

MATER DEI CHILD PROTECTION – Working with Children Check Policy

SOURCE OF OBLIGATION

The *Child Protection (Working With Children) Act 2012 (NSW)* (the Act) and the *Child Protection (Working With Children) Regulation 2013 (NSW)* (the Regulations) aim to protect children from harm by providing a high standard of compulsory national criminal record checking for people wishing to do paid, unpaid, or volunteer child-related work in NSW. These background checks are referred to as Working with Children Checks (“WWC Checks”)

Mater Dei School, our staff, volunteers and others have a number of responsibilities and obligations under the Act and the Regulations which are outlined in this policy.

Who needs a WWC Check?

Subject to the exemptions referred to below, any **worker** who engages in **child related work** that involves direct contact (being physical or face to face contact) with a child (being a person under 18 years of age) must get a WWC Check.

A **worker** means any person who is engaged in work, as an employee, a self-employed person, a contractor or subcontractor, a volunteer, a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience), or as a minister, priest, rabbi, mufti or other like religious leader, or spiritual officer of a religion, or other member of a religious organisation.

In addition at Mater Dei, the following are required to obtain a WWC Check:

- Administrative, clerical or maintenance staff, or other ancillary staff; or
- Parent or close relative volunteers who have contact with students.

What is Child Related Work?

Of relevance to Mater Dei the following is considered to be **child related work**:

- Mentoring and counselling services for children;
- Direct provision of child health services;
- Clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children;
- Education and care services, child care centres, nanny services and other child care;
- Sporting, cultural or other entertainment venues used primarily by children and entertainment services for children;
- Any religious organisation where children form part of the congregation;

- Boarding houses or other residential services for children and overnight camps for children; and
- Transport services especially for children, including school bus services and taxi services for children with a disability and supervision of school road crossings.

What is not considered to be Child Related Work?

The following types of work are not considered to be child-related:

- Work as a referee, umpire, linesperson, other sporting official or grounds person is not child-related work, if the work does not ordinarily involve contact with children for extended periods without other adults being present; and
- Providing food or equipment at or for a sporting, cultural or other entertainment venue.

Exemptions

People engaged in the following types of work are *not* required to have a WWC Check:

- A visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where child-related work is carried out if the work of the person at that place is for a one off occasion and is carried out in the presence of one or more other adults;
- Work by an interstate visitor:
 - in a one-off event such as a jamboree, sporting or religious event or tour, if the event is the only child-related work carried out by the worker in NSW in that calendar year and the period of work does not exceed 30 days;
 - who holds an interstate working with children check, or is exempt from the requirement to have such a check in his or her home jurisdiction, whose child related work in NSW is for no more than 30 days in any calendar year; and
- People under the age of 18.

How to apply for a WWC Check

A worker who engages in child related work is responsible for applying for his or her own WWC Check. An employer can not apply on behalf of a worker.

To apply:

1. Fill out an online application form at **www.newcheck.kids.nsw.gov.au**;
2. Upon completion of the application, an application number will be provided;
3. Take application number and proof of identity (NSW driver's licence) to a

- NSW motor registry or NSW Council Agency; and
4. If the WWC Check is for paid work, a fee of \$80 is payable for a five year clearance.

What is Checked?

The WWC Check obtains applicants' national criminal histories including:

- Convictions (spent or unspent);
- Charges (whether heard, unheard or dismissed);
- Juvenile records;
- Findings of misconduct (e.g. sexual misconduct or serious physical assault of a child) by a government agency; and
- Notifications on matters indicating serious risk to children made by the Ombudsman.

Outcome of the WWC Check

There are only two results for a WWC Check – a clearance to work with children or a bar against working with children.

Where the outcome is a **clearance**, the applicant will be provided with a WWC Check number. The WWC Check is valid for five years and may be used for any child-related work (paid or voluntary) in NSW. Cleared applicants will be subjected to ongoing monitoring for relevant new records which could lead to a bar and the clearance being revoked before the five year expiry date.

Where a **bar** is being considered, the Commission for Children and Young People will call and write to the applicant to inform them of the proposed decision. Applicants will be invited to submit information to support their application and the Commission will take this information into account when making their final decision.

Nevertheless if the outcome is a bar, applicants must not engage in any child-related work. The barred applicant will receive a letter from the Commission notifying them of the decision and an explanation of the appeals process, should they wish to appeal through the NSW Administrative Decisions Tribunal.

The outcome of WWC Checks will be emailed or posted to the applicant. If the results are not received within four weeks of the application, email newcheck@kids.nsw.gov.au with details of the application including the application number.

Employee Obligations

Upon receiving clearance, it is compulsory that the employee provides their WWC Check

number to Mater, along with their name and date of birth for online verification.

Employees are responsible for renewing their own WWC Check as necessary. They will receive a reminder to renew their WWC Check three months before it expires.

Mater Dei's Obligations

To ensure compliance with its obligations Mater Dei:

- Has registered online with the new WWC Check by going to www.newcheck.kids.nsw.gov.au and choosing Child-related employers from the left hand menu;
- Verifies the Check status of every new paid worker before hiring them to ensure they have a clearance or a completed application for a WWC Check. The only way to verify a status is using the new online verification system. Paper evidence must not be accepted of a clearance or an application from the worker because they may have been barred;
- Verify a worker's WWC clearance, within 5 working days after the WWC Check clearance expires at the end of every five year period;
- Has ensured that all current paid workers and all volunteers have been cleared in accordance with the phase in schedule;
- Will remove any barred person from child-related work;
- Will notify the Office of the Children's Guardian if a staff member or volunteer is subject to an adverse finding in relation to an allegation of misconduct that is the subject of a Mandatory Reporting and/or a Reportable Conduct notification. This notification will trigger a risk assessment by the Children's Guardian and a review of the individual's WWC.

Record Keeping

It is the responsibility of the Executive Assistant to the CEO/Principal to verify the status of all Mater Dei School staff and non-parent volunteers' WWC Checks.

Mater Dei School maintains records (electronic and hard copy format) of child-related workers including:

- Full name;
- Working With Children Check number;
- Date and outcome of the Check verification; and
- Expiry date.

Working with Children documentation is maintained by Executive Assistant to the

CEO/Principal and are stored electronically in the Mater Dei Database and as hard copies in the HR Filing Cabinet.

New employee Staff Information Form 11 includes WWC Number, Expiry Date and Verification Date for CEO/Principal verification.

Records must be readily available if required for audit and monitoring purposes.

Privacy and Confidentiality

The Office of the Children's Guardian maintains a register for Working With Children Checks.

Worker Information Disclosure

The following information about a worker in the register may be made available by the Office of the Children's Guardian to an employer or proposed employer, upon request in the approved format, containing the particulars required by the Office of the Children's Guardian:

- Working With Children Check application number of any worker;
- Current Check status of a child-related worker;
- Number, type (volunteer or non-volunteer) and expiry date of a Working With Children Check held by a child-related worker.

Employer Information Disclosure

Similarly, the following information about an employer in the register may be made publicly available by the Office of the Children's Guardian:

- Trading name or registered business name of the employer;
- Child-related work for which the employer engages a child-related worker;
- Postcode or name of the place in which the employer's business is located; and
- Whether any requests for information regarding a Check status were made to the Children's Guardian by the employer within a specified period.

IMPLEMENTATION

This policy is implemented through a combination of:

- Staff training;
- Effective communication and incident notification procedures;
- Effective record keeping procedures; and
- Initiation of corrective actions where necessary.

DISCIPLINE FOR BREACH OF POLICY

Where a staff member breaches this policy Mater Dei School may take disciplinary action, including in the case of serious breaches, summary dismissal.

RELATED POLICIES/STATEMENTS

Mater Dei Child Protection – Abuse, Grooming & Neglect Identification & Initial Notification

Mater Dei Child Protection - Mandatory Reporting of Abuse & Neglect

Mater Dei Child Protection - Reportable Conduct of Staff, Volunteers & Others

Mater Dei Child Protection – Detecting, Reporting and Addressing Grooming Behaviours

KEY REFERENCES

NSW New Working With Children Checks Website

- Fact Sheet 1 Overview of the New Working With Children Check
- Fact Sheet 2 Phase in Schedule for Existing Workers
- Fact Sheet 18 How to Verify a Clearance Online
- The New Working With Children Check - Information for Employers

Approved at Leadership Team YES / NO / NA	Signed	Date
Approved at Board YES / NO / NA	Signed	Date
Staff Briefed YES / NO	Signed	Date
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