



---

---

# CHILD PROTECTION POLICY FOR DIOCESAN SYSTEMIC SCHOOLS: WORKING WITH CHILDREN CHECK

---

---

November 2014



## **PURPOSE**

All school communities in the Diocese of Broken Bay are committed to providing a safe and supportive environment for both students and staff. School communities have the right to expect that staff, volunteers or contractors who are employed or engaged in the Diocesan Schools System (DSS) are appropriately screened and suitable to be in child related work. The purpose of this policy and the relevant sections of the associated Diocesan Schools System Child Protection Resource Manual is to establish a framework for the DSS to comply with the requirements of the NSW Child Protection (Working with Children) Act 2012 by following a process that prevents people who pose a risk to the safety, welfare and wellbeing of children from being employed or engaged in child related work.

## **POLICY FRAMEWORK**

The DSS affirms principles central to the Church's teaching as expressed in the Pastoral Care and Wellbeing Framework. Accordingly this Policy:

- is inspired by the life and person of Jesus Christ and the teachings of the Church.
- is concerned to ensure the dignity and integral growth of every person.
- acknowledges the responsibility entrusted to all members of each Catholic school's community.
- seeks to promote healing, reconciliation, justice and liberation.

The DSS is responsible and accountable for promoting a culture in which employees are committed to ensuring the wellbeing, safety and protection of children.

This legislation took effect on 15 June 2013 following the implementation of the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013. 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. This policy outlines the processes for conducting and implementing the WWCC for child related work to assist in determining a person's suitability for employment or engagement in the DSS.

## **POLICY CONTENT**

### **Child-related work**

From 15 June 2013 people who are seeking to be employed or engaged in child related work in the DSS are subject to relevant requirements under the Child Protection (Working with Children) Act 2012 and 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. This policy applies to people who are employed or engaged (or who are seeking to be employed or engaged) in child related work in the DSS in one of the following capacities:

- as a paid 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); or
- as a member of the clergy, seminarian, or religious.

A child related worker is responsible for applying for his or her own WWCC. Before engaging or employing a child-related worker or volunteer the DSS must ensure the person has a clearance to work with children.

Existing workers and all volunteers are subject to transitional provisions. Refer to the WWCC Guidelines for Schools for specific detail regarding when existing workers or volunteers require a check to be completed.

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 the DSS to sign a declaration. Refer to the WWCC Guidelines for Schools for specific information on who requires a WWCC or declaration to be completed and when.

### **Verifications**

To comply with the legislation, employers need to go online to verify the status of a WWCC number for any paid or volunteer staff in child related work. Verifications of all WWCCs will be completed centrally by Catholic Schools Office (CSO) staff in the Human Resources Team. A record of the full name, DOB, WWCC number and date and outcome of verification will be stored electronically by the CSO Child Protection Team.

### **Outcomes of the WWCC**

The result of a WWCC 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.

### **Risk assessment**

The DSS 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 Office of the Children's Guardian.

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

- An offence listed in Schedule 1 of the Child Protection (Working with Children) Act 2012.
- 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 Child Protection (Working with Children) Act 2012.
- Findings of misconduct reported by a reporting body.
- Notifications by the Ombudsman.

### **Bars**

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

- Barred
- Interim barred
- Not found

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:

- Dismiss the worker.
- Suspend them from child-related work pending the outcome of an appeal.
- Transfer them to a non child related role within the CSO.

When the CSO receives notification of a bar or interim bar from the Office of the Children's Guardian, the CSO will:

- 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.

### **Other screening**

A WWCC is only one of the tools available to keep children safe. Employment or engagement in the DSS may also be subject to other checks as prescribed in relevant legislation or policy. The CSO 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.

## **RESPONSIBILITIES**

DSS staff members have responsibility in relation to the Working With Children Check. These responsibilities are as follows:

### **Director of Schools**

- Ensure the child protection systems and operations in relation to the WWCC within the DSS comply with relevant legislation.
- Authorise the reporting of child related workers' or volunteers' names to the Office of the Children's Guardian in relation to reportable conduct investigations where there are sustained findings of sexual offence, sexual misconduct or physical assault.
- Ensure appropriate action is taken to 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 Schools Consultants**

- Ensure school compliance with policies and procedures;
- Ensure that all child related workers and volunteers are aware of and understand the requirements, policies and procedures in relation to the WWCC.
- Comply with the requirements for 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.

### **Child Protection Team**

- Provide advice and support to schools and other CSO personnel in relation to compliance with the WWCC.
- Establish and maintain appropriate procedures to ensure the CSO and all diocesan systemic schools comply with the WWCC.

- Undertake online verifications for all child related workers or volunteers and maintain records of the outcome of WWCC.
- Report child related workers' or volunteers' names to the Office of 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 Office of the Children's Guardian in order for the Office of 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.

#### **Human Resources Team**

- Undertake online verifications for all new child related workers prior to commencement of employment 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.

#### **Teachers and other staff**

- 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 as required and supply the WWCC number to the CSO for verification.

### **RELATED LEGISLATION, POLICIES AND PROCEDURES**

Part 3A Ombudsman Act 1974

Children and Young Persons (Care and Protection) Act 1998

Child Protection (Working with Children) Regulation 2013

Child Protection Resource Manual for Diocesan Systemic Schools

Child Protection (Working with Children) Act 2012

Child Protection Policy for Diocesan Systemic Schools: Addressing Allegations of Inappropriate Behaviour by Staff Policy (2014)

NSW Ombudsman's Guidelines Child Protection in the Workplace (2004)

NSW Ombudsman Practice Update: Defining Reportable Conduct (2013)

Professional Guidelines for School Staff in their Relationships with Students

Recruitment and Selection of Teaching and Support Staff Guidelines (2014)

Working With Children Check, Guidelines for Schools (2014)

### **POLICY RESPONSIBILITY**

The contact person for implementation of this policy is the Child Protection Team Leader.

### **POLICY REVIEW**

A policy review is to be considered following any changes to the NSW Child Protection legislation or associated guidelines and not less frequently than every five years from the date of implementation of the policy.

### **POLICY DATES**

Date of completion of formation and adoption:

November 2014

Date of next review:

November 2017

authorised by  
Fr Vincent R Casey  
Diocesan Administrator