

ASSOCIATED AND CATHOLIC COLLEGES of WESTERN AUSTRALIA (INC)



WORKING WITH CHILDREN

GUIDELINES

Rationale

The focus of these guidelines is the prevention of child abuse in the ACC sporting environment.

The ACC is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by the ACC.

These guidelines focus on how the *Working With Children* legislation impacts on the ACC and what the responsibilities of the ACC are. Individual schools participating in sport should undertake their own analysis of their duties under the legislation and take the necessary steps to address this liability.

Whilst every effort has been made to make these guidelines are correct and clear in their meaning, they are only a summary document. Schools wanting more detailed information are encouraged to contact the relevant government authorities as listed at the end of the document.

Background:

From 1 January 2006 the State Government introduced legislation requiring certain people working with children in Western Australia to undergo a Working with Children Check – a national criminal history check and assessment of any record that appears as part of this check. The Check is compulsory under the *Working With Children (Criminal Record Checking) Act 2004*, and will be introduced progressively over the next 5 years. It is expected that the implementation of the legislation will have a more significant impact on the ACC and secondary schools in 2007 and 2008.

The Check will take into account offences, convictions, charges or otherwise, that are relevant to Working with Children and will cost \$10.00 for volunteers and unpaid workers and \$50.00 for paid workers and self-employed people.

Applicants whose check is "successful" will be issued with an 'assessment notice' and a Working with Children check card which allows that person to work or volunteer with children across different types of 'child-related work'. Applicants whose Check is "unsuccessful" will be issued with a 'negative notice', which prohibits any child-related work. In some cases an Interim Negative Notice may be issued while the screening process is completed. This means that the person must not start or continue in 'child-related work' while the notice is current, and the person can only start or continue in child-related work if they are later issued an Assessment Notice.

The Screening Unit will notify the employer, where known, of the outcome of applications for a Check. Unknown employers will not be notified.

Assessment notices will be valid for three years, unless the person has a "relevant change" in criminal record. If this occurs, the person is required to report this to the WWC Screening Unit and their employer. Employers are also required to inform the WWC Screening Unit if they become aware of a relevant change to a employees / volunteers criminal record. The Police may also inform the Screening Unit where a person in child-related work has had a relevant change in criminal record. In both cases, reassessment of the persons criminal history will be conducted.

Clarification of Terminology

For the purposes of the ACC guidelines, persons deemed to be working with children are volunteers (*over 18 years of age*) and employees who in their usual duties for the ACC are likely to have contact with children. Contact includes; any form of physical contact, oral communication and electronic communication.

Examples of people working within ACC sport that would have contact with children include:

- o Teachers
- o Student/trainee teachers
- o Sport coaches
- o Sport officials (i.e., umpires/referees)
- o Bus Drivers: F or T drivers licence endorsements (hire or reward), and who carry out child-related work in connection with a transport service specifically for children (e.g. school bus driver)
- o Overnight camps/accommodation services.

For the purposes of these ACC guidelines, persons deemed to be **volunteers** are those that are engaged in child-related work for, but are not employed by, the ACC or school. The term volunteer is not defined in the legislation. Volunteers that are being "reimbursed" for out of pocket expenses such as travel/uniform are still regarded as volunteers and not employees. However, volunteers that receive payments as a "reward" and not a "reimbursement" may be considered as employees and not volunteers. Employers will have to make their own "common sense" decision when determining the status of persons as volunteers or employees. In cases where a volunteer has received a very minimal payment then the employer

may consider them as a volunteer. In most cases an employee is someone that has received a wage/payment and has signed a contract of employment.

All volunteers over 18 years of age that are engaged in child-related work for the ACC or school are required to obtain a WWC check. This includes students over 18 years old doing placement in child-related work as part of their courses i.e. student teachers.

Guidelines Statement

1. The ACC is committed to providing an environment that is safe for participation in ACC physical activities. The ACC will not abide in the criminal act of child sexual maltreatment, which occurs when a child (defined as a person under the age of 18 years) has been exposed or subjected to sexual behaviours or acts which are exploitative and/or inappropriate to his or her developmental level. Such behaviour involves a wide range of sexual activities which exploit children and includes forcing, tricking, bribing threatening or pressuring a child into sexual activity.
2. This Child Protection Policy conveys a message to all members and prospective members, responsible for ACC activities about minimising risk exposure. Teachers, coaches, officials, leaders, trainers, volunteers and management personnel, have a responsibility to provide safeguards dedicated to the well-being of those under the ages of 18 years.
3. The abuse of children, by other members or external source, is not acceptable and the ACC encourages all incidents of such abuse as described about to be reported immediately to the appropriate authorities.

Implementation of Legislation

In order to implement the child protection legislation the ACC will undertake to:

1. Promote a safe and supportive environment for all children and young people participating in activities which come under the umbrella of the ACC
2. Ensure that all staff and volunteers employed/contracted by the ACC are aware of their responsibilities arising from recent child protection legislation, in particular, the requirement under the *Working With Children (Criminal Record Checking) Act 2004*, to obtain a 'Working With Children Check' card. The Working with Children Check came into effect on 1 January 2006 in WA and will be phased in over 5 years. The phasing- in arrangements include:

Volunteers

- o From 1 January 2006 – volunteers (*over 18 years of age*) working with children aged 0 – 7 years in any category of child-related work
- o From 1 January 2007 – volunteers (*over 18 years of age*) working with children aged 8 – 12 years in any category of child-related work
- o From 1 January 2008 - volunteers (*over 18 years of age*) working with children aged 13-17 years in any category of child-related work

“New” volunteers working with children in these age groups must apply upon starting work

“Existing” volunteers (those who were already in that child-related job before the start of the phasing in date) have until the end of that calendar year in which to apply for a WWC Check.

Paid

Please refer to Factsheet 2 at www.checkwwc.wa.gov.au for more information about when to apply for a check if you are a paid employee.

Note: As teachers’ WACOT registrations (obtained prior to 2007) expire they will also be required to apply for a WWC as part of the WACOT renewal process.

Self Employed

All self employed people should either have the check already or apply as soon as possible.

This means that the following people will require cards in 2007:

- o School bus drivers
- o Volunteer coach, official or otherwise, working with children aged 8-12 years, and is not a parent of a child in the ACC, if involved in child-related work on more than 5 days per year

And in 2008:

- o Volunteer coach, official or otherwise, working with children aged 13-17 years, and is not a parent of a child in the ACC, if involved in child-related work on more than 5 days per year

Exemptions include:

- o Volunteers under 18 years of age
- o A volunteer who is a parent of a child enrolled at an ACC member school and who is acting on behalf of that school (This exemption does not apply to overnight camps)
- o Short term visitors to WA who do less than 2 weeks of child-related work in a 12 month period. This exemption only applies during the 2 week period after the person arrives in WA.
- o Employers of, and fellow employees of, children, unless otherwise in child-related work

It is a defence under the Act to have worked with children, either as an employee or volunteer, on no more than 5 days in a calendar year, without making an application for the check. This does not apply in connection with licensed child care services or employees or volunteers who have previously been convicted of a Class 1 offence. The five (5) day defence is not restricted to five (5) full days or one organisation. It can be part days for any period of time within a day and can accumulate across several employers.

3. Check that any person working for the ACC
 - o requires a ‘Working With Children Check’ card
 - o has a current ‘Working With Children Check’ card if required
4. Ensure that systems are in place to manage the Working With Children Check process, including keeping records to show compliance with the Act

5. Ensure that all ACC schools providing officials understand their obligations in ensuring that their officials meet the 'Working With Children Check' criteria as set out above.

For comprehensive information on the Working with Children Check, including details of the legislation and when, where and how to apply, contact:

Working with Children Screening Unit
PH: 08 6217 8100
www.checkwwc.wa.gov.au

Other relevant links:

www.playbytherules.net.au (child abuse/harassment/discrimination in the sport industry)
www.dsr.wa.gov.au (Department of Sport and Recreation)

Guidelines Review

These guidelines will be reviewed annually and updated in line with any legislative changes that have significant impact on the manner in which child protection and intervention issues are to be dealt with.

Signed: _____
Director of Sport

Date: _____