

## 1. Summary

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- 1.1 This policy outlines the responsibilities and framework for Catholic Education Archdiocese of Canberra and Goulburn (CECG) to meet its obligations under the NSW Working With Children Check scheme. It summarises some of the rights and obligations created by the relevant legislation and applies to all CECG workers in all NSW workplaces.
- 1.2 CECG is committed to providing a safe and supportive environment to all students by ensuring that all CECG Office workers and all NSW Catholic systemic school workers are appropriately screened and suitable to be engaged in the provision of education services and child related work.
- 1.3 This commitment is consistent with National Principles for Child Safe Organisations, and with the objectives of the Child Protection (Working with Children) Act 2012 (NSW) (the WWC Act). The WWC Act requires all CECG workers to have a verified WWCC clearance before they engage in child-related work.

## 2. Working With Children Check Policy (NSW)

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- 2.1 CECG's core business is the provision of child education. CECG has therefore adopted a policy view that all **workers** engaged to work in schools in NSW, for reward or otherwise, are **engaged in child-related work**, subject to exemptions below or determinations in relation to specified workers.
- 2.2 In some cases, legislation allows a worker who must be registered to start in a position while an application for clearance is pending and the worker is supervised. On a case-by-case basis CECG may allow workers with applications lodged to begin supervised positions provided they do not access a school, early-learning centre or school-aged care centre before clearance is granted. For example, a person may work or begin work-related training in the CECG Catholic Education Office – but they may not access CECG schools, early-learning centres or school-aged care centres until after the clearance is finalised.

## 3. CECG employees

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- 3.1 It is a pre-condition of any offer of employment in NSW from CECG that a person has a verified WWCC clearance, with their employment being conditional on their continued WWCC clearance.
- 3.2 Existing CECG employees who apply for new positions involving child-related work in NSW must hold a WWCC clearance at the time of their appointment to the new position, their appointment being conditional on their continued WWCC clearance status. This includes appointments to promotional positions.
- 3.3 CECG employees based in the ACT who have a valid ACT Working with Vulnerable People (WWVP) Check that do or may engage in child-related work in NSW are not required to have a verified WWCC clearance if their child-related work in NSW does not exceed 30 days in a calendar year (see section 20(n) of the Child Protection (Working with Children) Regulation 2013 (NSW)).
- 3.4 CECG employees based in the ACT who have a verified WWVP clearance and who do or may engage in child-related work in NSW in excess of 30 days in a calendar year must have current WWCC clearance.
- 3.5 Employees are responsible for ensuring they have a verified WWCC clearance and renew their WWCC clearance prior to its expiry. Costs of WWCC (or WWVP) clearance are borne by the employee.
- 3.6 Employees must notify their Principal, Early Learning Centre Director, School Aged Care Director or Service Area Leader immediately of any change to the employees WWCC clearance status, including

an interim or a final bar of clearance. CECG may suspend the employee immediately, with or without pay or notice.

- 3.7 If an employee's WWCC clearance is subject to an interim or a final bar that is inconsistent with the employee's employment with children or their ability to perform the inherent requirements of their job, the employee's contract may be suspended or terminated.
- 3.8 Principals must ensure all employees in their school have a current WWCC clearance and comply with WWCC legislation. Principals must report any change to an employee's WWCC clearance status, including an interim or a final bar of clearance, to the CECG People and Culture team.
- 3.9 CECG Service Area Leaders must ensure all employees in their team have a current WWCC clearance and comply with WWCC legislation. Service Area Leaders must report any change to an employee's WWCC clearance status, including an interim or a final bar of clearance, to the CECG People and Culture team.
- 3.10 The CECG People and Culture team has overall responsibility for monitoring CECG's compliance with WWCC legislation, including taking or recommending any disciplinary action such as suspension or termination of the contract of employment.

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

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- 4.1 Cleaners, sporting coaches and staff in maintenance roles engaged by CECG must have a verified WWCC clearance prior to their engagement.
- 4.2 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, a verified WWCC clearance is required unless:
  - The contractor has a valid registration under an equivalent law in another jurisdiction *and* will not work in NSW or have access to NSW children's records for more than 30 days in a year, or
  - contact with children is incidental to the worker's presence at the school. For example, a tradesperson who comes to the school may have incidental contact with children, but is not working with the children (and does not require clearance).
- 4.3 The contractor's line manager must ensure the contractor has a valid registration under an equivalent law in another jurisdiction and will not work in NSW or have access to NSW children's records for more than 30 days in a year.
- 4.4 As courtesy and good practice, the CECG employee should also notify any school(s) the contractor will visit that the contractor will be coming and that they have a valid interstate clearance (or are not required to have one). The CECG Governance, Policy, Legal & Risk team can provide additional guidance.

#### 5. Parents and volunteers

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- 5.1 All volunteers engaged by CECG in NSW for more than a total of five (5) working days in a calendar year must have WWCC clearance. Volunteers who work less than five (5) days also must have registration unless the work involves minimal direct contact with children or is supervised when children are present
- 5.2 All volunteers engaged by CECG to participate in an overnight camp for children must have a verified WWCC clearance prior to their engagement.
- 5.3 All sporting coaches must have a verified WWCC clearance regardless of the length, frequency or the nature of their engagement.

5.4 Close relatives of a student who fall into categories above are not required to have WWC registration unless they are:

- providing personal care for a child with disability
- participating in a formal mentoring program
- at an overnight camp for kids.

## 6. Children and students

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6.1 Children under 18 years of age and all students enrolled in Catholic systemic schools are not required to have WWCC clearance.

6.2 Co-workers and supervisors where a child works, including those supervising school students undertaking work experience placement or practical training, are not required to have WWCC clearance.

## 7. Other people

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7.1 Workers engaged by CECG in NSW for more than a total of five (5) working days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present, do not need to have WWCC clearance

7.2 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 WWCC clearance.

7.3 NSW Police and Australian Federal Police officers in their role as police officers are not required to have WWCC if their engagement is in professional capacity.

7.4 NSW Police and Australian Federal Police officers must have a verified WWCC clearance if their attendance or engagement is in non-professional capacity, such as a parent-volunteer involved in intimate, personal care of children with a disability.

7.5 Private practice health practitioners who do not ordinarily treat children without other adults present are not required to have WWCC clearance.

## 8. Determinations in relation to specified workers

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8.1 The Head of the CECG People and Culture team or another person as delegated from time to time by the Director of CECG, may decide that a specified **worker** or a class of workers are not required to have a verified WWCC clearance, subject to legislative requirements. Such decisions are discretionary and are made on a case-by-case basis in circumstances where:

- the role does not involve child-related work
- the role involves administrative, clerical, maintenance or ancillary work where work does not ordinarily involve contact with children for an extended period
- the work is performed out of school hours, and
- other circumstances as appropriate.

## 9. Parents and volunteers who must provide a Declaration

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

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

- aware of the requirements of the WWC Act and the requirement for a person to have WWCC Clearance to engage in a child-related work;
- aware that engaging in child-related work without WWCC Clearance is an offence punishable by a fine proscribed by the WWC Act and/or imprisonment;
- not required or exempt from the requirement to hold have a WWCC clearance;
- has not been refused a WWCC or had the Clearance cancelled under the WWC Act;
- not subject to an interim bar on engaging in child-related work under the WWC Act;
- has not been convicted of an offence, or subject to a finding of guilt for an offence or a finding that the charge for an offence is proven, where the offence was committed as an adult in NSW or elsewhere; the offence being a Schedule 1 or Schedule 2 offence under the WWC Act;
- not aware of any other information which would disqualify the person from obtaining a WWCC Clearance under the WWC Act or under a corresponding law in other jurisdictions.

## 10. Responsibility for monitoring and ensuring compliance

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10.1 Employers must verify that workers they engage for child-related work hold valid WWCC clearance, or have completed a declaration. They must also ensure appropriate systems are in place to manage and record verification checks, and consult with the CECG People and Culture Service Area. Records of verification checks **must be retained for 7 years** after the person ceases to work for the school (section 9A Child Protection (Working with Children) Act 2012).

10.2 This responsibility is held by:

- Principals – in NSW Schools
- Service Area Leaders in the Catholic Education Office

10.3 The Leader of the CECG People and Culture team must monitor and ensure overall compliance with the WWC Act. This includes ensuring that appropriate systems are in place and appropriate records are maintained by CECG, and taking and recommending any disciplinary action or termination of employment.

10.4 Ensuring and monitoring compliance is integral to ensuring CECG's legislative compliance. Failure to meet these obligations may lead to disciplinary consequences or termination of employment

## 11. Exchanging information with the Office of Children's Guardian, the NSW Ombudsman and other prescribed bodies under the Children and Young Persons (Care and Protection) Act 1998 (NSW)

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11.1 In complying with the requirements of the WWCC scheme, including reporting requirements, CECG will comply with the relevant privacy legislation.

11.2 Under the *Children and Young Persons (Care and Protection) Act 1998* (NSW), CECG may request from and share information with certain prescribed bodies including NSW Police, NSW Government departments and public authorities, providers of out-of-home care, schools, public health organisations, hospitals, child care centres and other organisations that engage in provision of services to children.

## 12. Definitions

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12.1 **Adult** means a person who is 18 years of age or older.

12.2 **Child-related work** is work that involves **direct contact** by a **worker** with **children**, or where a worker is engaged in work in a child-related role as defined in the WWC Act. Among others, it includes the following:

- mentoring and counseling services for children;
- clubs, associations, movements, societies or other bodies providing programs or services for children;
- education and care services, child care centres, nanny and other child care;
- schools and other educational institutions (except universities) and private coaching/tuition of children;
- sporting, cultural or entertainment venues used primarily by children and entertainment services for children;
- any religious organisation;
- residential services, overnight camps and transport services for children including school bus and taxi services for children with a disability and supervision of school road crossings.

12.3 **Children** are persons under the age of 18 years.

12.4 **Close relative** includes: a spouse or de facto partner, a child, step-child, sibling, step-sibling, parent, step-parent, grandparent, step-grandparent, aunt, uncle, niece or nephew of the person. In the case of an Aboriginal or a Torres Strait Islander person, it includes persons who are part of the extended family or kin of the person according to the indigenous kinship system of the person's culture.

12.5 **Direct contact** with children means physical contact and face-to-face contact.

12.6 **Interim bar** is a bar that may be imposed by the Children's Guardian to prevent a person from engaging in child-related work due to concerns about the safety of children pending the determination of the application or assessment.

12.7 **Parent** of a child means the person having, in relation to the child, all the duties, powers, responsibilities and authority which, by law, parents have in relation to their children.

12.8 **Worker**: All people carrying out work for CECG including employees (permanent, casual, and temporary), contractors and sub-contractors, volunteers, apprentices, work experience students, or a minister, priest, or other religious leader or member of a religious organisation.

12.9 **Working with Children Check (WWCC) Clearance or WWCC Clearance** means an authorisation that is in force under the WWC Act to engage in child-related work.

## 13. Related Documents and Legislation

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### **CECG Documents:**

Working with Vulnerable People Check Policy (ACT)

### **Legislation:**

[Child Protection \(Working with Children\) Act 2012 \(NSW\)](#)

[Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#)

### 14. Contact

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14.1 For support or further questions relating to this policy, contact the CECG People and Culture Service Area.

## Declaration Form

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### Working with Children Check

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

In NSW the *Child Protection (Working with Children) Act 2012* commenced in 2012 with the aim to reduce the risk of harm or neglect to children in NSW. Under the legislation most people who work or volunteer with children in school activities must complete a Working with Children Check.

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

#### **You are not required to hold a Working with Children check to volunteer if:**

- you are under 18 years old;
- you are a parent or a close relative of a student and are volunteering for activities at their school;
- you have not worked or volunteered with children for more than five days in the last 12 months (**Short Term Exemption**);
- you are registered under a similar law in another State or Territory (for example ACT – Working with Vulnerable People), as long as you do not work or volunteer for more than 30 days in 12 months;
- you are a visiting speaker, performer, assessor or other similar visitor at a school for a one-off occasion in the presence of one or more other adults.

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 Working with children check to assist.

A Working with Children Check for volunteers is free and if you would like to register as a volunteer, please go to the Office of the Children's Guardian website and complete the application:  
<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/apply>.

## Declaration

I,

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

**Declare as follows:**

I am aware of the requirements of the WWC Act and the requirement for a person to have WWCC Clearance to engage in a child-related work.

I am aware that engaging in child-related work without WWCC Clearance is an offence punishable by a fine proscribed by the WWC Act and/or imprisonment.

I am exempt from the requirement to hold, or am not required to hold, a WWCC clearance.

I have not in NSW or under a corresponding law in other jurisdictions been refused a WWCC or had the Clearance suspended (barred) or cancelled under the WWC Act.

I am not aware of any criminal investigations, convictions and non-convictions relevant to me in NSW or other jurisdictions which may restrict me being granted a WWCC Clearance.

I am not aware of any other information which would disqualify me from obtaining a WWCC Clearance under the WWC Act or under a corresponding law in other jurisdictions.

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Signature

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