

# RTO Working with Children (WWC) Check procedure

Version: 1

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## 1. Purpose

To enable Four Wheel Drive Victoria (herein referred to as FWDV) to implement and administer the Working with Children Check Policy so as to meet the Victorian state government legislative requirements of the *Working With Children Act 2005* and, contribute to child safe practices relating to employees, contractors and volunteers who are engaged in child-related work in the occupational fields or other areas that deliver education and services within the RTO.

## 2. Scope

All Nationally Recognised Training on our Scope of Registration.

All non accredited training undertaken on behalf of FWDV.

This procedure applies to all FWDV current, new and prospective employees, contractors and volunteers who are likely to be engaged in child-related work in the occupational fields or other areas that deliver education and services within the organisation that usually involves direct contact with a child or children. Employees who are registered under the *Victorian Institute of Teaching Act 2001* (eg. secondary school teachers), do not require a WWC Check or Card

## 3. Procedure

### ***Procedure for Employees, Contractors and Volunteers***

All employees, contractors and volunteers who are or are likely to be engaged in child-related work in the occupational fields or other education and services carried out by the RTO, that usually involves direct contact with a child or children will be required to hold a WWC Card as prescribed in the *Working with Children Act 2005*.

### *Lodging WWC Check Applications*

1. WWC Applications are to be completed on-line on the Department of Justice and Regulation website and then printed and lodged at participating Australia Post retail outlets.
2. It will be the responsibility of each prospective employee, contractor and volunteer to apply for and obtain a WWC Card.
3. The RTO will allow reasonable time for employees to renew their WWC Card during the course of their normal paid hours of work.

### *Payment of WWC Applications and Renewals*

1. All prospective employees, contractors or volunteers will be required to fund the cost of their own applications or renewals.

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2. The Department of Justice and Regulation will assess and process applications or renewals and issue the appropriate Notice and WWC Card in accordance with the *Working with Children Act 2005* and *Working with Children Regulations 2006*.

### *On Return of a WWC Check/Renewal, Record Keeping and Monitoring*

1. In the case of employees, the staff member will need to present the Assessment Notice and/or WWC Card to the Office Manager who will be responsible for signing off on Notice/Card as sighted and photocopying. This information will be stored on the employee's personal file.
2. Persons issued with a WWC Card are advised to carry the WWC Card on them at all times when conducting child related work.
3. It will be the responsibility of the Training Manager to advise holders of WWC Cards to renew their WWC Card at least 4 months prior to the expiry date.
4. In the case of an employee issued with an Interim Negative or Negative Notice, the employee must notify Training Manager in writing within 7 days, who in turn will arrange for the employee to meet with the CEO who will sight the Notice, record the date of issue on the employee's personal file and determine the next appropriate course of action together.

### *Right of Appeal*

1. If an Interim Notice or Negative Notice is issued to a person, the person has a right of appeal as specified in the *Working with Children Act 2005*. If an Interim Notice or Negative Notice is issued, the process for appeal will be outlined on the Notice.
2. It will be the responsibility of the person issued with the Interim Negative or Negative Notice to pursue such an appeal if they wish to do so. The person must not be engaged in any child-related work during the appeal period.

### *Valid Period of a WWC Check*

1. An Assessment Notice and WWC Card will be valid for a period of 5 years as prescribed in the *Working with Children Act 2005*.
2. The Assessment Notice and WWC Card issued belongs to the person. It is transferable between positions and when changing employment or other engagement arrangements within the valid 5 year period.
3. A person cannot continue to do child related work once an Assessment Notice and WWC Card has expired. This is an offence under the *Working with Children Act 2005 and Regulations 2006*.

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### *Further Disclosure During Period of Employment / Engagement*

1. Any future criminal charge/s will be monitored by the Department of Justice and Regulation on an on-going basis during the term of the issued Assessment Notice and WWC Card as outlined in the *Working with Children Act 2005*. Any new charge/s or conviction/s will result in a re-assessment of the WWC Check as per the *Working with Children Act 2005*.
2. If a person who has been issued a WWC Card, is given notice by the Department of Justice and Regulation that their WWC Check is to be re-assessed, the person must notify the Training Manager, in writing within 7 days.
3. In this case, the person must be withdrawn from all child-related work. The person cannot resume child-related work until such time as the re-assessment process is completed and the person is issued with an Assessment Notice and valid WWC Card.
4. If a person holding a valid Assessment Notice and WWC Card is charged with or convicted of a relevant criminal offence or otherwise has a relevant change of circumstance within the meaning of the *Working With Children Act 2005, Section 20*, they must notify the Training Manager, in writing, within 7 days. Failure to notify will be considered as serious misconduct and may result in termination. In this case, the Training manager must immediately withdraw the person from all child-related work.
5. In the case where a person is withdrawn from child-related work, the person will be responsible for organising and paying for any re-assessment of their WWC Check

### *Non-compliance or Issue of an Interim Negative or Negative Notice*

Where an employee, contractor or volunteer fails to comply with obtaining a WWC Check or receives an Interim Negative or Negative Notice after a WWC Check has been conducted, the RTO may take (and not be restricted to) any of the following steps against the employee, contractor or volunteer:

- immediate cessation of their work in the child related work area; or
- modify the work processes or duties associated with the child-related work conducted; or
- re-design the position or work required; or
- re-deployment; or
- terminate the employment or engagement as per due process.

### *Re-applying or Renewing WWC Checks*

1. It is the responsibility of the holder of a WWC Card to re-apply or renew a WWC Check 3 months prior to the expiry date.
2. Payment for applying or renewing a WWC Check will be the responsibility of the person.

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## *Advising Change of Circumstances*

1. A person who is a holder of an Assessment Notice and WWC Card must advise their Training Manager, in writing within 7 days of any change of circumstances. This includes but is not limited to:
  2. any relevant criminal charges or convictions that have occurred; or
  3. if the Department of Justice and Regulation revokes the Assessment Notice and WWC Card after any re-assessment; or
  4. if the Assessment Notice and WWC Card has expired; or
  5. if personal details or residential address has changed; or
  6. if the person has moved from volunteer work to paid work.
7. It is the responsibility of the holder of an Assessment Notice and WWC Card to advise the Department of Justice and regulation of any change of circumstances as outlined in *Working With Children Act 2005, Section 20*. Failure to do so may result in criminal penalties.
8. It is the responsibility of the holder of an Assessment Notice and WWC Card to notify the Department of Justice and Regulation within 21 days of changes to personal details such as name, date of birth, phone number, residential address or change of employer or volunteer organisation.

## ***Procedure for prospective Employees, Contractors and Volunteers***

All employees, contractors and volunteers who are or are likely to be engaged in child-related work in the occupational fields or other education and services carried out by the RTO, that usually involves direct contact with a child or children will be required to hold a WWC Card as prescribed in the *Working with Children Act 2005*

## *Assessment Notice and/or WWC Card to be presented at interview*

1. All current or prospective employees, contractors and volunteers who will or are likely to be engaged in child-related work will be required to provide an Assessment Notice and/or WWC Card at an interview or meeting for the purpose of being employed or engaged in child-related work.
2. A requirement to present an Assessment Notice and/or WWC Card at an interview or meeting must be clearly articulated in any media used to advertise child-related work.
3. In the case of a prospective employee, the Assessment Notice and/or WWC Card must be sighted and signed off by the interview panel with a photocopy of the signed 'as sighted' Assessment Notice and/or WWC Card attached to other recruitment forms. This information is to be forwarded to the Training Manager where it will be their responsibility to confidentially file and update relevant systems if the prospective employee is employed.
4. In the case of a current or prospective contractor or volunteer, the Assessment Notice and/or WWC Card must be signed 'as sighted' and photocopied. It will be the responsibility of the Training Manager to confidentially file and store this information.

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### *Employment or Engagement Without an Assessment Notice and/or WWC Card*

1. Any person who does not present a valid, current WWC Assessment Notice and/or WWC Card prior to being employed or engaged must not commence employment or engagement to perform any child-related work.
2. In the case of prospective sessional or casual employees, the commencement date of employment cannot be held longer than a 2 week period if the person is unable to present a valid WWC Check Assessment Notice and/or WWC Check Card.
3. In all other cases, the commencement date of employment or engagement cannot be held longer than a 4 week period if the person is unable to present a valid Assessment Notice and/or WWC Card.
4. If a person is unable to present a valid Assessment Notice and/or WWC Card within the stated time periods, the employment or engagement offer can be withdrawn.
5. Once a person has been employed or engaged they are expected to further disclose any future changes to their circumstances as per the section in this procedure titled *Further Disclosure During Period of Employment/Engagement*.

### *Holders of Volunteers Assessment Notice and WWC Card*

1. A Volunteer WWC Card cannot be used for the purpose of paid employment or engagement. This is a criminal offence under the *Working With Children Act 2005*.
2. A person who holds a valid 'volunteer' Assessment Notice and/or 'Volunteer' WWC Card, must not commence paid employment or engagement until such time as they are a holder of an Assessment Notice and/or WWC Card for paid employment or engagement.
3. A person who is a holder of a valid 'volunteer' Assessment Notice and/or WWC Card can re-apply for the Assessment Notice and WWC Card for paid employment or engagement.
4. In the above cases, the RTO is not obligated to delay or put on hold commencement of employment or engagement pending the re-assessment and subsequent issue of an Assessment Notice and/or WWC Card other than the stated time period outlined in the *Employment or Engagement Without an Assessment Notice and/or WWC Card* section of this procedure.

### *Right of Appeal*

1. All current and prospective employees, contractors or volunteers will have the right of appeal against the failure to be issued an Assessment Notice and WWC Card as specified in the *Working with Children Act 2005*. It will be the responsibility of the person to pursue such an appeal if they wish to do so.
2. In this case, the RTO is not obligated to delay or put on hold the employment or engagement of a person, pending the decision of any appeal.



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### **4 Responsibility**

The Training Manager is responsible for ensuring the effective implementation of this procedure and associated documentation.

### **5. Implementation**

The Working with Children Check Procedure will be communicated and implemented across the RTO community by the following actions:

1. an email will be sent to all existing instructors.
2. an announcement will be included in the Instructors Newsletter.

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## Definitions

Term	Definition
<b>Assessment Notice:</b>	As defined in the <i>Working with Children Act 2005</i> which states that the person to whom the Notice has been issued has passed a working with children check.
<b>Child/ren:</b>	Any person/s under the age of eighteen years.
<b>Direct contact:</b>	Means any contact between a person and a child/ren that involves face-to-face contact or, contact by post or other written communication, or contact by telephone or other oral communication, or contact by email or other electronic communication.
<b>Engaged:</b>	Includes employed.
<b>Fee</b>	Means the costs of the WWC Check application including the cost of the passport size identification photo required for the application.
<b>Media:</b>	Means either in printed or electronic form and includes internet and intranet websites, email, social media sites, electronic storage devices such as DVD, CD, television and radio.
<b>Negative Notice:</b>	As defined in the <i>Working with Children Act 2005</i> which states that the person to whom the notice has been issued has not passed a WWC Check.
<b>Notice:</b>	Means an Assessment Notice or an Interim Negative Notice or a Negative Notice as prescribed in the <i>Working with Children Act 2005</i> .
<b>Prospective:</b>	Means any person that is likely to be offered paid employment or engagement.
<b>RTO:</b>	Means 'Four Wheel Drive Victoria'
<b>Unsupervised:</b>	Means not directly supervised.
<b>Volunteer:</b>	Means an unpaid engagement and unpaid student placement.
<b>Work:</b>	Means paid or unpaid engagement or employment.
<b>Working with Children Check:</b>	A legislative requirement and process of assessment as prescribed in the <i>Working with Children Act 2005</i> and subsequent <i>Regulations 2006</i> .
<b>Working with Children Card:</b>	A card issued pursuant to the <i>Working with Children Regulations 2006</i> which evidences that the holder has been given an Assessment Notice.