

Working with Children Policy

Section 1 - Background and Purpose

(1) La Trobe University (University) exercises a high degree of care, supervision and authority over children (i.e. persons under the age of 18 years).

(2) The University is committed to creating and maintaining a child safe organisation and has a zero tolerance approach towards child abuse. The commitment of which encompasses ethical work practices and compliance with the [Working with Children Act 2005 \(Vic\)](#) ('the Act').

Section 2 - Scope

(3) The Policy applies to all:

- a. Employees (including casual employees);
- b. Honorary appointments (such as office holders and those defined as staff in the [Honorary, Adjunct and Clinical Staff Appointments and Visiting and Affiliated Staff Procedure](#));
- c. Contractors (including third parties and agents); and
- d. Volunteers.

(4) For the avoidance of doubt, Visitors of the University (as oppose to Visiting Staff) remain out of scope for the purposes of this Policy.

Section 3 - Policy Statement

(5) This Policy and Procedure applies to all persons engaged and/or associated with the University, irrespective of whether or not that person's work, activities or services relates to or otherwise involves children. Limited exceptions apply (see Section 4 – Procedures).

(6) This includes but may not be limited to - professional and academic staff (continuing, fixed term and casual), researchers, volunteers, student leaders, officers, office holders and other honorary appointments, contractors, agents, and other third party service providers.

(7) This Policy supports University business processes and systems designed to prevent risks associated with the employment and engagement of inappropriate persons, by requiring that:

- a. each position/function covered by this Policy;
- b. obtains and holds at all times;
- c. a valid, positive Working with Children Assessment Notice (or such recognised equivalent under the Act or other relevant jurisdiction) ('Assessment Notice').

Compliance with the Act

(8) In applying heightened probity standards as above, the University is also complying with the principles and obligations as set out in the Act. These combined standards include the following:

- a. the University will not engage anyone unless they apply for and obtain a valid, positive Assessment Notice.
- b. For the avoidance of doubt, if an Assessment Notice has expired or is otherwise suspended, the Assessment will not be recognised for the period of that expiry/suspension.
- c. where employees, contractors, volunteers and other persons engaged or otherwise associated with the University fall within the scope of this Policy, the person must hold a valid positive 'Assessment Notice' prior to the commencement of that engagement. Limited exceptions apply, such as those provided below.
- d. applicants may be permitted to engage in work while a Victorian Working with Children Assessment is being processed, provided each of the following conditions are satisfied:
 - i. the person submits an application for a Working with Children Assessment Notice, and provides a copy of the receipt (including the application number) to the University; and
 - ii. the hiring manager undertakes to monitor the duties and activities of that person until such time as the outcome is known.

For the avoidance of doubt, clause (c) does not extend to persons engaged to:
 - iii. supervise a child under the age of 15 in employment under the [Child Employment Act 2003](#); or
 - iv. work in a service regulated by the [Children's Services Act 1996](#) or in an education and care service under the [Educational and Care National Services Act 2010](#).

Human Resources may also approve equivalent conditions for Assessment Notices from other jurisdictions, upon application. In approving such conditions, the Human Resources Division will give consideration to the standards applied in that jurisdiction.
- e. where the University is appropriately informed, it will ensure that any person subject to obligations, orders or offences for serious sexual, violent or drug offence specified in Schedule 3 of the Act does not work with or care for children while their application is being processed or their WWC Check reassessed;
- f. the University will ensure that any person who has a Negative Notice does not work with or care for children – irrespective of whether they are exempt under the Act;
- g. the University will ensure paid workers are not working on a Volunteer WWC Check but on a valid Employee WWC Check (applicable to the Victorian jurisdiction);
- h. the University will respect the privacy of all individuals covered by this Policy;
- i. continuing employment and or engagement with the University remains conditional upon maintaining a valid, positive, Assessment Notice, where deemed a requirement of the role. Failure of which (in the employment context) will be considered by Human Resources, in consultation with the employee and their Manager.

Section 4 - Procedures

Part A - Application for a WWC Check

(9) The [Working with Children Checks website](#) provides information on Working with Children Checks and the application process. All employees, honorary appointments, contractors (as appropriate) and volunteers (as appropriate) should refer to this website to commence their application process. Further information is provided via the [Working With Children Intranet Site](#).

Part B - Costs for WWC Checks

Volunteers

(10) The WWC Check is free for volunteers. Refer to the [Working with Children Checks \(Fees\) website](#).

On-going Employees, Fixed-term Employees

(11) Until 21 December 2017, the University will fund the cost of the initial WWC Assessment Notice where required for all on-going and fixed term employees who have commenced with the University no later than 31 July 2017. From 22 December 2017, all on-going and fixed term employees will be required to cover the cost of maintaining their WWC Check.

(12) All employees who commence in on-going and/or fixed term employment from 1 August 2017, will be required to obtain the WWC Check at their own cost. These employees will be advised of this as part of the University's recruitment/onboarding process.

(13) The University may subsidise costs associated with obtaining and continuing to hold an Assessment Notice, in extenuating circumstances upon application to the Human Resources Division via HR Assist. Applications will be considered by Human Resources and the Head of the relevant work unit and will be assessed on the basis of financial hardship only.

Employees (inc Casual Employees), Honorary Appointments and Directly Appointed Contractors

(14) The University will fund the cost of the initial WWC Assessment Notice where required for all casual employees, Honorary Appointments and directly appointed Contractors who have commenced with the University up to 30 September 2017. Refer to [Working With Children \(Intranet\)](#) which sets out the Application Process.

(15) From 1 October 2017, new casual employees, Honorary Appointments and directly appointed Contractors will be required to cover the cost of the WWC Check and will be advised of this as part of the University's recruitment/onboarding process. [Working With Children \(Intranet\)](#) sets out the Application Process.

(16) The University may subsidise costs associated with obtaining and continuing to hold an Assessment Notice, in extenuating circumstances upon application to the Human Resources Division via HR Assist. Applications will be considered by Human Resources and the Head of the relevant work unit and will be assessed on the basis of financial hardship only.

Exemptions to the Requirement to Hold a Valid WWC Check

(17) Casual Staff, Honorary Appointments, Contractors and Volunteers Engaged by the University may be exempt from the requirement to hold a valid WWC Check if:

- a. they are not Engaged in Child Related Work; and
- b. there is a low risk of exposure to children in the course of undertaking this work, activity or service; and
- c. they are Engaged on an infrequent and ad hoc basis (less than 18 exposures in the course of a rolling calendar year); and
- d. to the best of the University's knowledge, the person has never received a Negative Assessment Notice or engaged in conduct that would result in a Negative Assessment notice, should they be required to apply for a WWC Check.

(18) In these circumstances, the relevant work unit will determine whether a WWC Check is required in consultation with Human Resources.

Part C - Failure to Comply with Requirement to Hold a Valid WWC Check

(19) In circumstances where an Employee is issued with a Negative Assessment Notice or in any way fails to comply with this Policy, this will be managed on a case by case basis by Human Resources and the relevant work area, taking into consideration the circumstances of the non-compliance and the requirements of the Employee's position. Ongoing employment may be conditional upon obtaining/maintaining a WWC Check where it is a requirement of the position.

Part D - Notifying the Department of Justice and Regulation of your Engagement with the University

(20) Persons employed or otherwise engaged with the University that fall within the scope of this policy, and that hold a Victorian Working with Children Assessment Notice, are required to:

(21) Notify the Department of Justice and Regulation (DoJR) of the following organisational details within 21 days of employment or other form of engagement. This may be performed via the 'WWC MyCheck Portal'.

Organisational Contact Details:

La Trobe University - HR Assist

Kingsbury Drive,

Bundoora VIC 3086

Contact: HR Assist (03 9479 1234)

(22) Notify the DoJR and any person and or organisation to which that person engages in child related work (such as La Trobe), in writing within 7 days of becoming aware of a relevant change of circumstances as required in the Act. This includes but is not limited to changes to personal contact and details of the organisation(s) where the person is engaged in child-related work.

(23) If issued with an interim or negative notice:

- a. notify HR Assist as soon as reasonably practicable, no later than 7 days of the Notice being issued;
- b. (if the notice was an interim notice) not engage or apply for child related work, or any work that involves or may involve children for the period of appeal and/or reassessment until such time as the outcome is known (unless approved in writing by the Human Resources Division);
- c. (if the notice was a negative notice) not engage or apply for child related work or any work that involves or may involve children.

(24) It is an offence to:

- a. provide false or misleading information as part of an application or re-assessment of an Assessment Notice; or
- b. use a false Assessment Notice or an Assessment Notice granted to another person.

Part E - Notification of the WWC Check Requirement

(25) All University job advertisements will state the requirement for successful candidates to obtain at their own cost a WWC Check as a condition of employment.

Part F - Third Party Providers and Contracts for Services

(26) Where contracts with third party providers contain a requirement that all persons engaged by that third party

must hold valid WWC Checks, the third party will be responsible for monitoring of compliance with this requirement and will bear the cost of any applications and renewals for WWC Checks where applicable. Appropriate documentation evidencing compliance must be provided to the University upon request.

Part G - Privacy Principles

(27) Assessment Notices received from the Department of Justice and Regulation are subject to the Privacy Principles in the [Privacy and Data Protection Act 2014](#).

Section 5 - Definitions

(28) For the purposes of this Policy:

- a. Assessment Notice: Means a Victorian Working with Children Check Assessment (or such recognised equivalent under the [Working with Children Act 2005](#), or other relevant act and/or jurisdiction).
- b. Child: A person under the age of 18 years.
- c. Child-related work: Work that usually involves or is likely to involve regular, direct contact with a child in connection with any of the child-related occupational fields set out in the [Working with Children Act 2005](#).
- d. Direct Contact: means physical contact, face-to-face contact, contact by post or other written communication, contact by telephone or other oral communication, or contact by email or other electronic communication.
- e. Engaged: means engaged either:
 - i. under a contract of employment or a contract for services (whether written or unwritten);
 - ii. as part of the duties of a religious vocation;
 - iii. as an officer or other honorary position; or
 - iv. as a volunteer.
- f. The University: means La Trobe University.
- g. Visitor: a person who visiting someone or somewhere on a University campus and who is not Engaged.
- h. Working with Children Check or WWCC: means the background checking process which is a prerequisite for persons employed, or otherwise engaged by the University within Victoria, and involves a full national criminal history check and a review of reported workplace misconduct.

Section 6 - Stakeholders

Responsibility for implementation – Planning and Governance.

Responsibility for monitoring implementation and compliance – Executive Director, Planning and Governance.

Status and Details

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