

## Appendix G: Working with Children Check (WWCC) Protocol

### 1. Introduction

- 1.1. The Diocese is committed to the promotion of best practice in child safety and providing a safe environment for children and young people.
- 1.2. The purpose of this protocol is to promulgate procedures to be followed by the diocese/parishes, diocesan agencies, and entities in relation to Working with Children Checks (WWCC) for employees, volunteers, contractors, clergy, seminarians, and Religious of the Diocese who are involved in a child related role (having direct contact with children) engaging in activities or providing services directed mainly towards children. Direct contact can refer to “physical contact” “face to face contact”, oral, written, or electronic communication with a child which takes place as part of the regular duties of the individual’s role. If the contact is occasional/incidental to the work, then the WWCC Act 2005 (the Act) will continue to provide that the check is not required.
- 1.3. Caution is required where adults are regularly in contact with children but are not involved in child activities or providing services to children e.g., gardener (children are often present) or a volunteer who is a reader and is in the sacristy on a regular basis where children are present. These employees/volunteers are required to have a current WWCC.
- 1.4. While the Act has protecting children from sexual or physical harm as its objectives, many people are exempt from requiring a WWCC, many offences which go to a person’s character are not taken into account and not all adverse findings are screened before a WWCC is issued. The Act may inadvertently lure employers and parents into a false sense of security. Possessing a WWCC does not in itself mean the person is suitable to work with children any more than having a driver’s license means that the holder is a good driver and that you would want to be a passenger in a car driven by that person in all circumstances. Appraising the suitability of those engaged in a child related role/direct contact with children against a high standard, including those not required to possess a WWCC either because they are exempt or fall outside the ambit of this legislation, and constant vigilance remains an ongoing requirement of all involved.

### 2. Responsibility

#### 2.1. Individual Obligations

The onus for complying with the Act rests with both the individual and the person who engages the individual (and in our settings, the parish priest is the employer of all involved in parish activities).

- a) It is an offence for an individual:
  - i. to engage in child related work without passing a WWCC unless an application has been lodged and a determination pending,
  - ii. to engage in paid work with a WWCC given in respect of volunteer work,
  - iii. whose circumstances change (relevant charges, findings of guilt and convictions and findings from Victorian Institute of Teaching (VIT) not to notify their employer and the Department of Justice Victoria,
- b) Cardholders are required to notify the Department of Justice Victoria of any change of details to:
  - i. Employing organisation
  - ii. Name
  - iii. Residential address
  - iv. Telephone numbers

Update details by visiting the <https://www.workingwithchildren.vic.gov.au/individuals/current-cardholders/update-my-details>

- c) Reporting obligation of teachers to Working with Children Check Victoria (WWCCV)  
 From 1 September 2019, registered teachers will continue to be exempt from requiring a WWCC but will be required to notify WWCCV if they engage in child-related work (other than their teaching).  
 If a teacher's registration is suspended or cancelled, WWCCV will notify the organisations where the teacher does child-related work (other than their teaching) that the teacher is no longer exempt from holding a WWCC. See link to notify WWCCV <https://service.vic.gov.au/services/teachers-notifications/>
- d) Custodial sentences and fines are possible consequences of breaches.

## 2.2. Cost

- There is no cost to volunteers.
- Seminarians can apply as a volunteer (when they are ordained, they must update to employee status).
- Clergy and Religious should apply as an employee.
- The cost to employees, clergy and Religious will be met by the parish or agency.
- The cost to contractors will be met by the contractor.

## 2.3. Confirming status

Current or prospective employers, agencies, entities and volunteer organisations should enquire on the status of an individual's WWCC through the Department of Justice Victoria website. Where the worker has applied but has not yet been granted a WWCC or where a prospective worker has a prior WWCC which may not yet have the current employer noted by the Department of Justice as a party to be notified of any change of status. This will show whether an alert has been posted. See <https://www.workingwithchildren.vic.gov.au/about-the-check/resources/status-checker>.

## 3. Diocese, parish, agency, or entity obligations (Clergy, seminarians, employees, volunteers, contractors.)

The Diocese, parish, agency, or entity has an obligation to ensure that the WWCC is obtained for all clergy, seminarians, employees, volunteers, contractors of the organisation **whose positions require a WWCC**. The following process is to be followed: -

- 3.1. The parish, agency, or entity employers are to examine all activities associated with their parish/activities and determine the applicability of this protocol. The protocol applies to:
- Parish activities.
  - auspiced activities conducted on parish premises.
  - auspiced activities not conducted on parish premises but involving children.
  - organisations which are not auspiced by the parish which use parish facilities. Agreement to the protocol is a condition of their continued use of the facility.
  - organisations which are not auspiced by the parish which use its name or where the parish priest is part of the managing body and children are involved. Agreement to the protocol is a condition of their continued use of the name or ongoing membership.
  - other organisations which the employer determines may be seen as a parish activity should an adverse circumstance arise.
- 3.2. All persons over 18 years engaged in a child related role (having direct contact with children) are required to possess a current WWCC unless they are deliberately excluded. Applicants for accreditation as lay ecclesial ministers including those not employed in a parish or agency are also required to have a WWCC.

### 3.3. Those deliberately excluded are:

- those with a statutory exclusion in all circumstances (i.e., those with VIT registration however, they are now required to notify WWCCV see 2.1 c, some police, those under 18 years of age, and visitors exempted under the provisions of the Act 3).
- an 18 or 19-year-old student volunteer where the volunteer work is at or has been organised by their educational institution.
- those who have applied for a WWCC but have yet to receive a Notice; and
- individuals where the contact with a child is occasional and incidental to their work.

3.4. Request a copy of the WWCC on commencement with the diocese, parish, agency, or entity. Cross reference the WWCC number with the WWCC status checker to ensure currency (Refer to <https://www.workingwithchildren.vic.gov.au/about-the-check/resources/status-checker>).

3.5. If no current WWCC, request that they apply for a WWCC. Follow up to ensure that confirmation is received from WWCCV that a Check has been issued.

3.6. Keep records of WWCC in a register with the following information – Names of employees/volunteers/seminarians and contractors, WWCC Number or their equivalent, e.g., VIT registration and expiry dates (confirmation from WWCCV of notification that they are linked to the parish) see link <https://www.workingwithchildren.vic.gov.au/search?query=wwcc+notification+>. together with any notations on the local application of the policy.

3.7. The register is to be reviewed every 6 months keeping in mind any change in status, i.e., a volunteer becomes an employee, seminarian becomes a priest. Request that the WWCC be updated to “E”. If an employee/volunteer turns 18 years of age request that the WWCC is acquired or whether any deliberately excluded workers should have the exclusion previously granted, retained.

3.8. Have a process in place to follow up the WWCC/VIT when coming due for renewal, follow up until the renewal has been finalised.

3.9. If the WWCC/VIT is not renewed a letter is to be sent advising that they are not allowed to take part in any child related work.

3.10. It is expected that the vast majority of persons will agree to a WWCC where required. However, in circumstances where a person declines to have a WWCC on grounds that a WWCC is not required by law, the Safeguarding Co-ordinator of the Diocese should be contacted for further advice.

3.11. WWCCV will notify the diocese/parish agency or entity if a person has been issued a negative notice or if the WWCC or VIT has been revoked or suspended. The person is to be notified in writing they are not allowed to take part in any child related work. Contact the Safeguarding Co-ordination for advice.

3.12. The registers of those organisations not auspiced by the parish operating on parish premises and those organisations involving children not auspiced by the parish and not operating on a parish site but bearing the parish’s name need to be sighted periodically. Sample letters can be found on the following pages. If relevant contractors or organisations refuse to comply with the expressed requirements, employers should contact the Safeguarding Co-ordinator of the Diocese.

3.13. If a person receives an Interim Negative Notice, which may arise as a result of ongoing monitoring where the employer is so notified and/or advice from the worker, the employer is asked to contact the Safeguarding Co-ordinator of the Diocese. Individuals covered by this protocol are required to contact the employer if someone they are responsible for is issued with an Interim Negative Notice.

3.14. Individuals are responsible for renewal of their WWCC every five years.

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<sup>3</sup> A visiting worker who has a WWCC or its equivalent from another State or Territory in Australia so long as the worker will not be visiting in Victoria for more than 30 days within the same calendar year. Where the visiting worker does not have a WWCC or its equivalent from another State or Territory in Australia, the visitor is exempt so long as the worker will not be visiting in Victoria for more than 30 days within the same calendar year and this will be the only visit to Victoria in that time.

- 3.15. The Chancery office of the Diocese maintains records of all employees, volunteers, and contractors of the Chancery office, including clergy, seminarians, and Religious with a follow up telephone call 4 weeks prior to the WWCC expiring. The renewal of the WWCC will be followed up until finalised.
- 3.16. Parishes, agencies, and entity leadership is responsible for ensuring they have a register of WWCC for employees, volunteers, and contractors. The parish is responsible for following up the renewal of the WWCC 4 weeks prior to expiry by contacting the employee, volunteer, or contractor as a reminder that the WWCC is due to be renewed. The renewal will be followed up until finalised.
- 3.17. Employers are to ensure that contractors who themselves engage other workers comply with this policy and monitor their compliance.
- 3.18. Registers maintained by organisations deemed connected with the parish need to be available for inspection by the parish priest or his delegate on request.

#### **4. Contacts**

**Safeguarding Co-ordinator of the Diocese**

**Phone; 0438 951 010**

**Email [childsafety@sandhurst.catholic.org.au](mailto:childsafety@sandhurst.catholic.org.au)**

## **Working with Children Check (WWCC) Protocol**

### **[1. SAMPLE LETTER TO CONTRACTORS ENGAGING OTHER WORKERS ON PARISH PREMISES]**

Dear,

I am writing to inform you that it is the policy of the Catholic Diocese of Sandhurst to require contractors engaging other workers on parish sites to comply with its Working with Children Check Protocol regardless of whether the activities of the contractor are involved with children or not.

This parish has a zero tolerance to child abuse and is fully committed to ensuring that children are protected from harm while in its settings.

The protocol requires you to ensure that the contractor employees and volunteers involved in this setting who may have direct contact with children hold a current Working with Children Check or have applied for one and are not disqualified from possessing one. Some exceptions apply.

If applicable, I need to sight your Working with Children Check. You in turn, need to keep a register of others' names, Working with Children Check numbers and their expiry dates. This register needs to be current and available for inspection either by myself or my delegate on request. You also need to inform me if any of the persons named receive an Interim Negative Notice.

I realise that while this will impose some obligation upon you that are in addition to any obligations you may have under the Act, this policy is best practice in settings like ours which are frequented by and welcoming of children.

You need to be mindful, however, that possession of a Working with Children Check does not in itself mean that the person is suitable to be near children. Appraising the suitability of those involved with children against a high standard and constant vigilance remain ongoing requirements of all involved.

I seek your agreement in writing that you will comply with this protocol.

Yours sincerely,

**[2. SAMPLE LETTER TO ORGANISATIONS NOT AUSPICED BY THE PARISH OPERATING ON PARISH PREMISES]**

Dear,

I am writing to inform you that it is the policy of the Catholic Diocese of Sandhurst to require organisations using parish facilities to comply with its Working with Children Check Protocol regardless of whether the activities of the organisation are involved with children or not.

This parish has a zero tolerance to child abuse and is fully committed to ensuring that children are protected from harm while in its settings.

The protocol requires you to ensure that members of your organisation and its employees, contractors or volunteers involved in this setting who may have direct contact with children and who are responsible for the conduct of the activity (as distinct from other participants unless children are involved) hold a current Working with Children Check or have applied for one and are not disqualified from possessing one. Some exceptions apply.

You need to keep a register of names, Working with Children Check numbers and their expiry dates. The register needs to be current and available for inspection either by myself or my delegate on request. You also need to inform me if any of the persons named receive an Interim Negative Notice.

I realise that while this will impose some obligations upon you that are in addition to any obligations you may have under the Act, this policy is best practice in settings like ours which are frequented by and welcoming of children.

You need to be mindful, however, that possession of a Working with Children Check does not in itself mean that the person is suitable to be near children. Appraising the suitability of those involved with children against a high standard and constant vigilance remain ongoing requirements of all involved.

I seek your agreement in writing that your organisation will comply with this protocol.

Yours sincerely,

**[3. SAMPLE LETTER TO ORGANISATIONS INVOLVING CHILDREN NOT AUSPICED BY THE PARISH AND NOT OPERATING ON A PARISH SITE BUT BEARING THE PARISH'S NAME]**

Dear

I am writing to inform you that it is the policy of the Catholic Diocese of Sandhurst to require organisations using the [parish's/school's] name to comply with its Working with Children Check Protocol if the activities of the organisation are in any way involved with children.

This parish has a zero tolerance to child abuse and is fully committed to ensuring that children are protected from harm while in its settings or in any other way associated with it.

The protocol requires you to ensure that any members of your organisation, its employees, contractors, or volunteers who may have direct contact with children (as distinct from others who are not involved in such work) hold a current Working with Children Check or have applied for one and are not disqualified from possessing one. Some exceptions apply.

You need to keep a register of names, Working with Children Check numbers and their expiry dates. This register needs to be current and available for inspection either by myself or my delegate on request. You also need to inform me if any of these names receive an Interim Negative Notice.

I realise that while this will impose some obligations upon you that are in addition to any obligations you may have under the Act, this policy is best practice in settings like ours which are frequented by and welcoming of children.

You need to be mindful, however, that possession of a Working with Children Check does not in itself mean that the person is suitable to be near children. Appraising the suitability of those involved with children against a high standard and constant vigilance remain ongoing requirements of all involved.

I seek your agreement in writing that your organisation will comply with this protocol.

Yours sincerely