

Working With Children Check Policy and Procedures

Policy

The Working with Children Check (WWCC) is a legal requirement for people doing child-related work in assisting and protecting children from physical and sexual harm. It does this by screening people's criminal records and professional conduct and preventing those who pose an unjustifiable risk to children from working with or caring for them.

WWCC does not assess a person's suitability to work with or care for children in a particular role. In addition to your obligations under the *Working with Children Act 2005* (the Act), it is the responsibility of organisations to assess the suitability of the people you engage, to make sure children are safe with them. To do this, you need to at least have sound practices in place to check their references and monitor their behaviour around the children in your care.

Organisations should be vigilant at all times by doing thorough reference checks and establishing sound, ongoing supervision practices so that children are safe from harm. The WWCC is just one part of creating and maintaining a child-safe environment. Organisations need to ensure that only people in roles that have direct, unsupervised contact with children have a WWCC.

All staff at Prahran Community Learning Centre Inc. (*thereafter known as PCLC or the RTO*) who are not registered teachers, provisional teachers or teachers deemed as such via the Victorian Institute of Teaching Permission to Teach protocols who come into contact with children, or may come into direct contact with children, **MUST** hold and maintain a current Victorian WWCC employee card (or equivalent check), unless exempted by the *Working with Children Act 2005* Act. **PCLC will not employ anyone who does not possess a WWCC.**

Definitions

These definitions explain common terms used by the WWCC scheme and their general meanings under the *Working with Children Act 2005* (the Act)

Agency

A person or organisation that recruits workers for child-related services.

Assessment Notice

Evidence, in the form of a card, that you have passed the WWCC and can undertake child-related work.

Child

A person under 18 years of age.

Child-Related Work

Work within one or more of the occupational fields defined in the Act where the contact with a child is unsupervised, direct, and part of a person's duties.

Department

The Department of Justice and Regulation

Detention Order

A court order made under the *Serious Sex Offenders (Detention and Supervision) Act 2009* which provides for the continued detention of serious sex offenders.

Direct Contact

A person having face-to-face or physical contact with a child.

Direct Supervision

Supervising another person's contact with children must be personal and immediate but can include a brief absence, such as taking a phone call in another room.

Educational Institution

Providers of study or training for people under the age of 18 years, specifically:

- state schools, including primary, secondary, technical and special state schools
- non-government schools including primary, secondary and special non-government schools
- TAFE colleges and universities with a TAFE division providing subjects for the Victorian Certificate of Education (VCE) and Victorian Certificate of Applied Learning (VCAL)
- adult education providers offering VCE and VCAL subjects
- Other institutions providing children's study or training.

Exemption

A situation listed in the Act where people doing **child-related work** do not need a WWCC.

Extended Supervision Order

A court order made under the *Serious Sex Offenders Monitoring Act 2005* which requires extended supervision of serious sex offenders.

Homestay

Accommodation services specifically provided for students as part of a student exchange program under Part 4.5A of the *Education and Training Reform Act 2006*, including accommodation in the person's home.

Interim Negative Notice

If the department determines an applicant or a cardholder should not be allowed to work with children, it issues them with an Interim Negative Notice indicating the intention to issue a Negative Notice. An Interim Negative Notice allows the person to respond to the information the department intends to use in its final decision.

Minimum Standard

The WWCC is the first step organisations need to take to create child-safe environments. The WWCC screens criminal history and professional conduct records, but does not assess a person's suitability to work with children.

Negative Notice

If a person fails the WWCC, the Department issues them with a Negative Notice, which prohibits them from doing **child-related work**, even if they are supervised or qualify for an exemption.

Occupational Field

A service, body, place, or activity where child-related work can occur.

Officer

An officer is a person who makes decisions that significantly affect the business or finances of a corporation, including a director, secretary, receiver, administrator, liquidator and trustee.

An officer in a body corporate is any person who is involved in the management of the body corporate.

Private or Domestic Arrangement

An agreement between family and friends that involves no payment. These arrangements are not regarded as **child-related work**. The WWCC does not regulate private or domestic arrangements.

Professional Bodies

Bodies that regulate certain professions like the Victorian Institute of Teaching. When assessing an applicant or a cardholder, the department can consider professional conduct reports by the bodies named in the Act in addition to criminal records.

Prescribed Bodies

See 'Professional Bodies' above.

Relevant Finding

A relevant finding is a decision, report or determination made about a person's professional conduct by the following professional bodies:

- Victorian Institute of Teaching
- Suitability Panel
- Victorian Civil and Administrative Tribunal under the current and historical health practitioner legislation.

Example: the cancellation of a teacher's registration.

Reporting Obligations

The *Sex Offenders Registration Act 2004* imposes obligations on serious sex offenders living in the community to regularly report various personal details to Victoria Police.

Student Exchange Services

Accommodation services specifically provided for students as part of a student exchange program under Part 4.5A of the *Education and Training Reform Act 2006*, including accommodation in the person's home such as a homestay arrangement.

Submission

When the department issues an applicant or cardholder with an Interim Negative Notice, they have the opportunity to explain why they should pass the Check. A written submission to the department is usually required.

Supervision Order

Under the *Serious Sex Offenders (Detention and Supervision) Act 2009*, courts can issue an order for a serious sex offender to be supervised.

Working with Children Check (WWCC)

WWCC screens an applicant or cardholder's criminal records and the professional conduct reports made by the bodies listed in the Act. If the WWCC finds serious sexual, violent or drug offences, or adverse professional reports, the department assesses these to determine if the person will pass the WWCC.

Organisations that care or provide services for children must provide safe environments. The WWCC permits successful applicants to work with children, but organisations must decide if a worker is suitable for a particular role and continue to monitor their behaviour around children.

Procedure

It is the sole responsibility of each PCLC employee to obtain a WWCC prior to commencing employment. PCLC will not employ an individual if they do not have a valid WWCC.

It is an offence to use a volunteer card for employment purposes. A new application must be lodged.

- 1. Victorian Applicants: (Does not hold a current Victorian Working with Children Check employee card (including a current holder of a volunteer's card))**
 - 1.1 The new employee will complete and print the required application form online and lodge at a Post Office.
 - 1.2 When completing the form, the new employee must list PCLC as the employer.
 - 1.3 When the Department of Justice issues the WWCC card, the new employee is to provide PCLC with a copy of the card, PCLC will then take a photocopy of the card and place it in his/her file.

- 2. Victorian Applicants: (holds a current Victorian Working with Children Check employee card)**
 - 2.1 The new employee will notify the Department of Justice that they have begun employment with PCLC.
 - 2.2 The new employee is to provide PCLC with a copy of the card, PCLC will then take a photocopy of the card and place it in his/her file.

3. Exempted Persons

There are several situations listed in the *Working with Children Act 2005* (the Act) where people doing **child-related work** are exempt and do not need a WWCC. The exemptions in the Act are described below:

- Children under the age of 18
- Students who are 18 or 19 years of age are exempt from the WWCC for volunteer work organised by or held at their educational institution.
- Parents volunteering in an activity with their child
- Family members and people who are closely related to the child. This includes:
 - ❖ parent
 - ❖ spouse or domestic partner
 - ❖ step-parent
 - ❖ mother-in-law or father-in-law
 - ❖ grandparent
 - ❖ uncle or aunt
 - ❖ brother or sister, including half siblings, step siblings, brother-in-law or sister-in-law.
- Teachers
- Police Officers
- Interstate Visitors

4. Negative Notices

4.1 If, at any time, the staff member is issued with a Negative Notice, the staff member is required to notify PCLC within 1 business day.

4.2 The Principal Executive Officer (PEO) will take steps to reallocate all duties which would involve working in direct contact with children.

4.3 The PEO shall advise the staff member that they are no longer permitted to work in direct contact with children.

4.4 In the event that a Negative Notice is issued, as this results in the loss of work or income, PCLC shall **not** be liable for any loss of income or consequential damages arising from the issue of the Negative Notice or any lawful actions undertaken in compliance with the WWCC legislation

5. Storage of records, access to records, confidentiality of records

5.1 The PEO is responsible for the secure storage of all records relating to this policy and procedure.

5.2 Secure storage means:

- ❖ Physically secure (locked or encrypted)
- ❖ Accessible only to authorised persons

5.3 The PEO will ensure that all records are securely stored, and accessible only to authorised persons.

5.4 Persons authorised to access records are:

- PEO or their delegate
- ❖ Officers of, or on behalf of VRQA, the Department of Justice, Higher Education and Skills Group, or other statutory authorities who may be authorised by law to access the information
- ❖ All Australian Law enforcement agencies. This includes Federal, State and Territory

5.5 Records may only be accessed for the following purposes:

- ❖ To maintain this procedure
- ❖ To monitor the validity of WWCC
- ❖ To comply with lawful requests for information

- ❖ Other reasons as authorised by the PEO

5.6 Access to records by unauthorised persons or for unreasonable purposes shall be considered breaches of confidentiality, and subject to sanctions as deemed necessary by PCLC.

6. Refusal to provide a Check

6.1 If a staff member refuses to provide a Check as required, the Director may:

- ❖ If holding the check is a condition of employment / contract and direct contact with children is a necessary part of their role, take steps to terminate their employment or contract of engagement;
- ❖ Remove them from any duties or engagements which involve working with children;
- ❖ Undertake disciplinary action;
- ❖ In the case of contractors who contract to provide the Check but do not, with-hold payment as allowed under the contract.

VERSION CONTROL AND CHANGE HISTORY

<i>Document Title</i>	<i>Version No</i>	<i>Key Words</i>	<i>Approval Date</i>	<i>Author</i>	<i>Approved by</i>	<i>Amendment</i>
Working with children checks policy & procedures	One	Working with children check	07/10	Education Manager	Director	N/A
Working with children checks policy & procedures	Two	Working with children check	06/12	Education Compliance Officer	Director	Redesigned to ensure currency
Working with children check policy & procedures	Three	Working with children check	09/16	Compliance Manager	PEO	Redesigned to ensure currency