

Working with Children Policy

Section 1 - Background and Purpose

(1) La Trobe University (the 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. This is achieved through adherence to ethical work practices and compliance with the [Working with Children Act 2005 \(Vic\)](#) ('the Act').

Section 2 - Scope

(3) This Policy applies to all persons engaged and/or associated with the University, irrespective of whether or not that person's work, activities or services directly relates to or otherwise involves children.

(4) For the avoidance of doubt, Visitors to the University (as opposed to Visiting Staff), and individuals and organisations who are operating in an offshore jurisdiction 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 applies to research activities where the University is the lead organisation.

Section 3 - Policy Statement

(6) In order to prevent risks associated with the employment and engagement of inappropriate persons the University applies heightened probity standards in its compliance with [the Act](#).

(7) Unless otherwise provided for in this Policy, the University will not engage anyone within the scope of this policy, either employee or non-employee, unless they apply for and obtain a valid, positive Working with Children(WWC)Check prior to commencing at the University.

(8) Limited exceptions apply to the requirement to apply for and obtain a valid, positive WWC Check prior to commencing at the University. Continuing and fixed term staff of the University and any clinical appointment cannot be exempt from the process outlined in [Schedule A - WWC Applicability](#) from the requirement to hold a valid WWC Check.

(9) For the avoidance of doubt, any persons or organisation engaged by the University to:

- a. supervise a child under the age of 15 in employment under the [Child Employment Act 2003](#); or
- b. 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](#) must hold a current and valid WWC Check.

Section 4 - Procedures

(10) These Procedures outline the ways in which the University manages its responsibilities for employees and non-employees under this Policy.

(11) Contractors, as one group of non-employees, have the responsibility for managing compliance to this policy by their organisation and by their organisation's employees, contractors, sub-contractors and agents, unless otherwise indicated.

(12) [Schedule A - WWC Applicability](#) outlines the application of this Policy for all employees and non-employees.

Exemption

(13) Certain categories of persons or organisations engaged with the University may be exempt from the requirement to hold a valid Victorian Working with Children Assessment Notice (also referred to as WWC Check) under specific conditions (Exemption).

(14) Certain categories of persons or category of engagement may be exempt from the requirement to apply for exemption if their work, activities or services does not relate to or otherwise involves children.

(15) An Exemption is valid for the period of the engagement and is specific to the engagement with which it was assessed under. Reassessment of Exemption is needed if the specific nature of the engagement changes.

(16) Conditions associated with Exemption are outlined in [Schedule A - WWC Applicability](#).

(17) Exemptions other than those included in [Schedule A - WWC Applicability](#) may be granted at the sole discretion of the Vice-Chancellor, Chief Operating Officer, the Deputy Vice-Chancellors or Executive Director, Human Resources.

Part A - Types of WWC Check

Employee Versus Volunteer Checks

(18) All Employees and Non-Employees with the exception of Volunteers, are required to hold a current, valid Employee WWC Check.

(19) Volunteer WWC Check is sufficient for volunteers engaged by the University.

Alternatives to WWC Checks

(20) The University at its discretion may recognise equivalences to a WWC Check under [the Act](#) or other relevant jurisdiction as outlined in [Schedule A - WWC Applicability](#).

(21) Unless otherwise indicated, equivalences to a WWC Check from other jurisdictions can only be used in Victoria for no more than 30 days per calendar year.

Part B - Applying for a WWC Check

(22) The [Working with Children Victoria](#) website provides information on Working with Children Checks and the application process. All persons engaged or associated with the University should refer to this website to commence their application process. Further information for employees is provided via the [Working with Children Intranet](#) Site. University specific information for Volunteers and Non-Employees is provided via the Management of WWC - Non-Employees.

(23) It is an offence, and for employees will be considered to be serious misconduct to:

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

Casual Employees

(24) Persons who will be employed by the University as casual employees may be permitted to engage in work while a WWC Check is being processed, provided each of the following conditions are satisfied:

- a. are not engaged to carry out Child-related work;
- b. prior to commencing work, the person submits an application for a WWC Check, and provides a copy of the receipt (including the application number) to the University work unit and hiring manager;
- c. the hiring manager undertakes to monitor the duties and activities of that person until such time as the outcome is known; and
- d. the person promptly provides the positive WWC Check to their hiring manager and to HR Assist via Ask HR.

Part C - Costs for WWC Checks

(25) Refer to the [Working with Children Victoria \(Fees\)](#) website for the schedule of fees.

Direct Engagements

(26) All Employees and Non-Employees will be required to obtain the WWC Check at their own cost. New appointees will be advised of this requirement during the recruitment/appointment process.

(27) The University may reimburse costs associated with obtaining and continuing to hold a WWC Check for Employees in extenuating circumstances upon application to the Finance Division via Finance Assist. Applications will be considered by Chief Financial Officer (CFO) or delegate in conjunction with the Head of the relevant work unit. Assessment will be based on 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.

Volunteers

(28) The WWC Check is free for volunteers.

Part D - Requirement to Update Details

(29) Any persons required to hold a WWC Check under this Policy, are required to:

- a. notify the [Department of Justice and Community Safety](#) of the relevant organisational details within 21 days of employment or other form of engagement. This may be performed via the 'WWC MyCheck Portal'.
- b. notify the [Department of Justice and Community Safety](#) and any person and or relevant organisation (La Trobe or its contractor as appropriate) 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) using the [process](#) outline.

Part E - Adverse Notices

(30) Persons who are employed or otherwise engaged with the University, who hold a WWC Check and are issued with an Adverse Notice, are subject to the following requirements:

	All	Employee	Non-employee
Requirement to notify	As soon as practicable. No later than 7 days of an Adverse Notice being received.	Notify HR Assist.	Notify their employer and their La Trobe contract signatory or relevant business unit contact.
Work restrictions - Preliminary or Interim Notice	Named individual must not engage or apply for Child-related work, or any work that involves or may involve children for the period of appeal and/or assessment until such time as the outcome is known.	Exceptions – May remain engaged in certain capacity subject to approval in writing by Human Resources in consultation with the University Child Safety Officer (CSO).	Exceptions – May remain engaged in certain capacity subject to approval in writing by the relevant Head of Business Unit at La Trobe in consultation with the University's CSO.
Work restrictions - Negative Notice or Notice of Suspension	Named individual must not engage or apply for child-related work or any work that involves or may involve children.	Named individual must not engage or apply for child-related work or any work that involves or may involve children.	Named individual must not engage or apply for child-related work or any work that involves or may involve children.

(31) Where an individual is issued with an Adverse Notice, this will be managed on a case by case basis, taking into consideration the circumstances of the non-compliance and the requirements of the individual's engagement with the University:

- a. for Employee: by Human Resources in consultation with the University's CSO and the relevant work area; and
- b. for Non-Employee: by the University's CSO and the relevant Head of Business Unit at La Trobe.

(32) Ongoing employment or engagement of such individuals may be conditional upon obtaining/maintaining a WWC Check.

Part F - Compliance and Record Keeping

(33) All individuals in scope of the WWC Policy are responsible for maintaining their continual compliance with the WWC Policy.

(34) The University, its business units and engaged contractors all have a role in compliance and record keeping.

(35) Records that are required to be managed:

- a. Individual's WWC Check information;
- b. WWC Check Declaration form;
- c. WWC Check Exemption form;
- d. Third Party Working with Children Check Register.

(36) All records must be managed and disposed of in accordance to the University's [Records Management Policy](#) and the [Privacy - Personal Information Policy](#).

Employees

(37) Human Resources has the responsibility for maintaining the University's register of Employees WWC Check. Where required, Employees may be asked to provide appropriate documentation evidencing their compliance to Human Resources.

Non-Employees

(38) Contractors (Third Party Teaching and Research Partners, Sub-contractors and Agents), Collaborators, and

Volunteers are considered as Non-employees under this Policy.

(39) While CONAGOTH are non-employees under this Policy, record keeping for this group is managed by Human Resources. Appropriate documentation evidencing compliance must be provided to HR upon request.

(40) Where a Contractor (and their Employees including agents, Contractors and sub-Contractors) is not exempt from holding a valid WWC Check, the Contractor will be responsible for their organisation's compliance with this requirement which includes maintaining a register of their employees WWC Check information and bear the cost of any applications and renewals for WWC Checks where applicable.

(41) Where a University business unit or Employee engages a Contractor, the business unit have the responsibilities for monitoring the Contractor's compliance with the requirement of this Policy and log these in accordance to the process outlined [Working with Children Business Unit Responsibilities \(intranet\)](#) page.

(42) Where a University business unit or Employee engages a Volunteer on a formal or informal basis and the Volunteer is required to hold a valid WWC Check, the business unit have the responsibility for recording the Volunteers' WWC Check information and ensuring the Volunteer complies with the requirement of this Policy.

(43) Where a research activity requires a WWC Check, the lead investigator must submit evidence to the Human Research Ethics Committee that demonstrates that all collaborators and or parties to the research project adhere to [the Act](#) and this Policy. The lead investigator has the responsibility for recording their external collaborator's WWC Check information.

(44) The University may at any point in time, elect to undertake a compliance audit of its own register and that of its business units, volunteers and engaged contractors.

Part G - Managing Non-Compliance

(45) For Employees, failure to obtain or maintain a valid, positive, WWC Check, will be considered by Human Resources, in consultation with the Employee and their Manager and may be considered as serious misconduct or misconduct by the University.

(46) For Non-Employees covered by this Policy, failure to obtain and maintain a valid, positive WWC Check 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 or their employer if engaged by a third party.

(47) For the avoidance of doubt, if the WWC Check has expired or is otherwise suspended, the Assessment will not be recognised for the period of that expiry/suspension.

(48) Where the University is appropriately informed, it will take reasonable steps to ensure that:

- a. any person subject to obligations, orders or offences for serious sexual, violent or drug offence does not interact on a one-on-one basis, work with or care for children while their application is being processed or their WWC Check reassessed. Such action may include not permitting the person to attend on campus.
- b. any person who has a Negative Notice does not interact on a one-on-one basis, work with or care for children – irrespective of whether they are exempt under [the Act](#). Such action may include not permitting the person to attend on campus.

Part H - Notification of the WWC Check Requirement

(49) All University job advertisements will state the requirement for successful candidates to obtain a WWC Check at

their own cost as a condition of employment.

(50) All University contracts and volunteer deed will state the requirement for a WWC Check as a condition of engagement until and if an exemption is granted under the terms of this policy.

Part I - Procedure During Covid-19 State of Emergency

(51) For the duration of the current State of Emergency in Victoria, due to the serious risk to public health posed by coronavirus (COVID-19), the procedure for the ways in which the University manages its responsibilities for engaging all new employees (as defined in Schedule A) and CONAGOTH will align with clause 24 of this policy. Employees whose WWCC requires renewal will need to demonstrate the renewal process has been initiated. Human Resources has the responsibility for monitoring the status of the State of Emergency to determine the appropriate timing to terminate this special procedure. Where required, Employees may be asked to provide appropriate documentation evidencing their compliance to Human Resources.

Section 5 - Definitions

(52) For the purposes of this Policy:

- a. Adverse Notice: refers to a family of notices issued by the Department of Justice and Regulation or similar bodies that indicates the individual named in the notice have not or may not passed the department's assessment of their criminal record or professional conduct. For WWC Check these are (preliminary, interim and negative notices and notice of suspension).
- 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 [Worker Screening Act 2020](#).
- d. CONAGOTH: Contractors, Agents and Others (includes Directly Appointed Contractor) can be individuals who operates their own business and who has an ABN or company staff and is engaged directly by the University or its Business Unit to provide specific services through a contract or services agreement for a specific purpose and time period and has the requirement to have their appointments recorded in the HR system.
- e. Contractor: a natural person, business, or corporation that provides goods and/or services through a contract (written or verbal) for a specific purpose and period of time to the University. This includes educational and research partners.
- 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. Employee: ongoing, fixed term and casual employees; honorary appointments (such as office holders and those defined as staff in the [Honorary Appointments Policy](#)) and Emeritus appointments, paid and unpaid (refer to [Working with Children Intranet](#) for full list in scope staff).
- h. 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.
- i. 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.
- j. Non-employee: Directly Appointed Contractors; Contractors (including teaching and research partners, sub-contractors and agents); Collaborators; and Volunteers.

- k. Third Party Teaching: an arrangement where La Trobe students are enrolled in a La Trobe award or non-award course of study while based in whole or part at a partner's premises.
- l. Visitor: a person who visiting someone or somewhere on a University campus and who is not Engaged.
- m. Working with Children Check or WWC Check: a Victorian Working with Children Check Assessment (or such recognised equivalent under the [Worker Screening Act 2020](#), or other relevant act and/or jurisdiction) being the outcome of 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.

Status and Details

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