

Working with Children Check Policy

Working with Children Checks

Source of Obligation

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.

Who Needs a WWC Check?

Subject to the exemptions referred to below, any worker who engages in child-related work that involves direct contact (being physical, face to face or physically being within eyeshot) with a child (being a person under 18 years of age) needs a Working with Children Check (WWC Check).

A WWC Check will apply to any person who is engaged by Firbank Grammar, as an employee, a Board member, a self-employed person, a Volunteer, Third Party Contractors (who have or are 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.

What is Child Related Work?

Child-related work is paid or unpaid work involving regular direct and unsupervised contact with a child or caring for children in any of the occupational categories listed in the Act.

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; and
- Commercial entertainment or party services for children unless they are merely incidental to or in support of other business activities.

What is Not Considered to be Child Related Work

The following types of work are not considered to be child-related:

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- Work as a referee, umpire, linesperson, other sporting official or grounds person is not child-related work, if the work does not ordinarily involve contact with children for extended periods without other adults being present; and
- Providing food or equipment at or for a sporting, cultural or other entertainment venue.

Key Exemptions

People engaged in the following types of work 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 School.
- Victorian or Australian Federal Police officers.
- Workers, who usually live in another state or territory, visiting Victoria to engage in child-related work.
- All children under the age of 18.

Note: Some drivers accredited under the Transport (Compliance and Miscellaneous) Act 1983 (Vic) who were engaging in child-related work were previously exempt from the Check. These drivers must now pass the Check to continue this work.

In line with the School'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 School requires that these parent volunteers undergo a Working with Children Check clearance 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.

To apply:

1. Fill out an online application form at www.workingwithchildren.vic.gov.au;
2. Upon completion of the application, you will be provided with an online receipt.
3. Take application summary and printed receipt, a passport-sized photo and proof of identity to a participating Australia Post retail outlet.
4. If the WWC Check is for paid work, a fee is payable for a five year clearance.
5. If applying outside Victoria, the following must be posted to the Victorian Department of Justice:
 - An application summary and receipt or the completed paper form signed in front of a certifying officer.
 - A signed statement by a certifying officer confirming they have witnessed your signature.
 - Certified true copies of your identification documents.
 - 2 passport-sized photos, one certified on the back by the certifying officer and the other attached to the application summary or paper form.
 - A bank cheque or money order for the fee if you are a paid worker.

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Mail to: Working with Children Check Unit, Department of Justice, GPO Box 1915, Melbourne VIC 3001

What is Checked?

The WWC Check obtains applicants' national criminal histories including:

- Convictions (spent or unspent);
- Acquittals because of mental impairment;
- Guilty pleas;
- Juvenile records from when you were under 18 years of age;
- Findings of courts, Corrections Victoria, the Department of Human Services and information from employers or any other source considered relevant;
- Formal findings of guilt; and
- Pending charges

The criminal offences relevant to a WWC Check are:

- Serious sexual offences;
- Serious violent offences;
- Serious drug-related offences;
- Offences against the Working with Children Act 2005 (Vic); and
- Offences linked to the safety of children.

Outcome of the WWC Check

There are only two results for a WWC Check – a **clearance** to work with children or a **Negative Notice** barring an applicant from working with children.

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.

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.

Once issued with a Negative Notice, an applicant cannot reapply for a WWC Check for five years, unless their circumstances have changed, which 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 an extended

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supervision or detention order under the Serious Sex Offenders Monitoring Act 2005 (Vic) or Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic).

Applicants can appeal a Negative Notice by making an application to the Victorian Civil and Administrative Tribunal within 28 days of the decision.

Worker Obligations

Upon receiving clearance, it is compulsory that the worker show their WWC Check Card to Firbank Grammar 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.

The worker must stop working with children immediately if their WWC Check Card has been suspended during a reassessment.

The worker must not let another person use their WWC Check Card for child-related work and must lodge a renewal form before the Card expires.

Firbank Grammar's Obligations

Firbank Grammar 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 Firbank Grammar; and
- Ensure workers engaged in paid work have an Employee WWC Check Card and not a Volunteer Card.

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 School 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.