

YMCA Geelong Procedure –Working with Children Check Procedure



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Procedure Number	Date Approved	Date Last Amended	Status
YG 138 A-O	02/08/2023	02/08/2023	APPROVED

WORKING WITH CHILDREN CHECK PROCEDURE

1. INTRODUCTION

YMCA Geelong is committed to protecting children and young people from all forms of abuse or harm, and in line with the YMCA Geelong Safeguarding Children and Young People Policy, is committed to complying with relevant Working with Children Check (WWCC), or other State or Territory equivalent, obligations.

Working with Children Checks, or the relevant State, helps protect children and young people by checking a person's criminal history for serious sexual, violence or drug offences and findings from professional disciplinary bodies, and are required by all employees and volunteers working with or intending to work with children and young people.

Guided by the Working with Children Check Policy, this procedure provides YMCA Geelong with detailed procedural steps in relation to the obligations and compliance requirements for all YMCA Geelong personnel.

2. RELATED POLICY

Working with Children Check Policy
Safeguarding Children and Young People Policy
Safeguarding Children and Young People Procedure
Performance Management Policy

3. RELATED LEGISLATION, REGULATIONS

[Working with Children Act 2005](#)
[Working with Children Regulations 2006](#)

4. RELATED STANDARDS or GUIDELINES/PROTOCOLS

Refer also to the [Working with Children Check](#) section within the YG 172 Corporate Service Procedure on Extranet for access to Resources. If you require more detailed information in relation to the WWC Check, visit the [Working With Children Check Website](#)

5. SCOPE & PURPOSE

The Working with Children Check Procedure applies to YMCA Geelong Inc. and affiliated clubs. This policy applies to all existing, new and prospective, YMCA Geelong employees, volunteers, board members, consultants and contractors.

6. ROLES AND RESPONSIBILITIES

Department/Area	Role/Responsibility
Employees, volunteers, board members, consultants and contractors	<ul style="list-style-type: none"> Compliance with this procedure. Where engaged in positions that require a Working with Children Check, they are responsible for applying or renewing a WWC Check, including payment of associated fees. Be aware of their individual legal obligations, responsibilities and the penalties for breaching the Act.
Managers and Supervisors	<ul style="list-style-type: none"> Ensure that deemed roles/positions that require a WWCC adhered to the Working With Children Check Website. Ensure monitoring the status of applications and Cards due for renewal occurs. Responsible for ensuring recording valid WWC Check Card occurs and Application Receipt details in local record keeping systems. Responsible for internal auditing and compliance records for local service/program. Ensuring that employees, volunteers, board members, issued with an Interim Negative Notice, a Negative Notice or have their WWC Check card suspended, expired or revoked do not undertake child related work.
People and Culture Director	<ul style="list-style-type: none"> Co-ordinating compliance with the WWCC Policy and Procedure. Responsible for reviewing and updating the procedure and supporting resources. Responsible for providing advice in the application of this Procedure in accordance with agreed Human Resource service levels.
	<ul style="list-style-type: none"> Responsible for recording valid WWC Check Card and Application Receipt details in the Payroll System or Volunteer Database. In conjunction with People and Culture, responsible for internal reporting compliance checks Monitoring the status of applications and providing reports to Managers. Monitoring WWC Check Cards due for renewal and providing reports to Managers.

7. PROCEDURE STEPS

The procedure steps to implement and comply with the Working with Children Check Policy are as follows:

7.1 Determining when/if a WWCC is required

The Working with Children Act 2005 prescribes who requires a WWCC, and the following information can be used in conjunction with [Working With Children Check Website](#) to determine when a WWCC is required.

Any decision relating to the requirement for a WWCC will be based on whether the position usually involves (or is likely to involve) **regular** and **direct contact** with a child where that contact is not **directly supervised** and is in connection with any of the [child related occupational fields](#) listed in the Act. The following should be considered when determining if a position requires a WWCC:

There are [several exemptions](#) listed in the Act where people engaged in child-related work are exempt and do not need a Working with Children (WWC) Check. This includes situations where the employee or volunteer is:

- Under the age of 18 years
- A sworn police officer who has not been suspended from duty
- A teacher that has a current registration with the Victoria Institute of Teaching
- A student volunteer where volunteer work has been organised by an educational institution
- A visiting worker who does not ordinarily reside and perform child related work in Victoria.
- **YMCA Geelong choose to implement a Policy above the Victorian WWCC legislation and requires all employees/volunteers with a Victorian Institute of Teaching Card to also hold a current WWCC as of Dec 2018. This is due to the fact tht YMCA is unable to check or receive weekly notification of the status of a VIT Card holders, nor will the department of education notify any non education department employers of notifiable incidents.**
- The implementation of retrospective holders of VIT cards will be phased in from the 1st of December 2018 – March 2019

YMCA Geelong has conducted a risk assessment which highlights the high exposure of children in our workplaces and our organisational commitment to ensure that child safety is paramount in our business and the inherent risk in not being able to determine the suitability to work with children or notification when VIT cards are revoked, we sought to close the gap. We consulted with the regulators of WWCC who provide employee and volunteer suitability information on a daily basis, Dept of Education and VIT do not. All we can check is that a VIT card holder has paid their fee on time.

Victorian Institute of Teaching Francie Allen, Registration & Engagement Officer has provided details on the VIT process which includes National Criminal Record Checks (included spent convictions) process. The information is checked weekly and provided to their internal professional conduct team who investigate, teacher is notified and principal. At no point is an employer contacted if they work outside the education system if there is suitability matters. “ We do not have an obligation to notify employers of suitability issues of cardholders outside the Department of Education.”25 March 2019

It was interesting to note the requirements of maintaining a Full VIT Registration is that the teacher must declare annually that that they have completed 20 days per year of professional practise in a classroom or 100 hours in a 5 year period, therefore individuals who do not have this declaration are not eligible to hold a VIT Card.

It was also disclosed by VIT that “employers outside the Department of Education are within their rights and obligations to seek their own evidence that an employee has suitability to work and conduct their own checks to work with Children and can test them on regular basis”. This practice is conducted by independent school across Victoria and other employers like the YMCA who operate in Early Childhood Education settings.

Our Position Descriptions, Job Ads, Letters of Appointment since 2014 have communicated that WWCC are a requirement of the positions in our organisation.

7.2 Commencement of Employment / Engagement or Appointment to a new Position

The following procedures provide guidance for the commencement/engagement/continuation of new or existing YMCA Geelong employees, volunteers, board members, consultants and contractors in any position where a WWCC is required.

7.2.1 Existing WWCC Cardholders

Existing WWCC cardholders may commence child related work immediately, provided the following procedures are completed:

- a. YMCA Geelong Managers must ensure; sighting of the WWCC Card, record WWCC number and expiry date in local records, and place a photocopy of the WWCC on personnel file, for all new employees, volunteers, board members, consultants or contractors, and ensure that the WWCC is valid via the WWCC Check status.
- b. YMCA Geelong Manager must ensure the WWCC is appropriate to the type of engagement as it is unlawful to use a Volunteer Card type for paid child related work.
- c. YMCA Geelong Manager must ensure that the status of the Card using the [Check Status](#) function on the Working with Children Check website.
- d. YMCA Geelong Manager must ensure employee/volunteer WWCC details are provided to People and Culture team for compliance and records management. In the case of Consultants or Contractors, YMCA Geelong Managers should ensure WWCC Cards are sighted before commencement.
- e. The cardholder must notify the Department of Justice ("the Department") within 21 days of a employee, volunteer, board member, consultant or contractor commencing child-related work with the YMCA Geelong by completing online <https://www.workingwithchildren.vic.gov.au/individuals/current-cardholders/update-my-details> and posting it to:

Working with Children Check Unit
GPO Box 1915
MELBOURNE VIC 3001

7.2.2 Individuals without a current Working with Childrens Check

Individuals who do not currently hold a valid WWCC (or pending expiry of an existing WWCC) and who will be performing a role where a WWCC is required, must apply or renew their WWCC Check, as per the following instructions, **before commencing in child-related work** :

- a. Complete an application using the following link:
<https://www.workingwithchildren.vic.gov.au/individuals/applicants/how-to-apply-1>
- b. **As of 5 December 2016**, Victorian applicants for the Working with Children Check are able to have their identity securely verified online, reducing the time it takes to finalise their application at a [participating Australia Post outlet](#).

Applicants who electronically verify their identity only need to present one photo ID document or card from the list of [acceptable proof of identity documents](#) at Australia Post.

Electronic identity verification is a fully secure service, as applicants' details are checked by the issuing body, such as VicRoads or Australian Passport Office, and are not retained during the verification process.

Applicants who choose not to, or are unable to verify their identity electronically can go to a

participating Australia Post outlet with multiple documents from the new list of POI documents and verify in person.

Australia Post will take a digital photo of each applicant.

- c. In conjunction with the new electronic identity verification service the list of acceptable proof of identity (POI) documents has also changed. See the next article '[proof of identity requirements](#)' for details.
- d. The [interstate application process](#) for applicants who reside outside Victoria has not changed, but as of **5 December 2016**, they are required to present [proof of identity](#) documents from the new, expanded list to a certifying officer who is authorised by their state or territory justice department.

To verify their full name, date of birth and photo, interstate applicants need to provide a combination of one primary document and two secondary documents, or two primary documents and one secondary document to the certifying officer.

Interstate applicants still need to mail to the department:

a completed application summary
certified copies of their original identity documents; and
two passport size photos (one certified on the back).

Applicants for an Employee Check also need to include a completed payment form.

- e. Pay the application or renewal fee (applicable only for an employee card; volunteer WWC are exempt from fees). Any fee's associated with obtaining and maintaining a valid WWC is the responsibility of the individual card holder.
- f. Keep the application receipt, which is an important document.
- g. Where a position has been determined as requiring a valid WWC Check, the relevant Offer of Employment and Appointment, Offer of Appointment to a New Position, Offer of Variations to Terms and Conditions of Employment or Contract must stipulate that their ongoing employment or engagement is subject to holding a valid WWC Check.
- h. Where the WWCC is not obtained and verified prior to commencement, the Y will implement the following risk management strategies:
 - limited child related duties
 - constant supervision
 - Seeking approval from the CEO in written for the exemption or delayed processing.
Details relating to the Y Person's attempt to obtain the check must also be recorded in their file.

7.2.3 Commencement of work

In many cases, an employee, volunteer, board member, consultant or contractor can commence or continue work if they present an application receipt from Australia Post as evidence that they have applied for a WWCC or renewal of a WWCC.

The cases where employee, volunteer, board member, consultant or contractor **cannot** work on the application receipt include if they:

- have applied for the WWCC to supervise a child in employment under the *Child Employment Act 2003*

- have applied for the Check for work regulated by the *Children's Services Act 1996* or the *Education and Care Services National Law 2010* which **includes Early Learning Services, Outside School Hours Care and Vacation Care.**
- have been given a Negative Notice; or are subject to:
- reporting obligations under Part 3 of the *Sex Offenders Registration Act 2004*
- an extended supervision order or interim extended supervision order under the *Serious Sex Offenders Monitoring Act 2005*
- a supervision or detention order or an interim supervision or detention order under the *Serious Sex offenders (detention and Supervision) Act 2009*.

Forward a photocopy of the application receipt to People and Culture Director to enable the details to be entered into the Payroll System or Volunteer Database for record management and, particularly in the case of Contractors, include details in local record management systems.

7.3 During the course of engagement

7.3.1 Ongoing monitoring

Individuals must ensure that the status of their WWCC has not expired, is valid and reflects the correct type (employee or volunteer). This can be done via the [Check Status](#) tool on the Working with Children Check Website. YMCA Geelong HR team are required to check randomly employee/volunteers WWCC status monthly.

National Criminal record and the disciplinary findings of professional bodies referred to in the Act will be regularly checked for relevant offences and findings for the life of a WWC Check Card.

There are three potential outcomes of assessment:

7.3.2 Passed Check

Once the employee, volunteer, board member, consultant or contractor has passed the WWC Check, they will receive their Card in the mail.

People and Culture team must sight the WWC Check Card and scan/photocopy a colour copy to obtain a record of the Card number, card type ('E' for employees or 'V' for volunteers) and expiry date.

Forward a colour scan/photocopy of the WWC Check Card to People and Culture team to enable the details to be entered into the Payroll System or Volunteer Database for record management and, particularly in the case of Contractors, include details in local record management systems.

7.3.2 Interim Negative Notice

An Interim Negative Notice is issued if the department is not satisfied that the applicant will pass the WWC Check and that it intends to issue a Negative Notice prohibiting the applicant from working with children.

The department can issue an Interim Negative Notice as part of the assessment of an application or during a reassessment of a cardholder's eligibility to hold a WWC card.

The applicant will have the opportunity to explain why they believe they should pass the Check in a submission to the department.

All employees, volunteers, board members, consultants or contractors **must not commence** and/or **must be suspended from child related work**, while the Department finalises its decision.

The employee, volunteer, board member, consultant or contractor may be placed in a suitable alternative position if available or otherwise suspended from duties without pay whilst the department finalises its decision.

7.3.3 Negative Notice

If the Department of Justice considers that the applicant poses a risk to the safety of children and should not pass the Working with Children (WWC) Check, they will be issued with a Negative Notice.

A Negative Notice is effective from the date on the notice.

A **Negative Notice means the applicant cannot engage in child-related work**, even if they are directly supervised, and must be immediately suspended from duties without pay.

As ongoing employment and engagement is subject to holding a valid WWC Check, the Manager, in consultation with their Executive Officer, may consider:

- Redeployment to a suitable alternative position
- Modification of work processes or duties associated with the child related work conducted
- Termination of employment or engagement in accordance with the YMCA Disciplinary and Termination Policy and Procedure or relevant Contract

An applicant issued with a Negative Notice may pursue an appeal if they wish to do so. The person must not be engaged in any child-related work during such an appeal period.

7.4 Changes to Cardholders Status

All employees, volunteers, board members, consultants and contractors must immediately (or as soon as reasonably practicable) inform a YMCA Geelong Manager/supervisor of any changes to their eligibility to hold a valid WWCC.

In such circumstances, an employee, volunteer, board member, consultant or contractor may be placed in a suitable alternative position (if available) or be otherwise suspended from duties without pay whilst the department reassesses their eligibility.

The Cardholder may then receive an Interim Negative Notice. In this circumstance, follow the procedure outlined in clause **7.3.2 Interim Negative Notice**.

The Cardholder may then receive a Negative Notice and have the card revoked. In this circumstance, follow the procedure outlined in clause **7.3.3 Negative Notice**.

7.5 Renewals

WWC Checks are valid for 5 years. It is the responsibility of the Cardholder to apply to renew their WWC Check Card prior to the expiration date.

People and Culture Team will produce reports on a monthly basis to identify WWCCs with impending expiry dates falling within 3 months.

Follow the procedures outlined in clause **7.2.2 Individuals without a current Working with Childrens Check**, including all subclauses, where an employee, volunteer, board member, consultant or contractor needs to renew their WWCC.

Refer to Appendix 1

7.6 Consequences of Failing to Provide an updated WWCC to employer (YMCA Geelong)

The consequences of failing to provide a WWCC card are:

- Volunteers and Casuals will not be rostered for shifts until the documents (WWCC card or Receipt of Payment/Lodgement) are provided to the People and Culture team.
- Employees/Volunteer will not be able to work with children until YMCA Geelong People and Culture Team have a valid WWC checker report/ Official letter from Dept of Justice & Community Safety outlining that the employee/volunteer has a valid and current card and or the card is provided, this may mean they are stood down with no pay until such a time the renewed WWCC card is provided.- Refer to Appendix 1

8 MONITORING,EVALUATION, REVIEW

Compliance with this Procedure will be monitored by the People and Culture Director on a weekly basis through the Payroll System by monitoring the status of applications, recording valid WWC Check Card details, monitoring cards due for renewal, and conducting compliance reporting provided CEO. YMCA Geelong Managers are responsible for local compliance, including ensuring that all YMCA Personnel hold a valid WWCC if required, and WWCC details (WWCC number and expiry dates) are recorded and monitored in local records.

This procedure will be reviewed and evaluated every three years in accordance with timelines for reviewing the YG 138-O Working With Children Check Policy and in consultation with key stakeholders in accordance with the Policy Framework. However, small changes and additions may be made outside of the formal review to ensure the procedure remains relevant and current.

Approved by: Chief Executive Officer

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Resolution number:

Effective date:20/06/2016, 04/04/2019 28/01/2022, 02/08/2023

Review date: 28/01/2025

Policy Owner: People and Culture Director - Adele Andrew

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Amendment history:

Version	Date	Author	Change Description
V1	04/04/2014	Shona Eland	Procedure Created
V2	20/06/2016	Shona Eland	Included Clause 7.6 consequences
V3	13/12/2016	Shona Eland	Updated Clause 7.2.2b- Regarding processing of Personal Identification online as of 05/12/2016 Updated Clause 7.2.2c- New requirements for documents for 100 points Personal Identification as of 05/12/2016 Updated Clause 7.2.2d- New requirements for Interstate applicants for a Victorian WWCC as of 05/12/2016
V4	1/12/2018	Adele Andrew	Updated clause 4 – Extranet Clause 7.1 – added 'requiring all employees/volunteers to have a current WWCC – not recognizing VIT as of 30 March 2019 Updated clause 7.3.1 monitoring , Updated policy owner

V5	07/03/2019	Brenda Bowell	Next review date (01/12/2021) added to footer as there was no date
V6	04/04/2019	Adele Andrew/ Shona Eland	Inserted boxed information clause 7.1 regarding VIT card holders requirement to have a WWCC to be employed at YMCA Geelong.
V7	28/01/2022	Adele Andrew	Include Where the WWCC is not obtained Risk Assessment Template added Policy Clause add to include under 18 years Working with Children Check procedure updated Update links Clause 7.6 added reference to WWCC Checker report/ official letter (DJCS) or card being required as evidence of a valid renewed card. Included Appendix 1 Engaging staff without a WWCC Procedure
V8	02/03/2023	Adele Andrew	Updated Clause 7.1 <ul style="list-style-type: none"> Under the age of 18 years <i>(except where children under the age of 18 are in paid employment and supervising children under the age of 15 years)</i>
V9	02/08/2023	Adele Andrew	Updated Clause 7.1 Removed - (except where children under the age of 18 are in paid employment and supervising children under the age of 15 years)

As adopted by the YMCA Geelong on 02/08/2023



Chief Executive Officer
YMCA Geelong Inc

Appendix 1

Engaging Staff without a Working with Children Check Procedure

In States or Territories where it is legal to engage a staff member with only an application for a WWCC (or equivalent), this procedure must be followed

Step	Detail	Staff	Manager	HR
Compliance	Identify legality of engaging staff with only WWCC application in progress Verify proof of lodgement of WWCC application with the relevant body Sight a current (issued within 6 months) National Police Check and an International Police Check (if applicable) with satisfactory outcomes must verify these			
Declaration	Sign a declaration to confirm that there is no reason that the staff or volunteer is unsuitable to work with children and young people			
Contract	Work is offered conditionally subject to the satisfactory outcome of the WWCC Staff member is made aware that if they fail the check, their employment may be terminated			
	Manager to be made aware that the staff member is yet to receive the outcome of the WWCC and to trigger monitoring and production of a Risk Assessment Relevant Manager must also be made aware of the pending WWCC			

Risk Assessment/ Management	<p>Safeguarding Risk Assessment and Action Plan to be completed and signed off by delegated manager with review date noted (Mandatory YMCA Template – under development by CCSU)</p> <p>Staff member must only be permitted to operate in an environment where they are subject to Risk Assessment and Action Plan</p> <p>Staff member should not be permitted to engage in high risk activities</p>			
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Step	Detail	Staff	Manager	HR
Monitor	Follow up with the staff member within four (4) weeks of engagement about WWCC application progress			
	Notify Manager/HR as soon as the WWCC clearance has been returned and provide the number for verification by Y Association or any change of status of WWCC			
Review	If the WWCC has not successfully been returned after four (4) weeks, the Action Plan is to be reviewed by a senior manager and Risk Assessment updated			