

# WORKING WITH CHILDREN CHECK

## POLICY

### Purpose

Schools are required to exercise their legal obligations in regard to suitability checks, including Working with Children Checks for adults who work with children at schools, and for work undertaken by school visitors and volunteers.

### Policy

In order to adequately discharge their duty of care schools are legally required to take reasonable steps to minimise the risks of reasonable foreseeable harm to their students: see Duty of Care

Schools and school councils are bound by laws that require a Working With Children Check (WWC Check) for adults undertaking child-related work in a school, and must adhere to Department policies regarding suitability checks for employees, visitors and volunteers.

Schools and school councils are also required to establish and implement school-level policies and procedures to assess and verify the suitability of adults who engage in child-connected work.

Working with Children Checks are required by law only for people who engage in child-related work, unless an exemption applies (e.g. parent supervising their own child, Victorian Institute of Teaching (VIT) registered teacher, police officer).

However, the law only sets out the minimum requirements for who must have a WWC check and schools can require, as school policy, that other people who will be attending the school as visitors, volunteers, employees or contractors to have a WWC check.

To assist in determining whether a person (employee, volunteer, visitor) will be engaged in child-related or child-connected work, and thus what suitability checks may be appropriate, see:

### Suitability Check Flowchart for Schools

### Definitions

Child-related work:

- Involves an adult working with under 18 years old (both paid and unpaid work);
- Having direct contact with children (physical, face-to-face, written, oral or electronic contact) and;
- Is a usual part of the person's duties (and is not occasional or incidental to their work).

A WWC Check is required for anyone engaging in 'child-related work' regardless of whether contact with a child is supervised by another person or not. This means even if a volunteer or visitor is supervised by a teacher, they must still have (and provide evidence of) a WWC Check if they intend to engage in 'child related work'.

A WWC Check is not legally required if the person:

- Qualifies for an exemption (e.g. Victorian Institute of Teaching (VIT) registered teacher, police officer, parent whose child is participating or ordinarily participates in the relevant activity, or person working with a child who is closely related to them)
- Is supervising a student in practical training organised by their educational institution
- Takes part in an activity with a child in the same way that a child participates. e.g. as other players in a chess team.
- For more guidance on when a WWC Check is legally required, see the [Working with Children Check](#) website.

### **Child-connected work**

More broadly defined than child-related work, child-connected work is authorised by the principal, school council or Department and performed by an adult in a school environment (including online and school camps) when children are present or reasonably expected to be present.

For child-connected work, it is up to each school to determine whether they will require WWC Checks for individuals, based on the nature of the person's interaction with children. Each school is unique and what checks are required should reflect the risks of each individual school setting, the school community and what duties the individual will be performing.

Schools are encouraged to develop their own specific policies and practices, keeping in mind the broad intent of the Child Safe Standards to embed a child safe culture that has zero tolerance for child abuse.

Note: Suitability requirements for both child-related and child connected work apply to adult volunteers and visitors to the school, including contractors.

### **Assessing suitability**

In assessing what suitability checks should be made, schools should consider what (if any) level of risk is acceptable or reasonable in the circumstances, and adopt appropriate risk mitigation strategies. Strategies may include:

Considering how much time the individual spends on school premises to perform their work while children are present

Considering whether the individual will be able to move freely around the school without staff members accompanying them or in close proximity to staff members

Adding a clause in contractor service agreements about the need to comply with the Child Safe Standards

taking reasonable precautions to supervise individuals, including their contact with children, where this is considered necessary.

The table below identifies scenarios that may warrant consideration of suitability checks.

Category	Work examples	Suitability check requirements
<b>Child-Related Activities</b>	<p><b>Activities</b></p> <ul style="list-style-type: none"> <li>▪ Attendant care</li> <li>▪ School camps</li> <li>▪ Excursions (including swimming)</li> <li>▪ Literacy and numeracy support</li> <li>▪ Homework clubs, breakfast lunch clubs and other student support activities</li> <li>▪ Distance education</li> </ul> <p><b>Positions</b></p> <ul style="list-style-type: none"> <li>▪ Classroom / library assistant</li> <li>▪ Sporting / musical and other extracurricular coaches</li> <li>▪ Canteen and uniform shop assistant</li> <li>▪ Allied health / NDIS therapists</li> <li>▪ Department staff who are working with children</li> <li>▪ Special Religious Instruction practitioners</li> <li>▪ Distance education</li> </ul>	<p>WWC Required:</p> <p>Other suitability checks may be required including:</p> <ul style="list-style-type: none"> <li>▪ Proof of personal identity</li> <li>▪ Proof of professional qualifications</li> <li>▪ History of working with children</li> <li>▪ Reference checks.</li> </ul> <p>NOTE: Parents are legally exempt from the requirement to hold a WWC check when volunteering in an activity in which their child normally participates. In this instance requiring a WWC Check is at the discretion of the school - but is recommended where the parent is regularly involved in the volunteer activity and working directly with children, and/or the nature of the activity poses a higher risk, e.g. overnight camps, swimming or activities involving close contact, etc.</p>
<b>Child-Connected Activities</b>	<p><b>Activities</b></p> <ul style="list-style-type: none"> <li>▪ Fete / fundraising activities</li> <li>▪ Working bee assistance (outside school hours)</li> <li>▪ Parents and friends clubs</li> </ul> <p><b>Positions</b></p> <ul style="list-style-type: none"> <li>▪ External tradespeople, e.g. gardening, building and grounds maintenance</li> </ul>	<p>WWC Required:</p> <p>School level decision as to what suitability checks are required but a WWC check is recommended where the visitor/volunteer will regularly be present at the school and/or children can reasonably be expected to be present.</p>

### **Information gathering for the purposes of assessing suitability**

Under legislation schools must make reasonable efforts to gather, verify and record information about a person who they are proposing to engage in child-connected work, in accordance with legal requirements and the school's own policy. This may include:

- Confirming identity e.g. drivers licence or other photo identification
- WWC Check
- VIT teacher registration
- Confirming professional qualifications
- National Police Record Check
- Personal references that address the persons suitability for the job and working with children.

### **Related policies**

- [Child Safe Standards](#)
- [Reportable Conduct Scheme](#)
- [Visitors in Schools](#)
- [Volunteers in Schools](#)

### **Related legislation**

- Education and Training Reform Act 2006
- Ministerial Order 870
- Working with Children Act 2005

### **Department resources**

- [PROTECT children](#) resources
- [Recruitment in Schools](#) (HRWeb)
- [Registration requirements for schools](#) - Visitors in Schools sample policy
- [Suitability for Employment Checks](#) (HRWeb)

### **Other resources**

[Working with Children Check](#)- Department of Justice and Regulation

### **Evaluation:**

This policy will be reviewed as part of the school's three-year review cycle.

This policy was last ratified by School Council in....

**August 2017**