

Review: Employment screening systems for local contractor employees

Employment screening systems for local contractor employees

30 October 2025



Employee Relations Directorate

Acknowledgement of Country

We recognise the Ongoing Custodians of the lands and waterways where we work and live. We pay respect to Elders past and present as ongoing teachers of knowledge, songlines and stories. We strive to ensure every Aboriginal and/or Torres Strait Islander learner in NSW achieves their potential through education.

Review: Employment screening systems for local contractor employees

Published by NSW Department of Education

First published: 30 October 2025

Department TRIM reference number: DGS25/1439

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Executive summary

Scope

Employment screening ensures the suitability, integrity and identity of employees, contractors and volunteers working for the department or working at department sites.

This review outlines the current processes for employment screening of local contractor employees who are working at NSW public school and preschool sites and the opportunities to strengthen these processes. It does not consider the results of any audits conducted by School Infrastructure, or employment screening systems for other types of workers including contractors engaged directly by the department.

Key points

While it is the responsibility of the relevant Facilities Maintenance Contractor (FMC), and not School Infrastructure, to screen local contractors they engage, there are risks associated with people who are unsuitable to work with children performing work on school sites.

The department has multiple mechanisms in place to mitigate this risk, including:

- requiring local contractors to have their employees arrange a Nationally Coordinated Criminal History Check (NCCHC) or provide a Declaration stating that they have not been convicted of, or are awaiting trial for a Disqualifying offence as defined in Schedule 2 of the *Child Protection (Working with Children) Act 2012* (NSW)
- contractual provisions to audit FMC compliance with employment screening practices for their local contractors
- guidance provided to schools, FMCs and local contractors in relation to work health and safety, School Visitor Check In and screening requirements for anyone entering school premises.

However, these mechanisms are limited in that:

- initial data suggests most local contractors have completed a Declaration rather than a NCCHC
- the department has limited visibility of the processes in place within FMCs for assessing the suitability of local contractor employees to perform work at schools; particularly if there is a disclosable outcome from a NCCHC
- the audit process is not clearly defined, and
- the guidance provided to schools, FMCs and local contractors about the department's requirements is inconsistent.

Additionally, although it is expected that contractors on school sites have no direct contact with children, it is possible that this may occur given:

- local contractor employees may not always perform work in pairs or directly under the department's supervision
- emergencies may arise and work may need to be performed in school hours or when children are present.

Options to strengthen screening systems

To strengthen the systems relating to the screening and onboarding of local contractor employees, the department should:

- amend existing contract terms to remove the option to complete a Declaration and require local contractors to complete a NCCHC for all local contractor employees

- work with the Office of the Children's Guardian to also require local contractor employees to hold a valid Working with Children Check.

Nationally Coordinated Criminal History Check

A Nationally Coordinated Criminal History Check (NCCHC) is a point in time check which results in either no disclosable outcome or a disclosable outcome. If a disclosable outcome is returned, the FMC must conduct a risk assessment which considers the circumstances and the nature of the work performed. Systems must then be in place to ensure that if an employee of a local contractor is charged or convicted of serious offences during their employment, they must advise the FMC. The FMC must then advise the department of the charge or conviction, conduct a risk assessment and make a decision about continuing the local contractor's employment. A further safeguard would be to require NCCHCs to be completed on a regular basis, such as every two years, or as and when required, which provides more flexibility.

Working with Children Check

A Working with Children Check (WWCC) considers an applicant's national criminal history and reportable allegations or convictions. A WWCC provides an additional safeguard as it is a broader screening mechanism which may consider matters that did not lead to a criminal conviction, including workplace investigation findings that trigger a WWCC risk assessment. Additionally, a WWCC is not a point in time check - once a person's WWCC is verified by an employer, the Office of the Children's Guardian will immediately notify the employer if the person is barred or subject to an interim bar. This notification would be directed to the relevant FMC, as the employer, and not the department.

Recommendations

To strengthen the department's systems for screening local contractors, it is recommended that the department:

1. Seek data from FMCs to confirm the number of employees of local contractors that have completed a Declaration as an alternative to a NCCHC, and identify any employees of local contractors who have not completed either a NCCHC or Declaration
2. Require FMCs to conduct a NCCHC for all current local contractor employees performing work on department school or preschool sites
3. Amend the employment screening processes for local contractors to include:
 - a. a requirement for FMCs to conduct a NCCHC as part of employment screening (ie remove the option of providing a Declaration as an alternative to a NCCHC)
 - b. a requirement for FMCs to carry out NCCHCs for all employees as and when required by the department but no more than once every two years
4. Make an application to the Office of the Children's Guardian to include local contractors working on school sites as child-related roles or amend existing contract terms to require WWCCs for local contractor employees
5. Update relevant material, including but not limited to existing contracts, agreements and codes of conduct, to reflect any changes and better align the guidance on employment screening and school visitor check in processes for local contractors
6. Amend the Employment Screening procedures to include guidance on screening processes for non-child-related contractors who are not engaged directly by schools or department workplaces
7. Communicate any policy/process changes to FMCs by either agreeing to vary the contract terms or notifying FMCs of the policy/process change under the relevant terms of the contract and ensuring these changes are communicated to local contractors

8. Implement and document processes to monitor FMC compliance with the requirement to perform NCCHCs and/or WWCCs as part of the screening for all local contractors, giving consideration to how often audits may be conducted and the communication of the results of any audits to relevant stakeholders
9. Scope enhancements to facilities maintenance software, FMWeb, so that AMU staff must verify documentation and approve new local contractor employees before they are advised that they are approved to visit school sites and the list being published
10. Scope an FMWeb integration with School Visitor Check In (eCPC) to strengthen verification of local contractors at school sites
11. Update and clarify the information in the department's *Local Workplace Safety procedures for independent contractors* to include information relevant to local contractors
12. Engage in regular communication and engagement activities to reinforce the requirement that schools communicate relevant safety instructions and ensure that contractors, volunteers and visitors record their visit, including check in and check out times, as part of the School Visitor Check In process.

Suggested timeline

A phased implementation approach is suggested, with recommendations 1, 2, 3, 4, 5, 6 and 7 as the priority for action. It is further suggested that:

1. The option for local contractor employees to complete a Declaration as an alternative to a Nationally Coordinated Criminal History Check be ceased for all new employees as soon as practicable
2. Contractors be required to complete Nationally Coordinated Criminal History Checks for all current local contractor employees and return the results to the department by **31 January 2026**
3. Any application to the Office of the Children's Guardian is completed promptly with an aim to introduce WWCCs for local contractors from **1 July 2026**, if approved
4. The department complete an initial compliance audit by **30 April 2026**.

Introduction

Employment screening ensures the suitability, integrity and identity of employees, contractors and volunteers working for the department.

The department's Employment Screening procedures and Screening Catalogue outline the screening requirements for any person entering public school sites, including pre-qualified contractors, contractors engaged under panel or period contracts, school cleaners, and contractors engaged directly by schools to perform child-related or non-child-related work. Additional guidance is provided by School Infrastructure in relation to the responsibility of Facilities Maintenance Contractors to screen pre-qualified local contractors before their employees perform work in school or at department sites.

This review considers the employment screening processes currently in place for local contractor employees who perform work in NSW public schools and the opportunities to strengthen these processes.

Scope

In scope

1. Current processes for employment screening of local contractor employees working at NSW public school and preschool sites
2. Current controls to mitigate identified risks in relation to these employment screening processes.

Out of scope

1. The results of previous audits conducted by School Infrastructure in relation to FMC compliance with employment screening requirements
2. Employment screening systems for other types of workers, including contractors engaged directly by the department.

Legislative and policy environment

Employment Screening procedures

Employment screening ensures the suitability, integrity and identity of employees, contractors and volunteers working for or with the department.

The department's *Employment Screening procedures*¹ provide direction and guidance on the employment screening process. The procedures include the department's responsibility to:

- take reasonable steps to ensure all persons employed or engaged in child-related roles are suitable for child-related work
- ensure screening processes adhere to legislative requirements, data protection regulations and anti-discrimination laws

¹ <https://education.nsw.gov.au/policy-library/policies/pd-2024-0484-05>

- safeguard candidate privacy by securely storing and handling sensitive information obtained during the employment screening process, which aligns with the *Privacy and Personal Information Protection Act 1998* (NSW)
- maintain accurate records of screening processes in compliance with the *State Records Act 1998* (NSW), which includes declaration forms, background check results and any relevant correspondence
- review and update screening procedures to adapt to changing legislation, industry standards and department needs
- provide training to employees involved in screening to ensure they understand the process and adhere to legal and ethical standards.

Employment screening requirements

There are different employment screening requirements for non-child-related and child-related roles performing work for the department or at department sites.

Child-related roles

All child-related employees must have a cleared criminal history check. A new candidate must complete and provide:

- a Declaration for child-related workers
- a Nationally Coordinated Criminal History Check (NCCHC) Application and informed consent form
- 3 identity documents that meet the minimum identity requirements
- a verified Working with Children Check (WWCC) for paid employment.

Non-child-related roles

Non-child-related roles do not have direct and/or prolonged contact with children or regular access to a child’s confidential information. All non-child-related employees must have a cleared criminal history check. A new candidate must complete and provide:

- a Declaration for non-child-related workers
- a Nationally Coordinated Criminal History Check (NCCHC) Application and informed consent form
- 3 identity documents that meet the minimum identity requirements as listed on pages 2 and 3 of the NCCHC Application and Informed Consent Form.

A Working with Children Check (WWCC) clearance is applicable to new education support staff employed from March 2024 as a condition of their employment.

Summary of screening requirements for school-based staff

Table 1 provides a summary of employment screening requirements for common school-based roles, including teachers, SASS staff, school cleaners, and local contractors.

Table 1: employment screening requirements for new applicants for school-based roles

Role	Notes	Nationally Coordinated Criminal History Check (NCCHC)	Working with Children Check (WWCC)
Teachers	The Office of the Children's Guardian (OCG) undertake a comprehensive background check, including a NCCHC,	Yes - limited circumstances	Yes

when issuing a WWCC. The department verifies all workers' WWCC clearances and accepts the OCG background check as meeting probity requirements if the OCG advises the holder does not have a criminal record and has consented to information sharing. The department undertakes its own NCCHC for all persons not flagged in this way by the OCG.

NESA apply a similar process for Teacher Accreditation, where a NCCHC is mainly requested when the OCG cannot confirm the holder has a clear criminal record.²

SASS/ NSBTs	All SASS and NSBTs are defined as child-related roles. All school staff must meet all screening requirements before entering on duty, including WWCC verification, NCCHC and further risk assessments where required. Sports coaches and music tutors working as sole traders are considered to be employees for probity screening purposes. ³	Yes	Yes
School cleaners	School cleaners are prescribed under the <i>Child Protection (Working with Children) Act 2012</i> (NSW) as performing child-related work. ⁴	Yes	Yes
Contractors directly engaged by schools	Detailed guidance about employment screening requirements for different types of contractors is provided in the department's Screening Catalogue. ⁵	Yes	Yes

Facilities Maintenance contract agreements

The *Contract Agreement for Maintenance* (August 2025) sets out the terms of Contract Agreements between School Infrastructure and Facilities Maintenance Contractors. It includes the following definitions:

Facilities Maintenance Contractor means the Contractor engaged by School Infrastructure to act as their Agent. The Facilities Maintenance Contractor (FMC) will provide a number of services on behalf of School Infrastructure (SI) as their Agent. This includes the procurement (Tendering and engagement) of Local Contractors to be contracted directly to School Infrastructure.

Local Contractor means a contractor that has their business located in the community where the school or NSW Department of Education site is located. A local contractor also includes Aboriginal Owned Businesses. Local Contractors are engaged directly to School Infrastructure to undertake Maintenance services.

² <https://www.nsw.gov.au/education-and-training/nesa/teacher-accreditation/get-accredited/suitability-to-teach>

³ <https://education.nsw.gov.au/inside-the-department/human-resources/probity/screening-catalogue/sass-ntsbs>

⁴ <https://education.nsw.gov.au/policy-library/policies/pd-2024-0484-05>

⁵ <https://education.nsw.gov.au/inside-the-department/human-resources/probity/screening-catalogue>

The *Facilities Maintenance Contract template* (Sept 2022) and *Local Contractor Work Order Conditions* (June 2023) include various clauses relating to employment screening and the protection of children. These contracts and agreements are administered by School Infrastructure.

Child Protection (Working with Children) Act 2012

The object of the *Child Protection (Working with Children) Act* is to protect children:

- a. by not permitting certain persons to engage in child-related work, and
- b. by requiring persons engaged in child-related work to have working with children check clearances.

The safety, welfare and well-being of children and, in particular, protecting them from child abuse, is the paramount consideration in the operation of the Act.

Working with Children Check

Working with Children Check screening process

The Working with Children Check screening process checks the following groups of records:

1. The applicant's national criminal history. The records that are reviewed include:
 - convictions (spent or unspent)
 - charges (whether heard, unheard or dismissed)
 - juvenile records.
2. Any findings of misconduct by a relevant entity.

National criminal history

Having a criminal record does not necessarily result in a bar from working with children. Individuals can still apply for a Working with Children Check. The outcome of the Check will depend on the type of criminal or workplace records.

Records in [Schedule 2 of the Child Protection \(Working with Children\) Act 2012](#) lead to an automatic bar against working with children. Equivalent records from other states and territories also result in an [automatic bar](#).

Schedule 1 offences and other relevant findings or notifications require review by [risk assessment](#).

Reportable allegations or convictions

Under the [Reportable Conduct Scheme](#) relevant entities must notify the Office of the Children's Guardian when they become aware of any reportable allegations or convictions made against relevant employees, volunteers or contractors (where a Working with Children Check is required). A workplace investigation must be completed unless a relevant exemption is sought and obtained by the entity.

Workplace investigations that result in findings of reportable conduct are notified to the Office of the Children's Guardian. In defined circumstances these findings form part of the standard checks for all WWCC applications.

These defined circumstances include:

1. sexual misconduct committed against, with or in the presence of a child, including grooming a child
2. any serious physical assault of a child.

Relevant entities must inform their worker if they are the subject of a misconduct finding. They must also tell the employee that they have a statutory obligation to report the misconduct to the Office of the Children's Guardian. Relevant entities may also refer information to the Office of the Children's Guardian on their own motion in circumstances other than those defined by the Child Protection (Working with Children) Act 2012.

Roles requiring a Working with Children Check

A Working with Children Check is required for child-related work in NSW.

Child-related work is:

- providing services for children and young people under 18
- where the work normally involves being face to face with children
- where contact with children is more than incidental to the work.⁶

The Office of the Children's Guardian provides guidance on situations that do and don't require a Working with Children Check. An example of *'a tradesperson who may incidentally come into contact with children but is not working with the children'* is provided as a situation where a Working with Children Check is not required.⁷

An application may be made to the Office of the Children's Guardian to deem other roles as child-related work, such as roles requiring access to confidential records or information about children.

WWCC statutory review

In 2015, the Royal Commission into Institutional Responses to Child Sexual Abuse handed down its Working with Children Check Report which, among other things, recommended at Recommendation 8 that all jurisdictions clarify the definition of child-related work to include: 'contact with children must be a usual part of and more than incidental to the child-related work'.

In 2017, the Office of the Children's Guardian conducted a statutory review into the *Child Protection (Working with Children) Act 2012* (as required by section 53 of that Act). In its discussion paper, it considered the definition of 'child-related work' as well as the issue of over-reliance on Working With Children Checks by people who are out of scope of the definition:

- **On the definition of 'child-related work':** the outcome was to adopt the Royal Commission's recommendation to provide that contact with children must be a usual part of, and more than incidental to, the child-related work, and insert a regulation-making power so regulations could provide the circumstances in which direct contact by a worker with a child or children is taken to be a usual part of, and more than incidental to, a worker's work.
- **On the issue of over-reliance:** the outcome was ultimately to consider further, but the review report did state:

The WWCC was not intended to be used as a risk-mitigation tool for people who do not need a WWCC. Despite this, the OCG has found that a large number of organisations are requiring employees to obtain a Check even where there is no legislative requirement to do so. There are numerous examples of this occurring, such as Aboriginal kinship carers who provide care pursuant to private family arrangements being required to have a WWCC to establish eligibility for carer payments; sporting clubs requiring parents of children taking part in activities to have the Check despite being exempt; the blanket requirement for medical and allied health staff to have a WWCC.

⁶ <https://ocg.nsw.gov.au/working-children-check/who-needs-check>

⁷ <https://ocg.nsw.gov.au/working-children-check/who-needs-check>

Comparison between a Nationally Coordinated Criminal History Check and Working with Children Check

Table 2 shows the differences between a Nationally Coordinated Criminal History Check (NCCHC) and Working with Children Check (WWCC). In summary, a NCCHC provides a broad snapshot of an applicant's disclosable criminal history at a point in time. However, charges or convictions that occur after the check result has been issued are not captured on the applicant's existing check. A WWCC is a more specialised check of a person's suitability to work with children that considers a limited range of offences and findings of misconduct by relevant entities.

Table 2: Comparison between a Nationally Coordinated Criminal History Check and Working with Children Check

Feature	Nationally Coordinated Criminal History Check	Working with Children Check
Purpose	Provides a snapshot of a person's disclosable criminal history to help organisations make informed decisions about their suitability for employment or positions of trust. ⁸	Assesses a person's ongoing suitability to work or volunteer with children.
What is checked	The NCCHC is a broad check based on national criminal history. A NCCHC considers the following police information: • charges • court convictions, including penalties and sentences • findings of guilt with no conviction • court appearances • good behaviour bonds or other court orders • matters awaiting court hearing • warrants and/or warnings • traffic offences.⁹	The Working with Children Check screening process checks the following groups of records: 1. National criminal history relating to Schedule 1 & 2 offences, including: • convictions (spent or unspent) • charges (whether heard, unheard or dismissed) • juvenile records. 2. Findings of misconduct by a relevant entity in relation to: • sexual misconduct committed against, with or in the presence of a child, including grooming a child • any serious physical assault of a child.¹⁰
Validity	There is no standard timeframe that a check result is valid for. The results only reflect police records on the date and time the result is released. The organisation that requires the check will typically determine the timeframe acceptable for a check result to be	A NSW WWCC clearance lasts for 5 years and is continuously monitored, even if the holder moves jobs. Holders must give their employer or organisation their WWCC or application (APP) number and other details so the

⁸ <https://www.acic.gov.au/how-service-works>

⁹ <https://www.acic.gov.au/how-service-works>

¹⁰ <https://ocg.nsw.gov.au/working-children-check/apply-wwcc/frequently-asked-questions-about-wwcc>

valid, based on their own risk assessment or operational requirements.¹¹

employer can verify online that the number is valid.¹²

Assessment

The applicant's personal details are checked against a national database. If the personal details match any police information held in police records, the system will generate a 'potential match'.

If the system generates a potential match, it will be referred to the relevant police agency (or agencies) for further assessment.

If the police agency confirms the applicant's details do not match the police information, a 'No Disclosable Court Outcome' result will be provided to the accredited body or police agency that submitted the check.

If the police agency determines the applicant's details do match the police information, a referral is generated with the relevant police agency for them to conduct their 'vetting' process.

When an applicant's personal details match the police information held in police records, the police agencies will determine what information can be released in accordance with the purpose of the check and the relevant spent convictions legislation and/or information release policies.

If no police or workplace records are identified, the applicant is issued a WWCC clearance.

If some police or workplace records are identified, the Office of the Children's Guardian will review these records to see if further assessment or information is required.

Applicants with [Schedule 1 records](#) or other records relevant to the safety of children will be referred for risk assessment before a decision is made about their WWCC application. The outcome of risk assessment is to grant a clearance or impose a bar.

Applicants with [Schedule 2 records](#) are automatically barred.¹³

Outcome

The results outline whether the applicant has No Disclosable Court Outcomes (NDCO) or Disclosable Court Outcomes (DCO):

NDCO means there is:

- no police information held against the applicant
- no police information that can be released according to the purpose and category of the police check, and the application of relevant spent

Results in a clearance or a bar from working with children.

¹¹ <https://www.acic.gov.au/nationally-coordinated-criminal-history-check-validity>

¹² <https://ocg.nsw.gov.au/working-children-check>

¹³ <https://ocg.nsw.gov.au/working-children-check/apply-wwcc/application-process>

convictions legislations and/or information release policies.

DCO means there is:

- police information that can be released.¹⁴

Limitations

A NCCHC is considered a 'point in time' check. This means an applicant can receive a no disclosable court outcome (NDCO) result one day, and then be charged or convicted of a crime the following day. Charges or convictions that occur after the check result has been issued are not captured on the applicant's existing check, deeming the result unsuitable for reuse.¹⁵

A WWCC is a more specialised check which screens information specific to working with children.

Processing timeframe

The National Police Checking Service (NPCS) completes around 70% of police checks within minutes, providing a result back to the submitting agency. The remaining 30% of checks are referred to one or more police agencies for manual processing. When responding to concerns about timeframes, the NPCS team escalates concerns to the relevant police jurisdiction, however as there is no definitive amount of time it takes to process a police check it is always advisable to allow as much time as possible.¹⁶

Applicants should allow up to 4 weeks for a WWCC to clear.¹⁷

Once proof of identity been provided to a Service NSW Centre, it can take up to four weeks for the Office of the Children's Guardian to receive national police criminal history results.

Through this process, if any triggers arise, the application can be sent for risk assessment which extends the assessment process.¹⁸

¹⁴ <https://www.acic.gov.au/how-service-works>

¹⁵ <https://www.acic.gov.au/nationally-coordinated-criminal-history-check-validity>

¹⁶ <https://www.acic.gov.au/national-police-checking-service>

¹⁷ <https://www.service.nsw.gov.au/transaction/access-your-working-children-check-wwcc-service-nsw-app>

¹⁸ <https://ocg.nsw.gov.au/working-children-check/apply-wwcc/frequently-asked-questions-about-wwcc>

Available data

Number of local contractors

The number of local contractors working on public schools at any given time can vary depending on the scope and timing of emergency breakdown works, ongoing projects, maintenance schedules, and specific needs of each site. As such, School Infrastructure is unable to provide an exact figure of the number of local contractor employees who are currently engaged by FMCs.

It is estimated that 19,614 local contractor employees have been onboarded by the eight FMCs across the state. This includes administrative staff working within a contractor’s business who utilise the department's systems for administrative purposes such as processing claims. Just under 17,000 tradespeople are engaged to perform work in public schools.¹⁹

Number of callouts

Approximately 150,000 work orders are processed each year. The average number of daily callouts is just over 300 callouts per day across the state; averaging two tradespeople per call out per day. Advice received from School Infrastructure is that most pre-qualified local contractors will perform work in public schools over the course of a year.

Screening completed

The current requirement for local contractor employees is to either provide consent for a Nationally Coordinated Criminal History Check (NCCHC) or provide a Declaration as part of the employment screening process.²⁰

It is estimated that 76.5% of local contractor employees have completed either a NCCHC or Declaration, and a further 8.8% have a Working with Children Check which may be in addition to a NCCHC or a Declaration. 14.7% of employees, such as those performing administrative duties, are categorised as not requiring either a NCCHC or a Declaration.²¹ **Table 3** provides a breakdown of the checks completed for local contractor employees at 29 October 2025.

Table 3: Types of checks completed for local contractor employees (at 29 October 2025)

Type of check	Number	Percentage
Declaration	14,710	75%
Declaration/NCCHC not required*	2,893	14.7%
WWCC**	1,729	8.8%
NCCHC	282	1.5%
Total	19,614	100%

*includes employees performing administrative duties

**includes employees who have a WWCC for other reasons but may not have completed a NCCHC or Declaration

¹⁹ Data obtained from School Infrastructure and current at 29 October 2025

²⁰ Local Contract Agreement for Maintenance (August 2025) and Work Order Conditions (June 2023)

²¹ Data obtained from School Infrastructure and current at 24 October 2025

Current screening requirements

The Facilities Maintenance contract and agreement templates set out the requirements for employment screening. The relevant Facilities Management Contractor (FMC) is required to screen local contractors prior to their employees being added to FMWeb and being granted access to school sites. The Asset Management Unit (AMU) is responsible for completing secondary checks.

Onboarding requirements

Before being made active in FMWeb, a local contractor employee must:

1. Complete a Nationally Coordinated Criminal History Check (NCCHC) or a signed Declaration with 100 points of identification documents, and
 2. Undertake an online induction.
-

Employment screening process for local contractors

FMCs are responsible for all post-engagement activities with local contractors, including onboarding, training and compliance checks. This responsibility is set out in clause 2.1 of the *Facilities Maintenance Services Brief*, which states that FMCs must conduct and maintain:

All post procurement engagement activities in the engagement of Local Contractors. This includes onboarding, inductions, systems training, work health and safety assurance, child protection and quality assurance management.

The FMC collects all post-engagement information and supplies it to the AMU for review prior to adding them to FMWeb. When this process is complete, contractors are granted access to school sites.

The post-engagement information that is required includes but is not limited to:

1. Insurances
2. Licences
3. Tradesperson details (each added individually to FMWeb):
 - a. Licence
 - b. Declaration or Nationally Coordinated Criminal History Check (NCCHC)
 - c. Mobile.

Nationally Coordinated Criminal History Check

Local contractor employees have the option of completing a Nationally Coordinated Criminal History Check (NCCHC). The NCCHC is a consent-based check. An employer must collect a candidate's NCCHC Application and Informed Consent form for each check that is performed. A failure to obtain consent may breach the *Privacy Act 1998* (NSW) and Australian Criminal Intelligence Commission (ACIC) Agreements.

The information provided in a NCCHC helps an employer make informed decisions about a candidate's suitability for employment.

Declaration

The *Facilities Maintenance Contract template* (SINSW03790-22) (September 2022) includes a clause that requires a Contractor to ensure that all personnel engaged in connection with the services complete a written declaration that they have not been convicted and are not awaiting trial for a Disqualifying offence as defined in Schedule 2 of the *Child Protection (Working with Children) Act*

2012 (NSW). Local contractor employees have the option of completing a Declaration as an alternative to providing consent for a NCCHC.

Working with Children Check

Local contractor employees are classified as non-child-related roles, and so there is no requirement to obtain a Working with Children Check. The Screening Catalogue provides the following guidance:

School local contractors are not classed as child-related workers, and therefore are not required to have WWCC clearances or to provide identification documents.

They are required to:

- *display an identification badge and uniform,*
- *sign in at the office,*
- *follow site WHS procedures*
- *sign out when departing.*²²

School Infrastructure has advised that a local contractor employee may display a driver's licence, rather than an identification badge, as a form of identification when on school sites.

Limitations of current screening requirements

Nationally Coordinated Criminal History Check and Declaration are alternatives, not concurrent requirements.

Initial data indicates that most local contractor employees have completed a Declaration rather than a Nationally Coordinated Criminal History Check. Declarations may deter applicants from proceeding with their applications. However, the use of Declarations on their own as an employment screening mechanism does not adequately manage the risk, as:

- declarations provide less information to employers to inform decision-making about an applicant's suitability for employment
- there is more opportunity for an applicant to provide false or misleading information, and
- an FMC or the department cannot perform a NCCHC without the applicant's consent to verify the Declaration.

Additionally, the employment screening processes outlined in the existing Facilities Maintenance contract and agreement templates are limited in that:

although clause 9 (Work Order Conditions) of the *Local Contractor Agreement for Maintenance and Work Order Conditions* is titled 'Pre-works personnel clearances', the clause does not specify when the checks must be undertaken. Specifically, no timeframe is specified to comply with the obligation – a NCCHC or Declaration is not expressly required before services commence

- there is no obligation for FMCs to verify the accuracy of a Declaration and this cannot be reasonably completed in the absence of a NCCHC
- there is no obligation for FMCs to conduct, and no right for the department to instruct, a NCCHC
- should a NCCHC result in a disclosable outcome, there is no obligation for FMCs to conduct a risk assessment or seek the local contractor's consent to provide information to the department to allow the department to undertake a risk assessment to determine whether the individual is suitable to work on department sites
- it is possible for FMCs to add new local contractor employees to FMWeb without the AMU checking and approving them before the list goes live

²² <https://education.nsw.gov.au/inside-the-department/human-resources/probity/screening-requirements-for-schools/screening-requirements-for-contractors#Pre-qualified10>

- there is no obligation for the department to conduct a check of the department's Not to be Employed (NTBE) database; either as part of employment screening or at the point of school visitor check in.

Screening requirements for school visitors in other jurisdictions

Victoria

The Department of Education (Vic) guidance on *School Operations Working with Children Checks and other Suitability Checks for School Volunteers and Visitors*²³ provides detailed directions on what constitutes child-related work and the circumstances where schools may establish local policies to increase requirements for child-related work. This guidance assists schools in determining whether a volunteer or a visitor (including contractors or employees of contracted service providers) requires a Working with Children Check and/or other form of suitability check. **Appendix B** shows the specific requirements for visitors to schools including child-connected roles.

In summary:

- an activity may be 'child-related work' regardless of whether the contact with a child is supervised by another person or not. This means that even if a visitor is supervised by an employee, they must still have (and provide evidence of) a current Working with Children Check clearance if they are performing 'child-related work'
- schools may also require anyone visiting the school and people engaged in child-connected work (who are not performing child-related work) to undertake a Working with Children Check, and/or other checks before commencing work if the school requires it as part of their Visitors Policy or Volunteers Policy
- it is the responsibility of the principal to determine if a Working with Children Check is required, considering the child safety risks relevant to the person's role. If the contact with a child or children is occasional direct contact which is incidental to the work being performed, then a Working with Children Check clearance may be deemed unnecessary.

Queensland

On 20 September 2025, new laws were introduced which expanded the definition of who needs a Working with Children Check (Blue Card).²⁴ **Appendix B** shows the requirements for tradespeople when working at early education and care services and schools. Specific guidance is provided in relation to boarding schools. In summary:

Tradespeople in early education and care services

An education and care service is 'a service, other than a school, that provides education and care to children under 13 years of age'. This category includes organisations such as outside school hours care (OSHC), family day care, day care and kindergartens [preschools].

A tradesperson or contractor is required to have a Blue Card when working within early education and care services while children are present. A tradesperson entering a school that runs a state-delivered kindergarten program to carry out maintenance while children are present is included as an example of a situation where a Blue Card is needed. A tradesperson entering a child care service on a weekend where no children are present is included as an example of a situation where a Blue Card is not needed.

²³ <https://www2.education.vic.gov.au/pal/suitability-checks/guidance>

²⁴ <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card-system-changes>

Tradespeople in schools

In most cases, tradespeople who enter schools for work do not need a Blue Card as their work is defined as not being directed towards children and does not permit or facilitate contact with children, other than incidental contact.

However, a tradesperson may require a Blue Card if the school has an education and care service — such as an OSHC or state-delivered kindergarten [preschool] — operating on the school site. The OSHC or state-delivered kindergarten may operate within an identifiable boundary/premises within a school or may operate across the entire school. The school makes the decision as to whether a Blue Card is needed.

School boarding facilities

Tradespeople whose usual work takes place inside a boarding facility at a school need a Blue Card. An electrician providing electrical maintenance at a boarding school and a cleaner employed by a boarding school to clean the dormitories are provided as examples of a situation where a Blue Card is needed.

South Australia

Persons who must have a Working with Children Check include a person engaged with department sites or services who:

- work with, or in proximity to, children on a regular basis, or manage or supervise personnel undertaking those roles
- has access to records relating to children and young people or manages or supervises personnel undertaking those roles
- is an approved provider of out of school hours care (OSHC) services
- is required to be screened under the terms of a contract or agreement.²⁵

The Department of Education (SA) *Screening and suitability: child safety procedure*²⁶ provides guidance on the screening requirements while engaged with or participating in a department site or service or providing a service to a department site or to a child or young person. Screening is defined in the procedure as '*a current WWCC under the Child Safety (Prohibited Persons) Act 2016*'.

Third-party providers

A third-party provider is defined in the procedure as a '*person not employed by the department or governing council but providing a paid-for service at a departmental site*'. Contractors or third-party providers include electricians, IT technicians and cleaners.²⁷

Persons and organisations directly contracted by the department or governing council are required to have a WWCC as specified in their contract, agreement, or grant funding. If a third-party provider not under contract or agreement wishes to provide a service at a departmental site, the site leader is required to view the WWCC of the person who will be attending the site. No specific guidance is provided in the procedure in relation to maintenance workers.²⁸

An online tool²⁹ assists people to quickly determine if they need a Working with Children Check.

²⁵ <https://www.education.sa.gov.au/working-us/careers-education/working-children-check-wwcc/about-working-children-checks-wwcc>

²⁶ <https://www.education.sa.gov.au/policies/shared/screening-and-suitability-child-safety-procedure.pdf>

²⁷ <https://www.education.sa.gov.au/working-us/careers-education/working-children-check-wwcc/find-out-if-you-need-working-children-check>

²⁸ <https://www.education.sa.gov.au/working-us/careers-education/working-children-check-wwcc/find-out-if-you-need-working-children-check>

²⁹ <https://www.education.sa.gov.au/webforms/find-out-if-you-need-working-children-check>

Audit processes

The Facilities Maintenance services brief sets out the requirement for FCMs to audit or review all onboarding information to ensure compliance with the department's requirements, and to make all information available at the department's request.

Methodology

The FMC onboards contractors utilising the induction checklist (**Appendix D**) and then adds the local contractor to FMWeb. The local contractor can then accept work orders.

School Infrastructure reviews this information prior to FMWeb upload and may conduct further reviews on an ad hoc basis.

FMCs are also required to do post-works auditing which includes a review of workers' claims to ensure they have been appropriately vetted. This is reported to the AMU region monthly.³⁰

Limitations of the audit process

School Infrastructure has advised that it conducts audits on a regular basis; at the time that local contractors are onboarded and when new employees begin working for a local contractor. However, audits are ad-hoc, the audit methodology is not clearly documented, and it is not clear how audit results are communicated to FMCs and/or the department's executive, or how any compliance issues are addressed or monitored.

Additional safeguards

School Visitor Check In

Schools are generally aware of the need to check visitors in and follow the guidance in the Screening Catalogue in relation to the verification and screening of school visitors. It should be noted that although schools are not currently required to conduct pre-screening for local contractors, this does not preclude pre-screening by School Infrastructure.

The Employment Screening catalogue provides guidance on the screening and check in processes for local contractors at the school level:³¹

Before they arrive at school

No pre-screening action required.

- *Pre-qualified contractors must provide prior notification to the school principal regarding attendance at the school.*
- *Pre-qualified contractors do not require a Working With Children Check*
- *Pre-qualified contractors do not need to sign any declarations or be checked against the NTBE list.*

³⁰ Information provided by School Infrastructure on 23 October 2025

³¹ <https://education.nsw.gov.au/inside-the-department/human-resources/probity/screening-catalogue/pre-qualified-contractors>

When they arrive at school

Pre-qualified contractors must display an identification badge and wear their uniform while on department premises and explain the purpose for their visit.

- 1. Record their visit in the School Visitor Check-In App*
- 2. Ensure relevant safety instructions have been communicated: see contractors, volunteers and visitors safety.*

Schools do not need to sight government-issued ID or conduct an eCPC check.

Facilities Maintenance contracts and agreements

The Facilities Maintenance contract and agreement templates include specific guidance on expected conduct while on school or department sites.

Clause 3.1 (Conduct) of the *Local Contractor Work Order Conditions* includes:

You must observe reasonable standards of conduct when performing any Work Order for SINSW on its site (Site), without limitation including complying with the Supplier Code of Conduct (available at <https://buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct>) and the NSW Industrial Relations Guidelines: Building and Construction Procurement (available at <https://www.industrialrelations.nsw.gov.au/assets/Uploads/files/New-South-Wales-Industrial-Relations-Guidelines-Building-and-Construction-Procurement>), each as amended or replaced from time to time.

You are expected to be approachable, courteous and prompt in dealing with other people, including clients, members of the community, and school employees (irrespective of their position or seniority). Students are not to be engaged with, however you must not be rude to them.

You must not allow the following behaviour on SINSW Sites:

- threatening or offensive language or behaviour*
- sexually related or pornographic conversations, messages or materials*
- violent or hate-related conversations, messages or material*
- racist or other offensive conversations, messages or materials aimed at a particular group or individual*
- malicious, libellous or slanderous conversations, messages or material*
- subversive or other messages or material related to illegal activities*
- approach, talk to, or otherwise engage with any student on a school site.*

SINSW may instruct you (or any of your employees performing Work Orders on any Site) to leave the Site if SINSW believes you have breached any of the requirements referred to in this clause 3.1.

Clause 4.20 of the *Facilities Maintenance Contract* includes that, when on school sites, a local contractor must comply with various requirements relating to protection of children and other vulnerable people, including to:

- a. Comply with SINSW's site access protocols and other requirements in relation to access to SINSW's Premises*
- b. Avoid talking with, touching or interacting with any children etc. except where required to do so in order to perform the Services or in an emergency/safety situation*
- c. Only use approved toilets and other facilities*
- d. Maintain privacy when performing Services on or adjacent to toilets, wet rooms and similar facilities – ensure those facilities are not occupied or in use*
- e. Report concerns about children's or vulnerable persons' behaviour or child abuse to SINSW Representative*

- f. Carry or wear an identity card or approved form of identification.

Initial information suggests that the *Facilities Maintenance Contract template* and *Local Contractor Agreement for Maintenance and Work Order Conditions* template are being used concurrently. However, the content of these templates is inconsistent.

Appendix C provides a detailed description of the existing Facilities Maintenance (FM) contract and agreement templates and identifies opportunities to strengthen them.

Local workplace safety procedures for independent contractors

The department's *Local workplace safety procedures for independent contractors*,³² published by the Health, Safety and Staff Wellbeing directorate, include a requirement that contractors engaged directly by schools or workplaces certify that:

- all employees and sub-contractors have completed the prohibited person declaration and consent to screening forms
- there will be no interaction with students
- all appropriate WWCCs have been obtained.

These procedures include a checklist for schools or workplaces to complete after the form has been received from the contractor. The introductory notes in this checklist specifically exclude situations where a local contractor is engaged by an FMC.

Limitations of the safeguards in place at the school level

Guidance for local contractors on expected behaviour on school sites

Different information about expected behaviour on school sites is included in the Screening Catalogue, Facilities Maintenance contracts and agreements, and the *Local workplace safety procedures for independent contractors*. There is an opportunity to more closely align this guidance.

The Facilities Maintenance contracts and agreement templates are also limited in that they do not explicitly refer to the need to comply with child protection policy and processes, and do not clearly outline any requirements to ensure that local contractor employees are supervised while on school sites. Additionally, the template currently refers only to School Infrastructure with respect to the requirement to comply with School Infrastructure site access protocols and other requirements, and report concerns about children's or vulnerable persons' behaviour to School Infrastructure.

There is an opportunity to strengthen the existing contracts and agreements by including additional and consistent requirements to:

- comply with department policy, procedures and practices, including child protection requirements, and
- promptly report concerns about the safety or wellbeing of students and other persons to the principal or workplace manager, or their delegate.

Guidance for schools

The *Local workplace safety procedures for independent contractors* does not include information specific to employees of local contractors. There is a risk that contractors may receive inconsistent safety briefings and information about the expected behaviour on school sites, and that schools may

³² <https://education.nsw.gov.au/inside-the-department/health-and-safety/risk-management/Contractors-Volunteers-and-Visitors-Safety>

not complete all necessary steps outlined in the procedure as the checklist used by schools is not completed for local contractor employees.

Opportunities to strengthen systems

While it is the responsibility of the relevant FMC, and not School Infrastructure, to screen employees of local contractors, there is a risk to the department if a person who is unsuitable to work with children performs work on school sites.

The department has multiple mechanisms in place to mitigate this risk, including:

- requiring FMCs to perform a Nationally Coordinated Criminal History Check or obtain a Declaration from the applicant stating that they have not been convicted of, or are awaiting trial for, a Disqualifying offence as defined in Schedule 2 of the *Child Protection (Working with Children) Act 2012* (NSW)
- provisions to audit FMC compliance with employment screening practices for their local contractors
- guidance provided to schools, FMCs and local contractors in relation to work health and safety, School Visitor Check In and screening requirements for anyone entering school premises.

However, these mechanisms are limited in that:

- initial data indicates that most local contractor employees have completed a declaration rather than a NCCHC
- the department has limited visibility of the processes in place within FMCs for assessing the suitability of local contractors to perform work at schools; particularly if there is a disclosable outcome from a NCCHC
- the audit process is not clearly defined, and
- the guidance provided to schools, FMCs and local contractors about the department's requirements is inconsistent.

Additionally, although it is expected that contractors on school sites have no direct contact with children, it is possible that this may occur given:

- local contractors may not always perform work in pairs or directly under the department's supervision
- emergencies may arise and work may need to be performed in school hours or when children are present.

Options to strengthen screening processes

To strengthen the systems relating to the screening and onboarding of local contractor employees, the department should:

- amend existing contract terms to remove the option to complete a Declaration and require local contractors to complete a NCCHC for all local contractor employees
- work with the Office of the Children's Guardian to also require local contractor employees to hold a valid Working with Children Check.

Nationally Coordinated Criminal History Check

A Nationally Coordinated Criminal History Check (NCCHC) is a point in time check which results in either no disclosable outcome or a disclosable outcome. If a disclosable outcome is returned, the FMC must conduct a risk assessment which considers the circumstances and the nature of the work performed. Systems must then be in place to ensure that if an employee of a local contractor is charged or convicted of serious offences during their employment, they must advise the FMC. The

FMC must then advise the department of the charge or conviction, conduct a risk assessment and make a decision about continuing the local contractor's employment. A further safeguard would be to require NCCHCs to be completed on a regular basis, such as every two years, or as and when required, which provides more flexibility.

Working with Children Check

A Working with Children Check (WWCC) considers an applicant's national criminal history and reportable allegations or convictions. A WWCC provides an additional safeguard as it is a broader screening mechanism which may consider matters that did not lead to a criminal conviction, including workplace investigation findings that trigger a WWCC risk assessment. Additionally, a WWCC is not a point in time check - once a person's WWCC is verified by an employer, the Office of the Children's Guardian will immediately notify the employer if the person is barred or subject to an interim bar. This notification would be directed to the relevant FMC, as the employer, and not the department.

Additional considerations

Nature of the work performed

Given the nature of school environments, the community has a reasonable expectation that all workers on school premises will be subject to some level of screening to ensure that they are suitable for working with children. Although the department distinguishes between contractors that are directly engaged by schools and local contractors that are engaged by FMCs, community members may reasonably expect there to be no difference between these two groups in terms of the standards expected of them.

The guidance provided by the Office of the Children's Guardian is that, for a role to be child-related, it must involve direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work.

However, this advice is generalised and does not consider the specific circumstances of workers at school sites, where it is reasonably foreseeable that they will come into contact with or have access to information about children. The work patterns of local contractors can be seen to be similar to school cleaners, who may have direct contact with children in their work and are therefore deemed to be in child-related employment.

Given the number of local contractor employees, the possibility that local contractors may be called to perform work in an emergency, and regional locations where the options for local contractors may be limited, it is not feasible to limit work to after school hours or to introduce a tiered system where some local contractors are deemed to be suitable to work with children and others are not.

Potential legislative changes

The Digital Identity Bill and Digital Verifiable Credentials Systems Bill are currently subject to consultation. These bills support government issued evidence of identity and/or credentials such as a Working with Children Check or White Card. This may provide additional opportunities to strengthen school visitor check in processes by introducing enhancements to the School Visitor Check In and digital declarations platforms to accommodate government issued evidence of identity and/or credentials such as a Working with Children Check or White Card.

Variation of contract terms

Advice was requested from Legal Services to inform decisions on how any change in the policy or position of the department that results from this review can be made to Facilities Maintenance contracts that are currently in place.

The advice received from Legal Services is that the department can:

1. Agree to vary terms with the FMC and local contractor, or
2. Include any change as a policy change that is notified to existing FMCs or local contractors under the relevant terms of the contract.

Recommendations

To strengthen the department's systems for screening local contractor employees, it is recommended that the department:

1. Seek data from FMCs to confirm the number of employees of local contractors that have completed a Declaration as an alternative to a NCCHC, and identify any employees of local contractors who have not completed either a NCCHC or Declaration
2. Require FMCs to conduct a NCCHC for all current local contractor employees performing work on department school or preschool sites
3. Amend the employment screening processes for local contractors to include:
 - a) a requirement for FMCs to conduct a NCCHC as part of employment screening (ie remove the option of providing a Declaration as an alternative to a NCCHC)
 - b) a requirement for FMCs to carry out NCCHCs for all employees as and when required by the department but no more than once every two years.
4. Make an application to the Office of the Children's Guardian to include local contractors working on school sites as child-related roles or amend existing contract terms to require WWCCs for local contractor employees
5. Update relevant material, including but not limited to existing contracts, agreements and codes of conduct, to reflect any changes and better align the guidance on employment screening and school visitor check in processes for local contractors
6. Amend the Employment Screening procedures to include guidance on screening processes for non-child-related contractors who are not engaged directly by schools or department workplaces
7. Communicate any policy/process changes to FMCs by either agreeing to vary the contract terms or notifying FMCs of the policy/process change under the relevant terms of the contract and ensuring these changes are communicated to local contractors
8. Implement and document processes to monitor FMC compliance with the requirement to perform NCCHCs and/or WWCCs as part of the screening for all local contractors, giving consideration to how often audits may be conducted and the communication of the results of any audits to relevant stakeholders
9. Scope enhancements to facilities maintenance software, FMWeb, so that AMU staff must verify documentation and approve new local contractor employees before they are advised that they are approved to visit school sites and the list being published
10. Scope an FMWeb integration with School Visitor Check In (eCPC) to strengthen verification of local contractors at school sites

11. Update and clarify the information in the department's *Local workplace safety procedures for independent contractors* to include information relevant to local contractors
12. Engage in regular communication and engagement activities to reinforce the requirement that schools communicate relevant safety instructions and ensure that contractors, volunteers and visitors record their visit, including check in and check out times, as part of the School Visitor Check In process.

Suggested timeline

A phased implementation approach is suggested, with recommendations 1, 2, 3, 4, 5, 6 and 7 as the priority for action. It is further suggested that:

1. The option for local contractor employees to complete a Declaration as an alternative to a Nationally Coordinated Criminal History Check be ceased for all new employees as soon as practicable
2. Contractors be required to complete Nationally Coordinated Criminal History Checks for all current local contractor employees and return the results to the department by **31 January 2026**
3. Any application to the Office of the Children's Guardian is completed promptly with an aim to introduce WWCCs for local contractors from **1 July 2026**, if approved
4. The department complete an initial compliance audit by **30 April 2026**.

Appendices

Appendix A: Definitions

Child-related work

Child Protection (Working with Children) Act 2012

Section 6 of the *Child Protection (Working with Children) Act 2012* defines child-related work as:

6 Child-related work

(1) A worker is engaged in **child-related work** for the purposes of this Act if —

(a) the worker is engaged in work referred to in subsection (2) that involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work, or

(b) the worker is engaged in work in a child-related role referred to in subsection (3).

(2) The work referred to is work for, or in connection with, any of the following that is declared by the regulations to be child-related work —

(a) **child development**

mentoring and counselling services for children,

(b) **child protection**

child protection services,

(c) **children's health services**

the provision of health care in wards of hospitals where children are treated and the direct provision of other child health services,

(d) **clubs or other bodies providing services for children**

clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children,

(e) **disability services**

respite care or other support services for children with a disability,

(f) **early education and child care**

education and care services, child care centres, nanny services and other child care,

(g) **education**

schools or other educational institutions (other than universities) and private coaching or tuition of children,

(h) **entertainment for children**

sporting, cultural or other entertainment venues used primarily by children and entertainment services for children,

(i) **justice services**

detention centres (within the meaning of the [*Children \(Detention Centres\) Act 1987*](#)) and juvenile correctional centres (within the meaning of the [*Crimes \(Administration of Sentences\) Act 1999*](#)),

(j) **religious services**

any religious organisation,

(k) **residential services**

refuges used by children, long term home stays for children, boarding houses or other residential services for children and overnight camps for children,

(l) **transport services for children**

transport services especially for children, including school bus services and taxi services for children with a disability and supervision of school road crossings,

(m) **other**

any other service for children prescribed by the regulations.

(3) The following roles are referred to —

(a) an approved provider or manager of an education and care service,

(b) a nominated supervisor (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#) of an education and care service,

(c) an authorised carer,

(d) an assessment officer (within the meaning of section 27A of the [Children and Young Persons \(Care and Protection\) Act 1998](#)),

(e) the principal officer of a designated agency,

(f) the principal officer of an accredited adoption service provider,

(g) any other role with respect to children prescribed by the regulations.

(3A) The regulations may provide for circumstances in which direct contact by a worker with a child or children is taken to be a usual part of and more than incidental to a worker's work.

(4) In this section —

direct contact with children means —

(a) physical contact, or

(b) face to face contact.

Employment Screening procedures

Child-related work is defined in the department's Employment Screening procedures as:

Any work or engagement in an area prescribed as child-related work in the *Child Protection (Working with Children) Act 2012* (NSW) or the *Child Protection (Working with Children) Regulation 2013* (NSW). This includes, but is not limited to, work or engagements in the following areas:

- education – work in schools or other educational institutions, including private coaching or tuition of children
- child development – work in mentoring and counselling services for children
- early education and child care – work in education and care services, child care centres, nanny services and other child minding services; and work as an approved provider or manager of an education and care service, a certified supervisor of an education and care service, an authorised carer, assessment officer, or principal officer of a designated agency within the meaning of the *Children and Young Persons (Care and Protection) Act 1998* (NSW)
- clubs or other bodies providing services for children – including bodies of a cultural, recreational or sporting nature that involve providing programs or services primarily for children
- entertainment for children – work at sporting, cultural or other entertainment venues used primarily by children and entertainment services for children

- health services for children – any work as a health practitioner for children, for example, nursing services and mental health services
- residential services – work at refuges used by children, long-term home stays for children, boarding houses or other residential services for children and overnight camps for children
- transport services for children – work in providing transport services, especially for children, including school bus services and taxi services for children with disability and supervision of school road crossings
- religious services – work for a religious organisation where the work is carried out by a minister, priest, rabbi, mufti or other religious leader or spiritual officer of the organisation, or in any other role involving youth groups, youth camps, teaching children or child care
- school cleaners – work as a cleaner providing cleaning services at a school
- work providing ongoing counselling, mentoring or distance education for children using any form of communication that does not primarily involve direct contact with children.

Certain roles are deemed to be in child-related work regardless of whether they have direct contact with children. These include, for example, ‘assessment officers’ under the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

Worker

The *Child Protection (Working with Children) Act 2012* (NSW) defines a worker as any person aged 18 years or over who is employed or engaged in work in any of the following capacities:

- as a paid department employee including permanent, ongoing, temporary, term, full-time, part-time and casual employment
- as a seconded employee into the department
- as a contractor or sub-contractor engaged by the department
- as a volunteer engaged by the department
- as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience) as a special educator in ethics, minister, priest, rabbi, mufti, or other religious leader or spiritual officer of a religion, or other member of a religious organisation.

The definition of a ‘worker’ in the Employment Screening procedures is consistent with this definition.

Appendix B: Screening requirements for school visitors in other jurisdictions

Victoria

The *School Operations Working with Children Checks and other Suitability Checks for School Volunteers and Visitors* provides detailed guidance on what constitutes child-related work and the circumstances where schools may establish local policies to increase requirements for child-related work.

Child-related work

If a person is engaging in child-related work, it is a legal requirement under the Worker Screening Act 2020 that they must, at a minimum, have a valid Working with Children Clearance unless an exemption applies.

Child-related work is defined in the Worker Screening Act 2020 as work that:

- *involves an adult working with children under 18 years old (both paid and unpaid work)*
- *usually involves direct contact with a child or children, including physical, face-to-face, written, oral or electronic contact, and*
- *the contact with the child or children is a usual part of the person's duties and is not occasional direct contact which is incidental to their work.*

An activity may be 'child-related work' regardless of whether the contact with a child is supervised by another person or not. This means even if a volunteer or visitor is supervised by a teacher, they must still have (and provide evidence of) a current Working with Children Clearance if they are performing 'child-related work'.

Visitors and volunteers to schools

Even if a person is legally exempt, they may still be required to get a Working with Children Clearance if the school requires it as part of their Visitors Policy or Volunteers Policy. This ensures that volunteers and visitors are adequately screened, considering the child safety risks relevant to the person's role.

...

The Worker Screening Act 2020 (Vic) sets out the minimum requirements in relation to Working with Children Checks.

Schools may also require anyone visiting the school and people engaged in child-connected work (who are not performing child-related work) to undertake a Working with Children Check, and/or other checks, to ensure that volunteers and visitors are adequately screened, considering the child safety risks relevant to the person's role.

Child-connected roles

Examples of child-connected work roles

External tradespeople, for example, gardening, building and grounds maintenance.

Working with Children Checks for volunteers and visitors engaged in child-connected work

Schools may require some or all volunteers and visitors engaged in child-connected work to have a Working with Children Check before commencing work.

It is the responsibility of the principal to determine if a Working with Children Check is required, considering the child safety risks relevant to the person's role. If the contact with a child or children

is occasional direct contact which is incidental to the work being performed, then a Working with Children clearance may be deemed unnecessary.

Queensland

On 20 September 2025, new laws were introduced which expand who needs a Working with Children Check (Blue Card).³³

Tradespeople in education and care services

An education and care service is a service, other than a school, that provides education and care to children under 13. This category catches organisations such as outside school hours care (OSHC), family day care, day care and kindergartens.

A tradesperson or contractor will need a blue card when working within these facilities **while children are present**.

Examples:

A blue card **is needed** if a:

- glazier repairs windows at an OSHC
- plumber installs a new sink at a kindergarten
- caterer delivers food into a day care centre during business hours
- tradesperson enters a school that runs an state-delivered kindergarten program to carry out maintenance.

A blue card **is not needed** if:

- an electrician is contracted to fix the lights at a childcare on a weekend when there are no children present.

Tradespeople in schools

In most cases, employed tradespeople who enter schools for work do not need a blue card as their work is not directed towards children and does not permit or facilitate contact with children, other than incidental contact.

However, a tradesperson may require a blue card if the school has an education and care service — such as an OSHC or state-delivered kindergarten — operating on the school site. The OSHC or state-delivered kindergarten may operate within an identifiable boundary/premises within a school, or may operate across the entire school — you will need to contact the school to understand the boundaries and confirm if a blue card is needed.

Examples:

A blue card **is needed** if a:

- tradesperson enters the school to provide VET or trade studies.
- contractor is employed to provide IT support to students.

A blue card **is not needed** if a:

- tradesperson is fixing the air conditioning unit at the school and has no contact with children.
- plumber has been tasked with fixing a broken drain on school property.

School boarding facilities

Tradespeople whose usual work takes place inside a boarding facility at a school will need a blue card.

³³ <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card-system-changes>

Examples:

A blue card **is needed** for a:

- electrician providing electrical maintenance at a boarding school
- cleaner employed by a boarding school to clean the dormitories.

South Australia

A Working with Children Check is required for people who are 14 years or over and perform:

- child-related work as a volunteer or employee for more than seven days a year
- any child-related work that involves overnight stays, or close personal contact with a child with a disability.³⁴

This includes persons who must have a Working With Children Check include a person engaged with department sites or services who:

- work with, or in proximity to, children on a regular basis, or manage or supervise personnel undertaking those roles
- has access to records relating to children and young people or manages or supervises personnel undertaking those roles
- is an approved provider of out of school hours care (OSHC) services
- is required to be screened under the terms of a contract or agreement.³⁵

The *Child Safety (Prohibited Persons) Regulations 2019 (SA) reg 7(6)* state that 'a person will be taken to have contact with a child if they have physical contact with the child, are in close proximity to the child or communicate with the child'.³⁶

The Department of Education (SA) *Screening and suitability: child safety procedure*³⁷ provides guidance on the screening requirements while engaged with or participating in a department site or service or providing a service to a department site or to a child or young person. Screening is defined in the procedure as 'a current WWCC under the *Child Safety (Prohibited Persons) Act 2016*'.

Third-party providers

A third-party provider is defined in the procedure as a 'person not employed by the department or governing council but providing a paid-for service at a departmental site'. Contractors or third-party providers to Department for Education or a governing council include:

- Tutors
- Youth workers
- Christian pastoral support workers
- Electricians
- IT technicians
- Cleaners
- Auditors
- Canteen staff
- OSHC staff

³⁴ <https://www.sa.gov.au/topics/rights-and-law/rights-and-responsibilities/screening-checks/screening-wwcc/who-needs-a-working-with-children-check>

³⁵ <https://www.education.sa.gov.au/working-us/careers-education/working-children-check-wwcc/about-working-children-checks-wwcc>

³⁶ <https://www.lawhandbook.sa.gov.au/ch18s11s02s01.php>

³⁷ <https://www.education.sa.gov.au/policies/shared/screening-and-suitability-child-safety-procedure.pdf>

- Bus drivers.³⁸

Persons and organisations directly contracted by the department or governing council are required to have a WWCC as specified in their contract, agreement, or grant funding.

If a third-party provider not under contract or agreement wishes to provide a service at a departmental site, the site leader is required to view the WWCC of the person who will be attending the site. No specific guidance is provided in the procedure in relation to maintenance workers.

An online tool³⁹ assists people to quickly determine if they need a Working with Children Check.

³⁸ <https://www.education.sa.gov.au/working-us/careers-education/working-children-check-wwcc/find-out-if-you-need-working-children-check>

³⁹ <https://www.education.sa.gov.au/webforms/find-out-if-you-need-working-children-check>

Appendix C: Legal Services' review of existing Facilities Maintenance contract and agreement templates

September 2022 Facilities Maintenance Contract template (SINSW03790-22)

Clause	What is required (paraphrased)	Risks	Options
3.3(b)	The Contractor must comply, and ensure its Associates comply, with all applicable policies of the NSW Government and SINSW relating to ethics, conduct, sustainability and social and community objectives	Paragraph (c) provides a non-exhaustive list of applicable policies that do not mention child protection.	Rely on clause 3.3(e) to notify new policies
3.3(d)	Contractor must incorporate, evaluate and implement requirements of applicable policies into Establishment Phase Procurement Services (planning, onboarding etc.) and any other procurement services provided	Relevant policies must be notified to the Contractor for incorporation with sufficient time to implement. Establishment Phase Procurement Services may already be approved by SINSW under clause 4.6(b) and commenced/completed for existing contractors.	Notify new policies to be incorporated into 'other procurement services provided' (if any)
3.3(e)	The Contractor and its Associates must comply with, or implement as part of local contractor engagements / Maintenance Activities, additional policies notified by the SINSW at any time	Potential claim relating to time and cost for implementation if significant impact on services.	Introduce additional policy by notice, incorporating additional personnel clearance requirements
4.4(c)	The Contractor must ensure that all Personnel engaged in connection with the Services complete a written declaration that they have not been convicted and are not awaiting trial for a Disqualifying offence as defined in Schedule 2 of the Child Protection (Working with Children) Act 2012 (NSW)	No timeframe specified to comply with the obligation – declaration not expressly required before services commence. No obligation to verify accuracy of declaration. No obligation to conduct, and no right for DoE to instruct, national criminal history check.	Contract variation by agreement or rely on clause 3.3(e) and introduce requirement via policy.

4.4(e)(ii)	SINSW may by written notice instruct the Contractor to remove any person (including Key Personnel) who SINSW considers in its absolute discretion, and without any obligation to justify, should be removed for any reason and the Contractor must ensure that any such person is not again employed in connection with the performance of the Services	Reactive protection measure – risk of harm and reputational damage may have already eventuated if services already commenced. Difficult to implement as precautionary measure without relevant clearance checks.	Use in combination with due diligence checks
4.20	The Contractor must comply with various requirements relating to protection of children and other vulnerable people, including: Comply with SINSW's site access protocols and other requirements in relation to access to SINSW's Premises Avoid talking with, touching or interacting with any children etc. except where required to do so in order to perform the Services or in an emergency/safety situation Only use approved toilets and other facilities Maintain privacy when performing Services on or adjacent to toilets, wet rooms and similar facilities – ensure those facilities are not occupied or in use Report concerns about children's or vulnerable persons' behaviour or child abuse to SINSW Representative Carry or wear an identity card or approved form of identification	Partial protection – supplementary to personnel checks.	Notify adjustments to site access protocols and other requirements in relation to access to SINSW's Premises (paragraph (a))

Subcontracting is restricted and requires the prior written approval of SINSW (clause 4.15).

The Contractor must allow SI access to their premises (upon reasonable notice) to inspect, audit or assess anything in connection with the Services (clause 4.21) and access to the Management System required under clause 4.24(a)(i) to enable monitoring and quality auditing (clause 4.24).

August 2025 Local Contractor Agreement for Maintenance and June 2023 Work Order Conditions

Clause	What is required (paraphrased)	Risks	Options
3.1 (Work Order Conditions)	The Contractor must observe reasonable standards of conduct when performing any Work Order for SINSW on its site, including without limitation complying with the Supplier Code of Conduct and NSW Industrial Relations Guidelines. Students are not to be engaged with, but Contractors must not be rude to them. Contractors must not approach, talk to or otherwise engage with any student on school site. SINSW may instruct Contractors (or any Contractor employees performing Work Orders on any Site) to leave the Site if SINSW believes the Contractor has breached any of the requirements in this clause.	Code of Conduct and Guidelines specified in non-exhaustive list do not mention child protection requirements. Drafting on restrictions on interactions with students is weak. Instruction to leave is a reactionary measure and the circumstances in which it may be exercised are more limited than in the 2022 template.	Contract variation by agreement or notify supplier of additional policies on reasonable standards of conduct expected by the department. Restrictions on interactions with children can be read in conjunction with clause 10, which is stronger.
9 (Work Order Conditions)	The Contractor must ensure that all persons performing the Work Orders comply with child protection requirements in accordance with SINSW's policies and any child protection legislation, which includes completing a National History Criminal Records Check or Declaration to confirm that the Contractor and its employees working at the Site are not a prohibited person.	Although the clause is titled 'Pre-works personnel clearances' the clause does not otherwise specify when the checks must be undertaken. National history criminal records check and Declaration are alternatives, not concurrent requirements.	Variation to contract or notification of adjustments to SINSW policies to specify when checks are required (e.g. prior to commencement and other times as required by SINSW) and which checks are required.

10 (Work Order Conditions)	The Contractor must ensure that all persons performing the Work Order understand and comply with: ‘sign in’ procedures and only enter areas of the site/school as indicated on the Work Order or as otherwise directed by SINSW or their Agent Avoid talking with, touching or interacting with any children etc. except in an emergency or safety situation Only use approved toilets and other facilities Maintain privacy when performing Services on or adjacent to toilets, wet rooms and similar facilities – ensure those facilities are not occupied or in use Report concerns about children’s or vulnerable persons’ behaviour or child abuse to SINSW Representative Carry or wear an identity card or approved form of identification	Partial protection – supplementary to personnel checks.	‘Sign in’ procedure established by SINSW (paragraph (a)) – could notify changes to procedure to incorporate ECPC checks. In the meantime, could mitigate risk by directing changes to accessible areas to preclude areas in which children will be present.
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The Contract Agreement for Maintenance is a standing offer agreement, which incorporates the Work Order Conditions (see clause 4 on the instrument of agreement). There is no order of precedence.

Subcontracting is expressly prohibited by Work Order Conditions (clause 5).

SI and its Contact Person may at any time inspect the Contractor’s records or other document (clause 14).

The Agreement Terms (clause 8) allow SI to terminate the Contract Agreement or any Work Order Contract for convenience on 30 days’ written notice, or if it is not satisfied with the Contractor’s performance under any Work Order or believes the Contractor will not be able to comply with the Agreement for any reason provided that it first gives notice and allows at least 14 days for the Contractor to respond.

The Work Order Conditions (clause 13) provide that SINSW can instruct the Contractor to suspend carrying out all or part of the Work Order and the conditions on which work is to recommence. The Contractor is required to comply with such instructions from SINSW or their Agent.

There is no express right for the Contractor to terminate the Agreement or any Work Order.

Appendix D: Working with Local Contractors Induction Checklist (2023)

Induction checklist

This checklist has been created to help you in inducting local contractors to work with School Infrastructure NSW. For more information about what you need to know when onboarding and inducting a local contractor, please ensure you are across the 'Services Brief'.

For the Local Contractor business

Prior to a Local Contractor business being allocated work orders, the following must be completed.

Recording and storing business information (on FMC storage)

- ☐ Business details including business address, phone number, email address, contact name, ABN, Aboriginal and Torres Strait Islander identified.
- ☐ Business bank account details forwarded to AMU on required documentation (note: details are not required to be stored).
- ☐ Public liability and work's insurance.
- ☐ Motor vehicle insurance.
- ☐ Business license.

Loading information into the FMWeb 2.0 system

(as per the LC Onboarding – WOMS Upload spreadsheet)

- ☐ Name
- ☐ Service Trade Type
- ☐ Description of Services
- ☐ Contact Name
- ☐ Mobile
- ☐ Email address
- ☐ Street Address, Post Code, City, State,
- ☐ Business or Company License number (issue and expiry date)
- ☐ ABN
- ☐ ATSI verified
- ☐ SAP Vendor ID

Training in FMWeb 2.0

- ☐ Local Contractor WOMS training
- ☐ Provided the Participant Guide

Understanding working with SINSW

- ☐ Issued Local Contractor Handbook
-

For the Local Contractor employees (each individual)

As you know, the SINSW maintenance contract is focused on working directly with Local Contractors and their employees. As such, each employee of the local contractor must be onboarded and inducted prior to going out to a school.

Recording and storing business information (on FMC storage)

As per Services Brief (4.1 – 2c – maintain a record of all persons who have been inducted within the WOMS)

- ☐ Personnel details including name, mobile number, address, city, state, postcode, email address and role (e.g. Contractor)
- ☐ License number (including date of issue and expiry) – sighted and details noted
- ☐ General Construction Induction Training Card (white card) – sighted and details noted
- ☐ Declaration for Building Maintenance and Asset Related Contractors – Non-Child Related - completed and submitted.

Loading information into the FMWeb 2.0 system

- ☐ Personnel details: name, mobile number, address, city, state, postcode, email address and role (e.g. Contractor)
- ☐ Select schools for contractor attendance

Training in FMWeb 2.0

- ☐ WOMS training completed
- ☐ Shown where to access school site maps
- ☐ Shown where to access Asbestos Registers and Management Plans
- ☐ Confirm user log in is setup

Understanding working with SINSW

- ☐ Understanding of Scope of Services and their responsibilities
- ☐ Understanding of Work Order Conditions (annexure to contract)
- ☐ LC Handbook distributed
- ☐ Shown Quote template (page 18 of handbook)
- ☐ Provided with Asset Maintenance Standards document

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Murat Dizdar
Secretary
NSW Department of Education
By Email: murat.dizdar@det.nsw.edu.au

Dear Secretary

I write in relation to the *Review: Employment screening systems for local contractor employees* (the Review), which was undertaken by the NSW Department of Education's Employee Relations Directorate in October 2025, and release of the findings (the Report).

The purpose of this letter is to outline the actions being undertaken by School Infrastructure in relation to the Review and to confirm that we have accepted all recommendations of the Report and commenced implementing them.

School Infrastructure is implementing several measures to strengthen the department's processes for employment screening of local contractors who are working at NSW public school and preschool sites for maintenance or infrastructure works.

On 16 October 2025, School Infrastructure issued written advice, 'Facilities Maintenance Contract Advice – 78', to all Facilities Maintenance Contractors (FMC) reminding them of their ongoing Local Contractor (LC) obligation, which includes onboarding, inductions, systems training, work health and safety assurance, child protection and quality assurance management.

On 21 October 2025, I met with representatives from all FMCs, along with the Executive Director, Asset Management, to reinforce their requirement to adhere to their contractual obligations, particularly in relation to child safety.

As an outcome of the Report, new and existing FMCs, LCs and their employees accessing department sites must have a Nationally Coordinated Criminal History Check (NCCHC), and all NCCHCs must be renewed every two years from the last clearance and assessment conducted by the department. Compliance will be in full effect by 31 January 2026, and FMCs will be notified via 'Facilities Maintenance Contract Advice – 79' on Wednesday 12 November 2025.

Public Schools leadership will receive an email advising them of this change and communications will be issued to inform school principals and staff.

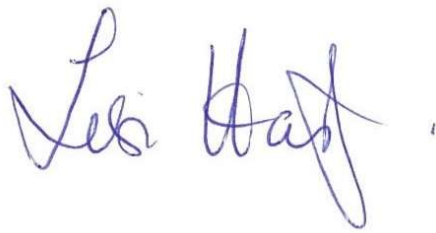
The department acknowledges that the definition of 'child-related work' was clarified by the Office of the Children's Guardian as part of its 2017 statutory review. We agree with the Review's determination that this should be revisited in relation to tradespeople working on school sites.

In addition to the NCCHC requirement, the department is also applying to the Office of Children's Guardian for valid Working with Children Checks to be mandatory for all FMCs, LCs and their employees, for paid employment by 1 July 2026.

Updated information is available on the department's website - <https://education.nsw.gov.au/about-us/our-facilities/mandatory-requirements>

School Infrastructure is aware that an initial compliance Audit will be undertaken on implementation of the Report's recommendations by 30 April 2026 and is committed to ensure employment screening processes are safeguarded.

Sincerely



Lisa Harrington
A/Deputy Secretary, School Infrastructure