

Child Protection

Working with Children Checks Policy

Working with Children Checks – Source of Obligation

The *Working with Children Act 2005 (Victoria) (the Act)* aims to protect children from harm by ensuring that people who work with, or care for them, have their suitability to do so checked by a government body.

The Act aims to prevent those who pose a risk to children from working or volunteering with them.

Who Needs a WWC Check?

Subject to the exemptions referred to below, any employee who engages in child-related work that involves direct contact with a child (being a person under 18 years of age) needs a WWC Check.

A WWC Check will apply to any person who is engaged in child-related work, as an employee, self-employed person, independent contractor, a volunteer, a supervisor of child employees, part of practical training through an educational or vocational course, unpaid community work under a court order, a minister of religion or performing duties of a religious vocation, an officer of a body corporate, a member of a committee of management of an unincorporated body or a member of a partnership.

What is Child-Related Work?

Child-related work is paid or unpaid work involving regular direct and unsupervised contact with a child or caring for children in any of the occupational categories listed in the Act.

Of relevance to St Catherine's, the following is considered to be child-related work:

- Mentoring and counselling services for children;
- Direct provision of child health services;
- Clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature);
- Educational and care services, child care centres, nanny services and other child care;
- Coaching and tuition services for children;
- Any religious organisation where children form part of the congregation;
- Residential services for children and overnight camps for children;
- Transport services specifically for children, including school bus services and taxi services for children with a disability and supervision of school road crossings;
- Commercial photography services for children unless they are merely incidental to or in support of other business activities;
- Commercial talent competitions for children unless they are merely incidental to or in support of other business activities; and
- Commercial entertainment or party services for children unless they are merely incidental to or in support of other business activities.

What is Not Considered to be Child-Related Work?

The following types of work are not considered to be child-related:

- Work as a referee, umpire, linesperson, other sporting official or grounds person is not child-related work, if the work does not ordinarily involve contact with children for extended periods without other adults being present; and
- Providing food or equipment at or for a sporting, cultural or other entertainment venue.

Key Exemptions

People engaged in the following types of work are not required to have a WWC Check:

- Teachers registered with the Victorian Institute of Teaching (VIT);
- Students, aged 18 or 19 years of age, undertaking volunteer work organised or held at school;
- Victorian or Australian Federal Police Officers;
- Employees, who usually live in another state or territory, visiting Victoria to engage in child-related work;
- Employees engaged in child-related work that requires driver accreditation under the Transport (Compliance and Miscellaneous) Act 1983 (Victoria) who have been granted a children check exemption notice by the Victorian Taxi Services Commission; and
- People under the age of 18.

How to Apply for a WWC Check?

An employee/volunteer who engages in child-related work is responsible for applying for his or her own WWC Check. An employer can not apply on behalf of an employee/volunteer.

To apply:

1. Fill out an online application form at www.workingwithchildren.vic.gov.au;
2. Upon completion of the application, you will be provided with an online receipt;
3. Take application summary and printed receipt, a passport-sized photo and proof of identity to a participating Australia Post retail outlet.
4. If applying outside Victoria, the following must be posted to the Victorian Department of Justice:
 - An application summary and receipt or the completed paper form signed in front of a certifying officer.
 - A signed statement by a certifying officer confirming they have witnessed your signature.
 - Certified true copies of your identification documents.
 - 2 passport-sized photos, one certified on the back by the certifying officer and the other attached to the Application summary or paper form.
 - A bank cheque or money order will be required if you are a paid worker.

Mail to: Working with Children Check Unit, Department of Justice, GPO Box 1915, Melbourne VIC 3001.

What is Checked?

The WWC Check obtains applicants' national criminal histories including:

- Convictions (spent or unspent)
- Acquittals because of mental impairment;
- Guilty pleas;
- Juvenile records from when you were under 18 years of age;
- Findings of courts, Corrections Victoria, the Department of Human Services and information from employers or any other source considered relevant;
- Formal findings of guilt; and
- Pending charges.

The criminal offences relevant to a WWC Check are:

- Serious sexual offences;
- Serious violent offences;
- Serious drug-related offences;
- Offences against the Working with Children Act 2005 (Victoria); and
- Offences linked to the safety of children.

Outcome of the WWC Check

There are only two results for a WWC Check – a clearance to work with children or a **Negative Notice** barring an applicant from working with children.

Where the outcome is a clearance, the applicant will receive a text message on their mobile phone confirming they have passed the Check and will then receive a WWC Check Card in the mail.

An Employee WWC Check Card allows workers to engage in any paid or voluntary child-related work. A Volunteer WWC Check Card can only be used for voluntary child-related work. The card, which is valid for five years, has the worker's name, signature, photograph, card number and expiry date.

Cleared applicants will be subjected to ongoing monitoring for relevant new records which could lead to the card being suspended or revoked before the five-year expiry date.

Where an applicant has failed the Check, they will be issued a **Negative Notice**. The Notice will bar an applicant engaging in child-related work, even if they are directly supervised, from the date of notice. A copy of the Notice will be sent to all the organisations listed in the application but they will not be notified of the reasons for the Notice.

Once issued a Negative Notice, an applicant cannot reapply for a WWC Check for five years, unless their circumstances have changed, which can include: a pending charge being withdrawn or dismissed by a court; being found not guilty of a pending charge; being no longer required to report under the Sex Offenders Registration Act 2004 (Victoria); being no longer subject to an extended supervision or detention order under the Serious Sex Offenders Monitoring Act 2005 (Victoria) or Serious Sex Offenders (Detention and Supervision) Act 2009 (Victoria).

Applicants can appeal a Negative Notice by making an application to the Victorian Civil and Administrative Tribunal within 28 days of the decision.

Employee/Volunteer Obligations

Upon receiving clearance, it is compulsory that the employee/volunteer show their WWC Check Card to St Catherine's and provide their Card and Application Receipt numbers.

The employee/volunteer must notify the Victorian Department of Justice within 21 days of any changes to their name, residential address, birth date or phone numbers provided in the application.

The employee/volunteer must notify the Department of the details of a new organisation they are starting child-related work with within 21 days.

The employee/volunteer must stop working immediately if their WWC Check Card has been suspended during a reassessment.

The employee/volunteer must not let another person use their WWC Check Card for child-related work and must lodge a renewal form before the Card expires.

St Catherine's Obligations

St Catherine's School must:

Updated 2 May 2016

- Not engage anyone in child-related work who does not have a WWC Check Card;
- Not allow anyone who has a Negative Notice to undertake child-related work, even if they are directly supervised or exempt;
- Set up a process to ensure new staff and volunteers notify the Department within 21 days of commencing child-related work with St Catherine's; and
- Ensure employees engaged in paid work have an Employee WWC Check Card and not a Volunteer Card.

Penalties

It is an offence to work with children without a valid WWC Check Card or Application receipt while your Check is being processed. It is an offence for anyone to apply for or engage in child-related work if they have been issued a Negative Notice. The maximum penalty is two years' imprisonment, a fine of \$34,646.40 or both.

Organisations must take reasonable steps to ensure they do not engage or continue to engage a person in child-related work who does not hold a valid WWC Check Card. The maximum penalty for organisations is \$173, 232.

Record Keeping

It is the responsibility of the Religious Education Leader to verify the status of all St Catherine's staff and non-parent volunteers' WWC Checks.

St Catherine's maintains records (electronic or hard copy format) of child-related employees/volunteers including:

- Full name;
- WWC Check Application Receipt Number;
- WWC Check Card Number;
- Date and outcome of WWC Check clearance;
- Notices sent by the Department of Justice;
- A copy of the WWC Card; and
- Expiry date.

Records must be readily available if required for audit and monitoring purposes.

Privacy and Confidentiality

The Department of Justice administers the WWC Check and is not allowed to reveal any information it acquires during the Check, except in limited circumstances. These circumstances include passing information to people or organisations as part of the checking and assessment process which include: Victoria Police and interstate police forces, record-checking bodies, government agencies, courts and tribunals, professional disciplinary bodies listed in the Working with Children Act 2005 and the Child Safety Commissioner.

St Catherine's will only be informed of whether an individual passes or fails the Check. None of the information gathered for the Check, such as criminal or professional records, will be passed onto St Catherine's.

Implementation

This policy is implemented through a combination of:

- Staff training;
- Effective communication and incident notification procedures;

- Effective record keeping procedures;
- Initiation of corrective actions where necessary.

Discipline for Breach of Policy

Where a staff member breaches this policy, St Catherine's may take disciplinary action, including in the case of serious breaches, summary dismissal.

Key References

- *Victorian Department of Justice – Working with Children Check website*

Implementation Date: June 2016

Review Date: May 2021