

## Working With Children Check Policy and Procedures

### Rationale

Clyde Grammar has a definitive ethos, which is to deliver exceptional, high quality, affordable education, embedded with Christian faith and values.

At Clyde Grammar, our passionate, dedicated staff acknowledge the importance of providing a safe stimulating environment where children are excited to come to school every day and eager to learn in a safe and nurturing environment.

Our key objective is to provide rich, engaging learning experiences in accordance with the Victorian Curriculum, that cater for the person needs and growth of each individual child.

CSV and **Clyde Grammar** are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.

The CSV Board, the School's governing authority, has approved the School's Working With Children Checks Policy and Procedures, as set out in the Policy Administration section, below.

The Worker Screening Act 2020 (Vic) (the Act) aims to protect children and young people 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 and young people fail the WWC (working with children) Check and the Act prohibits these people from working or volunteering with children. The Act imposes penalties for organisations and individuals that do not comply with the Act.

Ministerial Order 1359 requires that, when engaging **school staff**, or **Volunteers** to perform **child-connected work**, the CSV Board must sight, verify and record the person's WWC Check clearance (if the person is required to have a clearance under the Act), or an equivalent background check where that is required (for example, VIT teacher registration). The CSV Board need not, however, comply with this requirement if it has already undertaken these activities in relation to a particular individual within the previous 12 months.

### Aim

Clyde Grammar has developed a suite of policies including our Working with Child Checks Policy that provides key elements of our approach to protecting children from abuse. It forms the foundation of the School's procedures, practices, decision-making processes and ultimately the School's culture with respect to child safety.

This Policy and its Procedures summarise the responsibilities and obligations of Staff, Volunteers, Contractors and others under the Act, under Ministerial Order 1359 and under CSV Board and School policy.

### Scope

This policy applies to all staff, volunteers and contractors of Clyde Grammar, whether or not they work in direct contact with children or young people.

### Statement of Commitment to Child Safety and Child Safety Principles

- All personnel of Clyde Grammar are responsible for supporting the safety of children by adherence to all child safe standards and obligations outlined by the Department of Education and Training (PROTECT), to ensure behaviour towards children is safe and appropriate.
- Clyde Grammar should be a safe, inclusive and supportive environment that involves and communicates with children, young people and their parents/carers. The school is committed to supporting and encouraging students to use their voice to raise and share their concerns with a trusted adult at any time of need. The school will promote the Child Safe Standards in ways that are readily accessible, easy to understand, and user-friendly to children, per the **School Curriculum**.
- By embedding a child safe culture, Clyde Grammar ensures that risks to Child Safety are identified early, and steps are taken to address and reduce such risks, both in the physical environment and online environments.
- Regular, ongoing training and education are important to ensure that everyone at Clyde Grammar understands stated policies and procedures, how to identify child abuse, and the steps to be taken where a child's safety is at risk.

Clyde Grammar School are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

Clyde Grammar Board have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359, the Clyde Grammar Statement of Commitment to Child Safety set out the principles that guide the Clyde Grammar Board and in the development and regular review of the Aboriginal and Torres Strait Islander Students Policy and Procedures (Child Safeguarding).

### Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the School's intranet. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to **Child Safeguarding Training Policy and Procedures**.

This Policy and its Procedures are made available to parents/carers, students and the wider School community in summary in our **Child Safeguarding (Safety and Protection) Policy and Procedures** as well as **available upon request**

## Definitions

Term	Definition
<p>“Work” and “Worker”</p>	<p>A person is referred to as a <b>worker</b> for the purposes of this Policy and its Procedures, if they are engaged in <b>work</b> for the School. <b>Work</b> is defined in section 3 of the Act to mean:</p> <ul style="list-style-type: none"> <li>(a) work engaged in: <ul style="list-style-type: none"> <li>• under a contract of employment or a contract for services (whether written or unwritten);</li> <li>• as a minister of religion or as part of the duties of a religious vocation;</li> <li>• as an officer of a body corporate, member of the committee of management of an unincorporated body or association, or member of a partnership.</li> </ul> </li> <li>(b) practical training undertaken as part of an educational or vocational training course; and</li> <li>(c) work engaged in as a Volunteer, including unpaid community work under a community or treatment order.</li> </ul> <p>For the purposes of Ministerial Order 1359, “child-connected work” is defined as work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.</p> <p>Under this definition, all <b>staff members</b> are engaged in child-connected work.</p> <p>Under this definition, many, but not all, <b>Volunteers</b> and <b>Contractors</b> are engaged in child-connected work. 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.</p> <p>“Child-connected work” is broader than “child-related work” (defined below). “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does.</p> <p>For example, a consultant engaged by the School to work with the School Advisory Council and who attends the School for meetings during school hours when children are present is not engaged in “child-related work” for the purposes of WWC Check obligations but <b>is</b> engaged in “child-connected work” for the purposes of Ministerial Order 1359.</p> <p><b>Child-related work</b> is defined in section 7 of the Act as voluntary or paid work:</p>
<p>“Child-connected Work”</p>	<p>Under this definition, many, but not all, <b>Volunteers</b> and <b>Contractors</b> are engaged in child-connected work. 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.</p> <p>“Child-connected work” is broader than “child-related work” (defined below). “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does.</p> <p>For example, a consultant engaged by the School to work with the School Advisory Council and who attends the School for meetings during school hours when children are present is not engaged in “child-related work” for the purposes of WWC Check obligations but <b>is</b> engaged in “child-connected work” for the purposes of Ministerial Order 1359.</p> <p><b>Child-related work</b> is defined in section 7 of the Act as voluntary or paid work:</p>
<p>“Child-related work”</p>	<ul style="list-style-type: none"> <li>(a) at or for a service, body or place, or that involves an activity, listed in section 9(3) of the Act (occupational categories); <b>and</b></li> <li>(b) that usually involves <b>direct contact</b> (defined below) with a child.</li> </ul> <p>The occupational categories listed in the Act that may be relevant to the School include:</p>

- Education and care services within the meaning of the Education and Care Services National Law Act 2010 (Vic) (i.e. long day care, family day care, and outside school hours care)
- Educational institutions (i.e. government and non-government schools)
- Accommodation services specifically provided for students in connection with the operation of a student exchange program
- Clubs, associations or movements (including of a cultural, recreational or sporting nature) that are for or directed at children or whose membership mainly comprises children
- Religious organisations
- Transport services specifically for children (i.e. school bus services and taxi services for children with a disability)
- Coaching or tuition services of any kind specifically for children
- Counselling or other support services for children
- Overnight camps for children
- School crossing services

However, work in these occupational categories is **not** “child-related work” if the work involves only occasional direct contact with children that is incidental to the work. For example, a consultant engaged by the School to work with the School Advisory Council and who attends the School for meetings during school hours (i.e. when they may have incidental contact with children) is likely not to be engaged in “child-related work”.

Under this definition, most Staff at the School, and all Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work.

**Direct contact** with children is defined in section 3 of the Act as any contact between a person and a child that involves:

- physical contact
- face-to-face contact
- contact by post or other written communication
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

“Direct contact”

It does not matter whether the contact occurs in the presence of or under the supervision of another person.

“School staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school environment who is:

“School Staff”

- directly engaged or employed by a school governing body\*
- a contracted service provider (whether or not a body corporate or
- any other person is an intermediary) engaged by a school governing body to perform child-related work; or

\*The engagement or employment of Staff and Contractors at the School (other than the Principal/Head of Campus, Deputy Principal and the Business Manager) is undertaken by the School on behalf of the CSV Board.

“Staff”/“Staff Member”

This means that, at the School, **all staff members, as well as Direct Contact Contractors** and any minister of religion, religious leader or an employee or officer of a religious body associated with the School, are “school staff”.

The terms **Staff** and **staff member** include all teaching and non-teaching Staff, including the Principal. They include all those employed by the School on a permanent, temporary or casual basis.

Although School Advisory Council members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and its Procedures and the Child Safeguarding Program.

A **Volunteer** is a someone who performs work for the School in a School environment without remuneration or reward. Volunteers may be family members of students, or from the wider School or local community. Volunteers are not “school staff” for the purposes of Ministerial Order 1359.

A **Contractor** is someone engaged by the School to perform specific tasks. Contractors are not employees of the School. However, Contractors who have direct contact with children (see below) are “school staff” for the purposes of Ministerial Order 1359.

The School categorises Volunteers and Contractors as either:

“Volunteers” and “Contractors”

- **Direct Contact Volunteers/Contractors:** Volunteers and Contractors who have direct physical or face to face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors. **All Direct Contact Volunteers/Contractors who are adults are engaged in both “child-related work” and “child-related work”.**
- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the School in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working the School’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). **Regular Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.**
- **Casual Volunteers/Contractors:** Volunteers and Contractors who assist the School in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are

aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a School fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). **Casual Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.**

“Visitors”

The term **Visitor** refers to any adult who attends a School event or who is in a School environment on a one-off or casual basis. Examples of Visitors who are relevant to this policy and its procedures include, but are not limited to:

- Casual Volunteers
- Casual Contractors
- people invited by the School or a staff member to attend a School event or to be in a School environment
- people who attend a School environment for commercial purposes, such as for deliveries or sales purposes.

## Policy

### 1. Who Must Have a WWC Clearance ?

Under the Act, and under CSV Board and School policy, the following workers at the School must have a WWC clearance:

- All CSV Board members
- All Staff other than registered teachers (who are exempt)
- All Direct Contact Volunteers (including parent volunteers)
- All Regular Volunteers (including parent volunteers)
- All Direct Contact Contractors
- All Regular Contractors
- Ministers of religion and people performing duties of a religious vocation
- Trainee teachers
- Visitors to the School who are engaged in “child-connected work” (including in particular Casual Volunteers and Casual Contractors), at the School’s discretion and depending on the purpose of the visit.

### 2. Statutory Declarations by People Who are Exempt from the WWC Check

Instead of a WWC clearance, the School may require – at its discretion and depending on the purpose of the visit – that a Visitor to the School who is engaged in “child-connected work” (including in particular a Casual Volunteer or Casual Contractor) complete and provide to the School:

- a Statutory Declaration that they have no **offences** that would result in a WWC exclusion being issued to them under the Act;

- an Undertaking to advise the School if they are convicted of an offence that would result in a WWC exclusion negative notice.

These forms can be found **here**.

### 3. Workers' Obligations

Workers must:

- provide their WWC Check Card and/or Application Receipt numbers to the School (or, in the case of a Contractor engaged by a company other than **Clyde Grammar** to perform services at the School, to their company) before commencing work at the School
- after receiving a **WWC clearance**, show their WWC Check Card to the School (or, in the case of a Contractor engaged by a company other than **Clyde Grammar** to perform services at the School, to their company), and to any other organisation where they do child-related work
- comply with their notification obligations under the Act
- stop working with children immediately if they receive a **WWC exclusion** or if their WWC Check Card is suspended or revoked
- not let another person use their WWC Check Card for child-related work
- lodge a renewal form before their WWC Check Card expires.

For more information, refer to **WWC Check Procedures for Staff**.

### 4. Clyde Grammar' Obligations

The School must:

- know when our workers' WWC clearances expire and, on expiry, check that workers have renewed their WWC clearance
- ensure that new Staff and relevant Volunteers and Contractors notify WWCCV within 21 days of commencing child-related work with the School
- ensure that paid workers doing child-related work have an Employee WWC Check Card, not a Volunteer WWC Check Card
- respect and protect workers' privacy
- set up a process to ensure new staff and volunteers notify the DJCS via [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au) before commencing child-related work with the School, including ensuring that:
- the School letter of offer/engagement clearly stipulates the employee's/volunteer's obligation; and
- the DJCS confirmation letter and validation check result is retained on file and the date received is recorded in the School's WWCC Register (which may be a separate register for volunteers and staff or combined);
- set up a process to ensure the ongoing validity of staff and volunteers' WWCC Cards. This process is to ensure the following:
- when HR are notified by the DJCS that a WWCC is due to expire, they are to follow up with the employee to ensure that the WWCC is renewed.
- a process is implemented to ensure the currency of the WWCC and identify if it has been revoked, by validating the register to the DJCS website checker at least every 3 months

- the outcome of the regular checks, confirming the status of each employee's WWCC card and the date the check was performed, must be retained on file and the WWCC Register updated.
- any Negative Notices must be actioned immediately and escalated to the Human Resources Manager for necessary action as the employee receiving a Negative Notice cannot continue to work for the School.
- any expired cards or other issues must be actioned immediately with the employee and their Line Manager and if not resolved within 24 hours escalated to the Human Resources Manager for necessary action. The employee cannot attend the school site or participate in school activities until the issue is resolved.
- any incidences of employees with expired WWCCs are to be escalated to the Human Resources Manager and the Principal.

Where a company or other contracted service provider with multiple employees is engaged as a Contractor by the School, the School may require, in its contract with the Contractor, that the Contractor undertake these responsibilities and confirm its compliance in writing to the School.

The School must not:

- engage or continue to engage anyone in child-related work who does not have a valid WWC clearance, unless they are exempt under the Act or unless they have lodged an application for a WWC Check that is currently being assessed (subject to the dot points below)
- engage or continue to engage anyone in child-related work who has a WWC exclusion, even if they are exempt (e.g. a parent volunteer cannot work or continue to work at the School if they have been issued with a WWC exclusion, even though they are legally exempt from having to have a WWC clearance when volunteering in an activity which involves their own child)
- allow people who are charged with, convicted or found guilty of certain sexual, violent or drug offences to work with or care for children while their WWC Check application is being processed or their WWC clearance is being reassessed
- allow people who are or who have become subject to reporting obligations under the Sex Offenders Registration Act, 2004 (Vic) or supervision or detention or emergency detention orders or excluded from child-related work under a corresponding working with children law to work with or care for children (it is an offence for people in this categories to even apply for a WWC Check)
- offer the services of any person who does not have a WWC clearance to another organisation if the work to be undertaken with that organisation is child-related work.

##### **5. Record Keeping Obligations**

The School will maintain all required records relating to WWC Check requirements. For the School's record keeping obligations relating to the WWC Check, refer to the **Child Safeguarding Record Keeping Policy and Procedures**.



## Procedures

### **Key Exemptions Under the Act**

The Act exempts some people (such as registered teachers, children aged under 18 and parents or close relatives volunteering in an activity in which their child participates or normally participates) from needing a WWC clearance in order to volunteer or otherwise work with children.

However, the School requires that certain people must have a valid WWC clearance to volunteer or otherwise work at the School even though they are exempt under the Act, as set out in **Who Must Have a WWC Clearance**, above.

### **Meeting Clyde Grammar's Obligations**

To meet its obligations, the School will:

- before engaging a new worker, verify the status of the person's WWC Check Card or application number using the WWCCV's online checking system, found **here**;
- keep records for each worker to whom the WWC Check applies including:
  - full name
  - date of birth
  - WWC Check Application Receipt Number
  - WWC Check Card Number
  - date and outcome of WWC clearance
  - WWC clearance expiry date
  - notices sent by WWCCV
  - notices provided by the worker
- remove, immediately on being notified, any worker in either paid or voluntary child-related work:
  - whose WWC clearance is suspended or revoked; or
  - who is issued with a WWC exclusion.

Where a company or other contracted service provider with multiple employees is engaged as a Contractor by Clyde Grammar School, the School may require, in its contract with the Contractor, that the Contractor:

- verify the WWC clearance status of every person engaged by the Contractor to provide the contracted services to the School and provide to the School evidence of this verification
- provide to the School a list of every person engaged by the Contractor to provide the contracted service to the School and their WWC Check Card or application receipt number; and/or
- keep all required WWC Check records for each person engaged by the Contractor to provide the contracted service to the School.

## Responsibilities

In addition to relevant roles and responsibilities as set out in **Child Safeguarding Responsibilities**, the following people have particular responsibilities under this Policy and its Procedures.

Role	Responsibilities
<b>Principal and HR Manager</b>	In addition to relevant roles and responsibilities as set out in <b>Child Safeguarding Responsibilities</b> and the <b>Child Safeguarding Human Resources Management Policies and Procedures</b> landing page, it is the responsibility of <b>the Principal</b> and the HR Manager to ensure that <b>Clyde Grammar</b> complies with its obligations under this Policy and Procedures.

### Breach of Working With Children Check policy and procedures

Clyde Grammar enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to **Compliance and Breach (Child Safeguarding) Policy and Procedures**.

### Regular review

A review of the Working with Children Checks Policy and Procedures is conducted every **2 years** or earlier if required, such as due to changes in legislation.

The CSV Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

#### Related Legislation:

Ministerial Order No. 1359, clause 10  
Worker Screening Act 2020 (Vic)

#### Related Clyde Grammar Policies:

Duty of Care  
Mandatory Reporting  
Student Welfare  
Negligence  
On-Site Supervision

## WWC CHECK PROCEDURES FOR STAFF

### Purpose

This section of the Child Safeguarding Program sets out procedures and guiding information for Staff, Volunteers and Contractors (together referred to as “workers” for the purposes of this Procedure) about the WWC Check.

The Principles, Scope, Definitions, Roles and Responsibilities, and other information relevant to these procedures are set out in the **Working with Children Checks Policy and Procedures**.

### Procedures Meeting Workers’ Notification Obligations

Workers must:

- notify WWCCV, within 21 days, of:
  - any changes to their name, residential address, electronic address, birth date or phone numbers
  - any changes to the organisation(s) where they are engaged in child related work  
This can be done online through a **MyCheck Account** or **Services Victoria**.
- notify, in writing, both Clyde Grammar School (or, in the case of a Contractor engaged by a company other than Clyde Grammar School to perform services at the School, their company) and WWCCV, within seven days, if:
  - they are charged with, convicted, or found guilty of a category A or B sexual, violent or drug offence (as defined in the Act), or the charge has been finally dealt with by a court in some way
  - a relevant disciplinary or regulatory finding is made against them
  - they are or become subject to reporting obligations under Part 3 of the Sex Offenders Registration Act 2004 (Vic)
  - they become subject to a supervision order, detention order or an emergency detention order
  - they have been given an NDIS exclusion
  - they have been excluded from child-related work under a corresponding working with children law.

### WWC Check Application/Renewal Procedures

#### ***How to Apply for a WWC Check***

A worker who engages in child-related work is responsible for applying for his or her own WWC Check. An employer can not apply on behalf of a worker.

To apply:

1. Fill out an online application form on the Working with Children Check Victoria website, found **here**.
2. On completion of the application, you will be sent an application summary email advising how to finalise your application.
3. Verify your identity either as part of your online application or in person at a participating Australia Post outlet:
  - Online – you will need 2 primary proof of identity documents which are current and, when combined, show your full name, date of birth and photo

- In person – when you finalise your application with Australia Post, bring 3 original proof of identity documents (1 primary and 2 secondary documents; 2 primary and 1 secondary document; or 3 primary documents).
4. Finalise your application at a participating Australia Post outlet, bringing with you your application summary, one additional identity document if you verified your identity online or your 3 identity documents if you are verifying your identity in person, and any applicable fee.
  5. WWC Check applications are free for Volunteers. If the WWC Check is for paid work, a fee is payable.
  6. If applying for a WWC Check from outside Victoria, the following must be posted to WWCCV:
    - the application summary of your online application, and certified by a certifying officer
    - copies of your proof of identity documents, certified by the certifying officer
    - two passport-sized photos, one certified on the back by the certifying officer and the other attached to the application summary
    - a credit card payment, bank cheque or money order for the fee if you are a paid worker
    - Mail to: Working with Children Check Victoria, Department of Justice and Community Safety, GPO Box 1915, Melbourne VIC 3001

### ***Can I work while my application is being processed?***

Under the Act, most workers can work in child-related work after applying for a WWC Check but before the outcome is determined.

However, the CSV Board requires that CSV-governed schools do not engage any worker, who must have a WWC Check by law or by the WWC Check Policy and Procedure, if they do not have a valid WWC clearance.

In addition, if you fall into the following categories, the Act prohibits you from working in child-related work before the outcome of the WWC Check:

- you have been charged with, found guilty, or convicted of certain sexual, violent or drug offences if this conduct occurred as an adult
- you have previously been given a WWC exclusion
- you have applied for the WWC Check and are supervising a child under the age of 15 in employment under the Child Employment Act 2003 (Vic)
- you are working in an education and care service under the Children's Services Act 1996 (Vic) or in an education and care service under the Education and Care Services National Law (Victoria) Act 2010 (Vic)
- you are subject to:
  - reporting obligations under the Sex Offenders Registration Act 2004 (Vic)
  - an exclusion from child-related work under a corresponding working with children law in circumstances where you have been charged with, found guilty, or convicted of certain sexual, violent or drug offences
  - a supervision order, a detention order or an emergency detention order.

### **What is checked?**

Working with Children Check Victoria (WWCCV), which is located in the Department of Justice and Community Safety, assesses WWC Check applications. It obtains applicants' national criminal histories including:

- convictions (spent or unspent)
- non-conviction charges (for serious sexual, violent or drug offences)
- acquittals because of mental impairment
- guilty pleas
- juvenile records from when you were under 18 years of age
- findings of courts and Corrections Victoria
- formal findings of guilt
- pending charges.

It also considers professional conduct determinations and findings from relevant bodies, including the Reportable Conduct Scheme, VCAT and other tribunals (in respect of health practitioners), Victorian Institute of Teaching (in respect of teachers) and the Suitability Panel (which considers the registration of foster carers).

When assessing an application, WWCCV can request additional information from the applicant or from others, including:

- health treating professionals
- government agencies
- professional disciplinary bodies
- employers and other organisations.

The time it takes to process a WWC Check varies from person to person. It typically takes up to three weeks to assess a WWC Check application. If you have a common name – or if there are circumstances which require more time investigating your application – it might be up to 12 weeks.

### **Interim WWC Exclusions**

Certain criminal charges or offences will result in an automatic WWC exclusion, or may require WWCCV to start with a presumption that a WWC exclusion should be issued. These include:

- serious sexual offences
- serious violent offences
- serious drug-related offences
- offences against the Child, Youth and Families Act 2005 (Vic)
- other offences linked to the safety of children

If an applicant has been charged with or convicted of certain serious offences and/or if, after considering all of the required information, WWCCV considers that the applicant poses an unjustifiable risk to children, it will issue an interim WWC exclusion.

The applicant will then have the opportunity to explain why they believe they should pass the WWC Check and to respond to the information that has caused the interim WWC exclusion.

### **Outcome of the WWC Check**

There are only two results for a WWC Check: a **WWC clearance** to work with children or a **WWC exclusion** barring an applicant from working with children.

### WWC Clearance

Where the outcome is a **WWC clearance**, the applicant will receive an email confirming they have passed the Check and will then receive a WWC Check Card in the mail. The WWC Check Card is valid for five years, and displays the worker's name, signature, photograph, card number and expiry date. An Employee WWC Check Card allows workers to engage in any paid or voluntary child-related work. A Volunteer WWC Check Card can only be used for voluntary child-related work. Workers who have a WWC clearance will be subjected to ongoing monitoring for relevant new records, which could lead to the WWC Check Card being suspended or revoked (and a WWC exclusion issued) before the five-year expiry date.

### WWC Exclusion

Where an applicant has failed the WWC Check, they will be issued with a **WWC exclusion**. The person must not engage in any child-related work. The person must notify, in writing, all organisations where they do child-related work that they have received a WWC exclusion. A copy of the WWC exclusion will be sent to all the organisations listed in the application but they will not be notified of the reasons for the WWC exclusion. Persons who have been issued with a WWC exclusion cannot apply for child-related work, unless they have subsequently reapplied for a WWC Check and been issued with a WWC clearance (or appealed the WWC exclusion and the WWC exclusion has been stayed). Once issued with a WWC exclusion, a person cannot reapply for a WWC Check for five years, unless their circumstances have changed. Changed circumstances can include:

- a pending charge being withdrawn or dismissed by a court
- being found not guilty of a pending charge
- being no longer required to report under the Sex Offenders Registration Act 2004 (Vic)
- being no longer subject to a supervision order, a detention order or an emergency detention order
- being no longer excluded from child-related work under a corresponding working with children law
- their BDIS exclusion being deemed void or being set aside, rendered inoperative or otherwise invalidated.

In limited circumstances, people who have been issued with a WWC exclusion can appeal by making an application to the Victorian Civil and Administrative Tribunal within 28 days of the decision.

### Penalties

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.

It is an offence to work with children without having applied for a WWC Check or holding a valid WWC Check Card.

It is an offence for anyone to apply for or engage in child-related work if they have been issued a WWC exclusion.

The maximum penalty for all of the above is two years' imprisonment, a fine or both.

The School must take reasonable steps to ensure they do not engage or continue to engage a person in child-related work who does not hold a valid WWC Check Card, who has been issued with a WWC exclusion or who has become subject to reporting obligations under the Sex Offenders Registration Act, or supervision, detention or emergency detention orders. The penalty for organisations is a significant fine.

### Regular review

A review of the WWC Check Procedures is conducted every **2 years** or earlier if required, such as due to changes in legislation.

The **Principal** is responsible for ensuring that this Procedure is reviewed and updated as needed and for approving this Procedure.

### Policy Administration

<b>Status</b>	Approved by the Board on 8 February, 2023
<b>Person Responsible</b>	The Principal
<b>Approver(s)</b>	The CSV Board is responsible for ensuring that the policy and its procedures are reviewed and updated as needed, and for approving this policy
<b>Approval Date</b>	8 February, 2023
<b>Version Number</b>	1.0
<b>Version History</b>	Created 2022
<b>Review Frequency</b>	A review of this policy and its procedures is conducted at least every 2 years or earlier if required, such as due to changes in legislation
<b>Next Review Date</b>	January 2023
<b>Risk Rating</b>	High
<b>Location</b>	CompliSpace