

Working With Children (WWC) Check Procedure

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Purpose

To enable the University to implement and administer the Working with Children Check Policy so as to meet the Victorian state government legislative requirements of the *Worker Screening Act 2020 (Vic)* 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 University.

Scope

This procedure applies to all employees, contractors and volunteers who are to be engaged in child-related work in the occupational fields or other areas that deliver education and services within the University's Victorian

campuses, that usually involves direct contact with a child or children. Employees who are registered under the *Victorian Institute of Teaching Act 2001* do not require a Working With Children Clearance.

Legislative Context

- Worker Screening Act 2020 (Vic)
- Worker Screening Regulations 2021 (Vic)
- [Federation University of Australia Act 2010](#)
- [Department of Justice - Working With Children Check.](#)
- [Education and Training Reform Act 2006.](#)
- Family Law Act 1975 (Cth)
- Family Law (Child Protection Convention) Regulations 2003
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children and Young Persons (Care and Protection) Regulation 2012 (NSW)
- Child Protection (Offenders Registration) Act 2000 (NSW)
- Children, Youth and Families Act 2005 (Vic)
- Worker Screening Act 2020 (Vic)
- Child Protection Act 1999 (Qld)
- Working with Children (Risk Management and Screening) Act 2000 (Current 01 March 2023) (QLD)
- Children and Young People (Safety) Act 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)

Definitions

Term	Definition
Assessment Notice:	As defined in the Working with Children Act 2005 which states that the person to whom the Notice has been issued has passed a working with children check.
Child/ren:	Any person/s under the age of eighteen years.
Child-related work:	Work involved in one or more of the occupational fields or other areas that deliver education and services that usually involves direct contact with a child or children. Child related work does not include incidental or occasional contact with child/ren.
Child safe recruitment practices:	Measures implemented throughout the recruitment process to ensure the safety and well-being of all children.
Criminal charge/s or offence/s:	Does not include traffic or civil charges or offences.
Direct contact:	Any contact between a person and a child/ren that involves face-to-face, physical, written, oral or electronic communication.
Engaged:	Includes employed.
Fee:	Means the costs of the WWC Check application including the cost of the passport size identification photo required for the application.

Interim Negative Notice:	Issued as prescribed under the Working with Children Act 2005 on an interim basis, pending further information whereby the individual does not meet the requirements necessary in order to be issued an Assessment Notice and a WWC Card.
Kinship Care:	Where a person is a family member or, other person of significance to a child or, the child is or has been placed in the out of home care of that person under the <i>Children, Youth and Families Act 2005</i> . Out of home care means care of a child by a person other than a parent of the child.
Interim Working with Children (WWC) Exclusion:	Issued as prescribed under the <i>Worker Screening Act 2020 (Vic)</i> on an interim basis, pending further information whereby the individual does not meet the requirements necessary in order to be issued a WWC Clearance and a WWC Card.
Media:	Means either in printed or electronic form and includes internet and intranet websites, email, social media sites, electronic storage devices such as DVD, CD, television and radio.
Negative Notice:	As defined in the Working with Children Act 2005 which states that the person to whom the notice has been issued has not passed a WWC Check.
Notice:	Means a WWC Clearance or an Interim WWC Exclusion or a WWC Exclusion as prescribed in the <i>Worker Screening Act 2020 (Vic)</i> .
Occupational Fields:	Including the following from 'Camps' to 'Youth Justice'.
	<p>Camps</p> <p>All overnight camps for children.</p>
	<p>Child Care Services</p> <p>Child care services including:</p> <ul style="list-style-type: none"> • centre-based long daycare • occasional care • family day care • in home care • outside school hours care
	<p>Child Employment Supervisors</p> <p>Supervision of a child in employment (where the child is under 15 years of age) pursuant to the <i>Child Employment Act 2003</i>.</p>
	<p>Children's Services</p> <p>Children's services under the <i>Children's Services Act 1996</i> and education and care services within the meaning of the Education and Care Services National Law (Victoria) including kindergartens or preschools.</p>
	<p>Clubs & Associations</p>

	Clubs, associations, or movements of a cultural, recreational or sporting nature.
	Coaching & Tuition Coaching or tuition services of any kind specifically for children.
	Counselling Services Counselling or other support services for children.
	Educational Institutions Educational institutions for children, specifically: <ul style="list-style-type: none"> • State schools (all primary, secondary, technical and special State schools), • non-Government schools (including all primary, secondary and special non-Government schools, • TAFE colleges and TAFE divisions of universities providing VCE and/or Victorian Certificate of Applied Learning VCAL subjects, • some adult education providers offering VCE and/or VCAL subjects, • other institutions providing children's study or training programs.
	Gym or Play Facilities Commercial gym or play facilities for children unless they are merely incidental to or in support of other business activities.
	Photography Services Commercial photography services for children unless they are merely incidental to or in support of other business activities.
	Religion Ministers of religion.
	School Crossings School crossing services.
	Student Exchange Programs Accommodation services specifically provided for students as part of a student exchange program under Part 4.5A of the <i>Education and Training Reform Act 2006</i> , including accommodation in a person's home such as a homestay arrangement.
	Talent & Beauty Competitions Commercial talent or beauty competitions for children unless they are merely incidental to or in support of other business activities.
	Transport Publicly-funded or commercial transport services specifically for children.

	Youth Justice Youth remand, residential, or justice centres, supervision units and probation services within the meaning of the <i>Children Youth and Families Act 2005</i> .
Prospective:	Means any person that is likely to be offered paid employment or engagement.
University:	Means 'Federation University Australia'.
Unsupervised:	Means not directly supervised.
Volunteer:	Means an unpaid engagement and unpaid student placement.
Work:	Means paid or unpaid engagement or employment.
Working with Children Check:	A legislative requirement and process of assessment as prescribed in the Worker Screening Act 2020 (Vic) and subsequent Regulations 2006.
Working with Children Card:	A card issued pursuant to the Worker Screening Regulations 2021 (Vic) which evidences that the holder has been given a WWC Clearance.
Working with Children (WWC) Clearance:	As defined in the <i>Worker Screening Act 2020 (Vic)</i> which states that the person to whom the notice has been issued has passed a working with children check
Working with Children (WWC) Exclusion:	As defined in the <i>Worker Screening Act 2020 (Vic)</i> which states that the person to whom the notice has been issued has not passed a WWC Check.

Actions

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 University, that usually involves direct contact with a child or children will be required to provide a WWC Clearance and/or WWC Card as prescribed in the *Worker Screening Act 2020 (Vic)*.

1. Holders of Volunteers WWC Clearance and WWC Card

A Volunteer WWC Clearance and/or WWC Card cannot be used for the purpose of paid employment or engagement.

A person who is a holder of a valid 'volunteer' WWC Clearance and/or WWC Card must apply for the WWC Clearance and WWC Card for paid employment or engagement.

2. Lodging a WWC Check application

To lodge a WWC application please visit www.workingwithchildren.vic.gov.au. It is the responsibility of each employee, contractor or volunteer to apply for, and obtain a WWC Card. The University will allow reasonable time for employees to renew their WWC Card during their normal paid hours of work.

3. WWC applications and renewals cost

All employees, contractors or volunteers will be required to fund the cost of their own applications and renewals.

The Department of Justice and Community Safety will assess and process applications or renewals and issue the appropriate Notice and WWC Card in accordance with the Worker Screening Act 2020 (Vic) and Worker Screening Regulations 2021 (Vic).

4. WWC Check/Renewal, record keeping and monitoring

Once an application or renewal is processed by the Department of Justice and Community Safety, a WWC Clearance and WWC Card, or an Interim WWC Exclusion or WWC Exclusion, will be issued to the individual with a copy to the organisation listed where the work is to be performed.

All employees, contractors or volunteers need to present evidence of WWC Clearance and/or WWC Card to the supervisor/manager, and a certified or signed as sighted copy to People and Culture.

Employees, contractors or volunteers are requested to carry the WWC Card on them at all times when conducting child related work.

Schools/Directorates will be able to obtain reports from People and Culture of WWC Clearance and/or WWC Card expiry dates.

It is the responsibility of the School/Directorate to advise holders of WWC Cards to renew their WWC Card at least four-months prior to expiry date.

For a contractor or volunteer, the WWC Clearance and/or WWC Card is required to be certified or signed as sighted by the direct supervisor/manager and confidentially stored by the School/Directorate. The School/Directorate will monitor WWC Card expiry dates and advise volunteer and contractor WWC Card holders to renew their WWC Cards four-months prior to the expiry date.

Where an Interim WWC Exclusion or WWC Exclusion is issued

- the employee must notify their Dean or Director in writing, who will advise People and Culture. People and Culture must sight the notice and determine any further action in consultation with the appropriate delegated officer; or
- a contractor or volunteer must notify the relevant Dean or Director in writing within seven-days. The Dean or Director will meet with the contractor/volunteer, sign the document as sighted, recording the date of issue on file and determine any further action, in consultation with the appropriate delegated officer.

5. Employment or engagement without WWC Clearance and/or WWC Card

Employees, contractors or volunteers who do not present a current WWC Clearance and/or WWC Card prior to being employed or engaged must not commence employment. If an application has been lodged, the employee, contractor or volunteer must not perform any child-related work.

Employees, contractors or volunteers will be provided with a four-week period to present a valid WWC Clearance and/or card, and two-weeks for casual or sessional employees. If they are unable to present at this time, the offer of employment may be terminated.

Any person who presents an Interim WWC Exclusion or WWC Exclusion, must not commence employment or engagement until they are able to present a valid WWC Clearance and/or WWC Card.

The University is not obligated to further delay commencement of employment or engagement pending the re-assessment and subsequent issue of an WWC Clearance and WWC Card.

Once an employee, contractor or volunteer has been employed or engaged they are expected to further disclose any future changes to their circumstances as per the *Disclosure During Period of Employment/Engagement* section in this procedure.

6. Valid Period of a WWC Check

A WWC Card will be valid for a period of five-years as prescribed in the *Worker Screening Act 2020 (Vic)*. An employee, contractor or volunteer cannot continue to do child related work once a WWC Clearance and WWC Card has expired.

A WWC Clearance and Card is transferable between positions, employers, or other engagement arrangements within the valid five-year period.

7. Disclosure during period of employment/engagement

Any future criminal charge/s will be monitored by the Department of Justice and Community Safety. Any new charge/s or conviction/s will result in a re-assessment of the WWC Check as per the *Worker Screening Act 2020 (Vic)*.

Where a employee, contractor or volunteer is provided notice by the Department of Justice and Community Safety that their WWC Check is to be re-assessed, they must notify their relevant Dean or Director, in writing within seven-days.

The notified employee, contractor or volunteer must be withdrawn from all child-related work, and cannot resume child-related work until such time as the re-assessment process is completed and issued with a WWC Clearance and valid WWC Card. The employee, contractor or volunteer is responsible for organising and paying for any re-assessment of their WWC Check.

Where the Dean or Director considers that the employee, contractor or volunteer should not be re-engaged in child-related work

- for an employee, the matter will be raised with the Director, People and Culture and the delegated officer to determine the next appropriate course of action; or
- for a contractor or volunteer, the matter will be raised with the delegated officer to determine the next appropriate course of action.

8. Non-compliance or issue of an Interim WWC Exclusion or WWC Exclusion

Where an employee, contractor or volunteer fails to comply with obtaining a WWC Check or receives an Interim WWC Exclusion or WWC Exclusion after a WWC Check has been conducted, the University may take any of the following actions:

- immediate cessation of their work in the child related work area;
- modify the work processes or duties associated with the child-related work conducted;
- re-design the position or work required;
- re-deployment; or
- termination of the employment or engagement.

9. Right of Appeal

If an Interim WWC Exclusion or WWC Exclusion is issued, the employee, contractor or volunteer has a right of appeal as specified in the *Worker Screening Act 2020 (Vic)*. The process for appeal is outlined on the Notice.

The employee, contractor or volunteer must not be engaged in any child-related work during the appeal period.

10. Re-applying or Renewing WWC Checks

It is the responsibility of the holder of a WWC Card to re-apply or renew a WWC Check three-months prior to the expiry date. The cost is the responsibility of the employee, contractor or volunteer.

11. Advising change of circumstances

An employee, contractor or volunteer must advise their Dean or Director in writing of any change of circumstances within seven-days. This includes but is not limited to:

- if the WWC Clearance and WWC Card has expired;
- if personal details or residential address has changed;
- if the person has moved from volunteer work to paid work;
- any relevant criminal charges or convictions;
- any non-conviction charges, other than by conviction or finding of guilt for serious sexual, violent or drug offences; or
- if the Department of Justice and Community Safety revokes the WWC Clearance and WWC Card after any re-assessment.

It is the responsibility of the holder of a WWC Clearance and WWC Card to advise the Department of Justice and Community Safety of any change of circumstance as outlined in Worker Screening Act 2020 (Vic), Section 20. Failure to do so may result in criminal penalties.

It is the responsibility of the holder of a WWC Clearance and WWC Card to notify the Department of Justice and Community Safety within 21-days of changes to personal details, employer, or volunteer organisation.

Supporting Documents

- [People and Culture Policy](#)
- Recruitment and Merit Selection Procedure
- [Child Safe Procedure](#)
- Child Safe Code of Conduct
- [Children in University Activities Procedure](#)
- [Information Privacy Procedure](#)
- Information Privacy Statement - Collection, Use and Disclosure of Personal Information
- Risk Management Policy
- [Fraud & Corruption Control Procedure](#)
- [Third Party Delivery of VET Training and Assessment Procedure](#)

External Documents

- [Working with Children Check Online Application Form \(Working with Children Check - Victoria\)](#)

- WWC Clearance (Department of Justice and Community Safety)
- Interim WWC Exclusion (Department of Justice and Community Safety)
- WWC Exclusion (Department of Justice and Community Safety)

Responsibility

Chief Operating Officer is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.

Director, People and Culture is responsible for maintaining the content of this procedure as delegated by the Approval Authority.

Records Management

Title	Location	Responsible Officer	Minimum Retention Period
WWC Check Application Form	Department of Justice	Senior Administrative Officer	5 Years
WWC Clearance (For employees)	Personal File, People and Culture	Director, People and Culture	5 Years
WWC Clearance (For contractors and volunteers)	Schools and Directorates	Deans or Directors	5 Years
Interim Negative or WWC Exclusion (For employees)	Personal File, People and Culture	Director, People and Culture	5 Years
Interim WWC Exclusion or WWC Exclusion (For contractors and volunteers)	Schools and Directorates	Deans or Directors	5 Years

Implementation

The Working with Children Check Procedure will be communicated and implemented across the University community by the following actions:

1. an Announcement Notice under '*FedNews*' on the University website and on the '*Policies and Procedures* website to alert the University-wide community of the approved Procedure;
2. on the internal People and Culture website explaining the WWC Checks in plain English using a 'Frequently Asked Questions' format; and
3. emails to Deans and Directors.