

PROCEDURES FOR RECORDING & VERIFYING WORKING WITH CHILDREN (SUITABILITY) CHECKS and VIT REGISTRATION POLICY

Rationale

- As part of the process for maintaining high standards of conduct and professionalism in the workplace, it is essential that Principals ensure that the Department's procedures for criminal record checks are implemented.
- Verification of a satisfactory criminal record is achieved by ensuring the employment of new employees and engagement of volunteers proceeds in accordance with Department of Education and Training 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 Department 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 Department's 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
 - student teachers and interns
 - contractors
 - home-stay families
- Clause 3.2.3 of Ministerial Order 199 provides that any position that usually involves, or is likely to involve work in a school, other than if the position requires the incumbent to undertake the duties of a teacher, is subject to the person providing evidence that the person has had a WWC Check and holds a valid Assessment Notice under the Act.
- The school recognises that the quality of the workforce is the major factor driving quality in schools and early childhood services.
- The conditions of employment for Teaching Service employees are set out in Part 2.4 of the *Education and Training Reform Act 2006*, Regulations and Ministerial Order 199 made under that Act and the Victorian Government Schools Agreement July 2013.
- It is an offence under the Act to engage in 'child-related work' without a current WWC Check. Penalties will apply to both the employer and employee.

Aims

- To ensure the safety of all children at the Northern School for Autism.
- To ensure the school has strategies in place to enhance compliance with the Child Safe Standards 2 and 4.
- To ensure the school complies with DET policy and guidelines and legislative requirements in regard to the employment of teaching and non-teaching staff, contractors, volunteers and visitors.

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- To ensure that, as part of the process for maintaining high standards of conduct and professionalism in the workplace, the school has a process for implementing, recording 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) and;
- 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, 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.
work.

Implementation

- The safety and wellbeing of children is this school's highest priority.
- The school takes all reasonable steps to employ skilled and suitable people to work with children.

Staff

- The Principal/Nominee will:
 - through briefings and in discussion with prospective employees, ensure all staff are informed of the requirement to undergo the check
 - sight the relevant documentation to 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 the 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 e.g. computer prompts at least four weeks before expiration of the check
 - sight a prospective employee's Victorian Institute of Teaching registration card to determine whether a criminal record check has been conducted by the Victorian Institute of Teaching. The letters CRC will appear on their registration card. If yes, they will not be required to undergo a criminal record check conducted by the Department.

- ensure WWC Checks are recorded in a Register established for the purpose.

Education Support Class Employees

- must demonstrate their suitability for employment by providing evidence of a WWC Check and Assessment Notice.
- the Principal/Nominee will sight and retain a record of the employee's WWC Check unique number. This number is recorded on eduPay.
- ensure WWC Checks are recorded in a Register established for the purpose.
- 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.
- 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'.

Registered Training Organisations

If the school enters into an agreement with a Registered Training Organisation in which the Organisation provides a teacher or instructor to the school, the Principal/Nominee 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.

The Principal/nominee will sight a prospective employee's Victorian Institute of Teaching registration card to determine whether a criminal record check has been conducted by the Victorian Institute of Teaching. The letters CRC will appear on their registration card. They will not be required to undergo a criminal record check conducted by the Department.

This information will be recorded in the Register provided for this purpose.

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. Procedures as above apply.

Casual employees in schools, other than casual relief teachers, are required to demonstrate their suitability for employment by undergoing a WWC Check and/or a criminal record check (as above) conducted by the Department.

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.

The Principal/Nominee 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'. Additional advice can be obtained from the Working with Children Unit within the Department of Justice & Regulation, telephone 1300 652 879.

As the Executive Officer of School Council, the 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.

Volunteers & Visitors

The School Council is responsible for establishing their own policy concerning which volunteers and visitors they require to undergo a criminal record check. The school has established a policy to assess and verify the suitability of volunteers who will work with children including requiring all volunteers and visitors to provide evidence of their suitability. This evidence is generally a WWC Check however, in addition to a WWC Check a school may also consider it necessary that a criminal record check is conducted through the Department. This may occur when possible offences are relevant to the duties of the volunteer, for example dishonesty offences, which are not part of the WWC Check. The school covers the cost of the criminal record check.

As the Executive Officer of School Council, the Principal retains the authority to require a potential volunteer to undergo a criminal record check irrespective if the volunteer is exempt from the Act. For instance a parent attending an overnight camp with their child may be exempt from requiring a WWC Check, however a School Council may determine that any person attending an excursion or camp must have either a WWC Check or have undergone a criminal record check conducted by the Department. School Councils should ensure their criminal record check policy reflects this authority.

Although the Act exempts a parent whose child ordinarily participates in the activity this does not preclude schools from adopting a blanket policy requiring all volunteers to have a WWC check.

School Councils need to ensure their policies regarding suitability checks account for the legislative obligations created by the Act. Advice on developing or amending School Council WWC Check and criminal record check policies can be obtained from the Employee Conduct Branch, telephone 9637-2594.

Student Teachers and Student Internships

Student teachers/interns must have a WWC Check prior to commencing a practicum in the school

As student teachers/interns do not receive payment for undertaking a practicum, a volunteer WWC Check may be accepted.

Contractors

The Principal/Nominee will assess the duties to be performed by contractors to determine whether they constitute 'child-related work' and will therefore require a WWC Check based on the requirements of the *Working With Children Act 2005* (the Act).

However they also need to be satisfied that people present in Department workplaces are not a risk to the safety of children irrespective of whether the Act requires them to have a WWC Check or not.

Even though they may not be performing 'child related work' contractors such as IT Technicians, gardeners, maintenance staff and cleaners should have a current WWC Check as they are frequently in schools during normal school hours.

The School Council is not precluded from adopting a policy that all persons working on the school premises are required to have a WWC Check irrespective of the duties they perform and the frequency and extent of their contact with children.

The Principal/Nominee will contact the Employee Conduct Branch on 9637-2594 for advice in relation to the requirements on contractors both generally and on a case by case basis where any uncertainty exists.

Appeals

A WWC Check applicant (paid or volunteer) who is issued with an Interim Negative Notice or a Negative Notice is advised to contact the Working with Children Unit within the Department of Justice & Regulation, 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

An employee or prospective employee who undergoes a criminal record check conducted by the Department and is found to have an unsatisfactory criminal record may, within fourteen days of being notified, apply in writing to the Senior Chairperson of the [Merit Protection Boards](#) for a review of that notification.

(Information in relation to such appeals may be found in [Ministerial Order 199](#) and [Ministerial Order 200](#) for school based employees and on the [Grievances](#) page on HRWeb for public service employees.)

A volunteer who undergoes a criminal record check conducted by the Department and is found to have an unsatisfactory criminal record may request that the Victorian Ombudsman investigate. The Victorian Ombudsman is an independent officer of the Victorian Parliament who investigates complaints about administrative actions taken by Victorian government departments. The Victorian Ombudsman may be contacted on telephone 9613-6222 or 1800 806 314, or visit their website at: www.ombudsman.vic.gov.au.

- Please refer also to the school's *Working with Children (Suitability) Checks – Volunteers & Visitors Policy*, *Working with Children (Suitability) Checks – Staff Policy*, *Employment Policy*, *Duty of Care Policy*, *Registers (Maintenance) Policy* and the Child Safe Standards.

Evaluation

- This policy will be reviewed as part of the school's three-year review cycle (July 2021) or if guidelines change (latest DET update late May 2018).

Reference

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

and the

Suitability for Employment Policy (Manual) I August 2017

This policy was first ratified by NSA School Council on 6th December 2018

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