



St. Joseph's Primary School Numurkah

Child Protection Working With Children Policy March 2016

Rationale:

This policy was written to demonstrate the strong commitment of the whole school community of St. Joseph's, leaders, staff, volunteers, students, their families, to child safety and to provide an outline of the policies and procedures developed to keep everyone safe from harm, including all forms of abuse.

Commitment to Child Safety

All students enrolled, and any child visiting, have the right to feel safe and be safe in all school environments and outside of school hours. The wellbeing of children in our care will always be our first priority and we have zero tolerance to child abuse. We aim to create a child safe and child friendly environment where children feel safe and are free to enjoy life to the full without any concern for their safety.

Basic Beliefs:

- “In never seeing a need without doing something about it” (Mary MacKillop).
- That our school community nurtures the development of the whole child.
- We will endeavor to provide programs and support that meets the individual needs of all students (social, emotional, educational, psychological, spiritual, physical and behavioural).
- The staff and volunteers at St. Joseph's encourage students to express their views. We listen to their suggestions, especially on matters that directly affect them. We actively encourage all students to openly express their views and feel comfortable about giving voice to the things that are important to them.
- We will teach students about what they can do if they feel unsafe. Our staff will listen to and act on any concerns students, or their parents or carers, raise with us.
- At St. Joseph's we value and celebrate diversity, especially cultural diversity, and we do not tolerate discriminatory practices.
To achieve this we:
 - promote the cultural safety, participation and empowerment of Aboriginal students and their families
 - promote the cultural safety, participation and empowerment from culturally and/or linguistically diverse backgrounds and their families

- promote the personal safety, participation and empowerment of students with a disability and make them feel welcome and part of all aspects of school life

It is important to note:

At St. Joseph's we will apply the most thorough and rigorous standards in the recruitment and screening of staff and volunteers. We interview and conduct referee checks on all staff and volunteers and require police checks and Working With Children Checks (WWCC) for all staff and volunteers. Our commitment to Child Safety and our screening requirements are included in all advertisements for staff and volunteer positions.

Our school records any child safety complaints, disclosures or breaches of the Code of Conduct, and store the records in accordance with security and privacy requirements. Our complaints and disclosure processes are outlined and detailed in the following policies and procedures

We believe that Risk management is an approach that minimises the potential for child abuse or harm to occur. Our Risk Management Plan outlines and details all aspects of risk across our whole school environment (on site and off site school activities) with specific activity risk assessments. In addition to our general Occupational Health and Safety (OH&S) risks, we proactively manage risks of abuse and harm to our students.

Current members of the Victorian Institute of Teaching are exempt from requiring a WWCC as they already undergo a similar regular check

Clergy and those performing duties of a religious vocation are specifically identified as requiring checks. A school will need to see the WWCC for these people as well, including the Parish Priest

A check is required of people working in schools, including employees, volunteers and self-employed persons, as well as officers of a body corporate, members of committees of management, and persons involved in practical training, e.g. student teachers. There are some exceptions to this requirement, and schools must ensure these are understood and incorporated into their procedures and practices

While staff are responsible for obtaining their own check, each School must ensure valid checks are held by all those requiring one.

This also means that each school must ensure all teaching staff maintain their registrations with the Victorian Institute of Teaching and makes it even more critical that the school maintains ongoing records of this.

Volunteers who work with children will also require a WWCC, unless they are exempt.

NOTE: A Working with Children Check is a minimum requirement of a school's Duty of Care – it provides evidence that a person has not been found guilty of sexual abuse. It does not endorse any person as being suitable to work with children. Systematic and rigorous screening processes also need to be undertaken in every school to reduce as much as possible the risk of harm to any student.

Refer to included Catholic Education Sandhurst Guidelines to Schools for compliance with the Working With Children Act 2007 for additional recommendations.

We acknowledge that it is an offence to:

- allow someone to work with children without a WWCC, or a valid receipt less than 60 days old
- work with children without an assessment notice, or a valid receipt less than 60 days old
- to continue working with children if an assessment notice is withdrawn
- apply for a child-related position if a negative assessment has been issued
- *Persons with current registration with the Victorian Institute of Teaching are exempt from this check*

Some definitions to consider:

- Children are those under the age of 18 years
- Direct contact is:
 - physical contact
 - talking face to face
 - physically being within eyeshotDirect contact does not include telephone, email or internet contact
- undertaken by a person who has the actual role of supervising 'child-related work', not just being present in the room.

Referenced from:

**Catholic Education Sandhurst Guidelines to Schools for compliance
with the**

Working With Children Act 2007

Updated from the original CEO Sandhurst Document of 2007

by Kevin Lawlor, November 2012

The Victorian *Working with Children* (WWC) Check was an initiative to further improve the safety of the state's children.

The main purpose of this Act is to assist in protecting children from sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body. [*Working With Children Act 2005*, s.1(1)]

Submissions on the proposed legislation were first requested in late 2004, and the legislation was passed in December 2005. Accompanying Regulations were finalised prior to its commencement on 1 July 2006.

This legislation is a positive initiative and is part of a wider program that also includes indefinite sentencing, sex offender register, mandatory reporting and extended supervision orders.

There are different checks for employed persons and for volunteers. It is an offence to engage in paid work with children with a volunteer WWCC.

This legislation applies to 20 listed children-related occupational fields. It seeks to prevent those who pose a risk to the safety of children from working with them in these fields, in either paid or volunteer work. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work apply for, and pass, a WWC Check.

Applicants are checked to make sure they do not have any relevant criminal offences or findings from professional disciplinary bodies (currently the Victorian Institute of Teaching) that may mean they are not suitable to work with children.

Some other benefits of the Check include:

- active and ongoing checking of a person's criminal record while the person's WWC Check is valid, so it is not a 'once only' check
- providing employers, volunteer organisations and agencies with the ability to verify WWC Check cards at any time
- card holders do not need to apply for a new WWC Check when they change their employer or volunteer organisation, unless they are moving from volunteer to paid work.

How does it operate?

The processes for *Working With Children Checks* assess the criminal history of each applicant for serious sexual, violence or drug offences. They also consider:

- pending charges, and
- findings from professional disciplinary bodies

Some offences reviewed in a Criminal Record Check (such as Fraud) are not included in a WWC Check.

Each application for a Check will result in:

- a positive assessment and the issue of a *WWC Check Card*, or
- a negative assessment.

Only those with a positive assessment will be able to work in these child-related occupational fields

People may work without a current notice as long as they can prove they have applied for one, have not had a negative notice before and are not subject to reporting requirements under sexual offender registration or monitoring legislation.

It is possible to have a criminal history and be given a WWC Check Card in some cases and where it is determined there is no likelihood of a future threat.

A negative assessment means a person will not be allowed to work with children, **even if supervised**.

Prior to the issue of a negative assessment being issued, an interim assessment will be issued. The person is able to appeal against this assessment.

Where a person is currently engaged in child-related work and **receives a negative assessment**, he or she must advise the organisation of this within 7 days. Where a connection is known to the Department of Justice, a notice will also be sent to an employer/organisation.

A negative assessment can be appealed to VCAT, but the person cannot work with children while the appeal is pending.

New charges or convictions will lead to a re-assessment of an assessment.

An assessment notice and Card are valid for 5 years.

WWCC & Criminal Record Checks

Mandatory checking **does not replace good employment practices** in selection, reference checking, supervision and appraisal of staff/volunteers.

For many staff, this check may replace a Criminal Record Check (which is a separate process), but not for all.

The Criminal Record Check provides information on a wide variety of criminal offences, e.g. theft and fraud.

The WWCC only provides information on a specified list of offences of a violent or sexual nature.

Some staff may still require both a Criminal Record and/or a WWCC. An example of this may be staff with responsibility for finance where a conviction for fraud would be of interest.

Who must have a check?

Under the Working with Children Act 2005, only people engaging in 'child-related work' (as defined in section 9) must apply for and pass the Working with Children (WWC) Check.

Not everyone whose work brings them into contact with children will need to apply for a WWC Check. For example, someone in a sporting team alongside a child is not required to have a check, though the coach and other officials may require one.

A person will need to apply for and pass the WWC Check if you meet ALL of the following criteria:

- the work or volunteer duties involves contact with children in connection with one of the 20 listed child-related occupational fields
- the volunteering or work is on a regular basis (regular includes contact more than a couple of times a year)
- it involves direct contact with children under 18 years of age (including such activities as parents hearing children read or helping with a group of children in a classroom) that is not directly supervised
- an exemption from the need for a WWC Check does not apply.

The persons to which this may apply include:

- volunteers (this does not include unpaid work done for a private or domestic purpose, such as driving a neighbour's children to school)
- performance of unpaid community work under a court order
- an employee or an independent contractor (self-employed person)
- a minister of religion or performing duties of a religious vocation
- an officer of a body corporate
- a member of a committee of management (unincorporated body or association) or partnership
- a person doing practical training as part of an educational or vocational course, for example, student teachers.

However, a WWC Check is not needed for a work experience arrangement organised by a school or a structured workplace learning arrangement as part of a course at a school.

A person can work without a Working with Children (WWC) Check if he/she is not undertaking

Can a person work without a Working with Children Check?

'child-related work' as defined in section 9 of the Working with Children Act 2005 or if an exemption applies.

Those required to apply for a WWC Check under the legislation must do so before the applicable deadline for the occupational field or criminal penalties may apply if work continues past that date.

Once a valid WWC Check application has been lodged, a person can commence or continue child-related work until a final decision is made. This includes applicants who are issued with an Interim Negative Notice. However, a person who has previously been given a Negative Notice

that has not been successfully appealed to the Victorian Civil and Administrative Tribunal cannot commence or continue to undertake child-related work.

What are the Exemptions?

An exemption means that you do not need to apply for a Working with Children (WWC) Check, even if you undertake 'child-related work'. If an exemption applies, a person is not prevented from applying for a WWC Check.

The WWC Check exemptions are:

- **people under the age of 18 years**
- **parent volunteers whose child ordinarily participates in that activity**

For example: A volunteer coach for a school netball team on which his/her daughter ordinarily plays. He/she does not have to apply for and pass the WWC Check to do this even if his/her daughter does not attend some of the practice sessions or games. However, this exemption would not apply if he/she coached one team for that club while his/her child played for a different team at that club. (This could also apply to a parent working with a group of children in an art class, as long as his/her own child is in that group. It is less clear that it would apply if his/her child was in a different group in the class, however if the parent was being directly supervised by a VIT registered teacher at the time a WWC should be unnecessary)
- **people 'closely related' to each child they have contact with in their 'child-related work'**

'Closely related' means the child's: parent, spouse, step-parent, mother-in-law or father-in-law, grandparent, uncle or aunt, brother or sister (including half-siblings and step siblings, brother-in-law or sister-in-law). 'Closely related' also includes de facto relationships. 'Spouse' includes domestic partners, as defined in the *Crimes (Family Violence) Act 1987*.

For example: A Check is not required for a person to home school a son or daughter and a nephew or niece as he/she is closely related to both of the children.
- **18- or 19-year-old student volunteers where the volunteer work is at or has been organised by the student's educational institution**

For example: An 18 year old student at a Secondary College asked to lead a peer support group of Year 7 students. As this activity has been organised by his school, a WWC Check is not needed to do this.
- **visiting workers who do not ordinarily live and perform 'child-related work' in Victoria**

For example: a coach of a New South Wales sporting team in a one-off competition to be held in Victoria. Because the coach does not ordinarily live and perform 'child-related work' in Victoria and will only be in Victoria for a few days, he/she does not need to apply for a WWC Check.
- **sworn police officers (who are not suspended from duty)**

Sworn police officers are exempt from needing a WWC Check for any 'child-related work' as they are already checked by a similar scheme.
- **teachers who have current registration with the Victorian Institute of Teaching**

- Teachers with current registration with the Victorian Institute of Teaching are exempt from needing a WWC Check for any 'child-related work' as they are already checked by a similar scheme.

How to apply for a Working With Children Check?

Application forms are available at Post Offices.

- Applications will need to be made in person at Australia Post. Post Offices may require that an appointment is made prior to attending.
- One hundred points of Proof of Identity will be required
- A passport standard photograph is also required
- The cost for a WWCC for paid staff is \$70 (THE CECV Ltd will reimburse teachers/schools in 2007 for the costs of obtaining these cards – see advice from CECV Ltd))
- There is no charge for a volunteer WWCC
- A person who changes from volunteer status to employment in child-related work, must apply for a new card as an employed person
- A receipt will be provided – this is a substitute for a WWC Card for a period of 60 days

Implications for schools

A Working With Children Check (WWCC) is required of **many people involved in 20 occupational fields of child-related work** as paid workers or volunteers - where that work is not directly supervised by someone with an appropriate check:

- **Current members** of the Victorian Institute of Teaching **are exempt** from requiring a WWCC as they already undergo a similar regular check
- **Clergy** and those performing duties of a **religious vocation** are specifically identified as requiring checks. A school will need to see the WWCC for these people as well, including the Parish Priest
- **Sporting clubs** also fall within these twenty occupational fields. Schools should consider how they will ensure associated sporting clubs manage their responsibilities
- A check is required of most people working with children, including employees, **volunteers and self-employed persons**, as well as officers of a body corporate, members of committees of management, and persons involved in practical training, e.g. **student teachers**

While staff are responsible for obtaining their own check, each school **must ensure** valid checks are held by all those persons requiring one. **This cannot be delegated.**

This also means that schools must ensure all teaching staff maintain their registrations with the *Victorian Institute of Teaching* and makes it **even more critical that the school has proof** of this each year.

Volunteers who work with children will also require a WWCC, unless they are exempt.

Those responsible for a school can be **fined and/or gaoled** for allowing someone who must have a valid WWCC (or VIT registration) to work with children without a valid check. Fines are up to \$25,000 and / or two years imprisonment.

Required Action

Schools therefore need to have in place a documented process for determining which persons require a WWCC, how the schools is to ensure these persons hold a valid WWCC, what records are to be kept, and how the currency of WWCCs is to be regularly checked.

This requires the following:

- The school is to maintain a list of all roles that require a WWCC. A list of all persons in the above categories should be maintained and regularly updated
- All staff, contractors and volunteers requiring WWCC must provide a copy of the current WWCC or a recent application receipt prior to them commencing work (a receipt is a valid alternative to a WWCC for only 60 days)
- Where there is doubt if a WWCC is required, the school should err on the side of caution and require that a WWCC prior to work commencing
- It is strongly recommended that each School Board member should have a Working With Children as they are significant positions within schools that should be regarded as role models and they may have contact with children at school functions or activities
- All teachers must provide a copy of their current VIT registration card prior to commencing work
- Teachers should be reminded to pay their registration fees prior to 30 September each year
- The school must regularly check the VIT and Department of Justice websites to ensure all registrations and WWCCs are still current. For VIT registrations, this should be undertaken at the commencement of the school year and in early October each year (when registrations are renewed)
- No one without a WWCC or current VIT registration can work unsupervised with children. Teachers without current registration must immediately apply for a WWCC (at their own expense) before they can be in the school, and cannot work as a teacher until registration is renewed.
- Ensure all new staff and volunteers are inducted into the requirements of WWCC and VIT

Documents saved in Admin and Documents

- Working with Children Check Volunteer Register
- Working with Children Check Staff Register
- Letter to Staff requiring a WWCC
- Letter to volunteers requiring a WWCC

For review 2019

Ratified by the School Board

