



# NOTRE DAME COLLEGE

## CHILD SAFE: CHILD PROTECTION - WORKING WITH CHILDREN CHECKS POLICY AND PROCEDURE

### 1. INTRODUCTION

The dignity of the human person, who is created in the image and likeness of God, is the foundation of Catholic Social Teaching. All children have the right to feel safe and be safe, all of the time.

Notre Dame College is committed to the creation of a safe, just and respectful environment that supports wellness for all members of the College community. In this, there is a moral obligation and shared responsibility to protect the most vulnerable members of the community.

Notre Dame College believes that, while protecting children and young people against sexual abuse is a community wide responsibility, the College has a particular moral and legal responsibility to ensure children and young people are safe in our care and to actively and intentionally work to eliminate all forms of abusive behaviours towards children. There are also particular moral and legal obligations for us in authority to prevent, reduce and minimise child abuse and exploitation in all forms.

### 2. AIM

This policy aims to:

- ensure a safe environment is provided to protect children and young people from harm
- to prevent the possibility of staff and other adults 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 Executive and all staff members are self-aware of, and comply with, their professional obligations and responsibilities, and;
- ensure that a positive and robust child protection culture is created and maintained.

It is based on the responsibilities of all Victorian schools in complying with the provisions of the Victorian *Working with Children Act 2005*, which was enacted to assist in protecting children from sexual or physical harm by ensuring that people that work with, or care for, them are subject to a screening process. [*Working with Children Act 2005, s.1(1)*].

### 3. RESPONSIBILITY FOR IMPLEMENTING THE POLICY

The Principal, together with the Deputy Principal – College Operations.

### 4. DEFINITIONS

For the purposes of the Working With Children Act 2005 and the College's Child Protection: Working with Children Check Policy and Procedure, the following definitions are to be used;

- **Children** are those under the age of 18 years
- **Child related work** is work involved in one of the occupational fields listed in the Act, and that "usually involves direct contact with a child and that contact is not directly supervised by another person."
- **Note:** "Work is not child-related work by reason only of occasional direct contact with children that is incidental to the work."
- **Direct contact** is defined in Section 3 of the Act as any contact between a person and a child that involves:
  - Physical contact, or

- Face to face contact; or
  - Contact by post or other written communication; or
  - Contact by telephone or other oral communication; or
  - Contact by email or other electronic communication.
- **Working with Children Checks (WWCC) Employee** – There are two types of Working with Children Checks, Voluntary and Employee. Both checks are the same, however by law people doing paid child related work must have an **Employee Check** and pay the associated fee.
  - **Working with Children Checks (WWCC) Volunteer** – Volunteers working with children are required to complete this check. If a person holds a Volunteer Check but will be paid for their services in a particular instance, by law the person must not use the Volunteer Check for that work. Penalties apply. The person must apply for the Employee Check before they start the paid work.
  - **Negative Notice** - Where an applicant has failed the WWCC, they will be issued with a Negative Notice. The Notice will bar an applicant from engaging in child-related work, even if they are directly supervised, from the date of the notice.
  - **Contractor** – Anyone engaged by the College to provide a service.
  - **Volunteer** – Anyone engaged by the College to provide a service without payment.

## 5. KEY PRINCIPLES

- A safe environment is required to protect children and young people from harm and to prevent staff and other adults from abusing their position of authority and trust.
- The child and young person's ongoing safety and wellbeing must be the primary focus of all decision making.
- School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.
- The commitment to protecting children is embedded in the College's culture and responsibility for taking action is understood and accepted at all levels of the organisation.

## 6. IMPLEMENTATION

This policy applies to the whole school community in supporting safe environments for all children and young people.

### 6.1. Who is required to have a Working with Children Check at Notre Dame College?

A WWCC is required from any person who is engaged by Notre Dame College. Examples include but are not limited to:

- Employees
- Board Members
- Volunteers (e.g. Canteen and Uniform Shop parent volunteers)
- Contractors (e.g. tradespeople, photographers, music tutors, cleaners)
- Religious and Parish Associates
- Pre-Service Teachers
- All Notre Dame College Club Coaches and Managers
- Bus drivers\*
- TAFE teachers of External VET Students\*

\* Notre Dame College will collect a written undertaking from TAFE and local bus companies regarding their compliance with WWCC legislation. Individual WWCCs will not be collected.

You can also reference Appendix 1 for some answers to Frequently Asked Questions about who needs a WWCC.

## 6.2. Key Exemptions

People engaged in the following types of work are not required to have a WWCC Check:

- Teachers registered with the Victorian Institute of Teaching (VIT). However, where a teacher's registration is suspended and they must not teach, and they are employed in a non-teaching capacity, they will need a WWCC Check.
- Parents or close relatives volunteering in an activity in which their child participates or normally participates. In line with the College's risk-based approach to child safety and protection, where parent volunteers are volunteering at activities, such as overnight excursions or camps, the College requires that these parent volunteers undergo a WWCC clearance as a matter of best practice.
- All students enrolled at the College, regardless of age.
- Victorian or Australian Federal Police officers.
- Children under the age of 18.

## 6.3. How to Apply for a WWCC?

A person who engages in child related work is responsible for applying for his or her own WWCC.

To apply:

1. Fill out an online application form at [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au).
2. Nominate Notre Dame College as your organisation.
3. Upon completion of the application, you will be provided with an online receipt.
4. Take the application summary and printed receipt, a passport-sized photo and proof of identity to a participating Australia Post retail outlet.
5. If the WWCC Check is for paid, child-related work, a fee is payable for a five year clearance.
6. 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.
  - 2 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

## 6.4. What is Checked?

The WWCC obtains an applicants' national criminal histories including:

- Convictions (spent or unspent);
- Non-convictions charges (for serious sexual, violent or drug offences);
- Acquittals because of mental impairment;
- Guilty pleas;
- Juvenile records from when you were under 18 years of age;
- Findings of courts, Corrections Victoria, the Department of Human Services and information from employers or any other source considered relevant;
- Formal findings of guilt
- Pending charges.

The criminal offences relevant to a WWCC are:

- Serious sexual offences;
- Serious violent offences;
- Serious drug-related offences;
- Offences against the Working with Children Act 2005 (Vic); and
- Offences linked to the safety of children.

## 6.5. Appointment of Staff

- New staff (paid, contractor or volunteer) are unable to commence employment at the College without a current Working with Children Check or a valid application receipt.

## 6.6. Proof of Check

- All staff (with the exception of staff who hold current Victorian Institute of Teaching registration) employed at the College are required to hold a Working with Children Check in accordance with the College's Child Protection: Working with Children Check Policy and Procedure, and are required to provide proof to the College in the form of a photocopy of their current Employee Working with Children Check or a valid application receipt prior to their commencement at the College. Please note: the application receipt is a valid alternative to a Working with Children Check for only 60 days.
- All other persons (except those who are exempt) are required to show their Working with Children Check on arrival at the College. This would normally occur at Reception where all visitors to the College are required to sign in. The office staff will check this against the Working with Children Check Register and add any new Working with Children Checks to the data base. This will require the person to provide us with a photocopy of their Working with Children Check as well as their full name, address, and date of birth.  
Please note: A Volunteer or Employee Working with Children Check is suitable for Contractors and other visitors who are not engaged in paid, child-related work, involving Direct Contact with students. Contractors (e.g. music tutors) who do child related work and have direct contact with students will be required to have an Employee Working with Children Check.
- There are times where students are on site after hours e.g. studying in the library, detention etc. There are also times during school holidays that students may attend the College, for instance production rehearsals, Year 12 students studying, etc. A Working with Children Check is therefore required to enter the College at any time.

## 6.7. Renewal of Check

- Working with Children Checks are to be renewed every five years. The renewal of the Working with Children Check is the sole responsibility of the individual.
- The College checks the Department of Justice website annually to ensure Working with Children Checks are current and sends a renewal reminder to staff one month prior to the expiry date.
- The individual is required to provide proof of their registration in the form of a copy of their new Working with Children registration card to the College. This copy is to be provided within 7 days of receiving it from the Department of Justice.

## 6.8. Lapsed Check

- Once a Working with Children Check expires a person cannot engage in any child related work until it is renewed, to do otherwise is an offence.
- According to Part 2, Section 14A, B & C of the Victorian Catholic Education Multi Enterprise Agreement 2018; "Where for any reason an employee does not have the required registration (or other evidence to permit them to work (Necessary Authority) the Employer may;
  - Give the employee not less than seven days, to obtain the necessary authority; and
  - Give the employee an opportunity to explain any extenuating circumstances and clarify any matter.
  - Where following the steps above, the Employer is satisfied that the lack of the 'Necessary Authority' is a result of the actions or omissions of the employee – and not due to any extenuating circumstance – the employer may stand down the employee without pay until the employee satisfies the employer that he or she has the 'Necessary Authority'.

## 6.9. 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, even if they are directly supervised, 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 WWCC 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.

The College will not allow anyone who has a Negative Notice to undertake child-related or other work, even if they are directly supervised or exempt from holding a WWCC.

## 6.10. Working with Children Check Register

The College maintains a register of Working with Children Checks which is administered by the Employment and Payroll Administrator.

All persons requiring a Working with Children Check;

- Will provide a copy of their WWCC together with their name, address and birthdate prior to entering the College. This information will be recorded in the College's Working with Children Check register.
- When arriving at the College persons will be required to sign in and show their Working with Children Check which will be checked against our register. Where we do not have a record of this Working with Children Check we will require a copy of it together with the person's name, address and birthdate which will then be added to the College's register.

Those exempt from the register are still included on the register with an explanation as to why they are exempt.

## 6.11. Active Supervision for those without a Working with Children Check

### 6.11.1. Direct Contact

It is not possible to actively supervise an adult who will have direct contact with a child. The adult must have a Working with Children Check.

### 6.11.2. Indirect Contact

There will at times be instances where a person attending the College (such as a contractor, tradesperson, delivery person), does not have a Working with Children Check and is not exempt from holding one (as per Appendix 1), however they will also not have any direct contact with a student. In these instances;

- The person without a check may undertake their work if 'directly supervised' by a College staff member.
- The staff member responsible for organising the visit is to ensure that the person is 'directly supervised' while at the College.
- Where a delivery is being made to a location other than the office, the Facilities Manager or a Maintenance staff member is to be contacted in order to 'directly supervise' the delivery person.
- 'Direct supervision' requires that a staff member is present with the person who does not hold the check for the time that they are at the College.

## 6.12. Communication of Policy

- New staff, volunteers and contractors receive a copy of the policy and are required to sign a statement indicating that they have read understand and agree to abide by the College's WWCC policy and procedure.
- During the induction process with new staff the policy is discussed.
- Staff are updated annually on the requirements of the policy.
- A copy of the policy and procedure is available on the Notre Dame College website and the College Intranet.

## 7. 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 College will take all 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.

## 8. BREACH

- Any breach of this policy is considered to be serious misconduct and may lead to dismissal.

## 9. ASSOCIATED DOCUMENTS

This policy should be read in conjunction with the following documents:

- *Charter of Sandhurst School Improvement* <http://cossi.ceosand.catholic.edu.au/>
- *Catholic Education Sandhurst – Guidelines to Schools for Compliance with the Working with Children Act 2005*
- *Notre Dame College:*
  - *Child Safe Policy*
  - *Code of Conduct for Behaviour with Students*
  - *Child Safe: Identifying And Responding To All Forms Of Abuse Policy & Procedure*
  - *Child Protection – Grooming Policy and Procedure*
  - *Victorian Institute of Teaching Registration Protocols for Employment at Notre Dame College*

## 10. REFERENCES

- Working with Children Act (Vic) 2005 [http://www.austlii.edu.au/au/legis/vic/consol\\_act/wwca2005232/](http://www.austlii.edu.au/au/legis/vic/consol_act/wwca2005232/)
- Catholic Education Sandhurst Information for Schools – Child Safe Organisations

## 11. REVIEW

This policy is to be reviewed at least every three years.

**Initially Ratified:** July 2016

**This Version Ratified:** May 2019

**Next Review to be completed by:** May 2022

## APPENDIX 1

### Frequently asked questions about who needs a WWCC

#### **Does my guest speaker need a WWCC?**

Yes they will as their work involves Direct Contact with students. They will need an Employee WWCC if they are being paid for their appearance or a Volunteer WWCC if they are volunteering their time.

#### **Does a food vendor coming onto College grounds or attending College events require a WWCC?**

Yes, if their work will involve direct contact with students or the opportunities for direct contact, e.g. selling food to students. If the food vendor was coming on a student free day to supply staff with coffee they wouldn't require a WWCC. Food vendors can provide either a Volunteer or Employee WWCC as their work isn't child related even if they may have Direct Contact with students.

This will include food vendors at Mission Mart, College Swimming Sports, Athletics and any other College event.

#### **Does an electrician or other service provider working on College ground require a WWCC?**

Yes. The work they are doing isn't child related, however, the College has done their own Risk Assessment and believes that the opportunity for these contractors to be in Direct Contact with students is high, so for this reason they are asked to supply either an Employee or Volunteer WWCC prior to commencing work.

#### **I have arranged for a contractor to come into the College and complete a quote for possible future works – do they need a check?**

No, as long as you are with them for the entire length of their visit and they are not given opportunities for Direct Contact with students, they will not need a WWCC. This exemption is only for one off visits and the contractor would be required to provide a WWCC should they gain work.

#### **Do our Notre Dame Sporting Club Coaches and Managers require a WWCC?**

Yes they will need to provide the College with a copy of their current WWCC, even if they are also a parent.

#### **Does someone delivering goods to the College require a WWCC?**

No, provided that they are delivering to a designated drop off point which means it will be unlikely for them to come into contact with students.

#### **Are visiting parents required to hold a WWCC?**

No, parents of students enrolled at the College can participate in and assist with College events (such as Caritas Ks or the College Production) and attend meetings without being required to hold a WWCC. An exception to this exemption exists for a parent who attends an overnight excursion or volunteers in the Canteen or Uniform Shop; they would be required to have a WWCC.

#### **What if I have a visitor coming to meet with me at the College (eg. from Shepparton City Council)?**

If the visitor is only meeting with you and will not have any direct contact with students they are not required to have a WWCC.

#### **Do Religious and Parish Associates need a WWCC?**

Yes they will if they are coming into the College and will be in contact with students.

#### **Is anyone exempt?**

A visitor with a current VIT Card does not require a WWCC, nor does a police officer. Any students over the age of eighteen and enrolled at the College are also exempt from requiring a WWCC.