

Purpose

To enable the School to implement and administer the Working with Children Clearance Policy so as to meet the Victorian state government legislative requirements of the Worker Screening Act 2020 and, contribute to child safe practices relating to employees, contractors and volunteers who are engaged in child-related work in the occupational fields or other areas that deliver education and services within the School.

Scope

This procedure applies to all Monivae College current, new and prospective employees, contractors and volunteers who are likely to be engaged in child-related work in the occupational fields or other areas that deliver education and services within the School that usually involves direct contact with a child or children. Employees who are registered under the Victorian Institute of Teaching Act 2001 (e.g. teachers), do not require a WWC Clearance or Card.

This Procedure covers the stages of:

- 1. Procedure for Employees, Contractors and Volunteers.**
 1. Lodging WWC Clearance Applications.
 2. Payment of WWC Applications and Renewals.
 3. On Return of a WWC Clearance/Renewals, Record Keeping and Monitoring.
 4. Right of Appeal.
 5. Valid Period of a WWC Clearance.
 6. Further Disclosure During Period of Employment/Engagement.
 7. Non-Compliance or Issue of an Interim Negative or Negative Notice.
 8. Re-applying or Renewing WWC Clearances.
 9. Advising Change of Circumstances.

- 2. Procedure for Prospective Employees, Contractors and Volunteers.**
 1. Assessment Notice and/or WWC Card to be Presented at Interview.
 2. Employment or Engagement Without an Assessment Notice and/or WWC Card.
 3. Holders of Volunteers Assessment Notice and WWC Card.
 4. Right of Appeal.

Legislative Context

- Worker Screening Act 2020.
- Working with Children Regulations 2016.
- Department of Justice - Working With Children Clearance.
- Education and Training Reform Act 2006.

Definitions

A full list of definitions can be found in the Working with Children Clearance Policy.

Actions

Procedure for Employees, Contractors and Volunteers

All employees, contractors and volunteers who are or are likely to be engaged in child-related work in the occupational fields or other education and services carried out by the School, that usually involves direct contact with a child or children will be required to hold a

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WWC Card as prescribed in the Worker Screening Act 2020.

Lodging WWC Clearance Applications

1. WWC Applications are to be completed on-line on the Department of Justice and Regulation website and then printed and lodged at participating Australia Post retail outlets.
2. It will be the responsibility of each prospective employee, contractor, and volunteer to apply for and obtain a WWC Card.
3. The School will allow reasonable time for employees to renew their WWC Card during the course of their normal paid hours of work.

Payment of WWC Applications and Renewals

1. All prospective employees, contractors or volunteers will be required to fund the cost of their own applications or renewals.
2. The Department of Justice and Regulation will assess and process applications or renewals and issue the appropriate Notice and WWC Card in accordance with the Worker Screening Act 2020 and Working with Children Regulations 2006.

On Return of a WWC Clearance/Renewal, Record Keeping and Monitoring

1. Once an application or renewal is processed by the Department of Justice and Regulation, an Assessment Notice and WWC Card or an Interim Negative or Negative Notice will be forwarded directly to the individual with a copy to the organisation listed where the work is to be performed.
2. In the case of employees, the staff member will need to present the Assessment Notice and/or WWC Card to their immediate supervisor or manager who will be responsible for signing off on Notice/Card as sighted and photocopying and forwarding to Finance. This information will be stored on the employee's personal file.
3. Persons issued with a WWC Card are advised to carry the WWC Card on them at all times when conducting child related work.
4. The School is be able to access and clearance Assessment Notice and/or WWC Card expiry dates of employees.
5. It will be the responsibility of the Business Manager or Finance Officer to advise holders of WWC Cards to renew their WWC Card at least 3 months prior to the expiry date.
6. In the case of a contractor or volunteer, the Assessment Notice and/or WWC Card will be signed off by the relevant responsible supervisor or manager as sighted and confidentially stored by the Business Manager. The Business Manager will monitor WWC Card expiry dates and advise volunteer and contractor WWC Card holders to renew their WWC Cards 3 months prior to the expiry date.
7. In the case of an employee issued with an Interim Negative or Negative Notice, the employee must notify their relevant supervisor in writing within 7 days, who in turn will arrange for the employee to meet with the Principal. The Principal will in turn will meet with the person, sight and sign off on the Notice, record the date of issue on file and determine the next appropriate course of action, in consultation with the relevant parties.
8. In the case of a contractor or volunteer issued with an Interim Negative or Negative Notice, the person must notify the Business Manager in writing within 7 days, who in turn will meet with the person, sight and sign off on the Notice, record the date of issue on file and determine the next appropriate course of action, in consultation with the Principal.

Right of Appeal

1. If an Interim Notice or Negative Notice is issued to a person, the person has a right of appeal as specified in the Worker Screening Act 2020. If an Interim Notice or Negative Notice is issued, the process for appeal will be outlined on the Notice.

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2. It will be the responsibility of the person issued with the Interim Negative or Negative Notice to pursue such an appeal if they wish to do so. The person must not be engaged in any child-related work during the appeal period.

Valid Period of a WWC Clearance

1. An Assessment Notice and WWC Card will be valid for a period of 5 years as prescribed in the Worker Screening Act 2020.
2. The Assessment Notice and WWC Card issued belongs to the person. It is transferable between positions and when changing employment or other engagement arrangements within the valid 5 year period.
3. A person cannot continue to do child related work once an Assessment Notice and WWC Card has expired. This is an offence under the Worker Screening Act 2020 and Regulations 2006.

Further Disclosure During a Period of Employment / Engagement

1. Any future criminal charge/s will be monitored by the Department of Justice and Regulation on an on-going basis during the term of the issued Assessment Notice and WWC Card as outlined in the Worker Screening Act 2020. Any new charge/s or conviction/s will result in a re-assessment of the WWC Clearance as per the Worker Screening Act 2020.
2. If a person who has been issued a WWC Card, is given notice by the Department of Justice and Regulation that their WWC Clearance is to be re-assessed, the person must notify the Business Manager, in writing within 7 days.
3. In this case, the person must be withdrawn from all child-related work. The person cannot resume child-related work until such time as the re-assessment process is completed and the person is issued with an Assessment Notice and valid WWC Card.
4. If a person holding a valid Assessment Notice and WWC Card is charged with or convicted of a relevant criminal offence or otherwise has a relevant change of circumstance within the meaning of the Worker Screening Act 2020, Section 20, they must notify the Business Manager in writing, within 7 days. Failure to notify will be considered as serious misconduct and may result in termination. In this case, the Business Manager must immediately withdraw the person from all child-related work and contact the Principal.
5. In the case where a person is withdrawn from child-related work, the person will be responsible for organising and paying for any re-assessment of their WWC Clearance.
6. Where the Business Manager considers that the person should not re-engage in child-related work:
 - in the case of an employee, the matter will be raised with the Business Manager and relevant parties to determine the next appropriate course of action;
 - in the case of a contractor or volunteer, the matter will be raised with the Business Manager and Assistant Business Manager to determine the next appropriate course of action.

Non-compliance or Issue of an Interim Negative or Negative Notice

1. Where an employee, contractor or volunteer fails to comply with obtaining a WWC Clearance or receives an Interim Negative or Negative Notice after a WWC Clearance has been conducted, the School may take (and not be restricted to) any of the following steps against the employee, contractor or volunteer:
 - immediate cessation of their work in the child related work area; or
 - modify the work processes or duties associated with the child-related work conducted; or
 - re-design the position or work required; or

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- re-deployment; or
- terminate the employment or engagement as per due process.

Re-applying or Renewing WWC Clearances

1. It is the responsibility of the holder of a WWC Card to re-apply or renew a WWC Clearance 3 months prior to the expiry date.
2. Payment for applying or renewing a WWC Clearance will be the responsibility of the person.

Advising Change of Circumstances

1. A person who is a holder of an Assessment Notice and WWC Card must advise their Finance Officer and Business Manager, in writing within 7 days of any change of circumstances. This includes but is not limited to:
 - any relevant criminal charges or convictions that have occurred; or
 - any non-conviction charges dealt with other than by conviction or finding of guilt for serious sexual, violent or drug offences; or
 - if the Department of Justice and Regulation revokes the Assessment Notice and WWC Card after any re- assessment; or
 - if the Assessment Notice and WWC Card has expired; or
 - if personal details or residential address has changed; or
 - if the person has moved from volunteer work to paid work.
2. It is the responsibility of the holder of an Assessment Notice and WWC Card to advise the Department of Justice and regulation of any change of circumstances as outlined in Worker Screening Act 2020, Section 20. Failure to do so may result in criminal penalties.
3. It is the responsibility of the holder of an Assessment Notice and WWC Card to notify the Department of Justice and Regulation within 21 days of changes to personal details such as name, date of birth, phone number, residential address or change of employer or volunteer organisation.

Procedure for Prospective Employees, Contractors and Volunteers

Assessment Notice and/or WWC Card to be Presented at Interview

1. All current or prospective employees, contractors and volunteers who will or are likely to be engaged in child- related work will be required to provide an Assessment Notice and/or WWC Card at an interview or meeting for the purpose of being employed or engaged in child-related work.
2. A requirement to present an Assessment Notice and/or WWC Card at an interview or meeting must be clearly articulated in media used to advertise child-related work.
3. In the case of a prospective employee, the Assessment Notice and/or WWC Card must be sighted and signed off by the Chair of the Interview panel with a photocopy of the signed 'as sighted' Assessment Notice and/or WWC Card attached to other recruitment forms. This information is to be forwarded to Finance Officer where it will be their responsibility to confidentially file and update relevant systems if the prospective employee is employed.
4. In the case of a current or prospective contractor or volunteer, the Assessment Notice and/or WWC Card must be signed 'as sighted' and photocopied. It will be the responsibility of the Business Manager or Supervisor to confidentially file and store this information.

Employment or Engagement Without an Assessment Notice and/or WWC Card

1. Any person who does not present a valid, current WWC Assessment Notice and/or WWC Card prior to being employed or engaged must not commence employment or engagement to perform any child-related work.
2. In the case of prospective sessional or casual employees, the commencement date

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of employment cannot be held longer than a 2 week period if the person is unable to present a valid WWC Clearance Assessment Notice and/or WWC Clearance Card.

3. In all other cases, the commencement date of employment or engagement cannot be held longer than a 4 week period if the person is unable to present a valid Assessment Notice and/or WWC Card.
4. If a person is unable to present a valid Assessment Notice and/or WWC Card within the stated time periods, the employment or engagement offer can be withdrawn.
5. Any person who presents an Interim Negative or Negative Notice, must not commence employment or engagement until such time as they are able to present a valid Assessment Notice and/or WWC Card and it be signed 'as sighted' and recorded by either the Chair of the interview panel (in the case of a current or prospective on-going or fixed-term employee), or the Principal in all other cases.
6. The School is not obligated to further delay commencement of employment or engagement pending the re- assessment and subsequent issue of an Assessment Notice and WWC Card to a person.
7. Once a person has been employed or engaged they are expected to further disclose any future changes to their circumstances as per the section in this procedure titled Further Disclosure During Period of Employment/ Engagement.

Holders of Volunteer Assessment Notice and WWC Card

1. A Volunteer WWC Card cannot be used for the purpose of paid employment or engagement. This is a criminal offence under the Worker Screening Act 2020.
2. A person who holds a valid 'volunteer' Assessment Notice and/or 'Volunteer' WWC Card, must not commence paid employment or engagement until such time as they are a holder of an Assessment Notice and/or WWC Card for paid employment or engagement.
3. A person who is a holder of a valid 'volunteer' Assessment Notice and/or WWC Card can re-apply for the Assessment Notice and WWC Card for paid employment or engagement.
4. In the above cases, the School is not obligated to delay or put on hold commencement of employment or engagement pending the re-assessment and subsequent issue of an Assessment Notice and/or WWC Card other than the stated time period outlined in the Employment or Engagement Without an Assessment Notice and/or WWC Card section of this procedure.

Right of Appeal

1. All current and prospective employees, contractors or volunteers will have the right of appeal against the failure to be issued an Assessment Notice and WWC Card as specified in the Worker Screening Act 2020. It will be the responsibility of the person to pursue such an appeal if they wish to do so.
2. In this case, the School is not obligated to delay or put on hold the employment or engagement of a person, pending the decision of any appeal.

Responsibility

The Principal is responsible for ensuring the effective implementation of this policy and associated procedures.

The Business Manager will be responsible for administering the policy and associated procedures.

Supporting Documents

Internal Documents

- Working With Children Clearance Policy.
- Child Safety and Wellbeing Policy.
- Child Safe Code of Conduct.

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External Documents

- Working with Children Clearance Online Application Form (Working with Children Clearance - Victoria).
- Assessment Notice (Department of Justice and Regulation).
- Interim Negative Notice (Department of Justice and Regulation).
- Negative Notice (Department of Justice and Regulation).

Forms / Record Keeping

Title	Location	Responsible Person	Minimum Retention Period
Assessment Notice (For employees)	Personal File, Finance	Finance Officer	5 years
Assessment Notice (For contractors and volunteers)	School Contractor & Volunteer Files	Business Manager	5 years
Interim Negative or Negative Notice (For employees)	Personal File, Finance	Finance Officer	5 years
Interim Negative or Negative Notice (For contractors and volunteers)	School Contractor & Volunteer Files	Business Manager	5 years

Implementation

This policy will be implemented throughout the school community via:

- policy library section of the school intranet; and
- policies section of the school website
- distribution of email to all Directors.

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