



# Child Safety and Safeguarding Program

## WWC Check Procedure for School-Based Staff, Volunteers and Contractors

### Purpose

This Procedure sets out procedures and guiding information for School-Based Staff, Volunteers and Contractors (together referred to as “workers” for the purposes of this Procedure) about the WWC Check.

The Principles, Scope, Definitions, Roles and Responsibilities, and other information relevant to this Procedure are set out in the [Child Safeguarding Working with Children Checks Policy and Procedures](#).

### Procedures

#### Meeting Workers’ Notification Obligations

Workers must:

- notify Working with Children Check Victoria (WWCCV), within 21 days, of:
  - any changes to their name, residential address, electronic address, birth date or phone numbers
  - any changes to the organisation(s) where they are engaged in child related work. This can be done online through a [MyCheck Account](#) or [Services Victoria](#).
- notify, in writing, both St Patrick's College (or, in the case of a Contractor engaged by a company other than St Patrick's College to perform services at the College, their company) and WWCCV,

within seven days, if:

- they are charged with, convicted, or found guilty of a category A or B sexual, violent or drug offence (as defined in the Act), or the charge has been finally dealt with by a court in some way
- a relevant disciplinary or regulatory finding is made against them
- they are or become subject to reporting obligations under Part 3 of the Sex Offenders Registration Act 2004 (Vic)
- they become subject to a supervision order, detention order or an emergency detention order
- they have been given an NDIS exclusion
- they have been excluded from child-related work under a corresponding working with children law.

## WWC Check Application/Renewal Procedures

### How to Apply for a WWC Check

A worker who engages in child-related work is responsible for applying for their own WWC Check. An employer can not apply on behalf of a worker.

To apply:

1. Fill out an online application form on the Working with Children Check Victoria website, found [here](#).
2. On completion of the application, you will be sent an application summary email advising how to finalise your application.
3. Verify your identity either as part of your online application or in person at a participating Australia Post outlet:
  - Online – you will need two primary proof of identity documents which are current and, when combined, show your full name, date of birth and photo
  - In person – when you finalise your application with Australia Post, bring three original proof of identity documents (one primary and two secondary documents; two primary and one secondary document; or three primary documents).
4. Finalise your application at a participating Australia Post outlet, bringing with you your application summary, one additional identity document if you verified your identity online or your three identity documents if you are verifying your identity in person, and any applicable fee.

5. WWC Check applications are free for Volunteers. If the WWC Check is for paid work, a fee is payable.
6. If applying for a WWC Check from outside Victoria, the following must be posted to WWCCV:
  - the application summary of your online application, and certified by a certifying officer
  - copies of your proof of identity documents, certified by the certifying officer
  - two passport-sized photos, one certified on the back by the certifying officer and the other attached to the application summary
  - a credit card payment, bank cheque or money order for the fee if you are a paid worker
  - Mail to: Working with Children Check Victoria, Department of Justice and Community Safety, GPO Box 1915, Melbourne VIC 3001

## Can I work while my application is being processed?

Under the Act, most workers can work in child-related work after applying for a WWC Check but before the outcome is determined.

However, The EREA VSL Board requires that EREA VSL-governed schools do not engage any worker, who must have a WWC Check by law or under the [Child Safeguarding Working with Children Checks Policy and Procedures](#), if they do not have a valid WWC clearance.

In addition, if you fall into the following categories, the Act prohibits you from working in child-related work before the outcome of the WWC Check:

- you have been charged with, found guilty, or convicted of certain sexual, violent or drug offences if this conduct occurred as an adult
- you have previously been given a WWC exclusion
- you have applied for the WWC Check and are supervising a child under the age of 15 in employment under the Child Employment Act 2003 (Vic)
- you are working in an education and care service under the Children's Services Act 1996 (Vic) or in an education and care service under the Education and Care Services National Law (Victoria) Act 2010 (Vic)
- you are subject to:
  - reporting obligations under the Sex Offenders Registration Act 2004 (Vic)
  - an exclusion from child-related work under a corresponding working with children law in circumstances where you have been charged with, found guilty, or convicted of certain sexual, violent or drug offences
  - a supervision order, a detention order or an emergency detention order.

## What is checked?

WWCCV, which is located in the Department of Justice and Community Safety, assesses WWC Check applications. It obtains applicants' national criminal histories including:

- convictions (spent or unspent)
- non-conviction charges (for serious sexual, violent or drug offences)
- acquittals because of mental impairment
- guilty pleas
- juvenile records from when the applicant was under 18 years of age
- findings of courts and Corrections Victoria
- formal findings of guilt
- pending charges.

It also considers professional conduct determinations and findings from relevant bodies, including the Reportable Conduct Scheme, Victorian Civil and Administrative Tribunal (VCAT) and other tribunals (in respect of health practitioners), VIT (in respect of teachers) and the Suitability Panel (which considers the registration of foster carers).

When assessing an application, WWCCV can request additional information from the applicant or from others, including:

- health treating professionals
- government agencies
- professional disciplinary bodies
- employers and other organisations.

The time it takes to process a WWC Check varies from person to person. It typically takes up to three weeks to assess a WWC Check application. If an applicant has a common name – or if there are circumstances which require more time investigating the application – it might be up to 12 weeks.

## Interim WWC Exclusions

Certain criminal charges or offences will result in an automatic WWC exclusion, or may require WWCCV to start with a presumption that it should issue a WWC exclusion. These include:

- serious sexual offences

- serious violent offences
- serious drug-related offences
- offences against the Children, Youth and Families Act 2005 (Vic)
- other offences linked to the safety of children.

If an applicant has been charged with or convicted of certain serious offences and/or if, after considering all of the required information, WWCCV considers that the applicant poses an unjustifiable risk to children, it will issue an interim WWC exclusion.

The applicant will then have the opportunity to explain why they believe that they should pass the WWC Check and to respond to the information that has caused the interim WWC exclusion.

## Outcome of the WWC Check

There are only two results for a WWC Check: a **WWC clearance** to work with children or a **WWC exclusion** barring an applicant from working with children.

## WWC Clearance

Where the outcome is a **WWC clearance**, the applicant will receive an email confirming that they have passed the WWC Check and will then receive a WWC Check Card in the mail. The WWC Check Card is valid for five years, and displays the worker's name, signature, photograph, card number and expiry date.

An Employee WWC Check Card allows workers to engage in any paid or voluntary child-related work.

A Volunteer WWC Check Card can only be used for voluntary child-related work.

Workers who have a WWC clearance are subject to ongoing monitoring for relevant new records, which could lead to the WWC Check Card being suspended or revoked (and a WWC exclusion issued) before the five year expiry date.

## WWC Exclusion

Where an applicant has failed the WWC Check, they will be issued with a **WWC exclusion**. The person must not engage in any child-related work. The person must notify, in writing, all organisations where they do child-related work that they have received a WWC exclusion.

A copy of the WWC exclusion will be sent to all the organisations listed in the application but they will not be notified of the reasons for the WWC exclusion.

Persons who have been issued with a WWC exclusion cannot apply for child-related work, unless they have subsequently reapplied for a WWC Check and been issued with a WWC clearance (or appealed the WWC exclusion and the WWC exclusion has been stayed).

Once issued with a WWC exclusion, a person cannot reapply for a WWC Check for five years, unless their circumstances have changed. Changed circumstances can include:

- a pending charge being withdrawn or dismissed by a court
- being found not guilty of a pending charge
- being no longer required to report under the Sex Offenders Registration Act 2004 (Vic)
- being no longer subject to a supervision order, a detention order or an emergency detention order
- being no longer excluded from child-related work under a corresponding working with children law
- their NDIS exclusion being deemed void or being set aside, rendered inoperative or otherwise invalidated.

In limited circumstances, people who have been issued with a WWC exclusion can appeal by making an application to the VCAT within 28 days of the decision.

## Penalties

It is against the law for the following people to even apply for a WWC Check:

- a registrable offender under the Sex Offenders Registration Act 2004 (Vic)
- a person who is subject to a supervision order, a detention order or an emergency detention order.

It is an offence to work with children without having applied for a WWC Check or holding a valid WWC Check Card.

It is an offence for anyone to apply for or engage in child-related work if they have been issued a WWC exclusion.

The maximum penalty for all of the above is two years' imprisonment, a fine or both.

The College must take reasonable steps to ensure that they do not engage or continue to engage a person in child-related work who does not hold a valid WWC Check Card, who has been issued with a WWC exclusion or who has become subject to reporting obligations under the Sex Offenders Registration Act 2004 (Vic), or supervision, detention or emergency detention orders. The penalty for organisations is a significant fine.

## Implementation

This Procedure is made available to all School-Based Staff, Volunteers, and Contractors, via the College's PolicyConnect site. It is included in induction training and in ongoing refresher training for School-Based Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safeguarding Training and Supervision Policy and Procedures](#).

This Procedure is made accessible to parents/carers, students and the wider College community in summary in our Child Safeguarding Safety and Wellbeing Policy and Procedures.

It is also available in hard copy by request.

## Breach of Working with Children Check Procedures

St Patrick's College enforces this Procedure. In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

For more information, refer to [Child Safeguarding Compliance and Breach Policy and Procedures](#).

## Procedure Review

A review of the WWC Check Procedure for School-Based Staff, Volunteers and Contractors is conducted every two years or earlier if required, such as due to changes in legislation or after any significant child safety incident.

The Principal is responsible for ensuring that this Procedure is reviewed and updated as needed and for approving this Procedure.

## Source of Obligation

- [Worker Screening Act 2020 \(Vic\)](#).
- [Ministerial Order 1359, Clause 10](#)

## EREA VSL and St Patrick's College Policy and Procedure Linkages

- [Child Safeguarding Working with Children Checks Policy and Procedures](#)
- [Child Safeguarding Safety and Wellbeing Policy and Procedures](#)
- [Child Safeguarding Recruitment Policy and Procedures](#)
- [Child Safeguarding Training and Supervision Policy and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Child Safeguarding Record Keeping Policy and Procedures](#)
- our general [Human Resources Policies and Procedures](#).

## Related Forms and Documents

WWCC Register

Passtab

Staff Register

## References and Resources

- [CECV Guidelines on the Employment of Staff in Catholic Schools](#)



- [CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Contractors in Catholic Schools](#)

## Procedure Administration

<b>Responsible Officer</b>	<b>EREA VSL Chief Executive Officer</b>
Policy Owner	EREA VSL Director of Safeguarding
Approving Body	EREA VSL Board
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<b>Policy Database Information</b>	
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