



# CHILD PROTECTION (WORKING WITH CHILDREN CHECK) PROCEDURE

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<b>First Approved by:</b>	Chief Administrative Officer		
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<b>Supporting documents, procedures &amp; forms of this procedure:</b>	<a href="#">Child Protection Policy</a> <a href="#">Appointment of Visiting and Honorary Academics Policy</a> <a href="#">Children in the Workplace and Study Environment Policy</a> <a href="#">Code of Practice – Work Integrated Learning (Professional Experience)</a> <a href="#">Code of Practice – Responsible Conduct of Research</a> <a href="#">General Staff Misconduct Guidelines</a> <a href="#">IT Acceptable Use Policy</a> <a href="#">Student Conduct Rules</a> <a href="#">Recruitment and Selection Policy</a> <a href="#">Risk Management Policy</a> <a href="#">University Code of Conduct</a> <a href="#">University of Wollongong (Academic Staff) Enterprise Agreement 2015</a> <a href="#">University of Wollongong (General Staff) Enterprise Agreement 2014</a> <a href="#">Statutory Declaration Form</a>		
<b>Relevant Legislation &amp; External Documents:</b>	<a href="#">NSW Office of the Children’s Guardian website</a> <a href="#">Department of Foreign Affairs and Trade Child Protection Policy</a> <a href="#">Department of Foreign Affairs and Trade Guidance Note – Establishing Child Protection Risk Context – DFAT Child Protection Policy</a> <a href="#">Child Protection (Working with Children) Act 2012 (NSW)</a> <a href="#">Child Protection (Working with Children) Regulation 2013 (NSW)</a> <a href="#">Child Wellbeing &amp; Child Protection – NSW Interagency Guidelines</a> <a href="#">Children and Young Persons (Care and Protection) Act 1998 (NSW)</a> <a href="#">The Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015 (NSW)</a> <a href="#">Criminal Code Act 1995 (Cth)</a> <a href="#">Crimes Act 1914 (Cth)</a> Principles supporting the NSW Government’s <a href="#">Keeping them Safe</a> reforms		
<b>Audience:</b>	Public – accessible to anyone		



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## 1 Introduction / Background

1. The University has a responsibility to ensure staff, students, affiliates, volunteers, contractors, sub-contractors and successful applicants engaged in child-related work are suitable for working with children. The *Child Protection (Working with Children) Act 2012 (NSW)* requires that people who work in child-related work (paid or unpaid) apply for and hold a current Working with Children Check clearance. The Working with Children Check involves a full national criminal history check and a review of any findings of workplace misconduct. This Procedure supports the University's Child Protection Policy.
2. Child-related activities at the University where children are under the care and supervision of University staff, affiliates, students, volunteers, contractors and sub-contractors, may include but are not limited to:
  - a. Child-related work at the Early Start Discovery Space and Science Space;
  - b. Student professional placements (eg. teaching placements). Note: Clinical student placements are exempt under the Child Protection (Working with Children) Regulation 2013 (NSW);
  - c. Schools outreach programs on and off campus;
  - d. Vacation programs for school-age children; and
  - e. Research projects involving children.

## 2 Scope / Purpose

1. This Procedure outlines the process to be followed to ensure that University staff, affiliates, students, volunteers, contractors and sub-contractors hold a current Working with Children Check clearance that has been verified online before commencing a position, duties or a professional placement which is deemed child-related work in accordance with the University's Child Protection Policy.
2. This Procedure applies to all University staff, candidates for appointment, affiliates, students, volunteers, contractors and sub-contractors being considered for or currently engaged in child-related work.
3. This Procedure does not apply to University controlled entities which are expected to implement their own child protection procedures.

## 3 Definitions

Word/Term	Definition (with examples if required)
Barred	An outcome of the Working with Children Check online verification process that means the individual must not be engaged in or remain in child-related work (paid or unpaid, supervised or unsupervised).
Casual	Employment by the hour and paid on an hourly basis as defined in the academic and professional (general) staff enterprise agreements.
Continuing	All employment other than fixed term and casual employment as defined in the academic and professional services (general) staff enterprise agreements.



Fixed term	Employment for a specified term as defined in the academic and professional services (general) staff enterprise agreements.
Supervisor	A person who directs and oversees the work of staff, students, affiliates, volunteers, contractors and/or sub-contractors undertaking child-related work.

Note: All other definitions relating to child protection are detailed in the Child Protection Policy.

#### 4 Appointing individuals in child-related work

1. An individual may only commence in a position which includes child-related work if they hold a Working with Children Check clearance suitable for the work being undertaken (paid or unpaid) and this clearance has been verified online by the Human Resources Division or the appropriate University of Wollongong Faculty/Division (refer below) in accordance with the Child Protection (Working with Children) Regulation 2013 (NSW) and this Procedure.

##### Appointing staff in child-related work

2. The relevant supervisor, in consultation with the Human Resources Division, will determine if a position constitutes child-related work.
3. All position descriptions, application forms, advertisements for positions and other relevant recruitment material for a position which is child-related work will set out the requirement for the successful candidate to apply for and obtain a Working with Children Check clearance and include the following statement:

*This is a child-related position. A Working with Children Check is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of any findings of workplace misconduct. For further information regarding the Working with Children Check and how to apply for the clearance, please refer to the NSW Office of the Children's Guardian website: <https://www.kidsguardian.nsw.gov.au/>*

4. For continuing and fixed term positions which constitute child-related work, the Human Resources Division will issue offers of employment which are conditional upon obtaining a Working with Children Check clearance.
5. For casual positions involving child-related work, the responsible Faculty/Division will submit the relevant Casual Authority to Work Form to the Human Resources Division along with each prospective staff member's Working with Children Check number.
6. The Human Resources Division will verify the Working with Children Check online for successful candidates to continuing, fixed term and casual staff positions. The relevant Faculty/Division is responsible for ensuring that a prospective staff member must not commence until the Working with Children Check clearance has been verified online. An individual may only commence in a continuing, fixed term or casual position which constitutes child-related work if they hold a Working with Children Check clearance for paid employment.

##### Appointing affiliates in child-related work

7. The staff member recommending the appointment of an affiliate, in consultation with the Human Resources Division, will determine if the position constitutes child-related work. If the position constitutes child-related work it will be identified as such on the appointment forms.



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8. For affiliate appointments involving child-related work, the Human Resources Division will issue letters of invitation which are conditional upon obtaining a Working with Children Check clearance for unpaid work.
9. An affiliate may only commence in a position which constitutes child-related work if they hold a Working with Children Check clearance for unpaid work (as a minimum requirement).
10. The Human Resources Division will verify the Working with Children Check online for affiliates. The Faculty/Division engaging the affiliate is responsible for ensuring that an affiliate must not commence until the Working with Children Check clearance has been verified online by the Human Resources Division.

### **Engaging volunteers in child-related work**

11. The Faculty/Division staff member engaging the volunteer, in consultation with the Human Resources Division, will determine if the volunteer work constitutes child-related work.
12. If the volunteer work constitutes child-related work, it will be identified as such on the Unpaid Work Engagement Form and the volunteer will be required to provide their Working with Children Check number and date of birth.
13. A volunteer may only commence child-related work if they hold a Working with Children Check clearance for unpaid work (as a minimum).
14. Online verification of Working with Children Checks for volunteers must be undertaken by the responsible Faculty/Division. Faculty/Divisions registered with the Human Resources Division to verify Working with Children Checks online are listed in section 8(b) of this Procedure. If the responsible Faculty/Division is not currently listed in section 8(b), the staff member engaging the volunteer must notify the Human Resources Division before registering with the Office of the Children's Guardian to verify Working with Children Checks online so that central oversight of the online verification process is maintained.

### **Student placements including child-related work**

15. The Faculty/Division staff member responsible for the student placement, in consultation with the Human Resources Division, will determine if the placement constitutes child-related work.
16. A student may only carry out child-related work if they hold the appropriate Working with Children Check clearance for unpaid work (as a minimum).
17. Along with the appropriate placement documentation, the student will be required to provide their Working with Children Check number and date of birth.
18. Online verification of Working with Children Checks for students must be undertaken by the responsible Faculty/Division. Faculty/Divisions registered with the Human Resources Division to verify Working with Children Checks online are listed in section 8(b) of this Procedures. If the responsible Faculty/Division is not currently listed in section 8(b), the staff member engaging the student must notify the Human Resources Division before registering with the Office of the Children's Guardian to verify Working with Children Checks online so that central oversight of the online verification process is maintained.
19. For students engaged in paid work for the University, refer to clauses or 4(2-6) or 4(20-23).



### **Engaging contractors and sub-contractors in child-related work**

20. The Faculty/Division staff member engaging the contractor and/or sub-contractors, in consultation with the Human Resources Division or Legal Services Unit, will determine if the contract for service constitutes child-related work. If so, any legal documentation with a contractor must contain a provision or warranty to ensure that all sub-contractors engaged by the contractor in child-related work must have a verified Working with Children Check clearance.
21. A contractor and/or sub-contractor may only commence in a position which constitutes child-related work if they hold the appropriate Working with Children Check clearance for paid work.
22. Along with the appropriate engagement documentation, the contractor and/or sub-contractors will be required to provide their Working with Children Check number and date of birth.
23. Online verification of Working with Children Checks for contractors and subcontractors must be undertaken by the responsible Faculty/Division. Faculty/Divisions registered with the Human Resources Division to verify Working with Children Checks online are listed in section 8(b) of this Procedures. If the responsible Faculty/Division is not currently listed in section 8(b), the staff member engaging the contractor or subcontractor must notify the Human Resources Division before registering with the Office of the Children's Guardian to verify Working with Children Checks online so that central oversight of the online verification process is maintained.

### **Research projects involving child-related work**

24. Research involving the participation of children must be approved by the University's Human Research Ethics Committee (HREC) and is subject to the required Working with Children Check clearances being in place. Along with the appropriate application for approval by the Human Research Ethics Committee (HREC), the lead investigator at the University of Wollongong for the relevant project must ensure that all University staff, affiliates, students, volunteers, contractors and sub-contractors undertaking child-related work provide their full name, Working with Children Check number and date of birth in the application to the HREC.
25. The Research and Innovation Division (RaID) will verify the Working with Children Check online for University staff, affiliates, students, volunteers, contractors and sub-contractors undertaking child-related work.
26. The lead investigator at the University of Wollongong for the relevant project is responsible for ensuring that the child-related research does not commence until the Working with Children Check clearance(s) have been verified online and approval has been granted by the Human Research Ethics Committee (HREC). Where a new researcher is to be added to an approved project the lead investigator is responsible for ensuring that the researcher does not commence work until HREC approval has been granted for the change and the Working with Children Check clearance has been verified by RaID.

### **DFAT-Funded Activities**

27. All staff, students, affiliates and third parties engaged by a contractor or civil society organisation to perform any part of an activity funded by DFAT where they will be working with children or have contact with children as defined are required to have the following recruitment and screening checks undertaken in accordance with DFAT's Child Protection Policy:
  - a. Criminal Record Check where possible;
  - b. Verbal Referee Check;



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- c. Documented request for an applicant to disclose whether they have been charged with child exploitation offences and their response; and
  - d. Interview plans incorporating behavioural-based interview questions that are specific to positions that involve working with children.
28. The Faculty or Research Institute coordinating DFAT-funded activity will ensure that the above checks are undertaken (in consultation with the Research and Innovation Division) before the individual(s) is permitted to commence their work (for further information refer to the Child Protection Policy and related links to DFAT).

## 5 Applying for a Working with Children Check

1. In accordance with the procedures of the NSW Office of the Children's Guardian, University staff (and successful candidates for appointment), affiliates, students, volunteers, contractors and sub-contractors and affiliates engaged in child-related work must:
  - a. Apply for the Working with Children Check online and take the application number along with proof of identification to a Service NSW Office along with the fee for the check (if required). This must be done in person by the applicant and cannot be delegated to a third party. Proof of identity must also be performed within NSW, it cannot be completed from interstate or overseas;
  - b. Provide the relevant Faculty/Division (via the appropriate engagement documentation) with the Working with Children Check number, full name and date of birth in order for the University to verify their check online;
  - c. notify the Office of the Children's Guardian of any changes to their personal details (eg name, address and contact details) within three months of the change occurring, or risk penalty; and
  - d. Apply for a new Working with Children Check prior to the five (5) year expiry date.
2. University staff (and successful candidates for appointment), affiliates, students, volunteers, contractors and sub-contractors engaged in child-related work are responsible for meeting the cost of their Working with Children Check (if applicable).
3. Further information including the online application form may be found on the website of the NSW Office of the Children's Guardian.
4. For child-related work undertaken by the University outside of NSW and within Australia, refer to the NSW Office of the Children's Guardian website for details of equivalent screening agencies in other States and Territories.
5. For staff (and successful candidates for appointment), affiliates, students, volunteers, contractors and sub-contractors involved in child-related work who are working in jurisdictions where Working with Children Checks or similar clearances are not available, the University will obtain a statutory declaration confirming that the staff (and successful candidates for appointment), affiliates, students, volunteers, contractors and sub-contractors are not disqualified persons.

## 6 Verifying the Working with Children Check status

1. Verification can only be completed online by authorised staff within the Human Resources Division or the relevant Faculty/Division via the NSW Office of the Children's Guardian (or equivalent screening agencies as indicated by the NSW Office of the Children's Guardian if child-related work is undertaken outside of NSW). Letters attesting to clearance from staff (and successful candidates



- for appointment), affiliates, students, volunteers, contractors and sub-contractors will not be accepted.
2. Child-related workers who have obtained a Working with Children Check clearance are subject to ongoing monitoring by the NSW Office of the Children's Guardian and relevant new information may lead to the clearance being revoked before it expires. By verifying a Working with Children Check online, the University can be immediately notified by the NSW Office of the Children's Guardian if a worker becomes barred from child-related work.
  3. If the outcome of online verification is a Working with Children Check clearance, the staff member (or successful candidate for appointment), affiliate, student, volunteer, contractor or sub-contractor may commence working with children.
  4. If the outcome of online verification is "barred", "interim barred" or "not found", the University must not engage the staff member (or successful candidate for appointment), affiliate, student, volunteer, contractor or sub-contractor in child-related work (paid or unpaid).
  5. Where the online verification of a Working with Children Check results in a barred result, the application for child-related work must not proceed any further and it must be reported immediately to:
    - a. The relevant Executive Dean or Director and the Director Human Resources, where the applicant is a prospective or current staff member, volunteer, affiliate, contractor or sub-contractor;
    - b. The relevant Executive Dean where the applicant is a student; or
    - c. The lead investigator at the University of Wollongong and the Director of the Research and Innovation Division where the applicant is involved in child-related research and/or DFAT funded activities.

## 7 Record Keeping

1. The University must maintain records of the Working with Children Check including the full name, date of birth, Working with Children Check number, online verification date, verification outcome (clearance, barred, interim barred or not found), expiry date and status of the child-related worker (paid or unpaid). These records must be maintained for at least seven (7) years. The records will be created and maintained by the following Faculty/Division:
  - a. The Human Resources Division will create and maintain records for staff (including successful candidates for appointment) and affiliates.
  - b. The relevant Division/Faculty or School will create and maintain records for students, volunteers, contractors and sub-contractors.
  - c. The Research and Innovation Division will create and maintain records for staff, affiliates, students, volunteers, contractors and sub-contractors engaged in child-related work relating to research and/or DFAT funded activities.

## 8 Roles and Responsibilities

1. Further to the roles and responsibilities set out in the Child Protection Policy, following are additional roles and responsibilities:





- a. All staff, affiliates, students, volunteers, contractors and sub-contractors are responsible for complying with this Procedure and other relevant legislation and University policy documents.
- b. The following Faculties/Divisions are currently authorised to verify the Working with Children Check status online:

<b>Faculty/Division</b>	<b>Purpose</b>	<b>Contact Person(s)</b>
Student and Accommodation Services Division	Verification of volunteers, contractors and sub-contractors engaged in child-related work	Director Student and Accommodation Services
Human Resources Division	Verification of staff, successful candidates for appointment and affiliates engaged in child-related work	Recruiters, HR Advisor/Business Partner, Payroll Officer, HR Receptionist
Research and Innovation Division (RaID)	Verification of staff, affiliates, students, volunteers, contractors and sub-contractors undertaking child-related research	Manager Research Ethics and Integrity
Faculty of Arts, Social Sciences and Humanities	Verification of students for professional placements and students, volunteers, contractors and sub-contractors engaged in child-related work	Manager Education and Experiences (Early Start), Senior Manager (Early Start), Professional Experience Coordinator (Education), Technical Officer in School of Health and Society
Faculty of Science, Medicine and Health	Verification of casuals, volunteers, students, contractors and sub-contractors engaged in child-related work	Manager Student Placement Administration Administrative Officer within the SMAH Administrative Team
Science Space	Verification of volunteers, students, contractors and sub-contractors engaged in child-related work	Director Science Space Supervisor, Science Space Supervisor – Interns and Volunteers, Science Space



## 9 Version Control Table

<b>Version Control</b>	<b>Date Effective</b>	<b>Approved By</b>	<b>Amendment</b>
1	10 September 2019	Chief Administrative Officer	First Version to accompany Child Protection Policy.
2	18 December 2020	Chief Operating Officer	Administrative amendments to reflect divisional and faculty realignments.