



Mornington Peninsula and Frankston City Table Tennis Association Inc (MFTTA)

WORKING WITH CHILDREN CHECK (WWCC) POLICY

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Preamble

In 2006, the Victorian Government introduced legislation setting out a new checking system to help protect children under the age of 18 years from physical or sexual harm.

The Working With Children Check (WWCC) creates a mandatory minimum standard across Victoria. The WWCC check helps to keep children safe by preventing those who pose a risk to the safety of children from working with them in either a paid or voluntary capacity.

If you work or volunteer with children, you may need to apply for a WWCC check. Employers, volunteer organisations and agencies must ensure that any of their staff or volunteers who need a WWCC check have applied for the check before working with children.

Since 30th June 2010, it has been a legal requirement that every table tennis club or association comply with the minimum requirements of the WWCC check. Organisations that do not comply with the legislation can face significant financial penalties (large fines are available under the The Working with Children Act 2005 [“The Act”] which is one of the key pieces of child safety legislation for Victoria).

The related Victorian Child Safe Standards (the Standards – see also the MFTTA Child Safe Policy) now apply to all sporting organisations that provide services or facilities to children within Victoria. This is a legal requirement for sporting organisations of all sizes from grassroots clubs all the way through to National Sporting Organisations. Hence this affects all table tennis clubs and Associations and State and National bodies such as Table Tennis Victoria and Table Tennis Australia.

The Standards relate to developing a child safe culture within each organisation and include requirements to have practices, procedures and policies in place to prevent and respond to allegations of child abuse. WWCC is part of this process. All organisations working with children must take steps to prevent abuse and to ensure safety and well-being. They cannot assume that child abuse or harm does not, and cannot, happen within their organisation. Each organisation must have a child safe policy and associated WWCC authorised staff, volunteers and members working with children.

The Working with Children Check provides:

- An ongoing check of the person's criminal record while a WWCC is valid. The WWCC check unit is also advised of any future relevant findings against a person currently registered with the Victorian Institute of Teaching.
- Employers, voluntary organisations and agencies with the ability to verify WWCC check cards at any time via the WWCC website
- A mechanism for card holders to transfer between organisations, unless they are moving from voluntary activities to paid employment. Cards are valid for 5 years from the date of issue unless revoked earlier by the Department of Justice or voluntarily surrendered.

Purpose

The purpose of this policy is to ensure compliance of the MFTTA to Table Tennis Victoria's (TTV's) recommendations on what is considered "best practice" in complying with the Act and the WWCC check. It is developed to ensure the safety of the children involved in table tennis, while providing a level of protection for our volunteer, officiating and coaching personnel.

Existing requirements

Applying for a WWCC check is a minimum legal requirement for anyone working with children under the age of 18. As an association the MFTTA Inc can at times consider additional screening measures such as reference checking, interviews, undertaking a Police check and asking people to sign a declaration. It should be noted that WWCC check does not protect club or association assets or finances, so alternative screening, such as a police check, may be appropriate for some club or association personnel.

It is intended that this policy be read in conjunction with the requirements of the Working with Children legislation and is not intended to replace or supercede any of the requirements of the Act. This policy does not replace the legal requirements of the Act.

Further information on the personnel requiring a WWCC check is available on the Working with Children hotline 1300 652 879 or on line at www.justice.vic.gov.au/workingwithchildren

The Act is not designed to cover all contact with children. Under the Act, the requirements are for anyone, either paid or unpaid, who engages in "child related work", is in contact with a child or children in connection with one of the 20 occupational fields specified in the Act (Table tennis falls under the category "Clubs, associations or movements of a recreational or sporting nature that provide services or conduct activities for or directed at children and coaching or tuition services of any kind for children") and usually or is likely to involve regular, direct contact that is not directly supervised by another person, to pass a WWCC check. All new and existing members of the MFTTA Inc that will be working

with children will have to undergo checks before being given the responsibility of supervising any child or children at the centre or any other MFTTA activity.

Responsibility

It is the responsibility of our association to determine which of our volunteers or staff (if any) require a WWCC check and to ensure that the legislation is complied with. The aim of this policy is to assist us through the process. It is inevitable that many existing volunteers will require a WWCC check. MFTTA keeps a register for WWCCs of its staff, members and volunteers including coaches and visiting officials working with under age players (under 18 years of age).

Process

a) Determine whether a Working with Children check is required.

Passing a Working with Children check is required for anyone who is engaged in “child related work” as defined in the Act. To establish whether a WWCC check is required, clubs and associations need to answer the following questions:

Is the activity in question “work” as defined in the Act? Generally speaking, any activity that is arranged by the club or association meets the requirement of “work” under the Act. As an example, a roster arranged by a club for transporting junior players to events would be defined as “work” under the Act. However, an informal arrangement between parents to share the transport of their respective children to a centre would not usually be classed as “work” under the Act.

Does the work involve regular, direct contact with children under 18 that is not directly supervised by another person? There is no doubt that anyone who is involved in running junior programs, either coaching or competitions, whether an accredited coach or not, would meet the definition of having regular, direct contact with children under 18, and should therefore have a WWCC check. However, a player who is a member of a pennant team that has junior players would not normally meet the criteria, and would therefore not require a WWCC check.

The following information may be of use when deciding whether an activity meets the definition outlined above:

The term “regular” is not specifically defined in the Act, which says it carries its usual meaning. An activity which takes place twice or three times each year probably would not be classed as “regular”, but a junior competition which runs for a period of ten weeks in a row would class as “regular”

“Direct contact” is defined as “immediate physical and visual contact”. A coaching session would involve direct physical and visual contact. Similarly, a junior pennant competition would involve direct physical and visual contact on the part of the competition supervisor. In the case of someone who is umpiring a match between juniors, they would probably not meet the definition.

“Directly supervised” is direct personal supervision; however it does not need to be constant. A single co-ordinator of a junior program who holds a WWCC card could directly supervise a number of tables on which a junior competition or coaching activity. The exact level of supervision that is needed in any particular location for any particular activity will depend on factors such as the number of tables

involved, the ease of viewing the whole area, whether the activity is taking place in different parts of a building and similar issues. It should be noted that the person or people who hold the WWCC cards need to be aware that the direct supervision of other adults involved with the activity who do not hold WWCC cards is an integral part of their role as competition/activity organiser.

Exemptions

The WWCC Act provides a number of exemptions for the need for a WWCC check. These are people holding a Victorian Institute of Teaching card, police officers, parents of children directly involved in the activity or competition (such as a parent with responsibility for a junior team that their child is a member of) and those closely related to a child (such as grandparents, aunts & uncles). However, TTV is not required to accept these exemptions and may recommend that all people, whether they are exempt or not. *At its meeting on Jan 2010, the TTV Board resolved that it should recommend to clubs and associations that all people, whether they are exempt or not, be required to apply for and pass a WWCC check before being permitted to continue in their roles. The Board has taken this decision on the basis that there is no readily available mechanism for clubs and associations to be notified whether there has been a change in the approved status of those holding VIT cards or police officer status and that, to maximise the safety of children involved in our sport, it is better to err on the side of caution when determining whether to accept the exemptions in the Act or not.*

b) Applying for a Working with Children check

Application forms are available at all Australia Post outlets. The MFTTA Inc may be able to obtain multiple copies for their use and may be able to arrange for bulk lodgement of the forms on behalf of their members. Otherwise, the application forms will need to be lodged individually. Applicants will need to provide proof of identity as outlined in the application form when they lodge the form and will need to have a passport photo as well to attach to the application form. When the form is lodged, each applicant will be given a receipt and this is evidence of an application and, for the purposes of compliance with the Act, this is all that is required for clubs and associations. However, it should be remembered that most people will leave their applications until the last minute, which means that the process of issuing the WWCC cards will be seriously delayed, the closer to the cut-off date that applications are lodged. TTV would strongly urge all clubs and associations to make sure that applications for WWCC checks are lodged as soon as possible. In completing an application form, people should make sure that the club or association involved is listed as an organisation that the person volunteers or works for and ideally, that TTV is listed as well. Note that it is an offence under the Act to employ someone for child related work who only has a volunteer WWCC card.

Once the application has been lodged, the Department of Justice will issue an Assessment Notice which will notify the club or association that an applicant has passed a working with children check. This will be the outcome in the vast majority of cases. There may be occasions when a Negative Assessment Notice is issued. In the case of an interim negative notice, an appeals mechanism is available and a person is permitted to continue their child related work until that process has been exhausted. In very rare circumstances an assessment must be refused by Department of Justice, which means that child related work must cease until the appeals process allowed under the Act results in a WWCC card being issued.

Obligations

Under the Act, clubs and associations are obliged to ensure that all volunteers and employees (if any) who are required to undergo a WWCC check have -

- Submitted an application for a WWCC check by the due date
- Submitted to the club or association evidence of lodging an application.
- Passed the WWCC check and been issued with a WWCC card.
- Shown to the club or association the card.

The MFTTA Inc will keep a folder and online taking into account the following:

- Keep a record of the number and date shown on the application receipt.
- Keep a record of the number and expiry date of the cards shown to them by volunteers or employees.
- Respect the privacy and confidentiality of information that they receive as a result of a WWCC check.

The status of any particular WWCC card can be verified online at the Department of Justice's Working with Children website.

Conclusion

There are substantial penalties for failure to comply with the Working with Children Act. It is TTV's view that, where there may be some doubt about whether a WWCC check is required or not for a specific person, clubs and associations should err on the side of caution and ask for a WWCC check to be undertaken. The prime purpose of the Act is to provide a safer environment for those under 18 years of age, and to provide some protection for club and association volunteers.

In the first instance, any queries about WWCC checks should be addressed to the Department of Justice Working with Children information hot line on 1300 652 879 or the website <https://www.workingwithchildren.vic.gov.au/>. TTV is happy to assist clubs and associations in meeting these responsibilities and will provide whatever information it is able to. The information set out is designed to help clubs and associations meet their obligations under the Act.