



WORKING WITH CHILDREN CHECK POLICY AND PROCEDURES

1 Rationale

Moreland Primary School will assess and verify the suitability of staff and volunteers who will work with children. Unless an exemption applies to a person, a valid Working with Children Check (WWC Check) is the minimum standard for all adults working with children. If a volunteer's occupation exempts them from the requirement to have a WWC Check e.g. police officers, teachers, they must provide evidence to support their claim to an exemption.

In addition to a WWC Check, Moreland Primary School may also require a criminal record check. This may be considered necessary when certain offences are relevant to the duties of the volunteer or staff member, for example checking for dishonesty offences may be required for a role that involves managing finances or petty cash.

2 Aim

To minimise risk of harm to students by requiring staff and volunteers of Moreland Primary School to provide evidence that they have appropriate approvals to work with children in accordance with legislation and Department policy.

3 Implementation

The Working with Children Check helps protect children from physical and sexual harm. It does this by screening people's criminal records and professional conduct, and by preventing those who pose an unjustifiable risk to children from working with or caring for them. The Working with Children Check is just one part of creating and maintaining a child-safe environment. Schools need to ensure that only people in roles that have direct, unsupervised contact with children have a Check.

3.1 General Information about the Working with Children Check

3.1.1 Who needs a Check?

Under the *Working with Children Act 2005* (the Act), the candidate needs a Check only if the candidate meets ALL of the following six conditions for child-related work:

1. The candidate is an adult volunteering or paid to work with children aged under 18 years of age.
2. The candidate is working with children in one of the services, places or bodies listed in the Act as 'Occupational fields'.
3. The candidate's work involves direct contact with children, which means they are able to talk face-to-face or have physical contact with children.
4. The contact the candidate is has with children is part of your duties.
5. The candidate's contact with children is not directly supervised by another person.
6. The candidate is not exempt from having a Check
(Details are on the Working with Children website, under 'Exemptions').

It is an offence to start child-related work without applying for a Check first. Our School is also committing an offence if they ask the candidate to start child-related work before they have applied for a Check.



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3.1.2 How do I apply?

To apply for a Check:

- fill in the online form on the Working with Children website, under 'Apply for a Check'
- print out the application summary and receipt
- lodge the summary and receipt at a participating Australia Post retail outlet, along with 100 points of identification, a passport-size and quality photo, and the *non-refundable* fee for an Employee Check. Volunteer Checks are free. (It is an offence to use a Volunteer Check for paid child-related work.)

3.1.3 Who pays for the WWC check?

Candidates who are required to undergo a WWC check as a condition of working in the School will *not* be able to receive reimbursement for the cost from The School.

3.1.4 Can the candidate work during the screening process?

The Act allows most people to do child-related work during the screening process. However, by law, the candidate must not if they:

- have been charged with, convicted or found guilty of a serious 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 (Victoria)
 - are required to report or be supervised under the: *Sex Offenders Registration Act 2004*
 - *Serious Sex Offenders Monitoring Act 2005*
 - *Serious Sex Offenders (Detention and Supervision) Act 2009*.

Commencement in the School is conditional upon receipt of a *successful* Assessment Notice or WWC check card. Any queries should be directed to the Principal.

3.1.5 What is checked?

Candidates are screened for serious sexual, violent and drug offences and adverse professional conduct reports made by the agencies listed in the Act. The protection of children is the paramount consideration for any decision made under the Act.

3.1.6 How do I know if I have passed the Check?



The Department of Justice & Regulation notifies both the candidate and the School if they pass the Check.

The Check is valid for five years unless the Department of Justice suspends or revokes it. The candidate must apply to renew your Check before it expires if they want to continue doing child-related work.

Sample WWC Check card



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3.2 What if I have a criminal record or an adverse professional conduct report?

Not all offences and adverse professional conduct decisions mean that the candidate poses an unjustifiable risk to the safety of children.

Whether the candidate passes or fails the Check depends on the type of adverse professional conduct report, the offence the candidate has committed, and the circumstances surrounding these matters. It is unlawful to apply for a Check if the candidate is required to report or be supervised under the:

- *Sex Offenders Registration Act 2004*
- *Serious Sex Offenders Monitoring Act 2005*
- *Serious Sex Offenders (Detention and Supervision) Act 2009.*

The candidate should seek independent legal advice about their personal circumstances.

3.2.1 What if I don't pass the Check?

If the Department of Justice believes the candidate poses an unjustifiable risk to children, it will notify them that it intends to prohibit the candidate from working with children by issuing them an Interim Negative Notice. This gives the candidate the opportunity to write to the Department of Justice and ask it to consider the reasons why they think they should pass the Check. If, after the Department of Justice considers the candidate's reasons, they fail the Check, the Department of Justice will issue the candidate with a Negative Notice prohibiting them from working with children.

3.2.2 How is my privacy protected?

The Department of Justice is bound by privacy and confidentiality laws. It will notify the School when the candidate passes or fail the Check and if your card is ever suspended or revoked, but it does not provide any details of your offences or the adverse decisions about your professional conduct.

3.2.3 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. More details on the differences between the checks are on the Working with Children website, under 'How is a Police Check different?'

3.3 Obligations

3.3.1 School Obligations

Our School must:

- not engage in child-related work, anyone who does not have a valid Check, unless they are exempt under the Act
- not engage in child-related work, any person who is subject to obligations or orders under Schedule 3 of the Act



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- not allow people who are charged with, convicted or found guilty of serious sexual, violent or drug offences specified in clause 2 of Schedule 3 of the Act to work with or care for children while their application is processed or their Check reassessed
- check if a person is allowed to work with children on Check status
- check that any self-employed person, such as a coach or tutor, has a valid Check and is not prohibited from working with children.
- ensure supervisors of other workers' contact with children have a Check, unless the supervisor is exempt under the Act
- ensure that a person who has a Negative Notice does not work with or care for children, even if they are exempt or the School can arrange supervision of their contact with children
- ensure paid workers doing child-related work have an Employee Check, not a Volunteer Check
- respect and protect workers' privacy.

3.3.2 Candidate Obligations

The staff member or volunteer must:

- provide the successful WWC check card prior to commencement at the School
- notify the office if there has been a relevant change in circumstances, for example, if they have been charged or found guilty of a new relevant offence.
- apply for a new WWC check before their card expires.

3.4 School Register

The School will take a copy of each WWCC and filed in the Administration Filing Cabinet as per the Staff Registers Policy.

The register will be placed on the admin network.

3.5 Contractors

The Principals and managers assess the duties to be performed by contractors to determine whether they constitute 'child-related work' and will therefore require a WWC Check. Contractors such as IT Technicians, gardeners, cleaners and maintenance staff require a WWC Check as they are frequently in schools during normal school hours. The Principals and managers will contact the Conduct and Ethics Branch on 9637-2594 for advice on whether the duties to be performed by a contractor meet the definition of 'child-related work' as contained in the Act if there is any doubt.

4 References and Appendices

- Working with Children Website (<http://www.workingwithchildren.vic.gov.au/home/>)
- Working with Children Status Check (<https://online.justice.vic.gov.au/wwccu/checkstatus.doj>)

5 Evaluation

To be reviewed as required by developments in relevant legislation or DET requirements etc.

This policy will be reviewed as part of the school's three-year review cycle.