

# Working with Children and National Police Check Policy

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<b>Responsible Officer:</b>	Executive Director People & Culture	<b>Current Version:</b>	25/05/2021
<b>Authorised Officer:</b>	CEO	<b>Due for review</b>	Biennial (25/05/2023)

## Purpose

This policy has been developed to ensure GOTAFE meet the requirements contained within the *Working Screening Act 2020 (Vic)* (*the WS Act*).

This Policy is to be read in conjunction with GOTAFE's **Working with Children and National Police Check Procedure [OD2P143]**, which provides detailed guidance on appropriate courses of action.

This Policy also sets out the requirement for National Police Check (NPC) for all employees of GOTAFE on commencement.

## Roles and Responsibilities

This policy applies to all GOTAFE's existing, new and prospective employees, contractors and volunteers and applies across all areas and activities of GOTAFE.

## Definitions

Term	Definition
Child/Children	A person/s under 18 years of age
Child-related work	Means work where there is direct contact with children, and that contact is part of a person's duties. However, work is not child-related work by reason of occasional direct contact with children that is incidental to the work. i.e. a Contractor being engaged to fix a leaky tap does not require a WWC clearance, as their work is incidental to, not primarily related to child-related work.
Contractor	Means any individual engaged by GOTAFE or a third-party to perform work for GOTAFE, who is engaged in child-related work, as defined. If the Contract work does not involve child-related work or is within areas of GOTAFE where interaction with students is incidental to performing that work, then they will not require a WWC clearance.
Direct contact	Means any contact between a person and a child that involves face to face or physical contact, oral, written or electronic communication.
Employee	Means permanent, sessional, casual, trainees (over 18) and labour hire employees.

Labour Hire Employee	The term applied to the provision of outsourced workers engaged for short- or long-term positions. They are employed by the labour hire company.
National Police Check (NPC)	Means a National Police Check obtained from Victoria Police or a similar agency.
Volunteer	Includes unpaid engagement and unpaid student placement.
Working with Children clearance (WWC)	A legislative requirement and process of assessment as prescribed in <i>the WS Act</i> and subsequent Regulations 2021. An Employee WWC clearance and a Volunteer WWC clearance are the same, however, you are required to pay for an employee WWC clearance if you are doing paid child-related work. Penalties apply if you have the incorrect check.
Working with Children clearance card (Card)	A card issued by the Department of Justice and Community Safety which evidences that the holder has been given a WWC Clearance.

## Policy

### Working with Children Check

GOTAFE aims to ensure compliance with the requirements of *the WS Act* and its regulations.

GOTAFE requires all existing, new and prospective employees, contractors and volunteers engaged in child-related work to undergo or to have undergone a WWC check conducted by the Department of Justice and Community Safety.

Under *the WS Act*, it is the responsibility of employees to obtain a WWC clearance and card prior to engaging in work of the kind covered by *the WS Act*. Severe penalties apply to individuals, including Managers, who do not comply with the requirements of *the WS Act*. As part of this, GOTAFE is committed to implementing systems and processes to advise Managers and their employees of WWC clearance expiry dates. This is to include system generated prompts and reports to ensure compliance.

In the case of an employee or volunteer receiving a WWC exclusion, GOTAFE will undertake any steps necessary to ensure the health and safety of children.

The WWC clearance is valid for five (5) years or as otherwise amended by legislation. It is the responsibility of each employee, contractor and volunteer to fund their WWC clearance.

All employment contracts are subject to a satisfactory WWC clearance. The requirement to obtain a WWC clearance will be specified during the recruitment process.

### National Police Check

New employees are also required to obtain a separate National Police Check prior to commencement. This is done as part of GOTAFE's ongoing commitment to Fraud and Corruption Management, and the protection of the GOTAFE community from individuals who may be considered unsuitable under the circumstances.

It is the responsibility of each employee, contractor and volunteer to fund their initial National Police Check. All employment contracts are subject to a satisfactory check. The requirement to obtain a NPC will be specified during the recruitment process.

Mandatory National Police Checks will be organised, undertaken and funded by GOTAFE. Employees in the specified areas of Finance, Payroll, Procurement or any employee with a financial delegation will undertake a mandatory National Police check on an annual basis, all other employees will be required to undertake a mandatory check on a biannual basis.

### **Record Keeping**

The collection, recording and storage of WWC clearance information will be the dual responsibility of each respective Manager and Human Resources, and will be done in accordance with GOTAFE's ***Privacy and Freedom of Information Policy [OD7]*** and any other relevant legislative requirements.

All hard copy National Police Checks will be destroyed upon the date of citation, after this date, reference number and Police Check provider information is entered into the Institute's Human Resource Information System.

### **Documentation and Regulation**

- *Working With Children and National Police Check Procedure – OD2-P143*
- *Employee Code of Conduct Policy – POHR14*
- *Discipline Policy for PACCT Staff – CS34*
- *Discipline Policy for Employees Other Than PACCT Staff – CS11*
- *Privacy and Freedom of Information Policy – OD7*
- *Trainer and Assessor Qualifications Procedure PRED-177*
- *Worker Screening Act 2020 (Vic)*
- *Public Administration Act 2011*
- *Equal Opportunity Act 1995*
- *Human Rights and Equal Opportunity Act 1986*