

LATROBE COLLEGE OF ART AND DESIGN

Policy

WORKING WITH CHILDREN

Victoria: Working with Children Act 2005 (VIC)
New South Wales: Child Protection (Working with Children) Act 2012 (NSW)
Queensland: Working with Children (Risk Management and Screening) Act 2000 (QLD)
South Australia: Child Safety (Prohibited Persons) Act 2016 (SA)
Western Australia: Working with Children (Criminal Record Checking) Act 2004 (WA)
Tasmania: Registration to Work with Vulnerable People Act 2013 (TAS)
Australian Capital Territory: Working with Vulnerable People (Background Checking) Act 2011 (ACT)
Northern Territory: Care and Protection of Children Act 2007 (NT)

Related LCAD Policies & Forms

Working With Children jul25v3
.Checklist Staff Working With Children
VSL U18 Consent Forms
ENC 5 Younger Overseas Students
.Checklist Younger Overseas Student Monitoring apr25v1
ENC 5 CAAW FORM

Policy

This policy establishes LCAD's commitment to ensuring that all employees, contractors, and volunteers engaged in child-related work hold the appropriate Working With Children Check (WWCC) or equivalent clearance under relevant state or territory laws. It sets out clear procedures for verifying, monitoring, and maintaining compliance with legal obligations designed to protect children and young people.

This policy applies to:

- All LCAD employees, contractors, and volunteers engaged in child-related work in Victoria and other Australian states and territories.
- Any person undertaking activities with students under the age of 18.
- All organisational units and programs, including online and off-campus activities.

Latrobe College of Art and Design (LCAD) has policies and procedures in place to ensure that its teachers and staff who might work with students under 18 have a valid Working with Children Check in place.

LCAD commits to:

- Not engaging or continuing to engage any person in child-related work who does not have a valid Working With Children Check (or equivalent clearance), unless:
 - They are specifically exempt under the applicable legislation, or
 - They have lodged an application for a check that is currently being assessed (subject to the restrictions below).
- Not engaging or continuing to engage any person who, despite being exempt, has received a Negative Notice or equivalent refusal.
- Not engaging or continuing to engage any person in child-related work who is subject to obligations or orders specified in clause 1 of Schedule 3 of the Working with Children Act 2005 or comparable obligations under other state/territory legislation.

- Not allowing any person charged with, convicted or found guilty of sexual, violent, or drug offences specified in clause 2 of Schedule 3 of the Act (or equivalent) to work with or care for children while their application is processed or their Check is reassessed.
- Not offering the services of any person who does not have a valid Check to any external organisation if the work is child-related.
- Verifying Check status to confirm whether a person may work with children while their application is in progress.
- Confirming the validity of any Check card presented by staff or contractors.
- Ensuring all paid workers have the correct Employee Check (not a Volunteer Check).
- Maintaining a system to monitor Check expiry dates and ensuring renewals are obtained before expiry.
- Respecting and protecting workers' personal information and privacy at all times.

Legislative Framework

LCAD staff must comply with the legislation applicable in the jurisdiction where they perform child-related work.

Suitability Assessments and Individual Checks

When individuals apply for a Working with Children Check Victoria or similar checks relevant to other states of Australia, they are rigorously assessed for:

- Criminal history in all Australian jurisdictions across their lifetime, including serious sexual, violent, and drug offences, even where charges did not result in a conviction.
- Professional conduct as determined by:
 - The Victorian Institute of Teaching (VIT) (if Victorian).
 - The Suitability Panel (Children, Youth and Families Act 2005).
 - The Commission for Children and Young People (CCYP) via the Reportable Conduct Scheme.
- Compliance with any relevant health practitioner legislation.
- Current or historical obligations or orders under the Sex Offenders Registration Act 2004, Serious Sex Offenders Monitoring Act 2005, or the Serious Offenders Act 2018.

Privacy

If an individual applies for a working with children check and passes or fails, LCAD will be informed, but will not disclose details of criminal records or professional conduct findings.

LCAD respects and protects workers' personal information, consistent with:

- Working with Children Act 2005.
- Privacy and Data Protection Act 2014.
- Health Records Act 2001.

Important Notes:

- Providing false or misleading information is an offence.
- If an individual refuses or fails to provide required information, their application may be withdrawn or an existing check revoked.
- Individuals are responsible for renewing expired checks.
- Penalties apply if changes to personal or contact details are not updated within twenty one days (21).

LCAD may release personal information to or seek information from:

- Victoria Police, AFP, and interstate police.
- Courts, tribunals, or government agencies.
- Healthcare professionals.
- Professional disciplinary bodies.
- Authorised screening agencies.

Procedure

Verification of Checks

- All new staff, contractors, and volunteers must provide evidence of a valid check (or equivalent clearance) before commencing child-related work.
- HR will verify each check's validity through the relevant state/territory online verification service.
- Paid staff must have an child-related work check.

Monitoring and Renewal

- The coordinator or delegated staff member annually audits all Working with Children Checks (Vic) and other state-based working with children checks on file.
- The audit will:
 - Confirm the status of each check.
 - Record expiry dates.
 - Identify any pending renewals.
- If a check has expired or will expire before the next scheduled audit:
 - The individual is contacted immediately.
 - They must renew their check without delay and provide evidence of the renewal.
 - If the renewal is not provided by the expiry date, the individual is immediately stood down from any child-related duties.

Recordkeeping

- Records of check verification, expiry dates, and audit outcomes are maintained in the HR file.
- Access is restricted to authorised staff.

Reporting and Compliance

- Any breach of this policy will be reported to the coordinator and the CEO.
- Where applicable, LCAD will notify the relevant screening authority if a staff member becomes ineligible to work with children.

Responsibilities

- CEO/Director: Has overall responsibility for the management, health and compliance of the college and all personnel and stakeholders.
- All employees/ contractors/ volunteers: That are involved directly with LCAD U18 students must hold a valid Check at all times, renewing before expiry, notifying LCAD of any relevant changes.
- Coordinator (manager): Manages college compliance with all relevant government departments and standards, including Skills SA. Responsible for the day-to-day operations of the college, courses, students and teachers.
- Student Interviewer: interviews and informs students about study and prepares a support plan, including a UAN and recommends placement for students with confirmed or potential need for any support.
- Student Support Services Officer (SSSO): Manages and monitors students with support needs, and maintains records.

- Trainers and Assessors: Monitor student engagement and progress, identify emerging needs, and provide support or referral. Reports to the coordinator or consults with the SSSO.
- Student Administration: Assist with documentation, records, and referrals.

Review

This policy and procedure will be reviewed annually or earlier if legislation or best practice changes.