



Working With Children Check Policy

April 2024

CATHOLIC SCHOOLS BROKEN BAY

Caroline Chisholm Centre Building 2, 423 Pennant Hills Road, Pennant Hills, NSW 2120 | PO BOX 967 Pennant Hills NSW 1715
02 9847 0000 | csbb.catholic.edu.au | csbb@dbb.org.au

Rationale

This policy details the procedures of Catholic Schools Broken Bay (CSBB) for staff, volunteers, or contractors in roles that necessitate a Working With Children Check (WWCC). It delineates practices to help CSBB comply with the New South Wales Child Protection (Working with Children) Act 2012, the Child Protection (Working with Children) Regulation 2013. These procedures are designed to mitigate risks to children's safety.

Guiding Principles and Objectives

The purpose of the Act and associated Regulations is to provide a framework for the Working With Children Check (WWCC) which is administered by the Office of the Children's Guardian (OCG). This policy outlines the processes for conducting and implementing the WWCC for child related work across CSBB.

The safety, welfare and well-being of children and in particular protecting them from child abuse, is a paramount consideration in the operation of this policy and the WWCC procedures.

Policy Statement

1. Child Related Work

People who are seeking to be employed or engaged in child related work at CSBB are subject to relevant requirements under the Act and its associated Regulations. The WWCC process involves a national police check and a review of findings of misconduct involving children.

A person is in child related work if he or she works face to face with children in a child related sector or works in a stipulated child related role. Child related work involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to their role:

- as a paid employee or casual employee
- as a self-employed person or as a contractor or subcontractor
- as a volunteer
- as a person undertaking practical training as part of an educational or vocational course (other than as a student undertaking work experience)
- as a member of the clergy, seminarian, or religious.

A person engaged or employed in child related work is responsible for applying and renewing his or her own WWCC through the OCG and Service NSW. Before engaging or employing a child-related worker or volunteer CSBB must ensure the person has a clearance to work with children.

CSBB have employees whose roles require them to have access to confidential records or information about children, but they aren't considered child-related work under the legislation. CSBB deems these roles child-related therefore, require WWCC.

There are specified exemptions from the WWCC under Part 4, Clause 20 of the Child Protection (Working with Children) Regulation 2013. People covered by these Regulations are not required to have a WWCC. However, a person who is exempted from the WWCC legislative requirements may still be required by CSBB to sign a declaration and undertake an appropriate induction. Refer to the WWCC Guidelines for Schools for specific information on who requires a WWCC or declaration to be completed.

2. Verifications

To comply with the legislation, employers need to go online to the OCG website to verify the status of a WWCC number for any worker in child related work. Verifications of all WWCC's will be completed centrally by CSBB staff in the Safeguarding Office (SGO) and Capability and Enablement of our People (CEP) Team. A record of the full name, date of birth, WWCC number, date and outcome of verification will be stored electronically by the SGO and entered on PHRIS (Payroll and HR Information System).

3. Outcomes of the WWCC

The result of a WWCC as determined by the OCG is either a clearance to work with children for five years or a bar against working with children. Barred applicants may not work or volunteer with children. Cleared applicants will be subject to ongoing monitoring. Criminal or workplace records which appear against a worker's name during the five-year period may trigger a risk assessment and, in some cases, result in a bar or interim bar against working with children depending on the seriousness of the offence or conduct concerned.

4. Risk assessment

CSBB has a legal obligation to report findings of sexual offence, sexual misconduct and serious physical assault involving children by a child related worker to the OCG.

A risk assessment is an evaluation by the OCG of an individual's eligibility for child-related work. It will be triggered by:

- an offence listed in Schedule 1 of the Act;
- a pattern of behaviour or offences involving violence or sexual misconduct that represents a potential risk to children (even if the records are not individually listed on Schedule 1 or 2 of the Act);
- findings of misconduct reported by a reporting body;
- notifications by the Reportable Conduct Scheme directorate at the OCG to the WWCC directorate at the OCG.

5. Barred

It is an offence to employ a person in child related work (paid or unpaid) if the outcome of their online verification is:

- Barred

- Interim barred
- Not found

If CSBB is advised that a current employee or volunteer has become barred it must immediately remove them from child related work. The options are:

- advise the person of the bar or interim bar
- remove the person immediately from child related work
- inform relevant staff that the person is not to be employed or engaged
- comply with any request for information by the OCG.

6. Other screening

A WWCC is only one of the tools available to keep children safe. Employment or engagement in CSBB may also be subject to other checks as prescribed in relevant legislation or policy. CSBB acknowledges its responsibility to establish and maintain rigorous recruitment, selection and screening processes including thorough referee checking in accordance with the Recruitment and Selection of Teaching and Support Staff Guidelines and appropriate induction processes as specified by CSBB.

7. NESA requirements for teaching staff

In accordance with the NSW Education Standards Authority – Interim Revocation, Suspension and Voluntary Cancellation of Accreditation Policy (2019), teaching staff must also provide their WWCC number to NESA prior to its expiry and ensure they have a full clearance (not just an Application in Progress) on their WWCC status which supports their ongoing accreditation. Implications for not complying with this requirement may result in a teacher temporarily being stepped down from their position with CSBB until the situation is satisfactorily resolved.

8. Offences

CSBB will be guilty of an offence if it:

- employs or continues to employ a worker in child-related work without obtaining and verifying the worker's relevant details
- fails to update a worker's record of their relevant details within 5 days after the expiry date for each clearance
- fails to retain a record of a worker's relevant details in accordance with clause 7 during the period in which the worker carries out child-related work and for a period of at least 7 years after the worker ceases to carry out the child-related work for the Diocese
- fails to notify the OCG of any change to a worker's Personal Details within 3 months of the change occurring in accordance with clause 7.3.

9. Record Keeping

Under section 9A of the Act, CSBB must obtain, verify and keep a record of worker's relevant details. Relevant details include:

- (a) The worker's full name and date of birth
- (b) The WWCC number of the worker's clearance or the application number of the worker's current application number
- (c) The expiry date for each clearance of the worker, being the date on which the clearance ceases to have effect.

CSBB must retain these records during the period in which the worker is engaged and for a period of at least 7 years after the worker ceases to be engaged.

10. Record Keeping at CSBB Central Office

CSBB will maintain a register of all workers WWCC verifications processed through CSBB.

This includes:

- All full time, part time, casual CSBB employees
- Contractors & volunteers engaged by CSBB that require a WWCC for the purpose of their work with CSBB
- WWCC verifications provided to CSBB from contractors working for an organisation, who are engaged by CSBB.

11. Record Keeping at all CSBB Schools

All CSBB schools will maintain a register of all contractors and volunteers engaged by the school, whose WWCC have been verified either by CSBB or the contractor employer/organisation.

Audience

This Policy is for all workers in child-related roles within CSBB, including volunteers and contractors.

Applicability

This Policy is a document developed by Capability and Enablement of our People.

Key Responsibilities

Director of Schools is responsible for overseeing the development and implementation of processes to ensure compliance with the Working with Children's Check Policy.

- Ensure the safeguarding and child protection systems and operations in relation to the WWCC within CSBB comply with relevant legislation.
- Ensure appropriate systems are in place to identify, and remove a child

related worker or volunteer from child related employment if they are subject to an interim bar or bar imposed on their WWCC.

Principals and CSBB leaders are responsible for the development, implementation, culture building and publishing of WWCC Policy in their schools in accordance with this policy and any regulatory requirements.

- Ensure that all child related workers and volunteers are aware of understand and comply with the requirements, policies and procedures in relation to the WWCC.
- Comply with the requirements of the WWCC as outlined in the Working With Children Check Guidelines for Schools.
- Ensure that volunteers, contractors and external service providers are screened as outlined in the Working With Children Check Guidelines for Schools and that appropriate records are maintained at the school.
- Ensure any additional probity checks for prospective employees are undertaken including thorough referee checking.

Safeguarding Office are responsible for:

- Provide advice and support to schools and other CSBB personnel in relation to compliance with the WWCC.
- Establish and maintain appropriate procedures to ensure CSBB comply with the WWCC.
- Report child related workers' or volunteers' names to the Children's Guardian in relation to reportable conduct investigations where there has been a sustained finding of sexual offence, sexual misconduct or physical assault.
- Comply with requests for information from the Children's Guardian in order for the Children's Guardian to undertake risk assessments.
- Ensure child related workers or volunteers who are subject to an interim bar or bar are removed from child related work and the relevant personnel are informed.
- Report all breaches in relation to the WWCC to the Director of Schools in monthly, quarterly and annual reports.

Employee Services and CEP are responsible for:

- Undertaking online verifications for all new and renewal of child related workers prior to commencement of employment or before expiry and maintain records of the outcome of the WWCC.
- Establish and maintain rigorous recruitment, selection and screening processes including informing new child related workers of the requirements of the WWCC and undertaking thorough referee checking of all new staff.

All CSBB Staff are expected to be committed to understanding and complying with CSBB WWCC Policy by:

- Comply with policies and procedures as required by this and related documents.
- All those who are classified as being in child related work must apply for a WWCC (including a renewal every 5 years) as required and supply the WWCC number to CSBB for verification prior to being engaged in any child-related work.
- For teaching staff, they must also provide their WWCC clearance to the NSW Education Standards Authority (NESA) prior to its expiry.

Related Resources

Child Protection (Working with Children) Act 2012
Child Protection (Working with Children) Regulation 2013

Related Processes/Procedures

WWCC Guidelines
WWCC quick guide for schools
Recruitment Guidelines
Children’s Guardian Act 2019 – Child Safe Standards
Privacy Act 1988

Related Policies

CSBB Code of Conduct
Diocesan Safeguarding Charter
CSBB Catholic Charter

Review

The WWCC Policy and related Procedures/Processes will generally be reviewed every five (5) years unless there is a legislative or regulatory requirement to do so earlier.

Revision/Modification History

Version	Current Title	Summary of Changes	Approval Date	Commencement Date
2	Working With Children Check	Minor updates and changes to reflect CSBB branding.	April 2024	April 2024
1	Working With Children Check	New policy	January 2021	January 2024

Approval Date/Revision Schedule

Approved by: Danny Casey – Director of Schools
Date Approved: April 2024

Date of next review: April 2029