



Lake Joondalup  
Baptist College

**04**

Policy Number

## Clearances Policy

Title of Policy/Procedure	<b>Clearances Policy</b> <i>Clearance Policy for all Employees, Transient/Casual and Contracted workers</i> <i>(Police Clearances, WWCs, Declaration Statements, Safety for workers)</i>
Endorsed by	<b>College Principal PK-12</b>
Responsibility	<b>Principal</b>
Reviewed date	<b>February 2019</b>
Next review date	<b>February 2021</b>
To whom issued	<b>College community</b>

## Clearances Policy

*Employees, Transient/Casual and Contracted workers*

*(Police Clearances, WWCs, Declaration Statements, Safety for workers)*

### Policy Statement

All prospective employees of Lake Joondalup Baptist College must have a current National Police History Check (NPHC) to determine their suitability for employment. The College objective is to ensure all employees undergo probity checks and be deemed suitable for employment. Pursuant to section 233 of the School Education Act 1999, any prospective employee (of Lake Joondalup Baptist College) who does not have a current criminal screening, must undertake a National Police History Check.

All Employees at Lake Joondalup Baptist College must confirm that they have applied for or hold a valid Working with Children Check in compliance with the *Working with Children - WWC - (Criminal Record Checking) Act 2004* (the Act) and the exceptions to the five day threshold defence in the Act. This includes those also employed on a casual basis. More information about the WWC can be found at

<https://workingwithchildren.wa.gov.au/docs/default-source/default-document-library/factsheet-15-wwc-checks-in-the-education-sector-2015.pdf>

If a relief teacher does not provide a police clearance check but provides a WWC, their TRBWA confirmed current status will be considered sufficient at a minimum, to evidence police clearance.

### Visitors to the College:

- must add their name, position or company, contact person at the school and/or purpose of visit, and time of arrival to a Visitors' electronic register at reception at the time of their arrival (access to keys to the College require such specific information to be provided to the College at Reception)
- who are not involved in child-related work (such as contractors) must complete and sign a **Confidential Declaration form** (see Appendix) and/or produce a WWC
- who are involved in child-related work must produce a Working with Children Check card and a Police Clearance to Human Resources
- Relief Teachers and Relief Ed Assistants must produce a WWC to the Dean of Administration and Deans of Primary (or their reception staff). Relief Teachers must be TRB current (which can confirm police clearance)
- Parent volunteers must sign a Declaration for attendance at Excursions and any on site work, or produce a WWC
- Practicum Teachers are expected to have WWCs as provided by their Tertiary Institutions

- VET Students who are working with children must also have their clearance through West Coast Institute or other, or sign a Confidential Declaration
- Church workers are expected to have WWCs and visitors to the Church must sign a Confidential Declaration given on site proximity to the College. This is to be managed by the Church
- Cleaners are to have WWCs or sign a Confidential Declaration
- Photographers are to sign a Confidential Declaration
- Postmen and Delivery people do not have to sign a Confidential Declaration but must be acknowledged by Reception records through attendance signature

### **Guidelines**

The College will:

- require visitors to wear a badge or sticker that clearly identifies them as a visitor
- require visitors to sign out using the Visitors' electronic record when they leave the school premises and record the time of their departure
- maintain all completed Confidential Declaration Forms on file. These will be archived for seven years at the College or storage facility for the College
- Complete weekly checks on WWC holders who are Relief Teachers/Ed Assistants (records kept by Dean of Administration and Deans of Primary)
- Provide a copy of the Child Protection Advice for Volunteers and Regular Visitors Brochure to all visitors

### **Exemptions**

Parents and carers who are recorded on the enrolment form as legal guardians of students enrolled at the College, and who attend the College premises regularly solely for the purposes of dropping off or picking up their children, do not need to sign the Visitors' register. Should they attend for any other purpose, such as a specially arranged parent-teacher interview (ie: not on a school-organised parents' night), or if they become disruptive, they become subject to this policy.

Following are *some* examples of exemptions to producing a WWC.

- Volunteers and unpaid students on placement who are under 18 years of age
- Parents volunteering in many activities where their child is also involved. *This exemption does not apply to parents volunteering at overnight camps attended by their children*
- Short term visitors to Western Australia carrying out child-related work during the period of two weeks after their arrival in Western Australia, and for no more than two weeks in any period of 12 months

### **Other**

**Clearance procedures for visitors to the College managed by:**

- Infrastructure + property procedures – [BURA]

- Primary procedures – [HARC/SONP]
- LA procedures [EYRK]
- Student care procedures [DELH]
- Administrative procedures [DOWM]
- Business procedures [KRUL]

Procedures for visitors for above portfolios are as indicated in this policy

## **APPENDIX**

Please see next page for

1. Confidential Declaration Form
2. Working With Children (WWC) Information
3. Work Safety



1.

## CONFIDENTIAL DECLARATION

For persons who are not employees of the College (eg external providers, volunteers, employers) and you cannot produce a Working With Children (WWC) Card

Please place a tick in one of the boxes below.

(1)	I declare that I <b><u>do not have</u></b> any convictions, circumstances or reasons that might preclude my working with or near children.	<input type="checkbox"/>
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or

(2)	I declare that <b><u>I do have</u></b> convictions, circumstances or reasons that might preclude my working with or near children. The nature of these convictions, circumstances or reasons is outlined below.	<input type="checkbox"/>

I certify the accuracy of the above information. I am aware that I may be required to provide a police clearance if it is considered necessary to verify the information provided.

Name:

Date: \_\_\_\_\_

(BLOCK PRINT PLEASE)

Signature:

\_\_\_\_\_

Company

(if applicable): \_\_\_\_\_

Address:

\_\_\_\_\_

Telephone:

\_\_\_\_\_

Purpose of visit:

\_\_\_\_\_

*This form will be kept for a period of 7 years for archival purposes*

## **2. Working with Children Information**

Please see the fact sheet for most up to date information <https://workingwithchildren.wa.gov.au/docs/default-source/default-document-library/factsheet-15-wwc-checks-in-the-education-sector-2015.pdf> which supersedes the following summary:

### **Relevant legislation:**

Working with Children (Criminal Record Checking) Act 2004

### **Who the procedure applies to:**

In WA, the regulations apply to organisations, and their employees and volunteers, in which the usual duties of the work involve, or are likely to involve, contact with a child. Contact means any form of physical contact or oral communication by any means, whether face to face, by telephone or otherwise. It applies across a range of industries such as education or childcare

### **Exempt:**

In WA, the regulations do not cover contact between a person and a child who is employed by the person; or between a person and a child who are both employed by the same person, if the contact is lawful and arises in the normal course of the child's employment or volunteer work by a child (s 6(2)). Volunteers who are a parent of a child who is involved, or is ordinarily involved in some, or all, of the activities of a club, association or movement are exempt. Interstate volunteers working in WA for less than 2 weeks are also exempt.

Employers, employees or prospective employees may apply to the chief executive officer of the Department for Child Protection for an assessment notice (s 9, 10).

### **Process:**

The application must be in the approved form, signed by the applicant and accompanied by a fee. On receiving the application, the Department of Child Protection may ask the applicant, by written notice or otherwise, to provide any further information or documents. If the Department of Child Protection is not aware of any offence, or of an offence that is not a serious offence under the legislation, the CEO of the Department will issue a positive assessment notice to the applicant unless they are satisfied that, because of the particular circumstances of the case, a negative notice should be issued to the applicant: s 12(4)

### **What is checked:**

The Department of Child Protection will make a criminal record check in respect of the applicant (s 12) and well as considering anything else that the CEO of the Department reasonably believes is relevant to the decision in the case (s 9).

### **Who is ineligible:**

If the Department of Child Protection is aware of a conviction or pending charge in respect of a serious offence, the CEO of the Department is to issue a negative notice to the applicant unless they are satisfied that, because of the exceptional circumstances of the case, an assessment notice should be issued to the applicant. In determining whether to grant an application in exceptional cases,

### **Consequences:**

An organisation must not employ a person in child-related employment (including, with some very limited exceptions, as a volunteer) if they are aware of a serious offence of which the person has been convicted or has pending (s 22). Maximum penalty – a monetary fine and imprisonment for 5 years. An employer must not employ a person (including as a volunteer) in child-related employment if the employer is aware that a negative notice or an interim negative notice has been issued to the person (s 22). Maximum penalty – a monetary fine and imprisonment for 5 years.

People issued with a negative notice or an interim negative notice must not carry out child-related work (s 23). Maximum penalty -- a monetary fine and imprisonment for 5 years.

People without current assessment notice may not carry out child-related work (s 24).

Maximum penalty – a monetary fine and imprisonment for 5 years

### **3. Work Safety:**

In broad terms an employer must, as far as practicable, provide a work environment in which employees are not exposed to hazards.

While it is recognised that an employed agency does not have day to day control of the work at a client's workplace, the agency's responsibilities do not stop simply because the work is not carried out at the agent's workplace.

There is much however that a manager can do to provide for any employee's/worker's, safety and health such as:

- verifying and matching training, skills and experience of the worker to the needs of the task
- providing a general induction and making arrangements to ensure that specific induction is provided in relation to the tasks to be undertaken and the equipment to be used
- ensuring that systems are in place to ensure that the worker is advised of any change to duties or change to the workplace and
- ensuring the worker is aware of his or her rights and responsibilities. The manager usually has day to day control of the labour hire worker so there is much the manager can do to ensure a safe working environment, such as: implementing safe systems of work, ensuring the workplace and equipment is safe, providing specific induction in relation to the tasks to be undertaken and the equipment to be used, providing adequate on-site supervision, providing information and training to make sure the worker knows how to carry out his or her activities

Any worker in a labour hire arrangement has the same general duties of care as those applicable to an employee under section 20 of the Act. [Occupational Safety and Health Act 1984]

## **Managing contractors and transient workers:**

### **Safety checklist by managers for workers on College Property**

Does the OHS policy include contractor responsibilities?

Is health and safety a key criterion in the selection of contractors?

Are steps taken to ensure contractors are competent in health and safety?

Is there discussion/consultation and agreement about the job with contractors?

Are College requirements and the contractors' responsibilities for health and safety in writing?

Are contractors made aware of College safe work procedures in advance?

Is there a request for safe work method statements?

Is risk assessment considered for the work with the contractor?

Do contractors sign in and out?

Is there a system for the College to know where they are?

Are contractors given site information before starting the job?

Is there discussion about the job before allowing work to start?

Is there a check on progress with the job and that the contractors are working safely?

Are the workers informed on safety and health issues?

Do you take appropriate action if contractors are not working safely?

Do you check on contractor's arrangements for supervision of their workers?

Do you tell contractors to report all incidents/accidents?

If the contractor sends different staff will you know?

When a job is finished, do you review how it went, including the health and safety performance of the contractor?

## **References**

[http://canoe.org.au/wp-content/uploads/old-files/ac/downloads/pdf\\_rules/WWC%20guidelines%20for%20judges.pdf](http://canoe.org.au/wp-content/uploads/old-files/ac/downloads/pdf_rules/WWC%20guidelines%20for%20judges.pdf)

Working With Children Event Guidelines

WorkSafe website [www.worksafe.wa.gov.au](http://www.worksafe.wa.gov.au)

## **Department of Education Policies**

<http://det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/visitors-and-intruders-on-school-premises.en?cat-id=3458013>

<http://det.wa.edu.au/policies/detcms/navigation/school-management/>

<https://workingwithchildren.wa.gov.au/docs/default-source/default-document-library/factsheet-15-wwc-checks-in-the-education-sector-2015.pdf>