



## Catholic Diocese of Wagga Wagga

# CHILD PROTECTION WORKING WITH CHILDREN CHECK POLICY DIOCESAN SYSTEMIC SCHOOLS, PARISHES AND AGENCIES



*+ C. Prowse*

Version 1/19 Approved

Signed.....5 December 2018

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Archbishop of the Archdiocese of Canberra Goulburn

Apostolic Administrator of the Diocese of Wagga Wagga

To be reviewed by permanent Bishop of the Diocese of Wagga Wagga on appointment.

Review due annually by Bishops Child Protection delegate and Safeguarding Committee

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## **PURPOSE**

All Catholic school communities and parishes in the Diocese of Wagga Wagga (DWW) are committed to providing a safe and supportive environment for youth, children, staff and volunteers. School and Parish communities have the right to expect that staff, volunteers or contractors who are employed or engaged in either the Diocesan Schools System known as Catholic Education Diocese of Wagga Wagga (CEDWW), or at a Parish, are appropriately screened and suitable to be in child related work.

The Working With Children Check legislation took effect on 15 June 2013 following the implementation of the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013. 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. 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 in CEDWW or at a Parish.

## **POLICY FRAMEWORK**

The purpose of this policy and the relevant sections of the associated Diocesan Schools System Child Protection Resource Manual DWW is to establish a framework for the CEDWW and Parishes of the Diocese to comply with the requirements of the NSW Child Protection (Working with Children) Act 2012 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 or vulnerable person work.

The CEDWW and our Parishes 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.

The CEDWW and Diocese Parishes are responsible and accountable for promoting a culture in which employees are committed to ensuring the wellbeing, safety and protection of children and the vulnerable.

This Diocese has extended the protection of vulnerable people to certain persons with disabilities and the frail aged where workers will require a national police check clearance.

## **POLICY CONTENT Child-related work**

From 15 June 2013 people who are seeking to be employed or engaged in child related work in the CEDWW or Diocese Parishes are subject to relevant requirements under the Child Protection (Working with Children) Act 2012 and 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. This policy applies to people who are employed or engaged (or who are seeking to be employed or engaged) in child related work in the CEDWW or at a Parish, in one of the following capacities:

- as a paid 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 child related worker is responsible for applying for his or her own WWCC. Before engaging or employing a child-related worker or volunteer the CEDWW or Parish must ensure the person has a clearance to work with children. This will include verifications for WWCC or similar named clearances from other states required for personnel who reside outside of NSW but work in NSW for schools or parishes of the DWW.

Refer to the WWCC Guidelines for Schools and Parishes DWW for specific detail regarding when existing workers or volunteers require a check to be completed.

Employees and Volunteers whose activity service is directed at the aged do not require WWCC verifications by the Diocese (some other facilities i.e. hospitals and nursing homes may require same).

However, the Diocese does require a national police check clearance in accordance with national aged care best practice for vulnerable people, and a signed Diocese Code of Conduct and Declaration for vulnerable people. This includes:

- parish employees, volunteers and religious personnel, involved in any Diocese agencies, parishes, educational services and schools.
- volunteer and religious who are cash handlers, work with vulnerable adults or the aged, outreach programs, seniors' programs, hospital visits, nursing home or private home visitor concerning vulnerable adults including:
  - 1) the frail aged, at own home or in group residential care, and services,
  - 2) adults with recognised cognitive disabilities who are commonly known as childlike and/or vulnerable in their engagement with others

**Such national police check clearances must be no more than 3 years old.**

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 the CEDWW or a Parish to sign a declaration. Refer to the WWCC Guidelines for Schools and Parishes DWW for specific information on who requires a WWCC or declaration to be completed and when. See attached Annexures A and B.

## Verifications

To comply with the legislation, employers need to go online to verify the status of a WWCC number for any paid or volunteer staff in child related work. Verifications of all WWCCs will be completed centrally by CEDWW staff in the Human Resource Services Team. A record of the full name, DOB, WWCC number and date and outcome of verification will be stored electronically by the CEDWW Child Protection Team. This may include verifications for WWCC or similar named clearances from other states required for personnel who reside outside of NSW but work in NSW for schools or parishes of the DWW.

## Outcomes of the WWCC

In NSW, the result of a WWCC 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**

The CEDWW and Parishes (via Diocese Chancery) have a legal obligation to report findings of sexual offence, sexual misconduct and serious physical assault involving children by a child related worker to the Office of the Children's Guardian.

A risk assessment is an evaluation by the Office of 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 Child Protection (Working with Children) Act 2012.
- 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 Child Protection (Working with Children) Act 2012.
- Findings of misconduct reported by a reporting body.
- Notifications by the Ombudsman.

## **Bars**

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

- Barred
- Interim barred
- Not found

Where CEDWW or Diocese agency or parish, 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.
- Transfer them to a non-child related role within CEDWW or Parish.

When the CEDWW or Diocese in relation to a Parish receives notification of a bar or interim bar from the Office of the Children's Guardian, the CEDWW or Diocese in relation to a Parish, 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.

## **Other screening**

A WWCC is only one of the tools available to keep children safe. Employment or engagement in the CEDWW or Diocese in relation to a Parish, may also be subject to other checks as prescribed in relevant legislation or policy. The CEDWW and Diocese 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.

Working With Children Checks are also required by this Diocese for staff, volunteers and religious personnel involved in any Diocese agencies, parishes, educational services and schools, where services, including visits, are provided by such persons directly to vulnerable people including (beyond children), the frail aged, at own home or in group residential care, and services, including visits to adults with recognised cognitive disabilities who are commonly known as childlike and/or vulnerable in their engagement with others.

## **RESPONSIBILITIES**

CEDWW staff members have responsibility in relation to the Working With Children Check. These responsibilities are as follows:

### **Director of Schools**

- Ensure the child protection systems and operations in relation to the WWCC within the CEDWW comply with relevant legislation. This may include verifications for WWCC or similar named clearances from other states required for personnel who reside outside of NSW but work in NSW for schools of the DWW.
- Authorise the reporting of child related workers' or volunteers' names to the Office of 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 Schools Consultants**

- 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 for 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.
- Maintain a schools based WWCC register of all employee, volunteer and contractor where such checks are required.

### **Child Protection Team**

- Provide advice and support to schools and other CEDWW personnel and Parishes in relation to compliance with the WWCC system.
- Establish and maintain appropriate procedures to ensure the CEDWW and all diocesan systemic schools and Parishes comply with the WWCC systems.
- Undertake online verifications for all child related workers or volunteers and maintain records of the outcome of WWCC. This may include verifications for WWCC or similar named clearances from other states required for personnel who reside outside of NSW but work in NSW for schools or parishes of the DWW.
- Report child related workers' or volunteers' names to the Office of 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 Office of the Children’s Guardian in order for the Office of 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 Resource Services 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 and volunteers across the diocese in schools and parishes.

### **Teachers and other staff**

- Comply with policies and procedures as required by this and related documents;
- Ensure all those who are classified as being in child related work must apply for a WWCC as required and supply the WWCC number to the CEDWW for verification.

## **Centacare South West New South Wales**

- Centacare workers and Centacare administration and policies, will be conducted in accordance with Centacare policies ensuring compliance with the same standards and principles as stated in this policy document and related documents.
- Centacare must undertake online verifications for all new child related workers prior to commencement of employment and maintain records of the outcome of the WWCC;
- Centacare must 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 and volunteers.

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

Part 3A Ombudsman Act 1974

Children and Young Persons (Care and Protection) Act 1998 & Child Protection (Working with Children) Regulation 2013

Child Protection Resource Manual for Diocesan Systemic Schools (under development)

Child Protection (Working with Children) Act 2012

Child Protection Policy for Diocesan Systemic Schools: Addressing Allegations of Inappropriate Behaviour by Staff Policy DWW (2018)

NSW Ombudsman’s Guidelines Child Protection in the Workplace (2004) & NSW Ombudsman Practice Update: Defining Reportable Conduct (2013)

Code of Conduct in the Protection of Children and Young People, CEDWW (2018)

Recruitment and Selection of Teaching and Support Staff Guidelines (2014)

Guidelines for Schools and Parishes Working With Children Checks (WWCC) & Volunteer Declarations DWW (2018)



# Catholic Diocese of Wagga Wagga - Schools or Parish Volunteer Vulnerable Persons Code of Conduct and Declaration

All adults in a volunteering capacity, are required to have read and be familiar with this Code of Conduct, be given the opportunity to have any part explained, and to agree and sign in accepting the terms and conditions of this Code of Conduct, prior to active School/Parish involvement in any volunteering activity that may include regular or irregular direct contact with children or other vulnerable persons. (Some volunteering may also require the verification of a Working With Children Check in accordance with Diocese Child Protection Policy).

I, (PRINT NAME IN CAPITALS) .....at school/parish of.....

**will:**

- Conduct myself in a Christian manner through language, dress and behaviour and be a positive role model to promote the values of the Catholic Church through my words and actions.
- Act in accordance with the federal laws, and the laws, regulations and rules of the State/Territory in which the activity is hosted.
- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity and consideration. I will only use physical restraint as a last resort or in an emergency.
- Avoid all forms of discrimination and respect the dignity of each person without regard to economic status, age, gender, race, ethnicity, religion, sexual orientation, or physical or mental abilities.
- Use positive reinforcement and communication rather than criticism, unhealthy competition, or comparison.
- Adhere to emergency plans and evacuation routes at any venue and adhere to all instructions provided by venue staff.
- Uphold the authority of those responsible for the program or activity in which I am participating and assist them to engage youth participants.
- Ensure there is another adult present in any situation where I am in the presence of minors.
- Seek assistance if a young person’s behaviour is causing danger to those around him or her, and if necessary, contact police.

**I will not:**

- Engage in any inappropriate conduct, but especially with minors.
- Form inappropriate relationships with a young person; for instance, by placing myself in a position where a young person may come to rely on me emotionally, or by attempting to act as a surrogate parent. It is my responsibility, not the young person’s, to set appropriate guidelines and boundaries. I will not show favouritism to any particular young person such as through gifts or continually showing greater attention than is given to others.
- Upload, post on social media or transmit via a mobile device embarrassing or inappropriate photos of myself or others.
- Possess, use or be under the influence of alcohol while supervising minors or while participating in the activity, or purchase alcohol for or distribute alcohol to anyone under the age of 18 years.
- Use, purchase, possess, distribute or be under the influence of illegal drugs at any time.
- Purchase, download, possess or distribute pornography.
- Participate in, or tolerate behaviour which humiliates, ridicules, threatens or degrades others.
- Use physical discipline in any way for behaviour management of others. No form of physical discipline is acceptable. This includes but is not limited to slapping, pinching, shaking, hitting or any other physical force as retaliation or correction for inappropriate behaviour of a minor or anyone else.
- Use rude or offensive language in the presence of a minor or others.

I hereby declare that I am not currently being investigated, nor have been investigated in the past, to my knowledge; nor have I ever been charged or convicted; for an offence against any person whether an adult or a minor (including but not limited to: murder, assault, battery, sexual assault, injury to a minor, and abandoning or endangering a minor); I have never been terminated from employment or a volunteer position for reasons related to allegations of physical or sexual abuse by me; nor have I sought or received any medical, physical or psychological treatments for reasons involving physical or sexual abuse by me. I understand that should my response to any of the above statements change, I am obligated to inform the School/Parish Leadership immediately. I understand that should I admit to or be found guilty of an incident of sexual misconduct of other offence against any person (as noted above), or if it appears that an alleged claim is substantiated; my involvement with the activity shall be immediately terminated. Further, I understand that my failure to agree to and abide by this Code of Conduct will bar me from participating in the activity.

I have read the above Code of Conduct and agree to follow it. I understand that if the Code is breached then the school/parish may:

- Report my misconduct to local statutory authorities, if the breach in any way violates local ordinances or laws
- Dismiss me from the activity and or ban me from involvement in future events/work.

\*Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*\*Signed Original Copy to be kept on School/Parish/Agency Files. Copy to Signee.*





## Declaration for Contractors

### Diocese of Wagga Wagga – Schools or Parishes

**This declaration is to be completed by Contractors who are engaged within the Diocese of Wagga Wagga but who are not required to hold a Working With Children Check number.**

1. This declaration is to be completed by contractors who will have direct contact with children in the provision of administrative, clerical or maintenance services or other ancillary services, **however the work will not ordinarily involve contact with children for extended periods.**

Once the person has completed and provided this declaration, the person can commence engagement as a contractor. The completed declaration will be filed securely at the Parish in accordance with the Diocese privacy policy.

2. This declaration does not apply to:
  - (i) Volunteers and contractors who will provide personal care services to children with disabilities involving intimate contact with those children (such as assistance with toileting, bathing or dressing), or mentoring services as part of a formal mentoring program provided by a government or non-government agency – will be required to obtain a Working With Children Check (WWCC) Clearance Number (as issued by the NSW Children’s Guardian) as a condition of engagement. If they do not have this yet, they must apply to obtain this from the NSW Children’s Guardian, and provide to the school for verification before commencing onsite work.
  - (ii) Contractors whose work will ordinarily involve direct contact with children for extended periods – these contractors will be required to have a WWCC Clearance Number as a condition of engagement.

Surname	First Name	Middle Name	
Other names/aliases (include all names or aliases used currently or in the past)		Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male
Date of birth (DD/MM/YYYY)	Place of birth (City, State & Country)	Telephone	
Address (Number, Street, Suburb/City)		State	Postcode
Name of Parish			

It is an offence for a disqualified person as defined in section 18 of the Child Protection (Working with Children) Act 2012 to undertake or remain in child-related employment. Without limiting the application of section 18 of the Act, this includes persons who have been convicted of the following offences (including equivalent offences in other states):

- murder of a child;
- manslaughter of a child (other than as a result of a motor vehicle accident);
- an offence involving intentional wounding or causing grievous bodily harm to a child by an adult who is more than 3 years older than the victim;
- the common law offence of rape or attempted rape;
- an offence under the Crimes Act 1900 relating to sexual assault, aggravated sexual assault, aggravated sexual assault in company, assault with intent to have sexual intercourse, indecent assault, aggravated indecent assault, or the attempt to commit any of these offences;
- an offence under the *Crimes Act 1900* relating to sexual intercourse-child under 10, Attempting, or assaulting with intent, to have sexual intercourse with child under 10, Sexual intercourse-child between 10 and 16, Attempting, or assaulting with intent, to have sexual intercourse with a child between 10 and 16, Persistent sexual abuse of a child, Procuring or grooming child under 16 for unlawful sexual activity, Sexual offences cognitive impairment, Sexual intercourse with child between 16 and 18 under special care;
- an offence under the *Crimes Act 1900* relating to incest, incest attempts, bestiality;
- an offence under the *Crimes Act 1900* relating to Sexual assault by forced self-manipulation, Causing sexual servitude, Conduct of business involving sexual servitude;
- kidnapping unless the offender is or has been the child's parent or carer;
- an offence under the *Crimes Act 1900* relating to Promoting or engaging in acts of child prostitution, Obtaining benefit from child prostitution, Premises not to be used for child prostitution, Production, dissemination or possession of child abuse material;
- an offence under the *Crimes Act 1900* relating to injuries to child at time of birth, Abandoning or exposing a child under 7 years;
- an offence under the *Crimes Act 1900* relating to Voyeurism, Filming a person engaged in private act, Filming a person's private parts;
- an offence under the *Crimes Act 1900* relating to installing device to facilitate observation or filming
- an offence under the Criminal Code of the Commonwealth relating to Sexual intercourse with child outside Australia, Aggravated offence-child with mental impairment or under care, supervision or authority of defendant, Persistent sexual abuse of child outside Australia;
- an offence under the *Criminal Code of the Commonwealth* including Procuring child to engage in sexual activity outside Australia "Grooming" child to engage in sexual activity outside Australia;
- an offence under the *Criminal Code of the Commonwealth* relating to Sexual servitude offences against a child;
- an offence under the *Criminal Code of the Commonwealth* relating to Using a postal or similar service for child pornography material; or
- attempt, conspiracy or incitement to commit the above offences.

## Declaration

I declare that I am not a disqualified person within the meaning of section 18 of the Child Protection (Working with Children) Act 2012. I undertake, as a condition of my continuing to perform child-related work (including volunteering) that I will notify the School of any conviction imposed on me for an offence, or finding that I am guilty of an offence, or finding that the charge for an offence against me is proven, where the offence is of the kind referred to in this Declaration.

I am aware that providing false or misleading information in this document may lead to the following:

- the Diocese of Wagga Wagga withdrawing any offer of engagement that it has made to me; or
- the Diocese of Wagga Wagga terminating my engagement; and
- the Diocese of Wagga Wagga considering any false or misleading information I provide, when considering any future applications by me for employment or engagement.

Signature	Print Name:	Date
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## Contractor Collection Notice

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1. In applying to provide services to the School/Parish, you will be providing [name of School/Parish.....] with personal information.
2. If you provide us with personal information, for example your name and address or information contained on your resume, we will collect the information in order to assess your application. We may also make notes and prepare a confidential report in respect of your application.
3. You agree that we may store this information for a reasonable period of time.
4. The Diocesan Privacy Policy sets out how you may seek access to your personal information and how you may complain about a breach of the APPs.
5. We may disclose personal information you provide to the Catholic Education Commission NSW and the Catholic Commission for Employment Relations. We may also disclose this information with your consent or as required or authorised by law.
6. We are required to collect information regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences under Child Protection law. We may also collect personal information about you in accordance with these laws.
7. The Dioceses service provider may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside Australia.
8. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to us and why, that they can access that information if they wish and that we do not usually disclose the information to third parties.

You can obtain further information about privacy from:

- The Privacy Officer Diocese of Wagga Wagga
- P O Box 473  
Wagga Wagga NSW 2650