

Working with Children (Workers and Students) Policy

Section 1 - Purpose and Context

(1) The [Child Protection \(Working with Children\) Act 2012 \(NSW\) \(Act\)](#) aims to protect Children by prohibiting any person from engaging in Child-Related Work unless that person holds a Working With Children Check (WWCC) clearance. Working With Children Checks are administered by the [NSW Office of the Children's Guardian](#).

(2) The Act and the Regulations made under the Act define Child-Related Work to include work in educational institutions other than universities. The definition implies work in universities is generally not Child-Related Work, and that workers whose only involvement with children in the workplace is teaching students aged under 18 will not require a WWCC. Other activities undertaken by the University will, however, constitute Child-Related Work, such as programs specifically developed for participation by high school students or research involving Children. In addition, some students who are undertaking practical training as part of their studies may be considered as "Workers" within the meaning of the Act. The University therefore has obligations under the Act.

(3) This Policy sets out:

- a. the University's policy objective to comply with the Act; and
- b. procedures the University aims to follow to protect Children involved in activities with the University.

(4) This policy applies to all Workers of the University as defined below. It does not apply to any entities that provide services at or to the University, but are separate from the University. Those entities have their own policies in place.

(5) This policy should be read in conjunction with the [Code of Conduct](#), [Student Code of Conduct](#), [Recruitment and Selection Policy](#) and [External Work Policy](#).

Section 2 - Definitions

(6) For the purposes of this policy:

- a. Act means the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#).
- b. Child or Children means a person or persons under the age of 18 years.
- c. Child-Related Work as defined in the Act and Regulations means work (either paid or unpaid) that involves physical or face to face contact with Children or a Child-related role prescribed by the Act, and includes, but is not limited to, work in connection with:
 - i. early education and child care;
 - ii. overnight camps for Children;
 - iii. mentoring and counselling services for Children;
 - iv. clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for Children;
 - v. providing entertainment services primarily for Children on a commercial basis;

- vi. health and care services provided in paediatric or adolescent health services (other than where provided by health practitioners); and
- vii. private coaching or tuition of Children.

However, work as a student in the course of clinical placement in a hospital or other health service is not Child-Related Work under the Act.

- a. Disqualified Person means a person convicted of, or subject to proceedings relating to, certain serious offences against Children prescribed by the Act.
- b. Worker or Workers means any person or persons engaged in work as an employee (whether on a fixed-term, ongoing or casual basis), a self-employed person, a contractor or subcontractor, a volunteer, or a person undertaking practical training as part of an educational or vocational course. Some students may therefore fall within the definition of "Worker."

Section 3 - Policy Statement

(7) The University aims to comply with the Act by:

- a. not employing or continuing to employ a Worker in a position that involves Child-Related Work if that Worker is not the holder of a WWCC clearance and there is no current application by the Worker to the [NSW Office of the Children's Guardian](#) for a clearance;
- b. verifying that every newly engaged paid Worker involved in Child-Related Work has a WWCC clearance or has a current application to the [NSW Office of the Children's Guardian](#) for a WWCC Clearance;
- c. verifying that every volunteer and existing paid Worker involved in Child-Related Work has a WWCC clearance as their industry is phased in to the new WWCC system;
- d. not engaging a Disqualified Person to carry out Child-Related Work with the University; and
- e. if the University becomes aware that a Worker's WWCC clearance is cancelled, preventing that Worker from engaging in Child-Related Work with the University.

Section 4 - Procedures

Part A - Who needs to obtain a Working With Children clearance?

Workers

(8) If a Worker engages in Child-Related Work, they must first obtain a WWCC clearance. A WWCC will result in either:

- a. a clearance for the Worker to engage in Child-Related Work which is valid for five years; or
- b. a bar against that Worker engaging in Child-Related Work.

(9) The [NSW Office of the Children's Guardian](#) will monitor Cleared Workers and may cancel a WWCC clearance under certain circumstances.

(10) For existing employees, and existing and new volunteers:

- a. their requirement to have a new WWCC clearance will be phased in by industry sector; and
- b. as their industry sector is phased in, they must apply to have a new WWCC clearance and:
 - i. provide the University with their WWCC clearance number, surname and birthdate; and

ii. notify the University immediately if there is any change to the status of the WWCC clearance.

(11) New Workers and other persons who commence in Child-Related Work must obtain a WWCC clearance under the new WWCC system as a precondition of their employment in the Child-Related Work.

(12) If a Worker engages in external Child-Related Work in a private capacity (for example, in the form of providing private tuition to Children), the Worker must obtain a WWCC clearance as a condition of the University permitting them to engage in that work under the External Work Policy.

(13) The Office for People (O4P) is responsible for managing all Workers' WWCC records with the exception of students' WWCC records, and for providing advice when required.

(14) Every Worker, with the exception of students, must inform O4P in writing as soon as they become aware they are engaged in, or intend to engage someone (either as a volunteer or a paid employee) in, Child-Related Work.

Students

(15) Students who undertake a practical or professional placement involving Child-Related Work must obtain a WWCC for the placement.

(16) Working With Children Checks for students are managed at the School level by the School Placement Coordinator or nominee in accordance with legislation. The School reports to Student Administration in the Office of Student and University Planning on WWC issues.

(17) Every student who intends to engage in a placement that has not been organised by the University must inform their School Placement Coordinator in writing as soon as possible after being accepted for the placement.

(18) In some circumstances, a WWCC clearance may be required by an organisation providing a student placement.

(19) Every student must comply with the procedures outlined in this policy and related University websites, and any related directions of the School Placement Coordinator, O4P or the Office of General Counsel.

Part B - Recruitment

(20) As part of the pre-recruitment phase, the relevant Dean/Director or nominee must determine whether a position involves Child-Related Work and notify O4P accordingly.

(21) Advertisements for roles involving Child-Related Work must include the requirement that applicants obtain a WWCC clearance as a condition of employment.

(22) A successful applicant must not be offered employment in a position involving Child-Related Work before O4P has verified their WWCC clearance. Workers must comply with the procedures outlined in this policy and any related directions of O4P or the Office of General Counsel.

(23) Where a position has been identified as involving Child-Related Work, WWCC requirements will be included in the employment contract.

Part C - Exemptions

(24) Some individuals, despite their positions involving Child-Related Work, are exempt from the requirement to obtain a WWCC clearance under the Act. These exemptions include:

- a. an individual who works for a period of no more than five days in a calendar year, if the work involves minimal

direct contact with Children or is supervised when Children are present;

- b. a visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where Child-Related Work is carried out if the work of the person at that place is for a one-off occasion and is carried out in the presence of one or more other adults;
- c. a health practitioner in private practice, if the practice does not ordinarily involve treatment of Children without one or more other adults present;
- d. a co-worker or work supervisor of a Child;
- e. an individual under the age of 18; and
- f. students on a professional placement in the course of a student clinical placement in a hospital or other health service.

Part D - Verification of a WWCC

(25) Verification of a WWCC clearance is conducted online by O4P or the relevant School Placement Coordinator or nominee, and requires the Worker or student to provide the University with their WWCC number, date of birth and surname.

(26) The University will record the date on which verification is received and the outcome of the verification for audit purposes.

(27) If an existing Worker of the University is required to obtain a WWCC clearance, that Worker cannot verify their own clearance.

Part E - Adverse Conduct

(28) All Workers must keep the University informed of any incident or issue that may impact on their eligibility for a WWCC clearance. In particular, the Worker must inform the University if they receive a notification from the [NSW Office of the Children's Guardian](#) that it is considering implementing a ban on the Worker engaging in Child-Related Work.

(29) If the University becomes aware that a Worker's WWCC clearance has been cancelled, the University may take immediate action to prevent that person engaging in any future Child-Related Work with the University.

(30) The University has an obligation under the Act to notify the Office of the Children's Guardian of any finding by the University that a Worker has engaged in:

- a. sexual misconduct committed against, with or in the presence of a Child, including grooming of a Child; or
- b. any serious physical assault of a Child.

Section 5 - Section 5 Guidelines

(31) For further information, see the O4P [Working with Children web page](#).

(32) The phase-in schedule for each industry for the new WWCC is available on the [NSW Office of the Children's Guardian](#) website.

Status and Details

| | |
|---------------------------|---|
| Status | Current |
| Effective Date | 16th August 2024 |
| Review Date | 17th August 2024 |
| Approval Authority | Director, Governance Services |
| Approval Date | 15th August 2024 |
| Expiry Date | Not Applicable |
| Unit Head | Kirsty Dwyer Chief People Officer kirsty.dwyer@westernsydney.edu.au |
| Author | Matthew Bond Executive Director, Employment Relations matthew.bond@westernsydney.edu.au |
| Enquiries Contact | Matthew Bond Executive Director, Employment Relations matthew.bond@westernsydney.edu.au |