

PROCEDURE

Name:	Working with Children Checks	
Procedure code:		
Approved by MANEX/Manager:	Date: 26 May 2020	By: MANEX
Last review date:	May 2020	
Review timeframe:	2 years	
Next scheduled review date:	May 2022	
Related legislation:	<p><i>Local Government Act 1993</i></p> <p>Child Protection (Working with Children) Act 2012</p> <p>Child Protection (Working with Children) Amendment (Statutory Review) Act 2018</p> <p>Children and Young Persons (Care and Protection) Act 1998</p> <p>Children and Young Persons (Care and Protection) Regulation 2012</p> <p>Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015</p> <p>Child Protection (Working with Children) Regulation 2013</p> <p>Ombudsman Act 1974 (Amendment 68);</p> <p>Ombudsman Regulation 2016</p> <p>Community Services (Complaints, Reviews and Monitoring) Act 1993</p> <p>Mandatory Reporter Guide 2010</p>	
Association policies/documents:	<p>MidCoast Council Code of Conduct</p> <p>MidCoast Council Child Protection Policy</p> <p>MidCoast Council Child Protection Procedure</p> <p>MidCoast Council Vacancy Management protocols and associated documents</p> <p>MidCoast Council Complaint Handling Policy and associated documents</p> <p>MidCoast Council Work Health and Safety management system</p>	
Responsible division:	Community Services	

Purpose

This procedure supports Council's Child Protection Policy and outlines the processes Council will implement to ensure that all Council officers (as defined in the policy) in child-related roles are assessed and deemed fit to work with children.

This procedure should be read in conjunction with Council's Child Protection Policy, which details definitions of terms contained in this procedure.

Process

1. Job design

All new Council positions are assessed as part of the job-design and recruitment-request process to determine whether they are deemed child-related roles.

Identified child-related roles are documented in the Child-Related Roles Register, provided as Attachment A. This register may be amended from time to time.

Roles have their 'child-related' status identified in their Position Description. The requirement for a current Working with Children Check (WWCC) is included in the selection criteria for such roles.

2. Recruitment and selection

All advertisements for child-related roles include notification that a WWCC is required for the role.

Applicants for a child-related role will be required to provide their WWCC clearance number in their application. Offers of employment will be conditional upon a 'clearance' result when the check is verified online.

Job applicants who have applied for a WWCC, but have not yet received the outcome, may be offered a role subject to receipt of a 'clearance'.

3. Checks

An individual's WWCC status is re-assessed every 24 hours by the Office of the Children's Guardian (OCG) to ensure currency. Both the individual and Council's designated Child Protection Officer (Co-ordinator Community Strengthening, Lyndie Hepple) will be notified by the OCG should a check status change from 'Cleared' to 'Bar' or 'Interim Bar'.

- A result of 'cleared' indicates the national police check and review of finding of misconduct involving children resulted in a clear record, and the individual is cleared to work with children;
- A result of 'Interim Bar' indicates the applicant has been barred from working with children whilst awaiting the outcome of a risk assessment. It is an offence to engage this person in child-related work or a child-related role.
- A result of 'Bar' indicates prior relevant criminal record exists, or an individual who was previously cleared to work with children has had their clearance revoked as a result of the outcome from an investigation leading from an interim bar. It is an offence to engage this person in child-related work or a child-related role.

4. Obtaining and renewing WWCCs

The Child Protection Officer will ensure that a WWCC Register ('the register') is maintained in an organised, accessible and legible manner and that a record of the register is kept for seven years from the date it was made.

The register includes details of;

- Council officers engaged in child-related roles including their title, WWCC number, date of verification, outcome and expiry date, the officer's address, and whether the officer is eligible for an exemption;
- the reason the role is a risk-assessed role, who made the assessment and when; and
- links to records relating to an allegation or interim bar, suspension, exclusion or any action taken by the organisation in relation to those decisions.

The register is stored in Council's electronic records management system, with access limited to relevant staff, in line with Council's Privacy Management Plan.

All existing Council officers in child-related roles are responsible for obtaining and renewing their WWCC. Staff may claim reimbursement of check fees by submitting an expense claim form to the Finance Section. The Manager Community Services is responsible for managing the budget for employment screening checks, including WWCC's.

Council's CPO (or staff under their direction) is required to validate checks via the OCG on-line portal, and record the relevant details in the WWCC Register.

Council officers are responsible for notifying OCG of any changes to their contact details within three months. Failure to do so may incur a fine from OCG.

The Co-ordinator Community Strengthening shall immediately produce the register should it be requested by NSW Police or OCG.

The CPO (or staff under their direction) will conduct a quarterly audit of the register to ensure WWCCs remain current, notifying staff of pending renewals and following up any lapses.

5. Response to non-compliance, bar and interim bar statuses

Where an applicant for a child-related role with Council either refuses to obtain a WWCC or receives WWCC status of 'Interim Bar' or 'Bar', the applicant will not be offered employment with Council.

Where a Council officer engaged in a child-related role refuses to obtain a WWCC on request, they will immediately be removed from the child-related role and have no further contact with children or young people through Council. Such employees may be dismissed at Council's discretion, in accordance with the Award.

Where a Council officer engaged in a child-related role has their WWCC status change to 'Interim Bar' (upon notification by the OCG), they will immediately be removed from the child-related role. Council employees may be given alternative duties if such alternate duties are available, until the outcome of further investigation is known. If no alternate duties are available, the employee may be suspended, directed to take leave or leave without pay, or have casual work withdrawn, as deemed appropriate by Human Resources in consultation with management, until the outcome of further investigation is known.

Where a Council officer engaged in a child-related role has their WWCC status change to

'Bar', they will immediately be removed from the child-related role and have no further contact with children or young people through Council. Such employees may be dismissed at Council's discretion, in accordance with the Award.

It is noted that under the Child Protection (Working with Children) Act, where Council has formally identified a position as child-related, and dismisses an employee from such a position as a result of their clearance status changing to 'Bar' or 'Interim Bar', then Council is protected for actions of wrongful dismissal by the Act.

Where an investigation is required, or may potentially be required as a result of:

- a Council officer's status change from 'Cleared' to 'Interim Bar' or 'Bar'; or
- an allegation of misconduct against a Council officer being made as a result of his/her actions in the course of their Council duties,

the CPO will contact the OCG and implement an independent investigation into the matter.

Procedures for the management and reporting of concerns and allegations regarding child protection are outlined in Council's Child Protection Procedure.

Review and revision

This procedure is reviewed every two years.

Responsible officer/department/section

Manager Community Services.

Attachments

A: MidCoast Council Child-Related Roles Register