

1. Purpose

To minimise risk of harm to participants by requiring staff and volunteers of Fishcare Victoria to provide evidence that they have appropriate approvals to work with children in accordance with current legislation and in-line with the Child Safe Standards in Ministerial Order 870 and the Victorian Reportable Conduct Scheme in-line with the Child Wellbeing and Safety Act 2005

2. Scope

This policy applies to:

- Staff
- Committee members
- Volunteers

3. Definition

The Working with Children (WWC) Check is a minimum checking standard set by the Working with Children Act 2005 for those who work with children, either on a paid or voluntary basis. It checks for serious sexual, violent and drug-related offences as well as disciplinary findings. The Reportable Conduct Scheme is a Scheme overseen by the Commission for Children and Young People and is focussed on worker and volunteer conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children, but do not have a criminal record.

4. Working with Children Check Overview

Fishcare Victoria owes a duty to participants to take reasonable precautions to prevent the abuse of a child by an individual associated with the Fishcare Victoria while the child is participating in Fishcare activities.

Fishcare Victoria will assess and verify the suitability of staff and volunteers who will work with children. Unless an exemption applies to a person, a valid Working With Children Check (WWC Check) is the minimum standard for all adults working with children. If a volunteer's occupation exempts them from the requirement to have a WWC Check e.g. police officers, teachers, they must provide evidence to support their claim to an exemption.

The school may also investigate and assess a potential staff member or volunteer's history of work involving children and seek references that can confirm that persons suitability for the job and working with children. Once engaged, Fishcare Victoria will also continue to monitor and assess the continuing suitability of all staff members in relation to child related work.

From 1 August 2017, a Check is required whether contact with children is supervised or not. Under the Working with Children Act 2005 ('the Act'), people who are doing child-

related work and who are not exempt need a Check. This applies to both paid and volunteer workers.

Child related work is work within one or more of the occupational fields defined in the Act where contact with a child is direct and part of a person's duties.

There are several situations listed in the Working with Children Act 2005 (the Act) where people doing child-related work are exempt and do not need a WWC Check. The exemptions in the Act are described in the Exemptions section below:

5. Responsibilities for Working with Children Check

Staff

It is the responsibility of the Executive Officer to ensure that only suitable and eligible persons are employed at Fishcare Victoria. Prior to employing a person, the Executive Officer must be satisfied that the person meets the required Suitability for Employment Checks that include:

Staff

- Current WWC Check
- Proof of identity
- At least two positive reference checks completed before employment commences

Contractors

- WWC Checks are required by all Contractors who will be working at Fishcare events, whether or not supervised by a staff member.

Volunteers

It is the responsibility of the Executive Officer to ensure that only suitable and eligible persons volunteer at Fishcare Victoria. The Executive Officer must be satisfied that the person meets the required Checks that include:

- A valid Working with Children Card provided by the Department of Justice.
- WWC Checks are required by all volunteers who will be working with participants for Fishcare activities whether or not supervised by a staff member.
- A volunteer can commence work in Fishcare Victoria when they provide a receipt as proof they have applied for a WWC Check with the Department of Justice and have otherwise been considered by the Fishcare Victoria to be suitable.
- WWC Checks for paid employment can be used to show suitability for volunteer work.

6. Maintaining records for Working with Children Check

A copy of the staff member, contractor or volunteer's WWC Check will be kept on the file and recorded on the Fishcare Victoria WWC register which is maintained by the Executive Officer.

Fishcare Victoria will ensure staff members, contractors and volunteers hold a valid WWC Check card and will add expiry dates to a central calendar to allow monitoring of their expiry.

It is the responsibility of the employees or volunteers to:

- provide Fishcare Victoria with the successful WWC Check card prior to commencement
- notify the Executive Officer if there has been a relevant change in circumstances, for example, if they have been charged or found guilty of a new relevant offence or if their WWC Check has been suspended.
- apply for a new WWC Check before their card expires.

7. Exemptions for Working with Children Check

The Working with Children Act identifies categories of individuals who are exempted from the requirement to have a WWC Check. Fishcare Victoria reserves the right to require an exempted individual to have a WWC Check if the Executive Officer considers it necessary in the circumstances.

Parents Volunteering in an Activity with their Child

Parents volunteering in an activity in which their child participates or normally participates, are exempt from needing a WWC Check except for the scenarios listed under the Volunteer section.

Family members and people who are closely related to the child

Family members closely related to each child in the child-related work are exempt from the WWC Check. 'Closely related' to a child means:

- Parent
- spouse or domestic partner
- step-parent
- mother-in-law or father-in-law
- grandparent
- uncle or aunt
- brother or sister, including half siblings, step siblings, brother-in-law or sister-in-law

The exemption does not apply for the scenarios listed under the Volunteer section.

Teachers

Registered teachers or teachers who have permission to teach from the Victorian Institute of Teaching under Part 2.6 of the Education and Training Reform Act 2006 are exempt from requiring a WWC Check.

For a full list of exemptions and examples refer to: Working with [Children Check – Exemptions](#)

8. Types of Reporting Conduct

There are five types of 'reportable conduct' listed in the Child Wellbeing and Safety Act 2005:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

9. Timeframes for Notification of Reportable Conduct

The Executive Officer must comply with the following timeframes:

- **Three business day notification**

When the Executive Officer becomes aware of a reportable allegation a worker or volunteer, they must notify the Commission for Children and Young People within three business days.

- **30 calendar day update**

Within 30 calendar days after becoming aware of a reportable allegation, the Executive Officer must provide the Commission with detailed information about the allegation, disciplinary or other actions undertaken, and the response of the worker or volunteer to the allegation.

- **Advice on investigation**

The allegation must be investigated as soon as practicable after the Executive Officer becomes aware of it. The investigation may be conducted by the organisation, their regulator or an independent investigator. The Executive Officer must inform the Commission of who will conduct the investigation.

- **Outcomes of investigation**

At the conclusion of an investigation into a reportable allegation, a final investigation report must be prepared. The final investigation report should set out the findings, reasons for the findings and recommendations made at the conclusion of the investigation. A copy of the final investigation report should be provided to the Commission as soon as practicable.

10. Method of Notification

The Commission operates an online form for notifying of a reportable allegation, which guides the Executive Officer through the notification process. Supporting documentation can be submitted through the online form. The relevant online form can be found at <https://ccyp.vic.gov.au/reportable-conduct-scheme/reportable-conduct-scheme-forms/>

If there is an instance in which the actions of concern are alleged to have been taken by the Executive Officer the President of Fishcare Victoria will notify the Commission of alleged reportable conduct via the online form.

The contact details for the Commission for clarification and guidance, and to talk through any issues of concern are:

- Telephone: 03 / 8601 5281
- Email: childsafestandards@ccyp.vic.gov.au

Further information is also available on the Commission for Children and Young People's website at www.ccyp.vic.gov.au

Endorsed by Committee

29 November, 2019

This policy can be updated as required.

Authorised and signed on behalf of the committee by:



Sarah Van Stokrom

Executive Officer

