

*Working with
Children Check Policy*





Working with Children Check Policy

PREAMBLE

All policy, protocols and procedures flow from the St Andrews Christian College Mission Statement:

“To educate our students so that they are well skilled, understand life on the basis of biblical truth, and are motivated to walk with God and serve Him in their lives, so that they will be a positive Christian influence in the world.”

POLICY DOCUMENT INFORMATION

TITLE: Working with Children Check Policy

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ACKNOWLEDGEMENTS:

PURPOSE: To provide policy and direction for all the College Community.

RELATED DOCUMENTS:

OH&S Policy
Staff Code of Practice
Student Wellbeing Policy
Visitors Policy

KEY DATES

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1. RATIONALE

In providing an environment of safety and well-being for the community at St Andrews Christian College, the College will take steps to ensure that all persons employed by the College are suitable people to be involved in 'child related work' as outlined in the Working with Children Act 2005.

The Working with Children Check (WWCC) helps to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work.

2. IMPLEMENTATION

2.1 Interview of Prospective Employees (including volunteers)

All prospective employees are to be asked of any factors that may affect their employment. The following question is an example of what could be asked during an interview:

'Are you aware of any factor that may emerge on your Working With Children / National Criminal History Record check, OR any other matter that you know about that may affect your employment, or preclude you from employment, with St Andrews Christian College which is an institution primarily engaged in working with children?'

3. PROCESS

Employment with St Andrews Christian College will not be offered to any person prior to a current WWCC / NCHRC (Working With Children Check / National Criminal History Record Check) being provided to the Principal. A provisional offer of employment will be made conditional on the successful applicant being able to provide a check to the College. Prospective employees are to be advised of this conditional offer. A provisional offer will be held open for a 3 week period. A database recording the date of an employee receiving a WWCC / NCHRC will be maintained by the PA to the Principal. If prospective employees are required to undertake a check with the Victorian Institute of Teaching or other regulatory body, then St Andrews Christian College will not pay the administrative costs. However, if the prospective employee or current employee is requested by the College to obtain a WWCC / NCHRC, then St Andrews Christian College will pay administrative costs.

If a cardholder's WWCC expires, the individual, whether an employee or a volunteer, must stop all child related work immediately until they have renewed their WWCC.

3.1 Teachers

All teachers registered with the Victorian Institute of Teachers from 2006 will have obtained a NCHRC as part of their application for registration. All teaching staff are registered with VIT, and undergo ongoing monitoring that satisfies Working with Children Check requirements, and are therefore exempt.



3.2 *Non-Teaching Staff*

All Support Staff who have not had a Working with Children Check will be required to undertake a WWCC.

The College will pay the administration fee. The WWCC is valid for five years and is transferable between employers or volunteer organisations. The WWCC is unique because it is monitored on an ongoing basis – this means that as a holder of a WWCC, the individual person's status will continue to be checked for any new relevant offences or findings from professional disciplinary bodies.

3.3 *Extra-Curricular Staff*

Counsellors/Music Instrumental teachers/Sport/Coaching and Tuition Services/Support Services for Students/OSHC

All people coming to St Andrews to work with our students must have a WWCC before commencing such work.

3.4 *Contractors and Trades*

Refer to St Andrews Christian College 'Visitors Policy'.

3.5 *Parent/Volunteers*

Requires a WWCC for one-off supervised activities, and includes any contact with students. This amendment responds to the Royal Commission's findings that perpetrators can often groom children in the presence of other people.

In order to reflect the growing use of technology, which is presenting more opportunities for grooming children, the new definition of 'direct contact' has been expanded to include the following types of contact:

- contact by post or other written communication
- contact by telephone or other oral communication
- contact by email or other electronic communication.

There are many cases where a parent / volunteer **cannot ensure** they will be under the direct supervision of the teacher for the entirety of an event (e.g. excursions where parents may assist by overseeing a small group of students for toilet visits, short walks, or emergency vehicle transport). Because of these uncertainties, all parents / volunteers must have a WWCC prior to attending any such event.

This includes, but is not limited to:

- Regular classroom help or school activities.
- Classroom help / incursions where children may require assistance in walking away from the supervision of the teacher – e.g. music lessons, learning assistance, Reception / Sickbay, toilet visits.
- If a parent volunteers in a class or activity that his or her child does not ordinarily participate in.
- All excursions, overnight camps, teaching of swimming lessons, transport of students without staff present, extracurricular activities such as sporting teams must have a WWCC.

Before any parent / volunteer works in the classroom, they must sign the Visitors' Book at Reception and wear a Visitor's Identification Badge. Parents / volunteers must 'sign-out' at Reception on completion of duties.



3.6 Accredited drivers under the Transport (Compliance and Miscellaneous) Act 1983 (Vic)

An accredited driver under Division 6 of part IV of the above legislation must get a WWCC if undertaking child related work. All bus drivers commissioned by St Andrews Christian College are therefore required to have a WWCC. When buses for excursions or camps are booked, the booking officer will ask specifically for drivers who have a valid WWCC.

Reception Staff at St Andrews Christian College will keep a record of all parents / volunteers with a WWCC.

Teachers will fully supervise any parent / volunteer help in their class and will check that parents / volunteers have obtained a WWCC.

The Working with Children Check is a free service for volunteers and can be obtained online and lodged with a participating Australia Post outlet.

4. WWCC REGISTER

Records of WWCC details are processed and stored as follows:

- Letter is received from Department of Justice (VIC), or physical card is sighted and photocopied by office staff.
- Details of parents / guardians are entered into the student database (SAS). This includes card number, card type and expiry date. Details received from those that are not student contacts are entered into an Excel document / register.
- Hard copies of all letters / card photocopies are filed in the principal's filing cabinet / WWCC file.

APPENDIX 1 —

Working with Children Check

General Information Guide

What is the Working with Children Check?

The Working with Children Check (Check) assists in protecting children from sexual and physical harm by ensuring that people who work with, or care for, them are subject to a screening process.

Who needs a Check?

Under the *Working with Children Act 2005* (the Act), you need a Check if you meet ALL of the following five conditions for child-related work:

1. You are an adult who 'works' with children aged under 18 years of age. The term 'work' includes engaging in voluntary work and providing practical training as well as paid employment.
2. You are working with children in one of the services, places or bodies, or in one of the activities listed in the Act.
3. Your work involves direct contact with children, which includes face to face, written, oral and electronic communication.
4. The contact you have with children is not occasional direct contact that is incidental to your work*.
5. You are not exempt from having a Check under the Act**.

*Under the Act, you do not need a Check if your work involves only occasional direct contact with a child that is incidental to your work.

**Details are on the Working with Children website.

It is an offence to start child-related work without having a current Check. However, once you have applied for a Check, you may be able to start child-related work (see below - 'Can I work during the screening process?')

Your organisation is also committing an offence if they ask you to start child-related work before you have applied for a Check.

How do I apply?

Go to ['Apply for a Check'](#) on the website and follow the instructions.

It is an offence to use a Volunteer Check for paid child-related work - an Employee Check must be used for paid work.

Can I work during the screening process?

The Act allows most people to do child-related work during the screening process that takes place once an application for a Check is lodged. However, by law, you **must not work** if you:

- have been charged with, convicted or found guilty of a sexual, violent or drug offence listed in clause 2 of Schedule 3 of the Act
- have been given a Negative Notice and not subsequently passed the Check
- will be supervising a child in employment under the *Child Employment Act 2003*
- will be working in a service regulated by the Children's Services Regulations 1996 or in an education and care service under the *Education and Care Services National Law 2010* (Victoria)
- are subject to:
 - reporting obligations under the *Sex Offenders Registration Act 2004*
 - an extended supervision order or interim extended supervision order under the *Serious Sex Offenders Monitoring Act 2005*
 - a supervision order, detention order or emergency detention order.

Ask your organisation about working during the screening process, as some organisations only allow applicants to work after they have passed the Check.

What is checked?

You are screened for sexual, violent and drug offences and adverse professional conduct determinations and findings made by the agencies listed in the Act. The list of [offences](#) is on our website. The protection of children from sexual or physical harm is the paramount consideration for any decision made under the Act.

What if I have a criminal record or an adverse professional conduct determination or finding?

Not all offences and adverse professional conduct decisions mean that you pose an unjustifiable risk to the safety of children in accordance with the Act.

Whether you pass or fail the Check depends on the type of determination or finding you have been subject to, the offence you have committed, and the circumstances surrounding these matters.

It is unlawful to apply for a Check if you are:

- a registrable offender under the *Sex Offenders Registration Act 2004*
- subject to an extended supervision order or interim extended supervision order under the *Serious Sex Offenders Monitoring Act 2005*
- subject to a detention order, supervision order or emergency detention order.

You may wish to seek independent legal advice about your personal circumstances.

How do I know if I have passed the check?

We will notify both you and your organisation if you pass the Check.

The Check is valid for five years unless we revoke it or you surrender it.

You must apply to renew your Check before it expires if you want to continue doing child-related work.

What if I don't pass the Check?

If we believe you pose an unjustifiable risk to children, we will notify you that we intend to prohibit you from working with children by issuing you an Interim Negative Notice. This gives you the opportunity to ask us to consider the reasons why you think you should pass the Check.

If, after considering your reasons, you fail the Check, we will issue you with a Negative Notice prohibiting you from working with children.

In limited circumstances, you can appeal our decision by applying to the Victorian Civil and Administrative Tribunal (VCAT) within 28 days of the date on the Negative Notice. You may not apply to VCAT for a review of our decision if you have at any time been charged with, convicted or found guilty of a category A offence and were an adult at the time of the offence or alleged offence. For more information on category A offences see the [List of offences](#) publication on the website.

How is my privacy protected?

We are bound by privacy and confidentiality laws. The *Working with Children Act 2005*, *Privacy and Data Protection Act 2014* and *Health Records Act 2001* regulate how we collect and use personal information.

We must notify your organisation/s of any interim or final decision made about your application, if your Check is suspended, revoked or surrendered or if you withdraw an application. If you remove any organisation/s from your records, we have the power to notify these organisations that you have removed them. We will not provide your organisation with the details of your criminal or professional conduct records.

Sample Check Card

Is the Working with Children Check the same as the Police Check?

No. The Working with Children Check screens your criminal and professional conduct records and rigorously assesses any relevant sexual, violent or drug offences over your lifetime. The Police Check lists offences at a given point in time.

The Working with Children Check monitors a cardholder's criminal and professional conduct records for the life of their card. The Police Check does not. As the checks are quite different, some organisations require both checks.

For more information on the differences between the checks, see [Police Checks](#) on the Check website.

More Information

Website: www.workingwithchildren.vic.gov.au

Email: workingwithchildren@justice.vic.gov.au

Document available:

<http://www.workingwithchildren.vic.gov.au/home/resources/publications/general+informa= tion+guide>

Additional language translations available:

<http://www.workingwithchildren.vic.gov.au/home/resources/translations/>