Child Safety and Wellbeing Procedure

Section 1 - Purpose

(1) The purpose of this Procedure is to support the Child Safety and Wellbeing Policy (Policy).

(2) The University is committed to promoting and maintaining a culture that does not permit or tolerate Child Abuse. This Procedure sets out the process and procedures the University has implemented to provide a safe environment for Children, including by:

a. explaining what constitutes Child Abuse;
b. setting out the University's decision-making processes that control interactions and involvement with Children; and
c. seeking to ensure that all activities undertaken by University Staff, Students, Affiliates, volunteers, visitors, and contractors appropriately consider and address Child protection requirements when performing the University's activities.

(3) After early findings of the Royal Commission into Institutional Responses to Child Sexual Abuse, the Australian Government committed to creating and implementing the Commonwealth Child Safe Framework (CCSF). The CCSF states minimum standards for creating and embedding Child safe culture and practices in non-corporate Commonwealth entities.

Section 2 - Scope

(4) This Procedure applies to:

a. all Staff, Students, and Affiliates of the University;
b. contractors, volunteers, downstream partners, placement and service providers and visitors engaged in University activity either on or off-campus that involves contact with or impact on Children; and

(5) This Procedure applies in relation to Children and Young People who are present on University campuses and are not involved in University activities, including those enrolled at University childcare facilities and tenant institutions.

Section 3 - Policy

(6) Refer to the Child Safety and Wellbeing Policy

Section 4 - Procedure

International Students Who are Under the Age of 18

(7) Welfare arrangements and procedures for Students of the University who are under 18 years of age are governed by Standard 5 of the National Code 2018 and the Welfare Arrangements for Under 18 International Students

Procedure.

Deans and Directors

(8) Deans and Directors employed by the University are accountable for child protection within their areas of responsibility.

(9) Deans and Directors are required to identify the areas, including Staff and Students, within their authority that work with Children, assess the risks to Child safety and wellbeing and decide on how to manage those risks.

(10) Deans and Directors are required to resource child protection processes, information and training tailored to the risk assessment, including consideration of requirements such as Working With Vulnerable People Checks (WWVP Checks) and National Police Checks (NPCs) where required or relevant in accordance with the Employee Background Checks Policy and the Employee Background Checks Procedure.

Managers, Supervisors, and Faculties

(11) Managers and Supervisors of Staff of the University are responsible for ensuring this Procedure is applied to:

a. Staff identified as currently working with Children in accordance with the Employee Background Checks Policy and Employee Background Checks Procedure;
b. Staff whose employment or duties require change to incorporate a working with Children role; and
c. the selection criteria used to advertise, employ or fill a new or vacant University position that incorporates working with Children.

(12) Faculties of the University are responsible for ensuring this Procedure is applied to:

a. Students identified as currently working with Children in accordance with the requirements of their course or unit of study; and
b. Students whose course or unit of study requires the incorporation of working with Children.

(13) In relation to clauses 11 and 12, Managers, Supervisors, and Faculties will:

a. ensure that, where relevant, position descriptions, employment contracts, academic requirements and employment related advertisements identify when, or if, a role or placement is required to work with Children;
b. in relation to Staff, make that determination in accordance with the Employee Background Checks Policy; and
c. add a note to the relevant document that the University Staff and Students, will utilise the following process:

University Staff and Students who work with Children will:	
1	Obtain a WWVP registration and provide a copy of the clearance to the University.
2	Keep their WWVP registration current for the duration of their employment or placement in a role with, or on behalf of, the University that works with Children.
3	Undertake the University's training module on Child safety and wellbeing to ensure safe working and learning practices are established and maintained.
4	Read and comply with the University Charter of Conduct and Values (for Staff) and Student Charter (for Students).
5	Sign the Working With Children Agreement and the Child Safety Code of Conduct contained in Appendices 1 and 2 of this Procedure.
6	Declare to their Supervisor, Manager, or Faculty contact if their status or eligibility to work with Children changes, for example, it deteriorates as a result of criminal or civil action taken against them.

(14) Managers, Supervisors, and Faculties must ensure that working environments are safe for Children. When Children are present, this also includes ensuring appropriate language is used. It is vital that Staff and Students take measures to ensure they do not work alone in closed rooms with Children and that the safety of Children is the highest priority.

(15) Managers, Supervisors, and Faculties are to consider if additional steps should be taken for Staff and Students who may be required to work with Children internationally. In making that decision, consideration should be given to:

a. the need for Staff and Students to receive supplementary training or information before they leave for international travel; and
b. any further steps that may be required to comply with the conditions imposed by the international location and individual placement requirements.

(16) Deans and Directors shall have the final say in relation to clause 15 (a) and 15 (b) and, should assess the risk and needs in these circumstances and liaise with People & Culture for further assistance, if required.

(17) Managers, Supervisors, and Faculties must keep Deans and Directors appraised of any working with Children issues should they arise. Queries in this regard can be made to People & Culture.

National Police Checks (NPC)

(18) In addition to a WWVP registration, the University may request that current and prospective Staff working in roles in close proximity to Children and Students required to work with Children as part of their course or unit of study, undertake an NPC for the purpose of Child safe screening in accordance with the Employee Background Checks Policy or the academic requirements of the course or unit of study.

(19) If the University requests an NPC, the NPC shall be obtained:

a. before the commencement of new duties for an existing Staff member;
b. before the commencement of the placement for a Student; and
c. before an offer of employment is made to a successful candidate (following a selection exercise).

(20) In accordance with the Employee Background Checks Policy or the academic requirements of the course or unit of study, if the NPC certificate returns a notifiable outcome and requires remedial steps:

a. the Manager, Supervisor, or Faculty, in consultation with People & Culture will advise that person; and
b. the person is entitled to explain the circumstances of the certificate and the Dean or Director is required to decide upon the steps the University shall take to protect the interests of Children engaged with the University if the outcome is relevant to the performance of the person's duties in their role or placement.

(21) If no remedial action or conditions are attached to the certificate no further action is required.

(22) If the person's NPC returns a notifiable outcome that is directly relevant to the performance of the person's duties in their role or placement, that outcome may be managed by:

a. restructuring of roles and responsibilities;
b. redeployment;
c. retraction of employment or placement;
d. consideration of applicability of Staff or Student disciplinary action; or
e. termination of contract or association with the University.

Criminal convictions and other relevant considerations

(23) Staff and Students who are working with or in close proximity to Children are required to inform their Manager or Supervisor if:

a. they are charged with, or convicted of, a Child sex offence in Australia or any other jurisdiction; or
b. if they become (or anticipate may soon become) ineligible to work with Children because of a criminal conviction or other relevant finding (for example, a violence order, family or domestic violence order or other related order in relation to Children or Young People), so that appropriate action may be taken.

Procedures for Reporting

(24) University Staff and Students will act immediately on all complaints or allegations of Child Abuse or Sexual Misconduct against a Child by following the University's internal reporting processes and the relevant external reporting processes as appropriate (i.e. making a mandatory report or voluntary report to Child Youth Protection Services (CYPS) and ACT Policing.)

(25) A failure of a Student or Staff member to follow external reporting processes may result in ACT Policing taking legal action against that individual in accordance with the Crimes Act 1900.

(26) A failure of a Student or Staff member to follow internal University reporting processes may constitute a breach of the Student Charter or Charter of Conduct and Values as relevant.

(27) The Office of the Vice-Chancellor can be contacted for enquiries or complaints related to the Policy and this Procedure.

(28) Any person can report an incident of misconduct to the University via the University's incident reporting tool, "IVIVA", which can be found on the University website.

(29) All reports to IVIVA will be responded to within 24 hours by a University Staff member and will be treated with confidentiality, dignity and respect.

(30) Reports to IVIVA can be made anonymously. However, an anonymous report will limit the capacity of the University to investigate the incident and, where it is appropriate to involve police, it may impact their capacity to investigate the incident.

(31) If there are grounds for suspecting or reporting instances of Abuse or Sexual Misconduct against a Child, the University or the individual with grounds must notify the appropriate external authorities, including ACT Policing and CYPS. The University and all Adults within the University community must comply with the following:

a. In accordance with Section 66AA of the Crimes Act 1900 (ACT), it is an offence for any Adult to fail to report instances of Sexual Misconduct against a Child to a police officer where they reasonably believe a sexual offence has been committed against a Child. Accordingly, all Staff and Students (aged 18 years or older) are required to immediately report all concerns or allegations of Child Abuse to police, without delay.
b. In accordance with the Children and Young People Act 2008 (ACT), Staff who are Mandated Reporters by virtue of their specific position of employment within the University must make a report to Child Youth Protection Services when they believe on reasonable grounds that a Child or Young Person has experienced or is experiencing sexual Abuse or non-accidental physical injury (physical Abuse).
c. Staff who are not Mandatory Reporters by virtue of their employment with the University can still make a Child Concern Report to Child Youth Protection Services as a Voluntary Reporter if they are concerned about a Child or unborn Child being:
    i. emotionally Abused;

ii. neglected;
iii. non-accidentally physically harmed;
iv. a victim of Sexual Misconduct; or
v. at risk of those types of Abuse.

(32) If there are grounds for suspecting instances of Abuse or Sexual Misconduct against a Child, the individual with grounds shall report the incident internally as follows:

a. Staff will contact their Manager or Supervisor for reporting complaints or instances of misconduct and provide details of the report made to the external authorities.
b. Managers will immediately notify the Dean or Director of the allegation and the report made.
c. Students should contact the Director, Student Life or make a complaint or report via telephone or via IVIVA.
d. Children and Young People on the University campus, including visiting Children and Young People, should make a report, complaint or disclosure, to the University's Parking & Security or to the University via IVIVA. The person or office who takes the complaint or disclosure must escalate the complaint to the relevant Dean or Director.
e. Visitors to the University should make a report or complaint of misconduct in person to the University's Parking & Security, or to the University via IVIVA.

(33) The Deputy Vice-Chancellor or Vice-President of the portfolio within which the allegation was reported must then cause an external report to be made on behalf of the University in accordance with Clause 31.

Investigating

(34) If the appropriate Child protection service or the police decide to investigate a report made either by the University, Staff or a Student, any relevant members of the University community must co-operate fully with the investigation.

(35) Regardless of whether authorities decide to investigate, the University will consult with the authorities to determine whether an internal investigation is appropriate.

(36) If it is decided that such an investigation will not conflict with any proceeding of the authorities, the University may decide to conduct such an investigation. All relevant members of the University community must co-operate fully with the internal investigation.

(37) Any such investigation will be conducted according to the rules of natural justice.

(38) The University will make every effort to keep any such investigation confidential; however, from time-to-time Staff may need to be consulted in conjunction with the investigation.

(39) After an initial review and a determination that the suspected Abuse warrants additional investigation, the University shall coordinate the investigation with the appropriate investigators or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

Responding and Interim Measures

(40) If it is alleged that a member of Staff, affiliate, visitor, Student, contractor or a volunteer may have committed an offence or have breached a University policy, procedure or other regulation, such as the Charter of Conduct and Values or Student Charter (if applicable), the University may take interim action against the person accused of the misconduct, including:

a. standing the person down (with pay, where applicable) while an investigation is conducted);
b. a temporary denial of any or all services, including education services and work integrated learning activities; or
c. a temporary suspension from coming onto University grounds or into University premises.

(41) Interim measures may be determined summarily by the Vice-Chancellor, a Deputy Vice-Chancellor or Vice-President.

(42) Interim measures must:

a. be fair and reasonable given the nature of the complaint;
b. consider the health, safety and wellbeing of the parties and the wider University community as a paramount concern;
c. be made on a case-by-case basis, taking into account the circumstances, risks, potential for harm and any other consideration deemed relevant by the decision maker; and
d. consider the interests of all parties who may be impacted:
    i. by the imposition of an interim measure, and
    ii. if an interim measure is not implemented.

(43) Interim measures are only to remain in effect until the matter has been fully investigated and finally resolved.

(44) Interim measures are not to be taken into consideration as a relevant factor in the final determination of any investigation.

(45) For the survivors of the alleged misconduct, the relevant delegate must implement the following interim measures to support the survivor:

a. refer the survivor to an appropriate external provider or the University's Medical and Counselling services through the Director, Student Life or otherwise provide them and their parent, guardian or carer with information of where they can access external assistance;
b. communicate the University's response to the allegation and the interim measures implemented against the alleged perpetrator;
c. amend or defer their University activity or program of study in consultation with the survivor or otherwise providing them with any required assistance if they wish to continue their studies or University activity; and
d. any other relevant measure deemed necessary to support the survivor.

Disciplinary Procedures and Other Action

(46) If the investigation concludes that on the balance of probabilities an offence (or a breach of the University's policies, procedures or other regulations, such as the Charter of Conduct and Values, or Student Charter) has occurred, then disciplinary action may follow, including dismissal or cessation of involvement with the University. The findings of the investigation will also be reported to any external body as required.

(47) Breaches of policy, procedure or similar regulation (including breaches of Working with Children Agreements) will be dealt with under the relevant University disciplinary rule, policy or procedure and as required for contractors and volunteers.

(48) Failure to comply with the Child Safety and Wellbeing Policy, including this Procedure, may be deemed serious misconduct warranting dismissal or termination of employment or association with the University.

Support for University Staff and Students

(49) The University will balance the presumption of innocence for Staff and Students alleged to have committed an offence against a Child versus the duty of care and the need for caution to protect the interests of Children and preserve them from harm.

(50) Support for Children and parents, guardians or carers may be accessed via the University's Medical and Counselling services and the Director, Student Life.

(51) Support for Students may be accessed via the University's Medical and Counselling Services, other University welfare services and the Director, Student Life.

(52) Support for University Staff, contractors or volunteers may be accessed via the University's Employee Assistance Program (EAP) and from People & Culture, as required.

Privacy

(53) All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety or disclosure is required pursuant to privacy legislation. The University has safeguards and practices in place to ensure any personal information is protected, in accordance with the Privacy Policy.

Section 5 - Roles and Responsibilities

Who	Responsibilities
University community	Members of the University community are expected to conduct all University activities in accordance with this Procedure. All Staff, Students, members of Council, Staff employed by partner institutions or placement providers and consultants of the University or partner institutions or placement providers share the responsibility for the prevention and detection of Child Abuse, and must: • Familiarise themselves with the relevant laws, Charter of Conduct and Values, Student Charter, and the University's policies and procedures in relation to Child protection and comply with all requirements. • Report any reasonable belief that a Child's safety is at risk to the relevant authorities, i.e. the police and the state or territory-based Child protection service, and fulfill their obligations as Mandatory Reporter. • Report any suspicion that a Child's safety may be at risk to their Manager, Supervisor or Faculty (or, if their manager or Supervisor is involved in the suspicion, to a responsible person at the University). Provide an environment that is supportive of all Children's emotional and physical safety.
Faculties	Faculties are expected to ensure that all Staff, Students, and other members of the University community, as well as visitors and visiting fellows are aware of this procedure and that this procedure is implemented.
People & Culture	People & Culture is responsible for ensuring that the Child Safety and Wellbeing Policy and this Procedure is applied correctly to all University employment activities (for example, recruitment position descriptions, employment advertisements, on-boarding requirements and submitted applications for employment).
Council	Council of the University is responsible for approving appropriate policies, procedures, and guidelines.
Vice-Chancellor	The Vice-Chancellor of the University is responsible for approving a Child protection code of conduct, and for ensuring that it is in place for University activities.

Who	Responsibilities
Deans, Directors, Managers and Supervisors	In addition to the responsibilities specified in this procedure, all Deans, Directors, Managers and Supervisors of the University are responsible for: • the promotion of Child safety always; • assessing the risk of Child Abuse within their areas of authority and eradicating or minimising any risk to the extent possible; • educating Staff and Students about the prevention and detection of Child Abuse; • facilitating the reporting of any inappropriate behaviour or suspected abusive activities; • the requirement to be familiar with the types of Abuse that might occur within their area of responsibility and be alert for any indications of such conduct; and • supporting Staff, Students, affiliates, and volunteers.

Section 6 - Implementation and Reporting

Risk Assessment

(54) The University is committed to ensuring that Child safety and protection is part of the University's overall risk management approach. To demonstrate its commitment, the University has an incorporated risk and compliance annual report to identify and manage risks related to Child safety and protection.

(55) When conducting a risk assessment in relation to Child safety and wellbeing, the University will consider the following risks (actual or perceived) which may arise:

a. Working in a direct and unsupervised capacity with a Child or Children, especially those under 16 years of age.
b. Working with abandoned, orphaned, Abused or sexually exploited Children, and Children with heightened vulnerability such as Children with disabilities.
c. Activities involved in visiting a Child's home or vice versa, and activities located in shelters, orphanages or schools.
d. Working in remote locations, such as activities located away from a community or in isolated or secluded or inaccessible locations.
e. Performing high risk tasks with Children including one on one activities, personal hygiene tasks, swimming, bathing, changing and working alone or unsupervised.
f. Work funded by agencies with interests in Child protection and advocacy.

(56) The risk assessment will be conducted annually and will identify the level of responsibility for, and contact with Children, evaluate the risk of harm or Abuse, and put in place appropriate strategies to mitigate identified risks.

(57) The risk assessment must be prepared in an appropriate form or, if applicable, in a form required as a condition of government grant funding agreements or other regulatory purpose.

Review

(58) The Child Safety and Wellbeing Policy (the Policy) and this Procedure will be reviewed in accordance with the Policy Framework and Policy Framework Procedure or earlier if warranted (for example, following a reportable incident).

(59) If a reportable incident occurs, a review will be conducted to assess whether the Policy and this Procedure requires modification to better protect Children in the University's care.

(60) Any lessons learned will be incorporated into subsequent versions, legislation requirements and industry sector requirements.

(61) Review of this Procedure may include referral to the Australian Government, or other stakeholders.

(62) The University will monitor on a regular basis compliance with the Policy, including the requirements embedded in legislation into existing and continuing University practices and activities, via the following mechanisms:

a. conducting audits of working environments to ensure that Children in the workplace are identified;
b. establishing clear protocols for Staff;
c. monitoring adherence to the practices for the protection of Children; and
d. ensuring the University's practices are transparent and accountable.

Section 7 - Supporting Information

(63) The Supporting Information for this Procedure is the same as that for the Child Safety and Wellbeing Policy.

(64) Additional documents supporting this Procedure are:

a. Working with Children Agreement
b. Child Safety and Wellbeing Code of Conduct

Section 8 - Definitions

(65) In addition to the definitions used in the Policy, which apply to this Procedure, the following definitions also apply to this Procedure:

Terms	Definitions
Child Concern Report	A Child Concern Report relates to a Child's possible risk of Abuse or Neglect. Child Youth Protection Services will record a Child Concern Report when any member of the community contacts the agency with information that questions a Child's safety and wellbeing.
Child Youth Protection Services	The government body which has a statutory responsibility to support Children, young people and families requiring a care or justice response.
Mandated Reporter	People who, by virtue of their employment, are required by law to report suspected Child Abuse and Neglect to government authorities.
Mandatory Reporter	Are people who deliver the following services, wholly or partly, to Children as part of their professional work or other paid employment, and those in management positions, for example in the following services: • Health care • Welfare • Education • Children's Services • Residential Services • Law enforcement • Disability Services
Voluntary Reporter	Any person who is concerned about a Child or unborn Child can make a Child Concern Report to CYPS if they believe or suspect a Child is: • Being abused; • Being Neglected; • Being exposed to family violence; or • At risk of Abuse or Neglect. Everyone in the community is a Voluntary Reporter.

Status and Details

Status	Current
Effective Date	18th April 2023
Review Date	18th April 2024
Approval Authority	Vice-Chancellor
Approval Date	18th April 2023
Expiry Date	To Be Advised
Custodian	Geoff Drummond Chief Financial Officer
Responsible Manager	Lauren Polis Chief Legal Counsel
Author	Jerrin Mathew Policy and Compliance Coordinator
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