

WORKING WITH CHILDREN (SUITABILITY) CHECKS – STAFF POLICY

Rationale

- Schools are required to exercise their legal obligations in regard to suitability checks, including Working with Children Checks for adults who work with children at schools, and for work undertaken by school visitors and volunteers.
- In order to adequately discharge their duty of care schools are legally required to take reasonable steps to minimise the risks of reasonable foreseeable harm to their students: see [Duty of Care](#)
- Schools and School Councils are bound by laws that require a Working with Children Check (WWC Check) for adults undertaking child-related work in a school, and must adhere to Department policies regarding suitability checks for employees, visitors and volunteers.
- Schools and School Councils are also required to establish and implement school-level policies and procedures to assess and verify the suitability of adults who engage in child-connected work.
- Working with Children Checks are required by law only for people who engage in child-related work, unless an exemption applies (e.g. parent supervising their own child, Victorian Institute of Teaching (VIT) registered teacher, police officer).
- However, the law only sets out the minimum requirements for who must have a WWC check and schools can require, as school policy, that other people who will be attending Northcote Primary School as visitors, volunteers, employees or contractors to have a WWC check.
- To assist in determining whether a person (employee, volunteer, visitor) will be engaged in child-related or child-connected work, and thus what suitability checks may be appropriate, see:  [Working with Children check flowchart \(docx - 111.5kb\)](#)
- For child-connected work, it is up to each school to determine whether they will require WWC Checks for individuals, based on the nature of the person's interaction with children. Each school is unique and what checks are required should reflect the risks of each individual school setting, Northcote Primary School community and what duties the individual will be performing.
- Schools are encouraged to develop their own specific policies and practices, keeping in mind the broad intent of the Child Safe Standards to embed a child safe culture that has zero tolerance for child abuse.
 - Note: Suitability requirements for both child-related and child connected work apply to adult volunteers and visitors to Northcote Primary School, including contractors.
- Under legislation schools must make reasonable efforts to gather, verify and record information about a person who they are proposing to engage in child-connected work, in accordance with legal requirements and Northcote Primary School's own policy. This may include:
 - confirming identity e.g. drivers licence or other photo identification
 - WWC Check
 - VIT teacher registration
 - confirming professional qualifications
 - National Police Record Check
 - personal references that address the persons suitability for the job and working with children.
- Verification of a satisfactory criminal record is achieved by ensuring the employment of new employees and engagement of volunteers proceeds in accordance with DET's policy (for Victorian Public Servants), and legislative obligations pursuant to the *Working with Children Act 2005* (for school based non-teaching employees and volunteers), and to the *Education and Training Reform Act 2006* Part 2.6 Victorian Institute of Teaching (for Principals and teachers).
- The DET has developed procedures for the conduct of criminal records checks for all school based and non-school based employees, including arrangements that allow for the acceptance of the criminal records check conducted by the Victorian Institute of Teaching and Working with Children Checks to meet the DETs pre-employment suitability for employment requirements. These procedures apply to:

- persons employed under the Education and Training Reform Act 2006
- persons employed under the Public Administration Act 2004
- volunteers
- casual employees including Casual Relief Teachers
- trainee teachers and interns
- contractors
- home-stay families
- The authority for the policy and procedures is [Ministerial Order 199](#) - which applies to the principal class, teacher class, and education support class employed by the Department, and [Ministerial Order 200](#) for all non-teaching staff and casual relief teachers employed by School Councils.
- If an employee has criminal offences or a professional disciplinary outcome that may result in them failing a WWC Check, the employee may be issued with an Interim Negative Notice or a Negative Notice. An Interim Negative Notice means the Department of Justice is intending to issue a Negative Notice and will provide the employee with an opportunity to explain why s/he should not be given a Negative Notice.
- An employee or volunteer who receives an Interim Negative Notice or a Negative Notice is required by law to inform their employer within seven days.
- If the Principal becomes aware that an employee has been issued an Interim Negative Notice or a Negative Notice, they must contact the Employee Conduct Branch immediately.
- Employees in the principal class, teacher class and paraprofessional class are employed pursuant to the *Education and Training Reform Act 2006* and are required to have valid and current registration with the [Victorian Institute of Teaching](#) as a condition of employment.
- Education support class employees must demonstrate their suitability for employment by providing evidence of a WWC Check and Assessment Notice.
- Principals and managers are requested to sight and retain a record of the employee's WWC Check unique number. This number is recorded on eduPay.
- Employment may be terminated if an employee fails to provide the delegate with an Assessment Notice when required. Termination must not occur fewer than 14 days after the delegate has notified the employee, to provide the Assessment Notice.
- Casual relief teachers are required to be registered with the Victorian Institute of Teaching. Accordingly they qualify for an exemption from the *Working with Children Act 2005* and do not require a WWC Check.
- Not all casual employees in schools will be required by the Act to undergo a WWC Check; it will depend on whether their duties meet the definition of 'child-related work' as defined in the Act.
- As the Executive Officer of School Council, a Principal retains the authority to require a casual employee to undergo a criminal record check conducted by the Department and should do so if it is considered relevant to the duties being undertaken.

Applying for the WWC Check

The WWC Check is conducted by the Department of Justice. Applications must be lodged at one of the participating Australia Post outlets in Victoria. For a list of Australia Post outlets where a WWC Check application may be made see: www.auspost.com.au.

WWC Check applicants need to complete an online 'Application for WWC Check' form at www.justice.vic.gov.au/workingwithchildren before going to a participating Australia Post outlet with proof of identity documents to lodge the application.

If the employee passes the WWC Check s/he will be issued a WWC Card which also acts as an 'Assessment Notice'. An Assessment Notice means the employee has passed the WWC Check and may work in 'child-related work'.

A WWC Check applicant who is issued with an Interim Negative Notice or a Negative Notice should contact the Working with Children Unit within the Department of Justice, telephone 1300 652 879 to discuss any right of appeal that may exist or visit their website for further information at: www.justice.vic.gov.au/workingwithchildren

Purpose

- To ensure the safety of all children at Northcote Primary School.

- To ensure Northcote Primary School has strategies in place to enhance compliance with the Child Safe Standards 2 and 4.
- To ensure Northcote Primary School complies with DET policy and guidelines and legislative requirements in regard to the employment of teaching and non-teaching staff.
- To ensure that, as part of the process for maintaining high standards of conduct and professionalism in the workplace, Northcote Primary School has a process for implementing and updating suitability and criminal record checks on an accessible 'Working with Children Checks Register' regularly.

Definitions

Child-related work:

- involves an adult working with under 18 years old (both paid and unpaid work);
- having direct contact with children (physical, face-to-face, written, oral or electronic contact);
- is a usual part of the person's duties (and is not occasional or incidental to their work).

A WWC Check is required for anyone engaging in 'child-related work' regardless of whether contact with a child is supervised by another person or not. This means even if a volunteer or visitor is supervised by a teacher, they must still have (and provide evidence of) a WWC Check if they intend to engage in 'child related work'.

A WWC Check is not legally required if the person:

- qualifies for an exemption (e.g. Victorian Institute of Teaching (VIT) registered teacher, police officer, is a parent whose child is participating or ordinarily participates in the relevant activity, or person working with a child who is closely related to them)
- is supervising a student in practical training organised by their educational institution
- takes part in an activity with a child in the same way that a child participates. e.g. as other players in a chess team.

For more guidance on when a WWC Check is legally required, see the [Working with Children Checks](#) website.

More broadly defined than child-related work, child-connected work is authorised by the Principal, School Council or Department and performed by an adult in a school environment (including online and school camps) when children are present or reasonably expected to be present.

Implementation

- The safety and wellbeing of children is this school's highest priority.
- Northcote Primary School will:
 - ensure all staff are informed of the requirement to undergo the check
 - ensure prospective staff have passed a WWC check before commencement
 - check the card's validity on the [Department of Justice webpage](#)
 - have a photocopy of the WWC card and with details updated on Northcote Primary School register (copy to be kept on the staff member's personnel file)
 - ensure suitable monitoring procedures are in place to ensure staff members hold a valid WWC check card at all times
- The staff member must:
 - provide the successful WWC check card prior to commencement at school
 - notify the office if there has been a relevant change in circumstances, for example, if they have been charged or found guilty of a new relevant offence.
 - apply for a new WWC check before their card expires.
- Northcote Primary School will ensure WWC Checks are recorded in a Register established for the purpose.
- If necessary, the Principal will contact the Employee Conduct Branch on 9637-2594 for advice on whether the duties to be performed by a casual employee meet the definition of 'child-related work'.
- If Northcote Primary School enters into an agreement with a Registered Training Organisation in which the Organisation provides a teacher or instructor to Northcote Primary School, the Principal or Coordinator must be satisfied that the teacher or instructor is suitable for employment by sighting either a criminal record check conducted by the Department, a WWC Check or provisional registration as evidence that a teacher or instructor is suitable for employment.

- Where the Registered Training Organisation’s teacher or instructor is not registered with Victorian Institute of Teaching, s/he will be required to demonstrate evidence of having applied for a WWC Check.
- Please refer also to Northcote Primary School’s *Working with Children (Suitability) Checks – Volunteers & Visitors Policy*, the *Duty of Care Policy* and the Child Safe Standards.

Evaluation

- This policy will be reviewed as part of Northcote Primary School’s three-year review cycle or if guidelines change (latest DET update mid-May 2018).

This policy was ratified by School Council.....

References:

www.education.vic.gov.au/school/principals/spag/hr/pages/hr.aspx
www.education.vic.gov.au/hrweb/employcond/Pages/crimcheck.aspx