

Working with Children Check Policy

✓ The working with children check is a screening mechanism to reduce the likelihood that unsuitable people will be employed or engaged in child-related employment.

1.Objectives - Policy statement

1.1

Children have a right to be safe in their places of learning.

1.2

As an employer, the department has a responsibility to take reasonable steps to ensure employees and recommended applicants are suitable for child-related employment. The working with children check is an important part of the department's recruitment process to prevent unsuitable people from being employed or engaged in child-related employment.*

*NOTE: For the purpose of this policy, "department" refers to the NSW Department of Education and Communities, and the TAFE Commission Division.

2.Audience and applicability

2.1

This policy applies to people working or seeking to work in child-related employment in the department. This includes all paid employees, contractors, sub-contractors, self-employed persons and volunteers whose employment or engagement primarily involves direct contact with children where that contact is not directly supervised by a person having the capacity to direct the person in the course of employment.

3.Context

3.1

Commission for Children and Young People Act 1998 aims to reduce the risk of abuse to children by establishing the working with children check. The check is a screening mechanism to reduce the likelihood that unsuitable people work in child-related employment.

3.2

Under the Commission for Children and Young People Act 1998 it is mandatory for any person working in, or seeking to work in child-related employment, to declare that they are not a prohibited person (ie that they are not a person who has been

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convicted of a serious sex offence or child-related personal violence offence or a registrable person under the *Child Protection (Offenders Registration) Act 2000* before commencing work with children.

It is an offence for a prohibited person to apply for, attempt to obtain, undertake or remain in child-related employment.

3.3

A range of positions in the department have been identified as being child-related employment for the purposes of the *Commission for Children and Young People Act 1998*. These positions are:

- school based positions;
- non school based teaching service positions;
- teaching and related positions in TAFE NSW and Adult Migrant English Service (AMES);
- administrative office positions, where the office is co-located with a school.

All other positions in state office, TAFE NSW institutes, regions or AMES have been assessed specifically to determine whether they primarily have direct contact with children where that contact is not directly supervised by a person having the capacity to direct the person in the course of employment (i.e. assessed to determine whether they are child-related employment).

3.4

The employment screening unit has been established by the department to fulfil the department's role as an agency which is approved to carry out employment screening under Part 7 of the *Commission for Children and Young People Act 1998*.

3.5

The employment screening process involves a national check for relevant criminal records, a check for relevant apprehended violence orders, a check for relevant employment proceedings and a risk estimate where a relevant record is found.

Where there have been no issues of concern revealed that could prejudice the person's employment or engagement, the employment screening unit issues a clearance in relation to that person.

Where there are issues of concern revealed that could prejudice the person's employment or engagement, a risk estimate is conducted by the employment screening unit. The risk estimate

is a structured risk assessment process which assesses a number of factors including the nature of the position.

3.6

In addition, a national criminal history check is undertaken for all recommended applicants for paid child-related employment in the department to determine their suitability for public sector employment. This is conducted in conjunction with the working with children check.

3.7

[Document history and details](#)

4. Responsibilities and delegations

4.1

As an employer, the department has a responsibility to ensure that all persons employed or engaged to carry out work in child-related employment are screened appropriately in accordance with the *Commission for Children and Young People Act 1998*.

5. Monitoring, evaluation and reporting requirements

5.1

The general manager, human resources, or nominee, will monitor the implementation of the Working with Children Check Policy and associated procedures. This will include review with appropriate stakeholders and reporting on compliance as required.

5.2

Directors, managers and principals have a responsibility to ensure that policy and procedural requirements are satisfied within their area of responsibility.

6. Contact

Senior manager, human resources policy, phone: (02) 9561 8021.

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