

# POLICY

## WORKING WITH CHILDREN CLEARANCE NOTICES (OCHRE CARDS)

Responsibility of:	Human Resources	DoE File:	HRM2014/56
Effective Date:	January 2018	EDOC	2018/73639
Next Review Date:	January 2020	Version Number:	6.1
Target Audience:	DoE employees/All employees engaged with or for the department		

This document should be read in conjunction with the **Working with Children Clearance Notices Fact Sheet**.

### 1. POLICY

The *Care and Protection of Children Act (CPCA)* establishes a comprehensive framework for promoting and safeguarding the wellbeing of children in the Northern Territory. The object of Part 3.1 of the Act - **Screening for child-related employment** – is *'to ensure individuals who pose an unacceptable risk of harm or exploitation to children are prevented from contacting children through their employment'*. The object is to be achieved by prohibiting such individuals from being engaged in child-related employment and imposing related obligations on people who are engaged in child related employment and those who engage them.

Only those individuals who hold a current clearance notice under the CPCA can lawfully engage and be engaged in child-related employment. The 'working with children clearance notice' is commonly referred to as an 'Ochre Card' and that term is used throughout this document.

Section 185 of the CPCA sets out what is considered child-related employment.

Section 186 of the CPCA sets out circumstances where a person will be exempt and not required to hold an Ochre Card.

A worker required by this policy to hold a current Ochre Card must not engage in their work or duties, or be engaged to undertake their work or duties until the manager is satisfied that the worker holds a current Ochre Card.

If the worker holds an Ochre Card issued prior to the worker's engagement by or for the department, the manager must contact SafeNT to establish that the Ochre Card has not been revoked under section 192 of the CPCA.

It is the manager's responsibility to determine whether the CPCA and this policy requires a worker to hold an Ochre Card. Workers in the specific situations listed below **must** hold a current Ochre Card:

### **School-based Workers**

All school-based workers **regardless of the nature of their work or duties** are required to hold a current Ochre Card at all times.

### **Relief Teachers**

Relief teachers **must** hold a current Ochre Card, **in addition to** being registered through **eRecruit**. Relief Teacher Confirmation Letters and Cards are no longer issued and therefore not required. Managers must verify the currency of an Ochre Card, in addition to their registration status in eRecruit before engaging a relief teacher.

### **Workers who may have access to Student Information**

Any worker who may during the ordinary course of their work or duties may have access to student information or student records, whether in electronic form or hard copy must hold a current Ochre Card. This includes any worker providing information technology services, whether on site at a departmental workplace or otherwise.

### **Other Workers with access to a departmental workplace**

If it is not readily apparent whether a worker will or might perform child-related work, and the worker does not fall within one of the above specific policy situations, a manager will determine the need for an Ochre Card by having regard to the following guiding principles:

- will the worker have or potentially have any form of physical contact with children?
- will the worker have or potentially have any form of verbal contact with children, whether face to face or by other means?
- will the worker have or potentially have any form of written communication with children?

Situations must be assessed on a case-by-case basis, always ensuring that the wellbeing of children is the paramount consideration.

### **Temporary Exemptions**

Where an application for an Ochre Card, or a renewal of an Ochre Card has been made by or on behalf of a worker who under this policy is required to hold a current Ochre Card, and no decision has been made on the application, the manager is authorised to apply for a Temporary Exemption. [Application forms for exemptions](#) can be found on the NT.GOV.AU website.

### **Access to departmental workplaces without Ochre Card**

In circumstances where a worker who does not hold an Ochre Card or a Temporary Exemption requires access to a departmental workplace, the manager, must take all reasonably practicable steps to ensure the worker does not have any physical or verbal contact with children and does not engage in any form of written communication with children.

### **Application Fees**

The department will reimburse the application fee for the issue or renewal of an Ochre Card for a worker, where the worker is employed directly by the department.

The department has distributed funding to schools to reimburse fees incurred by departmental employees for the issue or renewal of an Ochre Card through their school funding allocation. Therefore schools are responsible for processing requests for reimbursement.

### **School Councils**

School councils must comply with the same legislative requirements and are expected to adopt the same standards and requirements for the engagement of their own employees and contractors as set out in this policy document.

## **2. BUSINESS NEED**

This policy applies to:

- all persons engaged in any capacity to undertake child-related work as defined in the CPCA for or on behalf of the Department of Education (DoE), or who engage persons to perform such child-related work; and
- all persons engaged in in any capacity, or who engage persons to perform roles or duties where there is potential to misuse the responsibilities of the role or duties in a way that could create a risk to a child.

Note that the policy requirements may be more extensive than the requirements of the CPCA. DoE in making this policy determination has adopted a cautious approach to ensure that the wellbeing of children is the first and foremost priority.

Therefore, although assistance with determining who requires an Ochre Card may be sought from SafeNT, the requirements of this policy in terms of which workers are required to hold an Ochre Card are to prevail.

## **3. SCOPE**

This policy applies to all workers, as defined in this policy, engaged or who may be engaged in working with children.

## **4. DEFINITIONS**

***Departmental Workplace*** means a school or other venue, used for or associated with educational purposes and the other activities of the department and includes departmental corporate workplaces.

**Manager** in the case of a school means the Principal, and otherwise means the Director or other senior officer responsible for the implementation of this policy in a departmental workplace.

**Screening Authority** means the body of individual members, appointed by the Minister for Child Protection, who are responsible for deciding whether or not to issue an Ochre Card to a candidate who wishes to engage in child-related employment.

**Temporary Exemption** means an exemption for a specified period of time granted by the CEO of the Department of Territory Families pursuant to section 187(5) of the CPCA in respect of a pending application for an Ochre Card.

**Worker** means all departmental employees and other personnel engaged directly or indirectly and whether for reward or on a voluntary basis by or for the department, and includes contractors and individuals employed by contractors within or outside the NT jurisdiction.

## 5. ROLES AND RESPONSIBILITIES

**An Ochre Card is valid for two years from the date of issue (unless revoked earlier). Every worker, who under this policy, is required to hold a current Ochre Card must:**

- (i) monitor the currency of their Ochre Card to ensure that they continue to have a current Ochre Card or a Temporary Exemption at all times;
- (ii) apply for a renewal of their Ochre Card in a timely manner to ensure that a renewal can be issued prior to the expiry date of their Ochre Card; and
- (iii) notify their manager **no later than 21 days** prior to the expiry date of their Ochre Card if they have not received a renewal of their Ochre Card or a Temporary Exemption.

Any worker required to hold a current Ochre Card or Temporary Exemption and who fails to do so may be suspended from duty in accordance with Part 7 (Inability) or Part 8 (Discipline) of the *Public Sector Employment and Management Act (PSEMA)* or in the case of an Executive Contract Officer, pursuant to paragraph 112 of their Executive Contract.

Workers must immediately inform their manager, if:

- (i) their application for an Ochre Card is refused or will be delayed beyond the period for which a Temporary Exemption has been granted; or
- (ii) their Ochre Card is revoked or the Screening Authority advises that it is considering revoking their Ochre Card; or
- (iii) the Screening Authority imposes conditions on their Ochre Card or the Screening Authority advises that it is considering imposing conditions on their Ochre Card; or
- (iv) a period of exemption from the requirement to hold an Ochre Card will expire in 14 days time.

**Every Manager must:**

1. Ensure that no worker, who under this policy is required to hold a current Ochre Card is permitted to commence or continue work unless they hold a current Ochre Card or Temporary Exemption; and
2. Authorise payment of Ochre Card applications and renewals of Ochre Cards for eligible workers in accordance with this policy. All schools are provided funding on an annual basis to pay for Ochre Card applications and renewals.
3. Maintain a current Register in the approved form which includes relevant details of all workers required to hold a current Ochre Card.
4. In the first week of every school term, and thereafter as necessary or appropriate, review and update the Register in keeping with the following:
  - (i) add the names and relevant particulars of all workers new to or returning to the departmental workplace; and
  - (ii) note the names of all workers whose Ochre Card is due to expire during the forthcoming school term and/or associated school holiday period.
5. Ensure all workers understand their responsibilities under both the CPCA and this policy.
6. Regularly check with relevant workers regarding the progress of their application and whether a renewal or a Temporary Exemption has been issued.
7. **Not later than three weeks prior to the expiry of a worker's Ochre Card:**
  - (i) the manager must make application for a Temporary Exemption in case the worker's Ochre Card expires prior to a new one being issued;
  - (ii) where the worker in question is an employee of a school council or a contractor of a school council, the manager must ensure that the school council is making or having the worker make application for a Temporary Exemption.
8. Immediately notify the relevant Executive Director in writing of any worker who may be unable to continue in their role because:
  - (i) their application for an Ochre Card is refused or will be delayed beyond the period for which a Temporary Exemption has been granted; or
  - (ii) their Ochre Card is revoked or the Screening Authority advises that it is considering revoking their Ochre Card; or
  - (iii) the Screening Authority imposes conditions on their Ochre Card or the Screening Authority advises that it is considering imposing conditions on their Ochre Card; or

- (iv) a period of exemption from the requirement to hold an Ochre Card will expire in 14 days time.

The Executive Director can advise the manager of the action to be taken in relation to the worker.

## 6. RELATED POLICY, LEGISLATION AND DOCUMENTS

### ***Department of Education***

[Working with Children Fact Sheet](#)

### ***Legislation***

[Care and Protection of Children Act – Part 3.1, Screening for child-related employment.](#)

[Care and Protection of Children \(Screening\) Regulations](#)

[Public Sector Employment and Management Act Parts 7 and 8 \(Inability/Discipline\)](#)

[NTPS Code of Conduct](#)

### ***Northern Territory Government***

[Working with Children website](#)