


DOCUMENT TYPE	D	 LA TROBE UNIVERSITY
ADMINISTRATIVE	5	
GOVERNANCE	1	
GOVERNANCE	3	
NUMBER	009	
		Policy Database Document Reference Number 513009D

WORKING WITH CHILDREN PROCEDURES – STAFF


Parent Policy Title	Working with Children Policy																																			
Associated Documents	Department of Justice Working with Children website Working with Children Check Guidelines																																			
Preamble	<p>The Working with Children Act 2005 (the Act) assists in protecting children from sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body.</p>																																			
General	<p>The Working with Children (WCC) Check is administered by the Victorian Department of Justice (DOJ) and checks a person's criminal history for serious sexual, violence or drug offences and findings from professional disciplinary bodies. A positive assessment from a WWC Check must be obtained before commencing paid or volunteer work in prescribed categories involving direct contact with a child that is not supervised.</p> <p>Academic staff with students under the age of 18 in their classes are exempt from the need to obtain a WWC Check.</p>																																			
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<p>1. Exemption from need to obtain WWC Check</p>	<ul style="list-style-type: none"> • People under the age of 18 years; • Parent volunteers whose child ordinarily participates in that activity (section 27 WWC Act 2005); • People 'closely related' to each child they have contact with in their child-related work' (section 28 WWC Act 2005); • Visiting workers who do not ordinarily live and perform child-related work in Victoria; • A teacher registered with the Victorian Institute of Teaching (section 30 WWC Act 2005); • Sworn police officers (who are not suspended from duty) (section 31 WWC Act 2005).
<p>2. The difference between a WWC Check and a police records check</p>	<p>The WWC Check is not the same as a standard police records check. A staff member undertaking child-related work or a person involved in a University-approved volunteer activity which involves working with children is required to undertake a WWC Check even if they have already undertaken a police records check.</p> <p>Unlike a police records check the Assessment Notice from a WWC Check is valid for 5 years (unless revoked) and during this time cardholders continue to be checked for new relevant offences (serious sexual, violent and drug offences) or disciplinary findings by professional registration bodies.</p> <p>A WWC Check may replace the need for a police records check, but this is determined by the University and the nature of the work. Both may be required.</p>
<p>3. Application for WWC Check</p>	<p>Application forms for WWC Checks are available from the Department of Justice if bulk quantities are required or from participating Australia Post outlets.</p> <p>Under the section marked Details of Organisation, employees or applicants for employment should provide details of the Faculty or Department in which they are or would be employed.</p> <p>The Table of Work-Related Areas will be required to be viewed in order to complete other sections of the form. The completed application form, proof of identity documentation, a passport size photo and any application fee should then be taken to a participating Australia Post outlet.</p> <p>The WWC Check is free for volunteers.</p> <p>Upon lodging an application, an individual will receive a unique Application Receipt Number from Australia Post. This number is evidence that the individual has submitted the application.</p> <p>Further information about the application process is available on the Department of Justice webpage</p>

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<p>4. Types of Assessment Notice</p>	<p>Once a WWC Check application has been processed by the DOJ, the individual will be given one of the following:</p> <ul style="list-style-type: none"> • An Assessment Notice (a Positive Assessment Notice) • An Interim Negative Notice OR • A Negative Notice
<p>5. Positive Assessment Notice</p>	<p>This type of Assessment Notice means that the individual has passed the WWC Check and may commence the relevant child-related work. The WWC Check card will be mailed to the individual 2 to 3 weeks later.</p>
<p>6. What does an Interim Negative Notice mean?</p>	<p>The Interim Negative Notice is sent to advise that the DOJ intends to give the individual a Negative Notice. This allows the individual time to submit a statement to the DOJ explaining why they believe they should pass the WWC Check.</p> <p>Individuals who receive an interim Negative Notice may not engage in child-related work while their application is being decided.</p> <p>A copy of the Interim Negative Notice will be sent to the relevant Faculty or Department by the DOJ.</p> <p>The Executive Director, People and Culture will manage the remainder of the process. See Working with Children – Recruiting and Working with Children – Existing Flowcharts.</p>
<p>7. What if a Negative Notice is received?</p>	<p>A Negative Notice means the individual has failed the WWC Check and cannot undertake child-related work.</p> <p>A copy of the Negative Notice will be sent to the relevant faculty or department by the DOJ.</p> <p>The Executive Director, People and Culture should be notified immediately and the processes outlined in the flowcharts Working with Children – Recruiting and Working with Children – Existing will be followed.</p>
<p>8. Appeals Processes</p>	<p>An individual receiving an Interim Negative Notice is given the opportunity to make a submission to the DOJ explaining why a Positive Assessment Notice should be issued.</p> <p>If a Negative Notice is received, the individual may appeal the decision to the Victorian Civil and Administrative Tribunal.</p>
<p>9. Who receives the WWC Check results?</p>	<p>The applicant for the WWC Check is sent the assessment notice in the mail. A copy of the assessment notice is sent by the DOJ to the relevant (nominated by the applicant) Faculty, School or Department.</p> <p>In the event of an interim negative notice or a negative notice, the accompanying letter to the Faculty, School or Department will not include information about an applicant's criminal history or about disciplinary findings.</p>

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10. Employee Responsibilities	<p>Existing La Trobe University staff who wish to undertake child-related work must:</p> <ul style="list-style-type: none"> • apply for a WWC Check by the required date and provide a copy of their WWC Check card to their supervisor and People and Culture; and • inform their supervisor and People and Culture in writing within seven days if they are issued with an Interim Negative Notice or Negative Notice.
11. Faculty or Department Responsibilities	<p>Faculties or Departments should:</p> <ul style="list-style-type: none"> • identify whether any of their staff or volunteers are required to apply for a WWC Check and notify them of this requirement • record an individual's Unique Application Receipt number, received when the individual lodges an application. • arrange for the employer copy of the WWC Check assessment notice to be scanned directly into the relevant personnel file and recorded on the SAP system.
12. Recruitment to a position involving child-related work	<p>When completing the required forms, the Faculty/Department must ensure that the requirement for a WWC Check is included.</p> <p>Position descriptions must also include the requirement.</p> <p>Candidates for the role are to be advised at the time of interview that the appointment is subject to obtaining a positive Assessment Notice following a WWC Check, and the process for applying for a WWC Check.</p> <p>A cautionary approach should be undertaken in the engagement of staff for duties outside of the core educational role of the University which may be likely to involve regular contact with children that is not directly supervised.</p> <p>Any queries concerning the requirement for a WWC Check for particular employee positions should be directed to People and Culture.</p>
13. Students' paid and volunteer work - Residential Services	<p>Students who are engaged in University approved work either on a paid (employee) or unpaid (volunteer) basis in the role of Residential Assistants within La Trobe University Residential Services facilities are required to obtain a valid positive Assessment Notice following a WWC Check prior to the commencement of such duties.</p> <p>La Trobe University Residential Services must check the currency of the WWC Check registration for students who are continuing in the role of Residential Assistant from year to year</p>
14. What to do in the event of delays in WWC Checks	<p>Where the WWC Check has not been completed prior to the commencement of employment as a result of a delay by the DOJ, an individual can commence employment provided that he or she has submitted an application for a WWC Check and received a Unique Application Receipt number.</p> <p>However, the individual's employment will not be confirmed if the individual receives an Interim Negative Notice or Negative Notice, and People and Culture will advise the applicant in writing that the offer of employment is subject to maintaining a valid positive Assessment Notice.</p>

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	The relevant faculty or department should confirm that an individual has applied for a WWC Check card by sighting the individual's Unique Application Receipt and require that the WWC Check card be sighted as soon as possible.
15. Cost of a WWC Check?	The WWC Check is free for volunteers however a charge is levied for paid employees – see the Department of Justice website for current charges at http://www.justice.vic.gov.au/workingwithchildren .
16. Storage and Destruction of Assessment Notices	People and Culture will maintain records of Assessment Notices on secure personnel files in accordance with the privacy provisions of the Information Privacy Act 2000 . The records may be accessed only by staff whose primary purpose is administration of the activities of staff or volunteers involved in child-related work.
Status	New
Approval Body	Council
Initiating Body	Executive Director, People and Culture
Definitions	Not applicable
Related other documents	Working with Children Act 2005 (and associated legislation)
Date Effective	To be determined.
Next Review Date	31 July 2011
Keywords	Working with children; staff; children; child-related work; employment
Owner/Sponsor	Executive Director, People and Culture
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