



## POLICY DOCUMENT

# Working with Children Checks Policy and Procedures

## 1. BACKGROUND

The Child Protection (Working with Children) Act 2012 (NSW) (the Act) and the Child Protection (Working with Children) Regulation 2013 (NSW) (the Regulation) aim to protect children and young people from harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body (the Office of the Children's Guardian) by way of a Working with Children Check (WWCC).

People who are assessed as posing an unjustifiable risk to the safety of children and young people will fail the WWCC and the Act prohibits these people from working or volunteering with children and young people. The Act imposes penalties for schools and individuals that do not comply with the Act.

## 2. PURPOSE

This Policy and its Procedures set out the responsibilities and obligations of the College, our Staff, Volunteers, Contractors and others under the Act and the Regulation. This document must be read in conjunction with the Safeguarding Policy.

## 3. SCOPE

This Policy and its Procedures apply to all Staff, Direct Contact and Regular Volunteers, Direct Contact and Regular Contractors and to other persons set out in the various subsections of the Policy and its Procedures. We refer to these together as "workers" for the purposes of this Policy and its Procedures.

This Policy and its Procedures apply in all College environments, including physical and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

## 4. DEFINITIONS

Definitions of terms used in this Policy and its Procedures can be found in the Safeguarding Policy. Of particular importance to this Policy and its Procedures are the following additional or summarised definitions:

### Child

A "child" is defined, for the purposes of the WWCCs under the Act, as a person who is under the age of 18 years.

### Worker

A "worker", for the purposes of WWCCs under the Act and of this Policy and its Procedures, means any person who is engaged in work, as:

- an employee

- a self-employed person
- a contractor or subcontractor (i.e. a Contractor)
- a Volunteer
- a person undertaking practical training as part of an educational or vocational course (other than as a College student undertaking work experience)
- a minister, priest, rabbi, mufti or other like religious leader, or spiritual officer of a religion, or another member of a religious organisation.

### Child-Related Work

Under the Act, and subject to the **Key Exemptions** below, any worker who engages in child-related work must hold a valid WWCC clearance.

“Child-related work” is defined in both the Act and the Regulation.

It includes work for, or in connection with, any of the following, if the work involves direct contact (physical or face-to-face) with a child or children that is a usual part of (and more than incidental to) the work:

- mentoring and counselling services for children
- child health services
- disability services for children with disability
- 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
- schools or other educational institutions
- sporting, cultural or other entertainment venues used primarily by children and entertainment services for children
- justice services such as detention centres
- any religious organisation where children form part of the congregation
- private coaching or tuition to children
- boarding houses or other residential services for children and overnight camps for children
- transport services especially for children, including College bus services and taxi services for children with disability and supervision of College road crossings.

Child-related work also includes:

- a cleaner providing cleaning services at the College, even though they might not have direct contact with children
- a worker providing ongoing counselling, mentoring or distance education using any form of communication that does not primarily involve direct contact (physical or face-to-face contact).
- It is an offence for a worker in these categories to work with children without a valid WWCC clearance. It is also an offence for the College to engage, in child-related work, a worker in these categories who does not hold a valid WWCC clearance.

### Contractor

A “Contractor” is someone engaged by the College to perform specific tasks. Contractors are not employees of the College.

The College categorises Volunteers and Contractors as either:

- **Direct Contact Volunteers/Contractors:** Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors.
- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as volunteers working in the College's administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events)
- **Casual Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers).

Clergy and religious personnel who visit, volunteer or otherwise provide services to the College may fall into any of these categories.

## **5. ROLES AND RESPONSIBILITIES**

In addition to roles and responsibilities relevant to the Working with Children Checks Policy and Procedures set out in the Safeguarding Policy, the following people have particular responsibilities under this Policy and its Procedures:

- The Director of Human Resources, Risk and Governance and Human Resources Adviser are responsible for verifying WWCC clearances for all Staff and for relevant Contractors and Volunteers when they first commence their role at the College, for monitoring the WWCC status of ongoing Staff and relevant Volunteers and Contractors and for all subsequent verifications and ensuring all people in child-related work have a current WWCC clearance.
- The EREA NSW Colleges Ltd Director of Safeguarding or their delegate monitors and verifies WWCC status of the Principal, Principal, Business Manager and senior leaders contracted by EREA NSW Colleges Ltd

## **6. ST PATRICK'S COLLEGE POLICY**

### **6.1 Who Must Have a WWCC Clearance?**

Under the Act, The EREA NSW Colleges Ltd Board and St Patrick's College, the following workers at the College must have a WWCC clearance to work or volunteer at the College:

- all members of The EREA NSW Colleges Ltd Board
- all Staff, regardless of their level of contact with children
- all Direct Contact Volunteers (including parent volunteers)
- all Direct Contact Contractors
- all Regular Volunteers (including parent volunteers and College Advisory Council members)
- all Regular Contractors
- Staff, Volunteers and Contractors who are engaged as College cleaners and College road crossing supervisors
- ministers of religion and other members of a religious organisation
- trainee teachers
- Visitors to the School/College (including, in particular, Casual Volunteers and Casual Contractors), at the College's discretion and depending on the purpose of the visit.

## **6.2 Statutory Declarations by People Who Are Exempt from the WWCC**

Instead of a WWCC clearance, the College may require – at its discretion and depending on the purpose of the visit – that a Visitor to the College (including, in particular, Casual Volunteers and Casual Contractors, who are legally exempt from needing a WWCC clearance) must instead complete and provide to the College:

- a Statutory Declaration that they have no offences that would bar them from working with children under the Act
- an Undertaking to advise the College if they become barred from working with children or are convicted of a relevant offence
- a Consent to the Office of the Children’s Guardian conducting a criminal record check, if the College is audited.

## **6.3 Workers’ Obligations**

Workers must:

- if they do not already have a WWCC clearance, present their WWCC Application Receipt Number and proof of full name and date of birth to the College before commencing work at the College. If the Contractor is engaged by a company other than St Patrick’s College to perform services at the College, show this evidence to their company.
- after receiving a WWCC clearance, or when renewing an existing WWCC clearance, provide their WWCC Number and proof of full name and date of birth to the College (or to their company in the case of a Contractor engaged by a company other than St Patrick’s College to perform services at the College)
- renew their WWCC clearance before it expires
- immediately notify the College and stop working with children if their WWCC clearance is suspended during, or cancelled after, a reassessment.

## **6.4 Third Party Service Providers**

When a provider/company is placing workers for the St Patrick’s College, the College makes sure that the engagement with the provider include clear terms and conditions requesting the provider/company to keep, maintain and monitor the WWCC clearance for all workers they are referring to the College.

The College has the right to request individual copies of particular workers at any time.

Non-compliance of this requirement is considered a breach of the contract with potential consequences including termination of the engagement.

## **6.5 St Patrick’s College’s Obligations**

The College must:

- register and maintain registration online as a child-related employer on the Office of the Children’s Guardian website.
- verify and record the WWCC status of workers engaged, or proposed to be engaged, by the College prior to commencement of the engagement and following renewal of a WWCC clearance
- only engage workers who meet WWCC clearance requirements as required by law or as otherwise set out in this Policy
- not employ, in either paid or non-paid child-related work, a person if the outcome of their online verification is:
  - barred
  - interim barred
  - not found

- remove, immediately on being notified, any barred, interim barred or not found persons from child-related work
- notify the Office of the Children’s Guardian if a worker at the College who holds a WWCC clearance receives an adverse finding in relation to an allegation of misconduct that is the subject of a Mandatory Report to DCJ, Mandatory Report to Police and/or a Reportable Conduct notification (this notification will trigger a risk assessment by the Office of the Children’s Guardian and a review of the individual’s WWCC clearance)
  - ensure evidence of verifying WWCC clearances is maintained.

Where a company or other third-party services providers with multiple employees is engaged as a Contractor by St Patrick's College, the College may require, in its contract with the Contractor, that the Contractor:

- verify the WWCC status of every person engaged by the Contractor to provide the contracted services to the College and provide to the College evidence of this verification
- provide to the College a list of every person engaged by the Contractor to provide the contracted service to the College and their WWCC Number or Application Number; and/or
- keep all required WWCC records for each person engaged by the Contractor to provide the contracted service to the College.

In addition to this process, the St Patrick's College may decide to check internally the WWCC clearance for these contractors who have Direct and Regular contact with students i.e cleaners.

## 6.6 Record Keeping Obligations

The College will maintain all required records relating to WWCC requirement, as set out in the Procedures below.

## 7. PROCEDURES

### 7.1 Key Exemptions

The Act exempts some people from needing a WWCC clearance to volunteer or otherwise work with children.

However, the College requires that certain people, set out in 6.1 Who Must Have a WWCC Clearance? above, must undergo a WWCC and have a valid WWCC clearance to work or volunteer at the College even though they are exempt under the Act or the Regulation.

Therefore, although a person may fall into the below exemption categories under the WWC Act, they may still be required to undergo a WWCC and hold a valid WWCC clearance by the College. However, they, and the College, will not commit an offence if this does not occur.

Under the Act, people engaged in the following types of work or in the following situations are not required, by law, to hold a WWCC clearance in order to work or volunteer with children:

- administrative, clerical or maintenance work, or other ancillary work, that does not ordinarily involve contact with children for extended periods
- work with minimal direct contact or unsupervised contact with children, done for no more than five days in a calendar year
- volunteering by a parent or close relative of a child in activities for the child’s school, early education service or other educational institution - except where the work is part of a formal mentoring program, involves the intimate personal care of children with disability or occurs at an overnight camp
- volunteering by a parent or close relative of a child with a team, program or other activity in which their child usually participates or is a team member - except where the work is part of a formal mentoring program, involves the personal care of children with disability or occurs at an overnight camp

- 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
- people who hold an interstate working with children check, or are exempt from the requirement to have such a check in their home jurisdiction, whose child-related work in NSW is for no more than 30 days in any calendar year
- people under the age of 18.

Under the Regulation, the following types of work are also not considered to be child-related work, even though the work involves direct contact with children, and therefore people in these categories do not, by law, need a WWCC clearance:

- 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
- providing food or equipment at or for a sporting, cultural or other entertainment venue.

## 7.2 Meeting St Patrick's College's Obligations

To meet its obligations, the College will:

- before engaging a new worker who is required by law or this Policy to hold a WWCC clearance, verify – using the Office of the Children’s Guardian’s online verification system – that the worker either holds a valid WWCC clearance for their category of work or that they have a current application to the Office of the Children's Guardian for a WWCC as follows:
  - the Director of Human Resources, Risk and Governance are responsible for verifying all prospective and new staff members’, Contractors’ and Volunteers’ WWCC applications and clearances, using the College’s WWCC employer log in.
  - The EREA NSW Colleges Ltd Director of Safeguarding or their delegate is responsible for verifying the Principal’s, Principal's, Business Manager’s and senior leaders contracted by EREA NSW Colleges Ltd’ WWCC applications and clearances, using EREA NSW Colleges Ltd's WWCC employer log in.
  - paper evidence of a clearance or an application is not acceptable, because the worker could have since been barred.
- for current workers who are required by law or this Policy to hold a WWCC clearance, verify – using the online verification system – that the worker’s WWCC clearance has been renewed at the end of every five-year period as follows:
  - the Director of Human Resources, Risk and Governance:
    - check each month, the status of all staff members’ WWCC clearances and notify relevant staff members whose WWCC clearance will expire in the following months that they need to renew their WWCC clearance prior to its expiry date
    - verify all Staff and Contractor WWCC renewals, within five working days after the worker’s WWCC clearance expires, using the College’s WWCC employer log in
    - review the Volunteer WWCC Register to determine whether any relevant Volunteers’ WWCC clearance are due to expire within the following months
    - verify relevant Volunteers’ WWCC renewals, using the College’s WWCC employer log in.
    - keep records for each worker to whom the WWCC applies, including:
      - full name
      - date of birth
      - WWCC Number or Application Receipt Number

- verification date
- verification outcome
- expiry date.
- the EREA NSW Colleges Ltd Director of Safeguarding or their delegate is responsible for verifying the Principal's/Headmaster's/Headmistress, Deputy Principal/Deputy Headmaster/Deputy Headmistress' Business Manager's and senior leaders contracted by EREA NSW Colleges Ltd's WWCC renewals, within five working days after their WWCC clearance expires, using EREA NSW Colleges Ltd's WWCC employer log in. They are also responsible of keeping the respective records.

### **7.3 WWCC Record Keeping**

There are two methods of keeping WWCC records at St Patrick's College, one for paid Staff (including Contractors who are individuals) and one for Volunteers.

The Paid Staff WWCC Register and the Volunteer WWCC Register, and the processes for maintaining and monitoring them, are evidence of the College's compliance with registration and legal obligation in relation to the WWCC.

These records must be readily available if required for audit and monitoring purposes by the Office of the Children's Guardian.

As a safeguarding record, the College retains these registers indefinitely.

#### **7.3.1 Staff and Contractors**

Once a staff member or Contractor's WWCC application or clearance is verified, the WWCC status report is printed and scanned, or otherwise electronically stored, and emailed to the Director of Human Resources, Risk and Governance.

The original hard or electronic copies are forwarded to the Director of Human Resources, Risk and Governance and/or Human Resources Adviser who stores them in individual staff members' personnel files or with the Contractor's engagement file.

In addition, the Director of Human Resources, Risk and Governance and/or Human Resources Adviser records the following information for each staff member and relevant Contractors electronically in a consolidated Paid Staff WWCC Register:

- first name
- family name
- date of birth
- WWCC Number or Application Receipt Number
- verification date
- result status
- time until expiry
- expiry date of the WWCC clearance
- result of the verification (full text).

The worker's record in this register must be updated with a new verification no later than five working days after the expiry date of their WWCC clearance.

#### **7.3.2 Volunteers**

The Director of Human Resources, Risk and Governance and/or Human Resources Adviser records the following information for each Volunteer electronically in the Volunteer WWCC Register:

- first name

- family name
- date of birth
- WWCC Number or Application Receipt Number
- verification date
- result status
- expiry date of the WWCC clearance.

#### **7.4 Statutory Declarations and Undertakings**

The Director of Human Resources, Risk and Governance and/or Human Resources Adviser is responsible for ensuring that those workers who are required by the College to provide a Statutory Declaration and Undertaking instead of a WWCC clearance comply with these requirements.

These records are considered to be part of the College's WWCC records, and it is the Director of Human Resources, Risk and Governance and/or Human Resources Adviser's responsibility to record the provision of these documents.

### **8. IMPLEMENTATION**

This Policy and its Procedures are made available to all Staff, via the College Intranet/internal website. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors.

These policy and procedures are made available to parents/carers, students and the wider College community in summary in our Safeguarding as well as in our public website.

They are also available in hard copy by request.

### **9. BREACH OF WORKING WITH CHILDREN CHECKS POLICY AND PROCEDURES**

St Patrick's College enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

### **10. POLICY REVIEW**

A review of the Working with Children Checks Policy and Procedures is conducted every three (3) years or earlier if required, such as due to changes in legislation.

The EREA NSW Colleges Ltd Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

### **11. RELATED DOCUMENTS AND LEGISLATIVE INSTRUMENTS**

- Safeguarding Policy
- Safeguarding Recruitment Procedures
- Child Protection (Working with Children) Act 2012 (NSW)



- Child Protection (Working with Children) Regulation 2013 (NSW)
- Education Act 1990 (NSW)
- [NSW Office of the Children’s Guardian, Working with Children Check Fact Sheets and Guidance](#)
- [Royal Commission into Institutional Responses to Child Sexual Abuse, Working with Children Checks Report](#)

## 12. POLICY ADMINISTRATION

Action	Detail
Responsible Director	EREA Director of Safeguarding
Approved by	EREA NSW Colleges Ltd Board
Approval date	13 June 2024
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