

YMCA Geelong Procedure –Working with Children Check Procedure



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Procedure Number	Date Approved	Date Last Amended	Status
YG 138 A-O		04/04/2014	DRAFT

1. WORKING WITH CHILDREN CHECK PROCEDURE

2. INTRODUCTION

YMCA Geelong is committed to protecting children and young people from all forms of abuse or harm, and in line with the YMCA Geelong Safeguarding Children and Young People Policy, is committed to complying with relevant Working with Children Check (WWCC), or other State or Territory equivalent, obligations.

Working with Children Checks, or the relevant State or Territory equivalent, help protect children and young people by checking a person's criminal history for serious sexual, violence or drug offences and findings from professional disciplinary bodies, and are required by all employees and volunteers working with or intending to work with children and young people.

Guided by the Working with Children Check Policy, this procedure provides YMCA Geelong with detailed procedural steps in relation to the obligations and compliance requirements for all YMCA Geelong personnel.

3. RELATED POLICY

Working with Children Check Policy
Safeguarding Children and Young People Policy
Safeguarding Children and Young People Procedure
Disciplinary & Termination Policy

4. RELATED LEGISLATION, REGULATIONS

[Working with Children Act 2005](#)
[Working with Children Regulations 2006](#)

5. RELATED STANDARDS or GUIDELINES/PROTOCOLS

Refer also to the [Working with Children Check](#) section within the HR Manual on Ynet for access to Resources. If you require more detailed information in relation to the WWC Check, visit the [Working With Children Check Website](#)

6. SCOPE & PURPOSE

The Working with Children Check Procedure applies to YMCA Geelong Inc. and affiliated clubs. This policy applies to all existing, new and prospective, YMCA Geelong employees, volunteers, board members, consultants and contractors.

7. ROLES AND RESPONSIBILITIES

Department/Area	Role/Responsibility
Employees, volunteers, board members, consultants and contractors	<ul style="list-style-type: none"> <input type="checkbox"/> Compliance with this procedure. <input type="checkbox"/> Where engaged in positions that require a Working with Children Check, they are responsible for applying or renewing a WWC Check, including payment of associated fees. <input type="checkbox"/> Be aware of their individual legal obligations, responsibilities and the penalties for breaching the Act.
Managers and Supervisors	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure that deemed roles/positions that require a WWCC adhered to the Working With Children Check Website. <input type="checkbox"/> Ensure monitoring the status of applications and Cards due for renewal occurs. <input type="checkbox"/> Responsible for ensuring recording valid WWC Check Card occurs and Application Receipt details in local record keeping systems. <input type="checkbox"/> Responsible for internal auditing and compliance records for local service/program. <input type="checkbox"/> Ensuring that employees, volunteers, board members, issued with an Interim Negative Notice, a Negative Notice or have their WWC Check card suspended, expired or revoked do not undertake child related work.
Payroll/HR Regional Payroll Specialists and Volunteer Manager	<ul style="list-style-type: none"> <input type="checkbox"/> Co-ordinating compliance with the WWCC Policy and Procedure. <input type="checkbox"/> Responsible for reviewing and updating the procedure and supporting resources. <input type="checkbox"/> Responsible for providing advice in the application of this Procedure in accordance with agreed Human Resource service levels. <input type="checkbox"/> Responsible for recording valid WWC Check Card and Application Receipt details in the Payroll System or Volunteer Database. <input type="checkbox"/> In conjunction with People and Culture, responsible for internal reporting compliance checks <input type="checkbox"/> Monitoring the status of applications and providing reports to Managers. <input type="checkbox"/> Monitoring WWC Check Cards due for renewal and providing reports to Managers.

8. PROCEDURE STEPS

The procedure steps to implement and comply with the Working with Children Check Policy are as follows:

9.1 Determining when/if a WWCC is required

The relevant YMCA Geelong Manager is responsible for determining if a WWCC is required for a particular position. The Working with Children Act 2005 prescribes who requires a WWCC, and the following information can be used in conjunction with [Working With Children Check Website](#) to determine when a WWCC is required.

Any decision relating to the requirement for a WWCC will be based on whether the position usually involves (or is likely to involve) **regular** and **direct contact** with a child where that contact is not **directly supervised** and is in connection with any of the [child related occupational fields](#) listed in the Act. The following should be considered when determining if a position requires a WWCC:

There are [several exemptions](#) listed in the Act where people engaged in child-related work are exempt and do not need a Working with Children (WWC) Check. This includes situations where the employee or volunteer is:

- Under the age of 18 years
- A sworn police officer who has not been suspended from duty
- A teacher that has a current registration with the Geelong Institute of Teaching
- A student volunteer where volunteer work has been organised by an educational institution
- A visiting worker who does not ordinarily reside and perform child related work in Geelong

Where a position has been determined as requiring a valid WWC Check, the relevant Offer of Employment and Appointment, Offer of Appointment to a New Position, Offer of Variations to Terms and Conditions of Employment or Contract must stipulate that their ongoing employment or engagement is subject to holding a valid WWC Check.

9.2 Commencement of Employment / Engagement or Appointment to a new Position

The following procedures provide guidance for the commencement/engagement/continuation of new or existing YMCA Geelong employees, volunteers, board members, consultants and contractors in any position where a WWCC is required.

9.2.1 Existing WWCC Cardholders

Existing WWCC cardholders may commence child related work immediately, provided the following procedures are completed:

- a. YMCA Geelong Managers must ensure; sighting of the WWCC Card, record WWCC number and expiry date in local records, and place a photocopy of the WWCC on personnel file, for all new employees, volunteers, board members, consultants or contractors, and ensure that the WWCC is valid.
- b. YMCA Geelong Manager must ensure the WWCC is appropriate to the type of engagement as it is unlawful to use a Volunteer Card type for paid child related work.
- c. YMCA Geelong Manager must ensure that the status of the Card using the [Check Status](#) function on the Working with Children Check website.
- d. YMCA Geelong Manager must ensure employee/volunteer WWCC details are provided to Regional Payroll Specialist/Volunteer Manager for compliance and records management. In the case of Consultants or Contractors, YMCA Geelong Managers should ensure WWCC Cards are sighted before commencement.

- e. The cardholder must notify the Department of Justice ("the Department") within 21 days of a employee, volunteer, board member, consultant or contractor commencing child-related work with the YMCA by completing the [Notification of Change of Personal Details Form](#) and posting it to:

Working with Children Check Unit
GPO Box 1915
MELBOURNE VIC 3001

9.2.2 Individuals without a current Working with Childrens Check

Individuals who do not currently hold a valid WWCC (or pending expiry of an existing WWCC) and who will be performing a role where a WWCC is required, must apply or renew their WWCC Check, as per the following instructions, **before commencing in child-related work** :

- a. Complete an application form at an [Australia Post](#) outlet.
- b. Fill out the application form using a black pen. Do not sign the form yet.
- c. Take the form, 100 points of acceptable identification and a passport size photograph to an Australia Post outlet. A staff member will witness your signature.
- d. Pay the application or renewal fee (applicable only for an employee card; volunteer WWCC are exempt from fees). Any fee's associated with obtaining and maintaining a valid WWCC is the responsibility of the individual card holder.
- e. Keep the application receipt, which is an important document.

9.2.3 Commencement of work

In many cases, an employee, volunteer, board member, consultant or contractor can commence or continue work if they present an application receipt from Australia Post as evidence that they have applied for a WWCC or renewal of a WWCC.

The cases where employee, volunteer, board member, consultant or contractor **cannot** work on the application receipt include if they:

- have applied for the WWCC to supervise a child in employment under the *Child Employment Act 2003*
- have applied for the Check for work regulated by the *Children's Services Act 1996* or the *Education and Care Services National Law 2010* which **includes Early Learning Services, Outside School Hours Care and Vacation Care.**
- have been given a Negative Notice; or are subject to:
 - reporting obligations under Part 3 of the *Sex Offenders Registration Act 2004*
 - an extended supervision order or interim extended supervision order under the *Serious Sex Offenders Monitoring Act 2005*
 - a supervision or detention order or an interim supervision or detention order under the *Serious Sex offenders (detention and Supervision) Act 2009.*

Forward a photocopy of the application receipt to Payroll/HRCo-ordinator to enable the details to be entered into the Payroll System or Volunteer Database for record management and, particularly in the case of Contractors, include details in local record management systems.

9.3 During the course of engagement

9.3.1 Ongoing monitoring

Individuals must ensure that the status of their WWCC has not expired, is valid and reflects the correct type (employee or volunteer). This can be done via the [Check Status](#) tool on the Working with Children Check Website.

National Criminal record and the disciplinary findings of professional bodies referred to in the Act will be regularly checked for relevant offences and findings for the life of a WWC Check Card.

There are three potential outcomes of assessment:

9.3.2 Passed Check

Once the employee, volunteer, board member, consultant or contractor has passed the WWC Check, they will receive their Card in the mail.

You must sight the WWC Check Card and scan/photocopy to obtain a record of the Card number, card type ('E' for employees or 'V' for volunteers) and expiry date.

Forward a scan/photocopy of the WWC Check Card to Regional Payroll Specialist or Volunteer Manager to enable the details to be entered into the Payroll System or Volunteer Database for record management and, particularly in the case of Contractors, include details in local record management systems.

9.3.3 Interim Negative Notice

An Interim Negative Notice is issued if the department is not satisfied that the applicant will pass the WWC Check and that it intends to issue a Negative Notice prohibiting the applicant from working with children.

The department can issue an Interim Negative Notice as part of the assessment of an application or during a reassessment of a cardholder's eligibility to hold a WWC card.

The applicant will have the opportunity to explain why they believe they should pass the Check in a submission to the department.

All employees, volunteers, board members, consultants or contractors **must not commence** and/or **must be suspended from child related work**, while the Department finalises its decision.

The employee, volunteer, board member, consultant or contractor may be placed in a suitable alternative position if available or otherwise suspended from duties without pay whilst the department finalises its decision.

9.3.4 Negative Notice

If the Department of Justice considers that the applicant poses a risk to the safety of children and should not pass the Working with Children (WWC) Check, they will be issued with a Negative Notice.

A Negative Notice is effective from the date on the notice.

A **Negative Notice means the applicant cannot engage in child-related work**, even if they are directly supervised, and must be immediately suspended from duties without pay.

As ongoing employment and engagement is subject to holding a valid WWC Check, the Manager, in consultation with their Executive Officer, may consider:

- Redeployment to a suitable alternative position
- Modification of work processes or duties associated with the child related work conducted
- Termination of employment or engagement in accordance with the YMCA Disciplinary and Termination Policy and Procedure or relevant Contract

An applicant issued with a Negative Notice may pursue an appeal if they wish to do so. The person must not be engaged in any child-related work during such an appeal period.

9.4 Changes to Cardholders Status

All employees, volunteers, board members, consultants and contractors must immediately (or as soon as reasonably practicable) inform a YMCA Geelong Manager/supervisor of any changes to their eligibility to hold a valid WWCC.

In such circumstances, an employee, volunteer, board member, consultant or contractor may be placed in a suitable alternative position (if available) or be otherwise suspended from duties without pay whilst the department reassesses their eligibility.

The Cardholder may then receive an Interim Negative Notice. In this circumstance, follow the procedure outlined in clause **9.3.3 Interim Negative Notice**.

The Cardholder may then receive a Negative Notice and have the card revoked. In this circumstance, follow the procedure outlined in clause **9.3.4 Negative Notice**.

9.5 Renewals

WWC Checks are valid for 5 years. It is the responsibility of the Cardholder to apply to renew their WWC Check Card prior to the expiration date.

Payroll will produce reports on a monthly basis to identify WWCCs with impending expiry dates falling within 3 months.

Follow the procedures outlined in clause **9.2.2 Individuals without a current Working with Childrens Check**, including all subclauses, where an employee, volunteer, board member, consultant or contractor needs to renew their WWCC.

10 MONITORING, EVALUATION, REVIEW

Compliance with this Procedure will be monitored by the central payroll and volunteer departments on a quarterly basis through the Volunteer Database or Payroll System by monitoring the status of applications, recording valid WWC Check Card details, monitoring cards due for renewal, and conducting compliance reporting provided to Executive Officers. YMCA Geelong Managers are responsible for local compliance, including ensuring that all YMCA Personnel hold a valid WWCC if required, and WWCC details (WWCC number and expiry dates) are recorded and monitored in local records.

This procedure will be reviewed and evaluated every three years in accordance with timelines for reviewing the PS 716-O Working With Children Check Policy and in consultation with key stakeholders in accordance with the Policy Framework. However, small changes and additions may be made outside of the formal review to ensure the procedure remains relevant and current.

Approved by: Chief Executive Officer

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V1	04/04/2014	Shona Eland	Procedure Created

As Adopted by the YMCA Geelong on / / 2014

Acting Chief Executive Officer YMCA Geelong Inc