

# Procedure



## Working with Children Clearance Adverse Notice (Volunteers)

### Related Documents

*Executive Policy - Working with Children Clearance – New CFA Engagements executive policy*

*Volunteer Member Review Panel Terms of Reference (DRAFT)*

*CFA Disclosure Officer Role Description (DRAFT)*

### Scope

This Procedure applies where an Adverse Notice is issued in relation to the status of a current volunteer member's Working with Children Clearance (WWCC)

### Definitions

<b>Adverse Notice</b>	Means an interim exclusion notice, exclusion notice or other revocation notice issued pursuant to the <i>Worker Screening Act 2020 (Vic)</i> regarding a WWCC clearance. An interim exclusion notice can either: <ul style="list-style-type: none"><li>- Allow the recipient to continue to work with children while their WWCC clearance is reviewed.</li><li>- Prohibit the recipient from working with children while their WWCC clearance is reviewed.</li></ul>
<b>Case Manager</b>	Any member who receives an Adverse Notice will be allocated a Case Manager. The Case Manager will maintain regular contact with the member. They will ask the member for information in relation to the Adverse Notice and will provide information and updates as the Adverse Notice procedure transpires.
<b>Disclosure Officer</b>	The role of the Disclosure Officer is to review WWCC Adverse Notices and make recommendations on membership The Disclosure Officer will convene the Volunteer Member Review Panel when required.
<b>Volunteer Member Review Panel</b>	The Volunteer Member Review Panel makes decisions on the membership of volunteers who have received an Adverse Notice and have either chosen not to appeal to the Victorian Civil and Administrative Tribunal (VCAT) or have had their appeal rejected.

### Objective

The intent of this procedure is to provide a consistent approach to the management of members who receive a WWCC Adverse Notice.

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#### 1 Receipt of a WWCC Adverse Notice

- 1.1 An Adverse Notice may be received by CFA through:
- Notification in writing from the Department of Justice and Community Safety or relevant authority directly to CFA HQ
  - Notification in writing from the Department of Justice and Community Safety or relevant authority to a District or Brigade address
  - Notification by way of automated alert via the CFA WWCC Management System.
  - Notification from the subject of the Adverse Notice
- 1.2 Any person at CFA who receives Adverse Notice correspondence and/or information must immediately inform the Child Safety Team. All information in relation to an Adverse Notice must be treated as confidential.

#### 2 Assessment of the Adverse Notice – Interim Exclusion Notice

- 2.1 The Disclosure Officer will review the available information and make a recommendation to the Chief Officer on the measures that should be taken to protect children while WWC Victoria or relevant authority makes a final decision. Options include:
- Stand down of the member.
  - Suspend the member if they have been charged with an offence punishable by a term of imprisonment.
  - Imposition of temporary restrictions on the duties the member can undertake
  - Temporary arrangements to restrict contact with children involved in CFA programs and activities.

#### 3 Assessment of the Adverse Notice – Exclusion Notice

- 3.1 If the member is not already subject to a stand down order, a recommendation will be made to the Chief Officer to immediately stand down the member.
- 3.2 The Case Manager will seek advice from the member as to whether they are going to appeal the decision of WWC Victoria or relevant authority through VCAT. If the member does not respond to the Case Manager within 28 days, it will be considered that the member is not appealing to VCAT
- 3.3 If the VCAT appeal is not successful or the member is not going to appeal, the Case Manager will advise the Disclosure Officer and the matter will be referred to the Volunteer Member Review Panel.
- 3.4 The member will be requested to provide information to the Volunteer Member Review Panel on why they are a fit and proper person who should retain their membership/position with CFA. The member will be given 14 days to provide the

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information. The member may choose not to provide any information. The member may seek assistance from VFBV or other 3<sup>rd</sup> party in responding to the request for information.

- 3.5** The Disclosure Officer will convene a meeting of the Volunteer Member Review Panel where they will make a recommendation to the Chief Officer on the outcome of the review.
- 3.6** If the panel determines that the member is not a fit and proper person or otherwise cannot fulfil the requirements of membership, a recommendation will be made to the Chief Officer to issue an Area or Concern, Intention to Cancel Membership notice.
- 3.7** If the panel determines that the member is a fit and proper person they must also review the type of roles they do and the level of engagement with children. The panel needs to be satisfied that mechanisms can be put in place to ensure that CFA is compliant with, and not exposed to penalty for contravention of the *Worker Screening Act 2020 (Vic)* and the *Occupational Health and Safety Act 2004 (Vic)*, and to protect children from abuse or mistreatment by the person in relation to their activities with CFA. If the Panel is not satisfied that can occur, then a recommendation will be made to the Chief Officer to issue an Areas of Concern, Intention to Cancel Membership notice.
- 3.8** Where a recommendation is made under clause 3.5 or 3.6, CFA will then consider the recommendation and determine whether membership should be cancelled and notify the member accordingly.

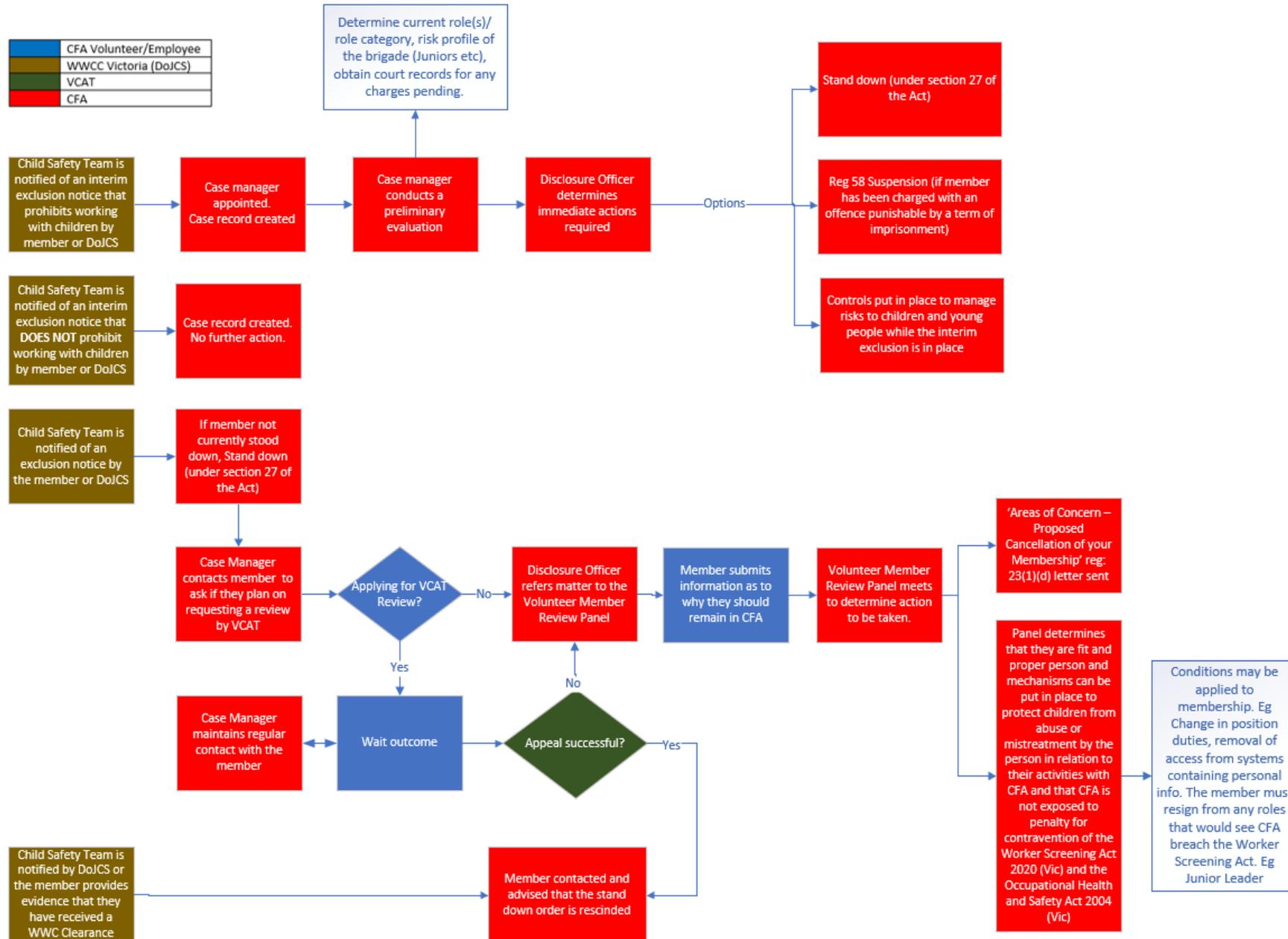
### **4 Process – Adverse Notice received - Volunteer**

- 4.1** The below diagram outlines the process that occurs when an Adverse Notice is received.

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## Working with Children Clearance Adverse Notice (Volunteers)

### Document Manager

Department: People & Culture

Team: Child Safety

ORIGINAL APPROVALS				
	NAME	POSITION	SIGNED	DATE
ORIGINATOR				
APPROVED				

### Revisions

Rev	Date	Description	By	Approved

DRAFT