



WORKING WITH VULNERABLE PEOPLE POLICY

Related Policies and Procedures

Child and Vulnerable People Protection Policy

1.0 Background

The Catholic Archdiocese of Canberra and Goulburn is committed to providing a safe and supportive environment to all children and vulnerable people through ensuring that all Church workers are appropriately screened and are suitable to be engaged in child related work.

This commitment is consistent with national standards to increase the stringency of background checking of people working and volunteering with children and vulnerable people, and with the objectives of the *Working with Vulnerable People (Background Checking) Act 2011* (the Act) which commenced on 8 November 2011. The Act aims to reduce the risk of harm and neglect to vulnerable people (including children) in the ACT by requiring those who work or volunteer with vulnerable people to have a background check and be registered before they engage in such work.

The purpose of this policy and the associated procedure is to establish a framework for Archdiocesan agencies and personnel, who are referred to as Church workers in this policy, located in the ACT to comply with the Act by following a process that prevents people who pose risk to the safety, welfare and wellbeing of children or vulnerable people from being employed or engaged in related work.

In order to comply with this legislation, the Catholic Archdiocese of Canberra and Goulburn, including all Catholic Education System schools and colleges located in the ACT are required to ensure that all Church workers and volunteers engaged in a regulated activity are authorised to work with vulnerable persons, and possess a current, valid Working with Vulnerable Persons (WWVP) card.

2.0 Definitions:

Capacity

The definition of capacity includes the following: employee (referred to as a Church worker), contractor or subcontractor, consultant, self-employed person, apprentice, volunteer, agent, supervisor, person on a work experience placement for an educational or vocational course, person carrying out work for a sentence, member of a management committee of an unincorporated body association, minister of religion for a religious organisation.



Church worker

Employees/personnel of the Archdiocese, including office staff, maintenance people, Priests and religious.

Conditional Registration:

The Office of Regulatory Services can grant Conditional Authorisation for a person to hold a WWVP card.

Contact

Contact is considered interaction which:

- a) would reasonably be expected as a normal part of engaging in the activity, and
- b) is not incidental to engaging in the activity, and
- c) is one or more of the following:
 - (i) physical contact
 - (ii) oral communication face-to-face or by phone
 - (iii) written communication including electronic communication
 - (iv) dealing with a record relating to the vulnerable person.

Regulated Activity

Such an activity includes: childcare and child or vulnerable persons education services; counselling and support services for children and/or vulnerable people; transport (public or private) specifically for or mainly used by children or vulnerable people; coaching and tuition specifically for children and/or vulnerable people and provided by a commercial entity; and religious organisations providing services specifically for or mainly used by children and/or vulnerable people.

A Person Engaged in a 'Regulated Activity'

A person is engaged in a regulated activity if the person has **contact** with a vulnerable person as part of engaging in the activity, in the **capacity** either for reward or otherwise, or under an arrangement with someone else. It extends to all Archdiocesan workers located in the ACT including:

- Church workers
- contractors and sub-contractors
- workers holding positions due to their religious devotion
- apprentices and trainees
- volunteers;

and to all relevant Archdiocesan Church workers in school offices, support, maintenance and other workers who may come into contact with children or vulnerable people or their records.

Vulnerable Persons

The legislation defines vulnerable persons as any child or young person under the age of 18, or any adult experiencing disadvantage who accesses a regulated activity or service related to the disadvantage.



Volunteers

A volunteer is considered to be any person engaging in activities on Archdiocesan premises where they are likely to come into contact with vulnerable persons. This includes visiting family members of students, as well as speakers, performers, adjudicators, and assessors.

Relationship with the NSW Child Protection (*Working with Children*) Act 2012

Archdiocesan agencies located in NSW, and not operating in the ACT, are not required to comply with the *Working with Vulnerable People (Background Checking) Act 2011* because they fall under the umbrella of the NSW legislative equivalent, the *Child Protection (Working with Children) Act 2012*.

Persons registered under the NSW equivalent may engage in an activity in the ACT that is substantially similar to a regulated activity in which they are allowed to engage in NSW under the corresponding NSW law if such activity is for not more than 28 days in any 12-month period.

For Archdiocesan Policy and Procedure regarding the NSW legislative equivalent see the *Working with Children (Background Checking) NSW Procedure*

Policy

All Archdiocesan Church workers, contractors, sub-contractors, workers holding their positions due to their religious devotion, apprentices and trainees, and volunteers (including parents and close relatives volunteers, sporting coaches, music teachers and others participating in school-related and extracurricular activities) must hold a Working with Vulnerable People (WWVP) registration to engage in such services if these involve contact with children and/or vulnerable people including access to their records.

Subject to the exemptions listed below, all workers engaged by the Archdiocese in the ACT must have a current Working with Vulnerable People (**WWVP**) registration prior to such an engagement.

Employees

No Church worker, engaging in a regulated activity, is allowed to commence employment in the Archdiocese of Canberra and Goulburn without successfully applying for and receiving a valid Working With Vulnerable People (WWVP) card. Church workers engaging in a regulated activity may only be made an offer of employment after successful application and receipt of the WWVP card.



For workers who are moving to the ACT and possess a valid working with children check from another jurisdiction, there is a grace period of 28 days to obtain a valid WWVP card. Archdiocesan schools will liaise closely with CE School Services and the Teacher Quality Institute prior to invoking this grace period and will monitor compliance with the WWVP Legislation carefully.

It is a pre-condition of any offer of employment from the Archdiocese that a Church worker engaging in a regulated activity has a valid WWVP registration, their employment being conditional on their continued registration. It is the Church worker's responsibility to renew their WWVP registration prior to expiry. If their WWVP registration is amended, suspended, cancelled or surrendered for whatever reason, the Institute for Professional Standards and Safeguarding must be notified immediately.

If, for any reason, a Church worker's WWVP Registration is cancelled, suspended or surrendered, or conditions are imposed that are inconsistent with the worker's employment with children or vulnerable people, the worker's contract will be terminated. In circumstances where the worker fails to renew their WWVP registration prior to expiry, they will be considered to have frustrated their contract and may be terminated or required to take leave without pay until such time when their WWVP registration is granted.

External Service Providers/Contractors/ Subcontractors/Visitors

Archdiocesan agencies must not engage, offer to engage, or make any promises or representations to engage a person in the ACT, for reward or otherwise, where it would be reasonably expected that such engagement would involve contact with children, vulnerable people or access to their records unless the person is in possession of a valid WWVP card.

Some external workers and contractors may be exempted in situations where their contact with children or vulnerable people is incidental or supervised, for example where work is performed out contact hours.

Volunteers, including parents and close relatives

Volunteers, including parents and close relatives of children and vulnerable people volunteering in an Archdiocesan agency in the ACT must have a WWVP registration if they attend an overnight camp for children or vulnerable people or if they engage in activities involving contact with children or vulnerable people for more than 3 days in any 4-week period and 7 days in any 12-month period. It is incumbent upon the Agency supervising the volunteer to ensure a declaration is signed for all volunteers



who work under and exemption. A template for the declaration is provided at Attachment A).

While persons engaged in their capacity as a police officer, registered health professional, lawyer, under the *Aged Care Act*, or financial services or licensee do not require a WWVP for such engagement in their professional capacity, they do require WWVP registration if their attendance is in a non-professional capacity, such as a parent volunteer at their child's sporting event.

Responsibility for Verification of WWVP Registrations

Agency Heads of Service have the responsibility for checking that all Church workers engaged in child or vulnerable people-related work in their Directorate, and working in the ACT, have current WWVP registration. If this responsibility is delegated, the delegation should be clearly documented.

Agency Heads located in the ACT have the responsibility for checking that all Church workers engaged in their agency have current WWVP registration, and for reporting immediately to the Institute for Professional Standards and Safeguarding any matters affecting risk assessment and disciplinary proceedings, variations, suspensions or cancellations of WWVP registrations.

Working with Vulnerable People (Background Checking) ACT Procedure provides more information about verification and the obligations of Archdiocesan agencies for ensuring compliance.

Provision of Information to the Commissioner and to the ACT Teacher Quality Institute

Access Canberra, pursuant to *section 53 of the Act*, requests information or advice from Archdiocesan agencies located in the ACT relevant to a person's WWVP registration and whether they pose a risk of harm to a child or vulnerable person. The provision of such information or advice by the Archdiocese does not contravene any duty of confidentiality or privacy under the law or agreement.

The Archdiocese may also provide information and documents to professional bodies such as the ACT Teacher Quality Institute (TQI) in circumstances where the provision of this information or documents relates to a person's professional registration or other regulatory matters administered or regulated by the professional body. Again, the provision of such information or advice by the Archdiocese does not contravene any duty of confidentiality or privacy under the law or agreement.



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