

### Related Policy and Legislation

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Working with Children Check Policy (NSW)

*Working with Vulnerable People (Background Checking) Act 2011 (ACT)*

### Purpose

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Catholic Education, Archdiocese of Canberra and Goulburn (Catholic Education) is committed to providing a safe and supportive environment to all students by ensuring that all Catholic Education Office **workers** and all Catholic systemic school **workers** in the ACT are screened and suitable to be engaged in the provision of education services and child related work.

This commitment is consistent with national standards to increase the stringency of background checking of people working and volunteering with vulnerable people (including children) and with the objectives of the *Working with Vulnerable People (Background Checking) Act 2011* (the Act). The Act aims to reduce the risk of harm and neglect to vulnerable people in the ACT by requiring those who work or volunteer with vulnerable people to have a Working with Vulnerable People (WWVP) registration to engage in such work.

The purpose of this policy is to outline the framework and responsibility structure implemented by Catholic Education to meet its obligations under the WWVP scheme.

### Definitions

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#### **A person engaged in a regulated activity**

A person engaged in a **regulated activity** includes all Catholic Education **workers** who are based in the ACT or have **contact** with students in ACT schools in the course of their employment or engagement with Catholic Education, for reward or otherwise. Subject to this policy and any determinations in relation to specified workers, all Catholic Education **workers** based in the ACT are persons engaged in a regulated activity.

#### **Capacity/ Workers** include:

Employees, contractors and sub-contractors, consultants, self-employed persons, apprentices, volunteers, agents, supervisors, persons on a work experience placement for an educational or vocational course, persons carrying out work for a sentence, members of a management committee of an unincorporated body or association, and ministers of religion for a religious organisation. Employees include full and part-time, and casual employees.

#### **Contact** is contact that:

- would reasonably be expected as a normal part of engaging in the activity, and
- is not incidental to engaging in the activity, and
- is one or more of the following:
  - physical contact
  - oral communication face to face or by phone
  - written communication including electronic communication
  - dealing with a record relating to a vulnerable person.

## Working with Vulnerable People Policy (ACT)

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### Regulated activity

Regulated activity includes: childcare, education and care services for children, counselling and support services for children, transport (public or private) specifically for or mainly used by children, coaching and tuition specifically for children and provided by a commercial entity, and religious organisations providing services specifically for or mainly used by children.

### Vulnerable person

A vulnerable person for the purposes of this policy is a child (a person under the age of 18 years).

### Background

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Catholic Education's core business is the provision of child education. Catholic Education has therefore adopted a policy view that all **workers** engaged in the ACT, for reward or otherwise, are **engaged in a regulated activity**, contact with children being an integral element of such activity.

Subject to the below exemptions or determinations in relation to specified workers, the following policy applies:

### Catholic Education employees

1. It is a pre-condition of any offer of employment from Catholic Education that a person has a current WWVP registration, with their employment being conditional on their continued WWVP registration.
2. Catholic Education employees based in NSW who have a verified Working with Children Check (WWCC) clearance are not required to have a current WWVP registration provided their engagement in a regulated activity in the ACT does not exceed 28 days in any 12-month period.
3. Catholic Education NSW based employees who have a verified WWCC clearance and who do or may engage in a regulated activity in the ACT in excess of 28 days in any 12-month period must have current WWVP registration.
4. It is the employee's responsibility to ensure they hold WWVP registration at all times and renew it prior to expiry.
5. It is also the Catholic Education's employee's obligation to carry their WWVP card at all times at their workplace and when discharging their duties in the course of their employment.
6. Principals, Heads of Service and the Human Resource Services (HRS) all have specific responsibilities for ensuring and monitoring compliance with the WWVP legislation.
7. HRS have the overall responsibility for monitoring Catholic Education's compliance, including taking or recommending any disciplinary action such as suspension or termination of the contract of employment.
8. If an employee's WWVP Registration is amended, suspended, cancelled or surrendered, the employee must immediately notify their Principal or Head of Service, who will inform HRS as soon as possible. Catholic Education may suspend the employee immediately, with or without pay or notice.
9. If an employee's WWVP Registration is cancelled, suspended or surrendered, or there are conditions imposed that are inconsistent with the employee's employment in a regulated activity or their ability to perform the inherent requirements of their job, the employee's contract may be terminated.

## Working with Vulnerable People Policy (ACT)

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### **Contractors and subcontractors, external service providers and self-employed persons**

10. Cleaners, sporting coaches and staff in maintenance roles engaged by Catholic Education must have valid WWVP registration prior to their engagement.
11. Contractors, subcontractors, external service providers and self-employed persons must, where possible, complete all work on premises outside of school hours. If this is not possible and access is required to the school premises during school hours, WWVP registration is required except in circumstances where contact is incidental to the worker's presence at the school.

### **Parents and volunteers**

12. A close relative of each student taking part in the activity with whom the student has contact and close relatives of a student engaged in an activity as volunteers where a close relative of each student taking part in the activity is or is expected to be engaged are not required to have WWVP registration.
13. Parents and volunteers engaged by Catholic Education to participate in an overnight camp for children must have a current WWVP registration.
14. All sporting coaches must have a current WWVP Registration regardless of the length, frequency or the nature of their engagement.
15. Parents and volunteers engaged by Catholic Education for more than three (3) days in any four-week period and seven (7) days in any 12-month period must have a current WWVP registration.
16. Parents and volunteers engaged by Catholic Education for less than three (3) days in any four-week period and seven (7) days in any 12-month period are not required to hold a current WWVP registration.

### **Children and students**

17. Children under 16 years of age and all students enrolled in Catholic systemic schools do not require WWVP registration.
18. School students undertaking work experience placement or practical training, and their employer and supervisors do not require WWVP registration.

### **Other persons**

19. Persons, including employees, parents, volunteers and professionals registered under a corresponding law in another jurisdiction for a substantially similar activity (including those who have a verified WWCC clearance in NSW) must have a current WWVP registration if their engagement in the regulated activity exceeds the 28 days in any 12-month period.
20. Visiting speakers, adjudicators, performers, assessors or other similar visitors for a one off occasion, in the presence of one or more other adults, are not required to have a WWVP registration.
21. Police officers, registered health professionals, lawyers, persons registered under the Aged Care legislation, and financial services licensees do not require WWVP Registration, provided their engagement is in their professional capacity.
22. Police officers, registered health professionals, lawyers, persons registered under the *Aged Care Act 1997* (Cth), and financial services licensees under the *Corporations Act* must have a valid WWVP

## Working with Vulnerable People Policy (ACT)

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registration for any engagement in a personal/ non-professional capacity, such as a parent-volunteer at their child's sporting event.

23. Persons engaged in the activity for a declared state emergency or as otherwise declared by the Commissioner or under the *Working with Vulnerable People (Background Checking) Regulation 2012* do not require a WWVP registration.

### Determinations in relation to specified workers

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The Head of Human Resource Services or another person as may be delegated from time to time by the Director of Catholic Education, may decide that a specified **worker** or a class of workers are not required to hold a WWVP registration, subject to legislative requirements. Such decisions are discretionary in nature and may be made on a case-by-case basis in circumstances where:

- the role does not involve contact with children in person, via communication or access to records relating to children
- the role involves contact with children which is incidental only
- the worker is supervised at all times by a holder of a WWVP registration
- the work is performed out of school hours, and
- other circumstances as appropriate.

### Parents and volunteers who must provide a Declaration

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In the spirit of striving towards the highest standard in the protection of children from harm and abuse, Catholic Education adopts additional safeguarding measures. These include a requirement that all parents and volunteers who are not required to have WWVP registration due to their **short-term activity** engagement in a regulated activity (such as occasional volunteering in their child's school), must complete and sign a **Declaration** (attached to this policy) prior to their engagement.

The **Declaration** confirms that its signatory is:

- aware of the requirements of the Act and the requirement for a person to be registered to engage in a regulated activity;
- aware that engaging in a regulated activity without registration is an offence punishable by a fine proscribed by the Act, and that doing so knowingly or recklessly is punishable by a fine and/or imprisonment;
- not required or exempt from the requirement to hold a WWVP registration;
- not subject to any criminal investigations, convictions and non-convictions in the ACT or other jurisdictions; has not received any Negative Notices under the Act or corresponding law in other jurisdictions; and has not had a WWVP registration or registration/clearance under a corresponding law in other jurisdictions suspended, barred or cancelled; and
- not aware of any other information which would disqualify the person from obtaining a WWVP registration under the Act or under a corresponding law in other jurisdictions.

### Responsibility for ensuring and monitoring compliance

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The Head of HRS has the responsibility for ensuring and monitoring overall compliance with the Act; ensuring that appropriate systems are in place and appropriate records are maintained by Catholic Education; and for taking and recommending any disciplinary action or termination of employment. HRS have also the responsibility for ensuring and monitoring compliance by Heads of Service and Principals.

ACT Principals have the responsibility for ensuring and monitoring compliance by **workers** engaged by their schools in a regulated activity. This includes persons mandated to hold a WWVP registration and persons required by Catholic Education to provide a **Declaration** prior to engaging in a regulated activity. They must also ensure that appropriate systems are in place and appropriate records are maintained; and report to and consult with, in a timely manner, School Services and HRS in matters involving WWVP.

The Heads of Service have the responsibility for ensuring and monitoring compliance by **workers** required to have WWVP registration within their Service Area; ensuring that appropriate systems are in place and appropriate records are maintained; and reporting, in a timely manner, and consulting with HRS in matters involving WWVP.

The responsibility for ensuring and monitoring compliance is integral to ensuring Catholic Education's legislative compliance. Failure to meet these obligations may lead to disciplinary consequences or termination of employment. For more information, please refer to the *Monitoring Compliance* diagram attached to this policy.

### Exchange of information with Access Canberra, the ACT Teacher Quality Institute, the ACT Ombudsman and other designated entities

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In complying with the requirements of the WWVP scheme, Catholic Education will comply with the relevant privacy legislation, subject to reporting requirements and as otherwise proscribed by law.

Access Canberra may request information from Catholic Education relevant to a person's WWVP registration.

Catholic Education may also provide information to the ACT Teacher Quality Institute (TQI) in circumstances where the provision of such information or documents relates to a person's TQI registration or other regulatory matters administered or regulated by TQI.

Under the ACT *Reportable Conduct Scheme*, information is also shared between Catholic Education, the ACT Ombudsman and other designated entities in matters related to child protection.

### Templates

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**Declaration** (template)

## Working with Vulnerable People Policy (ACT)

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### Contact Person

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Questions regarding this policy should be directed in the first instance to the appropriate Principal, Head of Service or HRS.

### General

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This Policy summarises some of the rights and obligations created by the relevant legislation, and may be varied from time to time by Catholic Education.

Approved by:	Service Area Leadership Team
Issuing Group	Human Resource Services
Implementation Date:	August 2017
Policy last updated:	August 2017
CEO Contact Officers:	Head, Human Resource Services
TRIM Record Number:	R395017

### Declaration Form

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#### Working with Vulnerable People Registration

Thank you for volunteering at a Catholic Education, Archdiocese of Canberra & Goulburn School, your assistance is greatly valued and will provide significant support to the students and staff.

In the ACT the *Working with Vulnerable People (Background Checking) Act 2011* commenced on 8 November 2012 with the aim to reduce the risk of harm or neglect to children and vulnerable people in the ACT. Under the legislation most people who work or volunteer with children in school activities must have a WWVP registration.

If you have a WWVP card, thank you for taking the time to register and for your efforts to keep all children safe. If you do not hold a WWVP card, there are a number of circumstances when a volunteer does not need to have a WWVP card to work with children in a school setting.

**You are not required to hold a WWVP card to volunteer if:**

- you are under 16 years old;
- you have not worked or volunteered with vulnerable people for more than three days in the last four weeks and seven days in the last 12 months (**Short Term Exemption**);
- you are registered under a similar law in another State or Territory (for example NSW – Working with Children Check), as long as you do not work or volunteer for more than 28 days in 12 months;
- you are a school student on a work experience placement or doing practical training.

It is your responsibility to be able to show that you meet the requirements around any of the exemptions listed above, for example that you meet the time limitations for the Short Term Exemption. The school you wish to assist will ask you to sign a declaration confirming you understand your obligations and responsibilities under the legislation.

If you have any questions about whether you meet the requirements, please contact a member of the Leadership Team at the school to confirm you meet the requirement of an exemption and do not need to have a WWVP card to assist.

WWVP registration for volunteers is free and if you would like to register as a WWVP volunteer, please go to the Access Canberra website and complete the application:

[https://www.accesscanberra.act.gov.au/app/answers/detail/a\\_id/1804/~/working-with-vulnerable-people-\(wwvp\)-registration](https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-(wwvp)-registration).

## Working with Vulnerable People Policy (ACT)

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### Declaration

I,

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*(insert full name, address and occupation of person making the declaration)*

#### Declare as follows:

1. I am aware of the requirements of the *Working with Vulnerable People (Background Checking) Act 2011* (the Act) and the requirement for a person to be registered to engage in a regulated activity.
2. I am aware that engaging in a regulated activity without registration is an offence punishable by a fine proscribed by the Act, and that doing so knowingly or recklessly is punishable by a fine and/or imprisonment.
3. I am exempt from the requirement to hold or not required to hold a WWVP registration.
4. I have not in the ACT or under a corresponding law in other jurisdictions been refused WWVP registration or had the registration suspended or cancelled under the Act.
5. I am not aware of any criminal investigations, convictions and non-convictions relevant to me in the ACT or other jurisdictions which may restrict me being issued WWVP registration.
6. I am not aware of any other information which would disqualify me from obtaining registration under the Act or corresponding law in other jurisdictions.

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Signature

Declared at ..... (School/Place) on ..... (date)