



## Factsheet 22: Applying for a Working With Vulnerable People Card when you have a criminal record

In the ACT you may need a working with vulnerable people (WWVP) card for certain jobs. To apply for a WWVP card you need to:

1. complete a WWVP application for registration – this is available online; and
2. attend an Access Canberra Service Centre located at Belconnen, Gungahlin, Tuggeranong or Woden to provide proof of your identity and have your photo taken.

Once you have done this and your application has been approved you will receive your WWVP card by post after Access Canberra has assessed your application.

### Can I still apply if I have a criminal record?

You are still eligible to apply for a WWVP Card, however you will need to disclose your conviction and non-conviction history (which includes spent convictions) in order for a risk assessment to be conducted.

### What is a spent conviction?

A 'spent conviction' is where you:

- were convicted of less than 6 months imprisonment; and
- have had 10 years being 'crime free' (or if you were dealt with as a child when you were convicted, 5 years). This period starts when a sentence of imprisonment is completed, or if no imprisonment is imposed, from the date of the conviction.

### What is the risk assessment?

Access Canberra will conduct a thorough risk assessment of your criminal history (including spent and non-convictions), and any other information relevant to the background screening process. This includes whether you have been registered before or had a previous negative notice.

You must provide your consent for a risk assessment to take place. If you do not provide your consent you cannot be registered to work with vulnerable people.

When looking at a criminal offence, the Commissioner will consider:

- the nature, gravity and circumstances of the offence
- the relevance of the offence
- how long ago you committed the offence
- how old you, and the victim, were at the time of the offence
- whether your circumstances have changed since the offence
- your attitude to the offence
- if any treatment or intervention was undertaken, any subsequent assessment you have had
- the number of relevant offences; and
- any submission made by the applicant addressing the above.

### Is there anything that can help my WWVP application?

To help your application and to demonstrate that there has been a reduced risk you can provide supporting evidence that:

- any mental health issues and/or drug/alcohol abuse is being managed and has improved – e.g. treatment plans, professional reports or assessments
- you have had a change of behaviour and have matured – e.g. support letters from your psychologist/counsellor, friends and family; and/or
- you have greater social support and stability – e.g. support letters from any services that you are engaging with.



It is good to note that greater weight is given to references from people who have known you for an extended period of time and who may have specific knowledge of the offence/s and any subsequent change in behavior or circumstances or are qualified to make these inferences about any change in your behavior or circumstances.

### What happens once I've been assessed?

Once your risk level has been evaluated, you will be assessed as one of the following:

1. General registration – this is where there is no risk (or an acceptable risk) and you will be issued with general registration for a period of not more than 3 years
2. Conditional registration – this may be broad (e.g. you can't work in X, Y or Z regulated activities) or specific (e.g. you can't drive a vehicle with a vulnerable person as a passenger)
3. Role-based registration – this restricts a person to engagement in a specific regulated activity and requires support and input from a named employer (e.g. you can only work as a counsellor in a particular mental health program); or
4. Negative notice – this is where there is an unacceptable risk.

### What happens if I get a negative notice?

The Commissioner will let you know in writing that they intend to refuse to register you. The negative notice will also state:

- a. the reasons for the negative risk assessment
- b. the steps you would need to take to have the Commissioner reconsider the decision; and
- c. if you don't take the steps for reconsideration of the decision, that the Commissioner must give you a negative notice.

### Can I ask for the decision of a negative notice to be reconsidered?

After the Commissioner gives you a proposed negative notice, you need to write to the Commissioner **within 10 working days** to ask for the decision to be reconsidered.

Once you receive a negative notice, you need to write to the Commissioner **within 20 working days** to ask for the decision to be reconsidered.

### I received a negative notice, when can I reapply for a WWVP card?

You cannot reapply for registration **within three years** of being issued with a negative notice (refusal to register).

### How much does it cost?

An \$85 fee applies to people who are employed to work with vulnerable people. There is no fee for volunteers.