



## Working with Children Check Policy

Policy Classification		
<b>Policy Number:</b>	<b>Date of Origin:</b> October 29, 2013	<b>Modification History:</b> February 2016 February 2018
<b>Date of most recent review:</b> February 2018	<b>By Whom &amp; Position:</b> Policy Review Committee	<b>Commencement Date:</b> 2013
<b>Policy Audience:</b> Public Domain	<b>Policy Status:</b> Current	<b>Policy Review Date:</b> 2020
<b>Policy Approval:</b> This policy was approved by the Senior Leadership Team and Board February 2018.		
This policy supersedes all previous policies relating to matters contained herein.		

## **1.0 Rationale**

- 1.1 As a registered and accredited school in NSW it is essential to ensure compliance with the NSW Education Standards Authority (NESA) Registered and Accredited Individual Non-government Schools (NSW) Manual – July 2017, 3.6.1 Page 35) that the College ensures that all persons engaged in child related work at school, as defined by the Child Protection (Working with Children) Act 2012, have a working with children check clearance from the Office of the Children's Guardian, as required.
- 1.2 The Office of the Children's Guardian (OCG) is responsible for employment screening for child-related employment. The New Working with Children system commenced in NSW on June 15, 2013 under the relevant legislation Child Protection (Working with Children) Act 2012. A WWCC (or Check) clearance is a prerequisite for anyone working in child-related work in NSW. It includes a national criminal history check and a review of reported workplace misconduct findings by the OCG. The result is: Either a clearance to work with children for five years or a bar against working with children. Applicants who receive a clearance are subject to ongoing monitoring by the OCG and any relevant new records may lead to the clearance being revoked. It is the responsibility of the employee (or child related worker) to ensure that, when they need to apply for a Check or when their Check is up for renewal, they do so.

## **2.0 Guiding Principles**

- 2.1 The College is committed to the principle of employing staff committed to the welfare and safety of College students.
- 2.2 New employees and volunteers must obtain a WWCC clearance before they begin work.
- 2.3 Any adult employee, contract worker, employee of a contract, volunteer or person in receipt of an honorarium, performing a duty or job where they have regular and /or ongoing and /or substantial contact with College students, must obtain a Check.
- 2.4 In addition, employees and volunteers in the College must obtain a Check if they apply for another child-related job with a second employer.

## **3.0 Policy**

### **3.1 Responsibilities**

- 3.1.1 The object of the WWC Act is to protect children:
  - 3.1.1.1 by not permitting certain persons to engage in child-related work;
  - 3.1.1.2 by requiring persons engaged in child related work to have WWC Check clearance.
- 3.1.2 The College is required to:
  - 3.1.2.1 collect and verify online and record the status of each employee's and volunteer's Check;
  - 3.1.2.2 only engage employees and volunteers who have a valid Check clearance;
  - 3.1.2.3 report findings of misconduct involving children against employees and volunteers;
  - 3.1.2.4 ask agencies and contractors for the WWCC clearance numbers of their workers.
- 3.1.3 College employees and volunteers are required to:
  - 3.1.3.1 hold and maintain a valid Check clearance;
  - 3.1.3.2 not engage in College or any child-related work at any time that they are subjected to an a bar;
  - 3.1.3.3 report to the Principal if they are no longer eligible for a Check or if the status of their Check changes or if they are notified by the OCG that they are subjected to a risk assessment;
  - 3.1.3.4 be aware of and follow the expectations of conduct expressed in the College Code of Conduct (or equivalent documents).
- 3.1.4 Agencies and Contractors are required to:

- 3.1.4.1 supply schools with the WWCC clearance numbers of their workers before they can work in schools;
- 3.1.4.2 have the same obligations as employers (see under “College” above). The WWCC details of workers from Agencies and Contractors are recorded by the Bursar and Property Manager. WWCC details include:
  - name,
  - date of birth,
  - WWCC number and expiry date of the number.

However, as the employer, the Agency or Contractor must verify their workers WWC clearance before their placement in child-related work.

## **3.2 Who Needs a Working with Children Check at Oakhill College?**

Work in schools is regarded as child-related work. Hence persons in the following categories will require a Check:

- 3.2.1 Teachers
- 3.2.2 Support staff
- 3.2.3 Tutors/coaches of curriculum-related activities such as VET and music tutors who are paid as part-time employees
- 3.2.4 Coaches/managers/supervisors who are paid or receive an honorarium, or volunteer (this includes parents/close relatives of students at the College). Examples include: debating coaches, adjudicators, sport coaches and managers, gymnasium supervisors, Show Team assistants.
- 3.2.5 Regular trades service personnel
- 3.2.6 Practicum teachers
- 3.2.7 Any adult volunteer or paid person performing a duty or job, where they have regular and/or ongoing and/or substantial contact with College students. Examples include employees, volunteers or paid persons who assist with:
  - College overseas tours (ongoing contact);
  - Billeting/homestay students (ongoing contact)
  - supervision at an overnight camp (substantial contact);
  - a club rugby official manages a team for a season (regular contact).
- 3.2.8 Oakhill College’s policy may vary from some other schools’ WWCC policy where a Check is not required for volunteer parents / close relatives of a student in the relevant school team or activity. The Oakhill WWCC policy applies consistently to all workers and volunteers who do a regular or ongoing or substantial job, whether they are a relative/parent of a student or whether they are an ex-student or a member of the general community.

## **3.3 Exemptions from a Working with Children Check**

- 3.3.1 In general, occasional volunteer work by a parent or close relative of a child in an activity in that child’s school e.g. serving on the tuckshop, accompanying a daytime school excursion, hosting a touring player from another school (except where the home-stay exceeds 5 days – ongoing regular contact)
- 3.3.2 a one off-occasion by a visiting speaker, adjudicator, assessor and performer where the work is done in the presence of other adults
- 3.3.3 work by an interstate visitor for a one-off big event like a tour or religious or sport event where the period of work does not exceed 30 days
- 3.3.4 work as a referee, umpire, linesperson or a sporting official if the work does not involve contact with children for extended periods without other adults present.

## **3.4 The Process for the WWC Check**

- 3.4.1 A new employee or volunteer must supply the College with their WWCC clearance number *before* their work begins.

- 3.4.2 The College must verify that the employee/volunteer has WWCC clearance by using the online verification system of the Commission for Children and Young People. This duty has been allocated to the Bursar and Property Manager (BPM) for property and maintenance contractors, the Human Resources Manager (HRM) for new employees and volunteers, and the Director of Professional Learning (DPL) for teaching staff renewal of their WWCC.
- 3.4.3 Paper evidence of a clearance is not acceptable.
- 3.4.4 If the worker receives a clearance, they may be employed in child-related work at the College.
- 3.4.5 If the worker receives a bar, interim or final, they must not be employed at the College.

### **3.5 Record Keeping**

- 3.5.1 As an employer the College is required to keep WWCC records of employees /volunteers which include:
  - 3.5.1.1 Full name and date of birth
  - 3.5.1.2 WWCC number
  - 3.5.1.3 Date and outcome of the Check verification
  - 3.5.1.4 Check expiry date
  - 3.5.1.5 These records are currently kept in hard copy format plus an e- log with the key details (name/DOB/ WWCC number/date of Check/expiry date) is managed by the Payroll Officer.

### **3.6 Role of Managers of College co-curricular and other activities**

- 3.6.1 Typical managers are the Property and Maintenance Manager, Director of Mission, Head of Sport, Head of Drama, Head of Music, Head of Dance, Head of VET, Head of TAS, and the Coordinator of Debating.
- 3.6.2 Managers make volunteers/workers aware by issuing the new WWCC Fact sheet available from the BPM, HRM, DPL and/or Payroll Officer. This will show volunteers/workers how to obtain a WWCC clearance.
- 3.6.3 Managers record these fundamental details of volunteers/workers: name, date of birth, and WWCC clearance number (such details are issued in a letter from the OCG to volunteers/workers).
- 3.6.4 Managers pass these details onto the Bursar and Property Manager (BPM) for property and maintenance contractors, the Human Resources Manager (HRM) for new employees and volunteers, and the Director of Professional Learning (DPL) for teaching staff renewal of their WWCC (e.g. by emailing the OCG's letter). The BPM, HRM, DPL will then verify on line with the OCG that the volunteer/worker has WWCC clearance and place the copy of eth WWCC in the persons personal file (with Payroll for all employees).
- 3.6.5 The volunteers/workers can begin work after their WWCC number is verified by the DPL or Payroll Manager who confirms this verification with the relevant manager.

## **4.0 Supporting and Related Documents, Procedures and Guidelines**

Child Protection (Working with Children) Act 2012

Children's Guardian Act 2019

"The New Working with Children Check: Information for Employers" on the website of the Commission for Children and Young People (CCYP)

The Child Protection Policy, Part C of the Association of Independent Schools plus other related documents of AIS and CCYP

Related College Policies

- Child Protection Policy
- Staff Code of Conduct

Bullying and Harassment Policy

Related College Procedures

Statement of Mandatory Steps for Employment at Oakhill College

Register of WWWC Clearance

## 5.0 Policy Review

The College, via the Principal and the Director of Professional Learning, is to ensure that this Policy is monitored and revised to ensure that it delivers the requirements of the Child Protection (Working with Children) Act, 2012.

## 6.0 Explanatory Notes and Definitions

*Final bar:*

This means the person is barred against working with children. This bar is applied based on a decision of the OCG, following a risk assessment.

*Interim bar:*

This is issued to high risk individuals to prevent them from continuing to work with children while a risk assessment is conducted. An interim bar may be applied for up to 12 months. An interim bar represents a serious and immediate risk to children and is issued only for risks likely to result in a final bar.

*Child related work:*

This includes but is not limited to:

- Child care centres
- Schools, private coaching and tuition
- Religious services
- Residential services such as boarding schools, home-stays over three weeks and overnight camps
- Transport services for children such as school bus services and taxi services for disabled children.

*Child- related worker:*

A person who has physical contact or face to face contact with children. This may include volunteer work.

*Disqualified person:*

This is a person who has been convicted or against whom proceedings have been commenced for a disqualifying offence in the WWC Act v. This person has a bar from working with children in child-related work. It is an offence for an employer to knowingly engage a child-related worker when they do not hold a check or who has a bar or interim bar.

*Findings of misconduct involving children:*

The College will report to the OCG when a finding has been made that the person (an employee of the College) subject to the finding engaged in:

- Sexual misconduct against, with or in the presence of a child, including grooming of a child; or
- Any serious physical assault of a child.

The College will advise the person that the OCG has been notified of a finding of misconduct involving children. The WWC Act enables a person who has a finding referred to the OCG under the Act to request access to the records held by the College re the finding of misconduct involving children.

*Reporting body:*

Independent schools which are members of the AISNSW are defined as a reporting body by the WWC Act. Section 35 of this Act requires the College to notify the OCG about findings of misconduct involving children made against a child –related worker. The College may also be obliged to report, amend or provide additional information to the OCG as outlined in the Act.

*Risk assessment:* This is an evaluation of an individual’s suitability for child-related work. The OCG will conduct a risk assessment on a person’s suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence under Schedule 1, a pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children, or findings of misconduct involving children or notification made to the OCG by the Ombudsman.

*Working with Children Check Clearance:* A WWCC (or the Check) means authorisation under the WWC Act to engage in child-related work. An employee will be issued with a number which is to be provided to the College to verify the status of an employee’s Check.