

Title	Working with Vulnerable People Check Policy (ACT)
Description of policy	This Policy outlines the responsibilities and framework that Catholic Education Archdiocese of Canberra and Goulburn (CECG) has to meet its obligations under the ACT Working with Vulnerable People (WWVP) registration scheme. It summarises some of the rights and obligations created by the relevant legislation and applies to all CECG workers in all ACT workplaces.
Required because	All CECG employees, contractors and volunteers are obliged to get WWVP checks unless specifically exempted.
Description of changes	Minor changes to clarify when contractors and volunteers are <u>not</u> required to have WWVP 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
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1. Summary

- 1.1 It summarises some of the rights and obligations created by the relevant legislation and applies to all CECG workers in all ACT workplaces.
- 1.2 CECG is committed to providing a safe and supportive environment to all students by ensuring that all workers in the Catholic Education Office and ACT Catholic systemic school are screened and suitable to be engaged in 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 Working with Vulnerable People (Background Checking) Act 2011 (WWVP 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.

2. Working with Vulnerable People Policy (ACT)

- 2.1 CECG's core business is the provision of child education. CECG has therefore adopted a policy view that all workers engaged in the ACT, for reward or otherwise, are engaged in a regulated activity, 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 and Preservice Teachers

- 3.1 It is a pre-condition of any offer of employment or teaching placement in the ACT that a person has a current WWVP registration. Employment and placement are conditional on continued WWVP registration.
- 3.2 Catholic Education employees and preservice teachers 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 (see section 12(c) of the WWVP Act).
- 3.3 Catholic Education employees based in NSW who have a verified WWCC clearance and who do or may engage in a regulated activity in the ACT must have a current WWVP registration if they work in excess of 28 days in any 12-month period.
- 3.4 Employees and preservice teachers are responsible for ensuring they have a verified WWVP registration at all times and renew it prior to expiry. Costs of WWVP (or WWCC) clearance are borne by the individual.
- 3.5 Employees and preservice teachers must carry their WWVP card at all times at their workplace and when discharging their duties in the course of their employment.
- 3.6 Employees and preservice teachers must notify their Principal, Early Learning Centre Director, School Aged Care Director or Service Area Leader immediately if their WWVP Registration is

amended, suspended, cancelled or surrendered. If Registration is suspended, cancelled or surrendered, Catholic Education may suspend the employee immediately, with or without pay or notice.

- 3.7 If an employee's or preservice teacher'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.
- 3.8 Principals must ensure all employees and preservice teachers in their school have a current WWVP clearance and comply with WWVP legislation. Principals must report any change to an employee's WWVP 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 WWVP clearance and comply with WWVP legislation. Service Area Leaders must report any change to an employee's WWVP clearance status, including an interim or a final bar of clearance, to the People and Culture team.
- 3.10 The People and Culture team has the overall responsibility for monitoring Catholic Education's compliance, 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 People (Contractors)

- 4.1 Cleaners, sporting coaches and staff in maintenance roles engaged by Catholic Education must have valid WWVP registration prior to their engagement.
- 4.2 Other contractors must have clearance if they are engaged in regulated activity – 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 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 a regulated activity.
- 4.4 If access is required to school premises during school hours, or the person has contact with student records (personal information), WWVP registration is not required if:
 - the contractor has a valid registration under an equivalent law in another jurisdiction and will not work in the ACT or have access to ACT children's records for more than 28 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 the contact is incidental to their 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) which is more than incidental (taking photographs of children is the point of their work).

- 4.5 The person who engages the contractor must ensure the contractor has a valid registration or is not required to. Registration can be verified by sighting the person's WWVP card or a photograph/scanned copy of both sides of the card.
- 4.6 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 WWVP clearance unless they are exempted for reasons in paragraph 5.2:
- All volunteers who volunteer for more than three (3) days in any four-week period OR seven (7) days in any 12-month period must have a current WWVP registration.
 - All volunteers participating in an overnight camp for children, or an NDIS activity – regardless of time spent volunteering.

Which Volunteers are exempt from needing clearance?

- 5.2 The following volunteers do not need WWVP clearance:
- Parents or close relatives of a student volunteering at an activity where all children have close relatives present.
 - Volunteers under the age of 16.
 - Volunteers who are registered under a similar law (e.g. NSW Working With Children Check) and are not volunteering for more than 28 days in the ACT.

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, 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 [Volunteer Declaration](#) before their engagement.
- 5.4 The Declaration confirms that its signatory is:
- aware of the requirements of the WWVP 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 WWVP 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 WWVP 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

- not aware of any other information which would disqualify the person from obtaining a WWVP registration under the WWVP Act or under a corresponding law in other jurisdictions.

6. Children and Students

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

7. Other People

- 7.1 People, 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.
- 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 a WWVP registration.
- 7.3 Police officers, registered health professionals, lawyers, people registered under the Aged Care legislation, and financial services licensees do not require WWVP Registration, provided their engagement is in their professional capacity.
- 7.4 Police officers, registered health professionals, lawyers, people registered under the Aged Care Act 1997 (Cth), and financial services licensees under the Corporations Act must have a valid WWVP registration for any engagement in a personal/ non-professional capacity, such as a parent-volunteer at their child's sporting event.
- 7.5 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.

8. Determinations in Relation to Specified Workers

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

9. Responsibility for Monitoring and Ensuring Compliance

- 9.1 Employers must verify that workers engaged in child-related work hold valid WWVP 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** for record-keeping purposes after the person ceases to work for the school.
- 9.2 This responsibility is held by:
- Principals – in ACT 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 Catholic Education’s legislative compliance. Failure to meet these obligations may lead to disciplinary consequences or termination of employment.

10. Exchange of Information with Other Organisations

- 10.1 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. This may include sharing information with Access Canberra, the ACT Teacher Quality Institute, the ACT Ombudsman and Other Designated Entities.
- 10.2 Access Canberra may request information from Catholic Education relevant to a person’s WWVP registration.
- 10.3 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.
- 10.4 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.

11. Definitions

- 11.1 **A person engaged in a regulated activity:** subject to this policy and any determinations in relation to specified workers, all Catholic Education workers based in the ACT are people engaged in a regulated activity.
- 11.2 Contact with vulnerable people: is contact that:
- would reasonably be expected as a normal part of engaging in the activity
 - is not incidental to engaging in the activity
 - 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.
- 11.3 **Regulated activity:** 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.
- 11.4 **Vulnerable person:** a child (a person under the age of 18 years).
- 11.5 **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.

12. Related Documents and Legislation

12.1 Related CECG Documents:

- [Working with Children Check Policy \(NSW\)](#)

12.2 Related Legislation or Standards

- [Working with Vulnerable People \(Background Checking\) Act 2011](#) (ACT)

13. Contact

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