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# SAFEGUARDING & CHILD PROTECTION POLICY FOR CATHOLIC SCHOOLS BROKEN BAY: WORKING WITH CHILDREN CHECK

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January 2021

## PURPOSE

Catholic Schools Broken Bay (CSBB) are committed to providing a safe and supportive environment for both students and staff. School communities have the right to expect that staff, volunteers or contractors who are employed or engaged in CSBB are appropriately screened and suitable to be in child related work. The purpose of this policy is to establish a framework for CSBB to comply with the requirements of the NSW *Child Protection (Working with Children) Act 2012* (the Act) by following a process that prevents people who pose a risk to the safety, welfare and wellbeing of children from being employed or engaged in child related work.

## POLICY FRAMEWORK

CSBB affirms principles central to the Church's teaching as expressed in the Pastoral Care and Wellbeing Framework. Accordingly this Policy:

- is inspired by the life and person of Jesus Christ and the teachings of the Church
- is concerned to ensure the dignity and integral growth of every person
- acknowledges the responsibility entrusted to all members of each Catholic school's community
- seeks to promote healing, reconciliation, justice and liberation.

CSBB is responsible and accountable for promoting a culture in which employees are committed to ensuring the wellbeing, safety and protection of children.

The purpose of the Act and associated Regulations is to provide a framework for the Working With Children Check (WWCC) which is administered by the Office of the Children's Guardian (Children's Guardian). This policy outlines the processes for conducting and implementing the WWCC for child related work to assist in determining a person's suitability for employment or engagement at CSBB.

## DEFINITIONS

Acronym	Title
Act	NSW <i>Child Protection (Working with Children) Act 2012</i>
CSBB	Catholic Schools Broken Bay
Children's Guardian	NSW Office of the Children's Guardian
NESA	NSW Education Standards Authority
OfS	Office for Safeguarding (CSBB)
WWCC	Working with Children Check

## POLICY CONTENT

### Child-related work

People who are seeking to be employed or engaged in child related work at CSBB are subject to relevant requirements under the Act and its associated Regulations. The WWCC process involves a national police check and a review of findings of misconduct involving children.

A person is in child related work if he or she works face to face with children in a child related sector or works in a stipulated child related role. Child related work involves direct contact by the worker with a child or children and that contact is a usual part of and more

than incidental to the work or the worker is engaged in work in a child related role (eg Education/Religious Services).

This policy applies to people who are employed or engaged (or who are seeking to be employed or engaged) in child related work at CSBB in one of the following capacities:

- as a paid employee or casual employee
- as a self-employed person or as a contractor or subcontractor
- as a volunteer
- as a person undertaking practical training as part of an educational or vocational course (other than as a student undertaking work experience) or
- as a member of the clergy, seminarian, or religious.

A person engaged or employed in child related work is responsible for applying and renewing his or her own WWCC through the Children's Guardian and Service NSW. Before engaging or employing a child-related worker or volunteer CSBB must ensure the person has a clearance to work with children.

There are specified exemptions from the WWCC under Part 4, Clause 20 of the Child Protection (Working with Children) Regulation 2013. People covered by these Regulations are not required to have a WWCC. However, a person who is exempted from the WWCC legislative requirements may still be required by CSBB to sign a declaration and undertake an appropriate induction. Refer to the WWCC Guidelines for Schools for specific information on who requires a WWCC or declaration to be completed.

### **Verifications**

To comply with the legislation, employers need to go online to the Children's Guardian website to verify the status of a WWCC number for any worker in child related work. Verifications of all WWCC's will be completed centrally by CSBB staff in the Office for Safeguarding (OfS) and Human Resources Team. A record of the full name, date of birth, WWCC number and date and outcome of verification will be stored electronically by the OfS and entered on PHRIS (Payroll and HR Information System).

### **Outcomes of the WWCC**

The result of a WWCC as determined by the Children's Guardian is either a clearance to work with children for five years or a bar against working with children. Barred applicants may not work or volunteer with children. Cleared applicants will be subject to ongoing monitoring. Criminal or workplace records which appear against a worker's name during the five year period may trigger a risk assessment and in some cases result in a bar or interim bar against working with children depending on the seriousness of the offence or conduct concerned.

### **Risk assessment**

CSBB has a legal obligation to report findings of sexual offence, sexual misconduct and serious physical assault involving children by a child related worker to the Children's Guardian.

A risk assessment is an evaluation by the Children's Guardian of an individual's eligibility for child-related work. It will be triggered by:

- an offence listed in Schedule 1 of the Act
- a pattern of behaviour or offences involving violence or sexual misconduct that represents a potential risk to children (even if the records are not individually listed on Schedule 1 or 2 of the Act)
- findings of misconduct reported by a reporting body
- notifications by the Reportable Conduct Scheme directorate at the Children's Guardian to the Working with Children Check directorate at the Children's Guardian.

## Bars

It is an offence to employ a person in child related work (paid or unpaid) if the outcome of their online verification is:

- Barred
- Interim barred
- Not found.

If CSBB is advised that a current employee or volunteer has become barred it must immediately remove them from child related work. The options are:

- dismiss the worker
- suspend them from child-related work pending the outcome of an appeal
- if appropriate transfer them to a non-child related role.

When CSBB receives notification of a bar or interim bar from the Children's Guardian, CSBB will:

- advise the person of the bar or interim bar
- remove the person immediately from child related work
- inform relevant staff that the person is not to be employed or engaged
- comply with any request for information by the Children's Guardian.

## Other screening

A WWCC is only one of the tools available to keep children safe. Employment or engagement in CSBB may also be subject to other checks as prescribed in relevant legislation or policy. CSBB acknowledges its responsibility to establish and maintain rigorous recruitment, selection and screening processes including thorough referee checking in accordance with the Recruitment and Selection of Teaching and Support Staff Guidelines and appropriate induction processes as specified by CSBB.

## NESA requirements for teaching staff

In accordance with the NSW Education Standards Authority – Interim Revocation, Suspension and Voluntary Cancellation of Accreditation Policy (2019), teaching staff must also provide their WWCC number to NESA prior to its expiry and ensure they have a **full** clearance (not just an Application in Progress) on their WWCC status which supports their ongoing accreditation. Implications for not complying with this requirement may result in a teacher temporarily being stepped down from their position with CSBB until the situation is satisfactorily resolved.

## RESPONSIBILITIES

CSBB staff members have responsibility in relation to the WWCC. These responsibilities are as follows:

### Director of Schools

- Ensure the safeguarding and child protection systems and operations in relation to the WWCC within CSBB comply with relevant legislation.
- Authorise the reporting of child related workers' or volunteers' names to the Children's Guardian in relation to reportable conduct investigations where there are sustained findings of sexual offence, sexual misconduct or physical assault.
- Ensure appropriate action is taken to remove a child related worker or volunteer from child related employment if they are subject to an interim bar or bar imposed on their WWCC.

### **Principals and CSBB Leaders**

- Ensure school compliance with policies and procedures.
- Ensure that all child related workers and volunteers are aware of and understand the requirements, policies and procedures in relation to the WWCC.
- Comply with the requirements of the WWCC as outlined in the Working With Children Check Guidelines for Schools.
- Ensure that volunteers, contractors and external service providers are screened as outlined in the Working With Children Check Guidelines for Schools and that appropriate records are maintained at the school.
- Ensure any additional probity checks for prospective employees are undertaken including thorough referee checking.

### **Office for Safeguarding**

- Provide advice and support to schools and other CSBB personnel in relation to compliance with the WWCC.
- Establish and maintain appropriate procedures to ensure CSBB comply with the WWCC.
- Undertake online verifications for all child related workers or volunteers and maintain records of the outcome of WWCC.
- Report child related workers' or volunteers' names to the Children's Guardian in relation to reportable conduct investigations where there has been a sustained finding of sexual offence, sexual misconduct or physical assault.
- Comply with requests for information from the Children's Guardian in order for the Children's Guardian to undertake risk assessments.
- Ensure child related workers or volunteers who are subject to an interim bar or bar are removed from child related work and the relevant personnel are informed.

### **Human Resources Team**

- Undertake online verifications for all new child related workers prior to commencement of employment and maintain records of the outcome of the WWCC.
- Establish and maintain rigorous recruitment, selection and screening processes including informing new child related workers of the requirements of the WWCC and undertaking thorough referee checking of all new staff.

### **CSBB staff**

- Comply with policies and procedures as required by this and related documents.
- All those who are classified as being in child related work must apply for a WWCC (including a renewal every 5 years) as required and supply the WWCC number to CSBB for verification prior to being engaged in any child-related work.
- For teaching staff, they must also provide their WWCC clearance to the NSW Education Standards Authority (NESA) prior to its expiry.

### **RELATED LEGISLATION, POLICIES AND PROCEDURES**

Child Protection (Working with Children) Act 2012

Child Protection (Working with Children) Regulation 2013

Child Protection Legislation Amendment Act 2015

Child Protection (Working with Children) and Other Child Protection Legislation  
Amendment Act 2016

Child Protection (Working with Children Amendment (Statutory Review) Act 2018

Children's Guardian Act 2019

Children and Young Persons (Care and Protection) Act 1998

Government Information (Public Access) Act 2009

Safeguarding & Child Protection Policy for Catholic Schools Broken Bay: Addressing Allegations of Inappropriate Behaviour by Staff Policy (2020)  
Professional Guidelines for Employees Policy (2020)  
Recruitment and Selection of Teaching and General Employees Guidelines (2019)  
Working with Children Check, Guidelines for Schools (2020)  
NSW Education Standards Authority – Interim Revocation, Suspension and Voluntary Cancellation of Accreditation Policy (2019)  
National Catholic Safeguarding Standards, Catholic Professional Standards Limited (2019)  
The National Response Protocol, Australian Catholic Safeguarding Limited (2021)  
Child Safe Standards, NSW Office of the Children’s Guardian (2019)  
National Principles for Child Safe Organisations, Australian Human Rights Commission (2018)  
The Diocesan Office for Safeguarding Charter (2018)

Further information is also available at: <http://csochildprotection.weebly.com/> and [www.kidsguardian.gov.au](http://www.kidsguardian.gov.au)

### **POLICY RESPONSIBILITY**

The contact person for implementation of this policy is the Manager for Safeguarding, Office for Safeguarding.

### **POLICY REVIEW**

A policy review is to be considered following any changes to the NSW Child Protection legislation or associated guidelines and not less frequently than every five years from the date of implementation of the policy.

### **POLICY DATES**

Date of completion of formation and adoption:	January 2021
Date of next review:	January 2024

Authorised by:  
Most Reverend Anthony Randazzo  
Bishop of Broken Bay