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| EFFECTIVE DATE | 1 July 2020 |
| REVIEW DATE | 1 July 2023 |
| POLICY OWNER | Chancery |
| APPLIES TO | This Policy applies to clergy, members of religious institutes, employees, board members, contractors (as defined and in relation to WHS and Children's Guardian legislation and a one member corporation), volunteers, work experience students and trainees (Workers) of the Diocese. |
| EXCLUSIONS | Where an agency or entity of the Diocese has its own policy, the relevant agency or entity policy will apply to Workers engaged by those agencies or entities. In the event of conflict between the policies of agencies or entities and the Diocesan policy, the Diocesan policy prevails. |
| RELATED POLICIES, GUIDELINES & PROCEDURES | Recruitment Policy Child Protection Policy Diocesan Guidelines for Parish Roles |
| REFERENCE | <i>Child Protection (Working with Children) Act 2012 (NSW)</i> <i>Child Protection (Working with Children) Regulation 2013 (NSW)</i> <i>Children's Guardian Act 2019</i> |
| RELATED FORMS | There are no related forms. |
| HEADINGS | Objective Definitions Policy <ul style="list-style-type: none"> 1. WWCC Background 2. Assessment of Parish Roles 3. When is a WWCC Required 4. Worker Details 5. WWCC Status Verification 6. WWCC Results 7. Barred Persons 8. Timeframe for Applying for a WWCC <ul style="list-style-type: none"> 8.1 New Workers or Transferees 8.2 Existing Workers 8.3 Verification Timing 9. Exemptions 10. Responsibility & Administration of WWCC |

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OBJECTIVE

This policy sets down the process for ensuring that Workers and affiliates engaged by the Trustees of the Roman Catholic Church for the Diocese of Lismore have had the appropriate background screening and risk assessments undertaken prior to and during their engagement with the Diocese.

DEFINITIONS

Act means the *Child Protection (Working with Children) Act 2012* (NSW) and its regulations;

Child means a person who is under 18 years of age;

Child-Related Work means work involving direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work or the worker is engaged in work in a child-related role as designated by the Act (which includes Religious Services). The work may be paid or unpaid;

Contractor means contractor as referred to in WHS legislation and/or a company when one main person through the personal skills or efforts as an individual of that person is contracted to the Diocese, or a one shareholder/member company;

Diocese means the Roman Catholic Diocese of Lismore and includes without limitation any Diocesan agencies, corporations, entities, parishes, parish corporations and parish entities where the Worker is employed or otherwise engaged;

Personal Details means a person's name, address, contact details, employer or proposed employer, and any other information of a kind prescribed by the regulations;

Regulation means the *Child Protection (Working with Children) Regulation 2013*;

Relevant Details means a worker's name, date of birth, WWCC number of the worker's clearance or the application number of the worker's current application and the expiry date of any WWCC clearance of the worker;

Spiritual Officer means a person who is engaged by the organisation, holds a position of authority and undertakes duties which are of a religious nature;

Worker means a person engaged as an employee, a self-employed person or contractor or sub-contractor, a volunteer or a person undertaking practical training as part of an educational or vocational course (other than a school student undertaking work experience), a minister, priest (or other religious leader or spiritual officer of a religion) or other member of a religious organisation. It includes visitors to the Diocese who undertake child related work and are not covered by any exemption under the Act;

Working With Children Check (WWCC) means the background checking process which is a prerequisite for individuals engaged in child-related work, and involves a full national criminal history check and a review of reported workplace misconduct;

Working With Children Check (WWCC) APP means the application assessment is in process and those individuals with a APP number can be engaged in child related work;

Working With Children Check (WWCC) Clearance means an authorisation that is in force under the Act (from the Children's Guardian) to engage in child-related work.

POLICY

1. WWCC Background

Working with Children Act makes it mandatory for the Catholic Church to obtain Working with Children Checks for those people who are appointed or elected to a specific office and who work or volunteer within the Church.

The Diocese has in place various processes to ensure that Workers that have contact with children as part of their work are adequately screened. These processes include assessing whether a position, duties or a professional placement is child-related work and appropriately screening Workers or potential Workers prior to and during the time that they continue to be engaged in child-related work. The Diocese may also, as part of its risk management strategy, require Workers to be screened regardless of whether the activities that they undertake are directly associated with their work in a designated child-related sector.

2. Assessment of Parish Roles

Notwithstanding any screening required by law or other Diocesan policy, Workers with the following child-related roles are required to undertake a WWCC (noting that this list is not an exhaustive list and the nature of a Worker's role may change so as to warrant a WWCC regardless of whether it is expressly listed):

- (a) Parish Priest, Parish Administrator, Assistant Priest or Deacon;
- (b) Parish Business Manager;
- (c) Parish Secretary
- (d) Catechist;
- (e) Children's liturgy leaders;
- (f) Youth Minister/Youth Worker;
- (g) Youth Group Leaders (over 18 years);
- (h) Pastoral Worker;
- (i) Sacramental Coordinators;
- (j) Extraordinary Minister of Communion to the sick – An Extraordinary Minister who has the possibility of unsupervised contact with a child under the age of eighteen (18) years in a private setting;
- (k) Adult Servers/Acolytes; and
- (l) Leaders and assistants of choirs with child participants.
- (m) Sacristan – A Sacristan who has the possibility of unsupervised contact with a child under the age of eighteen (18) years at either Parish or School Mass.

3. When is a WWCC Required?

In a parish community, the following conditions shall require a WWCC. Where a person:

- 3.1. Undertakes a child-related role or child-related work
- 3.2. Clergy, Religious, Retired clergy, visiting clergy and clergy without an appointment that conduct supplies

4. Worker's Details

The Diocese will not employ, engage, or continue to employ or engage, a Worker who undertakes child-related work unless it has obtained and verified the Worker's relevant details and made a record of those relevant details. The Worker's Relevant Details include:

- The Worker's name;
- The Worker's date of birth;
- the WWCC number of the Worker's clearance or the application number of the Worker's current application;

- The expiry date of any WWCC Clearance of the Worker, being the due date on which the clearances ceases to have effect.

5. WWCC Status Verification

The Diocese is required to:

- verify the WWCC status of individuals engaged in child-related work prior to them undertaking any child-related work;
- obtain a WWCC Clearance or current application for a WWCC Clearance, if in the course of business, arrangements are put in place for the placement of a Worker in employment with another agency (a placement agency) in Child-Related Work. That placement agency is taken, for the purposes of the Act, to employ the Worker during the placement period.

6. WWCC Results

The result of a WWCC is either:

- (a) A clearance to work with children in NSW for five years, with the worker continually monitored for relevant new records during the life of the clearance (noting that relevant new records may result in a clearance being revoked); or
- (b) A bar against working with children (or an 'interim bar' or 'not found'), which means it is a criminal offence to engage in any child-related work, whether paid or unpaid. Substantial fines may be imposed for individual breaches.

7. Barred Persons

The Diocese will not engage a barred person in child-related work and if that person is a current Worker, remove them from child-related work including suspension, termination of employment, termination of a volunteer worker agreement or termination of any other engagement of that person.

8. Timeframe for Applying for a WWCC

8.1. New Workers or Transferees

New Workers at the Diocese who work in child-related work, or existing Workers transferring to a position which is child-related work, must apply for a WWCC and ensure that it has been verified and recorded as a cleared outcome by the employer, before they commence working in the relevant position.

8.2. Existing Workers

Existing Workers engaged in child-related work at the Diocese are required to apply for a WWCC when and if required by the Diocese or the Act.

8.3. Verification Timing

Verification in respect of a Worker must occur before the Worker commences the child-related work and then again within 5 working days after each clearance of the Worker ceases to have effect.

9. Exemptions

Some Workers engaged in child-related work at the Diocese are exempt from a WWCC. Exempt Workers include:

- (a) a Worker under 18 years of age;
- (b) a parent or close relative (except where the work is part of a formal mentoring program, involves intimate, personal care of children with a disability or involves attending at an overnight camp for children):
 - i. with the child's school, early education centre or other education institution;

- ii. with a team, program or other activity in which the child usually participates or is a team member;
- (c) administrative clerical, maintenance or other ancillary Workers whose roles do not ordinarily involve contact with children for extended periods;
- (d) a co-worker or supervisor in a workplace where a child works;
- (e) those engaged in short-term work;
 - i. for up to 5 days in a year, with minimal direct or unsupervised contact with children;
 - ii. as a visiting speaker, performer, assessor or similar visitor to any part of the Diocese for a one-off occasion, in the presence of one or more other adults.
- (f) informal domestic Workers (not on a professional/commercial basis);
- (g) home carers with a current police certificate for aged care where the clients are not primarily children;
- (h) Private practice health practitioners who do not ordinarily treat children without other adults present;
- (i) Interstate visitors who work or volunteer in NSW:
 - i. at a one-off event for up to 30 days a year;
 - ii. in any child-related work for up to 30 days a year who have an interstate WWCC clearance or who are exempt in their home jurisdiction;
 - iii. where the task performed is for a recreational purpose.

For a more detailed explanation, refer to:

- (a) Regulation 12 – Child Protection (Working with Children) Regulation 2013
- (b) Part 4 Exemption of workers and employers from the Act – Child Protection (Working with Children) Regulation 2013.

Where the above exemptions apply to a Worker, the Diocese requires that Worker to complete a '*Declaration of those undertaking Ministry or Church-related activity in the Diocese of Lismore*'.

10. Responsibility & Administration of WWCC

10.1. Parishes

The Parish Priest is responsible for administering the WWCC procedures for those engaged in child-related work in his Parish.

10.2. Chancery

The Diocesan Safeguarding Manager is responsible for administering the WWCC procedures for the Chancery.

10.3. Agencies

The Human Resources Manager in each of the agencies of the Diocese is responsible for administering the WWCC procedures within their respective agency.

11. Record Keeping

11.1. Responsibility for Record Keeping

The persons occupying the roles identified in clause 10 above are to keep records of the Worker's Relevant Details in accordance with the Act and as outlined at clause 4 above.

11.2. Minimum Period for Record Retention

Records are to be retained for at least 7 years and during the period in which the Worker carries out child-related work.

11.3. Obligation to Notify Changes to Personal Details

A Worker who holds a WWCC clearance or who has made a current application for a WWCC clearance is required to notify the Children's Guardian of any change to their Personal Details within 3 months of the change.

12. Offences

It is an offence under the Act to:

- (a) employ or continue to employ a Worker in child-related work without obtaining and verifying the Worker's relevant details (up to 100 penalty units);
- (b) fail to update a Worker's record of their relevant details within 5 days after the expiry date for each clearance (see **clause 4**) (up to 100 penalty units);
- (c) fail to retain a record of a Worker's relevant details in accordance with **clause 11** during the period in which the Worker carries out child-related work and for a period of at least 7 years after the worker ceases to carry out the child-related work for the Diocese (up to 100 penalty units); or
- (d) fail to notify the Children's Guardian of any change to a worker's Personal Details within 3 months of the change occurring in accordance with **clause 11** (up to 5 penalty units).

BREACHES OF THIS POLICY

Breaching this Policy may result in disciplinary action, which may include the termination of employment or engagement and, notification to external agencies including without limitation professional standards associations, regulatory agencies and police.

REVISION/ MODIFICATION HISTORY

| Date | Version | Current Title | Summary of Changes | Approval Date | Commencement Date |
|------------------|---------|------------------------------------|---|------------------|-------------------|
| 1 May 2020 | 1 | Working with Children Check Policy | Initial Policy | 29 June 2020 | 1 July 2020 |
| 16 November 2020 | 2 | Working with Children Check Policy | Addition of Religious Institute. Definition of Spiritual Officer. Addition of Parish Business Manager and Parish Secretary in Parish Roles and removal of Conductor of Choir. | 16 November 2020 | 16 November 2020 |
| 15 February 2021 | 3 | Working with Children Check Policy | Addition of item 2. (m) Sacristan. Additional wording in item 2. (j) Extraordinary Minister of Communion to the sick. | 15 February 2021 | 15 February 2021 |

APPROVAL DATE/ REVISION HISTORY

Approved by: Bishop Gregory Homeming

Date: 29 June 2020

To be revised: 1 July 2023

I have read, understood and will be compliant to the Diocese of Lismore Working with Children Check Policy for the duration of my employment/engagement.

Name: _____

Date: _____

Signed: _____