

Working with Children and National Police Check Policy

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Responsible Officer:	Head of Employee Experience	Current Version:	22/11/2024
Authorised Officer:	Executive Director People & Culture	Due for review	Biennial (22/11/2026)

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, contractors, board members and volunteers of GOTAFE on commencement.

Roles and Responsibilities

This policy applies to all GOTAFE's existing, new and prospective employees, contractors, board members 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. For the avoidance of doubt this also includes Consultants.
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, 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, board members and volunteers engaged in child-related work to undergo or to have undergone a WWC check.

Under *the WS Act*, it is the responsibility of employees to obtain a WWC clearance prior to engaging in work of the kind covered by *the WS Act*. Severe penalties apply to individuals, including People Leaders, 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 People Leaders 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, contractor, board member 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, board member 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, contractors, board members and volunteers are also required to obtain a separate NPC 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, board member and volunteer to fund their initial NPC. All employment contracts are subject to a satisfactory check. The requirement to obtain a NPC will be specified during the recruitment process.

Select positions that require regular mandatory NPC's will be organised, undertaken and funded by GOTAFE.

Record Keeping

The collection, recording and storage of WWC clearance information will be the dual responsibility of each respective People Leader and People and Culture, 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 NPC's will be destroyed upon the date of citation, after this date, reference number and Police Check provider information is entered into GOTAFE's People and Culture Information System.

Documentation and Regulation

- *Working With Children and National Police Check Procedure – OD2-P143*
- *Employee Code of Conduct Policy – POHR14*
- *Employee Discipline Policy – CS11*
- *Privacy 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*