

Policy Title: Working with Children Check and Child Protection

Policy Owner: Director, Human Resources

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1. INTENT

The Working with Children (Criminal Record Checking) Act 2004 (“the WWC Act”) requires a compulsory criminal record check for certain people working with children in Western Australia. This check is referred to as a Working with Children Check (“WWC check”).

This policy sets out Edith Cowan University’s (“the University”) obligations under the WWC Act and describes the University’s approach to the protection of children with whom University members interact in the course of their employment or study.

2. ORGANISATIONAL SCOPE

This policy applies to any member of the University, including staff, students, council members, a related visitor or a volunteer who works in connection with children on University business (“child-related work”), for whom an exemption does not apply.

3. DEFINITIONS

| TERM | DEFINITION |
|--------------------|--|
| Assessment notice | a Working with Children authorisation card that is valid for three years, subject to change in a person’s criminal history |
| Child | a person under the age of 18 years |
| Child-related work | work where the usual duties of the work involve, or are likely to involve, contact with a child (see Section 6 of the WWC Act for a more comprehensive definition) |
| Class 1 offence | a list of Class 1 offences is available at www.checkwwc.wa.gov.au |
| Class 2 offence | a list of Class 2 offences is available at |

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|------------------------------------|--|
| | www.checkwwc.wa.gov.au |
| Contact | any form of physical contact; any form of verbal communication, whether face-to-face, by telephone or otherwise; and any form of electronic communication |
| Education provider | For the purposes of the WWC Act, an education provider is considered to be “the employer” for students on placement |
| Employer | a person who employs, or proposes to employ, another person in child-related employment |
| Exemption | a person who employs, or proposes to employ, another person in child-related employment |
| Negative notice | an automatic bar from child-related work that applies to people who have a conviction for a Class 1 offence that was committed by the person as an adult (Class 2 offences will also result in a Negative Notice unless there are exceptional circumstances) |
| Interim negative notice | may be issued during assessment process before a final decision is made if there is an immediate concern for the safety of children |
| Relevant change of criminal record | occurs when a person is charged with or convicted of a Class 1 or Class 2 offence |
| University | the Council, members of the staff and the enrolled students |
| University business | includes all aspects of University activity but is not limited to teaching and learning, research, commercial activity |

4. POLICY CONTENT

4.1 Principles

As both an employer and an education provider, the University is required to assign responsibilities and implement procedures necessary to:

- a) provide for the efficient administration in relation to WWC checks;
- b) receive the employer notices advising the result of a WWC check;
- c) maintain sufficient records for the purposes of the WWC Act;
- d) otherwise ensure compliance with employer obligations under the WWC Act;
- e) provide guidance so that children are protected in the delivery of the University’s teaching, learning and research.

4.2 Obligations

- a) The University is exempt from obligations under the WWC Act in relation to contact with its own students;
- b) Under Section 22 of the WWC Act, the University must not employ a person in child-related work:
 - i. on more than five days in a calendar year unless the person holds, or has applied for, an assessment notice by the first day of starting child-related work;
 - ii. if it is aware that the person has a conviction or pending charge for a Class 1 or Class 2 offence and the person does not have a current assessment notice or a current application that is still being assessed;
 - iii. if it is aware that the person holds a current negative notice or interim negative notice; or
 - iv. if it is aware that the person has withdrawn his or her application for a WWC check.
- c) The University must
 - i. notify the Working with Children Screening Unit (or an Approved Screening Agency) in writing as soon as practicable once it is notified of a relevant change of criminal record by an employee or volunteer in child-related work (Section 29(2) of the WWC Act); and
 - ii. demonstrate compliance with the WWC Act if required to do so by the Working with Children Screening Unit or an Approved Screening Agency (Section 42(3) of the WWC Act).
- d) A member of the University, a related visitor or a volunteer working on University business must not carry out child-related work;
 - i. unless the person holds, or has applied for, a WWC check;
 - ii. if the person has been issued with a negative notice or interim negative notice; or
 - iii. if the person has been convicted of a Class 1 offence that was committed when he or she was an adult.
- e) A member of the University, a related visitor or a volunteer working on University business carrying out child-related work must:
 - i. advise the University (and, if an application for a WWC check is pending, the Working with Children Screening Unit) of a relevant change of criminal record as soon as practicable after it occurs; and
 - ii. cease work immediately if convicted of a Class 1 offence that has been committed as an adult.
- f) Penalties of up to \$60,000 and 5 years imprisonment may apply in relation to offences under the WWC Act.

4.3 Administrative procedures

- a) Guidelines (under revision) are provided under this policy in relation to:
 - i. the efficient administration of University WWC checks, including application procedures, methods of payment and the receipt and method of dealing with employer notices;
 - ii. the record-keeping obligations of the responsible officers;
 - iii. the coordination of the University's responsibilities under the WWC Act; and

5. ACCOUNTABILITIES AND RESPONSIBILITIES

In relation to this policy, the following positions are responsible for the following

5.1 *Policy Owner*

The Policy Owner, the Director, Human Resources, has overall responsibility for the content of this policy and its operation in ECU.

5.2 *University Staff with specific responsibilities are as follows:*

- a) Executive Deans/Deans and the Directors of service centres within the University are the officers responsible within the University for ensuring compliance with the obligations of employers under the WWC Act as it applies to staff, students and visitors/volunteers working on University business carrying out child-related work in their area of responsibility.
- b) The Director, Human Resources must ensure that:
 - i. staff and visitors/volunteers working on University business carrying out child-related work are advised of their obligations and responsibilities under the WWC Act;
 - ii. the University maintains an up-to-date record of valid assessment notices in respect of staff and visitors/volunteers working on University business carrying out child-related work;
 - iii. the University is informed of its obligations and responsibilities under the WWC Act; and
 - iv. regular communication with the Department of Community Development and related organizations on the interpretation and implementation of the WWC Act is maintained.
- c) The Director, Student Services Centre must ensure that:
 - i. students who are working in connection with children are advised of their obligations and responsibilities under the WWC Act;
 - ii. regular communication is maintained with course coordinators and other relevant staff who are responsible for ensuring compliance under the WWC Act;
 - iii. the University maintains up-to-date records of all valid student assessment notices.
- d) The Director, Human Resources is the final arbitrator on all decisions related to this policy and the interpretation and implementation of the WWC Act within the

University, as it applies to staff and visitors of the University.

- e) The Director, Student Services Centre is the final arbitrator on all decisions related to this policy and the interpretation and implementation of the WWC Act within the University, as it applies to students of the University.

5.3 *Staff, students and contractors*

Staff, students and contractors are required to comply with the content of this policy and to seek guidance in the event of uncertainty as to its application.

6. RELATED DOCUMENTS:

6.1 The policy is supported by the following Guidelines:

- Guidelines – Working with Children Check and Child Protection (under revision)

6.2 Other documents which are relevant to the operation of this policy are as follows:

- [Recruitment, Selection and Appointment Policy](#) (PL168/hr131)
- [Integrated Risk Management Policy](#) (PL201/rm001)
- [Code of Conduct](#) (PL159/hr117)
- [Information Technology Policy](#) (PL199/it043)
- Working with Children (Criminal Record Checking) Act 2004
- Department for Community Development “Working with Children” website: www.checkwwc.wa.gov.au
- [AusAID Child Protection Policy](#)

7. CONTACT INFORMATION

For queries relating to this document please contact:

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| Policy Owner | Director, Human Resources |
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8. APPROVAL HISTORY

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