

This **Working With Children Checks Policy and Procedures (Policy)** outlines how Balcombe Grammar School ensures that people working or volunteering at or with our School do not pose an unjustifiable risk to student safety. It has been developed in accordance with the Victorian Child Safe Standards and Ministerial Order 1359, *Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*, made under the *Education and Training Reform Act 2006* (Vic).

This Policy is publicly available on our website, along with other child safety and wellbeing policies and procedures. This includes our **Child Safety Dictionary**, which lists the key definitions used in these policies and procedures.

If you would like a paper copy of this Policy, or are a non-English speaker who needs help to understand this Policy, please contact Natalie Kurelja – Head of Faith & Wellbeing.

Objectives

Balcombe Grammar School is committed to ensuring that adults working for or at our School and Volunteers act in the best interests of our students. We emphasise this in our recruitment and selection processes. This includes the requirement for staff, Volunteers and others to undergo working with children or equivalent background checks and pre-engagement screening.

This Policy sets our Balcombe Grammar's framework for ensuring that those people who Balcombe Grammar School requires undergo a Working with Children (**WWC**) Check, and to have a WWC Clearance, at all times when working or volunteering with our students (or equivalent background check), do so.

Balcombe Grammar is committed to the safety and wellbeing of our students and providing school environments where they feel and are safe. Child abuse and harm are not tolerated. Having a WWC Clearance means the person has been assessed under the *Worker Screening Act 2020* (Vic) by Working with Children Check Victoria (part of the Victorian government's Department of Justice and Community Safety), as not posing an unjustifiable risk to the safety of children.

Roles and Responsibilities

Roles and responsibilities for child safety are set out in our **Child Safety and Wellbeing Policy**. Additionally, under this Policy, the following people have particular responsibilities:

Role	Responsibilities
Principal, HR Manager and Executive Director Corporate Services	The Principal, HR Manager and Executive Director Corporate Services are responsible for implementing this Policy.
Staff, Volunteers and Contractors	Staff and relevant Volunteers and Contractors are responsible for undergoing child safety induction and training, including about this Policy, and for complying with this Policy. For more information, refer to our Child Safety Training and Supervision Policy and Procedures and the 'Breach' section below.

Policy

To help keep children safe, Balcombe Grammar School uses the Victorian government's WWC Check screening process under the *Worker Screening Act 2020* (Vic) (**the Act**) to take into consideration a person's criminal history and relevant professional conduct findings before clearing them to work or volunteer with our students.

The Act aims to protect children from harm by ensuring that people who work with or care for them have their suitability to do so checked by a government body. People who are assessed as posing an unjustifiable risk to the safety of children will fail the WWC Check and are prohibited under the Act from working or volunteering with children. The Act imposes penalties for organisations and individuals that do not comply with it.

The WWC Check provides a rigorous assessment before determining if a person can do child-related work in Victoria. It is against the law for the following people to even apply for a WWC Check:

- a registrable offender under the *Sex Offenders Registration Act 2004* (Vic)
- a person who is subject to a supervision order, a detention order or an emergency detention order.

Working With Children Check Victoria undertakes the assessment. Under current processes, it reviews an applicant's:

- criminal record in all Australian states and territories across their lifetime, including serious sexual, violent and drug offences they have previously been charged with, regardless of the outcome of those charges;
- professional conduct, which is determined by the:
 - Victorian Institute of Teaching (VIT)
 - Suitability Panel established under the *Children, Youth and Families Act 2005* (Vic), which makes findings related to the suitability of registered out of home carers
 - Commission for Children and Young People through the Reportable Conduct Scheme under the *Child Wellbeing and Safety Act 2005* (Vic)
- compliance (if applicable) with historical and current health practitioner legislation
- current or historical reporting obligations or orders under the *Sex Offenders Registration Act 2004* (Vic) or the *Serious Offenders Act 2018* (Vic)
- any new offences or charges that fall within the Act.

There are only two results for a WWC Check:

- a WWC Clearance, which is valid for five years and permits a person to engage as an employee in paid or voluntary child-related work or to engage in child-related work as a volunteer only; or
- a WWC Exclusion (previously referred to as a "Negative Notice") barring the applicant from working with children.

For more information, see <https://www.workingwithchildren.vic.gov.au/>.

All persons required under the Act, Ministerial Order 1359 or by Balcombe Grammar School to have a WWC Clearance must at all times whilst working for or with Balcombe Grammar School have a valid WWC Clearance.

Where the Act, Ministerial Order 1359 or the School requires a person to have a WWC Check, Balcombe Grammar School does not permit that person to work for or with them pending a WWC Clearance, even where the Act allows people to do child-related work after their application has been lodged and while it is being processed. To keep students at Balcombe Grammar School safe, we require these people to have passed the WWC Check screening process and received a WWC Clearance before commencement.

VIT registration is an equivalent background check to the WWC Check and teachers are exempt from holding a WWC Check unless they have been given a WWC Exclusion. This is because registration with VIT is only granted to people who are appropriately qualified and assessed by the VIT as 'suitable to teach'.

Therefore, where this Policy and Procedures refers to persons who require a WWC Check and/or WCC Clearance, this does not include VIT registered teachers.

However, VIT registered teachers who do any child-related work that is not teaching in a school or early childhood service are still required to notify Working With Children Check Victoria within 21 days of commencement by completing the Teacher Notification Form. If VIT registration is suspended or cancelled then the teacher exemption no longer applies and they must apply for a WCC Check. For more information, see https://files.workingwithchildren.vic.gov.au/2021-05/Exemptions%20Guide_1.pdf#_ga=2.211885654.319539097.1663218586-1273769797.1655566789.

Balcombe Grammar School students who are volunteering with, coaching or tutoring younger students at our School are also not required to have a WWC Check. This is because, under the Act, a person under 18 years of age is still considered to be a child. Students under 18 or 19 years of age doing volunteer work organised or held at an education institution, such as Balcombe Grammar School, also do not need a WWC check. However, students are required to abide by our **Child Safety Code of Conduct** and **Student Code of Conduct** at all times.

Engagement

When engaging school staff and Volunteers and Contractors to perform child-connected work, Balcombe Grammar School must sight, verify and record the person's WWC Clearance where the person is required to have a WWC clearance under the Act, Ministerial Order 1359 or by the School before commencement.

Child-connected work is a broader concept than child-related work as it does not require direct contact with children- the presence, or reasonably expected presence, of children is sufficient.

Given this, all Balcombe Grammar School staff members are considered to be engaged in child-connected work.

Most, but not all, Volunteers and Contractors will also be considered as engaged in child-connected work and required to have a WWC Clearance under Ministerial Order 1359. Volunteers and Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work. Examples include (but are not limited to) people performing work for the School off-site or outside regular school or office hours such as CSV Board members or people doing maintenance work, attending a working bee on a weekend or assisting with fund-raising or administrative activities.

All people required under the Act, Ministerial Order 1359 or by the School to have a WWC Clearance before commencement must, at all times whilst working for or with Balcombe Grammar School, have a valid WWC Clearance.

As an alternative to a WWC Clearance for any person who is or might be engaged in child-connected work on a very limited basis, Balcombe Grammar School may instead and at its absolute discretion, require before their commencement:

- a Statutory Declaration from that person to the effect that they have no offences that would result in them not receiving a WWC Clearance under the Act if an application for a WWC Check was made;
- an undertaking to advise if they are convicted of an offence that would result in a WWC Exclusion.

For further information on how we assess the suitability of staff, Volunteers and Contractors who we engage to work for or with our students in addition to the requirement to have a WWC Clearance, please see our **Child Safety Recruitment Policy and Procedures**.

Procedures

Before commencement of any person engaging in child-connected work at or with the School or any person required by us to have a WWC Clearance, Balcombe Grammar School will sight the person's WWC Check Card.

Any paid Balcombe Grammar School employee doing child-connected work must have an Employee WWC Check Card, not a Volunteer WWC Check Card.

Whether a person has a WWC Check Card or not (e.g. if misplaced or receipt is pending), the School will verify and record the person's WWC Clearance using the WWCC's online checking system at https://online.justice.vic.gov.au/wwccu/checkstatus.doj#_ga=2.219346651.319539097.1663218586-1273769797.1655566789.

Where a Contractor or a Third Party Contractor with multiple employees is engaged by Balcombe Grammar School, we may require in our contract with them that the Contractor or Third Party Contractor:

- verify the WWC Clearance or equivalent clearance status of every person engaged by them to provide the services to the School and provide us with evidence of this verification
- provide to Balcombe Grammar School a list of every person engaged by them to provide the services and their WWC Check Card or equivalent clearance details.

Balcombe Grammar School will keep records containing the following information (where applicable) for each person for whom a WWC Clearance is required:

- full name



- date of birth
- WWC Check Card Number
- WWC Clearance expiry date
- all correspondence, including any notices sent by or provided by the person from Working With Children Check Victoria.

Balcombe Grammar School may at any time require a person to substantiate that their WWC Clearance is still valid. It is up to each person who is required to have a WWC Clearance to ensure that it remains valid at all times whilst working for or with the School.

Adults engaging in child-related work who do not have a WCC Check, knowing that the work is child-related work and they do not have a check, face penalties of up to two years' imprisonment or a fine of up to 240 penalty units (currently over \$43,000), or both (section 121 (1) of the Act).

Each person whilst working for or with Balcombe Grammar School who has passed a WWC Check is required under the Act to advise us in writing and Working With Children Check Victoria within seven days if any of the following circumstances occur:

- a relevant disciplinary or regulatory finding is made against them
- they are charged with an offence listed in Schedule 2 or 4 of the Act
- they are convicted or found guilty of an offence listed in Schedule 2 or 4 of the Act or a charge has been finally dealt with
- they become subject to reporting obligations under the *Sex Offenders Registration Act 2004* (Vic)
- they become subject to a supervision, detention or emergency detention order
- they are given a National Disability Insurance Scheme exclusion
- they are excluded from child-related work interstate

A fine of up to 60 penalty units (currently over \$11,000) applies (section 72 of the Act).

A change in personal details, such as name, address, phone number or organisation information must be notified to Working With Children Check Victoria within 21 days.

Balcombe Grammar School keeps a WWC Register to track when WWC Clearances expire. The School will seek to remind all persons on the WWC Register within three months of the expiry date that renewal is required. However, it is at all times the responsibility of the person with the WCC Clearance to ensure its validity.

On expiry, we will check that the WWC Clearance has been renewed. Balcombe Grammar School may also undertake checks at any time of a person's WWC Clearance or equivalent clearance to confirm it remains valid.

The outcome of the regular checks, confirming the status of each person's WWC Clearance will be retained by Balcombe Grammar School.

Any WWC Exclusion, expired WCC Check Card or other issues will be immediately escalated to the Principal for necessary action as the person will not be able to continue to work for or with Balcombe Grammar School and, if not resolved within 24 hours, the person will be unable to work for or with or participate in any Balcombe Grammar School activities in any school environment until the issue is resolved.

We will remove immediately on being notified, any person engaged in paid or voluntary child-related work for or with Balcombe Grammar School whose WWC Clearance is suspended or revoked or is issued with a WWC Exclusion. Under the Act they are not permitted to do child-related work from the date of the Exclusion notice.

If a person receives a WWC Exclusion they must under the Act advise Balcombe Grammar School in writing within seven days of the date of receipt of the Exclusion. If a person receives a WWC Exclusion, they cannot apply for a WCC Check again for five years from the date of the notice, unless their circumstances change. If they apply after this time, by law they **must not** do any child-related work until they pass the WCC Check.

Working With Children Check Victoria will let the School know if a person who obtained the WWC Clearance for Balcombe Grammar School paid or volunteer work has received a WCC Exclusion or had a WCC Check suspended

or revoked. A copy of the WWC Exclusion is sent to all organisations that the person has listed with Working With Children Victoria, though they do not advise of the reasons for the WWC Exclusion.

Balcombe Grammar School will not engage or continue to engage a person to work at or for Balcombe Grammar School who has a WWC Exclusion, even if they are exempt under the Act, for example, a parent or carer Volunteer who is legally exempt from having to have a WWC Clearance when volunteering in an activity which involves their own child.

Breach

Compliance with this Policy is monitored and enforced by Balcombe Grammar School. Any instances of non-compliance will be investigated and reviewed. This may result in a range of measures being taken, 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.

Review

Balcombe Grammar School is committed to the continuous improvement of our child safety and wellbeing policies and procedures.

We review this Policy at least every two years or earlier if required, such as due to changes in legislation or after any significant child safety incident. This includes seeking input from students, parents and carers and the Balcombe Grammar School community.

Related Policies and Procedures

- Child Safety Dictionary
- Child Safety Code of Conduct
- Child Safety and Wellbeing Policy
- Child Safety Recruitment Policy and Procedures
- Student Code of Conduct
- our Human Resources Policies and Procedures

Policy Administration

Status	Approved by the Board on 8 February, 2023
Person Responsible	The Principal
Approver(s)	The CSV Board is responsible for approval of the Policy and ensuring it is reviewed and updated as needed.
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Version History	Created 2022
Review Frequency	At least every 2 years, or earlier if required.
Next Review Date	January 2024
Risk Rating	High
Location	CompliSpace