



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA



Approved by: General Secretary
Synod of Victoria and Tasmania
Date: 10 August 2017

Synod of Victoria and Tasmania: Working With Children Check/Registration Policy

The Uniting Church in Australia believes that all people, including children, are made in the image of God. As a Christian community we believe that God reaches out to us in love and acceptance, and that our relationships with each other should express love, care and respect.¹

The Uniting Church in Australia, Synod of Victoria and Tasmania (the Synod), has developed the Keeping Children Safe Policy (May 2017) as an overarching policy for the whole church. Procedures related to vulnerable adults have also been developed. This policy is to be understood in context of the overarching efforts to make our churches safe for all people.

As stated in the Keeping Children Safe (KCS) Policy, we will take action to appropriately recruit, train and supervise anyone who works in leadership within the church, whether paid or unpaid. The Synod therefore requires that all people in leadership as well as all who work with children (paid or unpaid) obtain a positive Working with Children Check (Victoria and NSW) or the Working with Children Registration (Tasmania).

This is a way of reducing the risk of harm to children and vulnerable adults. It also ensures that we meet the following standards:

- The Ten Elements of a Child Safe Organisation as set out by the Royal Commission into Institutional Responses to Child Sexual Abuse
- The Victorian Government's Child Safe Standards
- Legal requirements about child safety and child protection for Victoria, Tasmania and New South Wales
- The Uniting Church in Australia's Child Safe Policy Framework.

All entities of the Uniting Church (Uniting, Uniting AgeWell, schools, camps, programs and congregations) are expected to meet the requirements of the Working with Children legislation. This policy is inclusive of all entities; however it focuses on the particular application of the legislation for

¹ Safe Place Position Statement developed by the UCA Commission on Women and Men in 1997.

congregations. All other entities should refer to the guidance provided in the following websites in developing their own policy which is congruent with the standards set in this policy.

<http://www.workingwithchildren.vic.gov.au>

http://www.justice.tas.gov.au/working_with_children

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>

1. The Policy of the Synod of Victoria/Tasmania regarding the Working with Children Check/Registration (WWCC/R)

Legislated WWCC/R requirements apply in Victoria, Tasmania and NSW. While each state's legislation is different, the intention of this policy is to simplify the requirements so they are consistent across the Synod. In some states this may mean that our policy goes beyond the basic minimum requirements as defined in that state's legislation.

A Working with Children Check/Registration is required from all:

- Ministers
- Pastors
- Lay preachers
- Appointed leaders (see below)
- Employees, volunteers and all other people who do paid or unpaid work with children and young people in programs, events and activities run on behalf of congregations, presbyteries or the Synod
- This applies to everyone who is **18 years and over** (Victoria and NSW) and **16 years and over** (Tasmania)

Appointed leaders:

The **Victorian legislation** includes the category of '**appointed leaders** of a local religious congregation' in the same category as Ministers of Religion; the **Tasmanian legislations** includes all religious leaders and those in roles like religious leaders.

Both these terms are broad and non-specific. Therefore the Synod is required by the legislation to define an 'appointed leader'. Appointed leaders (or religious leaders) are people who are in a position of trust, influence or authority because of their leadership role within the congregation. A child or vulnerable adult who encounters a church leader, whether in the church or in the wider community, should be able to trust that person.

Therefore, in this policy, an 'appointed leader' includes, but is not limited, to the following:

- Elders
- Church councillors
- Worship leaders
- Anyone commissioned by the Church Council to perform a leadership role
- Music leaders and organists

- Bible study leaders

Note: Exemptions are rare

As of 1 August 2017, the law in Victoria has changed. No one may be ‘supervised’ by someone with a WWCC. All leaders must now have their own WWCC.

Under Uniting Church policy, professional exemptions are not allowed. All volunteer appointed leaders, regardless of any professional exemptions, are required to obtain a WWCC/R. This includes teachers, early childhood workers, nurses, etc. Church Councils are responsible for ensuring all volunteer appointed leaders gain a WWCC/R.

Retired Ministers are not exempt unless they *never* lead worship, *never* make a pastoral visit, and *never* conduct funerals or weddings. A retired minister who exercises any form of active ministry (including marriages, funerals, supply ministry, pastoral care/visiting or leading worship) must have a current WWCC/R. Retired Ministers who have not provided the Synod Office with a current WWCC/R will be removed from the Marriage Celebrant Register.

2. Rationale for the Working with Children Check/Registration (WWCC/R) policy

This policy is intended to ensure that children and young people participating in UCA activities, programs and events are as safe as possible and to ensure that the UCA and its entities meet our legal obligations. Before any person can be appointed as a leader or work with children or young people, an appropriate screening process must be undertaken. The Working with Children Check/Registration screens people’s criminal records and is one way to prevent those who pose an unjustifiable risk to children from working with or caring for them.

Some congregation members and volunteers may experience the requirement to obtain a WWCC/R as a lack of trust in them. Being required to obtain a WWCC/R is not a reflection on the person. The position of trust they hold (or are being considered for) is a clear indication that they are seen to be trustworthy. New laws are in place, community standards have shifted, and the Church must ensure all its appointed leaders meet this minimum requirement.

This Policy also says clearly to any individual who would not receive a positive check/registration that the Uniting Church is serious about ensuring the safety of children in its care.

Obtaining a WWCC/R is only one part of a system to help keep children safe in our Church. This includes appropriate screening and selection procedures when choosing staff and volunteers as well as adopting and implementing the Synod’s Keeping Children Safe Policy (May 2017) and its associated resources. These are on the following website:

<http://ucavictas.org.au/keepingchildrensafe/>

3. Particular responsibilities in regard to the WWCC/R Policy

The Church Council – in a congregation, the Church Council is responsible for determining those individuals who require a WWCC/R. The Church Council must document in its minutes that those persons have been advised of the requirement along with the process for monitoring implementation. An appropriate register should be kept. Organisers of programs, activities and events outside of a congregation should do the same in their context.

Small congregations where the presbytery has authorised that all who are members of the congregation shall comprise the Church Council (Reg. 3.9.3) should contact the Culture of Safety Unit for advice.

Ministers and Pastors – all are required to have a WWCC/R. This is a legislated requirement in Victoria, NSW and Tasmania.

<http://www.workingwithchildren.vic.gov.au>

http://www.justice.tas.gov.au/working_with_children

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>

Lay preachers and Appointed leaders – While there is some variation in the requirements from state to state (see point 1 above), the Synod requires all who fill particular leadership roles to have a WWCC/R, whether or not the congregation currently includes children (see the section on Appointed Leaders above). Congregations and programs are requested to add to this group any other persons involved in activities where it is reasonably expected the person might have contact with children as they fulfil their role.

Employees and volunteers who do paid or unpaid work with children and young people in programs, events and activities run on behalf of congregations, presbyteries or the Synod must have a WWCC/R. This includes those whose paid or unpaid work includes physical and face to face contact with children, as well as oral, written or electronic communication.

NOTE: Any person who receives any payment for their leadership role will need to register as an employee and pay for a WWCC/R as required. Payment includes stipend, any payment for supply ministry or pastor roles, wedding fees, etc. Paid workers may not use a free Volunteer WWCC/R.

4. Obtaining a WWCC/R

The WWCC/R application process requests the name(s) of organisations for whom the applicant works or volunteers. In addition to congregations and/or other UCA organisations or programs, all Uniting Church applicants should include the following Synod Office contact details when applying or renewing:

Uniting Church Synod of Victoria and Tasmania, 130 Little Collins Street, Melbourne 3000

To apply for a WWCC/R, use the most up-to-date information provided by your state on the following websites:

<http://www.workingwithchildren.vic.gov.au/home/applications/apply+for+a+check/>

http://www.justice.tas.gov.au/working_with_children/application

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>

If you do not have internet access, you may ring the following numbers for assistance:

In Victoria, your minister, your Presbytery office or the Safe Church Educator, 03 9251 5288

In Tasmania, the Presbytery office or telephone 1300 13 55 13

In NSW, your Presbytery Minister or telephone 02 9286 7219.

Other specific information for Uniting Church congregations is on the Synod website:

<http://ucavictas.org.au/keepingchildrensafe/working-children-check/>

The relevant legislation for each State is as follows:

- For Victoria the relevant legislation that informs this policy is **The Working with Children Act (2005) as amended 2014**
- For Tasmania the relevant legislation that informs this policy is **The Registration to Work with Vulnerable People Act 2013**
- For New South Wales the relevant legislation that informs this policy is **The Child Protection (Working with Children) Act 2012**

5. Failure to obtain or cancellation/suspension of a Working with Children Check/Registration (WWCC/R)

Once an application is made, failure to obtain a WWCC/R is referred to as a Negative Notice (Victoria), Refusal (Tasmania) and being Barred (NSW). A negative notice, refusal or bar may be issued either on initial application or when an individual's WWCC/R has been suspended or cancelled. This will indicate that the person is not suitable for participation in child-related programs, activities or events or any leadership role. It is paramount that the Church Council or program, activity or event organisers remove this person from leadership and from having access to children immediately.

If a Negative Notice, Refusal or Bar is received you must immediately contact the Synod General Secretary (gensec@victas.uca.org.au or 03 9251 5215). Penalties apply for failure to act immediately. See below in point 6 for more information.

In some circumstances, receiving a Negative Notice, Refusal or Bar will lead to the application of the Person of Concern policy. The Safe Church Educator will be in contact on behalf of the General Secretary if this is required.

6. Refusal to apply for a Working with Children Check/Registration

It is the responsibility of the Church Council to determine which individuals in their congregation require a WWCC/R in light of this policy. If any such person refuses to apply for a WWCC/R, the Church Council chairperson or the ministry agent should work with the person until the objection is resolved and the person makes application. If the objection cannot be resolved, the Presbytery Minister - Pastoral Care (or equivalent) and the Culture of Safety Unit (cultureofsafetycontact@victas.uca.org.au) should be advised. There is advice on handling such a situation on the Synod's Keeping Children Safe website: <http://ucavictas.org.au/keepingchildrensafe/>

It is important to know that new laws in Victoria, NSW and Tasmania include significant penalties (fines up to \$182,000 and/or imprisonment up to two years) against the individual, congregation, program and/or Synod for failure to obtain a WWCC/R or failure to immediately report if a negative notice is received.

For further information regarding Working with Children Checks/Registration:

Please contact the Department of Justice in your state jurisdiction.

For assistance in registering a WWCC with the Synod:

Please contact the Working with Children Check officer by email at wwcc@victas.uca.org.au

For further information or assistance with this policy:

Please contact the Culture of Safety Unit by email at cultureofsafetycontact@victas.uca.org.au

Document Review History

Version Number	Date	Reason	Approved	Resolution Number
1.0	27.09.2016	Created to support Keeping Children Safe Policy, Overseeing CSS and Planning Safe Program process	Synod Standing Committee	SSC 16.4.14
2	09.8.2017	Amended to reflect 1 August 2017 (Victoria) changes to the Act	General Secretary	SSC 16.4.14 authorised the General Secretary to approve changes and updates to the WWCC/R policy as required.
	August.2018	Review due		