
Working with Children Checks – Staff

Rationale

- As part of the process for maintaining high standards of conduct and professionalism in the workplace, it is essential that Principals/Managers ensure that the DET'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 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 Essendon Keilor College complies with DET policy and guidelines, legislative requirements and VRQA minimum standards in regard to the employment of teaching and non-teaching staff.

Definitions

The Act defines 'child-related work' as work which usually involves (or is likely to involve) regular, direct contact with a child where that contact is not directly supervised, and in any of twenty child-related occupational fields listed in the Act. 'Child-related work' may be either paid or unpaid (voluntary).

'Educational Institution' is an occupational field listed in the Act and includes any State school established under section 2.2.1 of the *Education and Training Reform Act 2006*. Accordingly all Victorian Government primary, secondary, and special schools fall within the Act.

Any person whose duties usually involve or is likely to involve work in a school (other than teachers and Principals) is considered to be engaged in 'child-related work' as defined in the Act and will need to ensure they are compliant with the legislative obligations contained in the Act.

Implementation

- The safety and wellbeing of children is this school's highest priority.
- The school will:
 - identify all staff who require a Working with Children check
 - ensure existing staff are informed of the requirement to undergo the check
 - ensure prospective staff and volunteers 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 (if individual is a staff member, 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.
- The 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 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 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 the Child Safe Standards.

Evaluation

This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update early July 2017).

References:

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

Suitability for Employment Policy (Manual) 2 February 2016