

Working with Children Check Policy and Procedures

July 2022

Summary

This policy applies to Community Language Schools SA and all member schools.

Table 1: Document Details

Policy Number	ES14
Related Policies	All Community Language Schools Policies and Procedures
Version	2.2
Created by	CLSSA Policy Officer
Reviewed by	CLSSA Executive Officer
Applies to	All Community Language Schools
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Status	Approved
Approved By	CLSSA Board <i>(Administrative updates approved by Executive Officer)</i>
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Notes	Version 2.2 – Administrative and specific content update

Table 2: Revision Record

Date	Version	Revision Description
30 th June 2019	1.0	<ul style="list-style-type: none"> New policy developed
18 th January 2021	2.0	<ul style="list-style-type: none"> Policy name changed from Child Related Employment Screening Policy to Working with Children Check Policy and Procedures Changed to 'All Policies' in Related Policies (Table 1) Replaced Child Related Employment Screening to Working with Children Check and all reference relevant to the change
December 2021	2.1	<ul style="list-style-type: none"> Amended content in 'Who is required to do a Working with Children Check (WWCC)?' Added and amended content in 'Responsibilities'
July 2022	2.2	<ul style="list-style-type: none"> Taken out 'What factors are considered in the assessment?' Amend 'Who is required to have a Working with Children Check (WWCC)' Added responsibility of President/Chairperson of the incorporated body in 'Responsibilities'

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Working with Children Check Policy and Procedures

Introduction

It is a legislative requirement for all persons employed (volunteering or working) at Community Language Schools to hold a valid and current Working with Children Check (WWCC).

From 1 July 2019, a Working with Children Check (WWCC) replaced the Child-Related Employment Screening. A child-related employment screening check will be recognised as a WWCC until it expires no later than 30 June 2022.

Working with Children Checks (WWCC) assesses whether a person may pose a risk to the safety of children, while engaged to act in certain types of position within an organisation as an employee or volunteer. All relevant personnel working directly or in close proximity with children under 18 or have access to children's records – paid or unpaid (voluntary) will be required to provide a current Department of Human Services (DHS) Working with Children Checks. Volunteers over the age of 14 years will require a WWCC.

Assessments consider the criminal history of applicants and other relevant information. The assessments are processed confidentially with the principles of natural justice in the decision-making process. Criminal history screening considers a national summary of an individual's offender history

The Department of Human Services (DHS) conducts WWCC on behalf of Community Language Schools SA and all Community Language Schools. WWCC assesses whether a person may pose a risk to the safety of children, while engaged to act in an administrative role, on the management committee or teaching whether paid or in a voluntary capacity.

This policy is based on information from Department of Human Services

Policy

Key Aspects of providing a child safe environment

- Ensuring WWCC is undertaken for positions as prescribed in the Act;
- Having child-safe policies and procedures in place

In accordance with the regulations, Community Language Schools must ensure that an assessment of any person relevant history has been conducted **BEFORE** a person is appointed to or engaged in act in any capacity at the school.

Who is required to have a Working with Children Check (WWCC)?

The following persons are required to hold a valid and current WWCC:

- all members of the Management Committee/Board of the legal body that operates or auspices the operation of a Community Language School
- all members of a sub-committee appointed to manage the day-to-day operations of a Community Language School
- any other person who is involved with the community language school – other sub-committee members, school personnel including but not limited to teachers, non-teaching staff, and volunteers
- a person who is 14 to 18 years old and who is not a student enrolled in a Community Language School but is a volunteer or employee
- an adult student (18 years old and above- please refer to **ES16**: Adult Student attending Community Language Schools Policy for more information)
- all persons who supervise or manage children and young people which require them or involve regular contact with children and young people or working in close proximity to and young people on a regular basis
- all persons who have access to records of a kind prescribed by regulation relating to children

What information is assessed?

WWCC takes into account:

- A national criminal history check – inclusive of convictions, spent convictions, findings of guilt without conviction, and charges deemed not proven (withdrawn, dismissed, *nolle prosequi*), as well as acquittals and pending charges.
- Information such as SA child protection records from the Department for Child Protection/Department of Education and care concern investigations into the welfare of children in foster or state care.
- Publicly available information sourced from professional registration bodies relating to persons disciplined or precluded from working with children or vulnerable people.
- Information from South Australian police, courts and prosecuting authorities including information about charges for offences alleged to have been committed (regardless of the outcome of those charges); and
- Expanded criminal history information from other police jurisdictions, including spent convictions, pending charges and non-conviction charges and, importantly, circumstances information around charges or convictions.
- Any declarations made by the applicant in response to questions in the 'declaration' section of their screening application form

In some cases (only if triggered by data in one of the above categories) information from professional accreditation bodies, regarding persons disciplined and/or precluded from working with children or vulnerable adults will be taken into account.

Community Language Schools will use the following guiding principles when a WWCC has been conducted:

- The safety of children and young people are of paramount concern and shall not be overridden by any other interests
- Persons must be suitable to work or volunteer with children and young people at all times
- Persons must be suitable to work or volunteer in close proximity to children and young people at all times
- A determination about a person's suitability to work or volunteer with or in close proximity to children and young people must be based on sufficient and relevant information
- The assessment of a person's suitability to work or volunteer with or in close proximity to children and young people is continuous
- The responsibility to monitor persons working or volunteering with or in close proximity to children and young people is continuous
- Risks to children and young people must be responded to whenever they become known or suspected
- Personal and sensitive information about a person's history must not be misused.

Applying for Working with Children Checks

The Department of Human Services has an online process for screening applicants, making it fast and easy to apply. Screening checks for volunteers are free; however, screening checks for paid staff are not free.

Schools may utilise CLSSA's online portal access through DHS for requesting and receiving WWCCs.

For schools that do access the online portal, a school administrator can "request" an individual screening check for an applicant. The applicant is notified by email from DHS when the request has been initiated. The applicant receives through email a login and password for them to enter online personal information, provide a statutory declaration and give consent for the check as required by data privacy legislation.

In **exceptional** circumstances, applicants can use a hard copy of the WWCC form. Exceptional circumstances include:

- No internet access
- A person who is a recent arrival to Australia, that is a person who has lived in Australia for less than 6 weeks.

Any person wishing to apply for a WWCC using exceptional circumstances must apply through the Community Language Schools' Requesting Officer. The Requesting Officer will need to email the DHS Screening Unit at DHSscreeningunit@sa.gov.au providing a valid reason and details about the applicant's circumstances. A hard copy application may take longer than using the online system.

Responsibilities

It is the responsibility of the President/Chairperson of the incorporated body to:

- Ensure all committee members has a current WWCC
- Keep up to date records of committee members' WWCC status
- Store any information related to an individual's WWCC in a secure location.

It is the responsibility of the Community Language School Administrator to:

- Register for online screening
- Initiate individual screening applications (this may be delegated to a "Requesting Officer") for new or existing school personnel
- Ensure all staff have a current WWCC
- Ensure any person who volunteers on a regular basis have a current WWCC
- Keep up to date records of staff including volunteers WWCC status
- Store any information related to an individual's WWCC in a secure location.

It is the responsibility of the Community Language School Principal to:

- Register for online screening
- Conduct the 'Proof of Identity' which includes the new or existing school personnel that has their application initiated providing the 100 points of identification to prove their identity.
- Ensure all staff have a current WWCC
- Ensure any person who volunteers on a regular basis have a current WWCC
- Keep up to date records of staff including volunteers WWCC status
- Store any information related to an individual's WWCC in a secure location.
- Immediately contact the Department of Human Services Screening Unit when we become aware of certain information regarding any person involved with our organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

Please note that screening checks for principals must be arranged through CLSSA. Screening checks for all other staff can be arranged through the school's online portal.

It is the responsibility of applicants to:

- Provide correct and up to date information when applying for WWCC
- Inform the School Administrator and/or Principal of any changes to their circumstances that may exclude them from working with children

It is an offence to:

- work or volunteer in a child-related role without a WWCC
- work or volunteer in a child-related role if you are 'prohibited from working with children'
- employ a person or volunteer for a child-related role who doesn't have a valid WWCC, or is prohibited from working with children.

Offences carry fines of up to \$120,000 and/or prison sentences. The *Prohibited Persons Act* places a number of obligations on both the individual and the employer.

References and Other Documentation

- Government of South Australia: Department for Human Services website:
<https://screening.sa.gov.au>