

# WORKING WITH CHILDREN CHECKS PROCEDURE

## SCOPE

This procedure applies to all staff in identified roles at Monash University's Australian campuses ('us', 'our' or 'we'). This procedure also applies to volunteers, adjunct appointments, honorary appointments, consultants, contractors, casual and sessional staff. For the purpose of this procedure, the above are herein collectively referred to as 'you'.

Students who are required to undertake child related work during their studies, or any professional placement should contact their course convenor or professional placements office for further information regarding Working with Children checks.

## PROCEDURE STATEMENT

The University is committed to the safety and protection of children and will take all reasonable steps to engage suitably qualified individuals to work with children in the delivery of educational and research activities.

A Working with Children check assists in protecting children from harm by screening for individuals who potentially pose a risk to their safety.

The University requires that all new and existing staff hold a valid Working with Children card where the position involves child-related work and contact with children, or for any other roles identified by the University where this assessment is appropriate.

This procedure is designed to complement the University's recruitment, selection, supervision and training practices and procedures.

## 1. Introduction

- 1.1 We are committed to creating and maintaining a child safe environment through ethical work practices and compliance with the [Worker Screening Act 2020](#) ('the Act'). The Act sets out the obligations and responsibilities for individuals working with children in Victoria, including the requirement for a Working with Children check ('WWCC') for those who are undertaking child-related work. The WWCC screens a person's criminal records and any reports about professional conduct and is valid for a period of 5 years unless otherwise revoked.
- 1.2 The [Victorian Child Safe Standards](#) ('CSS') outlines the obligations and measures we must abide by, to ensure the safety of children. In compliance with the CSS and the protection of children, we have developed a [Child Safe Standards Framework](#).

## 2. Positions requiring WWCC card

- 2.1 You are legally required to hold a valid WWCC card if you are undertaking [child-related work](#) as defined under the Act or undertaking work where the University requires a WWCC card. A valid WWCC card is required for positions that meet **all** of the following criteria:
  - position involves working with anyone under the age of 18; and
  - the work involves direct contact with children, which includes:
    - face-to-face contact
    - contact by post or other written communication
    - contact by telephone or other oral communication
    - contact by email or other electronic communication.(for example; recreational or sporting activities, the delivery of teaching activities or coaching or tutoring); and
  - the contact with children is part of the duties and is not incidental to the individual's work; and
  - involves contact with children in connection with one of the listed [child-related occupational fields](#) identified by the Department of Justice and Community Safety;
  - the position involves DFAT-related work; and
  - the position does not qualify for an [exemption](#) as listed in the [Worker Screening Act 2020](#)
- 2.2 In addition, the University, at its discretion, may require staff to hold WWCC cards.

- 2.3 Volunteers, Adjuncts, Honorary appointees may also require a WWCC card if the position involves contact with children. There is no cost for a volunteer checks however they are applied for in the same manner.
- 2.4 Approved [kinship carers](#) (as approved by the Victorian child protection program) are also required to hold a WWCC card. Refer to the [Department of Health and Human Services - Kinship Carers WWCC](#) for further information.
- 2.5 If you are supervising a young person employed by us who is under the age of 15, you are required to hold a WWCC card in accordance with the [Child Employment Act 2003](#).
- 2.6 If you are a teacher currently registered with the Victorian Institute of Teaching (VIT), you do not need a separate WWCC. However, if your VIT registration is suspended or cancelled, the exemption no longer applies. You must provide the university with a copy of your VIT registration and complete a [Teacher notification form](#) within 21 days after starting with us and nominate Monash University as an organisation that employs or engages you (refer to 3.2 below for organisation details).

### Determining the requirement for a WWCC

- 2.7 The hiring manager/supervisor is responsible for determining whether a position requires a WWCC in consultation with the HR Business Partner and/or Monash HR, Recruitment. Refer to the Child Safe Standards Framework for support tools in making this assessment. The hiring manager/supervisor is required to notify Monash HR of the requirement for a WWCC.
- 2.8 In some circumstances, where the University enters into a contract with a National Disability Insurance Scheme (NDIS) provider, you may require an [NDIS Worker Screening Check](#). If you or your work area are intending to contract with a NDIS provider, please contact [Monash HR](#) for further information.

## 3. Application process

3.1 The WWCC is administered by the [Victorian Department of Justice and Community Safety](#).

3.2 You are required to:

- apply for a WWCC online via the [Department of Justice and Community Safety](#);
- in accordance with the legislation, nominate Monash University as an organisation which employs or engages you. The details must refer to the below regardless of your intended campus location (other than for volunteers and contractors which should be managed and collated locally):

Organisation name:	Monash University
Postal address:	211B Wellington Road, Mulgrave 3170
Phone:	03 9902 0400

- attend a [registered Australia Post outlet](#) to show proof of identity and pay the relevant fee. Shortly after this, you will receive an email confirming your application is in progress.

### WWCC reimbursement

- 3.3 Staff whose positions are identified as requiring a valid WWCC may seek reimbursement from the University for the cost of the initial check and its renewal.
- 3.4 New starters at the University already holding a valid WWCC card or requiring a valid WWCC for their position may only seek reimbursement for renewals as and when appropriate to the position requirements.
- 3.5 Reimbursement may be claimed by making an online out-of-pocket reimbursement request through Concur.

## 4. Notification and assessment of the WWCC

### What is checked?

- 4.1 The WWCC will look at your [national criminal history](#) for relevant offences that indicate unsuitability to work with children. These generally include, but are not limited to, crimes of a violent or sexual nature against children, rape, armed robbery, accessing child abuse material, indecent assault and other violent crimes. In addition to checking criminal records, the WWCC may include non-conviction charges and checks against sex offender registers. List of offences can be found on the [Department of Justice and Community Safety website](#).
- 4.2 The check also screens for professional conduct determinations and findings by the following bodies:
- the Victorian Institute of Teaching (VIT)
  - the Suitability Panel
  - the Victorian Civil and Administrative Tribunal (VCAT) under current and historical health practitioner legislation
  - the Commission for Children and Young People (CCYP) through the Reportable Conduct Scheme.

## Passing a WWCC

- 4.3 If the check does not reveal relevant offences or findings, you will receive an email confirming you have passed the WWCC. You must provide a copy of this email confirmation to the hiring manager/supervisor for their records.

## Interim Negative Notice or Negative Notice

- 4.4 If you do not immediately pass the WWCC, you are given an Interim Negative Notice which is pending further investigation by the Department of Justice and Community Safety. Should you receive an interim negative notice or negative notice, you cannot perform child related duties. You are able to appeal the decision directly with the Department of Justice and Community Safety.
- 4.5 Your HR Business Partner will review the Interim Negative Notices and Negative Notices. Each case is treated individually and on its merits in accordance with the Act and advice may be sought from Monash HR, Workplace Relations.
- 4.6 A negative notice is a final determination by the Department of Justice and Community Safety which you would be deemed as posing a risk to the safety and wellbeing of a child and therefore are unable to work with children. If you are charged with, convicted or found guilty of sexual, violent or drug offences, you must not work with or care for children while your application is processed or your check is reassessed.
- 4.7 A copy of the outcome must be provided to your hiring manager/supervisor for their records. Monash HR will receive a letter of assessment which is recorded.

## Child-related work while the application is processed

- 4.8 You may commence employment prior to the outcome of the WWCC providing you comply with the following:
- provide a copy of the application confirmation email from the Department of Justice and Community Safety to your hiring manager/supervisor and Monash HR, Recruitment prior to commencing working with children;
  - you must not have been charged with, found guilty, or convicted of a sexual, violent or drug offence listed in the [Worker Screening Act 2020](#);
  - you do not anticipate your application will show a 'Interim Negative Notice' or 'Negative Notice' result;
  - you have not at any time been given a "Negative Notice" under the [Worker Screening Act 2020](#);
  - you must not supervise a child under the age of 15 in employment under the [Child Employment Act 2003](#);
  - you have not applied for the check to work in a children's service under the [Children's Services Act 1996](#) or in an education and care service under the [Education and Care Services National Law \(Victoria\) Act 2010](#); and
  - you are not subject to orders or reporting obligations under the [Sex Offenders Registration Act 2004](#), or [Serious Sex Offenders Monitoring Act 2005](#).
- 4.9 The hiring manager/supervisor will monitor your duties/activities until such time the outcome of the WWCC is known and ensure that you provide evidence of the WWCC card to Monash HR, Recruitment.

### **Important Note**

- 4.10 Should you anticipate the outcome will result in an 'Interim Negative Notice' or 'Negative Notice', you must not undertake child related work.

## 5. Renewals

- 5.1 Renewals must be obtained prior to the expiry of a valid WWCC card. The Department of Justice and Community Safety should notify you 28 days prior your card expiring.
- 5.2 Payroll Services aim to notify you prior to the card expiring, however you are primarily responsible for monitoring the expiry date and renewing your WWCC card where it is a continued requirement of your position.
- 5.3 Should a renewal be required for your position and you do not provide this, your manager will liaise with the HR Business Partner (and Monash HR, Workplace Relations as required) on the action to be taken.
- 5.4 You must notify the Department of Justice and Community Safety and us in writing within 7 days if:
- you are charged with, convicted, or found guilty of a sexual, violent or drug offence or the charge has been dealt with by a court; or
  - a professional conduct report is made against you.
- 5.5 Should your circumstances change including, but not limited to, a criminal investigation, charge, offence, finding of guilt or record, you are required to notify the supervisor and HR Business Partner within 14 days of the date of the charge, offence etc.

## 6. Key responsibilities

### Staff member (including new starters)

6.1 The staff member is responsible for:

- applying for a WWCC where your position is identified as requiring a WWCC and ensuring we are recorded as the organisation on your application form;
- ensuring your WWCC is valid at all times to ensure the inherent requirements of the position are met;
- renewing your WWCC prior to your current WWCC card expiring;
- listing Monash as an organisation when applying for or renewing your card;
- notifying your hiring manager/supervisor and HR Business Partner of the outcome of your WWCC;
- contacting the Department of Justice and Community Safety whenever your personal and contact details change; and
- providing a copy of the application confirmation email from the Department of Justice and Community Safety to your hiring manager/supervisor and the Monash HR, Recruitment (in cases where approval is given for you to commence employment prior to the outcome of the WWCC).

### Hiring manager/supervisor

6.2 The hiring manager/supervisor is responsible for:

- determining the need for a WWCC for a position;
- monitoring your duties/activities until such time as the outcome of the WWCC is known; and
- reviewing your employment, in consultation with the HR Business Partner (and Workplace Relations when required), where an Interim Negative Notice or Negative Notice is received.

## 7. Breach of procedure

7.1 Your continued employment is contingent on maintaining a valid WWCC at all times where your position is identified as requiring a valid WWCC.

7.2 Should there be a breach of this procedure and/or you maintaining a valid WWCC, we will manage the breach in accordance with the applicable Enterprise Agreement or contract terms.

## DEFINITIONS

Child	A person who is under the age of 18 years.
DFAT	Department of Foreign Affairs and Trade (or any subsequent Department of the Australian Government, with responsibility for foreign or external affairs).
DFAT-related work	All actions taken, work performed or study undertaken by or on behalf of Monash University pursuant to an agreement with DFAT including scholarships, grants, financial assistance, fees, sponsorship and other contracts, which is intended to help achieve one or more DFAT policy outcomes.
Hiring manager	The manager responsible for filling a staff vacancy, usually the supervisor of the position.
HR Business Partner	A key member of the Monash HR Business Partnering community and provides strategic advice, guidance and solutions that underpin key client goals, HR strategy and organisational vision to a particular client group.
Interim negative notice	A document that is provided by the Department of Justice and Community Safety to advise an applicant that they have a case to answer, prior to a final decision being made on their Working with Children Check application.
Negative notice	A document that is provided by the Department of Justice and Community Safety to advise an applicant that they will not be given a Working with Children Check Card and must not engage in child-related work.
Payroll services	The Centre of Expertise in Monash HR, which manages payroll and related services.
Supervisor	The person who is responsible for the day-to-day supervision of the staff member.

## GOVERNANCE

Parent policy	<a href="#">Recruitment and appointment</a>
Supporting schedules	
Associated procedures	<ul style="list-style-type: none"> <li>• <a href="#">Privacy</a></li> <li>• <a href="#">Recruitment of fixed-term and continuing staff</a></li> </ul> <p><b>Associated information</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Monash University Enterprise Agreement (Academic and Professional Staff) 2019</a></li> <li>• <a href="#">Monash University: Child Safety Standards Framework</a></li> <li>• <a href="#">Department of Justice and Community Safety - Working with Children Checks</a></li> <li>• <a href="#">Monash University Privacy Compliance Manual</a></li> <li>• <a href="#">Equal Opportunity Act 2010 (Vic)</a></li> <li>• <a href="#">Victoria Police website</a></li> <li>• <a href="#">Worker Screening Act 2020</a></li> <li>• <a href="#">Child Safety and Wellbeing Act 2005 (Vic)</a></li> <li>• <a href="#">Crimes Act 1958 (Vic)</a></li> <li>• <a href="#">Criminal Code Act 1995</a></li> <li>• <a href="#">Children, Youth and Families Act 2005 (Vic)</a></li> </ul>
Legislation mandating compliance	<ul style="list-style-type: none"> <li>• <a href="#">Worker Screening Act 2020</a></li> <li>• <a href="#">Child Safe Standards</a></li> </ul>
Category	Operational
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Content enquiries	<a href="#">ask.monash</a> or phone Monash HR on (03) 990 20400