeing of vulnerable people and similar to other Government agencies will be implementing a number of initiatives to strengthen child protection measures in response to the Royal Commission. The changes

for the Department involve staff and grant recipients who are working with vulnerable people, including children (WWVP).

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## **2. HOW DOES THIS CHANGE THE WAY MY GRANT IS ADMINISTERED?**

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This is not a new requirement as grant recipients have always had WWVP obligations in head agreements and the Department has had the ability to request evidence from grant recipients on their compliance (clauses 29, 30, 31 and 35). The only change is that the Department will be requesting evidence of compliance on an annual basis.

From 1 July 2018, any new grants awarded by the Australian Government which involve WWVP will be required to undertake the following:

- Provide a risk assessment to identify their level of responsibility WWVP
- Provide evidence of a training and compliance regime on WWVP
- Provide the Department with an annual statement of compliance on the above

The Department will be actively monitoring and reporting on these requirements on a regular basis. The Department has provided further guidance on these new reporting requirements in 'Changes to Working with Vulnerable People Reporting Requirements' available on the Department's website.

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## **3. WHEN DO I NEED TO PROVIDE A STATEMENT OF COMPLIANCE?**

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The Department is giving effect to the outcome of the Royal Commission and requires assurance from grant recipients that they are compliant with WWVP state or territory legislation. The Statement of Compliance is simply a document which is signed by an office holder of the organisation confirming that you adhere to WWVP state or territory legislation.

An example of the Statement of Compliance can be found on the Department's website.

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## **4. WHAT ARE THE NEW REPORTING REQUIREMENTS?**

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From 1 July 2018, grant recipients will be required to undertake the following:

- finalise a risk assessment to identify their level of responsibility for vulnerable people, evaluate the level of risk of harm or abuse, and put in place appropriate strategies to manage those risks;
- establish a training and compliance regime to ensure their staff are aware of, and comply with, relevant legislation including working with vulnerable people and children checks and mandatory reporting requirements; and
- provide an annual Statement of Compliance.

## **5. WHAT ARE THE CURRENT REQUIREMENTS UNDER HEAD AGREEMENTS?**

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All current head agreements with grant recipients include WWVP clauses at clause 29, 30, 31 and 35. In summary the current obligations on grant recipients include the following:

*Before engaging or deploying any person in relation to any part of the project that may involve contact with a vulnerable person, the provider must:*

- *Confirm that no Commonwealth, State or Territory law prohibits the person from being engaged in a capacity where they may have contact with a vulnerable person; and*
- *Comply with all legal requirements of the place where the project or part of the project is being conducted in relation to engaging or deploying persons in a capacity where they have contact with a vulnerable person*

*If requested by the Commonwealth, the provider must provide evidence of the above the provider must comply at all times with any additional policies or requirements relating to contact with vulnerable persons, police checks and criminal history checks.*

*The provider agrees to ensure that any subcontract entered into as part of the project must also include clauses equivalent to above.*

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## **6. WHAT IS THE DIFFERENCE BETWEEN WORKING WITH VULNERABLE PEOPLE AND WORKING WITH CHILDREN?**

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State and Territory legislation across Australia varies in regards to WWVP. The Australian Capital Territory and Tasmanian legislation refers to working with vulnerable people which includes children but is broader. Queensland, South Australia, New South Wales and the Northern Territory legislation refers to working with children.

The Department uses the broader definition, of working with vulnerable people, including children. The definition used in head agreements is as follows:

*A vulnerable person means a child, being an individual under the age of 18 or an individual aged 18 years and above who may be unable to take care of themselves against harm or exploitation by reason of a, illness, trauma or disability or any other reason.*

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## **7. WHEN DO THE CHANGES BECOME EFFECTIVE?**

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The changes become effective on **1 July 2018**, but the Department will work with grant recipients to ensure they are compliant by **31 October 2018**.

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## **8. WILL THE CHANGES APPLY TO GRANT AGREEMENTS ALREADY IN PLACE?**

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Yes. The Department will issue a Notice of Change to grant recipients who have a current agreement in place. The Notice of Change will be issued on 6 August 2018 outlining the requirements. For any new Agreements, the reporting requirements will already be included.

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## **9. WHAT TYPE OF RISK ASSESSMENT WILL GRANT RECIPIENTS HAVE TO UNDERTAKE?**

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Grant recipients will be required to undertake a risk assessment to identify the level of responsibility for vulnerable people including children and the potential level of risk of harm

or abuse, and appropriate strategies be put in place to manage those risks. Further guidance on the Department's expectations of the risk assessment are provided in 'Changes to Working with Vulnerable People Reporting Requirements' available on the Department's website.

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## **10. WHAT TYPE OF TRAINING AND COMPLIANCE REGIME IS REQUIRED?**

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Grant recipients will need to establish a training and compliance regime to ensure staff are aware of, and comply with, the risk assessment requirements and relevant legislation, including working with children checks and mandatory reporting requirements. Further guidance on the type of training and compliance regime can be found in 'Changes to Working with Vulnerable People Reporting Requirements' available on the Department's website.

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## **11. WHAT IS THE STATEMENT OF COMPLIANCE?**

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Grant recipients will need to provide an annual Statement of Compliance to the Department. The reporting of the statement of compliance is a reporting requirement and will be included as a milestone under the Head Agreement. An example of the Statement of Compliance can be found on the Department's website.

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## **12. DO ALL MY STAFF NEED WWVP CHECKS?**

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WWVP legislation is currently the responsibility of each State and Territory and varies across Australia. Depending on where a person lives, is employed or works will affect the licences required to work with vulnerable people, including children. It is therefore important to review the relevant legislation and requirements for the particular situation.

For further information please refer to the legislation for your State or Territory. A link to the legislation and licences for each State and Territory can be found on the Department's website.

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## **13. WHAT HAPPENS IF I CANNOT COMPLY WITH THE STATE OR TERRITORY LEGISLATION?**

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Each Agreement requires grant recipients to comply with the relevant State and/or Territory legislation regarding WWVP. If the legislation applies to your organisation and grant activities and you are not compliant, you will be in breach of your funding agreement. You may also be liable under the relevant State and/or Territory legislation.

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## **14. WILL I BE IN BREACH IF I HAVE APPLIED FOR A WWVP OR WWC CHECK BUT IT IS NOT YET APPROVED?**

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It is important that if you are working with vulnerable people, including children your staff have the required licences before engaging with any vulnerable people, including children. If an application is in process before a Statement of Compliance is required, please contact your Agreement Manager for further guidance.

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## **15. WHAT CAN I DO TO BE READY FOR THE CHANGES?**

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In order to be ready for the changes we recommend you undertake the following:

- Consider whether your business activities involves contact with vulnerable persons, including children
- Review current requirements under Head Agreements in regards to vulnerable people (in most agreements the requirement can be found in clause 29, 30, 31 and 35)
- If your business activities does involve contact with vulnerable persons, ensure that you have evidence that you and any relevant subcontractors are complying with all legal requirements, have current police checks and have current criminal history checks

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## **16. IS THERE ADDITIONAL FUNDING AVAILABLE FOR ORGANISATIONS?**

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As this has been an existing requirement under the Department's agreements with organisations, at this stage additional funding is not available to grant recipients to assist them with in being compliant with State and Territory legislation.

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## **17. WHERE CAN I GET FURTHER INFORMATION?**

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Grant recipients can find further information on the Department's website. If you have any questions on the new changes please contact [WWWVP@pmc.gov.au](mailto:WWWVP@pmc.gov.au)

Refer to the following links for further information:

- The Royal Commission Final Report:  
<https://www.childabuseroyalcommission.gov.au/>
- The draft National Principles for Child Safe Organisations:  
<https://www.humanrights.gov.au/our-work/childrens-rights/projects/child-safe-organisations>
- ACT working with vulnerable people registration requirements -  
[https://www.accesscanberra.act.gov.au/app/answers/detail/a\\_id/1804/~/working-with-vulnerable-people-%28wwwvp%29-registration](https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-%28wwwvp%29-registration)
- NSW working with children check requirements-  
<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>
- NT Ochre Card requirements - <https://nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance>
- QLD Blue Card requirements - <https://www.bluecard.qld.gov.au/>
- SA child-related screening requirements - <https://screening.dcsi.sa.gov.au/screening-process/child-related-employment-screening>

- TAS working with children registration requirements-  
<https://wwcforms.justice.tas.gov.au/RegistrationForm.aspx>
- VIC working with children check requirements-  
<http://www.workingwithchildren.vic.gov.au/home/resources/interstate+checks/>
- WA working with children check requirements -  
<https://workingwithchildren.wa.gov.au/>