

Policy – Compliance with Worker Screening Act

Policy Information

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Revision History & Ratification

This policy needs to be reviewed by College Council **annually or as required and** ratified at the College Council meetings when **changes are necessary**. This policy will be published on the school's website and will be distributed to staff via Compass.

Revision Date:	Council Ratification Date:	Summary of Changes	Prepared/Approved By:
12/08/2020 - V1.0	19/10/2020	Policy Creation	Gregory McMahon
05/11/2021 – V1.1	Approved by College Council Nov 2021	Update and checked against the Policy and Advisory Library (PAL)	Jason Patten

1. Summary

Hallam Senior College is committed to ensuring all staff are provided with sufficient information on the departments policies and procedures.

The purpose of this policy and procedure is to outline Hallam Senior College's approach to ensuring staff have access to adequate information about all the departments policies and procedures.

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Details

As part of the process for maintaining high standards of conduct and professionalism in the workplace, it is essential that principals or managers ensure that the Department's procedures for criminal record checks are implemented.

Verification of a satisfactory criminal record is achieved by ensuring the employment of new employees and engagement of volunteers proceeds in accordance with Department of Education and Training policy (for Victorian Public Servants), and legislative obligations pursuant to the Worker Screening Act 2020 (for school based non-teaching employees and volunteers), and to the Education and Training Reform Act 2006 Part 2.6 Victorian Institute of Teaching (for principals and teachers).

The Department has developed procedures for the conduct of criminal records checks for all school based and non-school based employees, including arrangements that allow for the acceptance of the criminal records check conducted by the Victorian Institute of Teaching and Working with Children Checks to meet the Department's pre-employment suitability for employment requirements.

These procedures apply to:

- persons employed under the Education and Training Reform Act 2006
- persons employed under the Public Administration Act 2004
- volunteers
- casual employees including casual relief teachers
- student teachers and interns
- contractors
- homestay families.

Refer to the Policy and Guidelines tab for the full Suitability for Employment Policy.

Introduction

The Department of Education and Training (the Department) and school councils have a responsibility to ensure the safety of all children and employees, and to maintain the security of assets by requiring and maintaining high standards of professional conduct from employees and volunteers.

In meeting these responsibilities, the Department and school councils must be satisfied that only those employees and volunteers who meet the highest standards of probity and suitability are employed. Such assessments may include reference or referee checks, medical assessments, qualification verification, a criminal record check and/or a Working With Children Check.

Verification of suitability for employment is assisted by ensuring the employment of new school based employees proceeds in accordance with legislative obligations pursuant to the Worker Screening Act 2020 (for non-teaching employees and volunteers) and Education and Training Reform Act 2006 Part 2.6 Victorian Institute of Teaching (for principals and teachers).

The authority for the policy and procedures is [Ministerial Order 1038](#) which applies to the principal class, teacher class and education support class employed by the Department, and [Ministerial Order 1039](#) for all non-teaching staff and casual relief teachers employed by school councils.

Allied health staff (employed as Victorian Public Servants) and nurses employed by the Department are also covered by this policy.

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These guidelines set out the policy and procedures to be followed in relation to suitability and probity checks that are required.

Working with Children

The Working with Children (WWC) Check scheme is established under the Worker Screening Act 2020 (the Act) and creates a minimum checking standard across Victoria for people who work or volunteer with children in certain capacities. The WWC Check assists in ensuring that people who are unsuitable to engage in 'child-related work' do not do so.

A WWC Check is valid for up to 5 years after which it will need to be renewed if the holder wishes to continue in child-related paid or voluntary work.

A WWC Check is transferable between jobs or volunteer organisations. Should a person engage in 'child-related work' with another organisation, they do not need to apply for a second WWC Check, however a WWC Check obtained for the purpose of voluntary work, as indicated by the letter 'V' on the WWC Check card, may not be used for the purposes of paid work. It is an offence to use a volunteer WWC Check for the purpose of engaging in paid 'child-related work'. Principals and managers should verify that WWC Check cards presented to them by paid employees are stamped with the letter 'E'.

The WWC Check consists of a national criminal history check and consideration of any relevant findings from professional disciplinary bodies such as the Victorian Institute of Teaching. Criminal offences and pending charges or non-conviction charges against a person which will be taken into account are those involving serious sexual, violent or drug offences. The WWC Check does not include offences such as fraud or theft which may be relevant to assessing the suitability for employment of non-teaching staff in schools. Further information on the offences relevant to a WWC Check can be found at the Department of Justice and Community Safety's [Working with Children Check Victoria](#) website.

The WWC Check is monitored on an ongoing basis. This means that holders of a WWC Check will continue to be checked for any new relevant offences or findings from professional disciplinary bodies. New charges, convictions, findings of guilt or findings from professional disciplinary bodies which are relevant to the WWC Check will result in a re-assessment of the holder's eligibility for a WWC Check.

What is 'child-related work'?

The Act defines 'child-related work' as work which usually involves (or is likely to involve) direct contact with a child, irrespective of whether that contact is supervised or not, and in any of the child-related occupational fields listed in the Act. The definition of direct contact includes oral, written or electronic communication as well as face-to-face and physical contact. 'Child-related work' may be either paid or unpaid (voluntary).

'Educational Institution' is an occupational field listed in the Act and includes any State school established under section 2.2.1 of the Education and Training Reform Act 2006. Accordingly all Victorian Government primary, secondary, and special schools fall within the Act.

Any person whose duties usually involve or is likely to involve work in a school (other than teachers and principals) is considered to be engaged in 'child-related work' as defined in the Act and will need to ensure they are compliant with the legislative obligations contained in the Act.

There are exemptions from the Act including people under 18 years of age, parent volunteers whose child ordinarily participates in the activity, sworn police officers, teachers currently registered with the

Victorian Institute of Teaching, and visiting workers who do not ordinarily reside and perform child-related work in Victoria, among others.

Applying for the WWC Check

The WWC Check is conducted by the Department of Justice and Community Safety (DJCS). Applications must be lodged at one of the participating Australia Post outlets in Victoria. Visit for a list of [Australia Post outlets](#) where a WWC Check application may be made.

WWC Check applicants need to complete an online 'Application for WWC Check' form at [Working with Children Check Victoria](#) before going to a participating Australia Post outlet with proof of identity documents to lodge the application.

The 'Application for WWC Check' form asks the applicant to list the names of organisations where they intend to work in 'child-related work'. Principals are to request that Department and school council employees name the:

Department of Education and Training
2 Treasury Place
East Melbourne 3002
telephone: 03 7022 0005

in response to this question and to also name the school at which they are employed.

It is important that volunteers name the school at which they intend to perform the 'child-related work' in their application as the Department has no means to identify in which school a volunteer may be engaged.

WWC Check outcomes

If the employee passes the WWC Check they will be issued a WWC Card which also acts as an 'Assessment Notice'. An Assessment Notice means the employee has passed the WWC Check and may work in 'child-related work'.

Principals and managers may enquire on the status of a WWC card at any time by visiting [Working with Children Check Victoria](#) and entering a WWC Check unique number, alternatively telephone [1300 652 879](#). It is recommended that principals and managers periodically verify the status of WWC Checks held by people engaged in 'child-related work' at their workplace as WWC Checks are subject to ongoing monitoring and it is possible that if an individual has a relevant change in circumstances, their WWC Check may cease to be valid.

If an employee has criminal offences or a professional disciplinary outcome that may result in them failing a WWC Check, the employee may be issued with an Interim Negative Notice or a Negative Notice. An Interim Negative Notice means the Department of Justice and Community Safety is intending to issue a Negative Notice and will provide the employee with an opportunity to explain why they should not be given a Negative Notice.

An employee or volunteer who receives an Interim Negative Notice or a Negative Notice is required by law to inform their employer within 7 days.

If a principal or manager becomes aware that an employee has been issued an Interim Negative Notice or a Negative Notice, they must contact the Employee Conduct Branch immediately.

Conducting a Department criminal record check

Where it is determined that a new employee or volunteer is required, or has elected, to undergo a criminal record check the principal or manager, or their authorised delegate, should arrange for the applicant to complete a Consent to Check and Release National Police Record form (refer to the [Resources](#) tab).

The information provided by the applicant is to be entered online at [PROCS](#). The procedures for processing such criminal record checks and a user guide may be found on the Resources tab.

Where an employee or volunteer is not registered with the Victorian Institute of Teaching, and they do not require a WWC Check under the Act, only a criminal record check conducted by the Department can be accepted as an alternative to determine suitability for employment. A criminal record check obtained from another source cannot be accepted as the Department cannot be assured that all relevant offences were considered and, or that identity validation was performed consistent with requirements of the Australian Criminal Intelligence Commission.

A criminal record check conducted by the Department is for 'child-related work' purposes and permit the release to the Department of both spent and non-spent criminal records and disclose findings of guilt where no conviction was recorded.

Principals or managers must consider if a criminal record check conducted by the Department should be required in addition to a WWC Check. Such circumstances include the need to consider whether any offences exist that may be relevant to the duties to be performed, such as dishonesty offences or driving offences, that are not considered by the WWC Check. In particular all employees with a financial delegation should undergo a criminal record check conducted by the Department.

Principals or managers should consult the Employee Conduct Branch on [03 7022 0005](tel:0370220005) in such circumstances prior to proceeding.

Criminal history information is received by authorised personnel in the Employee Conduct Branch and is not released outside of that Branch. All employees involved in the handling of criminal records are to ensure that confidentiality of records is maintained at all times, and that records are stored in a secure area. The records may only be used for assessing a person's suitability for employment with the Department.

The principal or manager is not provided with details of criminal history information, if any. The principal or manager is provided with a copy of the clearance or rejection letter only.

Criminal history information is not retained and is securely destroyed no later than 3 months after the criminal record check process has been completed.

Employees in the principal, teacher and paraprofessional classes

Employees in the principal class, teacher class and paraprofessional class are employed pursuant to the Education and Training Reform Act 2006 and are required to have valid and current registration with the Victorian Institute of Teaching (VIT) as a condition of employment.

A prospective employee who is registered with the VIT is exempt from the Act and does not require a Working with Children (WWC) Check.

Principals are required to sight a prospective employee's VIT registration card to determine whether a criminal record check has been conducted by the VIT. The letters CRC will appear on their registration card. They will not be required to undergo a criminal record check conducted by the Department.

Employees in the education support class

Education support class employees must demonstrate their suitability for employment by providing evidence of a WWC Check and Assessment Notice.

Principals and managers are requested to sight and retain a record of the employee's WWC Check unique number. This number is recorded on eduPay.

It is an offence under the Act to engage in 'child-related work' without a current WWC Check. Penalties will apply to both the employer and employee.

Clause 3.2.3 of Ministerial Order 1038 provides that any position that usually involves, or is likely to involve work in a school, other than if the position requires the incumbent to undertake the duties of a teacher, is subject to the person providing evidence that the person has had a WWC Check and holds a valid Assessment Notice under the Act.

The delegate is responsible for determining disputes as to whether a position requires the incumbent to undertake the duties of a teacher or whether the position involves work in a school. Advice should be obtained from the Employee Conduct Branch in determining whether an Assessment Notice is required, including instances where the employee has current registration with the VIT, but is not undertaking the duties of a teacher.

Employment may be terminated if an employee fails to provide the delegate with an Assessment Notice when required. Termination must not occur fewer than 14 days after the delegate has notified the employee, to provide the Assessment Notice.

Clause 3.2.9 provides that if an employee surrenders an Assessment Notice or is issued with a Negative Notice under the Act their employment ceases. The delegate must notify the employee of this in writing.

If the employee appeals the issuing of the Negative Notice to the Victorian Civil and Administrative Tribunal and is issued with an Assessment Notice the cessation of their employment is deemed to have no effect. The person must then be reinstated. This involves entitlements regarding back-pay, recognition of continuous service and has implications for the filling of the position prior to the outcome of the appeal being known.

The Employee Conduct Branch should be contacted for advice and assistance in relation to the procedures to be undertaken when Assessment Notices are not provided when required or when employees are issued with an Interim Negative Notice or Negative Notice under the Act.

Casual relief teachers

Casual relief teachers are required to be registered with the Victorian Institute of Teaching. Accordingly they qualify for an exemption from the Act and do not require a WWC Check.

Other casual employees

Casual employees in schools, other than casual relief teachers, are required to demonstrate their suitability for employment by undergoing a WWC Check and, or a criminal record check conducted by the Department.

Not all casual employees in schools will be required by the Act to undergo a WWC Check, it will depend on whether their duties meet the definition of 'child-related work' as defined in the Act.

Principals and managers should contact the Employee Conduct Branch on [03 7022 0005](tel:0370220005) for advice on whether the duties to be performed by a casual employee meet the definition of 'child-related work'. Additional advice can be obtained from the Working with Children Check Victoria within the Department of Justice and Community Safety, telephone [1300 652 879](tel:1300652879).

As the Executive Officer of a school council, a principal retains the authority to require a casual employee to undergo a criminal record check conducted by the Department and should do so if it is considered relevant to the duties being undertaken.

Registered Training Organisations

Schools that enter into an agreement with a Registered Training Organisation in which the Organisation provides a teacher or instructor to the school must be satisfied that the teacher or instructor is suitable for employment.

Principals must sight either a criminal record check conducted by the Department, a WWC Check or provisional registration as evidence that a teacher or instructor is suitable for employment.

Where the Registered Training Organisation's teacher or instructor is not registered with Victorian Institute of Teaching, they will be required to have a current WWC Check.

Volunteers

Each school council is responsible for establishing their own policy concerning which volunteers they require to undergo a criminal record check. Schools must establish and implement policies to assess and verify the suitability of volunteers who will work with children including requiring all volunteers to provide evidence of their suitability. This evidence is generally a WWC Check however, in addition to a WWC Check a school may also consider it necessary that a criminal record check is conducted through the Department. This may occur when possible offences are relevant to the duties of the volunteer, for example dishonesty offences, which are not part of the WWC Check. The school covers the cost of the criminal record check.

As the Executive Officer of a school council, a principal retains the authority to require a potential volunteer to undergo a criminal record check irrespective if the volunteer is exempt from the Act. For instance a parent attending an overnight camp with their child may be exempt from requiring a WWC Check, however a school council may determine that any person attending an excursion or camp must have either a WWC Check or have undergone a criminal record check conducted by the Department. School councils should ensure their criminal record check policy reflects this authority.

Although the Act exempts a parent whose child ordinarily participates in the activity this does not preclude schools from adopting a blanket policy requiring all volunteers to have a WWC check.

School councils need to ensure their policies regarding suitability checks account for the legislative obligations created by the Act. Advice on developing or amending School Council WWC Check and criminal record check policies can be obtained from the Employee Conduct Branch, telephone [03 7022 0005](tel:0370220005).

Homestay families

The Act requires homestay providers, including each adult member resident in the home to have a current WWC Check prior to hosting a visiting student unless an exemption under the Act applies.

Further information on the WWC Check in relation to homestay providers can be obtained from [Working With Children Check Victoria](http://WorkingWithChildrenCheckVictoria.gov.au) website within the Department of Justice and Community Safety or by telephone [1300 652 879](tel:1300652879).

Student teachers and student internships

Student teachers or interns must have a WWC Check prior to commencing a practicum in a Victorian government school. As student teachers or interns do not receive payment for undertaking a practicum, a volunteer WWC Check may be accepted.

Contractors

Principals and managers should assess the duties to be performed by contractors to determine whether they constitute 'child-related work' and will therefore require a WWC Check based on the requirements of the Act.

However they also need to be satisfied that people present in Department workplaces are not a risk to the safety of children irrespective of whether the Act requires them to have a WWC Check or not.

Even though they may not be performing 'child related work' contractors such as IT Technicians, gardeners, maintenance staff and cleaners should have a current WWC Check as they are frequently in schools during normal school hours.

A school council is not precluded from adopting a policy that all persons working on the school premises are required to have a WWC Check irrespective of the duties they perform and the frequency and extent of their contact with children.

Principals and managers should contact the Employee Conduct Branch on [03 7022 0005](tel:0370220005) for advice in relation to the requirements on contractors both generally and on a case by case basis where any uncertainty exists.

Non school locations

Employment as a Victorian Public Service (VPS) employee is conditional on undergoing a criminal record check conducted by the Department. However, VPS employees may undertake a wide range of duties and it is possible an employee's duties may constitute 'child-related work' and a WWC Check will be required. Managers should carefully assess the duties to be performed by the VPS employee to

determine whether a criminal record check conducted by the Department will be sufficient, or whether the appointee will also require a WWC Check.

Managers should contact the Employee Conduct Branch on [03 7022 0005](tel:0370220005) for advice on whether the duties to be performed meet the definition of 'child-related work' as contained in the Act.

Where the prospective employee's duties will involve 'child-related work' as determined by the hiring manager, they will be required to undergo a WWC Check.

It is an offence for a VPS employee who requires a WWC Check to engage in 'child-related work' if they do not hold a current WWC Check.

Visitors in Schools

The purpose of this policy is to ensure schools have measures in place to effectively screen, manage and supervise all visitors.

Schools must:

- develop their own school level policies and procedures to effectively screen, manage and supervise all visitors
- ensure that any programs or content delivered by visitors complies with the requirement that education in Victorian government schools is secular (apart from the provision of [Special Religious Instruction](#))
- ensure it has policies and procedures in place to meet the requirements of the Child Safe Standards.

Principals:

- are responsible for all visitors to the school
- must develop policies and procedures to manage visitors to the school
- ensure the policies and procedures address safety requirements and ascertain the appropriateness of visitors
- ensure the policies and procedures are implemented.

At a minimum, these policies and procedures must:

- require all visitors arriving and departing during school hours to use a visitors book to record their name, signature, the date and time, and the purpose of the visit
- include procedures for assessment and verification of the suitability of visitors to be in a location where children freely move about, learn and play — refer to [Working with Children and Other Suitability Checks for School Volunteers and Visitors](#)
- meet the requirements of the Child Safe Standards, including for identifying and responding to child abuse
- ensure that any programs or content delivered by visitors complies with the requirement that education in Victorian government schools is secular (apart from the provision of [Special Religious Instruction](#))
- ensure that school policies and procedures that are relevant to visitors are available/visible to the visitor, including the requirement to abide by the school's child safety code of conduct

- ensure that emergency exits and emergency procedures are available/visible to visitors
- ensure that any programs delivered by visitors are delivered in a manner that is not inconsistent with the Victorian Public Sector Values and the principles and practice of Australian democracy as outlined in the Education and Training Reform Act 2006 (Vic) including a commitment to elected government, the rule of law, equal rights for all before the law, freedom of religion, freedom of speech and association and the values of openness and tolerance
- ensure that a record of all visitors to the school is kept in the event of a school emergency or any future investigation
- align with relevant Department policies and procedures.

Further guidance on developing local policies and procedures for visitors in schools is available on the Guidance tab.

A [Visitors Policy Template](#) is available on the School Policy Template Portal (login required). Schools can modify the template to suit their local circumstances.

Types of visitors

Visitors may include, but are not limited to:

- prospective parents and employees
- those who are addressing a learning or developmental need, such as:
 - parent and community volunteers
 - invited speakers
 - sessional instructors
 - representatives of community, business and service groups
- those who are conducting business such as:
 - uniform suppliers
 - booksellers
 - official school photographers
 - commercial salespeople
- trades people
- children's services agents
- talent scouts
- instructors providing [special religious instruction](#)
- public officials (for example, ministers, members of parliament, mayor)
- Department staff including allied health practitioners (regional and central offices)
- Department of Families, Fairness and Housing Child Protection workers, and Victoria Police, refer to [Police and Child Protection Interviews](#).

Visiting speakers

Schools must:

- ensure the content of presentations and addresses contributes to the development of students' knowledge and understanding

- extend the invitation to external speakers to support its educational program, rather than allowing groups to use the school as a forum to advance their causes or beliefs, particularly if speaking on a controversial matter
- brief presenters about the nature of the school and its community
- ensure that visitors do not present information or programs that may conflict with the Education and Training Reform Act 2006, policies of the Department and the school
- respect the range of views held by students and their families.

For advice concerning the selection of lectures, speeches and performances refer to [Teaching and Learning Resources — Selecting Appropriate Materials](#).

Talent scouts

Principals must consider the following when talent scouts approach a school.

Determine whether the school community:

- prefers parents or carers to privately contact talent scouts outside of school hours or
- supports the school facilitating contact with students and talent scouts, such as:
 - children's choirs
 - orchestras
 - drama groups
 - sporting associations
 - film companies looking for groups of 'extras' or undertaking individual casting
 - modelling agencies.

Where the school community supports school visits by talent scouts, consider whether the activity being scouted:

- is regarded by the broader community as suitable for the age group being targeted
- will enrich learning and skill development for identified students
- will complement the identified students' education
- has demonstrated an appropriate commitment to child safety and meeting duty of care obligations by the individual or organisation (for example, no prior convictions or complaints).

Other considerations include:

- allowing visits by approved organisations at negotiated, convenient times during school hours
- providing information to the parents and carers in the relevant year levels about opportunities so that, if desired, independent contact can be made, or
- planning sessions by approved organisations for interested students accompanied by their parents/carers, using school facilities and outside of school hours
- if after-hours auditions on school property are preferred, school councils will need to consider whether a fee for the use of facilities would be appropriate.

Safety needs

- schools are not public places
- the safety of students and staff
- potential risks posed by visitors
- what suitability checks may be needed, refer to [Working with Children and Other Suitability Checks for School Volunteers and Visitors](#)
- the school's policies and procedures in relation to child safety and the implementation of the Child Safe Standards
- the processes for identifying and reporting alleged misconduct of employees, volunteers and contractors, refer to [Complaints, Unsatisfactory Performance, and Misconduct](#) and [Reportable Conduct Scheme](#).

Visitors' purpose

- categories of visitors that may visit the school
- potential benefits of different types of visits
- whether the proposed visit is appropriate for young people (in the relevant age group)
- whether the proposed visit, programs or content to be delivered is consistent with the values of public education, Department policies and the Education and Training Reform Act 2006 (Vic)
- whether a distinction should be made between the protocols applying to:
 - community-based, not-for-profit groups
 - visitors with commercial, advertising or marketing purpose
- the potential for a visitor or the content of their program/presentation to cause controversy within the school or broader community

Educational merit

- whether the proposed visit is:
 - for an educational purpose
 - consistent with curriculum objectives
 - the reorganisation of school programs or routines required in relation to the potential benefits to the students
 - the appropriate use of Department resources, including teachers' time

Legal requirements

- legal considerations and Department policies concerning:
 - privacy
 - photographing of students
 - mandatory reporting
 - children first — promoting and protecting the rights and wellbeing of children

- delivery of Special Religious Instruction

Working with Children Check

- the suitability of visitors who will be in a location where children move freely about, learn and play
- whether an exemption to the Working with Children Check applies to a visitor
- the evidence provided by the visitor to support their exemption due to their occupation

Procedures

- how to communicate policies and procedures to staff, visitors and community
- how to impose conditions on visitors, if required
- how to manage and maintain a written record of all visitors
- whether visitors will be required to wear a distinguishing badge
- circumstances for visitors to be accompanied by a member of staff
- that visitors delivering programs directly to students are adequately supervised by teaching staff of the school, in order for the school's duty of care to be discharged to those students
- the familiarisation with school routines, including the emergency management plan, required for regular visitors
- when parents will be notified in advance about visitors to the school
- requirements for parental permission for students to participate in programs or related activities delivered by visitors

Relevant legislation

- [Education and Training Reform Act 2006 \(Vic\)](#)
- [Ministerial Direction No.145](#)
- [Worker Screening Act 2020 \(Vic\)](#)