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# Working with Children Checks Policy

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**Policy Code:** HR-014    **Version:** 10.0    **Effective Date:** 12 April 2017

## Purpose:

The College is committed to providing a safe environment for all staff, students, visitors and clients. This policy enables the College to meet the legislative requirements of the various Australian States & Territories as they relate to employees/contractors or students who are likely to engage in direct-contact activities with children throughout the period of their employment or studies with the College.

**Definition of “College”** – *In the higher education sector, ACPE Limited trades as The Australian College of Physical Education (ACPE); Australian College of Natural Medicine Pty Ltd trades as Endeavour College of Natural Health (Endeavour); Study Group Australia Pty Limited trades as Martin College, Martin Higher Education (Martin). For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to each or any of these respective entities or trading names.*

## Scope:

- All prospective employees/contractors whose role may require direct contact with a child
- All persons enrolling in a course where direct contact with a child may be necessary for course completion

## Policy Statement:

### Introduction

The objectives of this policy are to:

- a) ensure the safety of children in their places of learning;
- b) ensure the suitability of employees/contractors, job applicants and students for direct contact with children as part of their employment or studies at the College;
- c) prevent people with a criminal history which affects their suitability to work with children, from working in child-related employment or participating in clinic/practicum studies.

Relevant employees/contractors and students, as defined by the scope of this policy, must undergo a Working with Children Check (or it's equivalent) as a means of ensuring that the above objectives are met.

## State & Territory Legislative Requirements

There is no single national system setting out the requirements for obtaining a Working with Children Check (WWC Check) or its equivalent. Each State and Territory has their own legislative requirements (except Tasmania) and it is necessary to fulfil the requirements in the jurisdiction in which you are working or studying (for international students, this is the State in which you are enrolled). As legislative requirements may change from time to time, it is important that employees/contractors and students remain abreast of such developments, and ensure their continued compliance with the applicable requirements.

A link to the relevant legislation for each State/Territory is provided [here](#).

Further information to assist with making your application for a WWC Check is below:

Jurisdiction	Period of Currency	Name of Check	Responsible Authority
NSW	5 years	WWC Check	<a href="#">Office of the Children's Guardian</a>
QLD	3 years	Blue Card/Positive Notice	<a href="#">Blue Card Services</a>
VIC	5 years	WWC Check	<a href="#">Department of Justice</a>
WA	Point in time (must renew annually)	National Police Certificate*	<a href="http://www.checkwwc.wa.gov.au/checkwwc">Western Australia Policehttp://www.checkwwc.wa.gov.au/checkwwc</a>
SA	3 years	Criminal History Check	<a href="#">Department for Education and Child Development – Families SA</a>
NT	2 years	Ochre Card/WWC Clearance	<a href="#">Northern Territory Government</a>
TAS	N/A	No legislative requirement	N/A

\* Whilst WWC Checks are available for some occupations and volunteers in WA, the Working with Children Screening Unit has advised that College employees and students don't meet the eligibility criteria to apply. As such, in WA all staff and students must apply for a National Police Certificate and have this certificate renewed each year for the period of their employment/studies with the College.

## Costs

The cost of a WWC Check or its equivalent varies between jurisdictions and also differs dependent on the employment type of the applicant. For instance, in some States, there is no cost for a volunteer/student to apply, but in other States there is a minimal cost of \$10-20. The cost for paid employees varies between approximately \$30-80. Refer to the responsible authority above to get the exact cost for your State/Territory. It should be noted that the cost for employees and students based in Western Australia will be an annual cost to get a National Police Certificate which at the time this policy was written was \$52.60.

## Student Requirements

Where students are enrolled in a qualification that includes a work integrated learning / practicum / clinical component, there will likely be instances requiring them to work with or practice on children. Working with children could include school placements, external clinic clients or fellow students who are under the age of 18. As such, a successful WWC Check (or its equivalent) is a condition of enrolment for these courses and must be submitted to the College and maintained for the period of a student's enrolment with the College. Students should be aware that maintaining a WWC Check will be a requirement of their employment post-graduation if intending to practice on children.

Students who are not able to produce or maintain a successful WWC Check will not be able to complete any qualification at the College that has a practicum component requiring them to be able to work with or practice on children. In these instances, the student is unable to meet the requirements for course completion and the College will immediately cancel their enrolment in the course. The provisions of the [Deferring, Suspending or Cancelling Enrolment Policy - International](#) and/or the relevant [Fee Policy](#) will apply.

The College is unable to supply any references or letters of support in relation to WWC Checks (or equivalent) other than being the supporting educational institution on the application form.

If a student is found to have misled the College regarding their WWC Check status (i.e. using falsified documents to claim legal ability to work with children when this is not the case), they may be excluded from the College on a permanent basis.

### **Timeframes**

All students requiring a WWC Check are required to supply it prior to undertaking any work integrated learning or client-based clinical/practicum components of their qualification. This means:

- **Higher Education students** (normal enrolment) – where the student enters the course at the first semester, they must supply their WWC Check prior to commencement of their second teaching period (ie. prior to their second semester).
- **Higher Education students** (pathway enrolment) - where the student enters the course at a later point through a pathway (e.g. moving from one course to another with advanced standing of at least one semester), they must supply their WWC Check on entry to the course (ie. prior to the start of the first semester).
- **VET students** must supply their WWC Check prior to commencement of Week 6 of their first teaching period with the College (ie. prior to Week 6 of their first trimester).

All WWC Checks (or equivalent) must be maintained for the period of a student's studies with the College. In Western Australia a renewed certificate is required each year, refer to [period of currency](#) above.

In some instances, WWC Checks (particularly those for international students) may take longer to receive than the timeframes stated above. In these instances, students will be required to provide evidence that their WWC Check application has been submitted well in advance of the due date, and they will not be permitted to practice on children until such a time as their successful WWC Check is received by the College.

### **Application Process**

Students will be advised of the WWC Check requirements on enrolment and will be directed to the appropriate application forms for their State. International students will apply in the State in which they are enrolled. The Director, Student Services & Retention acts as the Employer Representative when completing application and renewal forms; the task of signing application forms has been delegated to the Student Advisers / Manager, Student Services on each campus.

To allow appropriate time for processing, it is expected that students will submit their application for a WWC Check at least 6 weeks prior to the stated timeframes above. The process is as follows:

1. Student completes the application form and presents their proof-of-identity for verification to the relevant authority in their State (this could be to the College or to another authority – refer to State requirements);
2. Student lodges their application with the relevant State Authority;
3. Student receives the successful WWC Card directly from the State Authority;
4. Student presents the WWC Card to Student Services Staff on their campus for

recording on their file;

5. Students who have not submitted their WWC Card by the stated timeframes will be referred to Student Services and may have their enrolment cancelled.
6. Students may be required to present proof of a valid WWC check to employer representatives on work integrated learning placements (e.g. Principal of a school or Clinic Manager), so should carry it at all times when undertaking a practicum.

## Employee / Contractor Requirements

As the College's community includes students and clinic clients who may be under the age of 18, it is a condition of employment that those who are working in a role involving student contact in a teaching, coaching, tuition or counselling/advisory capacity or in roles specified by this policy must successfully undergo a Working with Children Check (WWC Check) or its equivalent as per [legislative requirements](#).

### Roles which must obtain a Working with Children Check

- All teaching staff
- Student Advisers
- Enrolment/Sales/Admissions Advisers
- Library Staff
- Clinic Manager
- Clinic Services Coordinators
- Clinic Receptionists

Where a role is not identified above but requires one-on-one student contact, the need for a WWC Check will be determined on a case-by-case basis and guidance should be sought from the Human Resources Department.

All offers of employment for roles of this nature will be offered subject to those individuals obtaining a WWC Check. It is the responsibility of the prospective employee/contractor to apply for their WWC Check and cover the cost prior to commencement of their employment.

Upon commencement, evidence of application or proof of a successful check must be produced to the employee's direct manager and the HR Department. Evidence of completed checks must be produced prior to the employee commencing duties involving unsupervised contact with students. In instances where an application has been made but the completed check has not been received, employees must be supervised during face-to-face contact with students under 18 years of age.

For existing permanent employees and those employed on a fixed term contract for 12 months or more, the College will cover the renewal cost where applicable. Contracted employees are required to maintain a successful WWC Check status at their own expense

during the period of their engagement.

The Human Resources Department acts as the employer representative when completing application and renewal forms for employees/contractors.

All employees/contractors must advise the Human Resources Department of any change to the status of their WWC Check as soon as possible. Failure to adhere to the applicable requirements may be considered misconduct and may result in disciplinary action. If an employee/contractor is found to have misled the College regarding their WWC Check status (e.g. using falsified documents), this may result in immediate termination of contract.

### **Employees/Contractors registered with Chinese Medicine Board of Australia (CMBA)**

The CMBA requires its registered practitioners to consent to a National Criminal History Check which must then meet the [Criminal History Registration Standard](#) as set by the CMBA. As such, the College will accept registration with the CMBA as appropriate evidence that a person is suitable to work with children.

Timeframes for when CMBA registration certificates must be supplied to the Human Resources Department are as follows:

- For employees - on renewal of their contract
- For Contractors – prior to commencement of each new teaching period for which they are engaged

As stated above, all employees/contractors must advise the Human Resources Department of any change to the status of their National Criminal History Check as soon as possible. Failure to adhere to the applicable requirements may be considered misconduct and may result in disciplinary action.

## Exemptions

### a) Persons under the age of 18.

Note: If that person turns 18 during the period of their employment/studies, then they must make application at the soonest practicable date once they turn 18. They will not be permitted to undertake unsupervised activities with children until a successful WWC Check is supplied to the College.

### b) Persons enrolling in a course where a WWC Check is not a condition of enrolment.

Note: If that person has indicated at the time of enrolment that they have a criminal history that may affect their suitability to work with children, they will be required to complete a WWC Check for the safety of all students.

## Related Procedures:

[Working with Children Checks Procedure](#)

[Underage Students – Mandatory Reporting Procedure](#)

### Definitions:

**Child** – any person under the age of 18 years old

**Student** – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID. For the purposes of this policy, a student may also be defined by State/Territory legislation as a volunteer.

## Further Information:

### Related Policies:

[Admissions Policy – Undergraduate - HE](#)

[Admission and Enrolment Policy – International](#)

[Deferring, Suspending or Cancelling Enrolment Policy – International](#)

[Fees Policy – International](#)

[Fees Policy – VET](#)

[Fees Policy – Higher Education](#)

[Children on Campus Policy](#)

### Benchmarking:

University of Melbourne, Charles Sturt University

### Supporting Research and Analysis:

[https://www.nationalcrimecheck.com.au/police-checks-individuals/resources/working\\_with\\_children\\_checks\\_in\\_australia](https://www.nationalcrimecheck.com.au/police-checks-individuals/resources/working_with_children_checks_in_australia)

### Related Documents:

Refer to relevant State/Territory websites for Application Forms

[Criminal History Registration Standards \(CMBA\)](#)

### Related Legislation:

[NSW - Child Protection \(Working with Children\) Act 2012](#)

[VIC - Working with Children Act 2005](#)

[QLD – Commission for Children and Young People and Child Guardian Act 2000](#)

[WA – Working with Children Check \(Criminal Record Checking\)](#)

[Act 2004](#)

[SA – Children’s Protection Act 1993](#)

[NT – Care and Protection of Children Act 2007](#)

**Guidelines:** Not Applicable



<b>Policy Author:</b>	Director of Human Resources
<b>Policy Owner:</b>	Director, Student Services & Retention
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<b>Approval Body:</b>	Executive Director, Higher Education (executive approval – for ratification) Date: 7 October 2016  Academic Board – ACPE Date: 27 October 2016  College Council - Endeavour Date: 24 October 2013  Academic Board (East) – Martin Date: 18 November 2016
<b>Policy Status:</b>	Revised – harmonised for all Colleges
<b>Responsibilities for Implementation:</b>	<ul style="list-style-type: none"> <li>• Director, Student Services &amp; Retention</li> <li>• Human Resources Team</li> <li>• Student Services Staff</li> <li>• Admissions / Student Recruitment Team</li> <li>• Clinical/Practicum Teaching Staff</li> </ul>
<b>Key Stakeholders:</b>	<ul style="list-style-type: none"> <li>• Executive Director, Higher Education</li> <li>• Students</li> <li>• Staff</li> <li>• Director, Student Services &amp; Retention</li> <li>• Human Resources Director</li> <li>• National Student Recruitment Manager, HE</li> <li>• Directors of Education</li> <li>• National Academic Director, Fitness</li> <li>• National Academic Director, Beauty</li> <li>• Academic staff</li> </ul>
<b>Date for Next Review</b>	<ul style="list-style-type: none"> <li>• October 2017</li> </ul>