

CATHOLIC DIOCESE OF BROKEN BAY

WORKING WITH CHILDREN CHECK POLICY



CATHOLIC
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BROKEN BAY

CONTENT

This document contains the Diocese of Broken Bay (**Diocese**) Policy on the screening mechanism to prevent certain persons from engaging in Child-Related Work in the Parishes and/or the Offices of the Chancery. The Working With Children Check (**WWCC**) is the screening mechanism required for persons engaged in Child-Related Work.

APPLICATION & SCOPE

This Policy applies to clergy, employees, contractors, volunteers, work experience students and trainees (**Workers**) of the Diocese including those working in Parishes. Where an Agency within the Diocese (such as Catholic Schools Broken Bay or CatholicCare) has its own policy, the relevant Agency policy will apply to Agency Workers.

PURPOSE

The purpose of this Policy is to ensure that Workers and affiliates (which includes visitors engaging in child-related work who are not covered by any exemption under the Act) engaged in Child-Related Work have had the appropriate background screening and risk assessments undertaken prior to and during their engagement with a Parish and/or the Chancery.

POLICY

In accordance with the *Child Protection (Working with Children) Act 2012 (the Act)*, the safety, welfare and well-being of children and, in particular, protecting them from child abuse, is the paramount consideration in the operation of this Policy and the WWCC Procedures.

The WWCC is an important part of the Diocese's recruitment process to prevent people who pose a risk to the safety, welfare and well-being of children from being employed or engaged in child-related work.

It is an offence under the Act to employ or engage a person in child-related work if they do not have a verified, current WWC clearance, are barred or interim barred, fails to retain or update the appropriate records (see **clause 7.2**) and / or fails to update the worker's record within 5 working days after the expiry date for each clearance of the worker (see **clause 4.3**). The Act imposes penalties for non-compliance of up to 100 penalty units (or \$11,000) for each occasion of non-compliance.

The Diocese is committed to ministering to children in a safe Church environment and:

- (a) requires individuals engaged in child-related work to have a verified WWCC clearance in accordance with the Act;
- (b) excludes from child-related work individuals whom the Office of the Children's Guardian (**Children's Guardian**) has barred from working with children or as otherwise determined by the Diocese; and
- (c) informs Workers of their obligations under child protection legislation.

DEFINITIONS

The Act:	means the <i>Child Protection (Working with Children) Act 2012 (NSW)</i> (the Act).
Child:	means a person who is under 18 years of age.
Child-Related Work:	means work involving direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work, the worker is engaged in work in a child-related role as designated by the Act (which includes Religious Services) or has access to confidential child-related records. The work may be paid or unpaid.
Children's Guardian:	means the Office of the Children's Guardian which is an independent statutory body managing the working with children check.
Diocese	<p>In this policy, reference to Diocese is a reference to an employer and includes:</p> <ol style="list-style-type: none">a. a person who engages a person under a contract to perform work; orb. a person who engages a worker to perform work as a volunteer for the person under an agreement (whether written or unwritten). <p>Note: In respect to a) and b) above this means the Parish Priest where a person is engaged by a Parish and the Chancery where a person is engaged by the Chancery.</p>
Regulation:	means the <i>Child Protection (Working with Children) Regulation 2013</i> .
Worker:	<p>has the meaning given to it in Part 1 of the Act.</p> <p>Note: At the date of this policy this is a person engaged as an employee, a self-employed person or contractor or sub-contractor, a volunteer or a person undertaking practical training as part of an educational or vocational court (other than a school student undertaking work experience), as a minister, priest (or other religious leader or spiritual officer of a religion) or other member of a religious organisation.</p>
Working With Children Check (WWCC):	means the background checking process which is a prerequisite for individuals engaged in child-related work, and involves a full national criminal history check and a review of reported workplace misconduct
Working With Children Check clearance:	means an authorisation that is in force under the Act (from the Children's Guardian) to engage in child-related work.
Working With Children Check Number:	means the number given for a WWCC clearance under the Act.

Personal Details:	includes a person's name, address, contact details, employer or proposed employer, and any other information of a kind prescribed by the regulations.
Placement Agency:	Means a business that arranges for the placement of a person in employment with others, including the Diocese.
Relevant Details:	includes a worker's name, date of birth, WWCC number of the worker's clearance or the application number of the worker's current application and the expiry date of any WWCC clearance of the worker.

1. Child-Related Work

- 1.1 A WWCC is required for all child-related work.
- 1.2 Designated child-related sectors relevant to work undertaken in the Diocese includes, but is not limited to, Religious Services.
- 1.3 For more details about this child-related sector, refer to Part 2 of the *Child Protection (Working with Children) Regulation 2013 (the Regulations)*.
- 1.4 The relevant delegate must assess whether a position, duties or a professional placement is child-related work prior to undertaking recruitment or appointment procedures.

2. Workers

The Diocese have identified Workers with the following child-related roles as being required to undertake a WWCC (noting that this list is not an exhaustive list and the nature of a Worker's role may change so as to warrant a WWCC at a later date):

- (a) Parish Priest, Parish Administrator, Assistance Priest or Deacon;
- (b) Catechists;
- (c) Parish Secretary/Office Manager/Coordinator;
- (d) Children's liturgy leaders;
- (e) Youth Minister/Youth Worker;
- (f) Youth Group Leaders (over 18 years);
- (g) Antioch leaders;
- (h) Atrium Worker or Coordinator
- (i) Safeguarding Officer/Advocate
- (j) Family Minister;
- (k) Pastoral Worker;
- (l) Sacramental Coordinators;
- (m) Adult Servers/Acolytes; and
- (n) Leaders and assistants of choirs with child participants.

3. Working with Children Check (WWCC)

- 3.1 A WWCC is required for all child-related work.
- 3.2 Workers engaged in child-related work are responsible for holding a current WWCC.

- 3.3 The Diocese must not commence employing, or continue to employ, a worker in child-related work unless it has obtained and verified the worker's relevant details and made a record of those relevant details. The worker's **Relevant Details** are as follows:
- (a) The Worker's name;
 - (b) The Worker's date of birth;
 - (c) the WWCC number of the Worker's clearance or the application number of the Worker's current application;
 - (d) The expiry date of any WWCC clearance of the Worker, being the due date on which the clearances ceases to have effect.
- 3.4 Where a Worker is engaged, in child related work with the Diocese, through a Placement Agency (**Placement Agency**), the Placement Agency must ensure that the Worker has a WCCC clearance or current application, prior to the Worker commencing child-related work with the Diocese. The Diocese should also verify the WCCC clearance prior to the Worker commencing work in a child-related role.
- 3.5 The result of a WWCC is either:
- (a) A clearance to work with children in NSW for five years, with the worker continually monitored for relevant new records during the life of the clearance (noting that relevant new records may result in a clearance being revoked); or
 - (b) A bar against working with children (or an 'interim bar' or 'not found'), which means it is a criminal offence to engage in any child-related work, whether paid or unpaid. Substantial fines may be imposed for individual breaches.
- 3.6 The Diocese will not engage a barred person in child-related work and will remove any such person from child-related work. The Diocese will assess the risk and may suspend or terminate the employment or volunteer worker agreement or appointment of a person who becomes a barred person in accordance with the Act.

4. **Timeframe for Applying for a WWCC**

- 4.1 The employer must ensure that new and existing Workers in child-related work, have a WWCC number, verify the WWCC number and record that the Worker has been cleared to work with children (record of the Relevant Details (**Clause 3.3**)), before the Worker starts working in the relevant position.
- 4.2 Existing staff engaged in child-related work at the Diocese will apply for a WWCC when advised by the Diocese.

The employer must ensure the record of the worker's WWCC verification and clearance is recorded within 5 working days after each clearance.

5. **Exemptions**

- 5.1 Some of the types of Workers engaged in child-related work at the Diocese who are not required to apply for a WWCC include, but are not limited to:
- (a) a Worker under 18 years of age;
 - (b) a parent or close relative (except where the work is part of a formal mentoring program, involves intimate, personal care of children with a disability or involves attending an overnight camp for children) who is employed or engaged:
 - i. with the child's school, early education centre or other education institution; and/or

- ii. with a team, program or other activity in which the child usually participates or is a team member;
 - (c) administrative clerical, maintenance or other ancillary Workers whose roles do not ordinarily involve contact with children for extended periods;
 - (d) a co-worker or supervisor in a workplace where a child works;
 - (e) those engaged in short-term work;
 - i. for up to 5 days in a year, with minimal direct or unsupervised contact with children;
 - ii. as a visiting speaker, performer, assessor or similar visitor to any part of the Diocese for a one-off occasion, in the presence of one or more other adults.
 - (f) informal domestic Workers (not on a professional/commercial basis);
 - (g) home carers with a current police certificate for aged care where the clients are not primarily children;
 - (h) Private practice health practitioners who do not ordinarily treat children without other adults present;
 - (i) Visitors from outside of NSW who will work or volunteer at a one-off event for up to 30 days a year;
 - (j) In any child-related work for up to 30 days a year who have an interstate WWCC clearance or who are exempt in their home jurisdiction.
- 5.2 The list of exempt Workers outlined at clause 5.1 (a) to (j) is not an exhaustive list of exempt Workers. For the complete list of work that is not child-related and is therefore exempt from requiring a WWCC, see Part 4 of the Regulations.

6. Implementing the WWCC

- 6.1 The Parish Priest is responsible for administering the WWCC procedures for those engaged in child-related work in the Parish.
- 6.2 The Human Resources Manager (Chancery) is responsible for determining if a Chancery role requires a WWCC, with the assistance of the Safeguarding Manager, Safeguarding Office (Chancery & Parishes).
- 6.3 The Safeguarding Office (Chancery & Parishes) is responsible for administering the WWCC procedures for those engaged in child-related work in the Chancery and all Clergy.
- 6.4 If advice is required regarding the legislative requirements of a check, the Safeguarding Office (Chancery & Parishes) should be consulted.

7. Record Keeping and Keeping Information Up to Date

- 7.1 The Parish Priest is responsible for administering the WWCC procedures in the Parish. The Safeguarding Office (Chancery & Parishes) is responsible for administering the WWCC procedures for the Chancery and Clergy. Both Offices are required to keep records of the worker's Relevant Details in accordance with the Act and as outlined at **clause 3.3** above.
- 7.2 These records are to be retained for at least 7 years and during the period in which the Worker carries out child-related work.
- 7.3 A person who holds a WWCC clearance or who has made a current application for a WWCC clearance must notify the Children's Guardian of any change to the person's personal details within 3 months of the change occurring.

8. Offences

The Diocese will be guilty of an offence if it:

- (a) employs or continues to employ a worker in child-related work without obtaining and verifying the worker's relevant details (up to 100 penalty units);
- (b) fails to update a worker's record of their relevant details within 5 days after the expiry date for each clearance (see **clause 4.3**) (up to 100 penalty units);
- (c) fails to retain a record of a worker's relevant details in accordance with **clause 7** during the period in which the worker carries out child-related work and for a period of at least 7 years after the worker ceases to carry out the child-related work for the Diocese (up to 100 penalty units); or
- (d) fails to notify the Children's Guardian of any change to a worker's Relevant Details within 3 months of the change occurring in accordance with **clause 7.3** (up to 5 penalty units).

REFERENCE

Child Protection (Working with Children) Act 2012 (NSW)

Child Protection (Working with Children) Regulation 2013 (NSW)

RELATED POLICIES

There are no Policies related to this Policy.

POLICY REVIEW

Review of this Policy, related forms and resources will be undertaken every three years by the Human Resources Manager in consultation with the Safeguarding Manager, Safeguarding Office (Chancery & Parishes), and with the approval of the Diocesan Financial Administrator.

REVISION/ MODIFICATION HISTORY

Date	Version	Current Title	Summary of Changes	Approval Date	Commencement Date
14/08/18	1.	Working With Children Check Policy	New	Aug 2018	Aug 2018
18/12/19	2.	Working With Children Check Policy	Minor amendments and removal of use of Declaration	Dec 2019	Dec 2019
22/12/23	3.	Working With Children Check Policy	Reviewed and updated	Dec 2023	Dec 2023

APPROVAL DATE/ REVISION SCHEDULE

Approved by: Emma McDonald, Diocesan Financial Administrator

Date approved: 22 December 2023

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