

GUIDELINES ON THE
Employment of Staff
IN CATHOLIC SCHOOLS

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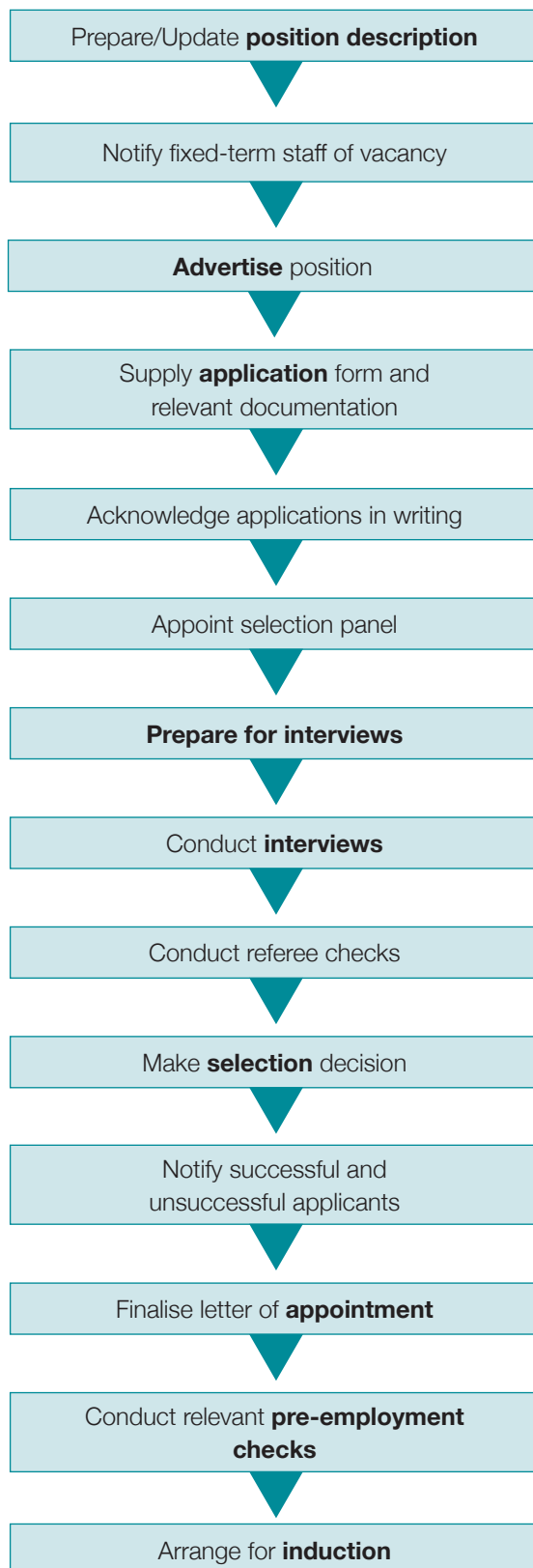
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Flowchart – Recruitment & Selection Process



Be aware of requirements relating to:

- Working in a Catholic school
- Child safety
- Anti-discrimination and adverse action
- Privacy

See also [Attachment 1: Checklist for the Employment of Staff in Catholic Schools](#)

General

1. Introduction

The Catholic Education Commission of Victoria (CECV) Guidelines on the Employment of Staff in Catholic Schools (Guidelines) are designed to assist employing authorities and principals with the process of selecting and employing suitable staff in Catholic schools and to do so in a fair and lawful manner.

These Guidelines apply to the employment of employees in schools; 'staff' should be read to mean employees only. Employees include ongoing staff, staff on fixed-term contracts and casual staff (the specific situation of casual staff is covered in [Part 15 Emergency teachers and casual relieving employees](#)). Specific information on the engagement of contractors and volunteers is contained in the CECV Guidelines on the Engagement of Volunteers and the CECV Guidelines on the Engagement of Contractors available from the CECV website at www.cecv.catholic.edu.au.

Within the Guidelines, 'employing authority' refers to the legal employer of staff in the school, for example the parish priest, association of canonical administrators, congregational leader or company. The employing authority may be represented by the school principal in the employment process.

It is recommended that principals and employing authorities discuss and agree that the processes outlined in these Guidelines will be applied in relation to the selection and employment of staff.¹ Employing authorities are encouraged to apply similar processes in relation to the selection and employment of school principals, being mindful to comply with the requirements of the *CECV Recommended Procedures for Catholic Secondary Principals* and any relevant Diocesan guidelines for the appointment of primary school principals.

Attachment 1 contains a checklist that summarises the key steps from the Guidelines. The checklist should not be considered a substitute for reading the Guidelines.

These Guidelines are not intended to be legally binding and are not intended to be incorporated into any contracts of employment.



Attachment 1: Checklist for the Employment of Staff in Catholic Schools

2. Working in a Catholic school

Catholic schools are an important part of the Catholic Church's mission. Dignity and respect for each student form the basis of teaching and learning in Catholic schools, with the values of the Gospel integral to the faith development activities and religious education programs.

All staff in a Catholic school have an indispensable role to play. It is expected of all staff employed in a Catholic school that they:

- (a) accept the Catholic educational philosophy of the school
- (b) develop and maintain an adequate understanding of those aspects of Catholic teaching that touch upon their subject areas and other aspects of their work
- (c) by their teaching and other work, and by personal example, strive to help students to understand, accept and appreciate Catholic teaching and values
- (d) avoid, whether by word, action or public lifestyle, influence upon students that is contrary to the teaching and values of the Church community in whose name they act
- (e) in relation to teachers, comply with the Accreditation Policy of the CECV to teach in a Catholic school, and other CECV policies, and uphold the professional standards expected of a teacher
- (f) be committed to regular ongoing professional development
- (g) be qualified as required by state authorities
- (h) be a person suitable to work with children.

¹ Child Safe Standard 4 requires that: 'The school must implement practices that enable the school governing authority to be satisfied that people engaged in child-connected work perform appropriately in relation to child safety.'

Canon Law does not specify that teachers in a Catholic school must be baptised Catholics, rather, Canon Law focuses on their understanding of doctrine and way of life:

*'The instruction and education in a Catholic school must be grounded in the principles of Catholic doctrine; teachers are to be outstanding in correct doctrine and integrity of life.'*²

*'The local ordinary is to be concerned that those who are designated teachers of religious instruction in schools ... are outstanding in correct doctrine, the witness of a Christian life, and teaching skill.'*³

Further information is contained in Attachment 2.



Attachment 2: Statement of Principles regarding Catholic Education

3. Child safety

Catholic schools have a responsibility to create nurturing school environments where children and young people are respected, their voices are heard and where they are safe and feel safe. This commitment to protecting children should be embedded in the school's culture and policies.

Child safety must be a key focus in the selection and employment process for staff in Catholic schools. Throughout these Guidelines, child safety is reinforced at every stage of the selection and employment process. It is envisaged that these processes not only help to identify the most suitable people to work with children, but also deter unsuitable people from applying to work in Catholic schools.

The Guidelines accord with the *CECV Commitment Statement to Child Safety*, available from www.cecv.catholic.edu.au/Our-Schools/Child-Safety.

The processes recommended in these Guidelines are consistent with a school's obligations under Ministerial Order No. 870 (Ministerial Order) and the Victorian Child Safe Standards. Child Safe Standard 4 relates to screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel. The Ministerial Order

specifies the following requirements, all of which are incorporated into the processes in these Guidelines:

1. *Subject to the requirements of the Education, Training and Reform Act (Vic.), the school governing authority must ensure that the school implements practices for a child-safe environment in accordance with this clause.*
2. *Each job or category of jobs for school staff that involves child-connected work must have a clear statement that sets out:*
 - a) *the job's requirements, duties and responsibilities regarding child safety; and*
 - b) *the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.*
3. *All applicants for jobs that involve child-connected work for the school must be informed about the school's child safety practices (including the code of conduct).*
4. *In accordance with any applicable legal requirement or school policy, the school must make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work:*
 - a) *Working with Children Check status, or similar check;*
 - b) *proof of personal identity and any professional or other qualifications;*
 - c) *the person's history of work involving children; and*
 - d) *references that address the person's suitability for the job and working with children.*
5. *The school need not comply with the requirements in clause (4), above if it has already made reasonable efforts to gather, verify and record the information set out in clauses (4)(a) to (4)(d) above about a particular individual within the previous 12 months.*
6. *The school must ensure that appropriate supervision or support arrangements are in place in relation to:*

² The Code of Canon Law, Canon 803, section 2

³ The Code of Canon Law, Canon 804, section 2

- a) *the induction of new school staff into the school's policies, codes, practices, and procedures governing child safety and child-connected work; and*
 - b) *monitoring and assessing a job occupant's continuing suitability for child connected work.*
7. *The school must implement practices that enable the school governing authority to be satisfied that people engaged in child-connected work perform appropriately in relation to child safety.*

Under the Ministerial Order and the Victorian Child Safe Standards, 'child-connected work' means work authorised by the school principal or governing body and 'performed by an adult in a school environment while children are present or reasonably expected to be present'. 'School environment' extends to locations other than the school campus, e.g. school camps, sporting events and excursions. These broad definitions mean that school staff who do not work directly or unsupervised with children may still be involved in 'child-connected' work as the term is defined in the Ministerial Order and used within these Guidelines. Notably, the definition of 'child-connected' work is broader than the definition of 'child-related' work used under the *Working with Children Act 2005* (Vic.) in relation to Working with Children Checks.

4. Anti-discrimination and adverse action

During all stages of the selection and employment process (including during the employment relationship), the employing authority, principal and any of their representatives must be mindful of the equal opportunity, anti-discrimination and general protections laws which apply in Victoria and federally and must avoid any conduct that could be construed as unlawful discrimination⁴ or unlawful adverse action.⁵

Anti-discrimination

Unlawful discrimination is conduct prohibited by state and federal equal opportunity and anti-discrimination laws. In general terms, unlawful discrimination in employment occurs when an employer:

- treats an employee/prospective employee with an *attribute* (see below) unfavourably because of that *attribute* (this is known as 'direct discrimination'); or
- imposes a requirement, condition or practice that has the effect of disadvantaging employees/prospective employees with an *attribute* and that is not reasonable (this is known as 'indirect discrimination').

Attributes are the grounds on which discrimination is prohibited under state and federal equal opportunity and anti-discrimination laws, being age, breastfeeding, disability (mental or physical), employment activity, gender identity, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race or national extraction, religious belief or activity, sex, sexual orientation, social origin or association with a person with one of the above attributes.

In general, throughout the selection process, employing authorities/principals and their representatives should not ask an applicant to state their religion or ask other questions with the intent of determining whether the applicant is Catholic (e.g. requiring the applicant to name their parish priest). There is a need in Catholic schools to ensure that staff understand, commit to and adhere to the principles of Catholic education. However, questions asked to determine whether a person has been baptised, provide little information about the applicant's capacity in this respect and may be used as evidence of unlawful discrimination. A better approach is to prepare clear selection criteria that outline any relevant faith-related requirements for the position and to discuss this with the applicant in the interview (see [Part 6 Position description](#) and [Part 10 Interview](#)).

⁴ The relevant Acts include the *Equal Opportunity Act 2010* (Vic.), *Sex Discrimination Act 1984* (Cth), *Equal Opportunity for Women in the Workplace Act 1999* (Cth), *Racial Discrimination Act 1975* (Cth), *Disability Discrimination Act 1992* (Cth), *Age Discrimination Act 2004* (Cth), *Australian Human Rights Commission Act 1986* (Cth) and *Fair Work Act 2009* (Cth)

⁵ *Fair Work Act 2009* (Cth)

Adverse action

The *Fair Work Act 2009* (Cth) contains general protections that prohibit an employer from taking unlawful 'adverse action' against an employee or a prospective employee.⁶ Examples of the type of adverse action that could be taken by an employer against an employee or prospective employee during the recruitment and selection process include:

- not affording them their legal rights or entitlements
- changing their job to their disadvantage
- treating them differently than others
- not hiring or promoting them
- taking investigatory or disciplinary action against them
- offering them different (and unfair) terms and conditions, compared to other employees
- discriminating against them.

Taking the actions described above is not of itself unlawful. Adverse action is unlawful only if the action is taken for one of the following reasons:

- the employee/prospective employee has or proposes to exercise a 'workplace right' (meaning they are entitled to a benefit under a workplace instrument or workplace law or, for employees, are able to make a complaint or enquiry in relation to their employment)
- the employee/prospective employee is or is not a member/officer of a union
- the employee/prospective employee has engaged or proposes to engage in industrial activity
- a discriminatory reason (that is, based on the employee/prospective employee having one of the attributes described above).

Exemptions

There are certain exemptions to unlawful discrimination that apply to religious bodies and religious schools. Under the *Equal Opportunity Act 2010* (Vic.), an act done because of someone's religious belief/activity, sex, sexual orientation, lawful sexual activity, marital status, parental

status or gender identity that would otherwise be discriminatory may be lawful if the act:

- (a) conforms with the doctrines, beliefs or principles of the religion; or
- (b) is reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion.⁷

A similar exemption is contained in the *Fair Work Act 2009* (Cth) in relation to adverse action based on a discriminatory reason.⁸ Given the complexity of these exemptions and the risk of claims of unlawful discrimination or adverse action, schools should obtain industrial and/or legal advice before taking any action in reliance on these exemptions.

5. Privacy

Throughout the selection and employment process, schools need to be mindful of privacy laws and any obligations under their school privacy policies. Privacy laws, namely the Australian Privacy Principles,⁹ are relevant to pre-employment screening processes because they contain obligations regarding the use, storage and disclosure of 'personal information' and 'sensitive information'. This information should be treated with respect for the person's privacy. Schools need to develop appropriate safeguards for the collection, retention, use and disclosure of personal information.

In summary, schools are required to do the following:

- **Notify** the applicant that they are collecting personal and/or sensitive information (this is incorporated into Attachment 5: Template Application for Employment).
- **Obtain consent** for the collection of such information (this is incorporated into Attachment 5: Template Application for Employment).
- **Use** the information only for purposes that are directly related to the purpose of collecting the information, i.e. for the purposes of determining the applicant's suitability for the position.
- **Ensure accuracy** of the information contained in any records.
- **Protect** the information from misuse, interference, loss, unauthorised access, modification or disclosure.

⁶ See Chapter 3, Part 3-1 of the *Fair Work Act 2009* (Cth)

⁷ Section 83 of the *Equal Opportunity Act 2010* (Vic.)

⁸ Section 351 of the *Fair Work Act 2009* (Cth)

⁹ *Privacy Act 1988* (Cth)

Pre-Employment Stage

6. Position description

When a vacancy for a position arises in a school, the employing authority or principal should prepare a position description for that position. If there is an existing position description, this should be reviewed to ensure that it accurately reflects the position in consideration of the ongoing needs of the school. The position description should include a clear outline of the role comprising a statement of duties together with selection criteria relevant to the role.

The position description should include and clearly state the school's expectation that staff must provide a child-safe environment. The position description must set out the position's requirements, duties and responsibilities regarding child safety and the essential or relevant qualifications, experience and attributes in relation to child safety required of the incumbent.¹⁰ It is important to include reference to child safety in all position descriptions within the school that involve child-connected work, not only teaching staff or those working directly with children (see the explanation of child-connected work in [Part 3 Child safety](#)).



Attachment 3: Example Position Descriptions

Statement of duties

The statement of duties clarifies the role, responsibilities and expectations of the position. The statement of duties should list the specific duties for that position (and should also include a catch-all phrase such as 'and any other duties as directed by the principal').

In preparing the statement of duties, it is important to consider and include all inherent requirements of the position. The inherent requirements are those elements that are essential to the performance of the position (e.g. physical requirements,

qualifications, attributes, registration and employment check requirements). A practical method of determining whether or not a requirement is an inherent requirement is to ask whether the position would be essentially the same if that requirement were dispensed with.

Selection criteria

Using the statement of duties as a guide, the next step is to prepare the selection criteria that will be used to assess the applicants in the selection process. Use of selection criteria facilitates a fair and objective approach in the selection process. The selection criteria should list the main qualifications, qualities, attributes, skills and expectations (including any inherent requirements) that are required to perform the duties of the position to the satisfaction of the employing authority/principal.

The selection criteria should specify the requirement for the applicant to have an understanding of, and commitment to, child safety.

The selection criteria should specify any faith-related requirements. It is important for the employing authority or principal to consider exactly what they are seeking in a staff member and ensure this is reflected in the selection criteria, keeping in mind that the key question is not whether the applicant is a Catholic. For example, the selection criteria may include the following requirements:

- A demonstrated understanding of the ethos of a Catholic school and its mission
- A demonstrated understanding of the Church's teachings and a Catholic school teacher's role in the mission of the Church
- A demonstrated capacity to instil in students a respect for each other in accordance with the teachings of Jesus Christ
- A capacity to integrate the Church's teachings into all aspects of curriculum.

¹⁰Child Safe Standard 4 requires that: *Each job or category of jobs for school staff that involves child-connected work must have a clear statement that sets out:*
(a) *the job's requirements, duties and responsibilities regarding child safety; and*
(b) *the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.*

7. Advertising

Fixed-term employees

Prior to advertising an available position, principals and employing authorities must take account of current fixed-term staff members. Clause 11.2 of the *Victorian Catholic Education Multi Enterprise Agreement 2013* provides that an employer:

- must, prior to advertising any position in a particular school, provide fixed-term employees who may be suitably qualified for the position with notice in writing that the position is vacant and
- must – if the fixed-term employee does apply for the vacancy – interview the employee for the position.

Advertisements

The purpose of advertising a vacant position is to attract suitable applicants. In general, schools should advertise all positions (save for casual and short-term appointments where advertising may not be practicable) to ensure that the process is fair and transparent and that they employ the best person for the position.

Advertisements should specify:

- the position and classification under the *Victorian Catholic Education Multi Enterprise Agreement 2013* or other relevant industrial instrument
- any key expectations of the employing authority (e.g. that the applicant have a demonstrated commitment to Catholic education and to the safety and wellbeing of children)
- whether the position is ongoing or fixed term¹¹ (and if fixed term, the period of the appointment)
- whether the position is full-time or part-time (and if part-time, the time fraction)
- the commencement date
- the closing date for applications
- how to access the application form and position description (e.g. website, contact person).

It is important that the advertisement demonstrates the school's commitment to safeguarding children. It is recommended that advertisements include a statement as follows:

'This school community promotes the safety, wellbeing and inclusion of all children.'

Where relevant, the advertisement should inform applicants of the requirement to hold or be willing to acquire a Working with Children Check and undergo a National Police Record Check.

Information contained in advertisements must be correct and must not mislead any potential applicant in any matter relating to the employment, including in relation to the availability, nature, terms or conditions of employment.¹² For example, employers should ensure that the position is advertised at the correct classification level or salary range.

It is unlawful to publish or cause to be published an advertisement which indicates (or that might be reasonably understood as indicating) an intention to engage in unlawful discrimination.¹³ For this reason, for most positions, schools should avoid stating in an advertisement that the person must be a Catholic, as this could indicate an intention to unlawfully discriminate against non-Catholic applicants (see [Part 4 Anti-discrimination and adverse action](#)).



Attachment 4:
Template Advertisement

8. Application

Potential applicants should be provided with access (either online or on request) to:

- the application form
- the position description which includes the selection criteria (see [Part 6 Position description](#))
- the school's child-safe policy and code of conduct
- the CECV Commitment Statement to Child Safety
- the Statement of Principles Regarding Catholic Education (Attachment 2).

¹¹ Clause 11 of the *Victorian Catholic Education Multi Enterprise Agreement 2013* specifies the limited circumstances in which an employee can be engaged on a fixed-term basis.

¹² Section 31 of the *Australian Consumer Law* (schedule 2 to the Competition and Consumer Act 2010 (Cth))

¹³ Section 182 of the *Equal Opportunity Act 2010* (Vic.)

Provision of the school's child-safe policy and code of conduct informs potential applicants about the school's child-safe practices and emphasises that the school is committed to child safety.¹⁴ Provision of the CECV Commitment Statement to Child Safety emphasises the system-wide importance placed on child safety within Catholic education in Victoria.

It is important that applicants gain an understanding of work in a Catholic school and so all applicants should be provided with the Statement of Principles regarding Catholic Education ([Attachment 2](#)). The application form requires staff to confirm that they have read and understood the Statement of Principles regarding Catholic Education and the school's child-safe policy and code of conduct.

Application form

The application form should request the basic information necessary to screen applicants prior to interview. The Child Safe Standards require employers to gather, verify and record a person's history of work involving children.¹⁵ For this reason, it is recommended that applicants be required to list their entire work history and include any volunteer work involving children.

The employing authority and principal should be mindful that it is unlawful to request an applicant to supply information that could be used to discriminate against the applicant, unless that information is requested for a purpose that does not involve discrimination.¹⁶ For example, on the face of it, asking an applicant to state their religion on the application form could be used to discriminate against non-Catholic applicants. For most positions within schools, it will be necessary to make inquiries and discuss with an applicant his or her ability to understand, commit to and adhere to the principles of Catholic education. However, it is better to do this within the interview setting, rather than make assumptions about an applicant's capabilities based on one-word answers, particularly when that could potentially be discriminatory.

As specified in Attachment 5: Template Application for Employment, any information provided should be treated in accordance with the *Privacy Act 1988* (Cth). Schools should also ensure they comply with any relevant privacy policies.

Declaration

It is recommended that, as part of the application form, schools require applicants to complete a declaration of prior conduct. This declaration requires the applicant to state whether or not the applicant:

- has had any disciplinary action taken against them by an employer (e.g. received a warning or had their employment terminated) in relation to any inappropriate or unprofessional conduct
- has been the subject of an allegation of inappropriate or unprofessional conduct, which has been substantiated by an employer or other body
- has been found guilty of a criminal offence or is currently facing criminal charges.

(See further the discussion in [Part 9 Preparing for interview – Shortlisting applicants](#) for interview as to dealing with a 'yes' response in the declaration of prior conduct.)

While use of the declaration of prior conduct is highly recommended, schools should not rely on the expectation that an applicant will complete the declaration honestly. Therefore, in conjunction with this, it is recommended that applicants be required to provide consent for the school to contact previous employers.

Referees

The application form should require the applicant to list preferred referees. However, it is likely that referees provided by the applicant will provide only favourable information about the applicant and may be reluctant to share concerns about the applicant's suitability to engage in child-connected work.

¹⁴ Child Safe Standard 4 requires that: *All applicants for jobs that involve child-connected work for the school must be informed about the school's child safety practices (including the code of conduct).*

¹⁵ Child Safe Standard 4 requires a school to 'make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work ... (c) The person's history of work involving children...'

¹⁶ Sections 107–108 of the *Equal Opportunity Act 2010* (Vic.)

For the above reason, in addition to speaking with preferred referees, it is recommended that schools seek consent in writing allowing the school to make inquiries with the applicant's current and previous employers/principals (who may not be listed as referees) about the applicant's prior employment history. This is incorporated into the template application form (Attachment 5). If an applicant refuses to provide consent, it is important to discuss this at the interview stage (if the applicant is otherwise deemed suitable for interview) (see also [Part 10 Interview – Referees and previous employers/principals](#)). The applicant may have an acceptable reason for not providing consent. In other situations, the school may not be sufficiently satisfied to proceed with the applicant's application without having spoken to the current/previous employer or principal. Unless they are listed as preferred referees, the school should not contact the applicant's current or previous employers/principals without the applicant's consent either in writing or during the interview.



Attachment 5: Template Application for Employment

All applications should be acknowledged in writing. This can be either electronically or via post, preferably within 48 hours of receipt of the application.



Attachment 6: Template Letter Acknowledging Receipt of Application

9. Preparing for interview

Selection panel

In general, the employing authority should appoint a selection panel to screen and interview applicants. In selecting panel members, attention should be given to forming a panel with the right mix of experience and skills to carry out the interview, ensuring that all panel members are clear on what the position requires. Where practicable, the gender mix of the panel should be balanced.

Panel members should ensure that they do not have a close association with any of the applicants, e.g. family member or close personal friend. In the event that such a situation arises, it is recommended that the panel member excuse him or herself from the process. The employing authority should then appoint a new panel member.

Shortlisting applicants for interview

It is recommended that the selection panel compile a schedule of applicants, based on the selection criteria and the application forms. The panel can use this schedule to compare applicants based on the key criteria and therefore assist them to determine which of the applicants to proceed to the next stage. (It is common practice to interview applicants and then check references. However, it is also acceptable practice to conduct reference checks prior to interview.)

The panel should not automatically exclude every person who answers 'yes' to one or more of the questions in the declaration of prior conduct. The panel should consider the circumstances before making a decision as to whether to proceed the application to the next phase. They may wish to discuss the matter with the applicant in the interview setting before making a decision.

When shortlisting applicants for interview, the panel should be mindful of potential unlawful discrimination and adverse action (see [Part 4 Anti-discrimination and adverse action](#)). As further protection from claims of discrimination or adverse action by aggrieved applicants, the comments in the schedule of applicants should reflect why the decision was made not to interview a particular applicant.



Attachment 7: Template Schedule of Applicants

Applicants whom the panel determines do not meet the selection criteria should be advised in writing that they have been unsuccessful. Some applicants can be ruled out early in the process. However, if there is doubt about whether an applicant will be interviewed, it is better to wait until the end of the selection process before sending the letter that the applicant was unsuccessful.



Attachment 8: Template Letter to Unsuccessful Applicants

Each applicant whom the panel determines could meet the selection criteria should be contacted and an interview arranged. Applicants should be provided with details of the interview time and location and the names of the members of the selection panel. Where relevant, applicants should

be advised if they will be required to undertake any specific assessment in addition to the interview (e.g. computer skills assessment, presentation, sample of written work). Applicants should be advised that during the interview, the panel will request to see proof of identity and, as relevant, original copies of the applicant's qualifications together with evidence of professional registration and/or Working with Children Check.¹⁷



Attachment 9: Template Letter Requesting Interview

10. Interview

The purpose of the interview is to assess the suitability of applicants for the position and to provide applicants and the selection panel with an opportunity to gain further information before making a successful appointment. The interview provides the selection panel with the opportunity to clarify information provided in the applicant's application.

The panel should follow the same interview format in relation to each applicant. Each member of the panel should be conversant with the selection criteria and the information provided on the application form. It is recommended that certain areas of importance (e.g. questions on a particular topic) be allocated to each panel member. It is important to give the applicant an opportunity to explain why he or she is suited for the position.

An effective method of interviewing is the 'behavioural' or 'targeted' interview which is an open-ended style of questioning designed to provide an insight into the applicant's values, attitudes and understanding of professional boundaries and accountability. This method is based on the premise that past behaviour is the best predictor of *future* behaviour. Interviewers adopting this method ask applicants questions that require specific examples of performance that will demonstrate those skills and capabilities relevant to the selection criteria. This method

discourages the use of hypothetical questions. Stated capabilities should later be confirmed with referees.

A strong answer outlines the **S**ituation in which the events occurred, the **T**asks that were undertaken, the **A**ction taken by the applicant, and the **R**esult of the action. Interviewers may use this STAR technique to assess the response.

The panel should be careful during the interview not to mislead a potential applicant in any matter relating to the employment, including in relation to the availability, nature, terms or conditions of employment.¹⁸ For example, a panel should avoid implying that a particular fixed-term position will become ongoing in future, unless it is certain that this will happen.

Child safety

It is important for the panel to make an assessment of any possible risk to child safety. The panel should inform the applicant about the school's child safety practices and the school's code of conduct, emphasising the importance of child safety to the school.¹⁹ As part of the interview process, the panel should review and verify the applicant's history of work involving children.²⁰

It is strongly recommended that the panel ask probing questions relevant to child safety. Some example interview questions that may be asked of applicants are:

- 'Tell us about why you want to work with children?'
- 'Describe a time when you had to manage a child whose behaviour you found challenging?'
- 'Tell us about a time when you had to comfort a distressed child?'

Depending on the enrolment and location of the school, it may be relevant to ask specific questions relating to the applicant's knowledge of promoting the cultural safety of Aboriginal children,

¹⁷ Child Safe Standard 4 requires a school to 'make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work:

(a) Working with Children Check status, or similar check;
(b) Proof of personal identity and any professional or other qualifications...'

¹⁸ Section 31 of the Australian Consumer Law (schedule 2 to the Competition and Consumer Act 2010 (Cth))

¹⁹ Child Safe Standard 4 requires that: 'All applicants for jobs that involve child-connected work for the school must be informed about the school's child safety practices (including the code of conduct).'

²⁰ Child Safe Standard 4 requires a school to 'make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work ... (c) The person's history of work involving children...'

the cultural safety of children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability.

In line with the declaration in the application form, it is strongly recommended that applicants be asked whether they:

- have had any disciplinary action taken against them by an employer (e.g. received a warning or had their employment terminated) in relation to any inappropriate or unprofessional conduct
- have been the subject of an allegation of inappropriate or unprofessional conduct, which has been substantiated by an employer or other body
- have been found guilty of a criminal offence or are currently facing criminal charges.

If the applicant answers 'yes' to any of the above questions (either in the interview or the application form) or if they seem hesitant in their response to any of the questions, the panel should be prepared to ask for further information. The panel should not automatically exclude an applicant with a 'yes' response but should consider the circumstances very carefully before making a decision regarding the application.

During the interview, members of the panel should take notice of their own thoughts and feelings when interacting with the applicant. Panel members should ask for further information if the applicant does not provide sufficient information in his or her responses.

Possible warning signs for panel members to note during interview include:

- unexplained lengthy gaps in employment history
- the applicant stating they do not value or 'need' supervision
- the applicant being evasive or inconsistent in his or her answers.

Discrimination

In general, questions about the applicant's marital and family status, age, health, religious and political beliefs or other protected attributes (see [Part 4 Anti-discrimination and adverse action](#)) should not be asked in an interview. Questions

that may be raised in a normal social context may be inappropriate in an interview setting.

The panel should be mindful that it is unlawful to request a person to supply information that could be used to unlawfully discriminate against that person, unless it is requested for a purpose that does not involve discrimination.²¹ This means that the panel should not ask questions relating to a particular attribute unless they have a non-discriminatory reason for doing so.

Faith-related matters

While being mindful of unlawful discrimination, for most positions in Catholic schools, it will be necessary to ascertain whether the applicant understands, and is prepared to commit to and adhere to the principles of Catholic education. This is particularly important for teaching positions and other roles where the staff member has significant contact with and influence over students (e.g. school counsellor). This information can be sought in a non-discriminatory way. The panel should not focus on whether the applicant is a Catholic but whether the applicant meets the selection criteria including any faith-related requirements (see [Part 6 Position description](#)).

Special facilities/adjustments for disability

The selection panel should ask the applicant if there is anything that may prevent him/her from successfully performing the duties of the position. If special facilities or adjustments are required to enable a person to perform the requirements of his or her role, the employing authority is legally obliged to provide these facilities or make such adjustments.²² The exception to this is where the provision of facilities or adjustments would impose an unjustifiable hardship on the employing authority.²³

At the interview stage, the task of the panel is to obtain information about any special facilities or adjustments that are required. For example, an applicant may advise that he or she has a back injury that requires a stand-up desk for long periods of computer-based work.

The matter of special facilities or adjustments may become relevant at the selection stage. An applicant's need for *reasonable* adjustments/special facilities should not affect the decision of the panel or the employing authority about the suitability of the applicant for the position.

²¹ Sections 107–08 of the *Equal Opportunity Act 2010* (Vic.)

²² Section 5 of the *Disability Discrimination Act 1992* (Cth); section 20 of the *Equal Opportunity Act 2010* (Vic.)

²³ Section 21B of the *Disability Discrimination Act 1992* (Cth)

The situation becomes more complex when it is not clear whether the required special facilities/adjustments would impose an unjustifiable hardship on the employing entity. For example, a specialist teacher with mobility restrictions may not be able to access the specialist subject area in an upstairs part of the school. This could require moving the location of the specialist subject area or installing a lift in the building. Whether this imposes an unjustifiable hardship on the employing entity depends on all the circumstances. The decision about whether an adjustment imposes an unjustifiable hardship rests with the employing authority. It is recommended that employing authorities seek legal advice in such situations.

Referees and previous employers/principals

The panel should confirm referee details with the applicant, establishing the professional relationship and/or history between the applicant and their preferred referees. Where possible, the panel should request to speak with referees who can provide insights into the applicant's experience involving child-connected work.

As outlined in [Part 8 Application – Referees](#), it is recommended that the school obtain consent from the applicant, via the application form, to contact the applicant's current and previous employers/principals. For applicants who have worked in education, this generally means contacting the principal. For applicants from other industries, depending on the size and nature of the organisation, it may be appropriate to contact the applicant's employer, manager or direct supervisor. The priority should be to contact the relevant person from the applicant's most recent place of work but the panel may also wish to speak with other previous employers/principals.

This contact should be discussed with the applicant during the interview and the applicant should be given the opportunity to raise any relevant matters. For example, if an applicant has not advised their current principal that they are applying for work elsewhere, they may wish to discuss the timing of the contact with the panel.

If the applicant has not signed the declaration in the application form or otherwise requests that the panel not contact their current or previous employer/principal, it is important that the panel asks the applicant to explain their reasons for such. The panel should carefully consider the applicant's reasons. It may be that the panel accepts the applicant's reason and is satisfied that it has sufficient information from other referees to proceed with the application. In other situations, the panel may form the view that, without contacting the most recent employer/principal, they do not have sufficient information to proceed with the application. The panel should not contact the applicant's current or previous employers/principals without the applicant's consent.

Documentation

During the interview the panel should sight:

- proof of personal identity (e.g. driver's licence, passport)
- where relevant, original copies of the applicant's qualifications
- where relevant, evidence of professional registration
- where relevant (e.g. not necessary for teaching positions), the applicant's current Working with Children Check card.²⁴

Post-interview

After the interview, the panel should rate how each applicant meets the selection criteria. A short summary of the interview and comments on each applicant may also be helpful. This will aid with the selection process and form part of the selection report provided to the employing authority. The panel should bear in mind that all documents brought into existence as part of the interview and selection process may be accessible to applicants under privacy laws or, alternatively, could be required to be disclosed in legal proceedings. Accordingly, the panel should ensure that all documents brought into existence during the interview and selection process are accurate.



Attachment 10: Template Applicant Assessment Sheet

²⁴ Child Safe Standard 4 requires a school to 'make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work:

(a) Working with Children Check status, or similar check;
(b) Proof of personal identity and any professional or other qualifications...

11. Selection

At the conclusion of the interview stage, the selection panel should be able to agree, based on the applicant's rating in reference to meeting the selection criteria, on the preferred applicant/s (if any). In some cases there may be only one applicant considered suitable for appointment, whereas in other situations there may be two or three suitable applicants.

Referee checks

Referee checks should be conducted for the applicant/s considered suitable for appointment. It is common practice to interview applicants and then check references. However, it is also acceptable practice to conduct reference checks prior to interview. Referee and reference checks are essential to the process of screening potential staff and providing additional insight into the applicant's character and skills. A key focus of referee and reference checks should be addressing the person's suitability for the position and for engaging in child-connected work.²⁵

If the reference is provided in writing, the panel should contact the referee to confirm its authenticity. When contacting referees by telephone or otherwise, it is important to verify to whom the panel member is speaking to ensure that genuine contact details have been provided.

It is recommended that the panel contact at least two of the applicant's preferred referees. As outlined in [Part 8 Application – Referees](#) and [Part 10 Interview – Referees and previous employers/principals](#), it is strongly recommended that the panel also contact the applicant's most recent principal/employer. There may also be circumstances where the panel wishes to speak with any previous principals/employers. As outlined above, the panel should not contact the applicant's current or previous employers/principals without the applicant's consent.

All referees (including the most recent principal/employer) should be questioned along an agreed line based on the selection criteria. The panel member/s responsible for conducting referee checks must be confident, assertive and probing in their questions. The panel member should

compile a written record of the referee's responses to the extent those responses are relevant to the selection criteria. When speaking with referees, the panel should seek to establish and/or verify the referee's relationship with the applicant, together with work and skills experience. It is particularly important to verify the person's history of work involving children.²⁶

Suggested questions for referees include the following topics:

- How long the applicant and referee worked together
- Whether the referee was the applicant's direct supervisor
- The specifics of the role previously and/or currently held by the applicant
- The applicant's perceived strengths and weaknesses
- Whether the referee would employ the applicant again
- Whether the referee has directly observed the applicant engaging in child-connected work
- Whether the referee has any concerns about the applicant engaging in child-connected work
- Whether the referee is comfortable knowing the applicant might sometimes be working alone with children
- Whether, to the referee's knowledge, the applicant had any disciplinary action taken against them in relation to inappropriate or unprofessional conduct; any substantiated allegations of inappropriate or unprofessional conduct made against them; was found guilty of a criminal offence or is currently facing criminal charges.

Panel members should ask for information if the referee does not provide sufficient information in his or her responses. It is recommended that panel members take note of any pauses or gaps in a referee's responses. Panel members should not be afraid to 'probe' if they consider the referee is not telling the full story.

²⁵ Child Safe Standard 4 requires a school to 'make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work ... (d) References that address the person's suitability for the job and working with children.'

²⁶ Child Safe Standard 4 requires a school to 'make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work ... (c) The person's history of work involving children...'

The panel should take the verbal or written reports from referees into consideration in assessing the suitability of the applicant for selection.



Attachment 11: Template Referee Report

Registration

If relevant, the selection panel should confirm the applicant's current registration on the registering board's website. For example:

- Victorian Institute of Teaching (VIT)
- Australian Health Practitioner Regulation Agency
- Speech Pathology Australia
- Certified Practising Accountants Australia
- Institute of Chartered Accountants Australia.

For teaching positions, it is recommended that the panel confirm that the applicant is currently registered with the VIT by searching the online teachers register on the VIT website at www.vit.vic.edu.au/search-the-register. The online teachers register will also indicate whether a teacher has had their registration suspended or cancelled or whether any conditions have been imposed on the teacher. If this is the case in relation to an applicant, the panel is advised to obtain further information from the applicant.

The panel should make a note if the applicant does not yet have VIT registration at the time of interview. For example, if the applicant is in their final year of university, they will not receive provisional VIT registration until they have completed the relevant application and their university advises VIT that the applicant has completed their course. In general, for mid-year graduates, the VIT approves registration from mid-July to August. For end-of-year graduates, the VIT approves registration from December to January. If the applicant is successful in obtaining the position, the principal must ensure that the applicant has VIT registration before he or she commences teaching at the school (see [Part 13 Pre-employment checks](#)).

Obtaining additional information

If the selection panel utilises social media or other internet-based sources to gather information about a prospective employee, they should ensure

that they document the information obtained and used in assessing the applicant. The panel must ensure that the information obtained and used in assessing applicants has direct relevance to the position requirements. The panel should not assess an applicant on an attribute on which discrimination is prohibited under state and federal equal opportunity and anti-discrimination laws (see [Part 4 Anti-discrimination and adverse action](#)).

The same principles apply to an employing authority/principal who utilises social media or internet-based sources after receiving a recommendation from the panel.

Selection decision

After all applicants have been interviewed and referees have been contacted in relation to the suitable applicants, the selection panel should compare the various applicants and the information obtained in relation to each of them. If further information is needed, the panel may contact other referees, hold further interviews or consider other assessment options (e.g. presentation for relevant position).

The panel should then make a decision as to who is the preferred applicant. As a result of the process followed, the decision-making should be rigorous, defensible and transparent.

The panel must be sure that the preferred applicant is able to perform the inherent requirements of the position. If an applicant has a disability or impairment, the school may need to provide special facilities or make reasonable adjustments to enable the applicant to perform the inherent requirements of the position. However, the key point is that the successful applicant must be able to perform the inherent requirements of the position, even if some adjustment is required to enable them to do so (see [Part 10 Interview – Special facilities/adjustments for disability](#)).

The next step is for the panel to recommend the preferred applicant to the employing authority. The panel should consider presenting the employing authority with a selection report that provides information on each of the applicants and demonstrates the reasons for the panel's recommendation. The role of the panel is only to *recommend* the employment of an applicant to the employing authority. The decision to offer

employment rests solely with the employing authority (unless the employing authority has specifically delegated the employing function to the principal in writing or as part of the principal's contract). The employing authority/principal must approve the recommendation of the panel before any offer of employment is made to the preferred applicant.

The selection report (see [Attachment 12](#): Template Selection Report) should be used to record how the decision was made. In addition to informing the employing authority/principal of the reasons for the decision, this document offers some protection in the event that a claim of discrimination or adverse action is made in relation to the appointment process.



Attachment 12: Template Selection Report

Notification to applicants

The successful applicant should be contacted as soon as practicable. It is generally appropriate to contact the applicant by telephone. The applicant should be advised that they have been successful and that the offer of employment is conditional on the applicant passing the relevant pre-employment checks (see [Part 13 Pre-employment checks](#)) and on signing the letter of appointment (see [Part 12 Appointment](#)).

As soon as practicable, the unsuccessful applicants should be thanked for their interest in the position and notified in writing that their applications have been unsuccessful (see [Attachment 8](#): Template Letter to Unsuccessful Applicants). In some situations, it may also be appropriate to telephone the unsuccessful applicant or have a discussion in person (e.g. if the applicant is a current employee at the school). If the principal/employing authority is certain that the preferred applicant will accept the offer of employment, the letters may be sent to unsuccessful applicants at the same time as the successful applicant is offered the position. However, if there is any doubt as to whether the preferred applicant will accept the offer, the employing authority should wait until the offer is accepted before sending letters to the unsuccessful applicants, in order to leave open other options.

Document retention

Schools should retain *all* documents relevant to the application process, including all documents relating to unsuccessful applicants for at least seven years after the selection process has concluded. The reason for this is to enable the employing authority to defend any subsequent claims of discrimination or adverse action relating to the selection process. Principals/Employing authorities must ensure that they comply with privacy legislation and any relevant policies in relation to the storage and use of personal records.

Employment Stage

12. Appointment

Once the employing authority has approved the appointment, a letter of appointment must be sent to the successful applicant offering him or her the position. This letter forms part of the contract of employment. A signed copy should be retained on the employee's personnel file. The letter of appointment should be signed and returned before the applicant commences employment at the school.

Schools are advised to use the CECV template letters of appointment for staff available from the CECV website at www.cecv.catholic.edu.au. In summary, the letter must include the following:²⁷

- an offer of employment for the particular position, specifying the category and classification under the *Victorian Catholic Education Multi Enterprise Agreement 2013* or other relevant industrial instrument
- whether the position is ongoing or fixed term (and if fixed term, the period of the appointment, the reason and circumstances for the appointment being fixed term and the rights of any employee being replaced)
- whether the position is full-time or part-time (and if part-time, the time fraction, days and hours of duty/scheduled class time)
- the commencement date and, if applicable, the cessation date of employment
- the salary and key conditions of employment (e.g. hours of duty, rate of pay, any allowances, superannuation entitlements, leave entitlements, any recall obligations)
- any professional registration requirement as a condition of employment
- the requirement for a Working With Children Check and a National Police Record Check (not necessary for teachers as this is covered by their VIT registration)

- a space for the applicant to sign accepting the offer of employment
- the position description
- the 'Fair Work Information Statement' produced by the federal government
- the 'Statement of Principles of Catholic Education' ([Attachment 2](#))
- the school's child-safe policy and code of conduct
- the CECV Commitment Statement to Child Safety.

13. Pre-employment checks

It is important that schools conduct the necessary pre-employment checks. The offer of employment should be conditional on staff passing the necessary checks. This requirement is incorporated into the CECV template letters.

Staff who do not have current VIT registration must obtain a Working with Children Check (WWCC) and a National Police Record Check (Police Check). For teachers, this forms part of their VIT Registration.

Principals and employing authorities must be mindful that pre-employment checks are only one part of building a child-safe organisation. WWCCs and Police Checks do not assess a person's suitability to work with or care for children in a particular role. It is the responsibility of the principal and employing authority to assess whether a staff member is a suitable person to engage in child-connected work and to monitor their behaviour around children. Pre-employment checks should be combined with other strategies, such as those outlined in these Guidelines, for selecting and employing suitable staff in schools.

²⁷ Clause 12 of the *Victorian Catholic Education Multi Enterprise Agreement 2013* outlines specific requirements for letters of appointment. These requirements are incorporated into the CECV template letters.

Victorian Institute of Teaching Registration

Principals and employing authorities must ensure that teaching staff have valid VIT registration prior to commencing employment at a school. It is recommended that principals view and make a copy of the registration cards of all teachers and also check the online VIT register at www.vit.vic.edu.au/search-the-register.

In some circumstances, graduate teachers may not have received provisional VIT registration at the time of interview (see [Part 10 Interview](#)) or the time of offer of employment. The principal must ensure that the teacher has VIT registration before they commence teaching at the school. In general, for mid-year graduates, the VIT approves registration from mid-July to August. For end-of-year graduates, the VIT approves registration from December to January. In general, the teacher will appear on the online VIT register before they receive their registration card. Once a teacher appears on the VIT register, they are registered and can teach.

Working with Children Check

The *Working with Children Act 2005* (Vic.) requires that any person doing child-related work, and who is not exempt, must have a valid WWCC. A person is considered to be doing 'child-related work' if they work within one or more of the occupational fields defined in the Act, and the contact with children is direct, unsupervised, and part of their duties.

A WWCC helps protect children from physical and sexual harm. It does this by screening a person's criminal records and professional conduct records, and preventing people who pose an unjustifiable risk to children from working with or caring for children.

A WWCC is valid for five years, and is transferable between employers. A WWCC is different from a Police Check because WWCC cardholders are monitored on an ongoing basis for any new relevant offences or adverse professional conduct reports from prescribed professional bodies. New charges, convictions or findings relevant to the WWCC will instigate a re-assessment of the person's eligibility to hold a card.

It is unlawful for a person who has not obtained a WWCC to engage in child-related work. It is also

unlawful for an employing authority to knowingly employ a person who has not obtained a WWCC in child-related work.

In general, it is recommended that all non-teaching staff be required to apply for and pass a WWCC. If the staff member does not already have a current WWCC (for employment, as opposed to a volunteer check), they should obtain this prior to commencing employment at the school and present the WWCC card to the school as soon as practicable.

Schools must ensure they have processes in place not only in relation to new staff, but also in relation to checking the WWCC status of existing employees and other visitors to the school (including contractors and volunteers).

National Police Record Check

It is recommended that all new non-teaching staff be required to undergo a Police Check and provide the resulting National Police Certificate to the school as soon as practicable. The school should ensure they sight the original National Police Certificate and retain a photocopy of such.

A Police Check is different to a WWCC, which considers 'relevant offences' as listed in the *Working with Children Act 2005* (Vic.), such as sexual, violent and drug offences. A Police Check is a list, at any given point in time, of the offences a person has committed. For example, a Police Check may be useful when appointing a person into a role that has access to money or expensive goods, as it will report on fraud and theft offences. It may also be useful when appointing a school bus driver or someone who regularly transports students as it will report on drink driving offences.

If the National Police Certificate demonstrates that an applicant or a current staff member has committed an offence, this is not necessarily detrimental to the person's employment or potential employment at the school. The principal must make an assessment as to whether the offence is relevant to the person's employment at the school, taking into account all the circumstances, e.g. the nature of the offence, the nature of the position, when the offence occurred. In most cases, the principal will need to have a further discussion with the applicant/staff member about the result of the Police Check before making any decisions.

National Police Certificates do not have an expiry date. The National Police Certificate is the result of a check of police records only up until the day it is issued. Unlike a WWCC, there is no ongoing monitoring. It is recommended that schools require existing staff to undergo a Police Check every five years (consistent with the timeframe for the WWCC).

14. Induction

Induction is a structured and supportive method of introducing a new staff member to a school. Commencing a new job can be a daunting process with new people, new systems and a new workplace culture in addition to having a new position to perform. The transition to a new workplace is made easier and more effective for both the individual and the school if there is a comprehensive induction process in place, which introduces the new staff member to the workplace. Schools also have a legal obligation to have an induction program for all new staff.²⁸

An induction process should communicate the school's ethos, policies and procedures to new staff and include an introduction to their role and their immediate work area. It is also a means by which information and resources are provided to new staff in a timely manner.

Induction is an ideal opportunity to have discussions with new staff about child safety. Schools need to ensure that newly appointed staff understand the importance of child safety. New staff should be provided with information on the school's child-safe policy, code of conduct, and relevant practices and procedures.²⁹ It is important that the discussion about child safety includes practical matters. This is particularly so for graduates or staff who are new to a school setting. For example, staff should be advised to remain visible when working alone with children, that they should not have unnecessary physical contact with children and that they should avoid having 'favourites'. Staff should be given an opportunity to ask questions about relevant policies, procedures and practices. It is important that staff know who to contact if they have concerns.

Induction programs should be structured and provide a staff member with the following information.

- Materials relevant to the ethos and mission of the school
- Materials relevant to child safety
- A thorough explanation of their role and responsibilities (referring to their position description)
- An understanding of where their job fits into their immediate work area, school and Catholic education more broadly
- Occupational health and safety (OHS) information (including identification of any OHS training required for the role)
- An introduction to key colleagues in the work area
- An introduction to colleagues who can provide support and advice (e.g. first-aid officer, administrative staff, contact officers for complaints)
- An appreciation of the school's expectations with respect to professional behaviour
- Provision of, and training on, school policy and procedures documents
- Salary assessment information.³⁰



Attachment 13: Template Induction Checklist

Post first week

Induction should be an ongoing process. The formal induction program may be completed in the first week. However, beyond that, it is important to keep communication flowing and to address any concerns, teething problems, training or accountability issues and to provide clarity on priorities. Such ongoing assistance and clarification will help new staff feel more positive and focused about their contribution, leading to a happier, more settled staff member and to a more productive workplace.

²⁸ Clause 23 of the Victorian Catholic Education Multi Enterprise Agreement 2013

²⁹ Child Safe Standard 4 requires that: 'The school must ensure that appropriate supervision or support arrangements are in place in relation to: (a) The induction of new school staff into the school's policies, codes, practices, and procedures governing child safety and child-connected work...'

³⁰ Clause 23 of the Victorian Catholic Education Multi Enterprise Agreement 2013 requires a school's induction program to include the following: materials relevant to the ethos and mission of the school; provision of, and training on, school policy and procedures documents; identification of lines of support and contact persons; and salary assessment information.

With this in mind, after the formal induction program is complete, it is recommended that the principal (or, as relevant, the staff member's supervisor or coordinator) schedule follow-up induction meetings with the new staff member as follows:

- every week for the first month
- every two weeks for the second month
- every month for the third to sixth month.

The following are some example discussion points for these induction meetings.

- Ensure the employee is settling in. Discuss with the employee their experience to date settling into their role and the school.
- Clarify the employee's perception of their role. Has the role met their expectations?
- Have there been any issues or concerns for the employee since their commencement?
- Discuss the employee's performance and achievements to date.
- Discuss any appropriate training, retraining, refocus and appropriate time lines for such.

If concerns are identified regarding the employee's performance, conduct or capacity that may warrant action, the process provided within clause 13 of the VCMEA, Managing Employment Concerns, should be followed. Further information regarding these provisions is available by contacting the CECV Industrial Relations Unit.

15. Emergency teachers and casual relieving employees

The processes outlined in these Guidelines are appropriate for the appointment of ongoing and fixed-term positions in schools. For short term positions (including emergency teachers and casual relieving staff), some aspects of the processes may be truncated. However, the principal/employing authority must still be satisfied that the person is suitable for engaging in child-connected work.

For emergency teachers and casual relieving staff, the principal should:

- request that the staff member complete an application form (see [Attachment 5](#): Template Application for Employment)
- provide the staff member with the school's child-safe policy, code of conduct and CECV Commitment Statement to Child Safety
- interview the prospective staff member
- contact referees, including the most recent principal/employer for whom the staff member worked for a significant period
- check VIT registration or conduct relevant pre-employment checks, including a Working with Children Check
- provide the staff member with a letter of appointment (the CECV template letters include a one-off letter to be provided to staff on the emergency teacher list)
- ensure the staff member undergoes induction at the school.

Where schools regularly use the same staff for emergency and casual relieving positions, this process should be following at the commencement of employment and updated as appropriate after any significant intervals between work. For example, if a teacher has not worked at the school in the past 12 months, it would be appropriate for the principal to speak with the most recent principal/employer and ensure the teacher has received induction in relation to relevant policies and procedures.

16. Ongoing obligations regarding child safety

Ongoing support, supervision and training of staff are critical in managing and reducing the risk of child abuse. The Child Safe Standards impose ongoing obligations on schools in relation to the employment of staff.³¹ Specifically, schools must ensure that appropriate supervision or support arrangements are in place to monitor and assess a staff member's continuing suitability for child-connected work. Schools can take a number of steps to meet these obligations.

³⁰ Child Safe Standard 4 requires that: 'The school must ensure that appropriate supervision or support arrangements are in place in relation to: ... (b) Monitoring and assessing a job occupant's continuing suitability for child-connected work.'

Training

As a basic starting point, staff should be able to easily access and understand the school's commitment to child safety and relevant policies. It is recommended that staff receive training relevant to child safety each year, as part of their professional learning.

Schools should ensure that staff are regularly provided with information, training and education about child safety including in relation to:

- the school's policies, procedures and code of conduct
- what constitutes child abuse
- appropriate standards of care and duty of care
- how to identify and reduce risks of child abuse
- detecting signs of potential child abuse
- how to handle a disclosure or suspicion of child abuse
- what constitutes inappropriate behaviour between children, such as inappropriate sexualised play, bullying and fighting
- what is inappropriate behaviour between children and adults, with reference to the code of conduct
- legislative requirements, e.g. mandatory reporting
- where relevant, specific training to promote the cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability.

Schools should be mindful that such training can take many forms, including:

- training by external organisations
- training developed and delivered internally
- on-the-job training, mentoring and coaching.

Support, supervision and monitoring

New employees should be supervised regularly to ensure that they understand their role and possess the necessary skills as well as to check that their behaviour towards children is appropriate. For new teachers at the school, this may include having a mentor or other staff member present in the classroom on occasions. This circumstance aside, in general, it is not practical or desirable for teachers to be directly

supervised in their classrooms. However, there are other steps a school can take to provide support and supervision to staff, such as the following.

- Principals should provide clear expectations about roles and responsibilities and give staff the best support and training to equip them to perform their roles in a professional manner.
- Principals should ensure that staff have regular opportunities to meet and talk with their relevant coordinators/managers/the principal. In this way, staff are more likely to share observations or talk about concerns that may otherwise go unsaid.
- Principals and leadership are advised to maintain a physical presence in the school. Where practicable, they should walk around the school or subject area and get a sense of what is happening about the school.
- Principals should consider appointing a staff member to the role of 'child safety officer'. This role would have specific 'child-safe' duties including monitoring the implementation of the school's child-safe strategies. The person may also have a role in coordinating training. Although it is useful to have a person in this specific role, principals and the broader school staff must not abrogate their responsibilities in this area.
- Principals need to continually monitor and assess a staff member's suitability to engage in child-connected work. It is recommended that this form part of the consideration prior to and discussion at a staff member's annual review meeting.
- Principals and employing authorities should consider supervision and monitoring requirements in terms of building design and allocation of spaces. For example, it is important to ensure that child safety is a key consideration when making arrangements for staff working one on one with students, e.g. reading recovery, counselling, instrumental music teaching.

The principal should discuss the strategies in these Guidelines with the employing authority in the context of broader discussions about the steps the school is taking to ensure child safety.³² It is recommended that the principal provide information to the employing authority regarding child safety as part of the school's annual report.

³² Child Safe Standard 4 requires that: 'The school must implement practices that enable the school governing authority to be satisfied that people engaged in child-connected work perform appropriately in relation to child safety.'

17. Further information

Contact

Industrial Relations Unit
Catholic Education Commission of Victoria
(CECV) Ltd
228 Victoria Parade
East Melbourne VIC 3002
Phone: (03) 9267 0228
www.cecv.catholic.edu.au

Catholic Education Office Ballarat
5 Lyons Street
Ballarat Victoria 3350
www.ceoballarat.catholic.edu.au

Catholic Education Melbourne
228 Victoria Parade
East Melbourne VIC 3002
www.cem.edu.au

Catholic Education Office Sale
6 Witton Street
Warragul Victoria 3820
www.ceosale.catholic.edu.au

Catholic Education Office Sandhurst
120 Hargreaves Street
Bendigo Victoria 3552
www.ceosand.catholic.edu.au

Victorian Registration and Qualifications Authority
Level 4, Casselden
2 Lonsdale Street
Melbourne VIC 3000
www.vrqa.vic.gov.au

Victorian Institute of Teaching
Level 9, 628 Bourke Street
Melbourne Victoria 3000
www.vit.vic.edu.au

Australian Health Practitioner Regulation Agency
Victorian Office
Level 8
111 Bourke Street
Melbourne Victoria 3000
www.ahpra.gov.au

Speech Pathology Australia
1/114 William Street
Melbourne Victoria 3000
www.speechpathologyaustralia.org.au

Certified Practising Accountants Australia
Level 20, 28 Freshwater Place
Southbank Victoria 3006
www.cpaaustralia.com.au

Institute of Chartered Accountants Australia
Level 3 Bourke Place
600 Bourke Street
Melbourne Victoria 3000
www.charteredaccountants.com.au

CECV resources

[Victorian Catholic Education Multi Enterprise Agreement 2018](#)

[CECV Statement of Commitment to Child Safety](#)

[CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)

[CECV Guidelines on the Engagement of Contractors in Catholic Schools](#)

Legal resources

[Ministerial Order No. 1359](#) – Child Safe Standards – Managing the risk of child abuse in schools

The Code of Canon Law

[Age Discrimination Act 2004 \(Cth\)](#)

[Australian Human Rights Commission Act 1986 \(Cth\)](#)

[Child Wellbeing and Safety Act 2005 \(Vic.\) Disability](#)

[Discrimination Act 1992 \(Cth\)](#)

[Equal Opportunity Act 2010 \(Vic.\)](#)

[Equal Opportunity for Women in the Workplace Act 1999 \(Cth\)](#)

[Fair Work Act 2009 \(Cth\)](#)

[Privacy Act 1988 \(Cth\)](#)

[Racial Discrimination Act 1975 \(Cth\)](#)

[Sex Discrimination Act 1984 \(Cth\)](#)

External resources

[Department of Education and Training](#)

[Victorian Department of Human Services](#)

[Commission for Young People and Children](#)

Attachments

[Attachment 1](#): Checklist for the Employment of Staff in Catholic Schools

[Attachment 2](#): Statement of Principles regarding Catholic Education

[Attachment 3](#): Example Position Descriptions

[Attachment 4](#): Template Advertisement

[Attachment 5](#): Template Application for Employment

[Attachment 6](#): Template Letter Acknowledging Receipt of Application

[Attachment 7](#): Template Schedule of Applicants

[Attachment 8](#): Template Letter to Unsuccessful Applicants

[Attachment 9](#): Template Letter Requesting Interview

[Attachment 10](#): Template Applicant Assessment Sheet

[Attachment 11](#): Template Referee Report

[Attachment 12](#): Template Selection Report

[Attachment 13](#): Template Induction Checklist