

WORKING WITH CHILDREN AND SUITABILITY CHECKS



PURPOSE

Chiltern Primary School is committed to ensuring that Employees in the principal class, teacher class and paraprofessional class are employed pursuant to the *Education and Training Reform Act 2006* and are required to have valid and current registration with the Victorian Institute of Teaching as a condition of employment.

A prospective employee who is registered with the Victorian Institute of Teaching is exempt from the Act and does not require a WWC Check.

Principals are required to sight a prospective employee's Victorian Institute of Teaching registration card to determine whether a criminal record check has been conducted by the Victorian Institute of Teaching. The letters CRC will appear on their registration card. They will not be required to undergo a criminal record check conducted by the Department.

SCOPE

Education support class employees must demonstrate their suitability for employment by providing evidence of a WWC Check and Assessment Notice.

The Principal and Business Manager are required to sight and retain a record of the employee's WWC Check unique number.

Chiltern Primary School will consider it to be an offence under the Act to engage in 'child-related work' without a current WWC Check.

Clause 3.2.3 of Ministerial Order 1038 provides that any position that usually involves, or is likely to involve work in a school, other than if the position requires the incumbent to undertake the duties of a teacher, is subject to the person providing evidence that the person has had a WWC Check and holds a valid Assessment Notice under the Act.

Chiltern Primary School may terminate employment if an employee fails to provide the delegate with an Assessment Notice when required. Termination must not occur fewer than 14 days after the delegate has notified the employee, to provide the Assessment Notice.

Clause 3.2.9 provides that if an employee surrenders an Assessment Notice or is issued with a Negative Notice under the Act their employment ceases. The delegate must notify the employee of this in writing.

If the employee appeals the issuing of the Negative Notice to the Victorian Civil and Administrative Tribunal and is issued with an Assessment Notice the cessation of their employment is deemed to have no effect. The person must then be reinstated. This involves entitlements regarding back-pay, recognition of continuous service and has implications for the filling of the position prior to the outcome of the appeal being known.

The Employee Conduct Branch should be contacted for advice and assistance in relation to the procedures to be undertaken when Assessment Notices are not provided when required or when employees are issued with an Interim Negative Notice or Negative Notice under the Act.

CASUAL RELIEF TEACHERS

Chiltern Primary School requires that all casual relief teachers are to be registered with the Victorian Institute of Teaching. Accordingly they qualify for an exemption from the Act and do not require a WWC Check.

OTHER CASUAL EMPLOYEES

Casual employees in schools, other than casual relief teachers, are required to demonstrate their suitability for employment by undergoing a WWC Check and/or a criminal record check conducted by the Department.

Not all casual employees in schools will be required by the Act to undergo a WWC Check; it will depend on whether their duties meet the definition of 'child-related work' as defined in the Act.

The Principal and Business Managers will contact the Employee Conduct Branch on 9637-2594 for advice on whether the duties to be performed by a casual employee meet the definition of 'child-related work'. Additional advice can be obtained from the Working with Children Unit within the Department of Justice and Regulation, telephone 1300 652 879.

As the Executive Officer of the School Council, the principal retains the authority to require a casual employee to undergo a criminal record check conducted by the Department and should do so if it is considered relevant to the duties being undertaken.

VOLUNTEERS

Chiltern Primary School will ensure volunteers undergo a criminal record check. Chiltern Primary School will establish and implement policies to assess and verify the suitability of volunteers who will work with children including requiring all volunteers to provide evidence of their suitability. This evidence is generally a WWC Check however, in addition to a WWC Check Chiltern Primary School may also consider it necessary that a criminal record check is conducted through the Department. This may occur when possible offences are relevant to the duties of the volunteer, for example dishonesty offences, which are not part of the WWC Check. The school covers the cost of the criminal record check.

As the Executive Officer of the School Council, the Principal retains the authority to require a potential volunteer to undergo a criminal record check irrespective if the volunteer is exempt from the Act. For instance a parent attending an overnight camp with their child may be exempt from requiring a WWC Check, however the School Council may determine that any person attending an excursion or camp must have either a WWC Check or have undergone a criminal record check conducted by the Department. Chiltern Primary School, School Council will ensure their criminal record check policy reflects this authority.

Although the Act exempts a parent whose child ordinarily participates in the activity this does not preclude schools from adopting a blanket policy requiring all volunteers to have a WWC check..

CONTRACTORS

The Principal and Business Manager will assess the duties to be performed by contractors to determine whether they constitute 'child-related work' and will therefore require a WWC Check based on the requirements of the Act.

However they also need to be satisfied that people present in Department workplaces are not a risk to the safety of children irrespective of whether the Act requires them to have a WWC Check or not.

Even though they may not be performing 'child related work' contractors such as IT Technicians, gardeners, maintenance staff and cleaners should have a current WWC Check as they are frequently in schools during normal school hours.

The Principal and Business Manager will contact the Employee Conduct Branch on 9637-2594 for advice in relation to the requirements on contractors both generally and on a case by case basis where any uncertainty exists.

Further Information and Assistance

Further information and assistance on the policies and procedures for determining suitability for employment (paid or voluntary) within the Department of Education and Training can be obtained from the Employee Conduct Branch, telephone 9637-2594, email employee.conduct@edumail.vic.gov.au.

Further information on the WWC Check can be obtained from the Working with Children Unit within the Department of Justice and Regulation, telephone 1300 652 879 or visit their website at:

www.justice.vic.gov.au/workingwithchildren

REVIEW CYCLE

This policy was Tabled at School Council and updated April 2019