

CRIMINAL HISTORY RECORDS CHECK GUIDELINES



Kindergarten Programs

1. Purpose and Intent

The City of Casey is committed to ensuring all children attending a City of Casey managed kindergarten program are provided with a safe and secure environment that supports their health and wellbeing and adheres to National Regulations. This guideline outlines the responsibilities of the service when managing Criminal History Checks for staff. This includes the Working with Children Check (WWCC).

2. Scope

This guideline will apply to the Approved Provider, Nominated Supervisor, Responsible Person in Day-to-Day Charge, educators, staff, students on placement, volunteers, parents, children and others attending the programs, activities and services managed by the City of Casey.

3. Definitions

Key Term	Definition
Approved Provider	An individual or organisation, such as City of Casey, that has completed an application form and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services.
Child related work	Child-related work is work in either a voluntary or paid capacity, in any of the occupational fields listed in the Act where contact with a child is direct and part of a person's duties.
Criminal History	A collective term to refer to the Working with Children Check, criminal history check and criminal history statement as required by the National Regulations.
Criminal History record check	A full-disclosure, Australia-wide criminal history record check issued by Victoria Police, or by a police force or other authority of a state or territory, or the Commonwealth. It may also be referred to as a National Police Certificate or Police Records Check.
Nominated Supervisor	A person who is the Responsible Person in Day-to-Day Charge, and has been nominated by the Approved Provider (City of Casey) of the service under Part 3 of the Act to be the Nominated Supervisor of that service, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.

Person with Management and Control	Individuals responsible for managing the delivery of a service or those who have significant influence over its activities. PMCs have specific legal obligations for ensuring compliance within early childhood education and care providers.
Victorian Institute of Teaching (VIT) registration	The process of obtaining official certification from the VIT which is required for all teachers in Victoria.
Working With Children Check (WWCC)	A check issued by the Department of Justice and Regulation in accordance with the Working with Children Act (2005).

4. Responsibilities for this guideline

Child Youth and Family Management, Person with Management or Control or the Approved Provider	• Complete a fit-and-proper assessment on all new educators in accordance with the Education and Care Services National Law Act 2010 (Sections 12, 13, 14) and the Education and Care Services National Regulations 2011 (Regulations 14, 15, 16) in addition to the requirement for a WWCC Check or VIT registration. • Require all educators to hold a current WWCC or VIT registration before commencement in the role. • Ensure that the WWCC or VIT registration has been sighted and the details kept on each Educator Record (Regulations 145, 146, 147). • Verify and maintain the Nominated Supervisor's current WWCC or VIT registration and the respective expiry date on the Educator Record (Regulation 146). • Ensure any employee engaging in child-related work ceases to do so upon their WWCC or VIT registration being cancelled. • Uphold employee confidentiality and privacy in storing and maintaining these records in accordance with City of Casey policy. • Operate within the City of Casey <i>Workforce Management Policy</i>. • Ensure the Nominated Supervisor, or a delegated educator, conducts online verifications of WWCC or VIT details of all City of Casey educators, agency educators, and visitors at the service on a termly basis, including: ○ At the commencement of Term 1 every year. ○ When a new employee commences at the service. ○ When an agency educator works at the service for the first time. ○ When a visitor attends the service for the first time.
Educators	• Uphold the City of Casey <i>Workforce Management Policy</i>. • Apply for and update their WWCC and VIT registration. • Provide a satisfactory Criminal History Check every 12 months. • Provide evidence of their current WWCC or VIT registration to the City of Casey and on the Educator Record.

	• Produce their valid WWCC or VIT registration for inspection at any time while performing their duties. • Inform the Head of Kindergarten Programs immediately of any relevant change in circumstances that would affect their Criminal History, WWCC and or VIT registration. • Stop working in child related work if the WWCC or VIT has expired and immediately notify the Team Leader.
Parents/Families and service users	• Provide a current WWCC or VIT registration when attending an excursion as a parent helper.

5. Working With Children Checks

WWCCs are a legal requirement for those undertaking paid or voluntary child-related work in Victoria and is a measure to help protect children from harm arising as a result of physical or sexual abuse. The Department of Justice & Regulation assesses a person's suitability to work with children by examining relevant serious sexual, physical and drug offences in a person's national criminal history and, where appropriate, their professional history. A WWCC card, notice or document is valid for five years.

Screening, verification, and the maintenance of storage of records pertaining to staff WWCCs is outlined in this guideline and in the City of Casey *Workforce Management Policy*.

Registered Teachers

Educators and employees who are registered as a teacher with the Victorian Institute of Teaching (VIT) in accordance with the Education and Training Reform Act 2006 are not required to have a current WWCC Check. The person's VIT registration must be confirmed as current via the VIT Register and a record of the identifying number and the expiry date of that registration must be kept on their Educator Record (regulation 147).

The Education and Training Reform Act 2006 outlines the requirements and penalties relating to the suspension of a teacher's registration. Under the Act, suspension of registration means the educator cannot teach or undertake duties of a teacher until the suspension has been revoked.

The educator's VIT registration will be verified on-line before the commencement of term one each year. Verification of the Nominated Supervisor's VIT registration will be completed by the Approved Provider. Verification of VIT registration of other educators will be completed by the Nominated Supervisor at the service. A copy of the verification will be filed within the *Educator Record*.

6. Contractors and visitors

Under the Working with Children Act 2005, only people who are doing child-related work and who are not exempt need a WWCC. This applies to both paid and volunteer workers.

Child-related work (including voluntary work) is:

- Providing services for children and young people under 18.
- Where the work normally involves being face-to-face with children.
- Where contact with children is more than incidental to the work.

Contractors (for example, gardeners and tradespersons) who are not employed, appointed or engaged to work in or as part of an education and care service may attend an education and care service premises without holding a WWCC (section 170(5)(e)).

Visitors such as children's entertainers or photographers will require a WWCC as they are engaging in child related work, in accordance with the above criteria.

Contractors, visitors, volunteers and students will not be left alone with any child being educated and cared for by the service.

7. Associated documents and attachments

This guideline should be read in conjunction with guidelines for:

- Child Protection guidelines.
- Child Safe Environment guidelines.
- Volunteer guidelines.
- Student guidelines.
- Privacy and Confidentiality guidelines.
- Supervision of Children guidelines.
- Visitors to the service guidelines.
- City of Casey Workforce Management Policy.

8. Relevant legislation

Relevant legislation and standards include but are not limited to:

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2012
- Working with Children Act 2005
- Education and Training Reform Act 2006
- The Occupational Health and Safety Act 2004

9. Statement of Commitment to Child Safety

All children or young people who attend services, programs, and events delivered by, and spaces owned or managed by the City of Casey, have the right to feel and be safe. The wellbeing and safety of children and young people in our care will always be our priority.

Council has zero-tolerance of child abuse and is committed to creating and maintaining a child safe and child-friendly organisation where all children and young people are valued and protected from abuse, harm and neglect.

The City of Casey is committed to creating and maintaining a child safe organisation where protecting children and young people from abuse, harm and neglect is embedded in the everyday thinking and practice of Council, its employees, contractors and volunteers.

10. Monitoring, evaluation and review

The City of Casey will ensure:

- Regular monitoring of the implementation of this guideline and its associated documents including training and compliance.
- This guideline and its associated documents are kept up to date with current legislation, policy and best practice.
- Review and evaluation of this guideline and its associated documents as part of the service's review cycle, or as required.

Reviewed by:	CYF Policy Officer, Kindergarten Programs Leadership, Early Years and Partnership Leadership		
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11. Document History

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Contact the City of Casey:

Web: casey.vic.gov.au

Email: caseycc@casey.vic.gov.au

Phone: 03 9705 5200

Post: PO Box 1000, Narre Warren VIC 3805

NRS: 133 677 (for the deaf, hearing or speech impaired)

Customer Service Centres:

Narre Warren: Bunjil Place, Patrick Northeast Drive

Cranbourne: Cranbourne Park Shopping Centre

ABN: 43 320 295 742

