

WORKING WITH CHILDREN CHECK (WWCC) POLICY AND PROCEDURE

1. Policy statement

Statement of Commitment to Child Safety

Sholem Aleichem College (SAC) is committed to ensuring a child safe environment exists throughout our College. The safety, wellbeing and rights of all children attending the College are paramount. Sholem Aleichem College's commitment to creating a safe environment for all students who attend the College is endorsed at the highest level by the College Council and the Principal. For more information please refer to our Child Protection Policy.

The Worker Screening Act 2020 (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. This checking process is called the WWCC (Working With Children Check).

People who are assessed as posing an unjustifiable risk to the safety of children fail the WWCC and the Act prohibits these people from working or volunteering with children. The Act imposes penalties for schools and individuals that do not comply with the Act.

Ministerial Order 1359 requires that, when engaging **school staff** or **Volunteers** to perform **child-connected work**, HR Manager or their delegate must sight, verify and record the person's WWCC status is current and valid (if the person is required to have a clearance under the Act) or an equivalent background check where that is required (for example, VIT teacher registration). The HR Manager or their delegate need not, however, comply with this requirement if it has already undertaken these activities in relation to a particular individual within the previous 12 months.

2. Aim

The aim of this policy is to ensure that all workers, contractors and volunteers have a valid WWCC and therefore keep children safe. This Policy and its Procedures outline the responsibilities and obligations of Staff, Volunteers, Contractors and others under the Act and Ministerial Order 1359. It also sets out information and procedures relevant to the WWCC process and verification of workers' WWCC's status.

3. Related Policies

- SAC Child Protection Policy
- SAC Privacy Policy
- SAC Records Management Policy
- SAC Recruitment and Selection Policy
- SAC Induction, Orientation and Onboarding Policy and Procedure
- SAC Performance Management and Disciplinary Action Policy

4. Scope

This policy applies to all staff, contractors, volunteers, Council members and anyone defined as a worker under this Policy, children and families.

5. Definitions

The following definitions apply in this policy:

Work and Worker

A person is referred to as a “worker” for the purposes of this Policy, if they are engaged in “work”, “Work” is defined in section 3 of the Act to mean:

(a) work engaged:

- under a contract of employment or a contract for services (whether written or unwritten)
- as a minister of religion or as part of the duties of a religious vocation
- as an officer of a body corporate, member of the committee of management of an unincorporated body or association, or member of a partnership

(b) practical training undertaken as part of an educational or vocational training course;

(c) work engaged in as a Volunteer, including unpaid community work under a community or treatment order.

Child-Connected Work

For the purposes of Ministerial Order 1359 “child-connected work” is defined as work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

Under this definition:

- all staff members, including teaching and non-teaching Staff, are engaged in child-connected work.
- many, but not all, Volunteers and Contractors are engaged in child-connected work. Volunteers and Contractors who are themselves children or who do not work when children are present or expected to be present are not engaged in child-connected work.

“Child-connected work” is broader than “child-related work”, defined below. “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does.

For example, a consultant engaged by the College to work with the College Council and who attends the College for meetings during school hours (i.e. when children are present) is not engaged in “child-related work” for the purposes of the WWCC but is engaged in “child-connected work” for the purposes of Ministerial Order 1359.

Child-Related Work

“Child-related work” is defined in section 7 of the Act as voluntary or paid work:

- at or for a service, body or place, or that involves an activity, listed in section 9(3) of the Act (occupational categories); and
- that usually involves direct contact with a child.

The occupational categories listed in the Act that may be relevant to the College include:

- education and care services within the meaning of the Education and Care Services National Law Act 2010 (Vic)
- educational institutions
- clubs, associations or movements (including of a cultural, recreational or sporting nature) that are for or directed at children or whose membership mainly comprises children
- religious organisations
- transport services specifically for children (i.e. school bus services and taxi services for children with disability)
- coaching or tuition services of any kind specifically for children
- counselling or other support services for children
- overnight camps for children

However, work in these occupational categories (other than ministers of religion) is not “child-related work” if the work involves only occasional direct contact with children that is incidental to the work (e.g. a consultant engaged by the College and who attends the College for meetings during school hours when children are present is likely not to be engaged in “child-related work”).

Under this definition, most Staff at the College, and all Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work.

Direct Contact

Direct contact with children is defined in section 3 of the Act 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.

It does not matter whether the contact occurs in the presence of or under the supervision of another person.

Staff/Staff Member

The terms “Staff” and “Staff Member” include all teaching and non-teaching Staff, including the Principal. They include all those employed by the College on a permanent, temporary or casual basis.

Although School Council members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and the Child Safety and Protection Program.

Volunteers and Contractors

A Volunteer is a someone who performs work for the College in a College environment without remuneration or reward. Volunteers may be family members of students, or from the wider College or local community. Volunteers are not “school staff” within the meaning of Ministerial Order 1359, even if they are engaged in “child-connected work”.

A Contractor is someone engaged by the College to perform specific tasks. Contractors are not employees of the College. However, Contractors who have direct contact with children (see below) are “school staff” within the meaning of Ministerial Order of 1359.

The College categorises Volunteers and Contractors as either:

- **Direct Contact Volunteers/Contractors:** Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). Direct Contact Volunteers/Contractors who are adults are engaged in both “child-connected work” and “child-related work”.
- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working the College’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). Regular Volunteers/Contractors are not engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and work when children are present or expected to be present.
- **Casual Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). Casual Volunteers/Contractors are not engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and work when children are present or expected to be present.

“Visitors”

The term “Visitor” refers to any adult who attends a College event or who is in a College environment on a one-off or casual basis. Examples of Visitors who are relevant to this Policy include, but are not limited to:

- Casual Volunteers
- Casual Contractors
- people invited by the College or a staff member to attend a College event or to be in a College environment
- people who attend a College environment for commercial purposes, such as for deliveries or sales purposes.

6. Implementation

Who Needs a WWCC?

Subject to **Key Exemptions** below, the Act requires that any **worker** who engages in **child-related work** that involves **direct contact** with a child must hold a valid WWCC.

Therefore, unless an exemption applies, it is a legal requirement that **the following persons at the College must undergo a WWCC and hold a valid and current WWCC in order to work or volunteer at the College:**

- Staff who have direct contact with children, other than registered teachers (who are exempt)
- Direct Contact Volunteers (other than those who are exempt)
- Direct Contact Contractors
- ministers of religion and people performing duties of a religious vocation
- trainee teachers.

It is an offence for a worker in these categories to work with children without a valid WWCC clearance. It is also an offence for the College to engage in child-related work a worker who does not hold a valid WWCC clearance.

Key Exemptions

SAC, in accordance with the Act, exempts the following people from requiring a WWCC in order to work or volunteer with children:

- teachers registered with the Victorian Institute of Teaching (VIT)**
- students, aged 18 or 19, undertaking volunteer work organised or held at the 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.

**Staff members with current VIT teacher registration do not require additional WWCC screening as their registration includes equivalent checks, Information sharing and notification requirements. However, they must notify [Working with Children Check Victoria](#) (WWCCV) of organisations in which they undertake any other child-related work. They must also notify the VIT if they are charged with, committed for trial for, or convicted or found guilty of offences that accord with those applicable to the WWCC scheme, or if they are issued with a negative notice under the WWCC scheme.

Workers' Obligations

Workers must:

- provide their WWCC Card and/or Approval Receipt numbers to the College, before commencing work at the College
- on receiving a WWCC clearance, show their WWCC Card to the College,(or, in the case of a Contractor engaged by a company other than Sholem Aleichem College to perform services at the College, their company) and to any other organisation where they do child-related work
- notify WWCCV, within 21 days, of:
 - any changes to their name, residential address, electronic address, birth date or phone numbers
 - any changes to the organisation(s) where they are engaged in child related work. (This can be done online through a [MyCheck Account](#) or [Services Victoria](#).)
- notify, in writing, both the College, (or, in the case of a Contractor engaged by a company other than Sholem Aleichem College to perform services at the College, their company) and WWCCV, within seven days, if:
 - they are charged with, convicted, or found guilty of a category A or B sexual, violent or drug offence (as defined in the Act), or the charge has been finally dealt with by a court in some way
 - a relevant disciplinary or regulatory finding is made against them
 - they are or become subject to reporting obligations under Part 3 of the Sex Offenders Registration Act 2004 (Vic)
 - they become subject to a supervision order, detention order or an emergency detention order
 - they have been given an NDIS exclusion
 - they have been excluded from child-related work under a corresponding working with children law

- stop working with children immediately if their WWCC Card is suspended or revoked
- not let another person use their WWCC Card for child-related work
- lodge a renewal form before their WWCC Card expires.

Sholem Aleichem College's Obligations

Sholem Aleichem College must:

- know when our workers' WWCC clearances expire and, on expiry, check that workers have renewed their WWCC clearance
- ensure that new Staff and relevant Volunteers and Contractors notify WWCCV within 21 days of commencing child-related work with Sholem Aleichem College
- ensure that paid workers doing child-related work have an Employee WWCC Card, not a Volunteer WWCC Card
- respect and protect workers' privacy.

Where a company or other contracted service provider with multiple employees is engaged as a Contractor by Sholem Aleichem College, the College may require, in its contract with the Contractor, that the Contractor undertake these responsibilities and confirm its compliance in writing to the College.

To meet these obligations, Sholem Aleichem College will:

- before engaging a new worker, check the status of the person's WWCC Card or application number using the WWCCV's online checking system, found [here](#)
- keep records for each worker to whom the WWCC scheme applies including:
 - full name
 - date of birth
 - WWCC Application Receipt Number
 - WWCC Card Number
 - date and outcome of WWCC clearance
 - WWCC clearance expiry date
 - notices sent by WWCCV
 - notices provided by the worker
- regularly monitor expiry dates of all WWCC for all employees, contractors and volunteers and send reminders before the expiry date to obtain a new card
- remove, immediately on being notified, any worker in either paid or voluntary child-related work:
 - whose WWCC clearance is suspended or revoked; or
 - who is issued with a WWCC exclusion.

Where a company or other contracted service provider with multiple employees is engaged as a Contractor by Sholem Aleichem College, the College may require, in its contract with the Contractor, that the Contractor:

- verify the WWCC status of every person engaged by the Contractor to provide the contracted services to the College and provide to the College evidence of this verification; and/or
- provide to the College a list of every person engaged by the Contractor to provide the contracted service to the College and their WWCC Card or application receipt number; and/or
- keep all required WWCC records for each person engaged by the Contractor to provide the contracted service to the College.

Sholem Aleichem College will not:

- engage or continue to engage anyone in child-related work who does not have a valid WWCC, unless they are exempt under the Act
- engage or continue to engage anyone in child-related work who has a WWCC exclusion, even if they are exempt (e.g. a parent volunteer cannot work or continue to work at the College if they have been issued with a WWCC exclusion, even though they are legally exempt from having to have a WWCC when volunteering in an activity which involves their own child)
- allow people who are charged with, convicted or found guilty of certain sexual, violent or drug offences to work with or care for children while their WWCC application is being processed or their WWCC status reassessed
- allow people who are or who have become subject to reporting obligations under the Sex Offenders Registration Act 2004 (Vic), or supervision or detention or emergency detention orders or excluded from child-related work under a corresponding working with children law, to work with or care for children (it is an offence for people in these categories to even apply for a WWCC)
- offer the services of any person who doesn't have a current WWCC to another organisation if the work to be undertaken with that organisation is child-related work.

Record Keeping Obligations

Sholem Aleichem College will maintain all required records relating to WWCC requirements in accordance with the privacy laws. A register is maintained by our HR Manager in a secure HR Restricted Folder, and the information is stored pursuant to our Privacy and Records Management policies.

WWCC Procedures and Guiding Information

How to Apply for a WWCC

A worker who engages in child-related work is responsible for applying for their own WWCC. An employer can not apply on behalf of a worker.

To apply:

1. Fill out an online application form on the Working with Children Check Victoria website (https://www.workingwithchildren.vic.gov.au/individuals/applicants/how-to-apply-1#Complete_online_application)
2. On completion of the application, you will be sent an application summary email advising how to finalise your application.
3. Verify your identity either as part of your online application or in person at a participating Australia Post outlet:
 - Online – you will need 2 primary proof of identity documents which are current and, when combined, show your full name, date of birth and photo
 - In person – when you finalise your application with Australia Post, bring 3 original proof of identity documents (1 primary and 2 secondary documents; 2 primary and 1 secondary document; or 3 primary documents).
4. Finalise your application at a participating Australia Post outlet, bringing with you your application summary, one additional identity document if you verified your identity online or your 3 identity documents if you are verifying your identity in person, and any applicable fee.
5. WWCC applications are free for Volunteers. If the WWCC is for paid work, a fee is payable. .

6. If applying for a WWCC from outside Victoria, the following must be posted to WWCCV:
- the application summary of your online application, and certified by a certifying officer
 - copies of your proof of identity documents, certified by the certifying officer
 - two passport-sized photos, one certified on the back by the certifying officer and the other attached to the application summary
 - a credit card payment, bank cheque or money order for the fee if you are a paid worker
 - Mail to: Working with Children Check Victoria, Department of Justice and Community Safety, GPO Box 1915, Melbourne VIC 3001

Can I work while my application is being processed?

Most workers can work in child-related work after applying for a WWCC but before the outcome is determined.

However, if you fall into the following categories, the Act prohibits you from working in child-related work before the outcome of the WWCC:

- you have been charged with, found guilty, or convicted of certain sexual, violent or drug offences if this conduct occurred as an adult
- you have previously been given a WWCC exclusion
- you have applied for the WWCC and are supervising a child under the age of 15 in employment under the Child Employment Act 2003 (Vic)
- you are working in an education and care service under the Children's Services Act 1996 (Vic) or in an education and care service under the Education and Care Services National Law (Victoria) Act 2010 (Vic)
- you are subject to:
 - reporting obligations under the Sex Offenders Registration Act 2004 (Vic)
 - an exclusion from child-related work under a corresponding working with children law in circumstances where you have been charged with, found guilty, or convicted of certain sexual, violent or drug offences
 - a supervision order, a detention order or an emergency detention order.

What is Checked?

Working with Children Check Victoria (WWCCV), which is located in the Department of Justice and Community Safety, assesses WWCC applications. It obtains applicants' national criminal histories including:

- convictions (spent or unspent)
- non-conviction 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 and Corrections Victoria
- formal findings of guilt
- pending charges.

It also considers professional conduct determinations and findings from relevant bodies, including the Reportable Conduct Scheme, VCAT and other tribunals (in respect of health practitioners), Victorian Institute of Teaching (in respect of teachers) and the Suitability Panel (which considers the registration of foster carers).

When assessing an application, WWCCV can request additional information from the applicant or from others, including:

- health treating professionals
- government agencies
- professional disciplinary bodies
- employers and other organisations.

The time it takes to process a WWCC varies from person to person. It typically takes up to three weeks to assess a WWCC application. If you have a common name – or if there are circumstances which require more time investigating your application – it might be up to 12 weeks.

Interim WWCC Exclusions

Certain criminal charges or offences will result in an automatic WWCC exclusion or may require WWCCV to start with a presumption that a WWCC exclusion should be issued. These include:

- serious sexual offences
- serious violent offences
- serious drug-related offences
- offences against the Child, Youth and Families Act 2005 (Vic)
- other offences linked to the safety of children

If an applicant has been charged with or convicted of certain serious offences and/or if, after considering all of the required information, WWCCV considers that the applicant poses an unjustifiable risk to children, it will issue an Interim WWCC exclusion.

The applicant will then have the opportunity to explain why they believe they should pass the WWCC and to respond to the information that has caused the Interim WWCC exclusion.

Outcome of the WWCC

There are only two results for a WWCC:

- a WWCC to work with children; or
- a WWCC exclusion barring an applicant from working with children.

WWCC

Where the applicant satisfies the criteria, the outcome is a WWCC. The applicant will receive an email confirming that they have passed the Check and will then receive a WWCC Card in the mail. The WWCC Card is valid for five years, and displays the worker's name, signature, photograph, card number and expiry date.

An Employee WWCC Card allows workers to engage in any paid or voluntary child-related work.

A Volunteer WWCC Card can only be used for voluntary child-related work.

Workers who have a WWCC will be subjected to ongoing monitoring for relevant new records, which could lead to the WWCC Card being suspended or revoked (and a WWCC exclusion issued) before the five-year expiry date.

WWCC Exclusion

Where an applicant has failed the WWCC, they will be issued with a WWCC exclusion. The person must not engage in any child-related work. The person must notify, in writing, all organisations where they do child-related work that they have received a WWCC exclusion.

A copy of the WWCC exclusion will be sent to all the organisations listed in the application, but they will not be notified of the reasons for the WWCC exclusion.

Persons who have been issued with a WWCC exclusion cannot apply for child-related work, unless they have subsequently reapplied for a WWCC and been issued with a WWCC clearance (or appealed the WWCC exclusion and the WWCC exclusion has been stayed).

Once issued with a WWCC exclusion, a person cannot reapply for a WWCC for five years, unless their circumstances have changed. Changed circumstances 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 a supervision order, a detention order or an emergency detention order
- being no longer excluded from child-related work under a corresponding working with children law
- their NDIS exclusion being deemed void or being set aside, rendered inoperative or otherwise invalidated.

In limited circumstances, people who have been issued with a WWCC exclusion can appeal by making an application to the Victorian Civil and Administrative Tribunal within 28 days of the decision.

Penalties

It is against the law for the following people to even apply for a WWCC:

- a registrable offender under the Sex Offenders Registration Act 2004 (Vic)
- a person who is subject to a supervision order, a detention order or an emergency detention order.

It is an offence to work with children without having applied for a WWCC or holding a valid WWCC Card.

It is an offence for anyone to apply for or engage in child-related work if they have been issued with a WWCC exclusion.

The maximum penalty for all of the above is two years' imprisonment, a fine or both.

The College takes all reasonable steps to ensure that they do not engage or continue to engage a person in child-related work who does not hold a valid WWCC Card, who has been issued with a WWCC exclusion or who has become subject to reporting obligations under the Sex Offenders Registration Act, supervision or detention or emergency detention orders, or excluded from child-related work under a corresponding working with children law. The penalty for organisations is a significant fine.

7. Sources

Worker Screening Act 2020
Education and Care Services National Law Act 2010 (Vic)
Children, Youth and Families Act 2005
Education and Care Services National Regulations
Privacy and Data Protection Act 2014 (Vic)

8. Review

The policy will be reviewed annually. Review will be conducted by:

- HR Manager
- Council
- Employees
- Families
- Interested Parties

Date reviewed: December 2022

Endorsed by Council: January 2023

Date for next review: December 2023