

Marlborough Primary School

School Policies Manual



WORKING WITH CHILDREN AND CRIMINAL RECORDS CHECK POLICY

Rationale:

The *Working with Children Act 2005* (“the Act”) and the *Working with Children Regulations 2006* (“the Regulations”) are now operational. The Act introduced a Working With Children Check (“WWC Check”) and minimum suitability standards for certain people who work or volunteer with children. Educational institutions and their employees were required to be compliant with the Act by 30 December 2007.

Implementation:

Definition

The definition of “*working with children*” or “*child-related work*” includes “work or voluntary work that involves, or is likely to involve, regular direct contact with a child...where that contact is not directly supervised by another person”.

Exemptions:

As detailed in the Act, the following persons are exempt from the WWC Check:

- A volunteer who engages in work in which their child is participating, or ordinarily participates
- A person working with a closely related child
- A child working with children, or an adult under the age of 20 who is a student at an educational institution
- A teacher registered under the Victorian Institute of teaching Act 2001
- Police Officers
- A person involved in child-related work, who is not ordinarily a resident in Victoria

Examples

- A tradesperson who is not ordinarily involved in child-related work, but is called to the school to deal with an emergency
- Where a worker is normally supervised in their child-related work, but the supervisor has left the room for a short period.

Background

The Victorian Government introduced a new checking system that will affect many adults who work or volunteer with children under the age of 18 years. The WWC Check helps to protect children from sexual or physical harm by checking a person’s criminal history for serious

offences and findings from certain professional disciplinary bodies such as the Victorian Institute of Teaching (VIT).

Guidelines

1. The WWC Check is free for volunteers and has a financial cost for paid employees. The check is valid for 5 years and includes ongoing monitoring of the criminal records of those who hold a WWC Check.
2. WWC Checks are required for those persons who are:
 - Doing paid or unpaid (volunteer) work;
 - Working in a field which involves contact with children and is covered by the 20 occupational fields listed in the Act (working in a State Government Primary School is included in this list);
 - Working with regular and direct contact with a child, where that contact is not directly supervised by another person.
3. WWC Checks are not required for those persons who are:
 - Under the age of 18
 - A parent who volunteers in the activity in which their own child normally participates
 - A teacher who has current VIT registration
 - Students aged 18 -19 years old who are working as a volunteer at the school.
 - Working in a classroom where that work is supervised.
4. All persons who already have a police records check do not require a WWC Check.
5. Persons who do not pass the WWC Check may appeal to the Department of Justice and cannot apply for or engage in child-related work, regardless of whether that work is directly supervised by another person.
6. A person cannot knowingly engage in child-related work without a WWC Check.
7. Persons who have applied for a WWC Check can continue to perform child-related work, apply for child-related work or commence child-related work, provided a copy of the application receipt is provided to the employer.
8. An application for a WWC Check must be submitted with the appropriate form, identification documents, payment, proof of change of name(if required) and photograph to an Australia Post Office where the application can be lodged.
9. The Department of Justice will check applications for serious sexual, serious violent and serious drug related offences and professional disciplinary findings including VIT findings. In cases where applicants do not have a relevant criminal offence, and there are no findings made against the applicant by VIT, the applicant will pass the check.
10. Where an applicant does not pass the check, the applicant will be given an opportunity to explain why they believe they should pass the check. If after the submission is considered and the applicant still does not pass the check, they will be issued with a Negative Notice. Persons with a Negative Notice cannot undertake child-related work. Negative Notices can be appealed through VCAT.
11. A WWC Check card will be sent to the applicant in the mail if the check is successful.
12. All information obtained as a result of the WWC Check is covered under Victorian Privacy Laws.

Offences

It is an offence for:

- A person to engage in child-related work without having, or having applied for, a WWC Check.
- A holder of a Negative Notice to apply for child-related work.
- An agency to offer a person child-related work if that person does not have, or has not applied for, a WWC Check.
- A volunteer assessment notice to be used for paid work.

- An applicant to use false or another person's assessment notice.
- An applicant to provide false or misleading information.
- A person to give any other person information acquired by that person in relation to a WWC Check.

Marlborough Primary School Guidelines

The following is a non-comprehensive list of activities within the school which will require a WWC Check for those persons, volunteers, or employees, who are involved. This list may be expanded as required by the Principal.

- School camps
- Individual tutorials
- Kids Hope/KKPP/Reading For Life
- Maintenance
- All School Services Officers, including Aides, Cleaners, Maintenance, Canteen, Music, etc.
- OSHC
- All volunteers where the volunteer works unsupervised with children other than their own.

Where companies and businesses are engaged in working with the students at the school, the companies must provide proof of WWC Checks for all staff involved eg: school photographers, sports organisations, private speech pathologists etc. The Principal has the discretion in determining the requirement for a WWC Check in accordance with the demands of the Act and the Regulations.

Marlborough Primary School will organise and assist all volunteers with their WWC Check application forms. These forms must be submitted upon commencement (usually at the start of each school year) and proof of application must be received prior to the commencement of duties. Paid employees must have submitted forms and provide proof of application prior to commencement of duties. Responsibility for organising and paying for the employee check remains with the employee. Reimbursement for costs will be at the Principal's discretion.

Review Date

This policy shall be reviewed on a cyclical basis and updated if required.

Further Information

<http://www.workingwithchildren.vic.gov.au/>

Evaluation: