



# Child Safety and Safeguarding Program

## Child Safeguarding Working with Children Checks Policy and Procedures

### Background

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

St Patrick's College is a Catholic day and boarding college for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known.

EREA Victorian Schools Ltd. (EREA VSL) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all students.

The EREA VSL Board, the College's and the Boarding School's governing authority, has approved College's Child Safeguarding Working with Children Checks Policy and Procedures, as set out in the Policy Administration section, below.

## St Patrick's College's Statement of Commitment to Child Safety

All children and young people have a right to feel safe and be safe.

St Patrick's College is committed to embedding a culture where the safety, wellbeing, and participation of all children and young people under our care is paramount. Particular attention is given to the needs of vulnerable children and young people, including Aboriginal and Torres Strait Islander children and young people, children and young people with disability and mental health issues, children and young people from culturally and/or linguistically diverse backgrounds, children and young people who are unable to live at home, and those who identify as lesbian, gay, bisexual, transgender or intersex. We are committed to at all times acting in the best interests of children and young people.

We have no tolerance for child abuse and all allegations and safety concerns are treated very seriously and consistent with our robust safeguarding policies and procedures. St Patrick's College is committed to nurturing the wellbeing of all children and young people, respecting their dignity, ensuring their safety and protecting them from abuse and other harm. St Patrick's College and its School-Based Staff, Contractors and Volunteers have legal and moral obligations to respond swiftly, including contacting authorities where relevant when we are concerned about a child's safety, which we follow rigorously.

St Patrick's College is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe and can actively participate in decisions that affect their lives.

At St Patrick's College we have zero tolerance for child abuse and are committed to acting in our students' best interests and keeping them safe from harm.

St Patrick's College regards its child safeguarding, wellbeing, and protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child safety, wellbeing and protection laws and regulations and maintain a child-safe culture.

## Purpose

St Patrick's College holds the care, safety, and wellbeing of students as a central and fundamental responsibility. Under the Working With Children Act 2005 (WWC Act), subject to a number of exceptions, any worker who engages in child-related work that involves direct contact with a child (being a person under 18 years of age) must hold a Working With Children Check (WWCC). The WWC Act aims to protect children from harm by ensuring that people who work with, or care for, children have their suitability to do so checked by a government body.

The Victorian Registration Standards (sch 4 cl 5) (CECV Guidelines ref 5.2) require that the College complies with the requirements of the WWC Act, in respect of the employment of all staff at the College.

The Worker Screening Act 2020 (Vic) (Act) aims to protect children and young people from harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body.

People who are assessed as posing an unjustifiable risk to the safety of children and young people fail the WWC (Working with Children) Check and the Act prohibits these people from working or volunteering with children. The Act imposes penalties for organisations and individuals that do not comply with the Act.

Ministerial Order 1359 requires that, when engaging **School-Based Staff, School Boarding Premises Staff, or Volunteers** to perform **child-connected work**, The EREA VSL Board must sight, verify and record the person's WWC Check clearance (if the person is required to have a clearance under the Act) or an equivalent background check where that is required (for example Victorian Institute of Teaching (VIT) teacher registration). The EREA VSL Board need not, however, comply with this requirement if it has already undertaken these activities in relation to a particular individual within the previous 12 months.

This Policy and its Procedures summarise the responsibilities and obligations of School-Based Staff, School Boarding Premises Staff, Volunteers, Contractors and others under the Act, under Ministerial Order 1359 and under The EREA VSL Board and St Patrick's College policy.

## Principles

EREA Victorian Schools Ltd. (EREA VSL) and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all students. We have no tolerance for child abuse.

The EREA VSL Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359 and the EREA VSL Safeguarding Framework set out the principles that guide The EREA VSL Board and St Patrick's College in the development and regular review of the Working with Children Checks Policy and Procedures.

# Scope

This Policy and its Procedures apply to all School-Based Staff, including Boarding School Staff, to Direct Contact Contractors and to certain Volunteers, other Contractors and Visitors as set out in the various subsections of the Policy and its Procedures. We refer to these together as “workers” for the purposes of this Policy and its Procedures.

This Policy and Its Procedures apply in all College and Boarding School environments (together referred to as College environments) within the meaning of Ministerial Order 1359, including physical, virtual and online environments used during or outside of school hours, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

This Policy does not apply to College students who are volunteering with/coaching or tutoring younger students at the College, but these students are required to abide by the College’s Student Code of Conduct at all times.

# Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in the [Child Safety and Safeguarding Policy: Master Definitions List](#).

Of particular importance to this Policy and its Procedures are the following additional key definitions:

## “Work” and “Worker”

A person is referred to as a “worker” for the purposes of this Policy and its Procedures, if they are engaged in “work” for the College.

Work is defined in section 3 of the Act to mean:

- work engaged in:
  - under a contract of employment or a contract for services (whether written or unwritten);
  - as a minister of religion or as part of the duties of a religious vocation;

- as an officer of a body corporate, member of the committee of management of an unincorporated body or association, or member of a partnership
- practical training undertaken as part of an educational or vocational training course; and
- work engaged in as a Volunteer, including unpaid community work under a community or treatment order.

## “Child-Connected Work”

For the purposes of Ministerial Order 1359, “child-connected work” is defined as “work authorised by the school governing authority or the provider of school boarding services and performed by an adult in a school or school boarding premises environment while children are present or reasonably expected to be present”.

Under this definition, all **School-Based Staff members**, are engaged in child-connected work.

Under this definition, many, but not all, **Volunteers** and **Contractors** are engaged in child-connected work. Volunteers and Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

“Child-connected work” is broader than “child-related work” (defined below). “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does.

For example, a consultant engaged by the College to work with the College Advisory Council and who attends the College for meetings during school hours when children are present is not engaged in “child-related work” for the purposes of WWC Check obligations but **is** engaged in “child-connected work” for the purposes of Ministerial Order 1359.

## “Child-Related Work”

“Child-related work” is defined in the Act. It is work performed at or for the College or the Boarding School by a School-Based Staff member, Volunteer or Contractor that usually involves direct contact with a child (unless the direct contact is only occasional and incidental to the work).

Under this definition, most School-Based Staff at the College College and the Boarding School, and any Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work for the purposes of the Act and Ministerial Order 1359.

Direct contact means any contact between a person and a child that involves:

- physical contact
- face-to-face contact
- contact by post or other written communication
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Under this definition, only those Volunteers and Contractors who have direct contact with students are engaged in child-related work for the purposes of the Act and Ministerial Order 1359.

The occupational categories listed in the Act that may be relevant to the College include:

- education and care services within the meaning of the Education and Care Services National Law Act 2010 (Vic) (i.e. long day care, family day care, and outside school hours care)
- educational institutions (i.e. government and non-government schools)
- accommodation services specifically provided for students in connection with the operation of a student exchange program
- clubs, associations or movements (including of a cultural, recreational or sporting nature) that are for or directed at children or whose membership mainly comprises children
- religious organisations
- transport services specifically for children (i.e. school bus services and taxi services for children with a disability)
- coaching or tuition services of any kind specifically for children
- counselling or other support services for children
- overnight camps for children
- school crossing services.

However, work in these occupational categories is **not** “child-related work” if the work involves only occasional direct contact with children that is incidental to the work. For example, a consultant engaged by the College to work with the College Advisory Council and who attends the College for meetings during school hours (i.e. when they may have incidental contact with children) is likely not to be engaged in “child-related work”.

#### “Child-Related Work” for Ministers of Religion

The Act defines child-related work for ministers of religion more broadly than for other occupations. Under section 7(4) of the Act, **all** work engaged in by a minister of religion is considered child-related

work **unless** any direct contact that they have with children during their work is only occasional and is incidental to their work.

Further, if the minister of religion is the appointed leader of a local religious congregation for an organised religious institution, and the congregation contains children, the minister is considered to be engaged in child-related work regardless of whether the minister of religion in fact has direct contact with children.

Therefore, ministers of religion who have children in their congregation, or who visit schools or school camps must have a WWC clearance.

An example of when a minister of religion would not be considered to be in child-related work (and therefore would not require a WWC clearance) is a minister conducting purely administrative roles within a church's bureaucracy.

## **“School-Based Staff”**

“School-based Staff” means an individual working in a school environment who is:

- directly engaged or employed by a school governing body\*
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by a school governing body to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school.

\*St Patrick's College engages or employs School-Based Staff and Contractors at the College (other than the Principal, Deputy Principal and the Director of Human Resources, Risk and Compliance.) on behalf of The EREA VSL Board.

This means that, at the College, all School-Based Staff members, as well as Direct Contact Contractors and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “School-Based Staff”, no matter their age or the frequency of their engagement.

## **“School Boarding Premises Staff”**

“School Boarding Premises Staff” means an individual working in a school boarding environment who is:

- directly engaged or employed by the school boarding premises governing authority\*;
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school boarding premises governing authority to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school.

\*St Patrick's College engages or employs all School Boarding Premises Staff and Contractors at the Boarding School on behalf of The EREA VSL Board.

This means that, at the Boarding School, all School Boarding Premises Staff members, as well as Direct Contact Contractors and any minister of religion, religious leader or an employee or officer of a religious body associated with the College, are “School Boarding Premises Staff”, no matter their age or the frequency of their engagement.

## “Volunteers” and “Contractors”

A Volunteer is someone who performs work for the College in a College environment without remuneration or reward. Volunteers may be family members of students, or from the wider College or local community. Volunteers are not “School-Based Staff” or “School Boarding Premises Staff” for the purposes of Ministerial Order 1359.

A Contractor is someone engaged by the College to perform specific tasks. Contractors are not employees of the College. However, Contractors who have direct contract with children (see below) are “School-Based Staff” or “school boarding premises staff” for the purposes of Ministerial Order 1359.

The College categorises Volunteers and Contractors as either:

- **Direct Contact Volunteers/Contractors:** Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors. **All Direct Contact**



**Volunteers/Contractors who are adults are engaged in both “child-related work” and “child-connected work”.**

- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working in the College’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). **Regular Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.**
- **Casual Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a College fete or on a barbecue at a sporting event, and one-off emergency maintenance workers). **Casual Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.**

## “Visitors”

The term “Visitor” refers to any adult who attends a College or Boarding School event or who is in a College environment on a one-off or casual basis. Examples of Visitors who are relevant to this Policy and its Procedures include, but are not limited to:

- parents/carers and other adult family members of students, when they are attending a College or Boarding School event or in a College environment
- people invited by the College or a School-Based Staff member to attend a College or Boarding School event or to be in a College environment
- people who attend a College environment for commercial purposes, such as for deliveries or sales purposes.

## Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in Child Safeguarding Responsibilities, it is the responsibility of the Principal to ensure that St Patrick’s College complies with its obligations under this Policy and its Procedures.

# St Patrick's College's Policy

## 1. Who Must Have a WWC Clearance?

Under the Act, and under The EREA VSL Board and St Patrick's College policy, the following workers at the College must have a WWC clearance:

- all The EREA VSL Board members
- all School-Based Staff other than registered teachers (who are exempt)\*
- all Direct Contact Volunteers (including parent volunteers)
- all Regular Volunteers (including parent volunteers)
- all Direct Contact Contractors
- all Regular Contractors
- ministers of religion and people performing duties of a religious vocation
- trainee teachers
- Visitors to the College who are engaged in “child-connected work” (including in particular Casual Volunteers and Casual Contractors), at the College’s discretion and depending on the purpose of the visit.

\*The [CECV Guidelines on the Employment of Staff in Catholic Schools](#) require that all Staff who do not have current VIT Registration must also have a National Police Check prior to commencing their employment.

## 2. Statutory Declarations by People Who are Exempt from the WWC Check

Instead of a WWC clearance, the College may require – at its discretion and depending on the purpose of the visit – that a Visitor to the College who is engaged in “child-connected work” (including in particular a Casual Volunteer or Casual Contractor) complete and provide to the College:

- a Statutory Declaration that they have no offences that would result in a WWC exclusion being issued to them under the Act
- an Undertaking to advise the College if they are convicted of an offence that would result in a WWC exclusion.

These forms can be found [Statutory Declaration Form \(PDF 9KB - 1 page\) \(vocat.vic.gov.au\)](#).

### 3. Workers' Obligations

Workers must:

- provide their WWC Check Card and/or Application Receipt numbers to the College (or, in the case of a Contractor engaged by a company other than St Patrick's College to perform services at the College, to their company) before commencing work at the College
- after receiving a **WWC clearance**, show their WWC Check Card to the College (or, in the case of a Contractor engaged by a company other than St Patrick's College to perform services at the College, to their company), and to any other organisation where they do child-related work
- comply with their notification obligations under the Act
- stop working with children immediately if they receive a **WWC exclusion** or if their WWC Check Card is suspended or revoked
- not let another person use their WWC Check Card for child-related work
- lodge a renewal form before their WWC Check Card expires.

For more information, refer to the [WWC Check Procedures for School-Based Staff, Volunteers and Contractors](#).

### 4. St Patrick's College's Obligations

St Patrick's College must:

- know when our workers' **WWC clearances** expire and, on expiry, check that workers have renewed their WWC clearance
- ensure that new School-Based Staff and relevant Volunteers and Contractors notify Working with Children Check Victoria (WWCCV) within 21 days of commencing child-related work with the College
- ensure that paid workers doing child-related work have an Employee WWC Check Card, not a Volunteer WWC Check Card
- respect and protect workers' privacy.

Where a company or other contracted service provider with multiple employees is engaged as a Contractor by St Patrick's College, the College may require, in its contract with the Contractor, that the Contractor undertake these responsibilities and confirm its compliance in writing to the College.

St Patrick's College will not:

- engage or continue to engage anyone in child-related work who does not have a valid WWC clearance, unless they are exempt under the Act or unless they have lodged an application for a WWC Check that is currently being assessed (subject to the dot points below)
- engage or continue to engage anyone in child-related work who has a **WWC exclusion**, even if they are exempt (e.g. a parent volunteer cannot work or continue to work at the College if they have been issued with a WWC exclusion, even though they are legally exempt from having to have a WWC clearance when volunteering in an activity which involves their own child)
- allow people who are charged with, convicted or found guilty of certain sexual, violent or drug offences to work with or care for children while their WWC Check application is being processed or their WWC clearance is being reassessed
- allow people who are or who have become subject to reporting obligations under the Sex Offenders Registration Act 2004 (Vic) or supervision or detention or emergency detention orders or excluded from child-related work under a corresponding working with children law to work with or care for children (it is an offence for people in these categories to even apply for a WWC Check)
- offer the services of any person who does not have a WWC clearance to another organisation if the work to be undertaken with that organisation is child-related work.

## 5. Record Keeping Obligations

The College will maintain all required records relating to WWC Check requirements. For the College's record keeping obligations relating to the WWC Check, refer to the [Child Safeguarding Record Keeping Policy and Procedures](#).

## Procedures

## Key Exemptions Under the Act

The Act exempts some people (such as registered teachers, children aged under 18 and parents or close relatives volunteering in an activity in which their child participates or normally participates) from needing a WWC clearance in order to volunteer or otherwise work with children.

However, the College requires that certain people must have a valid WWC clearance to volunteer or otherwise work at the College even though they are exempt under the Act, as set out in **Who Must Have a WWC Clearance**, above.

## Meeting St Patrick's College's Obligations

To meet its obligations, the College will:

- before engaging a new worker, verify the status of the person's WWC Check Card or application number using the WWCCV's online checking system, found [here](#)
- keep records for each worker to whom the WWC Check applies including:
  - full name
  - date of birth
  - WWC Check Application Receipt Number
  - WWC Check Card Number
  - date and outcome of WWC clearance
  - WWC clearance expiry date
  - notices sent by WWCCV
  - notices provided by the worker
- remove, immediately on being notified, any worker in either paid or voluntary child-related work:
  - whose WWC clearance is suspended or revoked; or
  - who is issued with a WWC exclusion.

Where a company or other contracted service provider with multiple employees is engaged as a Contractor by St Patrick's College, the College may require, in its contract with the Contractor, that the Contractor:

- verify the WWC clearance status of every person engaged by the Contractor to provide the contracted services to the College and provide to the College evidence of this verification;
- provide to the College a list of every person engaged by the Contractor to provide the contracted service to the College and their WWC Check Card or application receipt number; and/or
- keep all required WWC Check records for each person engaged by the Contractor to provide the contracted service to the College.

## Implementation

This Policy and its Procedures are made available to all School-Based Staff, Volunteers, and Contractors, via the College's PolicyConnect site. They are 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](#).

They are made accessible to parents/carers, students and the wider College community in summary in our [Child Safeguarding Safety and Wellbeing Policy and Procedures](#).

They are also available in hard copy by request.

## **Breach of Child Safeguarding Working with Children Checks Policy and Procedure**

St Patrick's College enforces this Policy and its Procedures. 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](#).

## **Policy Review**

A review of the Child Safeguarding Working with Children Checks Policy and Procedures is conducted every two years or earlier if required, such as due to changes in legislation or after any significant child safety incident.

The EREA VSL Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

## Source of Obligation

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

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

- [Child Safeguarding Safety and Wellbeing Policy and Procedures](#)
- [WWC Check Procedure for School-Based Staff, Volunteers and Contractors](#)
- [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](#)

## Policy Administration

Responsible Officer	EREA VSL Chief Executive Officer
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Policy Owner	EREA VSL Director of Safeguarding
Approving Body	EREA VSL Board
Approval Date	February 2024
Risk Rating	High
Date of next review	February 2026
<b>Policy Database Information</b>	
Version	1.0
Related Documents	
Superseded Documents	