

Worker Screening and Management Policy

POL-HRA-002

Public facing? Y

1. Purpose

This policy establishes principles and practices for screening of persons employed or engaged by Box Hill Institute (BHI) as required by the:

- *Workers Screening Act 2020* (Vic)
- *Child Safety and Wellbeing Act 2017* (Vic)
- *Worker Screening Regulations 2021* (Vic)
- Victorian Child Safe Standards
- BHI Risk Management Framework

The policy contributes to the child safe practices of employees (prospective and existing), contractors and volunteers who are engaged by Box Hill Institute in any role or capacity (including third party contractors).

2. Scope

This Policy applies to all existing, new and prospective employees, contractors and volunteers of BHI, including, but not limited to, those engaged in child-related work and child-connected work.

3. Policy Statement

3.1 Child Safe Practices

BHI is committed to the health, safety, wellbeing and protection of children and young people (under the age of 18 years) by ensuring that BHI embeds child safe practices in recruitment and onboarding and that all adults with whom children and young people engage are assessed as suitable persons at initial engagement and on an ongoing basis.

Recruitment for all positions at BHI, regardless of whether the role requires regular contact with children or young people, requires a standardised compulsory child safe statement is embedded in:

- all recruitment advertising
- Position Descriptions and
- contracts.

Questions relating to child safety are embedded in standardised Panel Interview Record and Reference Check documents. These practices are compulsory.

The principal screening tools are the Victorian Working With Children Clearance and a National Police Check.

For the purposes of this procedure Working with Children Check refers to Victorian Employee Working with Children Check, unless stated otherwise.

3.2 Working With Children Check

The Working With Children Check (WWCC) helps protect children from physical and sexual harm. It does this by screening and assessing the criminal and professional conduct records of applicants and cardholders, and acts as a

mechanism to detect and prevent those who pose an unjustifiable risk to children from working with them.

Once granted, a WWCC is current for 5 years. The Department of Justice and Community Safety continues to monitor criminal charges, convictions and professional conduct records of cardholders for the life of the WWCC card and has powers to suspend and/or revoke a cardholder's WWCC.

In the context of BHI's service offering, all roles at BHI are likely to involve face-to-face contact, written (including postal), oral or electronic communication with children and young people. BHI exceeds minimum compliance requirements in requiring all employees, volunteers and contractors to:

- present a valid WWCC prior to commencement or engagement at BHI, and
- maintain a valid and current WWCC for the duration of their engagement at BHI, and
- comply with individual obligations under the Worker Screening Act 2020.

At the discretion of the Director Human Resources (HR) Operations & Business Partnering, evidence of application for a WWCC may be accepted for employees, contractors and volunteers as sufficient to commence for some positions as long as a recent National Police Records Check can be presented. Employees, volunteers and contractors are responsible for renewing their WWCC at their own cost.

BHI ensures that WWCCs information is monitored and managed in accordance with the recommended record keeping processes, Privacy and Data Protection Policy and Records Management policy.

Information relating to WWCCs may be shared by BHI in limited circumstances where prescribed by law, including, but not limited to where:

- the information was given in good faith for the prevention of a serious threat to a person's life, health or safety, for a reference check, or for making employment related decisions
- the information was given in good faith to the Commission for Children and Young People for the purposes of an investigation of a reportable allegation under Part 5A of the Child Wellbeing and Safety Act 2005
- the person to whom the information relates is a child, or has a cognitive impairment or mental illness, someone authorised to act on their behalf, gave written authority to release information
- it was given to a court or tribunal in the course of legal proceedings, or pursuant to a court or tribunal order
- it was given to the extent reasonably required to enable the investigation or the enforcement of laws in Australia
- it was given to any person or body with functions that correspond with the functions or powers of the Chief Commissioner of Police under the Worker Screening Act 2020 (VIC)
- it was given to a lawyer for the purpose of obtaining legal advice or representation
- it was given as required or permitted by or under the Act or any other law.
- it was given to the Victorian Institute of Teaching for the purposes of the Institute's functions under Part 2.6 of the Education and Training Reform Act 2006.
- In relation to invalid WWCCs, expired WWCCs, Interim WWCC Exclusions and WWCC Exclusions, BHI may take

(and not be restricted to) any of the following steps:

- cease the work
- modify the work processes or duties associated with the child-related or child-connected work
- re-design the position or work required
- re-deployment
- not make an offer of employment or engagement
- suspend the employment or engagement as per due process
- terminate the employment or engagement as per due process.

3.3 National Police Record Check and International Criminal History Check

BHI has a duty to ensure the safe conduct of all operations of the organisation. This includes protecting the organisation's assets and the safety of employees, volunteers, contractors, clients and anyone else who enters BHI premises or who comes into contact with BHI representatives.

The National Police Record Check (NPRC) and International Criminal History Check (IHC) contribute to BHI meeting this duty.

BHI requires all employees, contractors and volunteers to hold a valid and current National Police Check.

Relevant new employees subject to probationary employment shall only be confirmed into their position upon the provision of a satisfactory National Police Check.

3.3.1 Initial Screening

BHI requires all new and prospective employees, volunteers and contractors to obtain at their own expense a NPRC undertaken by Victoria Police (or another acceptable body) prior to commencement of duties. Where an applicant has held citizenship, permanent residency or resided for a period of six (6) months or greater in another country, an IHC is also required.

Previously obtained NPRC's and IHC's are not accepted regardless of recency. Evidence of application for a NPRC and IHC may be accepted for employees as sufficient to commence for some positions, where a current Working with Children Check (WWCC) can be presented. A NPRC and IHC are different to a WWCC Check and each must be applied for separately.

A disclosable NPRC or IHC outcome must be referred to Director of HR Operations and Business Partnering for assessment and determination and may result in an offer of employment or engagement being revoked.

Where it is determined that the offer of engagement or employment is not to be revoked, BHI may take (and not be restricted to) any of the following steps:

- modify the work processes or duties associated with the work
- re-design the position or work required
- increase direct supervision and reporting related to the work
- amend probationary periods in accordance with industrial instruments.

3.3.2 Ongoing Screening

BHI requires that all existing employees, volunteers and contractors regularly obtain a NPRC as part of our ongoing screening protocol. Employees, volunteers and contractors who have not undertaken a NPRC within the past 5 years, or as specified in an employment contract, are required to obtain at their own expense a NPRC undertaken by Victoria Police (or another acceptable body) which must be sighted by a Manager or member of the People, Culture & Transformation HR Advisory team. Recurrent IHC's are not required.

A disclosable outcome on a NPRC will be referred to the Director of HR Operations and Business Partnering for assessment and determination. This assessment reviews the suitability of the individual to continue to perform their role in the context of nature of the conviction. BHI may take (and not be restricted to) any of the following steps:

- cease the work
- modify the work processes or duties associated with the work
- re-design the position or work required
- re-deployment
- not make an offer of employment or engagement
- suspend the employment or engagement as per due process
- terminate the employment or engagement as per due process.

In accordance with the Code of Conduct for the Victorian Public Sector, BHI requires all employees of nominated entities to immediately inform their employer if they are charged with a criminal offence punishable by imprisonment or which, if found guilty, would significantly affect their ability to perform their work. Such disclosures are to be made in confidence to the Director HR Operations & Business Partnering. Where such a disclosure is made, the matter will be considered having regard to the specific nature of the matter disclosed and reference to the factors detailed above. Failure to report charges and/or convictions may result in disciplinary action up to and including termination.

3.4 Victorian Institute of Teaching Registration

BHI employees, contractors or volunteers who have an active and current registration with the Victorian Institute of Teaching (VIT) are not required to hold a Working with Children Check or a National Police Check, unless they have been given a Negative Notice. VIT registered teachers have been assessed by VIT as 'suitable to teach' under an appropriate and comparable industry standard.

VIT registered members who engage in child-related work other than teaching at BHI must notify Working With Children Victoria of this work by completing the Teacher notification form. In the event VIT registration is suspended or cancelled, this VIT exemption no longer applies and a WWCC must be obtained.

3.5 Short Term Contractors and Visiting Workers

All short term contractors, including third party contractors or visiting workers (such as Guest Lecturers or non-BHI professionals visiting campuses) must provide a valid Victorian Employee Working with Children Check prior to attending a BHI property. Managers of the Department engaging with contractor or worker must sight, check and record the Working with Children Check details.

If the contractor or visiting worker cannot feasibly obtain a Victorian Employee Working with Children Check prior to attending BHI, the relevant Manager must allocate a BHI employee to supervise the contractor or visiting worker whilst they are on BHI property

3.6 Interstate Visiting Workers

Where a person engaged by BHI is not ordinarily a resident of Victoria, they are exempt from obtaining a Victorian WWCC provided they either:

- do not engage in more than 30 days work
- do not engage in any other child-related or child-connected work in Victoria in the same calendar year, and
- they have not received a WWC exclusion and subsequently not received a WWC clearance.

or, where they

- hold the equivalent of a WWC clearance given under a corresponding working with children law from the jurisdiction in which the person is ordinarily resident, and
- the person engages in not more than 30 days of child-related or child-connected work in Victoria within the same calendar year.

In these instances, the Manager of the relevant Department must adhere to the supervision requirement outlined in the previous section.

3.7 Exemptions

In the event a position at BHI falls outside the scope of requirements of the Worker Screening Act, the CEO may approve that position as being exempt from requiring a Victorian WWCC. In such cases, the position is to be regularly assessed to ensure an ongoing exemption is appropriate and lawful.

3.8 Non-Compliance

Prospective or current employees, volunteers or contractors receiving an Interim WWCC Exclusion or WWCC Exclusion, (previously referred to as a negative notice) must notify BHI in writing within 7 days of being given the exclusion. Appeals relating to exclusions issued by the Department of Justice and Community Safety must be made to VCAT in accordance with the Act and Regulations.

3.9 Obligations to Disclose Charges

All individuals covered by this policy must immediately inform the Director HR Operations & Business Partnering if charged with a criminal offence punishable by imprisonment or, which if found guilty, could significantly affect their ability to perform their work, and/or is a breach of any relevant condition of employment or engagement at BHI, including compliance with BHI code of conduct or other term/condition of employment.

All individuals must also immediately inform the Director HR Operations & Business Partnering if charged where a police charge/conviction does not relate to the inherent requirements of a role, but does result in concerns regarding suitability, compliance with BHI code of conduct or other term/condition of employment.

The Director HR Operations & Business Partnering determines appropriate action, having regard to the nature of the reported charge and advises the individual of such action. Appropriate action will be determined in accordance with the relevant disciplinary provisions of awards, agreements and/or the BHI policies and procedures.

Failure to disclose a criminal charge and/or subsequent conviction may result in disciplinary action up to and including termination. For non-employees this may mean an end to their engagement with BHI.

3.10 Organisational Obligations

BHI must comply with obligations associated with Working with Children Check and National Policy Check, including:

- not engage or continue to engage anyone in child-related or child-connected work who does not have a valid Victorian Working with Children (WWC) Check, unless they are exempt under the Worker Screening Act 2020 (the Act) or have lodged an application for a Check that's currently being assessed (subject to the below)
- not engage or continue to engage anyone who would otherwise be exempt from holding a valid Check, if they have received a WWC Exclusion and not subsequently received a Check
- not engage or continue to engage anyone in child-related or child-connected work who is subject to obligations or orders specified in clause 1 of Schedule 5 of the Worker Screening Act 2020 (VIC)
- not allow people who are charged with, convicted or found guilty of sexual, violent or drug offences specified in clause 2 of Schedule 5 of the Act to work with or care for children while their application is processed or their Check reassessed
- not offer the services of any person who does not have a Check to another organisation if the work to be undertaken with that organisation is child-related or child-related work
- know how to check if a person is allowed to work with children while their application is processed by using Check status
- know how to check if a person has a valid Check by using Check status
- ensure paid workers doing child-related or child-connected work have an Employee Check, not a Volunteer Check
- know when Checks expire, and

- respect and protect employee's and card holders' privacy.

4. Responsibilities

4.1 Executive Director People, Culture and Transformation

The Executive Director People Culture and Transformation is responsible for ensuring compliance with this policy and specifically:

- determining whether any convictions advised on a National Police Check are an unacceptable risk to the BHI, and
- where there is deemed an unacceptable risk to BHI, advising an individual they are not eligible to work for BHI.

4.2 Director HR Operations and Business Planning

The Director HR Operations and Business Planning:

- ensuring all documentation and advertisements relevant for new positions requiring a WWCC and National Police Check clearly identify such requirement
- confirming the requirement for WWCC and National Police Check at interview either personally or through delegation to the Chair of the interview panel
- providing instructions on how to obtain the required check as part of the offer of employment
- ensure child safe statements and questions are embedded in standardised recruitment and onboarding processes and maintenance of accurate record keeping and tracking validity and currency of Victorian WWCCs
- verifying the WWCC Clearance using the online tool Check Status
- recording details of the valid WWCC and National Police Check on the BHI Human Resources Information System (HRIS)
- prompt and appropriate action in relation to any Exclusion Notices or Interim Exclusion Notices received
- ensuring policies and procedures comply with legislative obligations as required
- securely maintaining details of consultant/contractors engagement WWCC and National Police Check documentation
- managing any concerns or queries relating to the WWCC policy, associated procedures or their application.

4.3 Hiring Managers

Hiring managers –must comply with child safe recruitment and ongoing boarding practices.

4.4 New Employees, Contractors and Volunteers

Prior to commencing work, new employee, contractors and volunteers are responsible for providing:

- a valid and current Victorian Employee WWCC card or an application receipt to show the WWCC has been applied for
- a valid and current National Police Check that is not greater than 12 months old or an application receipt to show the National Police Check has been applied for, or
- evidence that they are exempt from a check (see above).
- an application receipt to show that the WWCC and National Police Check has been applied for, presenting their WWCC card or evidence of National Police Check to People and Culture for sighting once received

- actively participate in all onboarding activities.

4.5 Existing Employees

Existing employees are responsible for:

- applying for, renewing and paying for personal WWCC and National Police Checks.
- providing on request, a valid and current WWCC card or National Police Check or an application receipt to show the WWCC/National Police Check has been applied for; and
- presenting their WWCC card or evidence of National Police Check to People and Culture for sighting once received; or
- providing evidence that they are exempt from a check (see above)
- actively participate in refresher training as directed.

5. Context and related documents

5.1. Legislation

- 5.1.1. *Australian Human Rights Commission Act 1986 (Cth)*
- 5.1.2. *Child Wellbeing and Safety Act 2005*
- 5.1.3. *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*
- 5.1.4. *Children, Youth and Families Act 2005*
- 5.1.5. *Child Safety & Wellbeing Act 2017*
- 5.1.6. *Working with Children Act 2005*
- 5.1.7. *Privacy and Data Protection Act 2014*
- 5.1.8. *Education and Training Reform Act 2006*
- 5.1.9. *Worker Screening Act 2020*
- 5.1.10. *Victorian Institute of Teaching Act 2001*

5.2 External

- 5.2.1 Australian Human Rights Commission Regulations 1989 (Cth)
- 5.2.2 Charter of Human Rights and Responsibilities 2006
- 5.2.3 Working with Children Regulations 2016
- 5.2.4 Worker Screening Regulations
- 5.2.5 Child Safe Standards (Victoria)
- 5.2.6 Guidance for conducting police checks - VPSC
- 5.2.7 VPSC Code of Conduct

5.3 Internal

- 5.3.1 Child Safety and Wellbeing Policy
- 5.3.2 Employee Discipline Policy
- 5.3.3 Privacy and Data Protection Policy
- 5.3.4 Records Management Policy
- 5.3.5 National Police Check Procedure
- 5.3.6 Working with Children Check Procedure

6. Definitions


Term	Definition
BHI	Means Box Hill Institute, Centre for Adult Education and wholly owned subsidiaries
Assessment Notice	An Assessment Notice issued with a Working with Children Card as defined in the Working with Children Act 2005.
Child/Young Person	A person under 18 years of age
Child-connected Work/Activities	In the context of BHI, work authorised by BHI and performed by an adult in a school environment while children are present or reasonably expected to be present, or where work results in access to personal information about a child.
Child-related Work / Activities	In the context of registered training organisation, child-related work means paid work engaged in by an employee or contractor, for volunteer work, that usually involves, or is likely usually to involve, direct contact with a child in circumstances where that contact is not directly supervised by another person.
Contractor	A person or firm that undertakes a contract to provide materials or service to BHI.
Criminal charge/s or offence/s	Means Category A and/or Category B offences as defined by the <i>Worker Screening Act 2020</i> .
Criminal conviction	A formal finding of guilt in relation to a criminal charge.
WWC Exclusion	Issued as prescribed under the <i>Worker Screening Act 2020</i> whereby the individual does not meet the requirements necessary in order to be issued an Assessment Notice. Prior to February 2021 a WWC exclusion was called a 'negative notice'. A WWC Exclusion can be appealed to VCAT.
Interim WWC Exclusion	Where the Department of Justice and Community Safety believes that you pose an unjustifiable risk to children, it will notify you that it intends to issue an 'interim WWC exclusion'. This gives you the opportunity to write to the Department and ask them to consider the reasons why you think that you should pass the WWC check.
Visiting Worker	A person engaged or employed by BHI who is not ordinarily a resident in Victoria
Volunteer	Means work not for profit or gain and includes an unpaid student placement.
Work	Includes paid and unpaid engagement or employment.
Working with Children Card	A card issued pursuant to the Victorian Worker Screening Regulations 2021 providing evidence that the holder has been given an Assessment Notice.

Working with Children Check	A legislative requirement and process of assessment as prescribed in the Worker Screening Act 2020 (VIC) and Worker Screening Regulations 2021 (VIC)
National Police Record Check	A formal report outlining an individual's disclosable criminal convictions.
International Criminal History Check	Assessment of recorded criminal histories of individuals across a large number of overseas countries and overseas territories for the purposes of identifying felony and/or misdemeanour level conviction records and arrests pending adjudication.


7. Review

This policy must be reviewed no later than two years from the date of endorsement. The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

8. Originator

Name/Title	Date Endorsed	Signature
Joanne Woodward, Director HR Operations & Business Partnering	4/03/2025	

9. Approval

Name/Title	Date Approved	Signature
Aggie Kost, Executive Director People, Culture & Transformation	30/03 /2025	

10. Document Control and Update History

Version	Date	Amended by	Summary of and reasons for updates
1.0	December 2024	Senior Advisor, Compliance & Assurance	Combined National Police Check Policy and Working with Children Check Policy. Review to update and ensure alignment to relevant legislative and regulatory requirements and BHI business practices and adopt improved templates.

Is a child-friendly version of this policy required? N

Has a Gender Impact Assessment been done? N