

# Child Safety Policy

## Section 1 - Purpose

(1) Charles Sturt University (the University) is committed to the safety and wellbeing of all children who interact with or who may be impacted by University activities. This policy sets out the University's approach to child safety and the requirements for those interacting with children within the University or on its behalf.

(2) This policy aims to establish the principles and practice supporting the University's commitment and obligation to the safety, protection and wellbeing of all children who interact with or are impacted by the University's activities. This includes preventing child exploitation, abuse, harassment, neglect or any behaviour that is deemed inappropriate by the University.

(3) This policy seeks to address the University's responsibilities under the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#) and the associated [Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#) and equivalent legislation and regulations in any other jurisdictions within Australia where our staff, students and affiliates work or study from.

### Scope

(4) This policy is applicable to all staff, students and affiliates as defined in Section 2 - Glossary.

(5) This policy does not address the University's obligations under the [Health Practitioner Regulation National Law \(NSW\)](#), which requires employers and education providers to report the impairment of a student undertaking clinical placement where that impairment may place the public at substantial risk of harm. This is managed under the AHPRA Mandatory Notification of Impairment: Registered Students Procedure.

## Section 2 - Glossary

(6) For the purpose of this policy, the following terms have the definitions stated:

- a. Adult - any person over the age of 18 years.
- b. Affiliate - includes visiting and honorary fellows, adjuncts and any other person appointed or engaged by the University to perform work, duties or functions for the University.
- c. Child (or children) - any person under the age of 18 years.
- d. Child-related work - any work requiring face-to-face contact with a child or children in a child-related sector as outlined in section 6 of the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#) and part 2 of the [Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#).
- e. Staff - any person that carries out work for the University, including:
  - i. employees,
  - ii. trainees,
  - iii. volunteers and affiliates,
  - iv. outworkers,
  - v. apprentices,

- vi. work experience students,
  - vii. contractors and sub-contractors and their employees, and
  - viii. employees of labour hire companies.
- f. Unacceptable risk - a high-level risk, identified by a risk evaluation as unacceptable, and therefore the only appropriate risk treatment is avoiding the risk by deciding not to initiate.
- g. Worker - the meaning given to it in section 5 of the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#) which, as at the date of this policy and in respect of the University, means any person engaged to work as an employee (whether fixed term, continuing or casual), a self-employed person, a contractor or subcontractor, a volunteer, or a person undertaking practical training as part of an educational or vocational course. Some students may therefore fall within the definition of 'worker'.
- h. Working with Children Check - means the process of screening individuals engaged in child-related work. A Working with Children Check is defined by the NSW Office of the Children's Guardian as involving a national criminal history check and a review of findings of workplace misconduct.
- i. Working with Children Check clearance - an authorisation to engage in child-related work from the NSW Children's Guardian or equivalent in Australian states and territories.
- j. Working with Children Check bar - the outcome of the Working with Children Check does not enable the individual to engage in child facing work.

## Section 3 - Policy

(7) The following principles apply to this policy:

- a. Zero tolerance approach to child exploitation and abuse.
- b. Recognition of the United Nations (UN) Convention on the Rights of the Child.
- c. 'Whole of University' approach to child protection.
- d. Procedural fairness.

### **Zero tolerance approach to child exploitation and abuse**

(8) The University does not tolerate child exploitation and abuse of children. This zero tolerance approach includes the possession, production and/or distribution of child pornography or any other child exploitation material. These actions attract criminal, civil and disciplinary sanctions.

(9) The University will not knowingly engage, directly or indirectly, with any individual or organisation who poses an unacceptable risk to children, within or outside Australia.

(10) The University will also report such abuses to relevant authorities should they be observed.

### **Recognition of the United Nations Convention on the Rights of the Child**

(11) The University acknowledges Australia's role as a signatory to the UN Convention on the Rights of the Child and holds as its standard, the rights and obligations outlined under this convention.

### **'Whole of University' approach to child protection**

(12) The University will recognise the rights of children in any and all interactions.

(13) All staff, students and affiliates will recognise their role in ensuring that the safety and protection of children is paramount. This applies to the approval of new contracts, employment practices, University policies and procedures, teaching and learning strategies, course-related professional or clinical placements, fieldwork engagements, research

strategies and practices, commercialisation activities, and through active communication of these values throughout the University.

(14) The University actively manages the potential risk of child exploitation and abuse associated with research and education via adherence to the [National Statement on Ethical Conduct in Research Involving Humans](#) (Section 4.2) and the [Australian Code for the Responsible Conduct of Research, 2018](#) and the associated ethics committees. It is required that any research or other educational activity must explicitly outline any interaction with or impact on children for review as part of the ethics clearance processes. Consultation with the University's Legal Services may also be required.

## **Policy statements**

(15) While staff, students and affiliates generally interact with adults, it is acknowledged that situations may arise where they may interact with children during the course of their duties, research or studies.

(16) It is the responsibility of all staff, students and affiliates to become familiar with the expectations of this policy when engaging with children on behalf of the University in the course of their work, studies or research.

(17) The University acknowledges the collective role that all staff, students and affiliates play in ensuring child protection and safety.

(18) The following policy statements seek to put into practice the principles outlined in this policy by ensuring the necessary protections are in place for workers engaging in child-related work and for the reporting of alleged abuses to the relevant authorities.

(19) It is a requirement of all new and current staff, students and affiliates to disclose whether they have been charged with child exploitation offences.

## **Child-related work**

(20) Child-related work is defined in section 2 of this policy and in state and territory acts and regulations. For clarity, the definition of child-related work in section 6(1)(g) of the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#) excludes universities, which implies that work in universities is generally not child-related work and that workers whose only involvement with children in the workplace is teaching students under the age of 18 will not require a Working with Children Check. However, there may be activities undertaken by the University and workers in which contact with a child or children is a usual part of and more than incidental to that activity (including but not limited to activities aimed at school children or research involving children or students undertaking clinical placements which involves child-related work). Child-related work does not apply to those exemptions outlined in the [Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#).

(21) Child-related work in a state other than NSW will be subject to the relevant legislation of that state.

(22) It is expected that all staff, students and affiliates maintain a professional and appropriate interaction with children in all situations where such contact may occur. The University also requires all workers (as defined in section 2) who are engaged with child-related work to undertake any checks and clearances, training or development required by the University or any external organisation (as appropriate).

## **Working with Children Check**

(23) All new and existing staff, students and affiliates engaging in child-related work as part of their University duties must hold a current Working with Children Check.

(24) A staff member who provides one on one supervision of a child undertaking work experience must hold a current

Working with Children Check.

(25) Individuals are responsible for ensuring their Working with Children Check clearance remains current and that they do not engage in any child-related work if the clearance expires until such time as a new clearance is obtained.

### **Additional Charles Sturt University requirements**

(26) Additional requirements for appointment to a role that includes child-related work will normally be included as part of the position description.

### **Working with Children Check – barred individuals**

(27) The University will not engage anyone in child-related work who has been barred from working with children in a Working with Children Check.

(28) Any staff, student or affiliate currently engaged by the University for child-related work who in the course of their appointment, subject to ongoing or special review, is barred by the Office of the Children’s Guardian (or equivalent) will be immediately suspended from any child-related work pending further investigation. Individuals must immediately notify the University if they are barred from working with children and cease engaging in any child-related work.

(29) Staff, students and affiliates will be made aware that, in the course of its duties, the NSW Office of the Children’s Guardian (and equivalent office in other states and territories) maintains reporting responsibilities under section 48A of the [Children and Young Persons \(Care and Protection\) Act 1998 \(NSW\)](#). This is separate from and outside the University’s obligations under the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#) and the [Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#) and equivalent legislation in other states and territories.

### **Additional requirements from external agencies**

(30) In some instances, staff, students and affiliates may be required to undertake additional training or checks as a requirement of an external agency or government department in addition to those undertaken by the University. Those engaging in child-related work should undertake all the necessary requirements of external agencies before engaging in the child-related work.

### **Child protection risk management**

(31) The University reserves the right to require existing and incoming staff, students and affiliates to obtain a Working with Children Check, even when not engaged in child-related work.

(32) Workers and students engaging in research activity that is child-related must apply for a Working with Children Check and receive clearance from the Children’s Guardian before applying for ethics approval and before commencing any interaction with children as part of their research project.

(33) All staff, students and affiliates will have access to an online Child Safety – Awareness and Mandatory Reporting of Child Sexual Assault and Abuse module.

## **Section 4 - Procedures**

### **Reporting child protection breaches**

#### **Breaches by staff and affiliates**

(34) Any breaches by staff and affiliates of this policy will be dealt with under the [Code of Conduct](#) or relevant

instrument. This includes the right of the University to notify a relevant statutory authority and/or agency where breaches of relevant legislation may be evident.

### **Breaches by students**

(35) Students alleged to be in breach of this policy will be managed under the [Student Misconduct Rule 2020](#) and associated processes.

### **Reporting exploitation and/or abuse**

(36) Staff, students and affiliates are required to report any suspected child abuse via the legislated body responsible in the state or territory in which the child or children are located.

### **Misuse of IT or communications technology**

(37) Any instance of staff, students and affiliates using information and communications technology facilities to access, produce or distribute child pornography or exploitation materials (including via social networks or any other means of online communication) will be reported to police and managed under the [Code of Conduct](#) or the [Student Misconduct Rule 2020](#), as applicable.

### **Procedural fairness**

(38) All reports will be handled in an unbiased and fair manner, taking into account the principles of procedural fairness. The University will balance these principles with its duty of care and legal obligations for all children who may interact with the University.

(39) Any appeal would be conducted in accordance with the provisions of the relevant policy for staff or students.

## **Section 5 - Guidelines**

(40) Nil.

## Status and Details

<b>Status</b>	Current
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