



Working with Children Check Policy

Policy Number:	ML 1.26	Date:	23 rd October 2018
		Approved by:	Chief Executive Officer
Version:	1/2018	Scheduled review date:	1 st November 2019

1. Statement of Context and Purpose

- 1.1 Melbourne Legacy (ML) is committed to safeguarding children in its care.
 - 1.2 The safety and wellbeing of children is of fundamental importance to ML. The Working with Children Check is an initiative of the Victorian Government and is administered by the Department of Justice. The Working with Children Check helps protect children from harm by screening people’s criminal records and professional conduct and preventing those who pose an unjustifiable risk to children from caring for, working with or, providing services to children.
 - 1.3 This purpose of this policy is to:
 - (a) Minimise the risk of harm to children by requiring employees, volunteers, contractors and other authorised personnel to provide evidence that they have appropriate approvals to work with children in accordance with legislation set out in ML’s policies and requirements applying to Working with Children Check;
 - (b) Provide employees, volunteers, contractors and other authorised personnel with guidance as to their own responsibilities in relating to Working with Children Checks; and
 - (c) Provide employees with guidance in relation to Working with Children Checks.
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2. Scope

- 2.1 This policy applies to all employees, volunteers, contractors and other authorised personnel required to perform functions on behalf of Melbourne Legacy or on its premises.
 - 2.2 This policy also extends to any person who is engaged in child-related work that has direct contact with children under the age of 18 years of age (whether supervised or not).
 - 2.3 This policy is not intended to override or form part of the terms of any award, enterprise agreement or contract that applies to an employee, but should be considered a reasonable direction to staff. As such all employees, volunteers, contractors and other authorised personnel are expected to abide by this policy and report any suspected or known breaches of this policy.
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3. Related Documents

3.1 External Documents

- (a) Fair Work Act 2009 (Cth)
- (b) Privacy Act 1988 (Cth)
- (c) Working with Children Act 2005 (Vic)
- (d) Working with Children Regulations 2016 (Vic)
- (e) Children, Youth and Families Act 2005 (Vic)
- (f) Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)
- (g) Children's Services Act 1996 (Vic)
- (h) Children's Services Regulations 2009 (Vic)
- (i) Crimes Act 1958 (Vic)
- (j) Charter of Human Rights and Responsibilities Act 2006 (Vic)
- (k) Child Safe Standards, Victorian Government (DHS) 2015
- (l) Work Experience Guidelines for Employers, Victorian Department of Education and Early Childhood Development (DEECD) 2014

3.2 Internal Documents

Policies and Procedures:

- (a) Workplace Behaviours Policy
- (b) Child Safety Policy

4. Definitions

- 4.1 **Child** means a person who is under the age of 18 years who is a beneficiary or involved or in receipt of support or services provided by Melbourne Legacy.
- 4.2 **Child abuse** encompasses a broad range of matters set out in Part 6 of this policy:
- 4.3 **Child-connected work** means work authorised by ML and performed by an adult in the ML environment while children are present or reasonably expected to be present. This contact may form:
 - (a) Face to face contact;
 - (b) Contact by post or other written communication;
 - (c) Contact by telephone or other oral communication; or
 - (d) Contact by email or other electronic communication.
- 4.4 **Child safety** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.
- 4.5 **Direct contact** means contact with a child, in any form listed in the definition of child-related work, will be considered direct if the contact occurs as part of the ordinary duties of an employee, volunteer, contractor or other authorized personnel.
- 4.6 **Duty of care** relates to the duty the CEO, board, managers and other employees of ML have to provide a high standard of care to children within its care, requiring the taking of all reasonable steps so far as is reasonably practicable, to reduce the risk of harm to children, including the implementation of strategies to create a culture of position behaviour. This duty is non-delegable, meaning that it cannot be assigned to another party.

- 4.7 **DPR** means the Department of Justice and Regulation, the Victorian State Government Department responsible for conducting Working with Children Checks.
- 4.8 **Work Experience Student** means a secondary school student who undertakes a short-term work placement to provide them with insights into the relevant industry and workplace. ML complies with the DEECD and DPR guidelines for employers (referred in Annexure A of this policy) in relation to work experience students.
- 4.9 **WWC Card** means a card evidencing a Working Children Check that has been applied for an approved by the DPR and has not expired or being cancelled. There are two types of WWC Card – an “E” card for employees or “V” card for volunteers.
- 4.10 **WWC Check** means Working with Children Check and is the mandatory application and screening process required for individuals working in child-related work in each State and Territory. A WWC Check is generally issued for five (5) years and is more thorough than a police check for offences that may impact the safety of children. A person’s criminal record is regularly checked (for any new offences) while they have a WWC Check, whereas this does not happen with a Police Check.
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5. Working with Children Check Required

- 5.1 In accordance with the *Working with Children Act 2005 (Vic)* (the Act) ML requires all relevant employees, volunteers, contractors and other authorised personnel required to perform functions on ML’s premises and who has direct contact with a child under the age of 18 years of age, to hold a valid and current Working with Children Check at all times.
- 5.2 In accordance with advice from the Legacy Australia Inc Board dated 14 March 2018, ML requires all employees, legatees and volunteers to hold a current Working With Children Check at all times even if they do not have direct contact with children.
- 5.3 All offers of employment to a position which is considered child-related work at ML are subject to the provision of a current and valid Working with Children Check which is classified as an “E” card for employees. A Volunteer Check or “V” card is not sufficient.
- 5.4 All volunteer arrangements are subject to the provision of a current and valid Working with Children Check which is classified as a “V” card for volunteers.
- 5.5 At all times employees, volunteers, contractors or other authorised personnel required to perform functions on ML’s premises and is considered child-related work must ensure that their WWC Check remains current.
- 5.6 All employees, volunteers, contractors or other authorised personnel must apply to renew their WWC Check card before it expires and provide a copy of their receipt of application for renewal and subsequently evidence of the renewed valid WWC Check card, along with evidence that Melbourne Legacy is listed on the application, to their line manager (for employees) and to their relevant contact at ML (for volunteers, contractors and other authorised personnel).
- 5.7 A WWC Check will be valid for five years and it is the employee, volunteer, contract and other authorised personnel’s responsibility to ensure that their WWC Check remains current.
- 5.8 An individual who does not hold the correct type of WWC Card (an “E” Card is for employees or “V” Card is for volunteers) is not permitted to undertake child-related work

on behalf of ML. ML reserves the right to withdraw an employee, volunteer, contractor or other authorised personnel from their duties should they fail or fail to provide a current and valid WWC Check.

6. Recruitment and Working with Children Checks

- 6.1 ML informs all employees, volunteers, contractors and other authorised personnel that their employment offers or offer to perform work on behalf of ML is conditional upon the production of evidence of holding a valid and current WWC Check.
- 6.2 ML the following statement in all relevant advertisements for employment:
- “The successful applicant must provide a current Working with Children Check Card. Recruitment and appointment of new employees is undertaken following completion of a formal application, interview and all relevant and satisfactory checks in accordance with Melbourne Legacy’s policies and procedures.”
- 6.3 All applicants who do not provide proof of a WWC Check, apply for a WWC Check or are not approved to hold a WWC Check are excluded from consideration for a position at ML.
- 6.4 During recruitment ML sites the original or a certified copy of the WWC Card of any applicant and verifies whether a WWC Check is valid by either calling the Working with Children Check Information Line (ph. 1300 652 879) or on the website <http://justice.vic.gov.au/workingwithchildren>.
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7. Working with Children Check Information Required

- 7.1 Prior to commencement, all employees, volunteers, contractors and other personnel must provide evidence of a current and valid WWC Check card to their line manager (for employees) and to their relevant contact at ML (for others). If they do not hold a current and valid WWC Check, they must apply for a WWC Check and provide a copy of the receipt evidencing their application and the inclusion of Melbourne Legacy as an organisation they work/volunteer with.
- 7.2 Those employees, volunteers, contractors and other personnel who do not have a current and valid WWC Check card prior to commencement must provide evidence of a current and valid WWC Check card, along with evidence that Melbourne Legacy is listed on the application, to their line manager (for employees) and to their relevant contact at ML (for others) once their application is approved and they are issued with a valid WWC Check.
- 7.3 New employees must notify the Department of Justice (Vic) of their new employment details within 21 days of commencing employment at ML.
- 7.4 Information provided to ML pursuant to this clause must be clear and legible. Where copies are provided they must be certified.
- 7.5 Information provided to ML by employees pursuant to this clause is placed on the employee’s personnel file.
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8. Verifying Working with Children Check

- 8.1 From time to time management may verify that a WWC Check is valid, either by calling the Working with Children Check Information Line (ph. 1300 652 879) or online at <http://justice.vic.gov.au/workingwithchildren>.
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9. Cost of Working with Children Check

- 9.1 Any fees, charges or costs of applying for, renewing or maintaining a WWC Check is incurred by ML.
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10. Storage of Working with Children Check Records

- 10.1 Certified copies of WWC Cards for employees, volunteers, contractors and other authorised personnel, are received by line managers or Volunteer Services, verified, and saved to the employee's or volunteer's personnel file.
- 10.2 Employee personnel files will:
- i. Hold records of current and valid WWC Cards (provided via certified copy) and approved Assessment Notices for employees, including the card identified number and expiry details.
 - ii. Line managers will place a certified copy of the WWC Card and approved Assessment Notices in an employee's personnel file and secure the records in accordance with the *Privacy Act 1988* (Cth).
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11. Work Experience Students

- 11.1 As an employer of work experience students aged under 15 years ML holds a Child Employment Permit.
- 11.2 Prior to the commencement of a work experience placement or program ML provides a copy of the Guidelines for Employers and ensures that all employees and supervisors of work experience students at ML hold a valid Working with Children Check and supervise work experiences students in accordance with the Guidelines for Employers (Annexure A of this policy).
- 11.3 Work experience students over the age of 18 years must hold a valid Working with Children Check if they are otherwise involved in child-related work in accordance with this policy. ML will ensure that:
- (a) Employees who are working with or supervising work experience students are provided with a copy of the Guidelines for Employers (Annexure A) prior to the commencement of a work experience placement or program; and
 - (b) All employees who are supervising a work experience student or students aged under 15 years of age, hold a current WWC Check.
 - (c) A person who has not renewed, or who does not hold a current WWC Check, is not supervising a work experience student or students under 15 years of age.
 - (d) Certified copies of WWC Cards for work experience employees are verified and placed on the employee's personnel file.
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12. Change of Circumstances

- 12.1 If an employee, volunteer, contractor or other authorised personnel holding a WWC Check has a change of circumstances which could affect their eligibility to hold a WWC Card, they must notify the Chief Executive Officer (CEO) in writing within seven days.
- 12.2 A change of circumstances, may include:
- i. An impending or actual charge, conviction or finding of guilt for an offence –
 - (a) Where a child is the victim, including failure to protect a child from harm or leaving a child unattended;
 - (b) Of violence or attempted violence, for example: manslaughter, armed robbery or battery;
 - (c) Which is drug-related;
 - (d) Which is a sex offence or attempted sex offence, including rape;
 - (e) Which relates to sex offenders' registration or monitoring requirements;
 - (f) Of unlawful surveillance; or
 - ii. Having your registration cancelled, suspended or restricted if you are a teacher, foster carer or carer for children in residential care.
- 12.3 ML must be notified of a change of circumstances whether they occur in Victoria, interstate or overseas. Failure to notify of a change of circumstances, will be considered a breach of this policy and may result in disciplinary action, up to and including termination of any engagement or employment.

13. Failure to provide or pass a Working with Children Check

- 13.1 Any individual who after lodging an application for a WWC Check and Card receives an "interim negative notice" must immediately inform the CEO and provide a copy of the notice to ML.
- 13.2 ML may stand down (either with or without pay) or modify the duties of any employee who receives an "interim negative notice" until the application for a Working with Children Check is determined.
- 13.3 Upon an application for a Working with Children Check being determined, If an individual is issued with a "negative notice" rejecting their application the individual must notify the CEO.
- 13.4 If an individual is issued with a "negative notice" their employment or engagement will be reviewed by the CEO. ML may take any of the following actions against an existing employee, volunteer, contractor or other authorised personnel:
- (a) Modification of the duties associated with the child-related work (that is, any person who has been issued with a negative notice will not be permitted to work in any child-related work);
 - (b) Suspension (with or without pay) as an interim measure; or
 - (c) Termination of employment or engagement.

14. Consequences of a Breach of this Policy

- 14.1 ML emphasises the need to comply with the requirements of this policy. Breaches of this policy and its procedures may result in suspension of access to ML's information resources.
- 14.2 Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment. Employees should refer to the Performance Management, Misconduct and Disciplinary Action Policy and Procedure.
- 14.3 Similarly, a Legatee or volunteer found to be in breach of the requirements of this policy may be subject to disciplinary action in accordance with ML's Legatee Code of Conduct.
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15. Policy Review

- 15.1 ML may make changes to this Policy at any time and will inform Legatees, volunteers and staff accordingly.
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16. Authorisation

Approved by Melbourne Legacy Chief Executive Officer:

Justin Elwin

Date: 23 / 10 / 2018

Ratified by:

Melbourne Legacy Board of Management

Date: 23 / 10 / 2018

Annexure A Work Experience Guidelines for Employers

WHAT IS WORK EXPERIENCE?

Work Experience is the short-term placement of secondary school students with employers, to provide insights into the industry and the workplace in which they are located. Students are placed with employers primarily to observe and learn – not to undertake activities which require extensive training or experience.

WHAT IS YOUR 'DUTY OF CARE' AS AN EMPLOYER?

You have legal obligations to provide a safe and healthy working environment for your employees and contractors. Work Experience students are no different. They are owed the same duty of care, and you must take all the same steps to safeguard them during their Work Experience period.

You must assess your workplace to determine which activities can be safely managed. Students should be given tasks which are interesting and which will give them an understanding of your business. However, you must take care NOT to place them at risk, and you must provide supervision at all times.

NOTE: All employers of work experience students aged under 15 years are required to obtain a Child Employment Permit and ensure that all supervisors of these students hold a current Working with Children Check.

WHAT CAN YOU EXPECT OF THE STUDENT?

Remember that young people cannot be expected to possess the judgment or maturity of older workers. You have a right to require the student to comply with workplace rules and procedures. First, though, you must explain those requirements and provide any necessary information, instruction and training. Don't assume a student will automatically know what's expected!

THE IMPORTANCE OF PLANNING

The most rewarding Work Experience programs – and the safest – are those planned in advance. It's useful to draw up a timetable for students before they arrive, setting out proposed activities for each day and identifying the people who will supervise them at different times.

Even though your timetable may have to change, a planned program enables supervisors to prepare meaningful activities, and reduces the chances of exposing the student to risks resulting from unplanned activity.

SAFE SYSTEMS OF WORK

Your safe systems of work should already be built on knowing your hazards, assessing the risks they present and taking steps to control those risks.

Your employees will know the risk controls, but your Work Experience student will not. It's important to take time to explain to the student what the hazards are, why the risk controls are in place and how they are put into practice.

INDUCTION AND SUPERVISION

Students will not be familiar with the workplace, or the way things are done. Like any new starter, it will take them a few days to remember names and find their way around.

The first thing you must do – on their first day with you – is induct the student. This should be done by the employer or the nominated supervisor – don't assume that induction will happen if you have not given someone specific responsibility for it!

Take it slowly, and reinforce key information (e.g. supervisory arrangements, no-go areas and excluded activities).

The following are the 'must do' elements when introducing a student to your workplace

INTRODUCTIONS AND RESPONSIBILITIES

The student may be supervised directly by more than one person during the week. Introduce those who are available, and make a note of people the student will need to catch up with later.

Inform the student that their health and safety is your most important concern during their stay. Explain your legal duty of care for them, and that in turn they must observe any requirements you have established to safeguard employees and others.

If there is a Health and Safety Representative at the workplace, arrange a time for them to discuss their

function with the student.

EXPLAIN SUPERVISORY ARRANGEMENTS

Students must report directly to their supervisor when entering, leaving and returning to the work location. Consider the skills and experience of people nominated as supervisor(s) – will they be able to answer questions and provide the right information and instruction to ensure the student understands the tasks they are given and can undertake them safely?

Explain during induction what the student should do if their supervisor is not present at any time – and who they will report to.

EXPLAIN ARRANGEMENTS FOR FIRST AID AND EMERGENCIES

Tell the student who their first aider is, and what to do if they need first aid.

Explain emergency arrangements, and point out the evacuation plan and assembly points. In an emergency, the student must follow direction from identified wardens.

EXPLAIN HEALTH AND SAFETY REPORTING REQUIREMENTS

Incidents and accidents must be reported to the supervisor without delay. Incidents include near misses, even if no one was injured. Accidents – including even minor cuts and scrapes requiring only a bandaid – must be reported and recorded.

Explain to the student how this is done, and encourage them to raise any health or safety concerns with their supervisor. If the student feels there might be risk in any activity, they must understand that they should not continue with the task.

PROVIDE AN ORIENTATION TOUR OF THE WORKPLACE

If the student will be located in one area through the week, show them 'home base' first. It's a good idea to return to that work location from different areas each time, to assist the student to build a mental picture of the workplace layout.

You should explain what happens in each part of the workplace, and point out locations where the student may be working during the week.

Explain why certain areas may be deemed 'no-go' for the student. If hazardous operations mean an area is restricted, you may want to observe the activity from a safe vantage point and describe the operations. If personal protective equipment is necessary to enter the area, this must be provided and you must explain how to use it.

WORKPLACE BULLYING, HARASSMENT AND DISCRIMINATION

You must explain your workplace policy regarding bullying, harassment and/or discrimination. Encourage the student to report any concern directly to the employer or their supervisor or to their teacher.

CONFIRM STUDENT'S MEDICAL INFORMATION

Check that you have necessary medical information. Does the student have any condition (e.g. asthma or epilepsy) that could require treatment? Are they taking any medication? (This information must be kept confidential and should only be disclosed to another party if treatment is required for a known medical condition or in the case of a medical emergency).