



## Catholic Schools Office Diocese of Lismore

# WORKING WITH CHILDREN CHECK STANDARD OPERATING PROCEDURE

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<b>SOP Contact Officer:</b>	Assistant Director - School Resources Services
<b>Related Documentation:</b>	Catholic Education in the Diocese of Lismore <i>Foundational Beliefs and Practices – The Essential Framework, 2007.</i> <i>Part 3A Ombudsman Act 1974</i> <i>Children and Young Person (Care and Protection) Act 1998</i> <i>Child Protection (Working with Children) Regulation 2013</i> <i>Child Protection Resource Manual for Diocesan Systemic Schools</i> <i>Child Protection (Working with Children) Act 2012</i>

## RATIONALE

The Catholic Schools Office Lismore is committed to creating and supporting a culture of safety for children and ensuring that its children and young people are protected from all forms of reportable conduct. It supports child protection and all measures for the prevention of reportable conduct in the workplace.

All employees of the Diocese of Lismore working with children will be required to undertake the Working with Children Check (WWC).

Volunteers in parish schools will be required to complete a Statutory Declaration as a minimum and if requested be required to undertake a WWC.

## SCOPE

This policy describes the process for effectively managing the new Working with Children Act proclaimed in 2012 and regulations coming into effect June 15 2013, for existing and new employees of the Catholic Schools Office, Diocese of Lismore.

This policy applies to all employees in Catholic schools, the Catholic Schools Office and any related units under the administration of the Catholic Schools Office, Diocese of Lismore. The policy shall be implemented in accordance with appropriate industrial legislation and the relevant award and/or enterprise agreement.

### 1. Definitions:

- 1.1 **Child/ren** includes all children and young people up to the age of 18 years.
- 1.2 **WWC** means Working with Children Check – a clearance from OOCG for an employee to work in an occupation with children
- 1.3 **OoCG** means Office of the Children’s Guardian
- 1.4 **Employer** means Diocese of Lismore Catholic Schools Office (CSO)
- 1.5 **Employee** means any person who is employed by the CSO, whether or not they are employed to work directly with children, as well as anyone from outside the agency who is engaged to provide services to children such as contractors, foster carers, volunteers, students on placement, instructors of religion.
- 1.6 **Applicant** means Employee or volunteer.
- 1.7 **Existing Staff** means staff who were employed before June 2013

### 2. IMPLEMENTATION

- 2.1 In June 2012, the Child Protection (Working with Children) Act 2012 was passed by the NSW Parliament, introducing a new process for Working with Children Checks (WWC).
- 2.2 The purpose of the Act is to create legislation to support the Working with Children Check. This will include the utilising of a centralised agency which is responsible for administering the Working with Children Check.
- 2.3 The Office of the Children’s Guardian\_(OOCG) is the centralised agency with responsibility for processing all Working with Children Checks and completing any risk assessments.
- 2.4 This new check commenced on June 15, 2013.

### 3. THE RESPONSIBILITY OF THE EMPLOYEE / VOLUNTEER

- 3.1 It is the responsibility of the employee to:
- I. Apply online with OOCG for a Working with Children Check clearance, visit the nearest Transport, Roads and Maritime Registry or Government Access Centre to provide proof of identity and pay the fee of \$80-00 and to supply this WWC number to prospective employers.
  - II. A volunteer will also need to complete this process however at this stage they will not be charged a fee. Please see attached "Exemptions" page from the Office of the Children's Guardian. Attachment A
  - III. Notify the Employer of any change to clearance status, no matter how minor (even if the matter has not been updated on the OOCG database).
- 3.2 Existing employees will be phased in from 1 April 2016 until 31 March 2017 (for staff in Secondary Schools) and 1 April 2017 until 22 September 2017 for all primary school staff to comply with 1.1a above. Refer Attachment B.
- 3.3 New employees are required to comply with 1.1a above effective June 15 2013 and at the time of registration.
- 3.4 All employees are required to provide their WWC number to the CSO for verification purposes.
- 3.5 OOCG provides free telephone support to those without access to a computer. A trained officer will complete the application over the phone.
- 3.6 Although an applicant may apply from the age of 17 years and 9 months, a clearance will not be given until a person has turned 18 years of age.
- 3.7 Those who are refused an approval can appeal the refusal to the NSW Civil and Administrative Tribunal (NCAT).
- 3.8 A Working with Children Check clearance will remain valid for a period of five years from the date of application and must be renewed by the employee **before the expiry date**. Proof of renewal must be provided to the employer.

### 4. RESPONSIBILITY OF THE EMPLOYER

- 4.1 It is the responsibility of the CSO / Diocesan School Principal / Assistant Principal to:
- I. Check the identity of the applicant by photo identification and check the validity of the WWC number online **before** any child related employment commences.
  - II. Maintain the status of an employee by way of database and expiry date. The CSO office will maintain the WWC numbers and verification details in the payroll system.
  - III. Make sure all external advertised positions include the phrase "*Child Protection Legislation requires preferred applicants to be subject to an employment screening*"
  - IV. Ensure that a clearance is current.

- V. Ensure that anyone employed under the age of 18 is not left unsupervised in the presence of students, nor are they to be left in a supervisory role.
- VI. Not engage a barred person in a child related role.
- VII. Keep records of every clearance for every worker and volunteer showing the workers name, WWC number, expiry date and date of verification by employer as this information can be a part of the audit process by OoCG.
- VIII. Ensure school compliance with procedures.

## 5. PROCEDURE FOR EMPLOYEES

### 5.1 Teachers

A prospective employee must complete OOCG online application at <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>.

- 5.2 The status of the employee will be communicated with the applicant by the Office of the Children's Guardian and this notification number must be submitted with the applicant's *Teachers Registration for Employment* with the Diocese of Lismore for verification by the employer. A Working with Children Check clearance will remain valid for a period of five years from the date of application.

- 5.3 Existing staff members must obtain a Working with Children Check within the Phasing In period nominated by the Office of the Children's Guardian. See 3. for Phasing in schedule dates.

### 5.4 Auxiliary Staff

A prospective employee must complete OOCG online application <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>.

- 5.5 The status of the employee will be communicated with the applicant by the Office of the Children's Guardian and this notification number must be submitted with the applicant's resume to the principal before or upon impending engagement.

### 5.6 Non- Child Related

All positions of employment in a diocesan school are considered to be child related. However, where an applicant's employment is not deemed as "Child Related" by OOCG on application, the Catholic Schools Office may ask the prospective employee to complete a National Criminal History Record Check, at the cost to the employee of \$43-00 (as at 2015) before commencing employment. This check has a three year expiry date from the date of application.

### 5.7 Volunteers

The new legislation requires volunteers in child related activities in our schools to obtain a Volunteer Working with Children Check by completing the application through the OOCG website <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>.

- 5.8 The status of the volunteer check application will be communicated with them by the Office of the Children's Guardian and this notification number must be submitted to the School at which they are volunteering.

- 5.9 Exemptions to this requirement are listed on the OoCG website however a volunteer may be requested by the school to complete a Volunteer Working with Child Check Application dependant on the role of the volunteer.
- 5.10 **Chaplains / Student Welfare Workers.**  
Staff employed as a Chaplain/ Student Support Worker under the National School Chaplaincy Program will be required to undertake a new Working with Children Check before commencing the position.

## 6. PROCEDURE FOR EMPLOYER

- 6.1 The CSO or representative (e.g. Principal) must also confirm the identity of the applicant by **photo identification**, checking also the current address and date of birth.
- 6.2 The CSO / school may only engage a worker or volunteer (subject to exemptions and limitations) with a 'clearance', or a 'current application'.
- 6.3 This process is to take place before someone is employed in the Diocese.

## 7. RESULTS / VERIFICATIONS

- 7.1 Results for a Working with Children Check include:
- I. Clearance;
  - II. Bar (or interim bar); or
  - III. No result or Current Application in process
- 7.2 The CSO / Schools may **only** engage a worker or volunteer (subject to exemptions and limitations) with a **clearance** or a **current application in process**. (Requiring evidence of application e.g. receipt of payment at RTA or copy of email stating receipt of the application).

## 8. BARRED

- 8.1 It is an offence to employ a worker for child related work (paid or unpaid) if the outcome of their online verification is:
- I. Barred
  - II. Interim Barred
  - III. Not found
- 8.2 If the CSO is advised that a current employee or volunteer has become "barred" it must immediately remove them from child related work. The options are:
- I. Dismiss the worker
  - II. Suspend them from child related work pending the outcome of an appeal
  - III. Transfer them to a non-child related role
- 8.3 When the CSO receives notification of a Bar or Interim Bar from the Office of the Children's Guardian, the CSO will:
- I. Advise the person of the bar or interim bar
  - II. Remove the person immediately from the child related work
  - III. Inform relevant staff that the person is not to be employed or engaged.

**9. HOW LONG DOES A CHECK REMAIN VALID?**

- 9.1 A Working with Children Check clearance will remain valid for a period of five years from the date of application. The expiry date will be shown at the time of validation.
- 9.2 A National Criminal History Check clearance will remain valid of three years.

## VERSION HISTORY

<b>Version</b>	<b>Approval Date</b>	<b>Authorised By</b>	<b>Notes</b>
1	June 2013	Assistant Director – School Resource Services	Originally released
2	May 2015	Assistant Director – School Resource Services	Reviewed
3	July 2016	Assistant Director – School Resource Services	Reviewed and Reformatted and approved

# Fact sheet 2

## Phase-in schedule for existing workers

January 2015



- **Already working with children?** You will be phased in between now and 2018. Find your industry sector in the chart below.
- **Volunteering?** You will also be phased in. Find your industry sector on the chart below.
- **Self-employed?** Apply when your Certificate for Self-Employed People (CSEP) expires, or if you do not have a CSEP, when your sector is phased in
- **Starting a new job?** Apply before you start work.

Not sure which sector you belong to? See **FACT SHEET: Which sector do I belong to?** at [www.kidsguardian.nsw.gov.au/check](http://www.kidsguardian.nsw.gov.au/check).

### INDUSTRY SECTORS – Phase-in dates

15 Jun 2013 to 31 Mar 2014	1 Apr 2014 to 31 Mar 2015	1 Apr 2015 to 31 Mar 2016	1 Apr 2016 to 31 Mar 2017	1 Apr 2017 to 31 Mar 2018
<ul style="list-style-type: none"> <li>• Child protection</li> <li>• Disability services</li> <li>• Justice services</li> <li>• Religious services (work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of the organisation)</li> <li>• Youth workers</li> <li>• Authorised carers*</li> <li>• Adults who reside in the home of an authorised carer or family day care service provider or home-based education and care service provider</li> </ul>	<ul style="list-style-type: none"> <li>• Child development and family welfare services</li> <li>• Religious services (work in roles including youth groups, youth camps, teaching children and child care)</li> <li>• Residential services</li> <li>• Transport services for children</li> <li>• Principal Officer of               <ul style="list-style-type: none"> <li>• a designated agency</li> <li>• registered agency that provides voluntary out-of-home care (not those that arrange voluntary out of home care)</li> <li>• accredited adoption service provider</li> </ul> </li> <li>• Members of governing body of               <ul style="list-style-type: none"> <li>• a registered agency that provides voluntary out-of-home care (not those that arrange voluntary out of home care)</li> <li>• designated agency</li> <li>• accredited adoption service provider</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Clubs or other bodies providing services to children (including sporting bodies and dance schools)</li> <li>• Entertainment for children</li> <li>• Assessment of reportable matters (assessment officer)</li> </ul>	<ul style="list-style-type: none"> <li>• Children's health services (Local Health Districts)               <ul style="list-style-type: none"> <li>- Central Coast LHD</li> <li>- Hunter New England LHD</li> <li>- Illawarra Shoalhaven LHD</li> <li>- Mid North Coast LHD</li> <li>- Northern NSW LHD</li> <li>- South Eastern LHD</li> </ul> </li> <li>• Education - Secondary schools</li> <li>• Education - Vocational</li> <li>• Education - Private tuition and coaching</li> </ul>	<ul style="list-style-type: none"> <li>• Children's health services - All remaining LHDs</li> <li>• The Sydney Children's Hospitals Network (Randwick and Westmead)</li> <li>• Justice Health and Forensic Mental Health Network</li> <li>• Ambulance Service of NSW</li> <li>• Children's Health – remaining services</li> <li>• Early education and child care</li> <li>• Education – all remaining services</li> <li>• Education and care service – approved provider, manager or certified supervisor</li> </ul>

\*Foster carers and other authorised carers of children in statutory and supported out-of-home care.

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