



CATHOLIC ARCHDIOCESE OF MELBOURNE

**Working with Children
Protocol**

9 October 2015

Purpose

1. The purpose of this policy is to promulgate procedures to be followed by parishes, diocesan schools and diocesan agencies in relation to Working with Children Checks (WWCC) for priests, deacons, brothers, sisters, seminarians, employees, contractors, employees of contractors and volunteers.
2. Except where inconsistent with the context;
 - references to agencies are to be taken to include departments and auspiced bodies,
 - references to priests are to be taken as including bishops,
 - employers include those who engage even when it includes a relationship that is not employment related, e.g. the person who engages a contractor or a volunteer, the bishop who appoints priests, and
 - references to parish priests include all canonical administrators of a parish.

Background

3. The Archdiocese of Melbourne is committed to the care and safety of children and vulnerable persons.
4. The Archdiocese is committed to the promotion of best practice in child safety and providing a safe environment for children and vulnerable persons.

Application

5. This policy applies to all settings in the Archdiocese of Melbourne, except those agencies as set out in Attachment 1.
6. Responsibility

The onus for complying with the WWC Act rests with both the individual and the person who engages the individual (and in our settings the Parish Priest is the employer of all involved in parish activities).

- a) It is an offence for an individual;
 - i. to engage in child related work without an assessment notice unless an application has been lodged and a determination pending,
 - ii. to engage in paid work with an assessment notice given in respect of volunteer work,
 - iii. whose circumstances change (relevant charges, findings of guilt and convictions and findings from Victorian Institute of Teaching (VIT)) not to notify their employer and the Department of Justice,
 - iv. to engage an individual in child related work without a notice (unless an application has been lodged and a determination pending), and
 - v. to engage an individual in paid work where the person's assessment notice was given in respect of volunteer work.
- b) Cardholders are required to notify the Department of Justice of any change of details to:-
 - i. Employing organisation

- ii. Name
- iii. Date of birth
- iv. Residential address
- v. Telephone numbers

c) Custodial sentences and fines are possible consequences of breaches.

7. Cost

- There is no cost to volunteers.
- The fee for others is as adjusted from time to time.
- There is no cost to priests, deacons, sisters and brothers who are members of Religious Institutes. Our legal advice is that they should apply as volunteers.
- The cost to employees will be met by the parish/agency.
- The cost to contractors will be met by the contractor.

8. Confirming status

Current or prospective employers, agencies and volunteer organisations should enquire on the status of an individual's WWCC through the Department of Justice website where the worker has applied but has not yet been granted a WWCC or where a prospective worker has a prior WWCC which may not yet have the current employer noted by the Department of Justice as a party to be notified of any change of status. This will show whether an alert has been posted.

Policy response

9. While the Act has protecting children from sexual or physical harm as its objectives, many people are exempt from requiring a WWCC, many offences which go to a person's character are not taken into account and not all adverse findings are screened before a WWCC is issued. The Act may inadvertently lure employers and parents into a false sense of security. Possessing a WWCC does not in itself mean the person is suitable to be with children any more than having a driver license means that the holder is a good driver and that you would want to be a passenger in a car driven by that person in all circumstances. Appraising the suitability of those involved with children against a high standard, including those not required to possess a WWCC either because they are exempt or fall outside the ambit of this legislation, and constant vigilance remains an ongoing requirement of all involved.
10. The Archdiocese's policy is to apply a **blanket approach** subject to a limited number of specific exceptions in cases where it has been considered necessary to balance making this policy workable in practice without detracting from the main purpose of providing for the safety of children.
11. All persons over 18 engaged as workers, be they employees, contractors, employees of contractors or volunteers (which includes clergy, other religious and Board members) **associated with a parish, school or agency** are required to possess a WWCC unless they are **deliberately excluded**. Applicants for accreditation as lay ecclesial ministers including those not employed in an agency, school or parish are also required to have a WWCC.

12. Parish and school employers are to examine all activities **associated with their parish or school** to determine the applicability of this protocol and apply it in a common sense manner. The protocol applies to:

- Parish/school activities.
- Auspiced activities conducted on parish/school premises.
- Auspiced activities not conducted on parish/school premises but involving children.
- Organisations which are not auspiced by the parish/school which use parish/school facilities. Agreement to the protocol is a condition of their continued use of the facility.
- Organisations which are not auspiced by the parish/school which use its name or where the Parish Priest or Principal is part of the managing body and children are involved. Agreement to the protocol is a condition of their continued use of the name or ongoing membership.
- Other organisations which the employer determines may be seen as a parish activity should an adverse circumstance arise.

The protocol does not apply to building sites where the builder has taken site possession for the duration of the building works.

13. Those **deliberately excluded** are:

- a) Those with a statutory exclusion in all circumstances, i.e. those with VIT registration, some police, those under 18 years of age, and visitors exempted under the provisions of the WWCC Act¹.
- b) An 18 or 19 year old student volunteer where the volunteer work is at or has been organised by their educational institution.
- c) Those who have applied for a WWCC but have yet to receive a Notice.
- d) In agency settings, those with only indirect contact with children that is incidental to their work.
- e) Those undertaking other categories of work that do not involve children, for no more than 5 working days (or part thereof) in a calendar year.
- f) A volunteer with an exemption under the Act engaged in work that involves children for no more than 5 working days (or part thereof) in a calendar year.

Implementation

14. If a person receives an Interim Negative Notice, which may arise as a result of ongoing monitoring where the employer is so notified and/or advice from the worker, the employer is asked to contact the Human Resources Office or, if it is a school matter, the Senior Officer responsible for Professional Standards in the Catholic Education Office and seek advice before taking any action. Organisations covered by this policy are required to contact the employer if someone they are responsible for is issued with an Interim Negative Notice.

15. It is expected that the vast majority of persons will agree to a WWCC where required. However, in circumstances where a person declines to have a WWCC on grounds that a WWCC is not required by law, the diocesan Human Resources Manager or the Senior

¹. A visiting worker who has a WWCC or its equivalent from another State or Territory in Australia so long as the worker will not be visiting in Victoria for more than 30 days within the same calendar year. Where the visiting worker does not have a WWCC or its equivalent from another State or Territory in Australia, the visitor is exempt so long as the worker will not be visiting in Victoria for more than 30 days within the same calendar year and this will be the only visit to Victoria in that time.

Officer responsible for Professional Standards at Catholic Education Melbourne should be contacted for further advice.

16. Employers are obliged to sight either the WWCC or the application receipt before permitting the worker directly engaged by him or her to commence work. If the application receipt is what is sighted, the WWCC needs to be subsequently sighted if work is ongoing. It is not necessary for the worker to have their WWCC in their possession at all times. Employers should, however, check the Department of Justice website if their suspicions are aroused at any time.
17. Employers are to ensure that contractors who themselves engage other workers comply with this policy and monitor their compliance.
18. Parish registers need to contain the following information – Names of workers, WWCC Number or their equivalent, e.g. VIT registration and expiry dates together with any notations on the local application of the policy. Registers maintained by organisations deemed connected with the parish need to be available for inspection by the employer or his delegate on request.
19. Annual review of registers and application of this policy is required. Registers should be checked with matters such as the following in mind;
 - the ages of children and student volunteers supervising children,
 - whether any volunteers have moved into paid work,
 - the application of the five day rule², and
 - whether any deliberately excluded workers should have the exclusion previously granted, retained.
20. The registers of those organisations not auspiced by the parish or school operating on parish and school premises and those organisations involving children not auspiced by the parish/school and not operating on a parish/school site but bearing the parish's/school's name need to be sighted periodically. Attachment 2 is a sample letter to contractors who employ other workers on a parish or school site. Attachments 3 and 4 are samples of letters to organisations that are not auspiced by the parish but associated with it. If relevant contractors or organisations refuse to comply with the expressed requirements, employers should contact either the diocesan Human Resources Office or the Office for Professional Conduct, Ethics and Investigations in the Catholic Education Office.
21. Individuals are responsible for renewal of their WWCCs every five years.
22. The Vicar General's Office will continue to coordinate WWCCs for the clergy and seminarians. Instructions on how to complete application forms will be issued from that Office. All priests available for supply are required to hold a valid WWCC or its equivalent.
23. The Archbishop's Office of Evangelisation will continue to coordinate WWCC's for applicants for accreditation as lay ecclesial ministers.

² See paragraph 13(e) & (f)

Enquiries

24. Enquiries should be directed to Karen Horner, Human Resources Manager, Catholic Archdiocese of Melbourne on 9926 5629 or to Darren McLean, Senior Officer, Professional Conduct, Ethics & Investigations, Catholic Education Melbourne on 9267 0221.

Agencies in respect of which this policy does not apply

1. Villa Maria Catholic Homes
2. Corpus Christi Community Greenvale Inc.
3. Maryville Nursing Home Inc.
4. Loganville Hostel Inc.
5. Sacred Heart Mission Inc.

Sample letter to contractors engaging other workers on parish and school premises.

Dear

I am writing to inform you that it is the policy of the Archdiocese of Melbourne to require contractors engaging other workers on parish and school sites to comply with its Working with Children Protocol regardless of whether the activities of the contractor are involved with children or not. A copy of the protocol is attached.

This parish/school is fully committed to ensuring that children are protected from sexual or physical harm while in its settings.

The protocol requires you to ensure that the contractor, if a natural person, and employees, contractors or volunteers involved in this setting hold a current Working with Children Check, or have applied for one and are not disqualified from possessing one. Some exceptions apply.

If applicable, I need to sight your Working with Children Check. You in turn, need to keep a register of others' names, Working with Children Check numbers and their expiry dates. This register needs to be current and available for inspection either by myself or my delegate on request. You also need to inform me if any of the persons named receive an Interim Negative Notice.

I realise that while this will impose some obligation upon you that are in addition to any obligations you may have under the Act, this policy is best practice in settings like ours which are frequented by and welcoming of children.

You need to be mindful, however, that possession of a Working with Children Check does not in itself mean that the person is suitable to be near children. Appraising the suitability of those involved with children against a high standard and constant vigilance remain ongoing requirements of all involved.

I seek your agreement in writing that you will comply with this protocol.

Yours sincerely

Sample letter to organisations not auspiced by the parish or school operating on parish and school premises.

Dear

I am writing to inform you that it is the policy of the Archdiocese of Melbourne to require organisations using parish facilities to comply with its Working with Children Protocol regardless of whether the activities of the organisation are involved with children or not. A copy of the protocol is attached.

This parish/school is fully committed to ensuring that children are protected from sexual or physical harm while in its settings.

The protocol requires you to ensure that members of your organisation and its employees, contractors or volunteers involved in this setting and who are responsible for the conduct of the activity (as distinct from other participants unless children are involved) hold a current Working with Children Check, or have applied for one and are not disqualified from possessing one. Some exceptions apply.

You need to keep a register of names, Working with Children Check numbers and their expiry dates. The register needs to be current and available for inspection either by myself or my delegate on request. You also need to inform me if any of the persons named receive an Interim Negative Notice.

I realise that while this will impose some obligations upon you that are in addition to any obligations you may have under the Act, this policy is best practice in settings like ours which are frequented by and welcoming of children.

You need to be mindful, however, that possession of a Working with Children Check does not in itself mean that the person is suitable to be near children. Appraising the suitability of those involved with children against a high standard and constant vigilance remain ongoing requirements of all involved.

I seek your agreement in writing that your organisation will comply with this protocol.

Yours sincerely

Sample letter to organisations involving children not auspiced by the parish/school and not operating on a parish/school site but bearing the parish's/school's name.

Dear

I am writing to inform you that it is the policy of the Archdiocese of Melbourne to require organisations using the parish's/school's name to comply with its Working with Children Protocol if the activities of the organisation are in any way involved with children. A copy of the protocol is attached.

This parish/school is fully committed to ensuring that children are protected from sexual or physical harm while in its settings or in any other way associated with it.

The protocol requires you to ensure that any members of your organisation or its employees, contractors or volunteers involved in activities with children (as distinct from others who are not involved in such work) hold a current Working with Children Check, or have applied for one and are not disqualified from possessing one. Some exceptions apply.

You need to keep a register of names, Working with Children Check numbers and their expiry dates. This register needs to be current and available for inspection either by myself or my delegate on request. You also need to inform me if any of these names receive an Interim Negative Notice.

I realise that while this will impose some obligations upon you that are in addition to any obligations you may have under the Act, this policy is best practice in settings like ours which are frequented by and welcoming of children.

You need to be mindful, however, that possession of a Working with Children Check does not in itself mean that the person is suitable to be near children. Appraising the suitability of those involved with children against a high standard and constant vigilance remain ongoing requirements of all involved.

I seek your agreement in writing that your organisation will comply with this protocol.

Yours sincerely