



Working With Children Check Procedure

1 Background

- 1.1 Pymble Ladies' College (the College) is committed to providing a safe and supportive environment for staff, students and visitors to the College. It recognises that both individuals and the College have a range of different obligations relating to the safety, protection, wellbeing and welfare of students.
- 1.2 The purpose of this procedure is to set out staff responsibilities for child protection and processes that staff must follow in relation to working with children check matters.

2 Purpose

- 2.1 This procedure applies to all staff members, which includes employees, contractors, volunteers and visitors associated with the activities of the College.
- 2.2 Staff members who fail to adhere to this procedure may be in breach of their terms of employment.
- 2.3 There are a number of other College Policies that relate to child protection including, but not limited to the:
 - *Staff Code of Behaviour* that outlines the standard of behaviour expected
 - *Work Health and Safety Policy* that identifies obligations imposed by work health and safety legislation
 - *Discrimination, Harassment and Workplace Bullying Policy* that summarises obligations in relation to unlawful discrimination, harassment and bullying
 - *Anti-Bullying Policy (Students)*
 - *Grievance and Dispute Resolution Policy* that sets out the expectations and management of grievances and disputes
 - *Complaints Policy* that sets out the framework for raising and managing complaints.

3 Definitions

- 3.1 In the context of this document definitions have been defined in accordance with the legislation and are in the relevant sections below.

4 Procedure

4.1 General

4.1.1 The *Child Protection (Working With Children) Act 2012 (WWC Act)* protects children by requiring a worker to have a Working With Children Check (WWCC) clearance or current application to engage in child-related work. Failure to do so may result in a fine or imprisonment.

4.1.2 The Office of the Children's Guardian (OCG) is responsible for determining applications for WWCC clearance. It involves a national criminal history check and review of reported workplace misconduct findings. The result is either to:

- Grant a WWCC clearance (generally valid for 5 years) or
- Refuse a WWCC clearance (further applications cannot be made for 5 years).

In addition, the OCG may impose an interim bar on engaging in child-related work for both applicants and WWCC clearance holders.

WWCC clearance holders are subject to ongoing monitoring by the OCG, and any relevant new records which appear may lead to the WWCC clearance being cancelled.

4.2 Responsibilities

4.2.1 Staff members and eligible volunteers (including those volunteers working at overnight camps) who engage in child-related work are required to:

- Hold and maintain a valid WWCC clearance
- Not engage in child-related work at any time that they are subjected to an interim bar or a bar
- Report to the Principal if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OCG that they are subjected to a risk assessment
- Notify the OCG of any change to their personal details within 3 months of the change occurring. Failure to do so may result in a fine
- Be aware and follow the expectation of conduct expressed in the *College Staff Code of Behaviour*.

It is an offence for an employee to engage in child-related work when they do not hold a WWCC clearance or has a bar or an interim bar.

4.2.2 All volunteers are required to hold a current Volunteers WWCC clearance, only if they are working directly with students unsupervised by a *Pymble* staff member.

4.2.3 The College is required to:

- Verify online and record the status of each child-related worker's WWCC clearance
- Only employ or engage child-related workers or eligible volunteers who have a valid WWCC and

- Advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct, a finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred to the OCG Working With Children Check Directorate (WWCC Directorate).
- Register and maintain registration online as a child-related employer on the NSW Children’s Guardian website
- Before engaging a new staff member, volunteer or contractor (as required), verify – using the online verification system – that each worker who carries out, or is to carry out, child-related work for the College either is the holder of a WWCC clearance that authorises their work or that they have made a current application to the NSW Children’s Guardian for a WWCC. Paper evidence of a clearance or an application from the worker is not acceptable, because they may have been barred.
- Verify a worker’s WWCC clearance, within five working days after the WWCC clearance expires at the end of every five-year period
- Keep records for each worker to whom the WWCC applies, including:
 - full name
 - date of birth
 - WWCC number verification date
 - verification outcome
 - expiry date
- Not employ, in either paid or non-paid child-related work, a person if the outcome of their online verification is:
 - barred
 - interim barred
 - not found
- Remove, immediately upon being notified, any barred, interim barred or not found persons from child-related work
- Notify the NSW Children’s Guardian if a staff member, Volunteer or Contractor who holds a WWCC clearance receives an adverse finding in relation to an allegation of misconduct that is the subject of a Mandatory Report

It is an offence for an employer to knowingly engage a child-related worker who does not hold a WWCC clearance or who has a bar or an interim bar on child-related work.

Reporting and/or a Reportable Conduct notification will trigger a risk assessment by the NSW Children’s Guardian and a review of the individual’s WWCC.

4.3 Working with Children Check (WWCC) Clearance

- 4.3.1 A WWCC clearance is authorisation under the WWC Act for a person to engage in child-related work.

4.4 Child-related work

- 4.4.1 Child-related work includes direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work. It includes but not limited to work in the following sectors:

- Early education and childcare including education and care service, childcare centres and other childcare
- Schools and other educational institutions and private coaching or tuition of children
- Religious services
- Residential services including boarding schools, homestays more than three weeks, residential services and overnight camps or
- Transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings, and
- Counselling, mentoring or distance education not involving direct contact.

Any queries about whether roles/duties engage in child-related work should be directed to the Principal.

4.5 **Application or Renewal**

- 4.5.1 An application or renewal can be made through Service NSW or its replacement agency. The process for applying for and renewing a WWCC clearance with the OCG involves a national police check and review of findings of misconduct.
- 4.5.2 If the OCG grants or renews a WWCC clearance the holder will be issued with a number which is to be provided to the College to verify the status of the WWCC clearance of the staff member.

4.6 **Refusal or Cancellation**

- 4.6.1 The OCG can refuse to grant a WWCC clearance or cancel a WWCC clearance. The person is then restricted from engaging in child-related work and not able to apply for another clearance for five years.
- 4.6.2 Employers are notified by the OCG and instructed to remove such persons from child-related work.

4.7 **Interim Bar**

- 4.7.1 The OCG may issue an interim bar, for up to 12 months, to high risk individuals to prevent them from engaging in child-related work while a risk assessment is conducted. If an interim bar remains in place for six months or longer, it may be appealed against through the Administrative Decisions Tribunal.
- 4.7.2 Not everyone who is subject to a risk assessment will receive an interim bar, only those representing a serious and immediate risk to children.

4.8 **Disqualified person**

- 4.8.1 A disqualified person is a person who has been convicted, or against whom proceedings have been commenced for a disqualifying offence outlined in Schedule 2 of *WWC Act*. A disqualified person cannot be granted a WWCC clearance and is therefore restricted from engaging in child-related work.

4.9 **Ongoing Monitoring**

4.9.1 The OCG will continue to monitor criminal records and professional conduct findings of all WWCC clearance holders through a risk assessment process.

4.10 **Risk assessments**

4.10.1 A risk assessment is an evaluation of an individual's suitability for child-related work.

4.10.2 The OCG will conduct a risk assessment on a person's suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence under Schedule 1, pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children and findings of misconduct involving children.

4.11 **Process for reporting to OCG**

4.11.1 Independent Schools are defined as a reporting body by the *WWC Act*.

4.11.2 The College is required to advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct. A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred to the OCG *WWCC Directorate*, if it meets the threshold for consideration of an interim WWCC bar, as per Section 17 of the *WWC Act*, pending a formal risk assessment.

4.11.3 The College may also be obliged to report, amend or provide additional information to the OCG as outlined in the *WWC Act* and the *Children's Guardian Act*.

4.12 **Findings of misconduct involving children**

4.12.1 The College will report any finding of reportable conduct to the OCG.

4.12.2 When informing an employee of a finding of reportable conduct against them, the College should alert the employee to the consequent report to the *WWCC Directorate* in relation to sustained findings of sexual misconduct, a sexual offence or a serious physical assault.

4.12.3 The *WWC Act* enables a person who has a finding referred to the OCG to request access to the records held by the College in relation to the finding of misconduct involving children, once final findings are made.

4.12.4 The entitlements of a person to access information in terms of Section 46 of the *WWC Act* is enlivened when a finding of misconduct involving children has been made.

4.12.5 A request for records should be made directly to the OCG.

4.12.6 The College may also be required to provide information to the OCG that is relevant to an assessment of whether a person poses a risk to the safety of children or as part of the OCG's monitoring functions.

4.13 **Staff Responsibilities**

- 4.13.1 Prior to commencing work at College, new Staff who are required to hold a WWCC clearance but who have not previously applied for or held a WWCC must present their WWCC Application Number and proof of full name and date of birth to the College so that the College can verify with the NSW Children's Guardian that a WWCC application has been made.

Upon receiving a Clearance, or when renewing an existing WWCC clearance, the relevant staff member must present their WWCC number and proof of full name and date of birth to the College so that College can verify the information online with the NSW Children's Guardian.

Each individual is responsible for applying for, and renewing, their own WWCC. The College, as an employer, cannot apply on behalf of a worker.

Any individual whose WWCC is suspended during a reassessment must immediately notify the College and stop working with children.

4.14 **Volunteer and Contractor Responsibilities**

4.14.1 **Direct Contact and Casual Volunteers**

A volunteer is a person who works without payment or financial reward for the College. Volunteers may be family members of students, or from the wider College or local community. Volunteers make a considerable contribution to the College community by giving their time and sharing their skills and expertise with others. Pymble Ladies' College has identified two different categories of Volunteers, based on the level and frequency of their interaction with students.

Volunteers' responsibilities and obligations under the Child Protection Policy may depend on their category.

The categories of Volunteer are:

- Direct Contact Volunteers
- Casual Volunteers

Where the term "Volunteer" is used, it captures Direct Contact Volunteers and Casual Volunteers.

4.14.2 **Direct Contact Volunteer (required to hold a WWCC clearance)**

Direct Contact Volunteers are individuals who provide volunteer services to the College where, in the normal course of providing the services, they could potentially have direct contact with students in circumstances where:

- they may be left alone, one-on-one, with a student (for example, 1:1 tutoring or learning support);

- or a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, coaching a sports team, helping with a drama production, or regularly working in a canteen or library);
- or a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, responsibility for a group of students during an excursion without a member of Staff present).

Examples of Direct Contact Volunteers include individuals who:

- attend a College camp or excursion
- assist a student during a learning activity
- assist a student to complete tests or exams (e.g. as a scribe or reader)
- coach, manage, or assist with the coaching or managing, of sports at the College
- assist with theatre or music productions
- tutor, or assist with the tutoring of, a student in extracurricular activities such as music, choir or debating
- Boarding student host.

Due to the nature of Direct Contact Volunteers' contact with students, they will have more comprehensive child protection responsibilities and obligations within our Child Protection Policy and are therefore required to hold a WWCC clearance.

4.14.3 **Casual Volunteer (not required to hold a WWCC clearance)**

Casual Volunteers are individuals who provide infrequent volunteer services to the College, during which they may have indirect or limited contact with students, but only in circumstances where they:

- they are supervised by *Pymble* staff and not left alone, one-on-one, with a student;
- or a reasonable person would not consider the contact to enable the individual to form a relationship of trust with a student;
- or a reasonable person would not consider the contact to create a risk to the safety of a student.

Examples of Casual Volunteers include individuals who, in the circumstance described above, volunteer infrequently:

- on a stall at a College fair
- on a College BBQ at a sporting event
- in a College canteen
- in the College administrative office.

Due to the limited nature of Casual Volunteers' contact with students, they do not have the same comprehensive role, responsibilities and obligations as College staff members or Direct Contact Volunteers. WWCC clearances will not be required for Casual Volunteers.

4.15 Contractors

On occasion it may be necessary for the College to engage outside, independent contractors to perform specific tasks. These Contractors are not employees of Pymble Ladies' College. Contractors may include, for example, maintenance and building personnel, catering and kitchen staff, consultants, tutors, sports coaches and cleaners. Pymble Ladies' College has identified three different categories of Contractors, based on the level and frequency of their interaction with students. Contractors' responsibilities and obligations under the Child Protection Policy may depend on their category. These categories are:

- Direct Contact Contractors
- Regular Contractors
- Casual Contractors

Where the term "Contractor" is used, it captures Direct Contact Contractors, Regular Contractors and Casual Contractors.

4.15.1 Direct Contact Contractor

Direct Contact Contractors are individuals who provide contractor services to the College where, in the normal course of providing the services, they could potentially have direct contact with students in circumstances where:

- they may be left alone, one-on-one, with a student (for example, 1:1 tutor or learning support); or
- a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, casual teacher, coach of a sports team, music tutor, canteen worker, regular maintenance worker); or
- a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, casual teacher, music tutor).

Examples of Direct Contact Contractors may include:

- maintenance workers who regularly work at times when students are present
- catering and kitchen staff
- tutors
- specialist music or drama teachers
- casual teachers
- sporting team coaches
- outdoor education specialists
- physical education service providers.

This also includes music tutors and other extra-curricular tutors and instructors who are engaged by students and their families directly, rather than the College, but have an agreement with the College to use the College's facilities.

Due to the nature of Direct Contact Contractors' contact with students, they will have more comprehensive child protection responsibilities and obligations within our *Child Protection Policy*. These obligations are outlined in a number of ways, including in the College's standard contract terms and conditions; the Contractor Handbook, which includes contractor induction and training requirements; and for major contracts with external organisations (such as for cleaning and catering), the regular business reviews required under the contract which include audits of compliance with child protection mandatory obligations.

4.15.2 Regular Contractor

Regular Contractors are individuals who provide frequent contractor services to the College, and are not Direct Contact Contractors. They may have some indirect or limited contact with students when providing their services.

Examples of Regular Contractors may include:

- consultants
- umpires, referees or linesmen at sporting events
- maintenance workers who regularly work at times when students are not expected to be present
- regular caterers.

Due to the regular nature of Regular Contractors' attendance at the College or College events, even though their contact with students may be indirect or limited, they will have some child protection responsibilities and obligations within our *Child Protection Policy*, including induction, training and monitoring of compliance as required.

4.15.3 Casual Contractor

Casual Contractors are individuals who provide infrequent contractor services to the College, during which they may have indirect or limited contact with students, but only in circumstances where:

- they are not left alone, one-on-one, with a student; and
- a reasonable person would not consider the contact to enable the individual to form a relationship or trust with a student; and
- a reasonable person would not consider the contact to create a risk to the safety of a student.

Examples of Casual Contractors may include individuals who infrequently:

- provide one-off emergency maintenance work
- give a speech, performance or presentation at the College
- provide assistance with activities at a College sports day (e.g. lifeguards).

Due to the limited nature of Casual Contractors' contact with students, they do not have the same comprehensive role, responsibilities and obligations as College staff members or Direct or Regular Contact Contractors.

4.16 External Education Providers

An External Education Provider is any organisation that the College has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. This may include:

- another registered school
- a government school including
- the Open High School
- Distance Education Centres TAFE Colleges
- Registered Training Organisations (RTOs)
- other external providers with appropriate scope of registration, qualifications and expertise.

The delivery of such a course may take place on College premises or elsewhere. For the purposes of our Child Protection Program, External Education Providers are considered Direct Contact Contractors.

5 Guidelines

5.1 Nil

6 Responsibilities

6.1 Chair of the Board

6.2 Principal

7 Related Documents

7.1 Child Protection Policy

7.2 Mandatory Reporting Procedure

7.3 Reportable Conduct Procedure

7.4 Staff Code of Behaviour

7.5 Work Health and Safety Policy

7.6 Discrimination, Harassment and Workplace Bullying Policy

7.7 Anti-Bullying Policy (Students)

7.8 Grievance and Dispute Resolution Policy

7.9 Student Code of Behaviour Policy

7.10 Complaints Policy

8 Authorisation

8.1 Principal

8.2 Chair of the Board

This document is uncontrolled if printed. Please refer to the Portal for the most current version.

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