

Child Protection Working with Children Check Policy



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Catholic Education Diocese of Wagga Wagga:

Working with Children Policy

1.0 Rationale

All Catholic school communities in the Diocese of Wagga Wagga (DWW) are committed to providing a safe and supportive environment for youth, children, staff and volunteers. School communities have the right to expect that staff, volunteers or contractors who are employed or engaged in the Diocesan Schools Systemic, known as Catholic Education Diocese of Wagga Wagga (CEDWW), are appropriately screened and suitable to be engaged in child related work.

The Working with Children Check legislation took effect on 15 June 2013 following the implementation of the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013. The purpose of the Act and associated Regulations is to provide a framework for the Working with Children Check (WWCC) which is administered by the Office of the Children's Guardian. This policy outlines the processes for conducting and implementing the WWCC for child related work to assist in determining a person's suitability for employment or engagement in CEDWW.

2.0 Scope

The purpose of this policy is to establish a framework for the CEDWW to comply with the requirements of the NSW Child Protection (Working with Children) Act 2012 by following a process that prevents people who pose a risk to the safety, welfare and wellbeing of children from being employed or engaged in child related work.

The CEDWW affirms principles central to the Church's teaching as expressed in the Pastoral Care and Wellbeing Framework. Accordingly, this Policy:

- Is inspired by the life and person of Jesus Christ and the teachings of the Church.
- Is concerned to ensure the dignity and integral growth of every person.
- Acknowledges the responsibility entrusted to all members of each Catholic school's community.
- Seeks to promote healing, reconciliation, justice and liberation.

The CEDWW are responsible and accountable for promoting a culture in which employees are committed to ensuring the wellbeing, safety and protection of children and the vulnerable.

3.0 Guiding Principles

- Ensure school compliance with policies and procedures
- Ensure that all child related workers and volunteers are aware of and understand the requirements, policies and procedures in relation to the WWCC.
- Comply with the requirements for the WWCC as outlined in the Working with Children Check Guidelines for Schools.

- Ensure that volunteers, contractors and external service providers are screened as outlined in the Working with Children Check Guidelines for Schools and that appropriate records are maintained at the school.
- Ensure any additional probity checks for prospective employees are undertaken including thorough referee checking.
- Comply with policies and procedures as required by this and related documents; Ensure all those who are classified as being in child related work must apply for a WWCC as required and supply the WWCC number to the CEDWW for verification.

4.0 Policy

From 15 June 2013 people who are seeking to be employed or engaged in child related work in the CEDWW are subject to relevant requirements under the Child Protection (Working with Children) Act 2012 and associated Regulations. The WWCC process involves a national police check and a review of findings of misconduct involving children.

A person is in child related work if he or she works face to face with children in a child related sector, or works in a stipulated child related role. This policy applies to people who are employed or engaged (or who are seeking to be employed or engaged) in child related work in the CEDWW, in one of the following capacities:

- as a paid employee;
- as a self-employed person or as a contractor or subcontractor;
- as a volunteer;
- as a person undertaking practical training as part of an educational or vocational course (other than as a student undertaking work experience)

A child related worker is responsible for applying for his or her own WWCC. Before engaging or employing a child-related worker or volunteer the CEDWW must ensure the person has a verified Working with Children check to work with children.

Refer to the Guidelines for Schools Working with Children Checks (WWCC) for specific detail regarding when existing workers or volunteers require a Working with Children check to be completed.

There are specified exemptions from the WWCC under Part 4, Clause 20 of the Child Protection (Working with Children) Regulation 2013. People covered by these Regulations are not required to have a WWCC. However, a person who is exempted from the WWCC legislative requirements may still be required by the CEDWW to sign a declaration. Refer to the WWCC Guidelines for Schools for specific information on who requires a WWCC or declaration to be completed and when. See attached Annexures A and B.

5.0 Procedures

5.1 Verifications

To comply with the legislation, employers need to go online to verify the status of a WWCC number for any paid or volunteer staff in child related work. Verifications of all WWCCs will be completed centrally by CEDWW staff in the People & Culture Team. A record of the full

name, Date of Birth (DOB), WWCC number date and outcome of verification will be stored electronically by the CEDWW People & Culture Team. This may include verifications for WWCC

or similar named clearances from other states required for personnel who reside outside of NSW but work in NSW for schools.

5.2 Outcomes of the WWCC

In NSW, the result of a WWCC is either a clearance to work with children for five years or a bar against working with children.

- Barred applicants may not work or volunteer with children.
- Cleared applicants will be subject to ongoing monitoring.

Criminal or workplace records which appear against a worker's name during the five-year period may trigger a risk assessment and in some cases result in a bar or interim bar against working with children depending on the seriousness of the offence or conduct concerned.

5.3 Risk assessment

The CEDWW have a legal obligation to report findings of sexual offence, sexual misconduct and serious physical assault involving children by a child related worker to the Office of the Children's Guardian.

A risk assessment is an evaluation by the Office of the Children's Guardian of an individual's eligibility for child-related work. It will be triggered by:

An offence listed in Schedule 1 of the Child Protection (Working with Children) Act 2012.

A pattern of behaviour or offences involving violence or sexual misconduct that represents a potential risk to children (even if the records are not individually listed on Schedule 1 or 2 of the Child Protection (Working with Children) Act 2012.

- Findings of misconduct reported by a reporting body.
- Notifications by or to the NSW Office Children's Guardian.

5.4 Bars

It is an offence to employ a worker for child related work (paid or unpaid) if the outcome of their online verification is:

- Barred
- Interim barred
- Not found

Where CEDWW, is advised that a current employee or volunteer has become barred, it must immediately remove them from child related work. The options are:

- Dismiss the worker.

- Suspend them from child-related work pending the outcome of an appeal.

When the CEDWW receives notification of a bar or interim bar from the Office of the Children's Guardian, the CEDWW, will:

- Advise the person of the bar or interim bar.
- Remove the person immediately from child related work.
- Inform relevant staff that the person is not to be employed or engaged.

5.6 Other screening

A WWCC is only one of the tools available to keep children safe. Employment or engagement in the CEDWW, may also be subject to other checks as prescribed in relevant legislation or policy. Pre-employment screening includes but is not limited to; reference checks, medicals, and National Criminal Checks.

6.0 Confidentiality

Employees must maintain confidentiality in relation to any matters of a child protection nature and treat confidential and personal information about children and students, their families or other employees respectfully and only communicate such information to those who need to know in order to perform their professional role. Employees must comply with relevant laws and regulations regarding the collection, dissemination, use and security of all such information. Sharing of confidential and personal information with external persons or agencies may only occur within the established guidelines for such communication and in accordance with any relevant legislation relating to the provision of such information.

7.0 Definitions

7.1 Responsibilities

CEDWW staff members have a responsibility in relation to the Working with Children Check. These responsibilities are as follows:

7.2 Director of Catholic Education

Ensure the child protection systems and operations in relation to the WWCC within the CEDWW comply with relevant legislation.

Authorise the reporting of child related workers' or volunteers' names to the Office of the Children's Guardian in relation to reportable conduct investigations where there are sustained findings of sexual offence, sexual misconduct or physical assault.

Ensure appropriate action is taken to remove a child related worker or volunteer from child related employment if they are subject to an interim bar or bar imposed on their WWCC.

7.3 Principals

Ensure school compliance with policies and procedures.

Ensure that all child related workers and volunteers are aware of and understand the requirements, policies and procedures in relation to the WWCC.

Comply with the requirements for the WWCC as outlined in the Working with Children Check Guidelines for Schools.

Ensure that volunteers, contractors and external service providers are screened as outlined in the Working with Children Check Guidelines for Schools and that appropriate records are maintained at the school.

Ensure any additional probity checks for prospective employees are undertaken including thorough referee checking.

Comply with policies and procedures as required by this and related documents.

Ensure all those who are classified as being in child related work must apply for a WWCC as required and supply the WWCC number to the CEDWW for verification.

7.4 CEDWW Employees (all)

A WWCC is a core compliance requirement to work for the Catholic Education Diocese of Wagga Wagga (CEDWW) a valid Working with Children Check must be held at all times.

If your WWCC expires, you will not be able to continue to work in your role, or for CEDWW.

Failure to obtain and/or provide CEDWW People and Culture Team with a CLEARED WWCC prior to your expiry date will lead to the following:

Employees will be **stood down without pay** until a valid Working with Children Check has been submitted to the People & Culture Team for verification.

7.5 Child Protection Team

Provide advice and support to schools and other CEDWW personnel in relation to compliance with the WWCC system.

Establish and maintain appropriate procedures to ensure the CEDWW and all diocesan systemic schools comply with the WWCC systems.

Report child related workers' or volunteers' names to the Office of the Children's Guardian in relation to reportable conduct investigations where there has been a sustained finding of sexual offence, sexual misconduct or physical assault.

Comply with requests for information from the Office of the Children's Guardian in order for the Office of the Children's Guardian to undertake risk assessments.

Ensure child related workers or volunteers who are subject to an interim bar or bar are removed from child related work and the relevant personnel are informed.

7.6 People & Culture

Undertake online verifications for all child related workers or volunteers and maintain records of the outcome of WWCC, as per verification process.

Establish and maintain rigorous recruitment, selection and screening processes including informing new child related workers of the requirements of the WWCC and undertaking thorough referee checking of all new staff and volunteers across the diocese in schools.

To provide employees who disclose that they are the victim or affected both directly or indirectly by domestic violence with access to EAP Counselling service and advising them of the availability of Personal Carers Leave and Domestic and Family Violence Leave.

For the purpose of duty of care the leader is required to advise in a confidential manner their direct Manager or Head of People & Culture of the domestic violence disclosure and the support mechanisms that have been enacted. A risk assessment is required to be undertaken by the leader to ensure the safety of all employees and other relevant stakeholders.

8.0 Related policies

- [Children's Guardian Act 2019](#)
- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [Child Protection \(Working with Children\) Regulation 2013](#)
- [Child Protection \(Working with Children\) Act 2012](#)
- [Child Protection Policy: Responding to complaints and Allegations](#)
- [Code of Conduct in the Protection of Children Students and Young People](#)
- [NSW Department of Communities and Justice](#)
- [NSW Office Children's Guardian's NSW Reportable Conduct Scheme - helping to keep kids safe](#)
- [Privacy Policy](#)
- [Complaints Management](#)

Reminder

There are financial penalties for individuals and agencies for failing to keep records and private details up to date, go to www.kidsguardian.nsw.gov.au/check and follow the directions.