Suitability for employment checks policy

**Acknowledgement**

The Victorian Curriculum and Assessment Authority proudly acknowledges and pays respect to Victoria’s Aboriginal and Torres Strait Islander communities and their rich and enduring cultures.

We acknowledge Aboriginal and Torres Strait Islander people as Australia’s first peoples and as the Traditional Owners and custodians of the lands and waters on which we rely. We pay respect to Elders past and present of the lands where we conduct our work and recognise their ongoing contributions as the first educators on the land now known as Victoria.

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Contents

[1. Overview 1](#_Toc171430740)

[2. Objectives 1](#_Toc171430741)

[3. Principles 1](#_Toc171430742)

[3.1. Upholding standards 1](#_Toc171430743)

[3.2. Legal compliance and ethical accountability 1](#_Toc171430744)

[3.3. Confidentiality and responsibility 1](#_Toc171430745)

[3.4. Mandatory adherence 1](#_Toc171430746)

[4. Roles and responsibilities 2](#_Toc171430747)

[4.1. The employer 2](#_Toc171430748)

[4.2. Employees 2](#_Toc171430749)

[5. Expectations 2](#_Toc171430750)

[5.1. Pre-employment checks 2](#_Toc171430751)

[5.2. Working with children check 2](#_Toc171430752)

[5.2.1. WWC check outcome 3](#_Toc171430753)

[5.2.2. Further information 3](#_Toc171430754)

[5.3. Criminal history record check 3](#_Toc171430755)

[5.3.1. Confidentiality 3](#_Toc171430756)

[5.4. VIT registration 4](#_Toc171430757)

[6. Definitions 4](#_Toc171430758)

[6. Managing this policy 5](#_Toc171430759)

[6.1. Authorisation 5](#_Toc171430760)

[6.2. Accountability for the policy 5](#_Toc171430761)

[6.3. Important dates 6](#_Toc171430762)

1. Overview

At the Victorian Curriculum and Assessment Authority (VCAA), it is essential that pre-employment checks are carried out on all prospective employees prior to them commencing engagement with the VCAA. The pre-employment checks needed will depend on the nature of the role and can include:

* Victorian Institute of Teaching (VIT) full registration, including provisional registration (PRT), non-practicing registration and permission to teach (PPT)
* Criminal history records check (CHRC)
* Working with children check (WWC).

This policy applies to all employees within the Victorian Curriculum and Assessment Authority (VCAA). For the purposes of this policy, the term 'employees' encompasses VCAA employees of the direct workforce, as well as any individuals or groups undertaking an activity for or on behalf of the VCAA, including:

* all employees (fixed term, casual, sessional) employed under Ministerial Order No. 1451 – Victorian Curriculum and Assessment Authority employees (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2023 (referred to as ‘The MO’)
* Board members.
1. Objectives

The objectives of this policy are:

* **compliance:** ensure accordance with the VCAA procedures for employment checks
* **legislative obligations:** verify suitability for employment according to legislative obligations and policies for employees
* **adherence:** ensure adherence to the WWC check scheme standards for individuals working or volunteering with children
* **suitability:** maintain ongoing monitoring of employment checks and promptly address any changes or issues that might affect eligibility of an employee.
1. Principles
	1. Upholding standards

Commitment to maintaining high standards of conduct and professionalism in the workplace.

* 1. Legal compliance and ethical accountability

Adherence to legislative requirements concerning suitability checks for employment, as per The MO.

* 1. Confidentiality and responsibility

Confidentiality and responsible handling of criminal record information and documentation.

* 1. Mandatory adherence

Ensuring that employees adhere to notification requirements in case of an adverse check outcome.

1. Roles and responsibilities
	1. The employer

The employer’s responsibilities include:

* ensuring employees hold a valid employment check
* adhering to the obligation to report any conduct matters relating to an employee who holds an employment check including a VIT registration, WWC check and CHRC
* ensuring employees understand the VCAA’s employment check requirements
* overseeing the implementation of notification protocols within the VCAA
* providing guidance and support to employees and prospective employees on addressing adverse check outcomes
* ensuring employment check verification of current and prospective employees
* promptly escalating and addressing any instances of non-compliance with notification obligations
	1. Employees

Employees must:

* familiarise themselves with the employment check notification requirements
* ensure they hold a valid employment check before commencing engagement with the VCAA
* immediately inform their employer upon receiving an adverse check outcome
* cooperate with any follow-up inquiries or processes related to adverse check outcomes
* regularly verify the validity of their employment check status and renew as required
* comply with all aspects of the notification protocol as outlined in this policy.
1. Expectations
	1. Pre-employment checks

Prior to commencing employment, prospective employees are required to have both a valid CHRC and a WWCC in order to assess their suitability for employment with the VCAA.

Obtaining a WWCC will only be required in circumstances where the prospective employee's prospective role includes 'child-related work', such as work in a school or involving the supervision or interaction with children.

A valid CHRC will not be required if the prospective employee has a valid and current VIT registration.

If a prospective employee is unable to obtain the necessary checks as required by VCAA or in accordance with their position requirements, the prospective employee may be deemed unsuitable for the position.

* 1. Working with children check

All employees are obligated to hold a WWC check if the duties of their role meet the definition of ‘child-related work’. It is against the law to engage in child-related work without applying for a WWC check first.

If an applicant passes the WWC check, it is valid for 5 years, unless it is suspended, cancelled or surrendered. If the holder of the WWC check wishes to continue in child-related paid work, the WWC check will need to be renewed upon expiry.

All employees are required to keep their WWC check contact and organisation details up-to-date. Employees are also required to list the VCAA as the employer for whom they intend to perform the ‘child-related work’ in their WWC check application.

* + 1. WWC check outcome

If an employee or prospective employee passes the WWC check they will be issued a WWC card which also acts as an ‘assessment notice’, which means the employee or prospective employee has passed the WWC check and may work in ‘child-related work’.

Managers should regularly verify the status of WWC checks held by employees engaged in ‘child-related work’ at the VCAA as WWC checks are subject to ongoing monitoring and it is possible that if an individual has a relevant change in circumstances, their WWC check may cease to be valid.

If an employee or prospective employee has criminal offences or a professional disciplinary outcome that may result in them failing a WWC check, the employee or prospective employee may be issued with an interim negative notice or a negative notice. An employee or prospective employee or volunteer who receives an interim negative notice or a negative notice is required by law to inform their employer within 7 days.

If a manager becomes aware that an employee has been issued an interim negative notice or a negative notice, they must contact VCAA Human Resources immediately.

* + 1. Further information

The WWC check is monitored on an ongoing basis. All holders of a WWC check will be checked for any new relevant offences or findings from professional disciplinary bodies. New charges, convictions, findings of guilt or findings from professional disciplinary bodies which are relevant to the WWC check will result in a re-assessment of the holder’s eligibility for a WWC check.

Criminal history record checks and relevant professional conduct findings ensure the VCAA is helping to protect children from sexual or physical harm. Certain penalties apply to individuals and organisations who commit an offence against the *Worker Screening Act 2020* (the Act) and the Worker Screeing Regulations 2021 (the Regulations).

Further information on the offences relevant to a WWC check can be found at the Department of Justice and Community Safety’s Working with Children check Victoria website [link].

* 1. Criminal history record check

All employees or prospective employees are required to undergo a CHRC before commencing engagement with the VCAA, unless they hold a current and valid VIT registration.

A CHRC relates to ‘child-related work’ purposes and permits the release to the VCAA of both spent and non-spent criminal records and discloses findings of guilt where no conviction was recorded.

A CHRC is a requirement in addition to a WWC check.

A CHRC obtained from an organisation other than the VCAA (for example, a previous employer) will not be accepted for the purpose of the VCAA assessing pre-employment suitability.

* + 1. Confidentiality

Criminal history information is received by authorised personnel and is not released externally. All managers and authorised delegates involved in the handling of criminal records are to ensure that confidentiality of records is maintained at all times, and that records are stored in a secure location. The records may only be used for assessing suitability for employment with the VCAA.

In the case of an outcome of negative notice, authorised delegates are to provide the manager with a copy of the CHRC application rejection letter only.

Criminal history information is not retained by the VCAA and is securely destroyed no later than 3 months after the CHRC process has been completed.

* 1. VIT registration

A VIT registration can be held under several categories. The type of registration a teacher requires depends on a number of factors, such as the education environment the individual works in, their qualifications, experience, proficiency in the Australian Professional Standards for Teaching (APST) and their suitability to teach.

These types of registrations include:

* Victorian Institute of Teaching (VIT) full registration; valid for 5 years
* Provisional registration (PRT); valid for 2 years
* non-practicing registration; valid for 1 year
* Permission to Teach (PPT); valid once for 3 years.

All individuals who hold a VIT registration, regardless of their registration category, are required to meet certain obligations in order to maintain their registration.

For individuals with full registration, these include:

* making suitability declarations about their ongoing fitness to teach
* providing information about recency of practice and professional learning completed
* paying an annual registration fee
* consenting to VIT running a nationally coordinated criminal history check (NCCHC) every 5 years
* maintaining their details with VIT, including confirming/updating their name, contact and employment details.

For further information on VIT registrations, refer to the Victorian Institute of Teaching website [link].

1. Definitions

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| Term | Definition |
| WWC check | Working with children check |
| VIT registration | Full Victorian Institute of Teaching registration |
| PRT registration | Provisionally registered teachers including:* **graduate teachers**, who are about to or have already graduated from an initial teacher education (ITE) or early childhood (EC) program and are ready to commence teaching in Victoria
* **early career teachers** who have completed their studies interstate or overseas
* **returning teachers** who are experienced teachers, but had ceased teaching 5 or more years ago and now wish to return to teaching
* **experienced teachers** returning from overseas who have taught overseas or those who have ceased their Victorian registration and practiced as a teacher internationally (outside of Australia and New Zealand) for the last 5 or more years.
 |
| PTT | Permission to teach authorisation |
| NP registration | Non-practising registration |
| CHRC | Criminal history record check |

1. Managing this policy
	1. Authorisation

This policy is issued under the authority of the Chief Executive Officer.

* 1. Accountability for the policy

The owner for this policy is VCAA Human Resources. The owner reports to the Chief Executive Officer on the management of this policy.

The owner is responsible for:

* development and regular review of this policy
* development of protocols, processes and guidelines to support implementation
* monitoring compliance of applicable employees, organisational units, and/or locations.
	1. Important dates

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| Date of adoption: | July 2024 |
| Date of last amendment: | July 2024 |
| Date of next review: | July 2026 |