



Working With Children Check

Newborough Primary School Policy

AIMS:

The Department of Education and Early Childhood Development and School Councils have a responsibility to ensure the safety of all children and employees, and maintain the security of assets by requiring and maintaining high standards of professional conduct from employees and volunteers.

In meeting these responsibilities the Department and School Councils must be satisfied that only those employees and volunteers who meet the highest standards of probity and suitability are employed. Such assessments may include reference or referee checks, medical assessments, qualification verification and/or a criminal records check.

Verification of a criminal record is achieved by ensuring the employment of new school based employees proceeds in accordance with legislative obligations pursuant to the *Working with Children Act 2005* (for non-teaching employees and volunteers), and to the *Education and Training Reform Act 2006* (for principals and teachers).

As a result of the *Working with Children Act 2005*, the Department has amended its suitability for employment policies and procedures. The authority for the policy and procedures is **Ministerial Order 193 - Suitability for Employment (Working with Children and Criminal Records Check) Order 2006**, which applies to the principal class, teacher class, and school services officers employed by the Department, and all non-teaching staff and casual relief teachers employed by school councils.

Student Support Services Officers (employed as Victorian Public Servants) are also covered by this revised policy

These guidelines set out the policy and procedures to be followed in relation to suitability and probity checks that are required, and Newborough Primary Schools local decisions in relation to these regulations.

GUIDELINES:

WORKING WITH CHILDREN CHECK

On 3 April 2006 the *Working with Children Act 2005* (the Act) became operational and introduced a Working with Children Check (WWC Check), thereby creating minimum checking standards across Victoria for people who work or volunteer with children in certain capacities. The WWC Check will ensure that people who are unsuitable to engage in 'child-related work' do not do so.

A WWC Check is valid for up to five years after which it will need to be renewed if the holder wishes to continue in child-related paid or voluntary work.

A WWC Check is transferable between jobs or volunteer organisations. Should a person engage in 'child-related work' with another organisation, they do not need to apply for a second WWC Check; however a WWC Check obtained for the purpose of voluntary work, as indicated by the letter 'V' on the card, may not be used for the purposes of paid work. It is an offence to use a volunteer WWC Check for the purpose of engaging in paid 'child-related work'. Principals and managers should verify that WWC Check cards presented to them by paid employees are stamped with the letter 'E'.

The WWC Check consists of a national criminal history check and consideration of any relevant findings from professional disciplinary bodies such as the Victorian Institute of Teaching. Not all criminal offences will be taken into account, only serious sexual, violence or drug offences, or pending charges. Further information on the offences relevant to a WWC Check can be found at the Department of Justice's internet site at www.justice.vic.gov.au/workingwithchildren.

The WWC Check is monitored on an ongoing basis. This means that holders of a WWC Check will continue to be checked for any new relevant offences or findings from professional disciplinary bodies. New charges, convictions, findings of guilt or findings from professional disciplinary bodies which are relevant to the WWC Check will result in a re-assessment of the holder's eligibility for a WWC Check.

'Child-related work' is work which usually involves (or is likely to involve) regular, direct contact with a child where that contact is not directly supervised, and in any of twenty child-related occupational fields listed in the Act. 'Child-related work' may be either paid or unpaid (voluntary).

'Educational Institution' is an occupational field listed in the Act and includes any State school established under section 21 of the Education Act 1958. Accordingly all Victorian Government primary, secondary, technical and special schools fall within the Act.

Accordingly, any person whose duties usually involve or is likely to involve work in a school (other than teachers and principals) is considered to be engaged in 'child-related work' as defined in the Act and will need to ensure they are compliant with the legislative obligations contained in the Act.

There are exemptions from the Act including: people under 18 years of age, parent volunteers whose child ordinarily participates in the activity, sworn police officers, teachers currently registered with the Victorian Institute of Teaching, and visiting workers who do not ordinarily reside and perform child-related work in Victoria, among others.

Applying for the WWC Check

The WWC Check is conducted by the Department of Justice. Applications must be lodged at one of the participating Australia Post outlets in Victoria. For a list of Australia Post outlets where a WWC Check application may be made see: www.auspost.com.au/workingWithChildren/vic.asp.

WWC Check applicants will need to complete an 'Application for WWC Check' form that is available from an Australia Post outlet, produce sufficient identification to meet an identity check and provide a passport sized photograph.

Question 12 on the 'Application for WWC Check' form asks the applicant to list the names of organisations where s/he intends to work in 'child-related work'. Principals are to request that new Department employees name the Department of Education and Early Childhood Development, 2 Treasury Place, East Melbourne, 3002 in response to this question.

Principals are to request that new school council employees and volunteers name the school at which they intend to perform the 'child-related work' in response to question 12. This is due to the Department having no means to identify which school a volunteer school council employee may be engaged.

WWC Check Outcomes

If the employee passes the WWC Check s/he will be issued an 'Assessment Notice' and a WWC Card. An Assessment Notice means the employee has passed the WWC Check and may work in

'child-related work'. A copy of the Assessment Notice will be provided to the employer where known.

Principals and managers may enquire on the status of a WWC card at any time by visiting www.justice.vic.gov.au/workingwithchildren and entering a WWC Check unique number, alternatively telephone 1300 652 879. It is recommended that principals and managers periodically verify the status of WWC Checks held by people engaged in 'child-related work' at their school as WWC Checks are subject to ongoing monitoring and it is possible that if an individual has a relevant change in circumstances, their WWC Check may cease to be valid.

If an employee has criminal offences or a professional disciplinary outcome that may result in them failing a WWC Check, the employee may be given an Interim Negative Notice or a Negative Notice. An Interim Negative Notice means the Department of Justice is intending to issue a Negative Notice and will provide the employee with an opportunity to explain why s/he should not be given a Negative Notice.

An employee or volunteer who receives an Interim Negative Notice or a Negative Notice is required by law to inform their principal or manager within seven days.

Further information on the effect of an Interim Negative Notice or a Negative Notice on an employee's employment can be found in Ministerial Order 193 - Suitability for Employment (Working with Children and Criminal Records Check) Order 2006.

If a principal or manager becomes aware that an employee has been issued an Interim Negative Notice or a Negative Notice, they must contact the Conduct and Ethics Branch immediately on 9637-2595.

Further information on WWC Check outcomes can be obtained from the Working with Children Unit within the Department of Justice, telephone 1300 652 879 or visit their website located at www.justice.vic.gov.au/workingwithchildren.

Teachers and principals who are registered with the Victorian Institute of Teaching are exempt from the *Working with Children Act 2005* and do not require a WWC Check.

IMPLEMENTATION:

Volunteers

Each School Council is responsible for establishing their own policy concerning which volunteers they require to undergo a criminal records check. In establishing their policy, School Councils consider such matters as the level of supervision, the frequency of engagement and any other factors which determined the level of risk.

The Act will require certain volunteers who engage in 'child-related work' in schools to undergo a WWC Check. The Act exempts parents who are volunteering in activities in which his/her child ordinarily participates from requiring a WWC Check. 'Parent' includes the spouse or domestic partner of the father or mother of the child, or a person who has custody of the child.

As from 31 December 2007 it will be an offence to permit a volunteer who requires a WWC Check to perform voluntary 'child-related work' in connection with a school if they have not applied for a WWC Check.

As the Executive Officer of School Council, principals retain the authority to require a potential volunteer to undergo a criminal records check irrespective if the volunteer is exempt from the Act. For instance a parent attending an overnight camp with their child may be exempt from requiring a WWC Check, however a School Council may determine that any person attending an

excursion or camp must have either a WWC Check or have undergone a criminal records check conducted by the Department

The School Council of Newborough Primary School have determined that the following activities will require a valid Working With Children Check for volunteers and others to participate in:

- **Overnight camps**
- **Sleepovers**
- **Day excursions and extended days**
 - Establish a register of volunteers who have a WWC or have a WWC section on expression of interest forms
 - In the first instance those volunteers with a valid WWC will be given first priority to attend excursions
- **Parent managed head lice program**
- **Activities which may involve toileting or change room assistance such as swimming, performances, or sporting activities**
- **Small group or one-to-one activities conducted outside the classroom such as hearing reading, electives, Bridges literacy program, adult mentoring or car transport assistance**
- **Activities that may involve close physical contact such as sports, gymnastics or athletics coaching**
- **Religious Education**
- **Instrumental music teachers and other fee-for- service providers**

EVALUATION:

- This policy will be reviewed as part of the schools four year review cycle.

RESPONSIBILITY:

- School Council
- Principal

This policy was last ratified by School Council in....

June 2014