



Procedure:

Legislative Obligations – Working with Children Checks

Effective: 23 April 2024

Audience: Staff and Students

Policy Category: Governance
Policy Sub-category: Health, Safety
and Wellbeing

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| Key words: | Working with children; concerning behavior, risk management; safety. |
| Procedure Owner: | Chief People Officer |
| Responsible Officer: | Director People Services |
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1 PURPOSE

- 1.1** This Procedure establishes processes to ensure that the University meets its commitment to protect the safety and wellbeing of Children involved in University Activities in accordance with the *Policy: Protecting Children* with regard to Working with Children Checks (WWC).

2 RELATED DOCUMENTS

- 2.1** This Procedure should be read with the *General Regulations* and the following policies:

- 2.1.1 *Staff Enterprise Agreement 2018-2021*
- 2.1.2 *Policy: Protecting Children*
- 2.1.3 *Policy: Risk Management*
- 2.1.4 *Procedure: Risk Management*
- 2.1.5 *Procedure: Protecting Children, Reporting Concerning Behaviour, and the WA Reportable Conduct Scheme*
- 2.1.6 *Policy: Privacy*
- 2.1.7 *Policy: Critical Incident Management*
- 2.1.8 *Policy: Managing Misconduct*
- 2.1.9 *Procedure: Managing and Investigating Breaches of the Code of Conduct: Research*
- 2.1.10 *Employee Code of Conduct and Ethical Behaviour*
- 2.1.11 *Code of Conduct: Students*
- 2.1.12 *Policy: Sexual Assault and Sexual Harassment*
- 2.1.13 *Procedure: Disclosing Sexual Assault and Sexual Harassment*
- 2.1.14 *Incident/Injury Report Form*

3 EXPECTED CONDUCT AND PROTOCOLS

- 3.1** The *Employee Code of Conduct and Ethical Behaviour* and *Code of Conduct: Students* set out expected behaviours that should be observed, including when dealing with Children or being involved in University Activities.
- 3.2** All Staff Members, Students and those with specific responsibilities are to be aware and action their obligations with regard to the applicable state legislation in applying WWC.
- 3.3** The applicable legislative obligations are:
- a. *Working with Children (Criminal Record Checking) Act 2004* (the WA Act)
 - b. *Child Protection (Working with Children Act 2021* (the NSW Act); and
 - c. *Working Screening Act 2020* (the Victorian Act).

4 REQUIRING WORKING WITH CHILDREN CHECKS

- 4.1** The legislation and regulations within each State in which the University operates prescribes the criteria to be met in order for a WWC Check to be conducted, and relates to:
- 4.1.1 the nature or type of contact with Children
 - 4.1.2 roles, occupations, or sectors considered to be related to Children; and
 - 4.1.3 the frequency of contact with Children.
- 4.2** The Chief People Officer, in consultation with the relevant Executive Dean, Heads of School, Director and line manager, will consider the relevant legislation and assess which employed staff member positions require incumbents to hold a Working with Children Card (in Western Australia or Victoria) or a Working with Children Clearance (in New South Wales) prior to advertising the role. As teaching is the University's core business, Staff Members are exempt from requiring a Working with Children (WWC) Check to teach.
- 4.3** The PVC, Research (or delegate) will ensure that research activities involving Children as participants require a WWC Check and/or National Police Certificate as part of the ethics approval process.
- 4.4** The relevant Head of School is responsible for ensuring that Students enrolled in their School who undertake University Activities as outlined in Section 5 of the *Policy: Protecting Children*, are informed of the requirement and hold a WWC Card or WWC Clearance and/or National Police Certificate prior to the University Activity being undertaken.
- 4.5** WWC Checks and/or National Police Certificates should be considered when developing risk management plans for University Activities.
- 4.6** The Relevant Executive Dean or Director (or equivalent) is responsible for ensuring that, in respect of volunteering or other community activities not forming a component of a course and identified as requiring participants to hold a WWC Check and/or National Police Certificate, Students are informed and meet these requirements prior to undertaking the volunteering or community activity.

5 APPLYING FOR AND MAINTAINING WWC CHECKS

- 5.1** The Staff Member, Student or Affiliate involved with a University Activity and who is required to undertake a WWC Check is responsible for applying for a WWC Check in accordance with the process outlined on the relevant state government agency's website:
- 5.1.1 Western Australia: <https://workingwithchildren.wa.gov.au>
 - 5.1.2 Victoria: <http://www.workingwithchildren.vic.gov.au/>
 - 5.1.3 NSW: <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>
- 5.2** Staff Members, Students and Affiliates required to undertake a Working with Children (WWC) Check will normally do so at their own expense.
- 5.3** Evidence of the WWC Card (Western Australia and Victoria) or the WWC Clearance (NSW) should be provided to the relevant Senior Officer as soon as possible.

- 5.4** Where a WWC Check is a prerequisite for employment, enrolment or engagement, the person should not be offered the position until evidence of the WWC Card or WWC Clearance is provided and has been deemed appropriate to engage in the University Activity by the Senior Officer.
- 5.5** The Staff Member, Student or Affiliate must ensure that their WWC Card or Clearance remains valid and is renewed in accordance with the requirements of the relevant state government agency.

6 CHANGES TO WORKING WITH CHILDREN STATUS

- 6.1** The Staff Member, Student or Affiliate must inform the Senior Officer in writing of changes to their WWC status, including suspension, removal, issue of a negative notice, or expiry as well as any changes to their police information. Failure to do so may result in the matter being managed in accordance with the *Policy: Managing Misconduct* for Staff and in accordance with the *General Regulations* for Students.
- 6.2** Should an existing WWC Card or WWC Clearance be suspended or removed, or a negative notice be issued, the Staff Member, Student or Affiliate concerned will be removed from the University activities involving children immediately in accordance with relevant legislative requirements.

7 MONITORING WORKING WITH CHILDREN CARDS AND CLEARANCES

- 7.1** The Senior Officer will monitor the expiry dates of WWC Cards and WWC Clearances by periodically reviewing the expiry dates for WWC Cards and WWC Clearances of Staff, Students or Affiliates within their areas of responsibility.
- 7.2** The Senior Officer will take appropriate action if a WWC Card or Clearance has expired without evidence of a new Card or Clearance being provided, or when there has been a change of status, suspension or removal of the clearance, and the activities of the Staff, Student or Affiliate continues to require a WWC Card or Clearance.
- 7.3** For the purpose of clause 7.2, appropriate action will be determined in consideration of factors such as:
- 7.3.1 the nature of University Activities being undertaken; and/or
 - 7.3.2 requirements of the relevant jurisdiction; and/or
 - 7.3.3 the likely duration of the suspension; and/or
 - 7.3.4 the history of the Staff Member, Student or Affiliate's involvement with the University; and/or
 - 7.3.5 the University's reputation and commitment to the safety and wellbeing of Children; and may include notifying the Staff Member, Student or Affiliate of the expiry and requesting evidence of current WWC Card or WWC Clearance; or removing them from the relevant University Activity.

8 RECORD KEEPING

- 8.1** The Senior Officer is responsible for ensuring that records relating to WWC Checks are kept confidential in accordance with the *Policy: Privacy*.
- 8.2** A register of WWC Checks will be kept by each Senior Officer and used to monitor and track currency of WWC Clearances and WWC Cards of Staff Members, Students and Affiliates within their area of responsibility.

9 DEFINITIONS



- 9.1** For the purpose of this Procedure, the definitions outlined in the *Policy: Protecting Children* apply. In addition, the following definitions apply to this Procedure:

Senior Officer means:

- (a) in relation to Staff Members and Affiliates, the Chief People Officer;
- (b) in relation to Research activities, the PVC, Research (or delegate);
- (c) in relation to Students, the relevant Executive Dean in which the Student is enrolled;
- (d) in relation to Students involved in volunteering or community activities not forming a component of a course, the relevant Director (or equivalent).

| Version | Date of approval | Approved by | Amendment |
|---------|------------------|-----------------|---------------------------------|
| 1 | 23 April 2024 | Vice Chancellor | Effective date – new Procedure. |

10 PROCESS SUMMARY

| Process Step | Responsibility |
|---|---|
| <p>Assessment of need for WWC Check</p> <ul style="list-style-type: none"> • Assess staff member positions (Assess University Activities) requiring WWC Check in consultation with Faculty/business unit. <ul style="list-style-type: none"> ○ Positions flagged and identified on the Human Resource Management System. • Assess student requirement for WWC (Assess University Activities) • Ethics clearance for Research activities involving Children (Assess University Activities) <ul style="list-style-type: none"> ○ Recorded and identified. • Ensure that Students, Staff or Affiliates hold a WWC Check or WWC Clearance and that training is provided to partner organisations on expected behaviours and responsibilities to protect Children where University Activities are funded by Department of Foreign Affairs and Trade <ul style="list-style-type: none"> ○ Recorded and identified. • Assess the need for WWC Checks or National Police Certificate through risk management plans for events/other University Activities | <p>Relevant Senior Officer Chief People Officer</p> <p>PVC, Research (or Delegate) Executive Dean, Head of School</p> <p>DVC, International and Partnerships (or delegate)</p> <p>Relevant Senior Officer</p> |
|  | |
| <p>Apply for WWC Check and Inform of Change of Status</p> <ul style="list-style-type: none"> • Apply for WWC Check through relevant state government website where deemed a requirement • Inform the Senior Officer in writing of changes to WWC status, including suspension, removal, a negative notice issued, or expiry and of any changes to their police information. | <p>Staff Member, Student or Affiliate</p> |
|  | |
| <p>Monitoring and Recording, Acting on changes to Status</p> <ul style="list-style-type: none"> • Keep register of WWC Checks and ensure that the information is kept confidential in accordance with the <i>Policy: Privacy</i> • Monitor and periodically review the expiry dates for WWC Cards or WWC Clearances of Staff Members, Students or Affiliates within their areas of responsibility • Take appropriate action if a WWC Card or WWC Clearance has expired without evidence of a new Card or Clearance being provided, or when there has been a change of status | <p>Senior Officer</p> <p>Senior Officer</p> <p>Senior Officer</p> |