

SPRMS Appendix 4:



**Catholic Education Office
Diocese of Toowoomba**

**Staff Screening Procedures
and Guidelines**

September 2005

Student Protection Manual Section 3

1. INTRODUCTION

Student Protection is a major commitment of the Catholic Education Office, Diocese of Toowoomba. Moral and legal obligations and commitment to the safety and welfare of children underpin this and all other policies. Such policies are mandatory in all schools.

2. PURPOSE

The purpose of this document is to protect students by providing procedures in respect of screening personnel who come in contact with children in Diocesan Schools.

3. RATIONALE

While parents are the primary educators of their children, this policy is an expression of our partnership with parents in providing for the safety and protection of all children. A significant aspect of this partnership is the appropriate screening and employment procedures to ensure staff working with students are of the highest calibre.

4. PRINCIPLES

The principles underlying these procedures are:

every student is a valued member of society;

the best interests of the student are paramount;

every student is entitled to be:

treated in a way that respects the student's dignity and privacy; and

cared for in a way that protects the student from harm and promotes the student's well being.

5. APPLICATION

These procedures will apply to all Diocesan employees who are engaged in 'regulated employment' i.e. those who, in the course of their duties, come into contact with students or who work on premises in proximity of students, including:

current employees (including teachers) and current volunteers with Diocesan schools whose activities involve contact with students;

applicants for paid employment within Diocesan schools where duties of such employment involve contact with students;

applicants for volunteer positions with Diocesan Schools as outlined in this document; and

Religious who in the course of their duties with the Diocese as teachers, or in other capacities at any Diocesan schools come into contact with students or work on premises in proximity of students.

Employees of other organisations who come into regular or close contact with students at Diocesan schools should also be screened by their employer in accordance with policy and legislation.

A non-exclusive list of examples of person engaged in regulated employment for the purposes of this policy appears in Annexure A for ease of reference.

6. POLICY

6.1 All persons engaged by the Diocese of Toowoomba in activities in Schools, and other initiatives, whether paid or unpaid, shall be subject to screening procedures, both as required by this policy and by the law. Screening for non-teaching positions including volunteers, is to be conducted strictly in accordance with this Diocesan Policy and the provision of the Commission for Children and Young People Act 2000 (Qld). Screening of teachers must be conducted in accordance with Diocesan policy and in consultation with the Queensland College of Teachers.

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6.2 Where contractors are sought for the provision of goods and services, it shall be a condition of the contract that the employer has conducted screening procedures as required by this policy and the law.

6.3 In all advertisements for teaching positions in Diocesan Schools and in all advertisements for positions of paid employment and volunteer positions in Diocesan Schools where duties of that paid employee or volunteer involve contact with students, the following words **must** appear:

"All applicants for this position will be subjected to screening procedures, Queensland Police checks and Commission for Children and Young People legislation. All applicants will be required to authorise such checks and provide identification.

These checks are consistent with the Catholic Education Office, Diocese of Toowoomba commitment to Student Protection policies and procedures".

7. RESPONSIBILITY

The **Director** of the Catholic Education Office, Diocese of Toowoomba shall have general responsibility for the:

application of the policy to all Schools, and Catholic Education Office;
dissemination of the policy to all Schools and Catholic Education Office;
monitoring the application of the procedures in Schools and Catholic Education Office;
reviewing of the policy;

7.2 The **Student Protection Officer** shall conduct random audits from time to time on Diocesan Schools to ensure that paid employees and volunteers have been screened in accordance with these procedures and law. The Student Protection Officer will also provide advice and coordinate in-servicing for Schools as requested, facilitate a review of the procedures; and assist the Principals in complying with these procedures.

7.3 The **Principal** bears the primary responsibility for the overall coordination of these procedures including:

- 7.3.1 implementing and regulating compliance with these procedures;
- 7.3.2 conducting screening checks in special circumstances, ie. 8.1.2. below;
- 7.3.3 the co-ordination of training staff in relation to these procedures;
- 7.3.4 arranging in-service for the School;
- 7.3.5 the keeping of a School Screening Register to ensure consistent and strict compliance with the law and these procedures.

The **Principal** of each School shall be responsible for:

- 7.3.6 the application of the policy to all School appointments;
- 7.3.7 the conduct of screening requirements within the school;
- 7.3.8 noting and monitoring the expiry dates of all "suitability notices" and arranging the renewal of "suitability notices" in accordance with this policy prior to the expiry of such notices.
- 7.3.9 monitoring screening requirements regarding personnel and referring matters to the Student Protection Officers where required;
- 7.3.10 promoting the procedures to staff; and
- 7.3.11 assisting the Student Protection Officers in accordance with these procedures;
- 7.3.12 provision to the Personnel Officer at the Catholic Education Office the following documentation or inclusion in the School Personnel files:
 - a) a copy of any successful application to the Commissioner for Children and Young People (including Blue Card numbers and expiry dates)
 - b) the date any employee or potential employee was issued with a suitability notice (whether that be a "suitable" and "not suitable" notice by the Commission for Children and Young People; and
 - c) copies of completed Suitability Declarations (as appear at Annexures B and C of this policy).
- 7.3.13 the screening of non-teaching staff (employees and volunteers) as specified in paragraph 8.2.2;

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- 7.3.14 the furnishing of copy documents to the Student Protection Officers as required in paragraph 8.2.2 and 8.2.3;
- 7.3.15 allowing his/her records to be inspected by the Student Protection Officers as required from time to time; and
- 7.3.16 maintaining the record referred to paragraph 8.2.2 and 8.2.3.

7.4 The "Staff Screening Register", shall include:

- 7.4.1 a copy of any application to the Commissioner for Children and Young People (including accompanying identification);
- 7.4.2 the date any employee or potential employee was issued with a suitability notice (whether that be a 'suitable' or 'not suitable' notice) by the Commission for Children and Young People.
- 7.4.3 a copy of all suitable and non-suitable notices issued by the Commissioner for Children and Young People;
- 7.4.4 the date that any such notice is due to expire;
- 7.4.5 the details of any checks on teaching staff with the Queensland College of Teachers;
- 7.4.6 the details of any reasonable suspicion of a criminal history of an existing employee or subsequent change in criminal history, and details of screening subsequently conducted;
- 7.4.7 copies of completed Suitability Declarations; and any other matters the Student Protection Officer considers relevant.

8 SCREENING OF EMPLOYEES AND VOLUNTEERS – PROCEDURE AND REQUIREMENTS

8.1 Current Employees and Volunteers (Non- Teachers)

- 8.1.1 The legislative screening provisions required in the Commission for Children and Young People Act 2001 specifies that all volunteers **must** have been issued with a Blue Card prior to beginning employment in a school. All new non-teaching employees must have *applied* to the Commission for Children and young People prior to commencing work. Proof of their application pending can be supplied by the receipt issued by the Commission for Children and Young People.
- 8.1.2 All current employees and volunteers must possess a current Blue Card to continue employment.
- 8.1.3 If the Student Protection Officer is of the opinion that there is knowledge of or a reasonable suspicion of a criminal act/history that would make the employee or volunteer unsuitable for child related employment, the Student Protection Officer must complete the relevant form provided by the Commission for Children and Young People (Form ES002) to be lodged immediately with the Commission for Children and People together with the filing fee.
- 8.1.4 If the Commission issues a "not suitable" notice the employee's employment must be terminated. A copy of the results of any search by the Commission must be retained on the Employee Screening Registers. A right to appeal exists under the Act.

8.2.1 Reference Checks

All references submitted by an applicant for paid positions (even written references) must be checked by the Chair of the selection panel by way of a telephone call to the referee. Under the Privacy Amendment (Public Sector) Act 2000, where a job applicant provides written references or named referees, their consent to checking is implied. However, should the Principal wish to collect information from another referee or third party (i.e. job applicant's current employer), consent must be sought from the applicant. Refusal of consent may prejudice the application.

Information checked will relate to:

- a) the employee record (within the meaning of the Privacy Amendment (Private Sector) Act 2000) (see Annexure E); and
- b) concerns as to the suitability to work with children, including the following matters:

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- i) whether to the best of their knowledge, there is any concern or reservation which is held about the applicant regarding his/her suitability for child-related employment;
- ii) whether to the best of their knowledge, the applicant has ever been charged with a serious offence; and
- iii) whether there is any information which they can provide either to support or to raise concern about the applicant suitability to work in close contact with children in an unsupervised environment. (See Annexure F)

8.2.2 Non-Teaching Staff Screening Check (Employees and Volunteers)

- a) All potential new non-teaching employees must be asked by the employer as to whether they possess a "suitability notice", i.e. either a "suitable notice" or a "not suitable notice" issued by the Commission for Children and Young People and require completion by the potential employee of a "Suitability Declaration" (See Annexure C)
- b) If they possess a "suitability notice" stating they are suitable and their application is successful the Principal must record the date of issue of that notice in their Staff Screening Register (not a "suitability notice" is current for 2 years from the date of issue and is transferable across other child related employment) and provide a copy to the Student Protection Officer to be included in the Catholic Education Office Staff Screening Register.
- c) If they possess a "suitability notice" that states they are not suitable, the Principal must not employ and must note the date and fact of issue of that notice in their Staff Screening Register and provide a copy to the Student Protection Officer to be included in the Catholic Education Office Employee Screening Register.

Note: Penalties will apply if this if this is not complied with.

- d) If they have never been screened previously and therefore do not have any notice, all potential non-teaching employees (including Religious engaged in non-teaching positions and who come into contact with children in the course of their duties) (and after 1 May 2002 volunteers who do not have written contracts) must be screened in accordance with the procedures. Once selected for employment, all potential new employees must immediately be referred by the Chair of the selection panel for screening to commence. (See Annexure F).
- e) Employment may begin only after the application for a "suitability notice" has been lodged.
- f) If the potential employee does not consent to screening or withdraws consent that person must not be employed. The Student Protection Officer must immediately be informed.

Note: Penalties will apply if this is not complied with.

NB: Volunteers are not required to be screened if she/he is a parent of child receiving services or participating in activities to which the employment relates or receiving similar services provided by someone else within the organization.

8.2.3 Teaching Staff Screening Check

All applicants for teaching positions must now complete a "Suitability Declaration (Teacher)" (Annexure B) as part of the employment process. A copy of this will be forwarded to the Principal and is to be filed with Personnel documentation.

All potential new teacher appointment (including Religious to be engaged as teachers) must be referred to the Head of Division: Staff and School Development prior to appointment.

The Chair of the selection panel must note the results of the Teacher Registration check on the Diocesan Employee Screening Register.

9. REVIEW

9.1 The Director/HOD/Student Protection Officer shall initiate a review of this policy at least every twelve (12) months to ensure compliance with legislative requirements.

Annexure A SCREENING

- i) For TEACHERS, the Queensland College of Teachers and Diocesan Screening apply;
- ii) For persons in 'regulated employment' (not teachers) requirements under the Commission for Children and Young Peoples Act 2001 apply. Persons in regulated employment include:
- All persons employed in schools;
 - All persons in non-school ministries/initiatives who have contact with children;
 - All volunteers in school and non-school ministry programs;
 - All Diocesan persons who may from time to time visit school and participate in any non-school ministry activity that involves children;
 - All non-school ministry workers in receipt of an allowance;
 - Any casual participant in a program including a parent who assists, i.e. coaching sporting teams more than two times (unless the parent has a child involved in that activity);
 - All Religious engaged as teachers, tutors, coaches, counselors, boarding, sporting or other school activities in diocesan schools;
 - Other Religious involved in Diocesan School ministries whose duties involve contact with children;
 - Chaplains;
 - Priests involved in school retreats or overnight school camps;
 - Those associated with outreach activities to under privileged persons/families;
 - All supervisors at residential accommodation for students a boarding schools
 - Home billets
 - Volunteers sporting coaches;
 - Volunteer tuckshop assistants;
 - Volunteers learning support persons;
 - Volunteer dance supervisors;
 - Volunteers supervisors at school activities;
 - Persons who volunteer to drive school and non-school children;
 - Volunteer school debating supervisors/coaches;
 - Parent volunteers in relation to school theatrical/drama activities;
 - Other volunteers at Diocesan Schools;

EXAMPLES

1. A sporting club has teams for adults and children of various ages. A person is employed by the club, as a volunteer, to coach one of the children's teams. The person does not have any children. Under subsection (1), the coaching is regulated employment.
2. Same facts as in example 1, except that the person has a child on the team that the person is coaching. Under subsection (2), the coaching is not regulated employment because the child is participating in the sporting activities conducted at the club to which the coaching relates.
3. same facts as in example 1, except that the person has a child on another of the club's teams, which is coached by another employee of the club. Under subsections (2) and (3), the coaching is not regulated employment because the child is participating in the sporting activities conducted at the club to which the coaching relates, even though the activity is conducted by another employee of the club.
4. Same facts as in example, 1, except that the person has a child who receives child minding services provided by another employee of the club. In this case, the coaching is regulated employment. Subsection (2) does not apply because the services the child is receiving (child care) do not relate to the person's employment as a coach.

ANNEXURE B

SUITABILITY DECLARATION (FOR ALL TEACHING POSITIONS)

PERSONAL PARTICULARS

Surname _____	Given Name _____
Date of Birth _____	Preferred Title (eg. Mr, Mrs, Ms) _____
Address _____	
_____	Postcode _____
Phone No. _____	Mobile _____
Email _____	

POSITION DETAILS

Name of Employer _____	Suburb/Town _____
Position _____	
Basis of Employment	
Full Time <input type="checkbox"/>	
Part Time <input type="checkbox"/>	_____ Hours per week.
Casual <input type="checkbox"/>	Payment via timesheets

EMPLOYMENT SUITABILITY DECLARATION

- a) I verify I:
- Have not been convicted of a serious offence; and
 - Agree to disclose any change to my (criminal) history to the employer.
- b) I know no legal or moral impediment to my suitability to work with children.
- c) I am aware that I need to provide to the Chair of the Selection Panel my current registration certificate and to provide a photocopy for school and Catholic Education Office records.

Name (Printed)

Signature

Date

ANNEXURE C

SUITABILITY DECLARATION (FOR ALL NON-TEACHING POSITIONS)

PERSONAL PARTICULARS

Surname _____	Given Name _____
Date of Birth _____	Preferred Title (eg. Mr, Mrs, Ms) _____
Address _____	
_____	Postcode _____
Phone No. _____	Mobile _____
Email _____	

POSITION DETAILS

Name of Employer _____	Suburb/Town _____
Position _____	
Basis of Employment:	
Full Time <input type="checkbox"/>	
Part Time <input type="checkbox"/>	_____ Hours per week.
Casual <input type="checkbox"/>	Payment via timesheets

EMPLOYMENT SUITABILITY DECLARATION

Please tick one box:

- I am 'suitable' as defined by the Commission for Children and Young people Act 2000 to apply for, or start or continue in, child related employment.
 Blue Card Number: _____ Expiry Date: _____
 Photocopy attached
- Or
- I am 'not suitable' as defined by the Commission for Children and Young people Act 2000 to apply for, or start or continue in, child related employment.
- Or
- I do not possess a "suitability notice" as defined by the Commission for Children and Young People Act 2000 and shall assist in obtaining any such notice as required.

Name (Printed)	Signature
Date	

NOTE: Please seek advice from the Commission for Children and Young people if you are unsure of your 'suitability' state. (Fax: 3247 5200).

ANNEXURE D

THE ACT AND CURRENT EMPLOYEES

Application for suitability notice for current employee.

128(1) This section applies if:

- a) on the commencement of this part, an employer was employing an employee in regulated employment; and
- b) the employer knows, or reasonably suspects, the employee has a criminal history that may make the employee unsuitable for child related employment.

Example

An allegation is made to the employer about the employee.

- (2) The employer may apply to the commissioner for a suitability notice for the employee.
- (3) The application must be –
 - a) in the approved form;
 - b) signed by, or on behalf of, the employer; and
 - c) accompanied by the prescribed fee.
- (4) The approved form must include provision for –
 - a) identifying information about the employee; and
 - b) the information supporting the employer's knowledge or suspicion mentioned in subsection (1)b).
- (5) On receiving the application, the commissioner may give a notice to the employee stating –
 - a) the information mentioned in subsection (4) b);
 - b) that the commissioner proposes to ask the police commissioner for access to the police commissioner's records to enable the commissioner to learn –
 - i) whether the employee has a criminal history; and
 - ii) if the employee has a criminal history, what the criminal history is; and
 - c) inviting the employee to give the commissioner, within a stated time, a submission (oral or written) about the matters raised in the application.

ANNEXURE E EMPLOYEE RECORD

Under The Privacy amendment (Private Sector) Act 2000 (Commonwealth), information may be sought about the applicant's employee record.

S12.6(i)

Employee record, in relation to an employee, means a record of personal information relating to the employment of the employee. Examples of personal information relating to the employment of the employee are health information about the employee and personal information about all or any of the following:

- a) the engagement, training, disciplining or registration of the employee;
- b) the termination of the employment of the employee;
- c) the terms and conditions of employment of the employee;
- d) the employee's personal and emergency contact details;
- e) the employee's performance or conduct;
- f) the employee's hours of employment;
- g) the employee's salary or wages;
- h) the employee's membership of a professional or trade association;
- i) the employee's recreation, long service, sick, personal, maternity, paternity or other leave;
- j) the employee's taxation, banking or superannuation affairs.

**ANNEXURE F
SELECTION AND SCREENING
OF NEW EMPLOYEES REGISTER**

NAME OF APPLICANTDATE.....

REFERENCE CHECKS: Information checked will relate to:

Issue	Checked
Employee record	<input type="checkbox"/>
Whether to the best of their knowledge there is any concern or reservation which is held about the applicant regarding his/her suitability for child-related employment.	<input type="checkbox"/>
Whether to the best of their knowledge, the applicant has ever been charged with a serious offence.	<input type="checkbox"/>
Whether there is any information which they can provide either to support or to raise concern about the applicant's suitability to work in close contact with young people in an unsupervised environment.	<input type="checkbox"/>
Possess a Suitability Card (Blue Card)	<input type="checkbox"/>
Suitability Declaration Form completed	<input type="checkbox"/>

RELEVANT NOTES

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References Checked ByDate