



## WORKING WITH CHILDREN CHECKS

### COMMITMENT TO CHILD PROTECTION

The dignity of the human person, who is created in the image and likeness of God, is the foundation of Catholic Social Teaching at St. Mary's. This Catholic anthropology leads us to afford all people, but especially children, young people and the most vulnerable, the highest respect. Within this context, St. Mary's is committed to providing a safe, supportive and secure environment that promotes respect, care and values diversity.

The School regards its child protection responsibilities with the utmost importance and is committed to the creation of a safe, just and respectful environment that supports wellness for all members of the school community.

### SOURCE OF OBLIGATION

The Working with Children Act 2005 (Vic) (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.

### OBJECTIVES

This policy aims to:

- ensure a safe environment is provided to protect children and young people from harm and to prevent staff from abusing their position of authority and trust;
- ensure the safety and wellbeing of all children is the primary focus of all decision making;
- ensure the Leadership Team and all staff members are self-aware of, and comply with, their professional obligations and responsibilities; and
- that a positive and robust child protection culture is created and maintained.

### WHO NEEDS A WWC CHECK?

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

Section 3 of the Act defines "**direct contact**" as any contact between a person and a child that involves:

- physical contact;
- face to face contact;
- contact by post or other written communication;
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

A WWC Check will apply to any person who is engaged by St. Mary's, as an employee, a Advisory Board School Board, a self-employed person, a Volunteer, a Third Party Contractor who has or is likely to have direct contact with children, 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.

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### **WHAT IS CHILD-RELATED WORK?**

Child-related work is defined in section 9 of the Act as voluntary or paid work, in any of the occupational categories listed in the Act, that usually involves direct contact with a child. For the purposes of the Act work will not be "child-related work" by reason only of occasional direct work with children that is incidental to the work.

### **CHILD-RELATED WORK FOR MINISTERS OF RELIGION**

The Act defines child-related work for ministers of religion more broadly than for other occupations. All ministers of religion are required to have a valid WWC Check unless the contact they have with children is only occasional and always incidental to their work.

This would include for example having children in their congregation, attendance at schools or school camps even when contact with children is supervised. An example of when a minister of religion would not require a WWC Check is a minister conducting purely administrative roles within a church's bureaucracy.

The following are 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
- 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
- commercial entertainment or party services for children unless they are merely incidental to or in support of other business activities.

### **KEY EXEMPTIONS**

The following groups of people are not required to have a WWC Check:

- teachers registered with the Victorian Institute of Teaching (VIT)
- parents or close relatives volunteering in an activity in which their child participates or normally participates
- students, aged 18 or 19, undertaking volunteer work organised or held at School
- Victorian or Australian Federal Police officers
- workers, who usually live in another state or territory, visiting Victoria to engage in child-related work (only up to 30 days within the same calendar year)
- all children under the age of 18

In line with the \*CES School/College\*'s risk-based approach to child safety and protection, where parent volunteers are volunteering at large off-site activities, such as overnight excursions or camps, the \*CES School/College\* requires that these parent volunteers undergo a WWC Check as a matter of best practice.

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### HOW TO APPLY FOR A WWC CHECK

A worker 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 a worker.

To apply:

1. Fill out an online application form at [www.workingwithchildren.vic.gov.au](http://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 the WWC Check is for paid work, a fee is payable for a five year clearance.
5. 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
  - two 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 for the fee 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?

When you apply for a WWC Check, the following information is checked:

- your criminal record in all Australian states and territories across your lifetime, including serious sexual, violent and drug offences you have previously been charged with, regardless of the outcome of those charges
- your professional conduct, which is determined by:
  - the Victorian Institute of Teaching (VIT)
  - the Suitability Panel, established under the Children, Youth and Families Act 2005, which makes findings related to the suitability of registered out of home carers
  - the Commission for Children and Young People (CCYP) through the Reportable Conduct Scheme
- your compliance (if applicable) with historical and current health practitioner legislation
- your current or historical reporting obligations or orders under the Sex Offenders Registration Act 2004, the Serious Sex Offenders Monitoring Act 2005 or the Serious Offenders Act 2018

### 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.

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### **CLEARANCE**

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.

### **NEGATIVE NOTICE**

Where an applicant has failed the Check, they will be issued with a **Negative Notice**. The Notice will bar an applicant from engaging in child-related work 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 with 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 (Vic)
- being no longer subject to an extended supervision or detention order under the Serious Sex Offenders Monitoring Act 2005 (Vic) or Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic).
- Applicants can appeal a Negative Notice by making an application to the Victorian Civil and Administrative Tribunal within 28 days of the decision.

### **WORKERS' OBLIGATIONS**

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

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

The worker must stop working with children immediately if their WWC Check Card has been suspended during a reassessment.

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



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### **ST. MARY'S OBLIGATIONS**

St. Mary's must:

- 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. Mary's
- set up a process to ensure the VIT and Department of Justice websites are monitored each [insert frequency e.g. term/semester/year] to ensure all registrations and WWCC's continue to be current. For VIT Registrations, this is undertaken at the commencement of the school year and in early October each year.
- ensure workers engaged in paid work have an Employee WWC Check Card and not a Volunteer WWC Check 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 or both.

The School 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 penalty for organisations is a significant fine.

### **RECORD KEEPING OBLIGATIONS**

An up-to-date WWCC & VIT Register for all members of the school community who require a WWCC including, teachers, other staff, contractors, and volunteers is kept at [Location] and maintained by [name of the person or the position]. Those who are exempt from a WWCC are included in this Register with an appropriate notation made.

For further information on the School's record keeping obligations relating to WWC Checks, refer to [\*\*Child Protection Record Keeping\*\*](#).