



The Children's Book Council of Australia

Policy Name: Working with Children Policy	Number: PL-004-01
Version Date: 17 August 2013	Number of Pages: 10 pages
Summary of Policy: This policy contains: ④ The Children's Book Council of Australia Framework for Working with Children	
Persons Affected: ④ Directors of the Board ④ Executive Officer and other Staff /Employees or Contractors/Consultants of the Board ④ CBCA Judges ④ CBCA State and Territory Branch Members seconded to the Board's Committees and Sub-Committees ④ CBCA State and Territory Branch and Sub-Branch Executive Committee Members, Staff/Employees, Contractors or Volunteers ④ Awards Foundation Manager/s, Committee of Responsible Persons and volunteers ④ Volunteers	
Supersedes Policy Number: None	
Relevant Forms: Relevant State or Territory Working with Children Application Check Form (<i>as appropriate</i>)	
Approved At Board Meeting of 17 August 2013 (Signature)(Date:;)..... (Title): <i>President</i>	

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1. POLICY INTENT

The intent of The Children's Book Council of Australia Working with Children Policy is to prevent certain persons who pose a risk to the safety, welfare and wellbeing of children from being employed or engaged in child-related paid work or volunteer activities associated with the CBCA.

The safety, welfare and wellbeing of children and, in particular protecting them from persons who pose a risk to their safety, welfare and wellbeing and protecting them from child abuse, that is, from physical or sexual harm, is the paramount consideration in the operation of this policy.

The terms of this policy are to be construed in accordance with State or Territory Child Protection Legislation. If any provisions of this policy are inconsistent with State or Territory Legislation then the State or Territory Legislation prevails.

2. CONTEXT

The CBCA has a responsibility to take reasonable steps to ensure that all persons to be employed or engaged or who volunteer for the CBCA in child-related work or activities are suitable to participate in child-related work or activities.

CBCA Directors and Managers and Branch and Sub-branch Executive Committee Members are responsible for ensuring that **where the work involves direct contact with children** recruitment and appointment processes for paid employees and acceptance of volunteer services are consistent with this Working with Children Policy.

They are also to ensure that if required by legislation, a Working with Children Check is to be undertaken for paid employees and volunteers **who have direct contact with children.**

The Working with Children Check is portable which means it can be used for any paid or unpaid child-related work for as long as its validity period



or for the length of time the worker remains cleared, i.e. not prohibited or barred.

3. DEFINITIONS

3.1 Children

Persons under the age of 18 years.

3.2 Direct Contact

Physical contact or face-to-face contact.

3.3 Child related work

Any work in an area prescribed as child-related work in the legislation applicable in the State or Territory in which the CBCA national office and a CBCA Branch or Sub-branch operates. In the case of the CBCA it is any child-related work as applicable to associations of a cultural nature in the provision of services. These services may involve providing programs, education, cultural activities or other services primarily for children (See Appendix A for relevant State or Territory Legislation).

3.4 Certain Persons Who Pose a Risk

Prohibited Persons must not be engaged by the CBCA in any capacity, including a volunteer capacity. A Prohibited Person is a person who has been convicted of a criminal offence against or involving a child.

Barred Persons must not be engaged by the CBCA in any capacity, including a volunteer capacity. A barred person could be a person who has had an Apprehended Violence Order taken out by a police officer or other public official for the protection of a child or children or where employment proceedings against an individual have been notified to the Commission for Children and Young People.

3.5 Working with Children Check

Paid workers in child-related work require a Working with Children Check, except in the case of Tasmania where no legislation has been enacted. If a person is a prohibited or is a barred person they will not be cleared to work or volunteer in child-related work.

State and Territory Legislation lists the exemptions to the requirement for a Working with Children Check, one of which is Administrative/Clerical work where there is no direct contact with children.



A Working with Children Check involves a national criminal history and other checks for a fee. Only paid workers in child-related work are required to pay the full fee for a Working with Children Check. For volunteers who are engaged in child-related work, whether or not a fee is payable, varies from one jurisdiction to the next.

Once a Working with Children Check has been undertaken and an individual has been cleared, States and Territories will issue either a Certificate or Card.

Validity periods of Certificates/Cards vary across jurisdictions. See relevant State or Territory Legislation (listed in Appendix A).

4. WORKING WITH CHILDREN CLEARANCE CERTIFICATES / CARDS

CBCA members whose regular paid employment is in child-related work other than Tasmania will already have undertaken a Working with Children Check. Their clearance by way of a certificate or card is transportable to their activities with the CBCA.

All CBCA volunteers who do not have a Clearance Certificate/Card as part of their regular work activities and who are in direct contact with children as part of their CBCA activities are required to apply for a Working with Children Check in their relevant State or Territory. This includes volunteers speaking or presenting awards at school events or hosting author presentations at schools, by way of example.

In relation to fees payable upon application for a Working with Children Check, where an individual is directly employed and paid by the CBCA national body or a CBCA Branch and is not exempt under the relevant legislation, the fee for the Working with Children Check will be paid by the CBCA.

Where a volunteer *does not* have a Clearance Certificate/Card as part of their regular employment, it is

- at the discretion of the national body for volunteers working with the Board *or*
- at the discretion of the Branch for volunteers working with the Branch

as to whether or not the volunteer will reimburse the fee.



5. MANAGEMENT OF RECORDS – CLEARANCE CERTIFICATES / CARDS

5.1 Management of Records - Board

*For a paid employee or a volunteer of the **Board** who is required to have a Clearance Certificate, a photocopy of an individual's Clearance Certificate/Card is to be forwarded to the National Office of the Board. All Working with Children Clearance Certificates/Cards are to be properly registered and placed in a formal file at the National Office of the Board.*

Responsibility for records management, that is, registration and filing of completed Clearance Certificates for all personnel associated with Board activities lies with the Board's Executive Officer.

5.2 Management of Records - Branch

*For a paid employee or a volunteer of a **Branch** who is required to have a Clearance Certificate, a photocopy of an individual's Clearance Certificate/Card is to be forwarded to the Branch Office. All Working with Children Clearance Certificates/Cards are to be properly registered and placed in a formal file at the Branch Office.*

Responsibility for registration and filing of completed Clearance Certificates and Cards by Branch personnel lies with the Branch's Office Manager or Branch President's delegate.

5.3 Further Responsibility of Person Responsible for Record Keeping

The person responsible for records management must keep relevant documents for five years after the employment or engagement has been completed, or longer if required (for example, if the recruitment or engagement action has been the subject of legal action). This person is also responsible for disposing of these documents thereafter in a secure manner (for example, shredding).

6. CONFIDENTIALITY/ PRIVACY

Records relating to Clearance Certificates/Cards will be kept confidential but accessible to the relevant President i.e. President of the Board, and/or Branch President and for legal purposes if required.

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7. REVIEW OF POLICY

This policy will be subject to review every 12 – 24 months to ensure that it remains relevant to the CBCA and in keeping with relevant legislation.



APPENDIX A - Relevant Legislation and State and Territory Screening Programs

Reference: <http://www.aifs.gov.au/cfca/pubs/factsheets/a141887/>

Jurisdiction	Act	Type of Program
ACT	<i>Working with Vulnerable People (Background Checking) Act 2011</i>	Persons who have contact with vulnerable people in the course of engaging in certain regulated activities or services require registration with the Statutory Screening Unit of the Office of Regulatory Services, Justice and Community Safety Directorate.
NSW	<i>Commission for Children and Young People Act 1998 (NSW)</i>	The NSW Working With Children Check is an employer driven 'point-in-time' system entailing background checks of employees and the exclusion of prohibited persons from child-related occupations.
NT	<i>Care and Protection of Children Act 2007 (NT)</i>	Individuals are required to apply for a Working With Children Check, known as an Ochre Card in the Northern Territory. The Ochre Card, which is also known as a Clearance Notice is valid for two years, and applies to employers and volunteers in child-related employment settings.
QLD	<i>Commission for Children and Young People and Child Guardian Act 2000 (Qld)</i>	Individuals are required to apply for a Working With Children Check, known as a 'Blue Card' in Queensland. Valid for 2 years, Blue Cards entitle individuals to engage in child-related occupations/volunteering. Organisations providing child-related services must also have policies and procedures in place to identify and minimise risk of harm to children, which are monitored by the Commissions for Children and Young People and Child Guardian.

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SA	<i>Children's Protection Act 1993 (SA)</i>	The South Australian system is an employer driven 'point-in-time' system requiring employers and responsible authorities to obtain criminal history checks for those engaging in child-related occupations/volunteering.
TAS	No relevant Act	Although no formal Act or screening program exists, individual employers may require police checks at their discretion.
VIC	<i>Working With Children Act 2005 (Vic.)</i>	Individuals are required to apply for a Working With Children Check. Valid for 5 years, the Check entitles individuals to engage in child-related occupations/volunteering.
WA	<i>Working with Children (Criminal Record Checking) Act 2004 (WA)</i>	Individuals are required to apply for a Working With Children Check. Valid for 3 years, the Check entitles individuals to engage in child-related occupations/volunteering.



APPENDIX B – Table of State and Territory Web Links

ACT	www.ors.act.gov.au/community/working_with_vulnerable_people
NSW	www.kids.nsw.gov.au
Northern Territory	http://www.workingwithchildren.nt.gov.au
Queensland	http://www.ccypcq.qld.gov.au
South Australia	www.decd.sa.gov.au/docs/documents/1/ProtectivePracticesforSta.pdf
Tasmania	http://www.dhhs.tas.gov.au/about_the_department/our_plans_and_strategies/future_communities/working_with_children_and_vulnerable_people_screening_unit
Victoria	http://www.workingwithchildren.vic.gov.au
Western Australia	http://www.checkwwc.wa.gov.au/checkwwc