

SCHOOL NO. 1727 - KIALLA WEST

Policy Statement: **733 - Working With Children Checks Policy & Procedure**

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Approved by council: September 2016

Review date: 2018

INTRODUCTION

Kialla West Primary School is committed to the creation of a safe, just and respectful environment that supports wellness for all members of the School community. In this, there is a moral obligation and shared responsibility to protect the most vulnerable members of the community.

Kialla West Primary School believes that, while protecting children and young people against sexual abuse is a community wide responsibility, the School has a particular moral and legal responsibility to ensure children and young people are safe in our care and to actively and intentionally work to eliminate all forms of abusive behaviours towards children. There are also particular moral and legal obligations for us in authority to prevent, reduce and minimise child abuse and exploitation in all forms.

1. AIM

The aim of this policy is to ensure the whole School community supports a safe environment for all children and young people.

It is based on the responsibilities of all Victorian schools in complying with the provisions of the Victorian *Working with Children Act 2005*, which was enacted to assist in protecting children from sexual or physical harm by ensuring that people that work with, or care for, them are subject to a screening process. [*Working with Children Act 2005, s.1(1)*]

2. RESPONSIBILITY FOR IMPLEMENTING THE POLICY

The Principal.

3. DEFINITIONS

For the purposes of the Working With Children Act 2005 and the Schools Child Protection: Working with Children Check Policy and Procedure, the following definitions are to be used;

- **Children** are those under the age of 18 years
- **Child related work** is work involved in one of the occupational fields listed in the Act, and that “usually involves direct contact with a child and that contact is not directly supervised by another person.”

Note: “Work is not child-related work by reason only of occasional direct contact with children that is incidental to the work.”

- **Direct contact** is any contact between a person and a child that involves:
 - Physical contact, or
 - Face to face oral communication

- **Direct supervision** is supervision of a person's contact with children rather than of their work in general. Supervising another person's contact with children must be personal and immediate but can include a brief absence such as taking a telephone call in another room.
- **Working with Children Checks (WWCC) Employee** – There are two types of Working with Children Checks, Voluntary and Employee. Both checks are the same, however by law people doing paid child related work must have an **Employee Check** and pay the associated fee.
- **Working with Children Checks (WWCC) Volunteer** – Volunteers working with children are required to complete this check. If a person holds a Volunteer Check but will be paid for their services in a particular instance, by law the person must not use the Volunteer Check for that work. Penalties apply. The person must apply for the Employee Check before they start the paid work.

4. KEY PRINCIPLES

- A safe environment is required to protect children and young people from harm and to prevent staff from abusing their position of authority and trust.
- The child and young person's ongoing safety and wellbeing must be the primary focus of all decision making.
- School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.
- The commitment to protecting children is embedded in the School's culture and responsibility for taking action is understood and accepted at all levels of the organisation.

5. IMPLEMENTATION

This policy applies to the whole school community in supporting safe environments for all children and young people.

5.1 Who is required to have a Working with Children Check?

At Kialla West Primary School all staff employed at the School are required to have an 'Employee Working with Children Check'. The only staff exempt from this requirement are;

- Those under the age of 18 years
- Staff who are currently registered with the Victorian Institute of Teaching

See Appendix 1 for further information.

5.2 Appointment of Staff

- New staff (paid and volunteer) are unable to commence employment at the School without a current Working with Children Check or a valid application receipt.

5.3 Proof of Check

- All staff employed at the School are required to hold a Working with Children Check in accordance with the School's Child Protection: Working with Children Check Policy and Procedure, and are required to provide proof to the School in the form of a photocopy of their current Employee Working with Children Check or a valid application receipt prior to their commencement at the School. Please note: the application receipt is a valid alternative to a Working with Children Check for only 60 days.

- All other persons (except those who are exempt) are required to show their Working with Children Check on arrival at the School. This would normally occur at Reception where all visitors to the School are required to sign in. The office staff will check this against the Working with Children Check Register and add any new Working with Children Checks to the data base. This will require the person to provide us with a photocopy of their Working with Children Check as well as their full name, address, and date of birth.
- In the case of contractors, trades or delivery people who may not always necessarily attend Reception, they are required to show their Working with Children Check to the staff member when meeting on site. The staff member will contact the office and check that the Working with Children Check is recorded on our Register, where this is not the case they will arrange for this to occur. Where the person does not have a Working with Children Check the Facilities Manager is responsible for ensuring active supervision by a staff member with a Working with Children Check or VIT registration of the person while they are on site.

5.4 Renewal of Check

- Working with Children Checks are to be renewed every five years. The renewal of the Working with Children Check is the **sole responsibility** of the individual.
- The individual is required to provide proof of their registration in the form of a copy of their new Working with Children registration card to the School. This copy is to be provided within 7 days of receiving it from the Department of Justice.

5.5 Lapsed Check

- Once a Working with Children Check expires a person cannot engage in any child related work until it is renewed, to do otherwise is an offence.
- According to Part 2, Section 14B & C of the Victorian Catholic Education Multi Enterprise Agreement 2013; "Where for any reason an employee does not have the required registration (or other evidence to permit them to work (Necessary Authority) the Employer may;
 - Give the employee not less than seven days, to obtain the necessary authority; and
 - Give the employee an opportunity to explain any extenuating circumstances and clarify any matter.

Where following the steps above, the Employer is satisfied that the lack of the 'Necessary Authority' is a result of the actions or omissions of the employee – and not due to any extenuating circumstance – the employer may stand down the employee without pay until the employee satisfies the employer that he or she has the 'Necessary Authority'."

5.7 Working with Children Check Register

The School maintains a register of Working with Children Checks which is administered by the Payroll Administration Officer.

All persons requiring a Working with Children Check are;

- To provide a copy of their check together with their name, address and birthdate prior to commencing work or volunteering at or for the School. This information will be recorded in the School's Working with Children Check register.
- When arriving at the School persons will be required to sign in and show their Working with Children Check which will be checked against our register.
- Where we do not have a record of this Working with Children Check we will require a copy of it together with the person's name, address and birthdate which will then be added to the School's register.

Those exempt from the register are still included on the register with an explanation as to why they are exempt.

5.8 Exemptions from the Working with Children Check

- Sworn Police Officers (who are not suspended from duty)
- Persons who hold current registration with the Victorian Institute of Teaching
- Contractors, tradespeople, guest speakers, delivery people, presenters, visitors, etc attending the School for a short time or a one off situation if DIRECTLY SUPERVISED by a staff member holding a Working with Children check or with VIT Registration.

5.9 Active Supervision for those without a Working with Children Check

There will at times be instances where a person attending the School such as a contractor, tradesperson, delivery person, guest speaker, visitor etc. does not have a Working with Children Check and is not exempt from holding one (as per Appendix 1). In these instances;

- The person without a check, if 'directly supervised' by a staff member holding a Working with Children Check or VIT Registration, is not required to hold one.
- The staff member responsible for organizing the visit is to ensure that the person is 'directly supervised' while at the School.
- Where a delivery is being made to a location other than the office, the Facilities Manager or a Maintenance staff member is to be contacted in order to 'directly supervise' the delivery person.
- 'Direct supervision' requires that a staff member with a Working with Children Check or VIT Registration is present with the person who does not hold the check for the time that they are at the School.

Therefore, contractors, tradespeople, guest speakers, delivery people, presenters, visitors etc. attending the School for a short time or a one off situation can be exempted in these circumstances.

5.10 Communication of Policy

- All staff are made aware each year (including during induction) of, understanding and implementing the School Working with Children Check Policy and Procedure
- A copy of the Policy is available on the Kialla West Primary School website.

6 ASSOCIATED DOCUMENTS

This policy should be read in conjunction with the following documents;

- *Kialla West Primary School;*
 - *Child Safe Policy*
 - *Code of Conduct for Behaviour with Students Policy and Procedure*
 - *Child Protection – Failure to Protect Policy and Procedure*
 - *Child Protection – Mandatory Reporting Policy and Procedure*
 - *Child Protection – Failure to Disclose Policy and Procedure*
 - *Child Protection – Grooming Policy and Procedure*

7 REFERENCES

- Working with Children Act (Vic) 2005
http://www.austlii.edu.au/au/legis/vic/consol_act/wwca2005232/

8 REVIEW

This policy is to be reviewed at every three years.

WORKING WITH CHILDREN CHECKS AT KIALLA WEST PRIMARY SCHOOL

ROLES WITHIN THE SCHOOL	MAY THIS ROLE INVOLVE CONTACT WITH CHILDREN?	IS THE CONTACT ALWAYS SUPERVISED BY A STAFF MEMBER?	DOES AN EXEMPTION APPLY?	IS A WORKING WITH CHILDREN'S CHECK REQUIRED FOR THIS ROLE?
All staff employed in the School (other than those with VIT registration or those under 18 years of age)	YES	NO	NO	YES
Volunteers	YES	NO	NO	YES
School Bus Drivers (where they stay with the students eg. overnight camps)	YES	NO	NO	YES
Pre Service Teachers	YES	NO	NO	YES
Student Placements (other than Pre Service Teachers)	YES	NO	NO	YES
Contractors	YES	NO	NO	YES
School Photographer	YES	NO	NO	YES
Parents etc. on retreats, camps and any other overnight activities with students.	YES	NO	NO	YES
Visiting entertainers / guest speakers	YES	NO	NO	YES
Sporting Coaches (for clubs associated with the School).	YES	NO	NO	YES
Parents / Guardians working or engaging in an activity that their own child is involved in (e.g. excursions).	YES	NO	NO	YES
Sworn Police Officers (who are not suspended from duty)	YES	NO	YES	NO

Please note: If a person in one of the above categories attends the School and does not have a Working with Children's Check and is not exempted from having a Working with Children's Check as per our Protocols, the person must be actively supervised by a staff member with a Working with Children's Check or VIT Registration while at the School.