

Title	Working with Children Check Policy (NSW)
Description of policy	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.
Required because	All CECG employees, contractors and volunteers are obliged to get WWC checks, unless specifically exempted.
Description of changes	Minor changes to clarify when contractors are <u>not</u> required to have WWCC clearance, and how clearance can be verified if it is required.
Applies to	<input checked="" type="checkbox"/> Organisation-wide <input type="checkbox"/> Specific (location, schools/ELCs&SACs, Service Area) <input checked="" type="checkbox"/> Staff only <input type="checkbox"/> Students only <input type="checkbox"/> Staff and students
Status	<input type="checkbox"/> New <input type="checkbox"/> Major revision of existing document <input checked="" type="checkbox"/> Minor revision of existing document

Publication location	Intranet
Related documents	Volunteer Declaration Form Working with Children Check (NSW) Working with Vulnerable People Check Policy (ACT)
Intranet category	Child Protection and Student Welfare; Employment
Review date	July 2025
Trim reference number	R395015

Approval authority for this version:	People and Culture Leader
Approval date:	30 June 2023
Accountable authority	People and Culture Leader
Responsible officer	Employee Relations Officer

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1. Summary

- 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)

- 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, are engaged in child-related work, or otherwise, are subject to the 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 and Preservice Teachers

- 3.1 It is a pre-condition of any offer of employment or teaching placement in NSW that a person has a verified WWCC clearance. Employment and placement are conditional on continued WWCC clearance.
- 3.2 CECG employees and preservice teachers based in the ACT who have a valid ACT Working with Vulnerable People (WWVP) Check may engage in child-related work in NSW without a verified WWCC clearance provided 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)).
- 3.3 CECG employees and preservice teachers based in the ACT who have a verified WWVP clearance must have a current WWCC clearance if they do or may engage in child-related work in NSW for more than 30 days a calendar year.
- 3.4 Employees and preservice teachers 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 individual.
- 3.5 Employees and preservice teachers must notify their Principal, Early Learning Centre Director, School Aged Care Director or Service Area Leader immediately of any change to the

- employee's WWCC clearance status, including an interim or a final bar of clearance. CECG may suspend the employee immediately, with or without pay and with or without notice.
- 3.6 If an employee's or preservice teacher'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.
 - 3.7 Principals must ensure all employees and preservice teachers 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.
 - 3.8 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.
 - 3.9 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 terminating a contract of employment.

4. Contractors and Subcontractors, External Service Providers and Self-employed Persons

- 4.1 Cleaners, sporting coaches and maintenance workers engaged by CECG must have a verified WWCC clearance prior to their engagement.
- 4.2 Other contractors must have clearance if they are engaged in child-related work – that is, they have direct contact with students (or student personal information) *and* that contact is more than incidental to the work.
- 4.3 If possible, contractors, subcontractors, external service providers and self-employed persons should complete all work on school premises outside of school hours. This will help ensure they do not have contact with students and the work is not child-related.
- 4.4 If access is required to school premises during school hours, or the person has contact with student personal information, a verified WWCC clearance is not required if:
 - 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 contact with children but it is only incidental to the work, not the point of the work.
 - A designer developing general marketing material for CECG may have access to some student photographs (personal information) but that contact is incidental to the overall marketing work.
 - In contrast, the photographer who took the photos would require clearance because they have direct contact with children (in school) that is more than incidental (taking photographs of children is the point of their work).

- The person who engages the contractor must ensure the contractor has a valid clearance or is not required to have one. Registration can be verified through the [Office of the Children's Guardian website](#).
 - If a contractor is not engaged in child-related work (e.g. their contact with children is incidental), they are not required to hold a WWCC. CECG cannot access the OCG WWCC Portal to verify their WWCC status, or request the Office of the Children's Guardian to verify WWCC clearance
- 4.5 As courtesy and good practice, if the contractor is engaged by the Catholic Education Office, the person who engages the contractor should notify any school(s) the contractor will visit that the contractor will be coming and that they have a valid clearance or are not required to have one. The CECG Governance, Policy, Legal & Risk team can provide additional guidance.

5. Parents and Volunteers

Which volunteers need clearance?

- 5.1 The following volunteers need WWCC clearance unless they are exempted for reasons in paragraph 5.2:
- Volunteers who volunteer more than five days in a calendar year
 - All volunteers (regardless of time spent volunteering) who are:
 - providing personal care for a child with disability
 - participating in a formal mentoring program
 - participating at an overnight camp for kids.

Which volunteers are exempt from needing clearance?

- 5.2 The following volunteers do not need WWCC clearance:
- Close relatives of a student that is volunteering for activities of the student's school, ELC or SAC (regardless of time spent volunteering) - unless they are:
 - providing personal care for a child with a disability
 - participating in a formal mentoring program
 - participating in an overnight camp for kids.
 - Volunteers who are registered under a similar law (e.g. ACT Working With Vulnerable People registration) and do not volunteer in NSW for more than 30 days in a calendar year.

Volunteers Without Clearance Must Provide a Declaration

- 5.3 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 an exemption, must complete and sign a [Volunteer Declaration](#) before their engagement.
- 5.4 The [Volunteer 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.

6. Children and Students

- 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

- 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

- 8.1 The People and Culture Leader 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
 - other circumstances as appropriate.

9. Responsibility for Monitoring and Ensuring Compliance

- 9.1 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).
- 9.2 This responsibility is held by:
- Principals – in NSW Schools
 - Service Area Leaders in the Catholic Education Office.
- 9.3 The People and Culture Leader or their delegate 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.
- 9.4 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.

10. Exchanging Information with Other Organisations

- 10.1 When complying with the requirements of the WWCC scheme, including reporting requirements, CECG will comply with the relevant privacy legislation and the information sharing provisions of the *Children and Young Persons (Care and Protection) Act 1998* (NSW).
- 10.2 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, the Office of Children's Guardian, NSW Ombudsman or other public authorities, providers of out-of-home care, schools, public health organisations, hospitals, childcare centres and other organisations that engage in provision of services to children.

11. Definitions

- 11.1 **Adult:** means a person who is 18 years of age or older.
- 11.2 **Child-related work:** is work that involves direct contact by a worker with children and the contact is more than incidental, and work that is defined in the WWC Act as child-related work including:
- 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
 - 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.
- 11.3 **Children:** are persons under the age of 18 years.
- 11.4 **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.
- 11.5 **Direct contact:** with children means physical contact and face-to-face contact.
- 11.6 **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.
- 11.7 **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.
- 11.8 **Worker:** all people carrying out work for CECG including employees (permanent, casual, and temporary), preservice teachers, contractors and sub-contractors, volunteers, apprentices, work experience students, or a minister, priest, or other religious leader or member of a religious organisation.
- 11.9 **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.

12. Related Documents and Legislation

12.1 Related CECG Documents:

- [Working with Children Check \(NSW\) – Volunteer Declaration Form](#)

12.2 Related Legislation or Standards:

- [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#)
- [Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#)

13. Contact

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