

Working with Children (WWC) Clearance

Written Direction No. WDPSB18323

Approved by: GM People and Safety

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Effective From: 29 June 2018

1. Introduction

New South Wales child protection legislation regulates TAFE NSW employment practices as a child-related employer. As such, Working with Children (WWC) clearances form an integral part of both TAFE NSW employment/engagement screening processes and the ongoing employment/engagement of TAFE NSW Employees, Contingent Workers, Work Experience Students and Volunteers.

2. Purpose

The purpose of this procedure is to direct and support TAFE NSW Employees/Contingent Workers and other individuals engaged by TAFE NSW, regarding the management of WWC clearances, and compliance with child protection legislation.

3. Scope

This procedure applies to:

- a. all TAFE NSW Employees
- b. all TAFE NSW Contingent Workers, and
- c. all other individuals engaged by TAFE NSW, including but not limited to volunteers, and work experience students.

4. Procedure

4.1 Employment/Engagement Screening

All individuals who are engaged or employed, or seek to be engaged or employed, at TAFE NSW are required to, either:

- a. hold a current WWC clearance number and provide it to TAFE NSW for verification by providing it to the Hiring Manager or People and Safety staff, or
- b. acquire a current WWC clearance number by:
 - i. completing an on-line application through the [Office of the Children's Guardian \(OCG\)](#) for a WWC clearance number; and
 - ii. presenting at a Service NSW, NSW Motor registry, or RMS Agency, with the proof of identity cited in the on-line application and paying any applicable fees or charges; and
 - iii. on notification via email of the WWC clearance number, providing it to TAFE NSW for verification by providing it to the Hiring Manager or People and Safety staff.

The [OCG website](#) provides information on the WWC clearance and renewal process. Each employee is responsible for payment of the application fee and any other costs related to the WWC process. TAFE NSW will not reimburse an employee for fees or costs incurred, but they may be a tax-deductible expense.

WWC clearance numbers expire five (5) years after issue.

4.2 Contingent Worker Screening

TAFE NSW Contingent Workers are also subject to WWC requirements. Management of TAFE NSW Contingent Worker WWC details is conducted at three (3) levels:

- a. The contingent worker's supplier organisation is responsible for gathering and confirming the worker's WWC clearance number prior to, and during their engagement with TAFE NSW and providing requested details to [Contractor Central](#) (or any successor organisation responsible for managing TAFE NSW contractor processes).
- b. Contractor Central (or any successor organisation responsible for managing TAFE NSW contractor processes) is responsible for maintaining a current list of active contractors and records confirming their WWC clearance status, and reporting this data regularly to the TAFE NSW Probity team.
- c. The TAFE NSW Probity Team is responsible for comparing the supplied contingent worker data against WWC Non-Compliance reports to ensure both compliance and accurate reporting of any issues.

4.3 Individuals Engaged or Employed by TAFE NSW Outside New South Wales

In the event that an individual is engaged or employed, or is seeking to be engaged or employed at TAFE NSW in a location outside of the state of New South Wales, the People and Safety Services representatives processing the individual's screening process are required to:

- a. contact the TAFE NSW Probity Team to inform them of the situation, and confirm applicability of this process
- b. obtain a copy of the Individual's local equivalent of a WWC clearance
- c. obtain written confirmation from the employee's Line Manager that the entirety of the role is to be conducted from outside the state
- d. complete other employment screening processes, and
- e. provide all of the above to the TAFE NSW Probity to collate, review and forward to the General Manager People and Safety for approval.

Upon approval from the General Manager, People and Safety, the TAFE NSW Probity Team will update the TAFE Human Resources [\(THR\) system](#) to reflect the employee's exemption from requiring a New South Wales WWC clearance for a period no greater than the duration of their local clearance.

It is the responsibility of the individual to:

- a. renew their WWC clearance equivalent as required
- b. contact the TAFE NSW Probity Team when approaching renewal of their clearance to confirm continued applicability of this process, and
- c. immediately inform their Line Manager and the TAFE NSW Probity team should they ever lose their clearance status through cancellation, adverse finding, or any other mechanism associated with their local WWC clearance equivalent system.

4.4 Responsibilities of Individuals Engaged or Employed at TAFE NSW

All individuals engaged or employed at TAFE NSW are responsible for ensuring they have a valid, verified WWC clearance at all times. This includes all actions and costs associated with:

- a. obtaining a WWC clearance number as described in Sections 4.1 Employment/Engagement Screening and 4.2 Contractor Screening,
- b. renewing their WWC clearance with the [OCG](#) every five (5) years - individuals are required to renew their WWC clearance that is due to expire. After obtaining their new WWC clearance they will need to provide their new details to the TAFE NSW Probity Team or their representatives, and
- c. updating of systems and information with clearance and personal details, as may be directed from time to time to address changes in systems and compliance requirements.

4.5 WWC Clearance Expiry/Bar/Cancellation

Employees, contingent workers or other individuals engaged with TAFE NSW are responsible for ensuring that they do not engage in conduct that may result in the cancellation of their WWC clearance, or the imposition of a “Barred” or “Interim Bar” result by the [OCG](#).

It is the responsibility of all individuals engaged or employed at TAFE NSW to inform their Line Manager and the TAFE NSW Probity Team immediately in the event their WWC clearance is cancelled, expires, or upon the imposition of a “Barred” or “Interim Bar” result by the [OCG](#).

4.6 Managing Individuals Without a WWC Clearance

The below actions are to be taken in the event that an individual engaged or employed, or seeking to be engaged or employed at TAFE NSW does not have a WWC clearance, or is subject to:

- a. cancellation of WWC clearance
- b. interim bar or equivalent determination, by the [OCG](#) or an equivalent organisation for interstate individuals
- c. barred or equivalent determination, by the [OCG](#) or an equivalent organisation for interstate individuals, or
- d. expiry of a pre-existing WWC clearance or equivalent.

For individuals **seeking to be engaged or employed** at TAFE NSW, one of the following applies, as appropriate:

- a. commencement of duties are to be delayed until the WWC clearance is provided, or
- b. engagement processes are not to commence, or
- c. existing engagement processes for the individual are to be discontinued.

For individuals **already engaged or employed** at TAFE NSW action must be taken to immediately stand down the individual and remove them from the workplace. As an education provider TAFE NSW cannot legally allow the individual to return to work without an appropriate clearance. The matter is to be referred to the People and Safety Business Partnering unit who will immediately commence the management of conduct and performance processes with support from the TAFE NSW Probity and Workplace Relations units. This process may result in suspension or termination of employment.

4.7 Legacy Exemptions

Due to significant changes within the organisation still being underway, there are a number of duly executed exemptions from WWC clearance requirements still in effect (excluding those impacted by Section 4.6 Managing individuals without a WWC clearance). These will remain in effect for so long as the employees remain in the affected position or unit or go through One TAFE or other organisational change processes. This exemption process will no longer apply and all new appointments/engagements will have to comply with sections 4.1 or 4.2 above.

4.8 System Processes

- a. The [THR system](#) is configured to monitor WWC compliance within TAFE NSW.
 - i. The General Manager, People and Safety, is the designated owner of the [THR system](#).
 - ii. The TAFE NSW Probity Team performs operational management functions for the sub-systems related to WWC clearances.
- b. Individuals who are exempted from WWC clearance requirements by the General Manager, People and Safety, but who nonetheless have a valid WWC clearance number, may input it into the THR system.
- c. A potential Worker must provide their WWC clearance number to the Hiring Manager or to Recruitment staff for inclusion in THR.
- d. Letters of offer include clear advice that the employment or engagement is subject to the provision of a valid WWC clearance number.
- e. Problems with data validation may be handled through exchanges between the employee and People and Safety Branch, including the TAFE NSW Probity Team, People and Safety Services, and People Business Partnering units.

5. Responsibilities

List the particular positions or units who have responsibility for elements of the procedure. For example:

Position	Responsibility
All Employees and Contingent Workers of TAFE NSW	To adhere to the requirements set out in this procedure, and assist in its implementation as required.
General Manager, People and Safety	The General Manager, People and Safety is the Approver of this Procedure. Provide leadership and management for the implementation and ongoing execution of this procedure in conjunction with broader People and Safety Processes.
TAFE NSW Probity Team	Manage processing of WWC clearance verification, THR subsystems, provision of training and advice to individuals and teams, and compliance processes.
People Business Partners	Assist the TAFE NSW Probity Team by liaising with managers and employees to rectify/address breaches.
People and Safety Services	Conduct initial information gathering and data entry process.

6. Definitions

Term	Meaning
Child Protection Legislation	Refers to the Child Protection (Working with Children) Act 2012 (NSW), and the Child Protection (Working with Children) Regulation 2013 (NSW).
Child-Related Work	A worker is engaged in child-related work if they are engaged in work for, or in connection with, schools or other educational institutions (other than universities) and private coaching or tuition of children that involves direct contact by the worker with children. Unless specifically exempted by the General Manager, People and Safety, with appropriate flagging in the THR system , all individuals engaged or employed at TAFE NSW are considered to be involved in child-related work.
Contingent Workers	Contingent workers are engaged in TAFE NSW roles, either pending recruitment processes, or to address urgent work and/or expertise requirements. It does not refer to tradesmen and other external individuals who have been engaged in a business capacity to conduct work on TAFE Premises.
WWC Clearance Number	A number provided by the Office of the Children’s Guardian to an individual linking them to their WWC clearance details. This number comes in two forms: <ul style="list-style-type: none"> a. Employee: WWCxxxxxxE b. Volunteer: WWCxxxxxxV

7. Related documents

This procedure should be read in conjunction with the following related documents:

- a. [TAFE NSW – Working With Children Policy](#)
- b. [TAFE NSW Probity Detailed Work Instructions](#)
- c. [Staffing Procedures for TAFE NSW](#)

8. Contacts

Accountable Officer Head of People and Safety Services
 Written Direction Officer Probity Project Officer

9. Document information and review

This procedure document will be reviewed at least every three years.

Record No. PROJ18/2817

Review Due: 29 JUNE 2021

Approval History

No	Effective	Approved by	Amendment
1	29 June 2018	GM People and Safety	Major update to account for changes related to DOE extraction, along with a scheduled review.