

Child Safe Standards

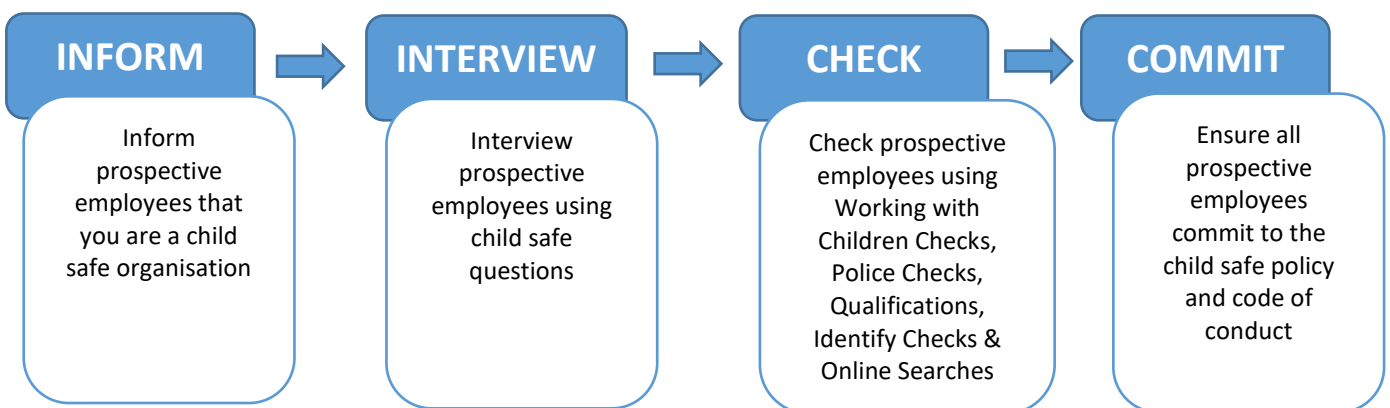
CHILD SAFE RECRUITMENT & SCREENING

The following information and resources relating to child safe recruitment and screening is provided as an example for sporting organisations to use as part of a suite of strategies to meet the Victorian Child Safe Standards and develop a child safe culture within their sport. Consideration should be taken as to how this supports and complements existing organisation policies, processes and by-laws. Your organisation should review this information and resources and consider if anything additional is required prior to adoption and implementation. Seeking legal advice and review of your organisation's child safe processes is also recommended.

Vicsport would like to thank and acknowledge Gymnastics Victoria for its work in developing and sharing this resource for use across Victorian sporting organisations.

RESPONSIBILITIES & KEY REQUIREMENTS

Your organisation is responsible for undertaking recruitment and ensuring that child safe recruitment procedures are followed. If you do not feel that someone is suitable to work with children and young people, then you should not hire them. The following requirements are recommended when hiring a volunteer or staff member in our organisation:



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INFORM

It is important that your organisation is clear about its commitment to child safety. One way to do this through the recruitment process is within job advertisements and role descriptions. Your organisation may seek to:

- Include an explicit statement of commitment to child safety in all advertisements (board, staff & volunteer) and job descriptions to discourage unsuitable people from applying; and
- Ensure your organisations policy to safeguard children and young people is supplied to all applicants at the same time as the position description and application documentation, prior any interviews.

The following sample statements may be used in job advertisement or position descriptions:

Sample statement 1:

Our organisation is committed to protecting children and young people from harm. We require all applicants to undergo an extensive screening process prior to appointment.

Sample statement 2:

Our organisation is committed to protecting children and young people from harm. We require all applicants who are to work with children and young people to undergo an extensive screening process prior to appointment. This process may include, but is not limited to, comprehensive reference checks, an identity check, a 'working with children' or equivalent check and/or a 'national criminal history record' check.

Sample statement 3:

The successful applicant is required to possess a valid 'working with children' check.

Our organisation is committed to protecting children and young people.

Our organisation has extensive protocols and procedures to protect children and young people in its care.

Sample Job Description:

As part of your role, you will be working with <children / people with a disability / people who are vulnerable>. It is your obligation to always ensure their safety and report any concerns that you have, in line with our duty of care obligations. You will be required to regularly provide the necessary working with children, police records and reference checks. We have zero tolerance when it comes to abuse of any kind and may take disciplinary or other appropriate action, including and up to termination of employment, should we determine that abuse has taken place or there has been a failure to report any suspected or alleged abuse.

INTERVIEW

When interviewing any applicant for a director, staff or volunteer role your organisation should include questions that directly relate to the welfare and wellbeing of children and young people. This further reinforces your organisations commitment to child safe sport. Document an applicant's responses and, if they are the successful applicant, add that documentation to their relevant human resource file.

As part of the face-to-face interview you may wish to highlight your organisation's commitment to protecting children and young people from abuse. You may also seek to explain any screening requirements and their purpose. Your organisation may also require applicants whose role entails direct contact with children and young people to attend at least one face-to-face interview.

During face-to-face interviews, your organisation may seek to examine the following issues relating to the applicant's suitability to work with children and young people:

- The applicant's beliefs and values in relation to the treatment of children and young people;
- The applicant's professional experience, qualifications and competence;
- The applicant's reasons for leaving previous positions involving work with children and young people;
- Any potential concerns your organisation may have with the applicant's resume or work history, such as gaps in their work history, frequent job changes, inability to nominate precise start or end dates for previous roles; and
- The applicant's general awareness and understanding of child protection issues.

Those undertaking the interview should:

- Pay particular attention to any answers that suggest a lack of professional boundaries around working

with children (for example, lax social media boundaries);

- Probe further if the candidate's answers are incomplete or concerning, and cross check any concerns with referees & LinkedIn contacts; and
- Consider whether there is an unusual context for this candidate to be seeking employment with children.

Questions to Ask

Your organisation may wish to utilise a standard set of questions relating to child safety for use across all position interviews as well as additional questions for use when a position works predominately with children or young people (i.e. a coach). The following questions are provided as examples for use within your organisation but should not limit the extent of any child safe questioning, depending on the role.

Minimum Questions:

- Can you please tell us about your beliefs and values in relation to working with children and young people?
- Can you please tell us about your awareness and understanding of child protection?
- Can you please tell us about your professional experience, competencies and qualifications in relation to working with children and young people?
- Can you please tell us why you left your previous position?

Additional Questions:

- What do you find most rewarding about working with children and young people?
- What do you find most challenging about working with children and young people?
- How would you handle a child who is behaving in a manner that is disruptive in a group setting?
- How do you think your peers, supervisors and referees would describe the way you work with children and young people?
- Are there any children whom you would not wish to work with and, if so, why?
- How would you deal with a child or young person who is acting aggressively?
- Have you ever lost your temper working with children or young people? What was the trigger for this? What was the outcome?
- How would you respond to a child or young person who disclosed they were being subjected to abuse?
- A parent of a child attending your activity wants someone from the organisation to care for their child out of hours. What would be your response to this request?
- What would you do if you thought another staff member or volunteer was harming a child or young person?
- What would you do if you thought a child or young person was being abused at home?
- Can you tell us about children or young people you have found challenging to work with? What strategies do you use to handle challenging behaviour?
- How would you handle a child who appears sad and refuses to participate in activities?
- Have you ever had any disciplinary action taken against you in relation to your working with children and young people?

CHECK

It is important to utilise appropriate checks as part of your organisation's recruitment measures. The following checks should be considered as part of your organisation's requirements, depending on the role being undertaken by an individual.

Working with Children Checks¹

Working with Children Checks (**Check**) are just one part of creating and maintaining a child-safe environment. Organisations need to ensure that people in roles that have direct contact with children hold a Check. For details, go to [Do my workers need a Check?](#)

In addition to your organisations obligations under the *Working with Children Act 2005* (the **Act**), it is your duty to assess the suitability of the people you engage to make sure children are safe with them. To do this, you need to have sound practices in place to check their references and monitor their behaviour around the children in your care.

To keep the children in your care safe from harm, you must know:

- That everyone with direct contact with children has a Check;
- If applicants are legally permitted to work while their application is processed. For details go to [Offences and penalties](#) and [Failing the Check](#);
- When workers' Checks expire; and
- What to do if an individual:
 - Has their Check suspended or revoked;
 - Is issued with an [Interim Negative Notice](#); or
 - Fails the Check and is issued with a Negative Notice. For details go to [Failing the Check](#).

Organisations must:

- Not engage or continue to engage anyone in child-related work that does not have a valid Check, unless they are exempt under the Act. A failure to do so will likely constitute an offence under the Act;
- Not engage or continue to engage anyone in child-related work who is subject to obligations or orders under Schedule 3 of the Act, which relates to reporting obligations imposed on convicted sex offenders, and various prescribed sex, violence and drug offences;
- Not allow people who are charged with, convicted or found guilty of sexual, violent or drug offences specified in clause 2 of Schedule 3 of the Act to work with or care for children while their application is processed or their Check reassessed;
- Not offer the services of any person who does not have a Check to another organisation if the work to be undertaken with that organisation is child-related work;
- Check if a person is allowed to work with children on [Check status](#);
- Check that any self-employed person, such as a coach or tutor, has a valid Check and is not prohibited from working with children. Go to [Check status](#);
- Ensure that a person who has a Negative Notice (which means a person's application for a Check has been initially rejected) does not work with or care for children, even if they are exempt;
- Ensure paid workers doing child-related work have an Employee Check, not a Volunteer Check (it is an offence for a person to undertake paid work using a Volunteer Check); and
- Respect and protect workers' privacy.

In addition to your legal obligations listed above, your organisation must:

- Keep a record of the application receipt or card number of all workers doing child-related work in your organisation;
- Carefully look at workers' cards and record the number, expiry date and card type ('E' for paid employees or 'V' for volunteers);
- Retain and secure all correspondence the department sends you about your workers; and
- Ensure workers notify the department within 21 days of commencing child-related work with your organisation and whenever their personal and contact details change.

¹ <http://www.workingwithchildren.vic.gov.au/home/about+the+check/what+the+check+means+for+you/organisations/index.html>

Individuals responsible for recruiting staff or volunteers should sight, [validate the check](#) and record all relevant details. It is recommended that your organisation does not offer an applicant a position until after completion of all relevant checks.

Police Check (National Criminal History Record Checks)

Your organisation may also require preferred candidates to complete a 'Police Check' (also known as a 'national criminal history record check') for certain roles such as committee or board members, accountant/finance etc.

No copy of the police check should be retained, and the original should be destroyed in a secure manner on completion of the selection process. However, it is recommended that you record the date and certificate number of the police check in the applicant's human resource file.

The Difference between a Working with Children Check and a Police Check²

The WWCC and a Police Check are different checks. Under the *Working with Children Act 2005* (the **Act**) if you are doing child-related work and are not exempt, you must have a Check even if you already have a Police Check.

The WWCC, which is administered by the Department of Justice and Regulation (Vic), determines if a person poses an unjustifiable risk to the safety of children. The WWCC screens a person's criminal records and, in some cases, their professional conduct determinations and findings from prescribed bodies listed in the Act. WWCC focuses on serious sexual, violent and drug offences. A [full list of offences screened can be found here](#). The Department continues to monitor these records for the life of each card.

The Police Check is not an assessment by a government agency. It is only a list of some offences, at a given point in time. Organisations often request this list to help them assess a person's suitability for other kinds of work. For example, an organisation might want to know about fraud offences if they were recruiting for a role with access to cash or financial accounts.

International Criminal History Record Checks

Applicants who have resided in another country for 12 months or more in the last ten years should contact the relevant overseas police force to obtain a criminal or police record check.

Where police records checks cannot be made, referee checks should be conducted with at least two individuals who personally knew the individual while they were residing in the other country. The credentials of persons acting as referees must be verified and could include previous employers, government officials and family members.

Overseas applicants should not commence employment until this process is satisfactorily completed and this decision should be signed off by the organisation manager.

Identity Checks & Google

Your organisation should consider confirming the identity of each short-listed applicant for any staff or volunteer position by sighting original 'proof of identity' documents presented by the applicant. Copies should be taken of the relevant ID and on completion of the recruitment process, added to the successful applicant's human resource file.

You may also consider utilising a Google search as well. While it's not advisable to believe everything you read on the internet, web searches are very quick and can in some cases help you to uncover red flags about a candidate's history.

² <http://www.workingwithchildren.vic.gov.au/home/about+the+check/how+is+a+police+check+different/>

Qualification Checks

Organisations may wish to check the listed educational or vocational qualifications, or professional registrations, for shortlisted applicants directly with the listed institution. There are also third party service providers that can provide these confirmation services.

Reference Checks

It is recommended that organisations conduct a minimum of two reference checks for all shortlisted applicants as a means to gather additional information about the applicant's suitability to work in the role they have applied for. Utilise [child safe questions](#) to guide your discussion with a referee. Following this, complete a [reference check form](#) and file it within the successful applicant's human resource file prior to them starting work with your organisation.

Applicants being considered for appointment should, in the first instance, be asked to provide contact details for two professional referees who can provide information relating to their suitability to work with children.

Professional referees should:

- Include a representative of the applicant's current or most recent employer;
- Have had a direct managerial relationship with the applicant;
- Be capable of commenting knowledgeably in relation to the applicant; and
- Ideally was the applicant's direct supervisor or line manager.

Personal referees are not recommended. However, if there is no option but to include a personal referee, then that referee:

- Should not be related to the applicant;
- Should have known the applicant for at least 12 months; and
- Must be able to vouch for the applicant's reputation and character.

Referee checks should involve directly contacting the referee. Written character references are not normally sufficient unless also followed up and verified through direct contact.

Difficulty in contacting referees, such as those based overseas, or those who have left an organisation, does not constitute justification for accepting lower standards of scrutiny.

Self-Reporting Requirements

Your organisation may require all staff and volunteers to report, before their recruitment and during their employment, any criminal conviction or charge that indicates that they present a potential risk to the children or young people to whom they help deliver service. You may wish to utilise a [criminal declaration form](#) to assist with this process. Organisations should seek independent legal advice in relation to any potential reporting requirements imposed, particularly where they do not relate to an employee position or other role that has direct contact with children or young people, to ensure the organisation is not breaching any applicable legal requirements.

COMMIT

As part of your organisation's ongoing commitment to child safe sport, it is recommended that all applicants who have been shortlisted sign a copy of the organisation's applicable codes of conduct. The signed code of conduct may be filed in a successful applicant's human resource file prior to starting work with your organisation.

Records & Documentation

It is important that your organisation maintain records of the recruitment and screening processes undertaken including:

- Recruitment applications;
- WWCC and Criminal History checks ;
- Interviews;
- Reference checks; and
- Criminal declaration form.

Other People in Your Sport

In sport, we rely on the support and help of many people, not just employees. This can include parents, contractors, judges, equipment contractors and more. It is important that everyone who has the opportunity to interact with children within your sport is subject to safe guarding. Not everyone is going to require full screening (interviews, references etc.) but they still require some form of screening. You can use a [Child Safe Recruitment Matrix](#) to establish what type of recruitment checks your organisation may consider implementing.

Parent-volunteers

Ensure your organisation emphasises to parents the importance you place on protecting all children and young people involved in your sport. Inform prospective parent-volunteers that in light of the Victorian Betrayal of Trust Enquiry and Child Safe Standards as well as the recent Royal Commission, your organisation's approach is to take every precaution to protect all children and young people in your sport. Where possible, all parent-volunteers should go through a Child Safe Recruitment process and where required by law, undergo a 'working with children' check. It is important to be aware that the working with children legislation covers scenarios where individuals are directly contacting children in a voluntary capacity, and an organisation may commit an offence where it engages a volunteer without a WWCC where one is required.

External providers including contractors and consultants

Where your organisation engages the services of contractors and consultants for short periods, you should take all steps to comply with legal requirements of the *Working with Children Act 2005* with respect to 'working with children' checks.

Where such checks are not undertaken, it is imperative that appropriate screening measures are put in place, and that those working with your organisation are supported, supervised and monitored.

Recruitment, screening and induction requirements for external providers may be dependent on their level of interaction with children and young people. You can use the [Child Safe Recruitment Matrix](#) to establish what type of recruitment checks you could be using.

Minors

Any young people under the age of 18 hired by your organisation should go through an age appropriate Child Safe Recruitment processes. Your organisation may consider adopting a policy applying to minors who work with children and young people in your sport. This may require your organisation and its members to comply with any WWCC guidelines that specifically exempt minors from undergoing checks. As such, you may require those minors to be subject to more comprehensive:

- Screening during recruitment interviews and reference checks; and
- On-the-job supervision.

It is important for organisations to note that according to the *Working with Children Check Act 2005 (Vic)*, if you are under 18 years of age, you are exempt from the Check. It is important to note however, that under the [Child Employment Act 2003](#) this exemption does not apply to under 18-year-olds supervising children under the age of 15 in **employment**.³

Example: April is 16 years old and volunteers as a coach for an U/10 girls basketball team. April does not require a WWCC as she is under 18 years of age.

FURTHER INFORMATION

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This document was developed utilising and adapting content from:
Gymnastics Victoria: Child Safe Recruitment & Screening Requirements (2018)
Australian Sports Commission: [Child Safe Sport Toolkit \(2018\)](#)
Working With Children Check (Victoria) [Website \(2018\)](#)

³Working With Children Checks - Exemptions <http://www.workingwithchildren.vic.gov.au/home/about+the+check/who+needs+a+check/exemptions/>