

ALICE MILLER WORKING WITH CHILDREN CHECK POLICY

Purpose

To enable Alice Miller School (which includes Candlebark School) to meet the Victorian state government legislative requirements of the *Working with Children Act 2005* relating to employees and contractors of the School, and volunteers participating in School activities or programs, who are engaged in child-related work.

Scope

This policy applies to all Alice Miller existing, new and prospective employees, contractors and volunteers who are likely to be engaged in child-related work that usually involves, or is likely to involve, regular direct contact with a child or children in child-related work areas of the School.

The Working with Children Act 2005 only applies to work involving regular contact with a child in connection with certain specified services, bodies, places or activities. The 'child-related work areas or activities' of the School to which this policy applies include (but are not limited to) the following:

sport programs or activities, overnight camps or similar activities, transport services, coaching or private tuition activities where the employees, contractors or volunteers are likely to come in regular direct contact with persons under 18 years of age; or library, catering and maintenance services where the employees, contractors or volunteers are likely to come in regular direct contact with the School's students under 18 years of age.

Employees who are registered under the *Victorian Institute of Teaching Act 2001* (eg. teachers) do not require a Working With Children Check.

The policy reflects legislative or regulatory changes made in August 2017.

Definitions

Assessment Notice: a Notice as defined in the Working with Children Act 2005 which states that the person to whom the notice has been issued has passed a working with children check.

Child/ren: Any person/s under the age of eighteen years.

Child-related work: Means work that usually involves, or is likely to involve, regular direct contact with a child or children. Even if a person is directly supervised by another person in their contact with children, they are still required, as of August 2017, to have a Working with Children Check.

Child-related work areas or activities:

Includes the areas or activities defined under the heading Scope in this policy.

Current and existing employee/s:

An employee who has been paid by the [school](#) within the last 12 month period.

Direct contact: Means any contact between a person and a child that involves physical contact, oral contact (including telephone), written contact, electronic communication or face-to-face communication, or physically being within eyeshot.

Engaged: Includes employed.

Prospective: Any person that is likely to be offered employment or engagement.

Negative Notice: Is a Negative Notice as defined in the Working With Children Act 2005 which states that the person to whom the notice has been issued has not passed a working with children test.

Volunteer: Includes an unpaid student [teacher](#) placement.

Work: Includes paid and unpaid engagement or employment.

Working with Children Check (WWCC) and Working with Children

(WCC) Check: A legislative requirement as prescribed in the Working with Children Act 2005 and a process of assessment conducted by the Department of Justice as prescribed in the WWC Act 2005.

Working with Children Card: A card issued pursuant to the Working with Children Regulations 2006 evidencing that the holder has been given an Assessment Notice.

Policy Statement

By this policy Alice Miller School will ensure compliance with the requirements of the *Working with Children Act 2005* and its regulations. Alice Miller School requires all those persons described in "Scope" above, who are likely to be engaged with children in the ways listed in "Scope" above, to undergo or to have undergone a Working With Children Check (WWCC) as prescribed by the *Working with Children Act 2005*. All existing, new and prospective employees, contractors or volunteers must hold a current Assessment Notice and a Working with Children Card prior to engaging in work in any child-related work area or activity.

Under the Working with Children Act, it is the responsibility of employees to obtain an Assessment Notice and Working with Children Card prior to engaging in work of the kind covered by the Working with Children Act. However the School will fund the initial application costs of WWC Checks for current and existing employees. New employees will be required to present and have sighted their Assessment Notice and Working with Children Card prior to commencement of employment. Contractors will be required to fund their own costs of WWC Checks unless otherwise approved by Principal. WWC Checks for volunteers are currently free of charge. However an Assessment Notice given to a volunteer cannot be used by an employee or contractor.

Consent to a WWC Check will be required from existing employees prior to a WWC Check being conducted. The WWC Check will be conducted and administered by the Department of Justice.

Where it is deemed that a new or prospective employee, contractor or volunteer will be required to have a WWC Check to work in the child-related work area, commencement of employment or engagement must not take place until such time that they have been issued an Assessment Notice and Working with Children Card. The collection, recording and storage of WWC information will be the responsibility of the Business Manager and is located in the word folder 'VRQA' under 'School Registers' and will be conducted in accordance with the School's Privacy Policy and any other relevant legislative requirements.

The WWC Check is valid for five (5) years as legislated and the Business Manager will monitor and record renewal dates for casual/sessional employees, contractors and volunteers and all other employees.

Following the initial WWC Check conducted and the relevant documents sighted by the School, it is the responsibility of each employee, contractor or volunteer to renew and fund their Assessment Notice and Working with Children Card when it expires.

Where there is a relevant change of circumstance relating to the holder of an Assessment Notice, the holder must notify the Business Manager in writing within 7 days. A relevant change includes the holder being charged with an offence relating to children of a type specified in the Working with Children Act.

If an employee, contractor or volunteer receives a Negative Notice after a WWC Check is conducted, the School may take (and is not be restricted to) any of the following steps against an existing or prospective employee, contractor or volunteer:

- cease the work; or
- modify the work processes or duties associated with the child-related work; or
- re-design the position or work required; or
- re-deployment; or
- not make an offer of employment or engagement; or
- terminate the employment or engagement as per due process.

An employee, contractor or volunteer who receives an Interim Negative Notice will have the right of appeal as legislated in the *Working With Children Act 2005*. In this case, the School will take the necessary course of action that will ensure compliance with the legislation.

Responsibility

The Principal is responsible for ensuring the effective implementation of this policy and its associated procedures.

The Business Manager will be responsible for administering the policy and its associated procedures.

Legislative Context

- Working with Children Act 2005.
- Working with Children Regulations 2006.
- Education and Training Reform Act 2006.
- Department of Justice - Working With Children Check.

Revised January 2018

Next Revision January 2020

Checked January 21 2019

John Marsden