

HAWKESDALE P12 COLLEGE



Working with Students Policy

1. POLICY STATEMENT

Hawkesdale P12 College will assess and verify the suitability of staff and volunteers who will work with children. Unless an exemption applies to a person, a valid Working With Children Check (WWC Check) is the minimum standard for all adults working with children. If a volunteer's occupation exempts them from the requirement to have a WWC Check e.g. police officers, teachers, they must provide evidence to support their claim to an exemption.

In addition to a WWC Check, Hawkesdale P12 College may also require a criminal record check. This may be considered necessary when certain offences are relevant to the duties of the volunteer or staff member, for example checking for dishonesty offences may be required for a role that involves managing finances or petty cash.

This policy also forms part of the college's requirement to be compliant with Child Safety Standards and must be read in conjunction with that policy.

2. POLICY PURPOSE

To minimise risk of harm to students by requiring staff and volunteers of Hawkesdale P12 College to provide evidence that they have appropriate approvals to work with children in accordance with legislation and Department policy.

3. IMPLEMENTATION

It is the responsibility of the principal to ensure that only suitable and eligible persons are employed in the school. Prior to employing a person, the principal must be satisfied that the person meets the required Suitability for Employment Checks. See **Suitability for Employment Policy:** http://www.education.vic.gov.au/hrweb/Documents/Suitability_for_employment.pdf

To maintain high standards of conduct and professionalism in our school, Hawkesdale P12 College will ensure that the Department's procedures for criminal record checks are implemented. <http://www.education.vic.gov.au/hrweb/employcond/Pages/crimcheck.aspx>

Hawkesdale P12 College will adhere to the Department procedures for the conduct of criminal records checks for all school based employees, including arrangements that allow for the acceptance of the criminal records check conducted by the Victorian Institute of Teaching and WWC Checks to meet the Department's pre-employment suitability for employment requirements.

3.1 Volunteers

3.1.1 Definition: WWC Checks are required by all volunteers who will be working with students for school activities whether or not supervised by a teacher and whether or not the activity is on school grounds or during school hours. For example, a volunteer who is assisting at a school camp or any other approved school activity outside of school grounds will require a WWC Check. See section 3.5 below for a list of exemptions.

3.1.2 Commencing volunteering: a volunteer can commence work in Hawkesdale P12 College when they provide evidence of being cleared for a WWC Check with the Department of Justice and have otherwise been considered by the school to be suitable.

3.2 Working with Children Check

The WWC Check is a minimum checking standard set by the *Working with Children Act 2005* for those who work with children, either on a paid or voluntary basis. It checks for serious sexual, violent and drug-related offences as well as disciplinary findings of professional agencies such as the Victorian Institute of Teaching.

To be a volunteer at Hawkesdale P12 College a valid Working with Children Card provided by the Department of Justice is required. This card is:

- valid for 5 years
- transferable between volunteer organisations
- free of charge for volunteers, but cannot be used for paid employment.

Note: WWC Checks for paid employment can be used to show suitability for volunteer work.

3.3 Maintaining records

A copy of the staff member or volunteer's WWC Check will be kept on the file at the school.

Hawkesdale P12 College will implement procedures to ensure staff members and volunteers hold a valid WWC Check card; at a minimum annually at the commencement of the school year.

It is the responsibility of the staff member or volunteer to:

- provide Hawkesdale P12 College] with the successful WWC Check card prior to commencement
- notify the principal if there has been a relevant change in circumstances, for example, if they have been charged or found guilty of a new relevant offence or if their WWC Check has been suspended.
- apply for a new WWC Check before their card expires.

3.4 Privacy

Hawkesdale P12 College will apply privacy principles when collecting, using, retaining or disposing of personal or health information in accordance with the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic).

3.5 Exemptions

The Working with Children Act identifies categories of individuals who are exempted from the requirement to have a WWC Check. Hawkesdale P12 College reserves the right to nevertheless require a WWC Check if the principal considers it necessary in the circumstances. The exempt categories can be found by clicking on the attached link.

3.5.1 Student volunteers: student who is 18 or 19 years of age is exempt from the WWC Check for volunteer work organised by or held at the same educational institution they attend.

3.5.2 Parents volunteering in an activity with their child: Parents volunteering in an activity in which their child participates or normally participates, are usually exempt from needing a WWC Check. However, DET and Hawkesdale P12 College set the bar higher and require volunteering parents to hold a WWCC card.

3.5.3 Family members and people who are closely related to the child: Family members closely related to each child in the child-related work (or kinship care) are exempt from the WWC Check. 'Closely related' to a child means:

- parent
- spouse or domestic partner
- step-parent
- mother-in-law or father-in-law
- grandparent
- uncle or aunt
- brother or sister, including half siblings, step siblings, brother-in-law or sister-in-law.

3.5.4 Teachers: Registered teachers or teachers who have permission to teach from the Victorian Institute of Teaching under Part 2.6 of the *Education and Training Reform Act 2006* are exempt from requiring a WWC Check.

3.5.5 Police officers: Sworn Victoria Police officers or sworn Australian Federal Police officers are exempt from requiring a WWC Check.

For a full list of exemptions and examples refer to: [Working with Children Check – Exemptions](#)

4.0 Amendments to the Working with Children Act 2005 – with effect from 1st August 2017

The Royal Commission into Institutional Responses to Child Sexual Abuse made several recommendations aimed at strengthening the protection children receive through Working with Children Checks. The following amendments to the Act implement these recommendations:

1. Expand the definition of '**direct contact**' in the Act. The definition of direct contact now includes oral, written or electronic communication as well as face-to-face and physical contact.
2. Remove references to '**supervision**' from the Act. This means that even if a person's contact with children as part of their child-related work is supervised by another person, they will still need to apply for a Working with Children Check (Check).
3. Create a new occupational category of 'child-related work', known as 'kinship care'. Family members or other persons of significance caring for a child placed by Child Protection under the *Children, Youth and Families Act 2005* are required to obtain a Check.
4. Ensure that non-conviction charges (charges that have been finally dealt with other than by a conviction or finding of guilt) for serious sexual, violent or drug offences are considered as part of Check assessments and re-assessments.
5. Enable the Secretary to the Department of Justice and Regulation to compel the production of certain information for the purposes of compliance monitoring.

In addition, various other miscellaneous and technical amendments have been made to improve the Act's operation and administration.

Detailed information on the changes is provided below.

Amendments to the Act

The changes include:

1. Expanding the definition of 'direct contact' in the Act. The definition of direct contact now includes oral, written or electronic communication as well as face-to-face and physical contact.
2. Removing references to 'supervision' from the Act. This means that even if a person's contact with children as part of their child-related work is supervised by another person, they will still need to apply for a Working with Children Check (Check).
3. Creating a new occupational category of child-related work, known as 'kinship care'. Family members or other persons of significance caring for a child placed by Child Protection under the *Children, Youth and Families Act 2005* are required to obtain a Check.
4. Ensuring that non-conviction charges (charges that have been finally dealt with other than by a conviction or finding of guilt) for serious sexual, violent or drug offences are considered as part of Check assessments and reassessments.
5. Enabling the Secretary to the Department of Justice and Regulation to compel the production of certain information for the purposes of compliance monitoring.

In addition, various other miscellaneous and technical amendments have been made to improve the Act's operation and administration.

Child-related work

Significant changes have been made to the definition of child-related work.

From 1 August 2017, 'child-related work' is:

Work within one or more of the occupational fields defined in the Act where contact with a child is direct and part of a person's duties.

New meaning of 'direct contact'

Previously, the term 'direct contact' only referred to physical contact or face-to-face oral communication with a child. In order to reflect the growing use of technology, which is presenting more opportunities for grooming children, the new definition of 'direct contact' has been expanded to also include the following types of contact:

- contact by post or other written communication
- contact by telephone or other oral communication.
- contact by email or other electronic communication.

Removal of supervision from the definition

The reference to 'supervision' has been removed from the definition of child-related work and no longer applies.

Previously, the element of supervision was used to determine whether a person required a Check. If a person's contact with children was directly supervised by another person, then they were not required to hold a Check.

Now, a Check is required whether contact with children is supervised or not. This amendment responds to the Royal Commission's findings that perpetrators can often groom children in the presence of other people.

Example:

Chris has taken up a position as an assistant coach of a junior football team. Even though he is directly supervised by the head coach, Chris is required to hold a Check.

Kinship care

Kinship care is now considered to be a type of child- related work and has been added as a specific occupational field. Kinship carers are required to pass the Check.

For the purposes of the Check, a person is engaged in kinship care if:

- the person is a family member or other person of significance to a child; and
- the child is or has been placed in the out of home care of that person under the *Children, Youth and Families Act 2005*. Out of home care means care of a child by a person other than a parent of the child.

Kinship carers are required to obtain a volunteer Check, which is free of charge.

Kinship carers obtaining a Check

There are two dates that apply to kinship carers.

New carers

New kinship carers are required to apply for a Check within 21 days of being approved as a carer. This requirement came into effect on 1 May 2017.

Existing carers

Existing carers are required to apply for a Check within 21 days of 1 August 2017.

Exemptions

There is one change to the exemptions. Ordinarily, a person working with a child who is closely related to them is exempt from the Check. This exemption does not apply if the person is a kinship carer. A person who engages in kinship care work must hold a Check.

Non-conviction charges

Charges for serious sexual, violent or drug offences that have not resulted in a conviction or finding of guilt (non-conviction charges) may now be considered as part of a Check assessment or reassessment. A non- conviction charge is a charge that has been finally dealt with other than by way of conviction or finding of guilt. For example:

- a charge that has been withdrawn
- a charge that has been dismissed by a court
- a person has been discharged by a court following a committal hearing

- a charge has been dismissed after the completion of a diversion program
- a conviction has been quashed on appeal
- a charge has led to an acquittal.

This change brings Victoria into line with all other state and territory Working with Children Check regulators.

Power to require information

The Secretary to the Department of Justice and Regulation (the Secretary) may compel the production of certain information for the purposes of compliance monitoring. If the Secretary suspects that a person has committed an offence against the Act, the Working with Children Regulations 2016 or Part 5 of the *Sex Offenders Registration Act 2004*, then the Secretary has the power to require anyone to provide information to help determine if the suspicion is reasonable. The Secretary can also notify the Chief Commissioner of Police about these suspicions. These offences include:

- a person engaging in child-related work without a Check
- a person who has been given a negative notice applying for a Check or engaging in child-related work
- a person using a Volunteer Check for paid work
- a person using a false or other person's Check
- a person engaging a person in child-related work who does not have a Check
- an agency offering the services of a person who does not have a Check
- a registered sex offender engaging in child-related work.

If a person receives a request for information from the Secretary and fails to provide that information without a reasonable excuse, they may be charged and face a fine of 60 penalty units (maximum penalty).

Other changes to the Act

Various other miscellaneous and technical amendments have been made to improve the Act's operation and administration.

Removal of the term 'supervision' from the Act

The term 'supervision' has not only been removed from the definition of child-related work, but also from all assessment provisions. Therefore, whether a person's work is supervised or not is no longer a relevant consideration under the Act.

Considering an applicant's age

In some circumstances, the age of the applicant at the time of their offending/alleged offending determines which category they will fall into. The Act now clarifies that the categorisation of assessment and reassessments is determined by the age of the applicant at the time the offence or alleged offence was committed. If the offending occurred over a period of time and the applicant was at any time an adult during that time, the person is taken to be an adult for the purpose of the assessment/reassessment.

Interstate offences

The Act now states that for the purpose of the equivalent interstate offences of murder, attempted murder, rape and attempted rape, the age of the victim is irrelevant and these offences are considered as category A offences for the purposes of assessments and reassessments. An interstate child abuse material offence is also a category A offence.

Carnal knowledge committed as a child

If, as an adult, a person has been charged with, convicted or found guilty of the offence of carnal knowledge, they must not engage in child-related work whilst their application is being assessed.

People who have committed the offence as a child are not restricted from working with children whilst their application is being assessed.

LINKS AND REFERENCES

School Policy Advisory Guide:

- [Volunteer Checks](#)
- [Volunteer Workers](#)

DET Human Resources:

- [Suitability for Employment Checks](#)

External Links:

- [Victorian Institute of Teaching](#)
- [Working with Children Check](#)

5 EVALUATION

This policy will be reviewed at least annually or more often if necessary due to changes in legislation or circumstances.

School Council President

Principal

This policy was ratified by school council on

FLOWCHART for WORKING WITH CHILDREN CHECKS

NB:

**It is mandatory that
All volunteers and Locally
Employed staff hold current
Working with Children Checks.**

**Business Manager has primary
responsibility for checking and
processing WWCCs.**

**All Administration staff are also
responsible for fully implementing
this process in the event of the
Business Manager's absence or at
the instruction of the Business
Manager.**

