



Working with Children Check Policy

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Notes To be read in conjunction with the DOW Working with Children Check Policy

The revised version of the NSW Working With Children Check (WWCC) was established in 2013. It is a prerequisite for anyone in paid or voluntary child-related work in NSW. It involves a national criminal history check and a review of findings of relevant workplace misconduct.

The Office of the Children's Guardian (OCG) is the statutory body that oversees the administration of the WWCC.

The Regulatory Framework is comprised of the following legislation:

- *Child Protection (Working With Children) Act 2012 No 51 (The Act)*
- *Child Protection (Working With Children) Regulations 2013 (The Regulations)*
- *Child Protection Legislation Amendment Act 2015*

The Working With Children Check is one of the tools available to keep children safe. It is one of many tools that should be employed to ensure that organisations are child-safe.

The Diocese of Wollongong (DOW) is a recognised employer by the OCG for the purposes of the working with children check. Staff at the Office of the Bishop (OOB) are responsible for the centralised collection, verification, and retention of records related to the WWCC for persons in parishes and ministries (outside of Catholic Education Diocese of Wollongong and CatholicCare) who are undertaking paid or unpaid child-related work.

Under the Act, employers are required to verify all new WWCCs and renewed WWCCs for persons working in child-related work (paid and unpaid).

Where applicable, the WWCC Policy should be read with consideration to the following documents, which cover the governmental policies and diocesan policies with regards to specific ministry roles. These documents, when read together with the WWCC Policy provide a context of the Diocese of Wollongong's child-safe approach.

- Special Religious Education Procedures (NSW Government, Education) – PD/2002/0074/01/V4.1.0 <https://education.nsw.gov.au/policy-library/associated-documents/REimplementproc.pdf#page=6&zoom=100,0,313>
 - Part 4.2 – 'Approved providers are required to have in place a system of authorised initial training, regular ongoing training and support, including mentoring for their SRE teachers. The training is to include child protection, classroom management, and how to implement the approved provider's authorised curriculum sensitively and in an age-appropriate manner. This information is to be published on the approved provider's website'
- Guidelines for Acolytes, Altar Servers and Extraordinary Ministers of Holy Communion (Catholic Diocese of Wollongong) http://www.liturgydow.org.au/assets/acolytes_2018_pdf_final2.pdf

CHILD RELATED WORK

In DOW, roles that may meet this definition include
(please note, this is not an exhaustive list):

- Acolytes,
- Adult Altar Servers,
- Band Leaders (where there are children musicians in the band),
- Catechists,
- Children' Liturgy Leaders,
- Choir Director (where there are children in the choir),
- Clergy,
- Ensemble Leaders (where there are children in the ensemble),
- Music Coordinators and Directors (where there are children in the music group),
- Playgroup Coordinators and Supervisors,
- Religious Persons delivering services to children,
- Sacramental Programme Coordinators,
- Sacramental Programme Team Members,
- Voice Trainers (where children are receiving a direct service from the voice trainers),
- Youth Group Leaders, and
- Youth Ministry Coordinator and Team Members,
- Rite of Christian Initiation of Adult Coordinator (where the person receiving the Rite of Christian Initiation is a child).

There may be other roles in DOW that are considered child-related which need to be assessed on a case-by-case basis. There may also be some exemptions that apply, however exemptions need to be applied cautiously. It is the responsibility of the worker to advise DOW if they are subject to an exemption.

VERIFICATIONS

When a parish/ministry engages a person to conduct child-related work (paid or unpaid), the following verification process must be undertaken by the parish/ministry prior to the person commencing work:

1. Individual applies for a child-related role
2. Parish/Ministry requests individual to complete TEF/MEF form
3. Parish/Ministry sights the ID of the individual
4. Parish/Ministry sends the TEF/MEF to OOB and awaits confirmation of WWCC clearance
5. Once confirmation of WWCC clearance has been received, the parish/ministry can authorise the individual to work/volunteer in child related roles. This is provided that all training and role requirements are met.

Parish/OOB may revoke authorisation where a person is not meeting/has not met their training and role requirements.

Once the Parish sends the information to OOB (at Step 4), the following process needs to be undertaken by staff at OOB:

1. Information received from the Parish/Ministry
2. WWCC verification undertaken and saved in accordance with record keeping requirements
3. Outcome of WWCC verification communicated to Parish/Ministry

VOLUNTEERS
(CCD–CCD Support Officer, L&M–L&M Support Officer)

EMPLOYEES
(inc Clergy)
(EA to the VG and COM)

REMOVING BARRED WORKERS

The working with children check is valid for 5 years and during this time, cleared applicants will be subject to ongoing monitoring by the Office of the Children's Guardian. Under Section 23 of the Act, The Children's Guardian must cancel the working with children check clearance of a person if the Children's Guardian becomes aware that the person is a disqualified person or the Children's Guardian is satisfied that the person poses a risk to the safety of children. Under s23(4) of the Act, the Children's Guardian must advise the notifiable persons of any known employers of the affected individual that the individual's clearance has been cancelled. The notifiable persons in the Diocese of Wollongong are

1. Director of Professional Standards and Safeguarding; and
2. Executive Assistant to Vicar General and Chief Operations Manager.

If the Children's Guardian advises a notifiable person that a working with children check clearance has been cancelled for an individual that is currently still employed (in paid or unpaid work), the individual must be removed immediately from child-related work. If a notifiable person in the Diocese of Wollongong receives such a notification from the Office of the Children's Guardian, the Director of Professional Standards and Safeguarding (or their delegate) will contact the parish priest or head of the ministry and advise the action that needs to be undertaken in line with the Act. All information relating to the cancellation of the clearance is to be managed in accordance with confidentiality and privacy considerations.

RENEWALS

A WWCC is valid for 5 years from the date of issue. Each individual will receive a reminder from the OCG prior to the expiry of their check. They will then need to renew their check. It is the responsibility of the employer to ensure that all WWCCs are current and valid. The *Child Protection (Working With Children) Act 2012* requires that employers must update the record for workers in child-related work within 5 days of the expiry date of the clearance. To ensure that records are kept up-to-date, the DOW has employed the following process:

VOLUNTEERS

(CCD–CCD Support Officer, L&M–L&M Support Officer)

EMPLOYEES

(inc Clergy)
(EA to the VG and COM)

1. OOB to monitor WWCC Expiry Dates

2. OOB to communicate with Parishes/Ministries to ensure that any individual with an upcoming WWCC Expiry Date is still in child-related ministry at the Parish / Ministry

3. OOB to re-verify WWCC with upcoming expiry dates

4. OOB to communicate verification results to the Parish/Ministry

5. Where expired WWCCs have not been renewed, OOB to work with Parish to remind the individual to renew their WWCC. Individuals cannot work/volunteer in child-related roles with expired Checks.

RECORD KEEPING

Under Section 9A of the *Child Protection (Working With Children) Act 2012*, employers are required to maintain a record containing the relevant details of employee's in child-related work. The relevant details include:

- a) full name and date of birth,
- b) working with children check clearance number
- c) expiry date of the clearance number.

In addition to these details, the Office of the Children's Guardian also requires the following information to be retained:

- d) verification date
- e) verification outcome
- f) status of the worker (paid or volunteer).

The Diocese of Wollongong also requires the retention of further detail, being a person's Ministry Position, as a matter of Diocesan Policy.

In accordance with Section 9A(5) of the Act, employers are required to retain records:

- a) during the period in which the worker carries out child-related work for the employer, and
- b) for a period of at least 7 years after the worker ceases to carry out child-related work for the employer.

In DOW, the OOB is responsible for the retention of up-to-date records for the time period specified in the Act.

REPORTING RESPONSIBILITIES

Under s25(d) of the Child Protection (Working With Children) Regulations 2013, the Catholic Church in NSW, including organisations of dioceses, are designated reporting bodies. Reporting bodies are required to report to the Office of the Children's Guardian when they become aware that there has been:

1. Sexual misconduct committed against, with or in the presence of a child, including the grooming of a child, and/or
2. Any serious physical assault of a child.

Reporting bodies must investigate allegations of such conduct to make an informed finding as to whether or not the conduct occurred (OCG Fact Sheet: Information for reporting bodies). If the investigation results in a finding that sexual misconduct or serious physical assault occurred, the reporting body must report this finding to the Office of the Children's Guardian.

How to report...

There are a number of reporting options available within the Diocese of Wollongong. These are as follows:

- Email safeguarding@dow.org.au to contact the Office of Professional Standards and Safeguarding
- Visit www.dow.org.au/directory/safeguarding/ for more information
- <https://www.ccdwollongong.com/complaints-policy>
- https://dow.sh/complaint_form

ADDITIONAL COMPLIANCE CONSIDERATIONS – REPORTABLE CONDUCT

Under new legislative changes that came into effect on 1 March 2020 under the *Children's Guardian Act 2019* (NSW), the Diocese has reportable conduct obligations associated with any person who's WWCC number has been verified. Please see the WWCC policy (section 3.9) for further information. To satisfy reporting requirements for reportable conduct matters, the DOW has employed the following process:

1. Concern relating to the conduct of diocesan worker who holds a WWCC for the purposes of their work with the diocese/parish/ministry

2. Contact the Diocesan Office of Professional Standards and Safeguarding (OPSS)
Email: safeguarding@dow.org.au
Phone: (02) 4222 2428
After hours phone: 0408 512 163

3. OPSS will conduct further enquiries and will work with the diocese/parish/ministry to manage local risks and challenges