



## Working with Children Check Policy

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.

The Victorian Registration Standards (sch 4 cl 5) (CECV Guidelines ref 5.2) states that the requirements of the Working with Children Act 2005 must be complied with in respect of the employment of all staff at the College. This includes:

- implementing procedures to ensure that all employees and volunteers required to do by the Working with Children Act 2005 have a current Working with Children Check
- maintaining a register of employees with a Working with Children Check which includes each employee's:
  - name
  - card number
  - expiry date
- implementing procedures for maintaining the register of employees with a Working with Children Check.

### WWC Check Requirement

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 Harkaway Hills College as an employee, a Board member, 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.

### 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
- boarding houses or other residential services for children and 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 College
- 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 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 College requires that these parent volunteers undergo a WWC Check as a matter of best practice.



## 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.

Information on the application process is available at: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

The WWC Check obtains applicants' national criminal histories.

## Outcome

- 1. 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.
  - Staff and volunteers must obtain a Clearance in order to take part in child-related work at Harkaway Hills College.
- 2. 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.
  - Applicants who receive a negative notice will not be permitted on-site at Harkaway Hills College.

## Staff and Volunteer obligations Obligation

Upon receiving clearance, it is compulsory that the staff member/volunteer show their WWC Check Card to Harkaway Hills College 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.

## Harkaway Hills College's Obligations

Harkaway Hills College 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 Harkaway Hills College
- ensure workers engaged in paid work have an Employee WWC Check Card and not a Volunteer WWC Check Card.



### **Working with Children Check Register**

The College maintains a Working with Children Check Register which includes all staff (teaching and non-teaching), volunteers and other persons at the College with a Working with Children Check and includes:

- their full name
- their WWCC card number
- the expiry date of their WWCC card.

The Register is maintained by the Administration Assistant.

### **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 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 Obligation**

For the College's record keeping obligations relating to WWC Checks, refer to the College Record Keeping Policy.

**Last reviewed: 2 September 2020**