



## SYDNEY ANGLICAN SCHOOLS CORPORATION

### 3.3.10 Working with Children Check Policy

#### 1. INTRODUCTION:

Sydney Anglican Schools Corporation (the **Corporation**), being an organisation that works with children and young people, is committed to ensuring and enhancing the safety and wellbeing of children. As part of this commitment, the Corporation requires that all new employees, volunteers and contractors hold a Working with Children Check Clearance. The Corporation considers that the Working with Children Check is an important aspect of a broader policy approach to keeping children safe.

#### 2. CONTEXT:

- 2.1 The **Working With Children Act** 2012 (NSW) (Act) and *Child Protection (Working with Children) Regulation* 2013 (NSW) introduces a new 'Working with Children Check' (**WWCC**) compared with that which existed previously under the *Commission for Children and Young People Act 1998* (NSW) (**CCYP**) regime, although the principal objective remains the same: to protect children by not permitting people whose records indicate a risk to children to work with children. The new WWCC commenced on 15 June 2013.
- 2.2 The Act restricts a worker from engaging in child-related work unless the worker holds a WWCC clearance or has made application to the Children's Guardian for a WWCC clearance. Similarly, an employer must not commence employing or engaging, or continue to employ or engage, a worker in child-related work if the employer knows, or has reasonable cause to believe, that the worker does not hold a WWCC clearance and that there is no current WWCC application of the worker before the Children's Guardian.
- 2.3 The WWCC will be administered by the Children's Guardian. The Children's Guardian has responsibility for screening workers for child-related employment and maintaining the working with children register.
- 2.4 The WWCC involves a national check for relevant criminal records, employer disciplinary findings and notifications made by the Ombudsman of matters that he is aware of that indicate serious risk to children. A WWCC will not be completed without an applicant's consent.
- 2.5 Under the new WWCC regime, a Corporation School is required to, among other things:
  - (a) verify the WWCC status of any potential new employee, volunteer or contractor to be engaged at the Corporation School, after the individual has provided their WWCC number, in order to confirm that the individual is not barred from working with children; and
  - (b) notify the Children's Guardian of any findings of misconduct made against its workers.

For the purposes of this policy:

**"Children's Guardian"** means the Children's Guardian appointed under section 178 of the *Children's and Young Persons (Care and Protection) Act 1998*.

**“Worker”** means any person engaged to work as an employee, self-employed person (such as a contractor or subcontractor), a volunteer, a person undertaking vocational training as part of a vocational course), or a Chaplain.

### **3. PURPOSE:**

The purpose of this policy is to set out the minimum requirements of the Corporation for potential new employees, volunteers and contractors, some of the obligations imposed on the Corporation and others by the new Working With Children Act and to provide guidance as to how the Corporation will generally approach certain matters.

### **4. POLICY:**

#### **4.1 Requirement of potential new employees, volunteers and contractors to undergo the WWCC**

The Corporation requires that all new employees and all new volunteers and contractors **who have direct unsupervised contact with students** engaged from 15 June 2013 have a WWCC clearance from the Children’s Guardian.

It is the responsibility of a prospective new employee, volunteer or contractor to apply for a WWCC online via the Children’s Guardian website **prior to** the commencement of their employment or engagement of a Corporation school.

If granted a clearance, this clearance operates for a period of 5 years (subject to surrender, cancellation or an interim bar being put in place by the Children’s Guardian). As a WWCC attaches to an individual, and not to a position, an employee, volunteer or contractor need not apply for another WWCC if they simply change roles within a Corporation school within the 5 year period.

New employees are required to sign the Corporation’s General Terms of Employment which sets out further detail regarding Child Protection matters. If payroll does not receive a Working with Children Check number with a new employee’s ‘Application for Employment Form’, pay will be withheld until the number is received and a clearance is validated.

The Corporation will progressively implement the new WWCC for existing employees, volunteers and contractors according to the ‘phase in’ timeline over the next five years, as determined by the Children’s Guardian.

#### **4.2 Requirements of existing volunteers and contractors**

The Corporation requires all volunteers engaged at Corporation Schools to sign the ‘Volunteer Undertaking’ commencing from the beginning of the School year 2014.

The Corporation also requires all existing contractors engaged at Corporation Schools to sign the ‘Contractor Personnel Undertaking’.

#### **4.2 Requirements of Existing Casual Employees**

The Corporation requires from the beginning of the 2014 school year that all existing casual employees must provide the School with a Working with Children Check Clearance number so an

online verification can be conducted. If a Working with Children Check number is not provided pay will be withheld until the number is provided and a clearance validated.

#### **4.3 Verification of WWCC Status and Record Keeping**

A potential new employee or contractor will be required to provide their WWCC clearance number to a Corporation school during the recruitment / engagement process for the purpose of verification. An applicant may be required to provide their WWCC number on their 'Application for Employment' form or by another similar means.

The Corporation is registered as a child-related employer with the Children's Guardian. This will allow the Corporation to verify an applicant's WWCC status prior to commencement of his or her employment or engagement.

For Corporation schools it is the responsibility of the Principal (or their delegate) to undertake the online verification process to confirm whether the relevant individual is not barred from working with children. **Each Corporation school is required to ensure effective WWCC procedures are implemented and accurate WWCC records for all employees, volunteers and contractors are maintained in Edumate.**

**In Group Office, it is the responsibility of the relevant Manager** to undertake the online verification process to confirm whether the relevant individual is not barred from working with children.

School Principals are to ensure that a successful applicant's 'Employment Application Form' is submitted to Payroll at Group Office prior to the commencement of employment. The WWCC information will be entered into the Payroll Information system on receipt of the application form. Group Office employee information also will be entered by payroll into the Payroll Information system. The record is to contain a worker's name, WWCC number, date of check and outcome of the verification and (if cleared) the WWCC expiry date. (This information may be subject to audit by the Children's Guardian.)

**The WWCC status of every new employee, volunteer or contractor must be verified as 'clear' before they begin work. If an applicant's WWCC status demonstrates that they are subject to a bar or an interim bar, the Corporation school must not engage them.**

**New employees must also have signed and returned their contract of employment, containing additional undertakings regarding child protection matters, prior to commencement of employment with the Corporation.**

**New Contractors and their personnel must sign and return the 'Contractor Personnel Undertaking' form prior to commencing contracting services.**

**New Volunteers must sign and return the 'Volunteer Undertaking' form prior to commencing voluntary services.**

A key aspect of the new WWCC regime is that it provides for continuous monitoring of new criminal charges and disciplinary reports of clearance holders, and for cancellation of a clearance, if a new record indicates that a clearance holder is a risk to children.

However, as an additional precaution, a Corporation school should have appropriate procedures in place to ensure that regular verification of employee, volunteer or contractor WWCC status is conducted throughout the duration of their employment or engagement with the school.

#### 4.4 **Emergency Use of Contractors Without a WWCC**

On occasion, circumstances may arise where a new contractor's services are required in an emergency and the available contractor does not have a WWCC number.

In this situation, the contractor's services may be utilised at a Corporation school, however the contractor must be supervised by a staff member at all times while they are on the school site, the period of time for which the worker is engaged must not be more than 5 consecutive working days and the engagement of the worker must be necessary in the circumstances to prevent an increased risk to the safety of children.

#### 4.5 **Notification obligations**

Section 35 of the *Child Protection (Working with Children) Act 2012* requires a Corporation school to report findings of misconduct against their workers to the Children's Guardian where a worker has engaged in the following conduct:

- (i) sexual misconduct committed against, with or in the presence of a child, including grooming of a child;
- (ii) any serious physical assault of a child.

The Corporation is required to keep records of allegations, investigations and findings concerning the subject of any such notification for not less than 30 years, unless these records are provided to the Children's Guardian pursuant to a written request.

The above obligation to report is in addition to any reporting requirements under other applicable child protection legislation, for example, the *Ombudsman Act 1974*.

### 5. **RELATED LEGISLATION, DOCUMENTS AND WEBSITE REFERENCES:**

Ombudsman Act 1974 (as amended from time to time)

Commission for Children and Young People Act 1998 (as amended from time to time)

Child and Young Persons (Care and Protection) Act 1998

Child Protection (Offenders Registration) Act 2000

NSW Commission for Children and Young People – Website: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Child Protection (Working With Children) Act 2012 and Regulations 2013

Application for Employment (Teacher and Non-Teaching Staff)

General Terms of Employment (Teaching and Non-Teaching Staff)

Information Systems: Edumate – Individual Schools 'Staff Profile' & Talent2 – Corporation Payroll Information System

Contractor Personnel Undertaking

Volunteer Undertaking

**6. POLICY REVIEW:**

The policy shall be reviewed every three years or in the event of any information, incident legislative changes or organisational practice that would demonstrate the need for a review.

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