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Child Safe Policy

1. INTRODUCTION

Ministry Of Tech (the Corporation), being an organisation that works with children and young people, is committed to ensuring and enhancing the safety and wellbeing of children.

As part of this commitment, the Corporation will ensure that all new employees, volunteers and contractors hold a Working with Children Check Clearance which confirms they are authorised to engage in child-related work.

The Corporation considers that the Working with Children Check is an important aspect of a broader policy approach to keeping children safe.

2. CONTEXT

1. The Child Protection (Working With Children) Act 2012 (NSW) (Working With Children Act) and Child Protection (Working with Children) Regulation 2013 (NSW) introduces a different 'Working with Children Check' (WWCC) than that which existed under the Commission for Children and Young People Act 1998 (NSW) (CCYP) regime, although the principal objective remains the same: to protect children by not permitting people whose records indicate a risk to children to work with children.
2. The Working With Children Act restricts a worker from engaging in child-related work unless the worker holds a WWCC clearance or has an application submitted to the CCYP for a WWCC clearance. Similarly, an employer must not commence employing, or continue to employ, a worker in child related work if the employer knows, or has reasonable cause to believe, that the worker does not hold a WCCC clearance and that there is no current WWCC application of the worker before the CCYP.
3. The WWCC will be administered by the Commission for Children and Young People. The CCYP has responsibility for screening workers for child-related employment and maintaining the working with children register.
4. The WWCC involves a national check for relevant criminal records and a check for employer disciplinary findings. A WWCC will not be completed without an applicant's consent.
5. Under the new WWCC regime, the Corporation is required to, among other things:
 - (a) verify the WWCC status of any potential employee, volunteer or contractor to be engaged at the Corporation School, after the individual has provided their WWCC number, in order to confirm that the individual is authorised to work with children; and
 - (b) notify the CCYP of any findings of misconduct made against its workers.

For the purposes of this policy:

"Child-related work" means, for example, work performed by teachers and teachers' assistants in schools and other staff in schools having direct contact with children.

"Worker" means any person engaged to work as an employee, self-employed person (such as a contractor or subcontractor), a volunteer, a person undertaking vocational training as part of a vocational course), or a religious leader.

3. PURPOSE

The purpose of this policy is to summarise the requirements of the Corporation on potential employees, volunteers and contractors, some of the obligations imposed on the Corporation and others by the new Working With Children Act and to provide guidance as to how the Corporation will generally approach certain matters.

4. POLICY

1. Requirement of potential employees, volunteers and contractors to undergo the WWCC.

In accordance with the Working With Children Act, the Corporation requires that all new employees, volunteers and contractors engaged after 15th June 2013 and who have direct contact with students have a WWCC clearance from the CCYP.

It is the responsibility of a prospective new employee, volunteer or contractor to apply for a WWCC, online via the CCYP website prior to the commencement of their employment or engagement with the Corporation.

If granted a clearance, this clearance operates for a period of 5 years (subject to surrender, cancellation or an interim bar being put in place by the CCYP). As a WWCC attaches to an individual, and not to a position, an employee, volunteer or contractor need not apply for another WWCC if they simply change roles within the Corporation within the 5 year period.

2. VERIFICATION OF WWCC STATUS AND RECORD KEEPING

The WWCC is an important part of the Corporation's recruitment process to ensure that suitable people are engaged or employed by the Corporation to work with children.

A potential new employee, volunteer or contractor will be required to provide their WWCC number to the Corporation during the recruitment process for the purpose of verification.

For example, an applicant may be required to provide their WWCC number on their 'Application for Employment' form or by other similar means.

The Corporation is to be registered as a child-related employer with the CCYP. This will allow the Corporation to verify an applicant's WWCC status prior to commencement of his or her employment or engagement.

It is the responsibility of the Principal in a Corporation (or their delegate) and the relevant Owner, Manager or Director to undertake the verification process to confirm whether the relevant individual is authorised to work with children. The Corporation is required to ensure effective WWCC procedures are implemented and accurate WWCC records for all employees, volunteers and contractors are maintained.

The WWCC status of every new employee, volunteer or contractor must be verified as 'clear' before they begin work. If an applicant's WWCC status demonstrates that they are subject to a bar or an interim bar, the Corporation must not engage them.

Employees must also have signed and returned their contract of employment, containing additional undertakings regarding child protection matters, prior to commencement of employment with the Corporation.

Contractors and their personnel must sign and return the 'Contractor Personnel Undertaking' form prior to commencing contracting services. Volunteers must sign and return the 'Volunteer Undertaking' form prior to commencing voluntary services.

A key benefit of the new WWCC regime is that it provides for continuous monitoring of new criminal charges and disciplinary reports of clearance holders, and for cancellation of a clearance, if a new record indicates that a clearance holder is a risk to children.

However, as an additional precaution, a Corporation should have appropriate procedures in place to ensure that regular verification of employee, volunteer or contractor WWCC status is conducted throughout the duration of their employment or engagement with the corporation.

3. EMERGENCY USE OF CONTRACTORS WITHOUT A WWCC

On occasion, circumstances may arise where a contractor's services are required in an emergency and the available contractor does not have a WWCC number available in order for verification to be conducted.

In this situation, the contractor's services may be utilised by the Corporation, however the contractor must be supervised by a staff member at all times while they are working with children, the period of time for which the worker is engaged must not be more than 5 consecutive working days and the engagement of the worker must be necessary in the circumstances to prevent an increased risk to the safety of children.

4. NOTIFICATION OBLIGATIONS

Section 35 of the Child Protection (Working with Children) Act 2012 requires the Corporation to report findings of misconduct against their workers to the CCYP where a worker has engaged in the following conduct:

- i. sexual misconduct committed against, with or in the presence of a child, including grooming of a child;
- ii. any serious physical assault of a child.

The Corporation is required to keep records of allegations, investigations and findings concerning the subject of any such notification for not less than 30 years, unless these records are provided to the CCYP pursuant to a written request.

The above obligation to report is in addition to any reporting requirements under other applicable child protection legislation, for example, the Ombudsman Act 1974.

5. RELATED LEGISLATION, DOCUMENTS AND WEBSITE REFERENCES

Ombudsman Act 1974 (as amended from time to time)

Commission for Children and Young People Act 1998
(as amended from time to time)

Child and Young Persons (Care and Protection) Act 1998

Child Protection (Offenders Registration) Act 2000

NSW Commission for Children and Young People
Website: www.kids.nsw.gov.au

Child Protection (Working With Children) Act 2012 and Regulations 2013

6. POLICY REVIEW

The policy shall be reviewed every three years or in the event of any information, incident legislative changes or organisational practice that would demonstrate the need for a review.

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