



<b>INITIAL POLICY DATE</b>	1 May 2020
<b>REVIEWED VERSION EFFECTIVE DATE</b>	1 January 2025
<b>REVIEW DATE</b>	1 July 2027
<b>POLICY OWNER</b>	Chancery
<b>APPLIES TO</b>	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 ( <b>Workers</b> ) of the Diocese who are 18 years of age.
<b>EXCLUSIONS</b>	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.
<b>RELATED POLICIES, GUIDELINES &amp; PROCEDURES</b>	Recruitment Policy Safeguarding Children, Young People and Adults at Risk Policy Safeguarding Information and Record Keeping Policy and Procedure Safeguarding Requirements for the Diocese of Lismore
<b>REFERENCE</b>	<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 (NSW)</i>
<b>RELATED FORMS</b>	N/A
<b>HEADINGS</b>	Objective Definitions Policy <ol style="list-style-type: none"> <li>1. WWCC Background</li> <li>2. Child-Related Work</li> <li>3. Parish Roles Mandated for WWCC</li> <li>4. When is a WWCC Required?</li> <li>5. WWCC Status Verification</li> <li>6. WWCC Results</li> <li>7. Barred Persons</li> <li>8. Timeframe for Applying for a WWCC</li> <li>9. Exemptions</li> <li>10. Responsibility &amp; Administration of WWCC</li> </ol>

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## OBJECTIVE

This policy sets down the process for ensuring that Workers and affiliates (which includes visitors engaging in child-related work who are not covered by any exemptions under the Act) engaged in Child-Related Work by 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)*;

**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 Worker, the Worker is engaged in work in a child-related role as designated by the Act (which includes Religious Services) or has access to confidential child-related records. The work may be paid or unpaid;

**Children's Guardian** means the Office of the Children's Guardian which is an independent statutory body managing the working with children check;

**Contractor** means Independent Contractors including contractors 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 in this policy, reference to an employer and includes:

- a. A person who engages a person under a contract to perform work; or
- b. A person who engages a Worker to perform work as a volunteer for the person under an agreement (whether written or unwritten).

Note: In respect to a) and b) above this means the Parish Priest where a person is engaged by a Parish and the Chancery where a person is engaged by the Chancery.

**Entity** a parish entity is an operational Business of the Parish for example and Early Education and Care Service which operates under the auspice of the Parish.

**Personal Details** include 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** include 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** has the same meaning given to it in Part 1 of the Act;

Note: At the date of this policy this is a person engaged as an employee, a self-employed person or contractor or subcontractor, a volunteer or a person undertaking practical training as part of an educational or vocational course

(other than a school student undertaking work experience), as a minister, priest (or religious leader or Spiritual Officer of a religion) or other member of a religious organisation.

**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 an 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;

**Working with Children Check Number** means the number given for a WWCC clearance under the Act

## POLICY

### 1. WWCC Background

The Act makes it mandatory for the Diocese 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 Diocese. 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.

### 2. Child-Related Work

- 2.1. A WWCC is required for all child-related work.
- 2.2. Designated child-related sectors relevant to work undertaken in the Diocese includes, but is not limited to, Religious Services.
- 2.3. For more details about this child-related sector, refer to Part 2 of the Regulations.
- 2.4. The relevant delegate (see Clause 10) must assess whether a position, duties or a professional placement is child-related work prior to undertaking recruitment or appointment procedures.

### 3. Parish Roles Mandated for WWCC

Notwithstanding the requirement to assess whether a Worker is engaged in child-related work (see clause 4) , the Diocese has identified Workers with the following child-related roles as being 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 at a later date):

- (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 who has the possibility of unsupervised contact with a child under the age of (18) years in a private setting;

- (k) Adult Servers/Acolytes;
- (l) Leaders and assistants of choirs with child participants; and
- (m) 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.

#### **4. When is a WWCC Required?**

- 4.1. A WWCC is required for all child-related work.
- 4.2. Workers engaged in child-related work are responsible for hold a current WWCC.
- 4.3. The Diocese must not commence employing, or continue to employ, a Worker in 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 are as follows:
  - 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 cease 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;

#### **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 (including interim 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. The employer must ensure that new Workers at the Diocese who work in child-related work, or existing Workers transferring to a position which is child-related work, have a WWCC number and record that the Worker has been cleared to work with children (record of the Relevant Details (Clause 4.3), before the Worker commences working in the relevant position.
- 8.2. 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 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

9.1. Some types of 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.

9.2. The list of exempt Workers outlined at clause 9.1 (a) to (i) is not an exhaustive list of exempt Workers. For the complete list of work that is not child-related and is therefore exempt from requiring a WWCC refer to Part 4 of the Regulation.

## 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. Entities

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

## 11. Advice

If advice is required regarding the legislative requirements of a check or in ascertaining if a role is child-related, the Diocesan Safeguarding Manager should be consulted.

## 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 4.3**) (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
May 2024	4	Working with Children Check Policy	Addition of Safeguarding Children, Young People and Adults at Risk Policy Safeguarding Information and Record Keeping Policy and Procedure Safeguarding Requirements for the Diocese of Lismore and removal of Child Protection Policy and Diocesan Guidelines for Parish Roles. Addition of Child Related Work.	4 June 2024	1 January 2025

			Addition of Entity to Definitions. Addition Parish Roles Mandated for WWCC removal of Assessment of Parish Roles. Removal of Workers Details has been added to When is a WWCC Required. Removal of Record Keeping. Addition of Advice. Reviewed and updated Remove Declarations		
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## APPROVAL DATE/ REVISION HISTORY

Approved by: Bishop Gregory Homeming

Date: 10 September 2024

To be revised: June 2027