

Working with Children Policy

Section 1 - Key Information

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|---------------------------------------|-------------------------------------|
| Policy Type and Approval Body | Administrative - Vice-Chancellor |
| Accountable Executive - Policy | Deputy Vice-Chancellor (Students) |
| Responsible Manager - Policy | Executive Director, Human Resources |
| Review Date | 1 March 2026 |

Section 2 - Purpose

(1) The [Worker Screening Act 2020](#) (Vic) prescribes the use of the Working with Children Check (WWC) for adults who work with children in a paid or volunteer capacity. The Check assists in protecting children from sexual and physical harm by ensuring that people who work with them are subject to a screening process.

(2) The WWC is administered by the Victorian Department of Justice and Community Safety (DOJCS) and checks a person's criminal history for serious sexual, violence or drug offences and findings from professional disciplinary bodies.

(3) This Policy sets out how the University will ensure that all staff, as well as all volunteers, students and contractors engaged in child related work, have a valid WWC Check.

Section 3 - Scope

(4) This Policy applies to:

- a. all staff, irrespective of whether or not that person's work, activities or services directly relates to or otherwise involves children
- b. all volunteers and contractors engaged in child-related work
- c. students undertaking child related work or professional placements
- d. research activities where the University is the lead organisation

(5) This Policy does not apply to:

- a. visitors to the University (as opposed to Visiting Staff)
- b. individuals and organisations who are operating in an offshore jurisdiction
- c. children who may be engaged by the University in any capacity

Section 4 - Roles and Responsibilities

| Key decision making power/responsibility | Role |
|------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Decides on the outcome for staff and non-employees who receive exclusion notices | Human Resources |
| Decides on the outcome for students who receive exclusion notices required for child related work or professional placements | Placement Team Manager |

Section 5 - 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 [Worker Screening Act 2020](#) (Vic).

(7) The University will not employ anyone unless they apply for and obtain a valid, positive WWC prior to commencing at the University, or meet a valid exemption under this Policy.

(8) The University will not engage a person as a volunteer or contractor to conduct child-related work unless they can provide evidence of a valid, positive WWC.

(9) Students of the University whose course of study involves child-related work or professional placements involving children are required to obtain a valid, positive WWC before undertaking any such work or placement.

Section 6 - Procedures

Part A - Staff Exemptions

(10) Exemptions will not be granted to anyone employed or 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](#).

(11) Exemptions from the requirement to have a WWC at the commencement of an engagement with the University are only recognised in specified cases as outlined in [Schedule A - WWC Applicability](#).

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

(13) 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 B - Applying for a Working with Children Check

(14) 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 who need to obtain a check should refer to this website to commence their application process.

(15) Human Resources is responsible for ensuring the University's requirements regarding WWC are clearly stated, advertised and advised during the recruitment process.

(16) All persons required to obtain or renew an employment WWC under this Policy must do so at their own cost.

Staff

(17) Prior to commencing employment with the University, staff are responsible for:

- a. providing evidence of a positive WWC; or
- b. if permitted, apply for and show evidence of their WWC application; or
- c. if exempt, providing evidence for the relevant exemption.

(18) Casual staff may be permitted to engage in work while a WWC Check is being processed, provided each of the following conditions are satisfied:

- a. the casual staff member is not engaged to carry out child-related work
- b. prior to commencing work, the person submits a WWC application and provides a copy of the receipt (including the application number) to the University 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 outcome of the WWC Check to their hiring manager and to HR Assist via AskHR.

(19) Staff must notify DOJCS via the 'WWC MyCheck Portal' of their engagement with the University within 21 days of commencing employment or other form of engagement.

(20) Throughout the engagement with the University, staff are required to notify:

- a. the University via HR Assist within 7 days of a relevant change in circumstances including being charged, found guilty or convicted of an offence or receive an Exclusion Notice
- b. within 21 days notify the DOJCS of a change in personal details (name, address, email, phone number) or the organisation/employer's details (name, address, phone number)
- c. ensure they renew their WWC and update their details in the HR system, including their WWC card number, expiry date and upload a copy of their updated documentation via the AskHR form. Instructions on how to update details are available via the [intranet](#).

(21) Further information for staff is provided via the [Working With Children \(Intranet\)](#) and the [Working with Children Check Victoria website](#).

Students

(22) Prior to undertaking any child related work or professional placements, students are responsible for:

- a. ensuring they apply for a WWC by the required date
- b. uploading their WWC card into the placement management system
- c. taking their WWC Check to the relevant School for sighting and registration

(23) Students must take their WWC card with them while on placements and present the WWC on request to an agency where the placement is being undertaken.

(24) Students are considered volunteer workers for the purposes of the Act when undertaking practical or clinical placements.

(25) The WWC Check is free for volunteers (including students on placement).

(26) Throughout the engagement with the University, students are required to notify:

- a. the University via the Placements Team within 7 days of a relevant change in circumstances including being charged, found guilty or convicted of an offence or receive an Exclusion Notice
- b. within 21 days notify the DOJCS of a change in personal details (name, address, email, phone number) or the organisation/employer's details (name, address, phone number)

(27) Further information for students is provided via the [Working With Children \(Intranet\)](#) and the [Working with Children Check Victoria website](#).

Part C - Managing Non-Compliance and Exclusion Notices

(28) Ongoing employment or engagement with the University may be conditional upon obtaining/maintaining a WWC Check.

(29) Staff who fail to obtain or maintain a valid, positive, WWC Check, may be grounds for misconduct or serious misconduct. This assessment will be undertaken by Human Resources in consultation with the the employee and their manager.

(30) For non-employees required to obtain a WWC, failure to obtain and maintain a valid, positive WWC may be grounds for removal from University grounds and for termination of the relevant contract, relationship or partnership.

(31) Students who receive a negative WWC Check assessment may apply for credit for any successfully completed subjects towards a course not requiring child-related work.

(32) If a WWC Check has expired or is otherwise suspended, the Assessment will not be recognised for the period of that expiry/suspension.

(33) 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 campus.
- b. any person who has an Exclusion 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 campus.

(34) Where an individual is issued with an Exclusion 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.

| | Managed by | Decision on outcome made by |
|----------------------|-------------------------------------------------------------------------|-------------------------------------------------|
| Staff | HR in consultation with the Child Safety Officer and relevant work area | Executive Director, Human Resources |
| Non-employees | Head of Business Unit in consultation with the Child Safety Officer | Head of Business Unit engaging the non-employee |
| Students | Placements Team Manager in consultation with the Child Safety Officer | Placements Team Manager |

Part D - Record Keeping

(35) The responsible area for managing records for WWC compliance are:

| | Responsibility for monitoring compliance and maintaining WWC records |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Staff and non-employees incl. CONAGOTHS | Human Resources will maintain the University's WWC register and monitor compliance for staff and CONAGOTHS required to have a WWC (except for students). |
| Students | The Placements Team, Office of the Provost will maintain student WWC records and monitor compliance for students required to have a WWC for child related work and/or professional placements. |
| Contractors | The contractor is responsible for their own organisation's compliance with this requirement. The University business unit engaging the contractor/s is responsible for monitoring the contractors compliance with the WWC requirements i.e if required, sighting and recording a contractors WWC number with the contractors agreement records. |
| Volunteers | The University business unit engaging the volunteer is responsible for monitoring the volunteers compliance with the WWC requirements i.e sighting and recording the volunteers WWC number. |
| Research activity | The Lead Investigator is responsible for submitting and recording evidence to the Human Research Ethics Committee to demonstrate that all collaborators and/or parties to the research project comply with this Policy. |

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

(37) 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.

Section 7 - Definitions

(38) For the purposes of this Policy:

- a. Child/Children: a person under the age of 18 years.
- b. 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.
- c. 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.
- d. 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.
- 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. Exclusion 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).
- g. 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.
- h. Non-employee: directly appointed contractors, contractors (including teaching and research partners, sub-contractors and agents), collaborators and volunteers.
 - i. Staff: ongoing, fixed term and casuals, honorary appointments, Council members.
 - j. 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.
 - k. Visitor: a person who is visiting someone or somewhere on a University campus and who is not engaged by the University.
 - l. Working with Children Check or WWC Check: a Victorian Working with Children Check (or such recognised equivalent under the [Worker Screening Act 2020](#) (Vic), 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.
 - m. Working with Children Act 2005 (Vic): was repealed on 1 February 2021 and replaced by the [Worker Screening Act 2020](#)(Vic).

Section 8 - Authority and Associated Information

(39) This Policy is made under the [La Trobe University Act 2009](#).

(40) Associated information includes:

- a. [Child Safety and Wellbeing Policy](#)
- b. [Child Safety Code of Conduct](#)
- c. [Recruitment Policy](#)
- d. [Working with Children Check Victoria website](#)
- e. [Schedule A - WWC Applicability](#)

Status and Details

| | |
|-----------------------------------|-----------------------------------------------------|
| Status | Current |
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| Responsible Policy Officer | Regan Sterry Executive Director, Human Resources |
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Glossary Terms and Definitions

"**child/children**" - A person or persons under the age of 18 years as defined in the Workers Screening Act 2020 (Vic).

"**WWCC**" - Working with Children Check