



## Working with Children Policy & Procedure

**Policy:** The *Working with Children Act 2005* was introduced by the Victorian Government to protect children from physical harm by checking a person’s criminal history for serious sexual assault, serious violence or serious drug offences. This policy has been created to provide existing and new employees with information about the legislated requirements and the procedures that have been implemented by Al-Taqwa College to meet its duty of care to all students, staff and visitors to the College and ensure compliance with the Act.

**Scope:** All staff and volunteers

**References:** Education and Training Reform Act 2006  
 Education and Training Reform Regulations 2007  
 Privacy Act 1988  
 Victorian Institute of Teaching Act 2001  
 Health Records Act 2001  
 Whistleblowers Protection Act 2001  
 Working with Children Act 2005  
 Working with Children Regulations 2006  
 National Safe Schools Framework

WHO	KEY STEPS	CLARIFICATION
Teaching staff	Exemptions	<p>A Working with Children’s Check is not required by the following:</p> <ul style="list-style-type: none"> <li>▪ A teacher who has current registration with the Victorian Institute of Teaching (including Permission to Teach)</li> <li>▪ An employee under the age of 18 years</li> <li>▪ A non-teaching employee with current registration with the Victorian Institute of Teaching</li> <li>▪ A visiting worker who does not ordinarily reside and perform child-related work in Victoria</li> </ul>

HR/ New Staff	New Staff	<ul style="list-style-type: none"> <li>▪ All new employees must have applied for a Working with Children Check and show the verified Application Receipt to Human Resources Manager or delegate, who will record the number.</li> <li>▪ New staff members are responsible for covering the cost of this check, forms can be obtained on-line from <a href="http://www.workingwithchildren.vic.gov.au">www.workingwithchildren.vic.gov.au</a></li> <li>▪ If the person is unable to show the verified Application Receipt then, at the employer's discretion, the commencement date of employment will be delayed or the offer of employment is withdrawn without notice due to frustration of the offered contract of employment.</li> <li>▪ Where an employee has no relevant criminal offences or professional disciplinary findings, the person will be issued with an Assessment Notice and a Working with Children Check Card, which will enable the person to work directly with children.</li> <li>▪ A copy of the Assessment Notice will be sent to the school if they were listed as the employer in your application, if not, the employee is required to show the Assessment Notice to Human Resources Manager or delegate, who will maintain a copy on their personnel file and record the Number and Date of Expiry.</li> </ul>
HR/ All Staff	Existing Employees	<ul style="list-style-type: none"> <li>▪ All employees are required to maintain an up-to-date working with children's check.</li> <li>▪ The Assessment Notice is valid for five (5) years, unless cancelled, and will be monitored by the Department of Justice. The Working with Children Check Card will also enable the employee to volunteer for other child-related work.</li> <li>▪ The employee is responsible for ensuring that he/she has applied for a new Assessment Notice by the required date. The cost of this will be covered by the individual.</li> <li>▪ Once a new Assessment Notice has been issued a copy will be sent to the school. The Human Resources Manager or delegate will maintain a copy on their personnel file and record the Number and Date of Expiry. A register of Staff's WWCC is being maintained by HR Manager or delegate and Payroll Officer.</li> <li>▪ It is the responsibility of the staff member to ensure that they have advised the department of any change in contact details, within 21 days of making that change.</li> </ul>

HR	Volunteers	<ul style="list-style-type: none"> <li>▪ As a matter of best practice, Al-Taqwa College requires all regular volunteers to have a WWCC</li> <li>▪ Volunteers can apply for a WWCC without any cost involved.</li> <li>▪ If there are any charges this is the individual's responsibility to make payment.</li> </ul>
HR	Record Keeping/ Audit	<ul style="list-style-type: none"> <li>▪ HR Manager or delegate is responsible for maintaining records of WWCC for all staff and volunteers</li> <li>▪ HR Manager or delegate will monitor the status of WWCC and the expiry dates and will notify staff members and volunteers at least one school term prior to the expiry of their current WWCC</li> <li>▪ The Payroll Officer is required to audit the WWCC records list every fortnight to ensure compliance and advise HR Manager and delegate of any non-conformances immediately for their follow up.</li> </ul>
Management	Interim Negative Notice	<ul style="list-style-type: none"> <li>▪ Where an employee is issued with an Interim Negative Notice in response to a Working with Children Check application, the Act requires the employee to notify Al-Taqwa College, specifically the Principal or delegate immediately. Al-Taqwa College may permit an employee, who is issued with an Interim Negative Notice, to continue to work or other arrangements may be implemented, depending upon the particular circumstances.</li> </ul>
Management	Negative Notice	<ul style="list-style-type: none"> <li>▪ Where a person who is an employee of Al-Taqwa College is issued with a Negative Notice, the School will terminate the employee's employment summarily upon notification that the employee has been issued with a Negative Notice.</li> <li>▪ It is an offence under the legislation for a person in receipt of a Negative Notice to be employed in child-related work and for Al-Taqwa College to employ a person in receipt of a Negative Notice.</li> <li>▪ If an employee is terminated summarily for being in possession of a Negative Notice, the College reserves the right to not re-hire under any circumstances in future.</li> </ul>

All Staff and Volunteers	Change of circumstances	<ul style="list-style-type: none"> <li>▪ If a relevant change in circumstances occurs, then an employee's eligibility with respect to a Working with Children Check will be re-assessed. The employee must notify both the Department of Justice and Al-Taqwa College immediately of a relevant change in circumstances, which include: <ul style="list-style-type: none"> <li>▪ a charge or conviction or final determination in relation to a relevant offence (defined by the Act)</li> <li>▪ becoming subject to reporting obligations under the <i>Sex Offenders Registration Act 2004</i></li> <li>▪ becoming subject to an extended supervision order under the <i>Serious Sex Offenders Monitoring Act 2005</i></li> <li>▪ a relevant finding (as defined by the Act) being made against the employee.</li> </ul> </li> </ul>
HR/Payroll Officer	Status Enquiry	<ul style="list-style-type: none"> <li>▪ Al-Taqwa College may periodically check the status of an employee's Working with Children Check Card using the employee's name and Card Number on the Department of Justice's website.</li> <li>▪ Where a card is yet to be issued, the HR Manager or delegate or Payroll Officer may also perform a status check.</li> <li>▪ The Payroll Officer will check all new starters in their first two pay periods to ensure that their WWCC is in progress and confirmed on Department of Justice website or a letter has been received by the College from the Department of Justice confirming the WWCC.</li> </ul>
Staff	Criminal Records Checks	<ul style="list-style-type: none"> <li>▪ In some circumstances, Al-Taqwa College may require an employee or potential employee to undertake a criminal record check. Such circumstances may include the need to consider whether any offences exist that may be relevant to the duties performed, for example, dishonesty and driving offences are not considered under a Working with Children Check.</li> <li>▪ A determination regarding this will be made based on the position not the person.</li> </ul>