

WORKING WITH CHILDREN CHECK POLICY

	Approval Date: September 2017
	Review Date: September 2021
Author:	People and Culture
Responsible Director:	Director, Corporate Performance
Relevant Legislation/Authority	Working with Children Act 2005 (Vic) Child Wellbeing and Safety Act 2005 Child Safe Standards

1. PURPOSE

The City of Greater Bendigo (the City) is committed to being a child safe organisation. The development of a culture of child safety and the provision of a child-safe environment is supported by clear principles and human resource practices aimed at reducing risks to child safety. Working with Children (WWC) Checks are one of a range of recruitment and selection tools which are used to ensure relevant employees, contractors and volunteers at the City are appropriately screened prior to engaging in child-related work. This policy sets out how the City will ensure that all employees and contractors engaged in child related work and volunteers have a valid WWC Check.

2. SCOPE

This policy applies to employees, contractors and volunteers.

3. DEFINITIONS

Child-related work - working with or caring for children in any of the occupational fields referred to as 'services, places, bodies or activities' in the Act that involves contact with a child that is direct, regular and a part of the person's duties (not incidental to the work).

Children – all people aged less than 18 years.

Direct contact – oral, written or electronic communication as well as face-to-face and physical contact.

Interim Negative Notice – notification that is sent to the applicant/cardholder and all the organisations that the applicant/cardholder has listed with the department, that the preliminary assessment of their application or reassessment suggests that the applicant/cardholder will not pass the WWC Check and the department intends to issue a negative notice. This allows the applicant/cardholder to respond to the information the department intends to use in its final decision.

Negative Notice – notification that is sent to the applicant/cardholder and all the organisations that the applicant/cardholder has listed with the department that the applicant/cardholder has failed the WWC Check or had their card revoked and is prohibited from doing child related work.

WWC Check – required by persons doing child-related work under the Working with Children Act 2005 whereby the Department of Justice and Regulation (DoJ) screens a person's

criminal records (and in some cases their professional conduct) focusing on serious sexual, violent and drug offences and continues to monitor these records for the life of the card. During this time the DoJ will notify any listed organisation of any interim or final decisions made about a WWC Check (i.e. suspended or revoked card) but not details of criminal records or professional conduct determinations and findings.

4. POLICY

4.1. Situations requiring a WWC Check

The Working with Children Act 2005 specifies that a person requires a WWC Check if the work being undertaken is 'child related work'. Child related work:

- Is paid or unpaid (volunteer) work
- Is working with or caring for children in any of the occupational fields referred to as 'services, places, bodies or activities' in the Act (see Appendix A)
- Usually involves or is likely to involve, contact with a child that is regular and direct
- Is a part of the person's duties (not incidental to the work)

Not every employee or contractor who has contact with children at work requires a WWC Check. Positions must be assessed against the criteria listed above to define the work as 'child related work'. Where the requirements of a position are not clear, refer to Appendix B – *Is a WWC Check Required Flowchart* to assist you in assessing whether the employee or contractor requires a WWC Check.

4.2. Exemptions

- Employees, contractors and volunteers who are under 18 years of age are exempt from the WWC Check
- Employees, contractors and volunteers who are teachers registered with the Victorian Institute of Teaching (VIT) are exempt from the WWC Check
- Employees, contractors and volunteers who are a Victoria Police Officer or Australian Federal Police Officer are exempt from the WWC Check

4.3. Employees

An assessment of the requirement for a WWC Check should be made by the recruiting manager in consultation with People and Culture for all advertised positions. The requirement for a WWC Check should be included in the position description.

Where a WWC Check is required the successful candidate can be offered the position subject to obtaining an Employee WWC Check. The WWC Check must be obtained and provided to the City prior to undertaking the role.

The City reserves the right to request employees to obtain a WWC Check if a position is deemed in the future to meet the requirements specified in the Act.

4.3.1. Costs - New Employees

The cost of a WWC Check will be incurred by the new employee except if that person is to be employed as a School Crossing Supervisor, to be employed in any position deemed to require WWC Check as part of the amendments to the Working with Children Act (effective August 1, 2017) or a Trainee being paid under the National Training Wage Award. Upon commencement the cost of the WWC Check will be refunded to School Crossing Supervisors, people employed in any position deemed to require WWC Check

as part of the amendments to the Working with Children Act (effective August 1, 2017) and Trainees, unless the WWC Check Card is more than 60 days old.

4.3.2. Costs – Existing Employees

Existing employees in any position deemed to require a WWC Check as part of the amendments to the Working with Children Act (effective August 1, 2017) will be reimbursed by the City for the cost of the WWC Check. Renewal fees are the responsibility of the employee except for School Crossing Supervisors and Trainees being paid under the National Training Wage Award.

4.4. Volunteers

The City expects all volunteers to hold a valid volunteer WWC Check, regardless of the requirements of their role. From August 2017 the City will support volunteers to ensure this expectation is met and will aim for all existing and new volunteers to hold a volunteer WWC Check by August 2018. The requirement for a WWC Check should be included in the volunteer role description.

For new volunteers, evidence of the WWC Check must be provided to the City prior to commencing the volunteer role. For further advice contact the People and Culture Unit.

4.4.1. Costs

There is no charge for a volunteer WWC Check.

4.5. Contractors

External contractors are engaged by the City by a range of methods.

For contracts managed by the Procurement team: the requirement for contractors undertaking child-related work to hold a WWC Check will be included in the pre-qualification stage. An assessment of the requirement for a WWC Check will be the responsibility of the tendering or contracted service provider. Required documentation will be captured as part of the pre-qualification process and must be provided to the City prior to the contractor undertaking any child-related work.

For contracts managed by employees other than the Procurement team: An assessment of the requirement for a WWC Check is the responsibility of the employee engaging, coordinating or managing the contracted service provider. Required documentation must be provided to the City prior to the contractor undertaking any child-related work, is the responsibility of the employee engaging, coordinating or managing the contracted service provider and will be captured as part of the contract/agreement documentation.

The City reserves the right to request contractors to undertake a WWC Check if a position is deemed in the future to meet the requirements specified in the Act.

4.5.1. Costs

The cost of a WWC Check will be incurred by the contractor.

4.6. Apprentices and Work Experience Supervisors

Employees who supervise and/or work with apprentices under the age of 18 are required to have a WWC Check.

Employees do not need a WWC Check if they supervise a student in practical training organised by their educational institution, this includes supervisors of work experience students.

For further advice please contact People and Culture.

4.7. Clinical Placement Students

Students undertaking clinical placement in the Maternal and Child Health, Immunisation or Early Years Services must have a valid WWC Check prior to commencing placement.

4.8. Working With Children Check Results

4.8.1. Interim Negative Notice

Where an employee, volunteer or contractor is issued with an Interim Negative Notice they must immediately advise their people manager, volunteer coordinator or contract coordinator.

4.8.2. Negative Notice

Where an employee, volunteer or contractor is issued with a Negative Notice they must immediately advise their people manager, volunteer coordinator or contract coordinator / manager. An employee, volunteer or contractor who is issued with a negative notice cannot undertake child-related work. If an employee, volunteer or contractor is unable to meet the inherent requirements of the job it may lead to termination of employment.

4.8.3. Revoking of a WWC Check

Where an employee, volunteer or contractor's WWC Check is revoked they must immediately advise their people manager, volunteer coordinator or contract coordinator. An employee, volunteer or contractor who has a WWC Check revoked cannot undertake child-related work. If an employee, volunteer or contractor is unable to meet the inherent requirements of the job it may lead to termination of employment.

4.9. Existing Employees and Volunteers

A WWC Check will be required, at the expense of the employee or volunteer, if they are seconded or are the successful applicant to a position which requires them to have a WWC Check. Existing volunteers who are the successful candidate to a paid position which requires a WWC Check must apply and pay for an employee designated card prior to undertaking paid child-related work.

4.10. Resources

- Department of Justice and Regulation: www.justice.vic.gov.au
- Working with Children Check (Vic): <http://www.workingwithchildren.vic.gov.au/home/>

4.11. Working With Children Check Responsibilities

Employees requiring a WWC Check must:

- Obtain a WWC Check (Employee Check) prior to undertaking child-related work
- Register the City as an employer within 21 days of commencing child-related work and whenever their personal and contact details change
- Provide their people manager with a copy of the email notifying that they have passed the WWC Check
- Show their people manager the WWC Check Card as soon as they receive it
- Advise their people manager immediately if they receive an interim negative notice, negative notice or their WWC Check is revoked
- Ensure their WWC Check is valid at all times, renew their WWC Check as required and inform their people manager when it has been renewed

Volunteers must:

- Obtain a WWC Check (Volunteer Check) prior to undertaking volunteer work
- Register the City as an employer within 21 days of commencing with the City and whenever their personal and contact details change
- Provide their Volunteer Coordinator the application receipt (back page of application form)
- Show their relevant Volunteer Coordinator the WWC Check Card as soon as they receive it
- Advise their relevant Volunteer Coordinator immediately if they receive an interim negative notice, negative notice or their WWC Check is revoked
- Ensure their WWC Check is valid at all times, renew their WWC Check as required and advise their volunteer coordinator when it has been renewed

People managers must:

- Ensure all employees assessed as requiring a WWC Check hold a current and valid employee WWC Check Card (marked with an 'E') before commencing child-related work
- Ensure the requirement for a WWC Check is included in relevant position descriptions.
- Provide a copy of the WWC Check Card to People and Culture for recording and filing on the employees personnel file
- Undertake correct pre-employment screening to ensure that the successful candidate has a current and valid WWC Check, or they have lodged their application for a WWC Check
- Ensure the employee registers the City as their organisation within 21 days of commencing the child-related work
- Advise People and Culture immediately if an employee advises that they have received an interim negative notice, negative notice or that their WWC Check has been revoked
- Monitor compliance with the responsibilities of relevant employees, ensure WWC Checks are kept up to date and ensure documentation fulfills legislative requirements

Volunteer Coordinators must:

- Ensure volunteers hold a valid WWC Check Card (volunteer OR employee WWC Check cards will be accepted, marked with either a 'V' or 'E') or have lodged a WWC Check application by the required date
- Ensure the requirement for a WWC Check is included in role descriptions
- Undertake correct pre-volunteer screening to ensure that the potential volunteer has a current and valid WWC Check, or they have lodged their application for a WWC Check
- Ensure volunteers register the City as their organisation within 21 days of commencing volunteer work
- Advise People and Culture immediately if a volunteer advises that they have received an interim negative notice, negative notice or that their WWC Check has been revoked
- Ensure volunteer WWC Checks are kept up to date

People and Culture must:

- Place a copy of the WWC Check Card on the employee's personnel file and record WWC Check details on the Human Resource Information System (HRIS)

5. RELATED DOCUMENTS

- Code of Conduct
- Police Check Policy
- Recruitment and Selection Policy

6. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Council unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the Staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

7. DOCUMENT HISTORY

Date Approved	Author	Unit	Change Type	Version	Review Date
2007		People and Performance	Initial version	1	N/A
19 September 2017	JW	People and Culture	Review	2	September 2021

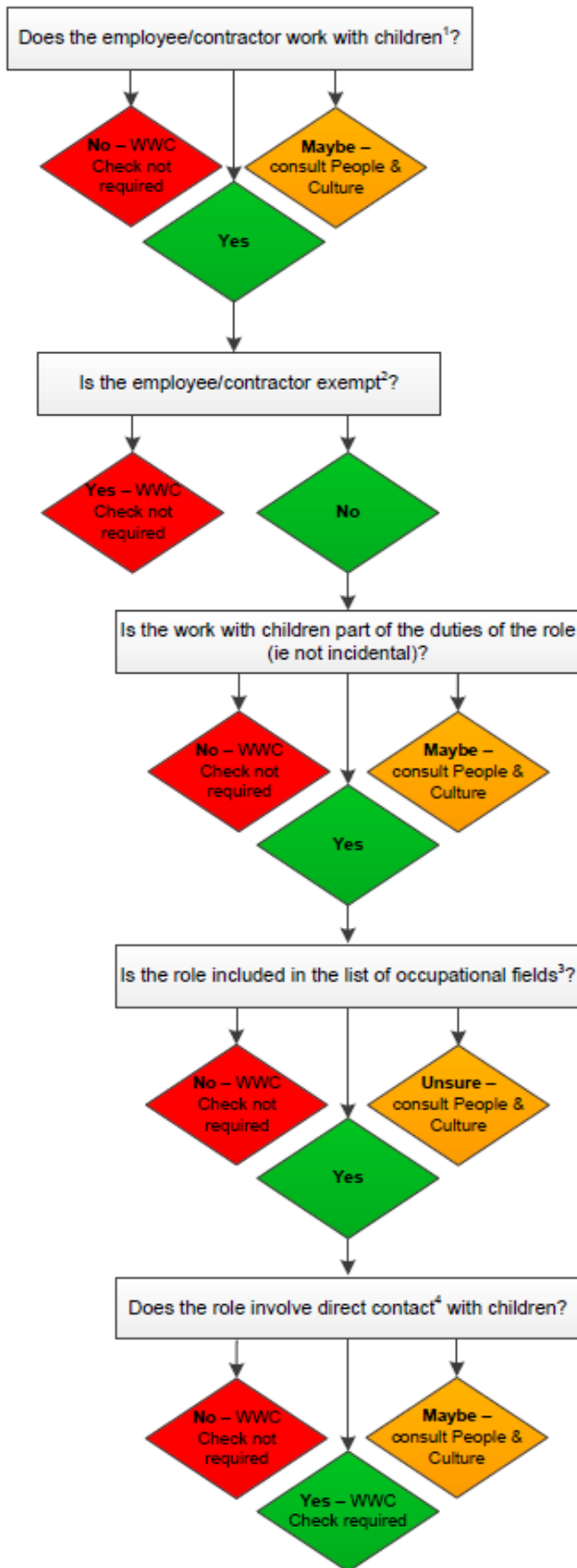
Appendix A Occupational Fields

Service / place of work	Details
Camps	All overnight camps for children
Child care services	Child care services including: <ul style="list-style-type: none"> - centre-based long day care - occasional care - family day care - in-home care - outside school hours care
Child employment - supervisors	Supervision of a child in employment (where the child is under 15 years of age) pursuant to the Child Employment Act 2003
Childminding	Babysitting or childminding services arranged by a commercial agency
Child protection services	Child protection services
Children's services	Children's services under the Children's Services Act 1996 and education and care services within the meaning of the Education and Care Services National Law (Victoria) including kindergartens or preschools
Clubs & associations	Clubs, associations or movements of a cultural, recreational or sporting nature
Coaching & tuition	Coaching or tuition services of any kind specifically for children
Counselling services	Counselling or other support services for children
Educational institutions	Educational institutions for children, specifically: <ul style="list-style-type: none"> - state schools (including all primary, secondary, technical and special state schools) - non-government schools (including all primary, secondary and special non-government schools) - TAFE colleges and TAFE divisions of universities providing VCE and/or Victorian Certificate of Applied Learning (VCAL) subjects - some adult education providers providing VCE and/or VCAL subjects - other institutions providing children's study or training programs
Entertainment & party services	Commercial entertainment or party services for children unless they are merely incidental to or in support of other business activities
Foster care	Fostering children
Gym or play facilities	Commercial gym or play facilities for children unless they are merely incidental to or in support of other business activities
Kinship care	Caring for a child placed by Child Protection under the <i>Children, Youth and Families Act 2005</i>
Out-of-home care services	Out-of-home care services (that are established or approved under the <i>Children, Youth and Families Act 2005</i>)
Paediatric wards	Paediatric wards of public, private or denominational hospitals as defined in the Health Services Act 1988
Photography services	Commercial photography services for children unless they are merely incidental to or in support of other business activities
Refuges	Refuges or other residential facilities used by children
Religion	Religious organisations
School crossings	School crossing services

Student exchange programs/ homestay arrangements	Accommodation services specifically provided for students as part of a student exchange program under Part 4.5A of the Education and Training Reform Act 2006, including accommodation in a person's home such as a homestay arrangement
Talent & beauty competitions	Commercial talent or beauty competitions for children unless they are merely incidental to or in support of other business activities
Transport	Publicly funded or commercial transport services specifically for children
Youth justice	Youth remand, residential, or justice centres, supervision units and probation services within the meaning of the Children Youth and Families Act 2005.

Appendix B

Is a WWC Check Required? - Flowchart



↑ Assess the employee/contractor ↓

↑ Assess the role ↓

¹ less than 18 years of age

² see Working with Children Check Policy 4.2 Exemptions

³ see Working with Children Check Policy Appendix A Occupational Fields

⁴ direct contact includes oral, written or electronic communication as well as face-to-face and physical contact