



## Introduction

This policy has been developed in response to changes that have occurred due to the Victorian Government introducing a new checking system that affects many ASU members involved in caring for children including:

- Social and community services workers;
- Homecare workers;
- Childcare workers;
- Family day carers; &
- School crossing supervisors

It is a legal requirement that all employees, including Family Day Carers (generally regarded as Independent contractors), who are likely to come into contact with children under the age of 18 in the course of their work, must consent to having a WWC check conducted.

It is a Victorian Government requirement to obtain WWC checks for employees working with children and young people under 18 years of age. Further, as of March 1, 2007, the Federal Government requires that organisations delivering services to the aged and children with disabilities to have a WWC check.

The WWC check applicants will be assessed taking into consideration the following relevant offences or findings:

- Serious sexual offences;
- Serious violent offences;
- Serious drug related offences; &
- Relevant findings from prescribed professional bodies.

Applicants are consenting to a check to be carried out by:

- The Dept of Justice undertaking a national criminal history check through the CrimTrac agency;
- The CrimTrac agency making enquiries to the Australian Police Services;
- Australian Police Services extracting information from their record details for the CrimTrac agency; &
- Any other professional body as required.

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While the ASU respects and supports the reasons for the implementation of these laws, it does create considerable inconvenience and an increased cost in sectors that are constantly under financial constraints.

**The ASU insists that all employees affected by these laws are provided with adequate information about the requirement of the WWC check.**

While the employee is the applicant and can arrange the police check themselves, many employers are assisting their employees to apply for the check. In such circumstances, the employee should provide written consent before the check is undertaken.

The ASU believes that all police checks conducted must be paid for by the employer. A special funding allocation should be made to ensure the increased costs do not reduce the quality and level of service provided. This is particularly important in all sectors where services constantly work under tight budget constraints.

The ASU would support an industry approach to both the State and Federal governments to seek either full or partial funding for the costs incurred by the implementation of their laws.

The ASU believes it is important that employers have a policy reflecting the requirements of the new laws.

#### **The policy should:**

- address the procedures to be followed when dealing with affected employees;
- clearly outline the employees' and employer's rights and responsibilities under the laws and/ or legislative guidelines governing employees who work with children;
- cover the degree to which there may be discretion over a range of criminal offences, for instance non-violent crime, and the setting and role of employment undertaken.

No employer should implement more stringent policy guidelines that go beyond the requirements under law.

Victorian Privacy laws must be respected. The results of any WWC checks must be kept confidential and should not be released to an employer without the consent of the applicant.

Employers once sighting and acting upon any information arising from a WWC check should destroy the information to ensure that total privacy is maintained.

Employers should not discriminate against an employee if information provided relates to any issue outside the requirements of the Working with Children check.

#### **Review of Policy**

This policy shall be reviewed after a period not exceeding three years. The Branch Secretary is responsible for overseeing the review.

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