

# POLICY

## REGISTRATION TO WORK WITH VULNERABLE PEOPLE

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# Registration to Work with Vulnerable People Policy

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## I. Scope (audience and applicability)

This policy applies to all employees within the Department of Education (DoE) and also covers the requirements relating to Registration to Work with Vulnerable People for:

- employees
- volunteers within the DoE
- persons on work experience placement over 18 years of age
- new students over the age of 18 years within a DoE college or school
- all students over the age of 18 years in a Trade Training Centre undertaking a course for longer than 3 days duration
- any other party including contractors and external providers who work or operate in colleges, schools, LINC's or Child and Family Centres and across the DoE.

## 2. Purpose

The purpose of this policy is to:

- a) highlight the DoE's commitment to ensuring the safety and wellbeing of children and other vulnerable people on DoE premises;
- b) ensure compliance with the [Registration to Work with Vulnerable People Act 2013](#) (Tas) (the Act); and
- c) set out the requirements when enacting this policy and requirements for employees and any other person working or engaging in activities within DoE.

## 3. Definitions

Adult student	A student who is 18+ years of age on day one of term one of a school year or who turns 18 during the school year.
Children	Persons who have not reached the age of 18 years.
Conditional registration	Registration that is subject to conditions.

Contact	<p>As defined by the Act, contact between a person and a child that:</p> <p>a) would reasonably be expected as a normal part of taking part in the activity, and is not incidental to taking part in the activity.</p> <p>b) is one or more of the following:</p> <ul style="list-style-type: none"> <li>• physical contact, including taking part in the activity at the same place as the child</li> <li>• oral communication, whether face to face or by telephone</li> <li>• written communication, including electronic communication</li> <li>• dealing with a record relating to a child</li> <li>• making a decision that affects a child.</li> </ul>
Contractor	Persons who work under a contract for service, including maintenance, building or grounds related contractors.
Emergency management worker	Member of a statutory service, an authorised officer or any person who participates in emergency management as defined and in accordance with the <a href="#">Emergency Management Act 2006</a> .
Employee	An employee or officer within DoE in accordance with the <a href="#">State Service Act 2000</a> (Tas).
External provider	Persons who deliver activities such as canteen personnel, music tutors, sports contractors and coaches.
Incidental contact	Contact that is reasonably expected as a normal part of taking part in the regulated activity. Incidental contact is defined as unplanned, not required nor a major part of the activity that is being undertaken.
Negative notice	Notice provided under section 32(3)(a) of the Act that notifies a person that the Registrar refuses to register the person and the reasons for the refusal.
Principal contractor	A contractor with legislative responsibility for the management of RWVP requirements when undertaking construction work within a fenced area of a DoE site; the construction company, for the

	duration of the project, has possession of the site and the property is no longer under control of the DoE.
Proposed negative notice	Notice provided under section 30 (1) of the Act that notifies a person that the Registrar intends to refuse to register the person.
Register	Register established and maintained by the Registrar under section 11B of the Act.
Registrar	The person appointed as the Registrar under section 11 of the Act.
Registration	Following a risk assessment of a person the Department of Justice (DoJ) are satisfied that the person poses no, or an acceptable, risk of harm and registers that person to allow that person to engage in relevant regulated activities.
Regulated activity	Activity or service prescribed by the regulations.
Volunteer	<p>Persons who are not an employee and undertake activities without payment which will benefit the school or community. This includes:</p> <ul style="list-style-type: none"> <li>• a person over the age of 16 as defined under Part 3, section 15(3)(a) of the Act</li> <li>• members of the School Association and associated committees</li> <li>• volunteers in the school canteen, uniform shop and library</li> <li>• volunteers for activities (swimming carnivals, athletic carnivals, sporting competitions, school fairs)</li> <li>• work experience students on placement over the age of 18</li> <li>• instructors or leaders of before school/after school vacation care activity programs organised in conjunction with the school that take place at the school or its premises</li> <li>• parents/guardians engaged in classroom help (reading, cooking, gardening), attending excursions or school camps</li> <li>• parents/guardians directly participating in the <i>Learning in Families Together (LIFT)</i>, <i>Launching into Learning (LiL)</i> programs or similar.</li> </ul>

Work experience placement	A non-contractual, short term workplace based placement, for which the primary purpose is to provide the person with practical exposure to the work environment (including student teacher placements and interns).
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#### 4. Policy statement

The DoE requires all employees, volunteers, contractors and external providers, or persons otherwise engaged in or associated with a child regulated activity, to maintain current Tasmanian RWVP.

There are two categories of registration – employment/volunteer or volunteer. Registration may be issued with conditions as determined by the DoJ.

The DoJ has established [minimum mandatory standards for assessing employees and volunteers](#) for RWVP in organisations involved in delivering child related services and programs.

#### 5. Requirements

Category	Responsibilities
Executive Group	<ul style="list-style-type: none"> <li>Ensure legislative, policy and procedural requirements for RWVP are in place and complied with.</li> </ul>
Managers / Principals	<ul style="list-style-type: none"> <li>Must comply with the manager/principal requirements detailed within this policy.</li> <li>Ensure all employees, volunteers, contractors, and any other person engaging in a child related activity associated with the DoE understands the accountabilities, legislative requirements, guidelines, policies and procedures pertaining to RWVP.</li> <li>Ensure all relevant legislative, policy or procedural change or any other requirement pertaining to RWVP is clearly communicated to all employees within their school/business unit.</li> <li>Ensure legislative, policy and procedural compliance with all RWVP requirements for employees within their school/business unit.</li> <li>Ensure knowledge and understanding of restrictions pertaining to volunteers and adult age students is clearly communicated.</li> <li>Ensure all employees comply with the RWVP policy.</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>Ensure the recruitment and appointment process includes current Tasmanian RWVP verification prior to any engagement/employment.</li> </ul>

	<ul style="list-style-type: none"> <li>Ensure all relevant legislative, policy or procedural change or any other requirement pertaining to RWVP is clearly communicated to all DoE employees and any associated changes are made.</li> </ul>
Employees	<ul style="list-style-type: none"> <li>Must comply with the employee requirements detailed in this policy.</li> </ul>

## 6. Risk management and exemptions

The Act allows for exemptions from RWVP under certain circumstances, however the DoE has determined that given the nature of the regulated activities within the DoE and associated risk of harm to children, exemptions will not apply. Accordingly all employees, volunteers, contractors and external providers are required to maintain a current Tasmanian RWVP.

The DoE is comprised of multiple sites including child and family centres, schools, colleges and LINC.s. Due to the diverse nature of child related activities that occur at these sites, the DoE considers exemptions to be unmanageable and may create a risk to children and other vulnerable people.

## 7. Situations under which RWVP is not applicable

The requirement for RWVP does not apply to parents/guardians/relatives or government officials in the following situations:

1. Dropping off or collecting children, including short periods of settling children in class where the teacher is present.
2. Attending school community events (assemblies, school sports carnivals, plays and concerts, whole school LIFT event) where they are not direct participants and/or do not assist in the organisation or execution of these events.
3. Attending school public events (fair, sporting match open to the public, opening of a new building, new program/initiative launch) where on occasion a person may be a participant (e.g. media accompanying a politician launching a new school program).
4. Attending school for a parent information evening, parent/teacher interviews or to hear a guest speaker.
5. External providers working within the fenced area of a construction project where the DoE or a school/business unit engages a construction company as a principal contractor.
6. An emergency management worker engaged in the regulated activity for the purposes of dealing with an emergency.
7. External providers utilising DoE premises, outside of school hours, for an event/room hire, training course or similar which is not a DoE child regulated activity.
8. An individual who is seeking employment with the DoE, for vacancies advertised via the Careers with the Tasmanian Government site, is not required to hold a Tasmanian RWVP at the time of application. However, an individual must obtain Tasmanian RWVP (Registration Status – Employment) in order to be appointed. The cost associated with obtaining RWVP is the responsibility of the individual.

A principal or site manager may allow a person who has ‘incidental contact’ with children to be engaged in a child related activity (other than an overnight camp) provided an employee with a current RWVP is present at all times to provide direct supervision to that individual e.g. a guest speaker/presenter not providing or being paid to provide a regulated activity.

Where a person who has ‘incidental contact’ with children and does not have RWVP, a principal or manager is to ensure appropriate risk assessment and mitigation strategies are in place to ensure no risk of harm to children.

## 8. Breaches of policy

Any employee who fails to comply with this policy may be in breach of the Act [Code of Conduct](#).

If RWVP is refused, it is a criminal offence to work in regulated child related activities for five years (unless circumstances have changed that permit an earlier application for RWVP).

## 9. Fines and penalties

Sections 16 and 17 of the Act outlines the penalties for engaging in child related activities without RWVP registration. The maximum fine for both individuals and employers is up to 200 penalty units or imprisonment for a term not exceeding 2 years, or both. The maximum fine for volunteers is up to 50 penalty units.

## 10. Procedure details

All employees, principals and managers within the DoE are required to comply with the following:

### **Employee requirements:**

- Apply for and/or renew RWVP as required and provide proof of current registration.
- Notify their principal/manager immediately when an application or renewal is rejected or revoked.
- Inform their principal/manager if there is a change to their background or criminal history that may affect RWVP (e.g. criminal charge or record).
- Inform their principal/manager upon receiving a proposed negative notice or conditional RWVP.

### **Principal and manager requirements:**

All principals and managers (and any other employee involved in engaging the services of one of the following categories of person) must ensure the following requirements are met.

#### A. General requirements:

- Ensure all employees, volunteers, contractors, external providers, work experience placements and any other person engaging in a child related activity associated with the DoE has current RWVP.
- Review individual’s RWVP status via the DoJ website to ensure current registration.
- Monitor upcoming expiring RWVPs.

- Decline services of employees, volunteers, contractors and external providers if an event occurs that is yet to be assessed by the DoJ but gives the principal or manager reason to believe the individual poses a risk to the safety and wellbeing of vulnerable persons.
- Ensure appropriate risk assessment and mitigation strategies are in place to guarantee no risk of harm to children in circumstances where a person who has incidental contact with children, and does not have a RWVP, is permitted on DoE premises.
- Ensure volunteers are aware of, and comply with, the requirements for volunteers contained in Section B below.
- Ensure the requirements for the engagement of contractors, contained in Section C below, are complied with.
- Ensure the requirements for adult students, contained in Section D below, are complied with.

B. Requirements for volunteers:

- Apply for and/or renew their RWVP and provide proof of that RWVP to their key contact/principal/manager.
- Notify their key contact/principal/manager immediately when an application or renewal is rejected.
- Inform their key contact/principal/manager if there is a change to their background or criminal history that may affect their registration, such as:
  - criminal record/charge
  - negative notice; or
  - conditional registration (imposed by Registrar).
- Notify their key contact/principal/manager immediately when they become aware of a proposed negative notice and are not to be involved in a child related service until the outcome of the notification is known.
- Notify their key contact/principal/manager immediately they become aware that RWVP will be revoked.

C. Requirements for engagement of contractors and external providers:

- Ensure contractors and external providers engaged in activities which involve access to DoE premises at times when child related activities are underway have current RWVP.
- Decline services of contractors and external providers in instances where no RWVP is in effect, other than in circumstances where there will be incidental contact and suitable mitigation strategies are in place to guarantee no risk of harm to children (refer [Section 7](#) of the RWVP Policy).
- Note: sub-contractors are not required to have current RWVP where they are solely working within the fenced area of a construction project (where the DoE or a school/workplace engages a construction company as a principal contractor), for the duration of the project, where the principal contractor has possession of the site and the property is no longer property under control of the school or the DoE. The principal contractor managing the site must have current RWVP.



#### D. Requirements for adult students:

##### Within schools/colleges:

All adult students who are not currently enrolled within a DoE school, and are therefore transferring from a non-Government school or another state/territory must hold a current Tasmanian (RWVP), volunteer status, prior to commencement of study.

The RWVP requirement does not apply to open learning and distance education adult student enrolments that do not require attendance at classes on school or college premises.

Until a current Tasmanian RWVP is obtained, an individual's enrolment application will be deemed incomplete.

The adult age student must not attend classes on the school or college premises until they have current RWVP and it has been noted within the student computer system.

If an adult student refuses to obtain RWVP, the enrolment is to be declined, and the student is not permitted to attend any classes on the school or college premises.

RWVP applications can take up to six weeks to be approved, so prompt completion of the RWVP application process is essential.

If an application for RWVP is still awaiting clearance at the commencement of classes then alternative arrangements must be made until a clearance is received, for example class work/assignments provided to the student to complete at home.

##### Within Trade Training Centres:

All adult students who are undertaking a course(s) of study of more than three days duration that is conducted within a Trade Training Centre must hold current Tasmanian RWVP, volunteer status, prior to commencement of study.

There is no requirement for an adult student to hold current Tasmanian RWVP when a course of study is for three days duration or less. In these cases the student must be directly supervised at all times by a person who holds current Tasmanian RWVP.

If an adult student refuses to undertake RWVP, then the enrolment will be declined and the student is not permitted to attend any classes within the Trade Training Centre.

##### International students

International students over 18 years of age have undertaken a lengthy, in depth and rigorous screening process to obtain a visa to come to Australia, and are generally involved in short term studies. The screening process includes, but is not limited to, a criminal history check for the applicant and checks of family members. As a result, there is no requirement for these students to hold current Tasmanian RWVP.

International student queries should be referred to [Government Education and Training International \(GETI\)](#) on 6165 5727.

## **11. Process of applying for RWVP**

- a) Complete an online application form at [http://www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children) (ensure DoE and the school/s are nominated).
- b) Attend a Service Tasmania Shop to verify identity, have photo taken, and pay the application fee.

- c) The DoJ will assess and process the application, and if successful will issue the appropriate assessment notice and RWVP card (this may take up to 6 weeks).

When applying for a RWVP, there are only three possible outcomes:

- Successful (without conditions) Working with Vulnerable People Registration;
- Successful (with conditions) Working with Vulnerable People Registration; or
- Refusal of a Working with Vulnerable People Registration

## 12. Payment of fees

The cost associated with an application for RWVP is the responsibility of the individual.

## 13. Associated documents and materials

- [Emergency Management Act 2006](#)
- [Government and Training International \(GETI\)](#)
- [Registration to Work with Vulnerable People Act 2013](#)
- [State Service Act](#)
- [State Service Code of Conduct](#)

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