Requirements for Employees: Excerpt taken from CECV Industrial Relations News January 2015

1. Victorian Institute of Teaching (VIT) Registration

The Victorian Education and Training Reform Act 2006 (the Act) requires that all teachers in Victoria be registered with, or gain permission to teach from, the Victorian Institute of Teaching (VIT) before they can be employed in any Victorian school, including Catholic schools.

At the commencement of the year, principals must check to ensure that all teaching staff have appropriate registration with the VIT by signing each registration card.

The Victorian Registration and Qualifications Authority (VRQA) also requires that schools keep a register of all teachers containing each teacher's name and their VIT registration number. This must be recorded on the OSR or PRS and should be updated at the beginning of the school year.

Importantly, it is an offence for a person or body to employ or continue to employ a person to teach who is not registered with the VIT.

If a teacher does not have VIT registration (or a non-teacher does not have a WWC – see following article), Clause 14 of the VCEMEA 2013 allows a school to give the employee:

- generally not less than seven days to obtain their registration (a teacher cannot be permitted to teach during these seven days, though they will be paid)
- an opportunity to explain any extenuating circumstances and to clarify the matter.

If, after this period of seven days, the school is satisfied that the lack of registration is due to the employee’s actions or omissions, the school may stand the employee down without pay until they provide proof of registration.

Further information on the registration requirements for teachers is available on the VIT website http://www.vit.vic.edu.au.

2. Working with Children (WWC) Check

It is an offence under the Working with Children Act 2005 (the WWC Act) to engage in child-related work without having applied for a WWC Check.

Penalties will apply to both the employer and employee if an employee is without a WWC Check. Any employee whose duties usually involve or are likely to involve work in a school (other than teachers and principals whose WWC is covered by their VIT registration) is considered to be engaged in child-related work as defined in the Act. Teachers and principals who are registered with the VIT are exempt from the WWC Act and do not require a WWC Check.

Recent Changes to Definition of Child-Related Work

As previously outlined in the November 2014 edition of Industrial Relations News, recent amendments to the WWC Act are now in effect.
In particular, significant changes have been made to the definition of child-related work. This is now described as work where the contact with children is direct, unsupervised, and part of a person’s duties.

Also, ministers of religion are now required to get a WWC Check unless the contact they have with children is only occasional and incidental to their work.

Although it is already a requirement in Catholic schools for all employees and parish priests to hold and maintain a WWC Check, it is nevertheless important to be aware of the changes.

**WWC Expiry**

It is an offence to continue working in child-related work if your WWC Check has expired. A WWC Check can still be renewed anytime during the three-month post-expiry period.

**School WWC Register**

The VRQA requires that schools have a register of staff with a WWC Check and have procedures for maintaining the register. Principals must sight and retain a record of an employee’s WWC Check number, preferably on the PRS. Principals should also verify that WWC Check cards presented to them by employees are marked with the letter E.

Employees must inform the Department of Justice within 21 days every time an employee changes employer or address. This is a legal requirement under the WWC Act. By not providing changes in contact and child-related work details within 21 days of a change, the employee is committing an offence with financial penalties.

If a school employee (apart from a teacher or principal) does not have a WWC Check, Clause 14 of the VCEMEA also applies (see above article on VIT registration).

Further information about the WWC Check is available from the Department of Justice website http://www.justice.vic.gov.au/workingwithchildren/.

**3. National Police Record Check**

All new employees (except teachers and principals whose Police Record Check is covered by their VIT registration) are required to undergo a National Police Record Check (NPRC) before commencing work at the school. This is in addition to a WWC Check.

If an NPRC has been initiated but not completed then the offer of employment is conditional upon the employee providing a declaration that the person has not been charged with, or found guilty of any offence that would be incompatible with their position of trust and responsibility. This requirement should be included in any offer of appointment.

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**Requirements for Volunteers**

A National Criminal History Record Check and a Working with Children Check is compulsory for volunteer staff and adults whose work involves direct contact with students in situations not under the direct supervision of a teacher or other responsible officers of the school. (As outlined in Catholic Schools Operational Guide, 2015).

A Working with Children Check is compulsory for any other volunteer staffmember or adult whose work may involve direct contact with students, even if that person is under the direct supervision of a teacher or other responsible officer of the school and even if that person is a parent of a student enrolled at the school.

Further information/support: See your Educational Consultant or the Executive Officer: HR and ICON.