

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](#)) and Emeritus appointments, paid and unpaid (refer to [Working with Children Intranet](#) for full list in scope staff);
- c. Directly Appointed Contractors;
- d. Contractors (including third parties, sub-contractors and agents);
- e. Collaborators; and
- f. 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, as do Children who may be engaged by the University in any capacity.

(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).

Section 3 - Policy Statement

(6) 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 Victorian Working with Children Assessment Notice (or such recognised equivalent under the Act or other relevant jurisdiction) ('Assessment Notice').

Compliance with the Act

(7) 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. Unless otherwise provided for below the University will not engage anyone unless they apply for and obtain a valid, positive Assessment Notice prior to commencing at the University. 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.
- b. Where employees, contractors, sub-contractors, Directly Appointed 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.
- c. Persons who will be employed by the University as casual employees 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. prior to commencing work, 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 work unit and hiring manager; and
 - ii. the hiring manager undertakes to monitor the duties and activities of that person until such time as the outcome is known.
 - iii. the person promptly provides the positive Assessment Notice to their hiring manager and to HR Assist via Ask HR.

For the avoidance of doubt, this sub-clause does not extend to persons engaged to:

- supervise a child under the age of 15 in employment under the [Child Employment Act 2003](#); or
- 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](#).

- d. Persons originating from another State jurisdiction who are engaged by the University must obtain a valid Victorian Assessment Notice unless otherwise approved by HR Division. Equivalent Assessment Notices issued from another State jurisdiction may be accepted by HR Division subject to an assessment of the type and duration of the engagement and where the engagement will be undertaken. For foreign nationals engaged by the University in international programs and activities, subject to assessment by HR Division, an international probity check may be required. International probity checks may also be required, in addition to an Assessment Notice, for persons engaged within Australia but that have resided outside of Australia for more than 24 months in the last 5 years.
- 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. For employees of the University, failure to obtain or maintain a valid, positive, Assessment Notice, will be considered by Human Resources, in consultation with the employee and their Manager. Failure to obtain or maintain a valid, positive Assessment Notice may be considered as serious misconduct by the University.
 - j. For non-employees covered by this Policy, failure to obtain and maintain a valid, positive Assessment Notice may be considered grounds for the removal of the non-employee from the University grounds and for

termination of the relevant contract, relationship or partnership between the non-employee and the University.

Section 4 - Procedures

Part A - Application for a WWC Check

(8) 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

(9) The WWC Check is free for volunteers. Refer to the [Working with Children Checks \(Fees\) website](#). The work unit engaging volunteers is responsible for management of exemption and the maintenance of a registry of WWC Checks for all volunteers operating in their area, in compliance with Privacy Laws. Upon request by the University, the work unit will provide a report detailing compliance for all Volunteers engaged by the work unit.

On-going Employees, Fixed-term Employees

(10) 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.

(11) 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.

(12) The University may reimburse costs associated with obtaining and continuing to hold an Assessment Notice, in extenuating circumstances upon application to the Finance Division via Finance Assist. Applications will be considered by Finance and the Head of the relevant work unit and will be assessed on the basis of financial hardship only. In all cases where financial hardship is established, the relevant work unit will be responsible for funding the costs associated with the WWC Check.

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

(13) 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.

(14) 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.

(15) The University may reimburse costs associated with obtaining and continuing to hold an Assessment Notice, in extenuating circumstances upon application to the Finance Division via Finance Assist. Applications will be considered by Finance and the Head of the relevant work unit and will be assessed on the basis of financial hardship only. In all cases where financial hardship is established, the relevant work unit will be responsible for funding the costs

associated with the WWC Check.

Exemptions to the Requirement to Hold a Valid WWC Check

(16) Casual Staff, Honorary and Emeritus Appointments (excluding Clinical Appointments), Contractors, Sub-Contractors, Directly Appointed Contractors, Collaborators and Volunteers Engaged by the University may be exempt from the requirement to hold a valid WWC Check if they meet ALL the requirements outlined below. Refer to [Working With Children \(Intranet\)](#) for the full list of the category of staff eligible to apply for exemption. The individual seeking exemption will be required to confirm that they:

- a. they are not Engaged in Child Related Work; and
- b. have a low risk of exposure to a child or children in the course of undertaking this work, activity or service; and
- c. may have incidental exposure, if any, with Children, being less than 12 occurrences in a 12 month period; and
- d. are Engaged on an infrequent and ad hoc basis, no more than 35 hours in a 12 month period; and
- e. have never received a Negative Assessment Notice nor engaged in conduct that would result in a Negative Assessment Notice, should they be required to apply for a WWC Check.

(17) For casual staff and Honorary and Emeritus Appointments, the application, once completed and signed, must be determined in consultation with Human Resources.

(18) For Contractors, Directly Appointed Contractors and Volunteers, the application must be made to the relevant work unit. The Head of the relevant work unit will determine the outcome having regard to the above exemption conditions.

(19) For Collaborators, the application can be made by the staff engaging the Collaborator, the Head of the relevant work unit will determine the outcome having regard to the above exemption conditions.

(20) For international and interstate based Collaborators, an exemption may be granted without application if the Collaborator fulfils the above criteria and is not based in or operates in the Victorian jurisdiction. Determination of this will be made by the work unit in consultation with the Research Office.

(21) Other exemptions may be granted at the sole discretion of the Vice-Chancellor, Vice-President (Administration) or the Deputy Vice-Chancellors.

(22) The University may at any point in time, elect to undertake a compliance audit on exemption outcome registers of any work unit.

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

(23) In circumstances where an individual 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 individual's position. Ongoing employment or engagement 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

(24) 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:

(25) 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)

(26) 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.

(27) 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.

(28) 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

(29) 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 - Non-employees - Compliance and Record Keeping

(30) Contractors (Third Party Providers and Agents), Collaborators, Volunteers and Contracts for Services are considered as non-employees under this Policy.

(31) Where a Contractor is not exempt from holding a valid WWC Check, the Contractor 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.

(32) Where a University work unit or employee engages a Collaborator or Volunteer in a formal or informal basis and the Collaborator or Volunteer is required to hold a valid WWC Check, the work unit will have the responsibility for ensuring the Collaborator or Volunteer comply with the requirement of the University's WWC Policy.

(33) The work unit who engages the non-employees is responsible for:

- a. maintaining a register of WWC Checks (including exemption and its outcome) for all non-employees in their area;

- b. verify compliance of the non-employees in their area with the University's WWC Policy;
- c. undertake compliance audits of the non-employees in their area from time to time; and
- d. upon request by the University, provide an audit report detailing compliance for all non-employees engaged by the work unit.

Part G - Privacy Principles

(34) 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

(35) For the purposes of this Policy:

- a. Assessment Notice: 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/Children: 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. Collaborator: external party who collaborates with the University employee activities such as research, development and engagement projects, publications or partnerships, who are not Honorary or Emeritus Appointments, Contractors, Directly Appointed Contractors or Volunteers.
- e. Directly Appointed Contractor: an individual who operates their own business and who has an ABN and is engaged directly by the University to provide goods and/or services through a contract or services agreement for a specific purpose and time period.
- f. Direct Contact: 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.
- g. 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.
- h. Exposure: contact or interaction (including through physical or virtual environments), or contact or interaction that may be made possible as a result of access to personally identifiable information of children, whether or not the contact or interaction is incidental to the work or services the person is engaged to perform.
- i. Occurrences: means incidental or indirect contact with a Child.
- j. The University: means La Trobe University.
- k. Visitor: a person who visiting someone or somewhere on a University campus and who is not Engaged.
- l. 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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