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WORKING WITH CHILDREN CHECK POLICY

Introduction

Chandler Park PS school council has a responsibility to ensure the safety of all children and employees, and to maintain the security of assets by requiring and maintaining high standards of professional conduct from employees and volunteers.

In meeting these responsibilities, school councils must be satisfied that only those employees and volunteers who meet the highest standards of probity and suitability are employed. Such assessments may include reference or referee checks, medical assessments, qualification verification, a criminal record check and/or a Working with Children Check.

Verification of suitability for employment is assisted by ensuring the employment of new school based employees proceeds in accordance with legislative obligations pursuant to the Worker Screening Act 2020 (for non-teaching employees and volunteers) and Education and Training Reform Act 2006 Part 2.6 Victorian Institute of Teaching (for principals and teachers).

The authority for the policy and procedures is [Ministerial Order 1038](#) which applies to the principal class, teacher class and education support class employed by the Department, and [Ministerial Order 1039](#) for all non-teaching staff and casual relief teachers employed by school councils.

Allied health staff (employed as Victorian Public Servants) and nurses employed by the Department are also covered by this policy.

Working with Children

The Working with Children (WWC) Check scheme is established under the Worker Screening Act 2020 (the Act) and creates a minimum checking standard across Victoria for people who work or volunteer with children in certain capacities. The WWC Check assists in ensuring that people who are unsuitable to engage in 'child-related work' do not do so.

A WWC Check is valid for up to 5 years after which it will need to be renewed if the holder wishes to continue in child-related paid or voluntary work.

A WWC Check is transferable between jobs or volunteer organisations. Should a person engage in 'child-related work' with another organisation, they do not need to apply for a second WWC Check, however a WWC Check obtained for the purpose of voluntary work, as indicated by the letter 'V' on the WWC Check card, may not be used for the purposes of paid work.

It is an offence to use a volunteer WWC Check for the purpose of engaging in paid 'child-related work'. Principals and managers should verify that WWC Check cards presented to them by paid employees are stamped with the letter 'E'.

The WWC Check consists of a national criminal history check and consideration of any relevant findings from professional disciplinary bodies such as the Victorian Institute of Teaching. Criminal offences and pending charges or non-conviction charges against a person which will be taken into account are those involving serious sexual, violent or drug offences. The WWC Check does not include offences such as fraud or theft which may be relevant to assessing the suitability for employment of non-teaching staff in schools. Further information on the offences relevant to a WWC Check can be found at the Department of Justice and Community Safety's [Working with Children Check Victoria](#) website.

The WWC Check is monitored on an ongoing basis. This means that holders of a WWC Check will continue to be checked for any new relevant offences or findings from professional disciplinary bodies. New charges, convictions, findings of guilt or findings from professional disciplinary bodies which are relevant to the WWC Check will result in a re-assessment of the holder's eligibility for a WWC Check.

What is 'child-related work'?

The Act defines 'child-related work' as work which usually involves (or is likely to involve) direct contact with a child, irrespective of whether that contact is supervised or not, and in any of the child-related occupational fields listed in the Act. The definition of direct contact includes oral, written or electronic communication as well as face-to-face and physical contact. 'Child-related work' may be either paid or unpaid (voluntary).

'Educational Institution' is an occupational field listed in the Act and includes any State school established under section 2.2.1 of the Education and Training Reform Act 2006. Accordingly all Victorian Government primary, secondary, and special schools fall within the Act.

Any person whose duties usually involve or is likely to involve work in a school (other than teachers and principals) is considered to be engaged in 'child-related work' as defined in the Act and will need to ensure they are compliant with the legislative obligations contained in the Act.

There are exemptions from the Act including people under 18 years of age, parent volunteers whose child ordinarily participates in the activity, sworn police officers, teachers currently registered with the Victorian Institute of Teaching, and visiting workers who do not ordinarily reside and perform child-related work in Victoria, among others.

Applying for the WWC Check

The WWC Check is conducted by the Department of Justice and Community Safety (DJCS). Applications must be lodged at one of the participating Australia Post outlets in Victoria. Visit for a list of [Australia Post outlets](#) where a WWC Check application may be made.

WWC Check applicants need to complete an online 'Application for WWC Check' form at [Working with Children Check Victoria](#) before going to a participating Australia Post outlet with proof of identity documents to lodge the application.

The 'Application for WWC Check' form asks the applicant to list the names of organisations where they intend to work in 'child-related work'. Principals are to request that Department and school council employees name both:

Department of Education and Training
2 Treasury Place
East Melbourne 3002
telephone: 03 7022 0005

Chandler Park PS
5-19 Cochrane Avenue
KEYSBOROUGH VIC3173
telephone: 03 9798 2228

It is important that volunteers name the school at which they intend to perform the 'child-related work' in their application as the Department has no means to identify in which school a volunteer may be engaged.

WWC Check outcomes

If the employee passes the WWC Check they will be issued a WWC Card which also acts as an 'Assessment Notice'. An Assessment Notice means the employee has passed the WWC Check and may work in 'child-related work'.

Chandler Park PS principal/ and or nominee may enquire on the status of a WWC card at any time by visiting [Working with Children Check Victoria](#) and entering a WWC Check unique number, alternatively telephone [1300 652 879](#). It is recommended that the school periodically verifies the status of WWC Checks held by people engaged in 'child-related work' at their workplace as WWC Checks are subject to ongoing monitoring and it is possible that if an individual has a relevant change in circumstances, their WWC Check may cease to be valid.

If an employee has criminal offences or a professional disciplinary outcome that may result in them failing a WWC Check, the employee may be issued with an Interim Negative Notice or a Negative Notice. An Interim Negative Notice means the Department of Justice and Community Safety is intending to issue a Negative Notice and will provide the employee with an opportunity to explain why they should not be given a Negative Notice.

An employee or volunteer who receives an Interim Negative Notice or a Negative Notice is required by law to inform their employer within 7 days.

If a principal or nominee becomes aware that an employee has been issued an Interim Negative Notice or a Negative Notice, they must contact the Employee Conduct Branch immediately.

School locations

Employees in the principal, teacher and paraprofessional classes

Employees in the principal class, teacher class and paraprofessional class are employed pursuant to the Education and Training Reform Act 2006 and are required to have valid and current registration with the Victorian Institute of Teaching (VIT) as a condition of employment.

A prospective employee who is registered with the VIT is exempt from the Act and does not require a Working with Children (WWC) Check.

Casual relief teachers

Casual relief teachers are required to be registered with the Victorian Institute of Teaching. Accordingly, they qualify for an exemption from the Act and do not require a WWC Check.

Employees in the education support class

Education support class employees must demonstrate their suitability for employment by providing evidence of a WWC Check and Assessment Notice.

Principals and/or nominees are requested to sight and retain a record of the employee's WWC Check unique number. This number is recorded on eduPay.

It is an offence under the Act to engage in 'child-related work' without a current WWC Check. Penalties will apply to both the employer and employee.

Clause 3.2.3 of Ministerial Order 1038 provides that any position that usually involves, or is likely to involve work in a school, other than if the position requires the incumbent to undertake the duties of a teacher, is subject to the person providing evidence that the person has had a WWC Check and holds a valid Assessment Notice under the Act.

Clause 3.2.9 provides that if an employee surrenders an Assessment Notice or is issued with a Negative Notice under the Act their employment ceases. The delegate must notify the employee of this in writing.

If the employee appeals the issuing of the Negative Notice to the Victorian Civil and Administrative Tribunal and is issued with an Assessment Notice the cessation of their employment is deemed to have no effect. The person must then be reinstated. This involves entitlements regarding back-pay, recognition of continuous service and has implications for the filling of the position prior to the outcome of the appeal being known.

The Employee Conduct Branch should be contacted for advice and assistance in relation to the procedures to be undertaken when Assessment Notices are not provided when required or when employees are issued with an Interim Negative Notice or Negative Notice under the Act.

Other casual employees

Casual employees in schools, other than casual relief teachers, are required to demonstrate their suitability for employment by undergoing a WWC Check and, or a criminal record check conducted by the Department.

Not all casual employees in schools will be required by the Act to undergo a WWC Check, it will depend on whether their duties meet the definition of 'child-related work' as defined in the Act.

Principals and managers should contact the Employee Conduct Branch on [03 7022 0005](tel:0370220005) for advice on whether the duties to be performed by a casual employee meet the definition of 'child-related work'. Additional advice can be obtained from the Working with Children Check Victoria within the Department of Justice and Community Safety, telephone [1300 652 879](tel:1300652879).

As the Executive Officer of a school council, a principal retains the authority to require a casual employee to undergo a criminal record check conducted by the Department and should do so if it is considered relevant to the duties being undertaken.

Volunteers

Chandler Park PS school council policy is to ensure that all volunteers who will work with children to provide evidence of their suitability. This evidence is generally a WWC Check however, in addition to a WWC Check a school may also consider it necessary that a criminal record check is conducted through the Department. This may occur when possible offences are relevant to the duties of the volunteer, for example dishonesty offences, which are not part of the WWC Check. The school covers the cost of the criminal record check. Chandler Park PS must ensure that all member of school council have a criminal record check when elected to school council.

As the Executive Officer of a school council, a principal retains the authority to require a potential volunteer to undergo a criminal record check irrespective if the volunteer is exempt from the Act.

Chandler Park PS school council policy is that a parent or caregiver attending an excursion or overnight camp with their child must have a WWC Check, or have undergone a criminal record check conducted by the Department.

Student teachers and student internships

Student teachers or interns must have a WWC Check prior to commencing a practicum in a Victorian government school. As student teachers or interns do not receive payment for undertaking a practicum, a volunteer WWC Check may be accepted.

Contractors

Chandler Park PS must ensure that all persons working on the school premises are required to have a WWC Check irrespective of the duties they perform and the frequency and extent of their contact with children.

Even though they may not be performing 'child related work' contractors such as IT Technicians, gardeners, maintenance staff and cleaners should have a current WWC Check as they are frequently in schools during normal school hours.

Right of appeal

A Working with Children (WWC) Check applicant (paid or volunteer) who is issued with an Interim Negative Notice or a Negative Notice should contact [Working with Children Check Victoria](#) within the Department of Justice and Community Safety or by telephone on [1300 652 879](#) to discuss any right of appeal that may exist or visit their website for further information.

An employee or prospective employee who undergoes a criminal record check conducted by the Department and is found to have an unsatisfactory criminal record may, within 14 days of being notified, apply in writing to the Senior Chairperson of the [Merit Protection Boards](#) for a review of that notification.

Information in relation to such appeals may be found in Ministerial Order 1038 and Ministerial Order 1039 for school-based employees and on the [Grievances — Teaching Service](#) page for public service employees.

A volunteer who undergoes a criminal record check conducted by the Department and is found to have an unsatisfactory criminal record may request that the Victorian Ombudsman investigate. The Victorian Ombudsman is an independent officer of the Victorian Parliament who investigates complaints about administrative actions taken by Victorian government departments. The [Victorian Ombudsman](#) may be contacted on telephone [03 9613 6222](#) or [1800 806 314](#) or visit their website.

Betty Alexander- School Council President

Ratified at school council meeting 25 June 2021

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