

## **Policy Redesign Project**

*All policies and procedures are being reviewed as part of this project. This document is pending review, but remains in effect until the review is carried out.*

## **Child Safe Environment Policy**

**Establishment:** Vice-Chancellor, 17 August 2016

**Last Amended:**

**Nature of Amendment:**

**Date Last Reviewed:**

**Responsible Officer:** Director, People and Culture

### **1. Purpose/Objectives**

1.1 To promote the safety and wellbeing of children and young people accessing services offered by the University, in accordance with the Act.

1.2 To ensure that the University complies with legal requirements for relevant history assessments for suitability to work with children (hereafter referred to as child-related employment screening or, for brevity, screening).

1.3 To ensure that screening is conducted in a fair and consistent manner.

### **2. Scope**

2.1 This policy applies to all University staff, students, title holders, contractors and volunteers, in the specific context of their interaction with children.

2.2 While this policy makes specific reference to the Act for South Australia, it is also recognised that legislation in other jurisdictions where the University has a presence, such as in the Northern Territory and Victoria, may have application.

### **3. Definitions**

**Act** means the Children's Protection Act 1993 (SA).

**Child** and **children** means person(s) aged under 18 years of age.

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**Child-related employment screening** means the combined process of background checking (see Relevant History), risk assessment and decision-making concerning acceptance/exclusion of persons in areas of child-related employment/volunteering.

**Close proximity** implies that a child or children are within sight of the person performing a prescribed function and/or the person has the capacity to engage in dialogue with children (per Standards).

**Direct supervision** means supervision whereby the supervisor has an ongoing and physical presence.

**Exempt parties or activities** means exemptions with regard to organisations, persons and positions, as specified in the Act and Regulations that limit applicability of the Act, including (but not restricted to):

- "...a person who undertakes work in the course of, or for the purposes of, an event or activity that takes place over a period of not more than 10 consecutive days or not more than one day in any month..." (clause 14 (1) (d) of the Regulations);
- "...a person who is a registered teacher (within the meaning of the Teachers Registration and Standards Act 2004)..." (ibid. cl. 14 (1) (f));
- "...a person who undertakes, or a position that only involves, work that is not for the exclusive benefit of children and is not provided to any child on an individual basis..." (ibid. cl. 14 (1) (g)); and
- "...a position in which all work involving children is undertaken in the presence of the children's parents or guardians and in which there is ordinarily no physical contact with the children (ibid. cl. 14 (1) (i)).

**Legislation in other jurisdictions** includes, but is not limited to: Care and Protection of Children Act 2007 (NT) and Working With Children Act 2005 (Vic).

**Prescribed function** means:

- regular contact with children or working in close proximity to children on a regular basis unless that contact or work is directly supervised at all times; or
- supervision or management of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis; or
- access to records that are prescribed by regulation relating to children; or
- functions of a type prescribed by regulation (currently only the provision of overnight care and a prescribed passenger transport service are prescribed).

**Prescribed position** means a position, the duties of which include one or more prescribed functions.

**Records prescribed by Regulation** means the following kinds of records, where such records relate to a child or children: records of an educational or child care service; records of a health service (within the meaning of the Health Care Act 2008); records of a disability service (within the meaning of the Disability Services Act 1993); records made or kept in connection with the administration of the Act, the Family and Community Services Act 1972, the Young Offenders Act 1993 or the Youth Court Act 1993; records relating to legal proceedings.

**Regular contact** implies contact that has a constant or definite pattern, or which recurs at short uniform intervals or on several occasions during short periods of time such as a week (per Standards).

**Regulations** means the Children's Protection Regulations 2010.

**Relevant History** means the information that is released as part of a national criminal history record check, following a request for Child-Related Employment Screening. Where an assessment of Relevant History is conducted by a screening unit, this also includes information relating to findings of guilt and charges, expanded information obtained through the *Exchange of Criminal History Information for People Working With Children Intergovernmental Agreement* and information held by Government agencies (such as child protection information, and outcomes of disciplinary matters and special investigations conducted by some government departments).

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**Screening Unit** means the Department for Communities and Social Inclusion (DCSI). Screening Unit in South Australia, which is authorised to undertake Child-Related Employment Screening. This term may refer to a screening unit in another jurisdiction, as appropriate.

**Standards** means the *Child Safe Environment Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment* that are issued by the Chief Executive, Department for Education and Child Development, pursuant to Section 8A, of the Children's Protection Act 1993 (SA).

**Title holders** means persons who are not employees and who have been awarded titles by the University, including Full Academic Status, Adjunct Academic Status, Emeritus Professor, Honorary Fellow and Professorial Fellow.

**Volunteer** means persons who are not employees and provide time willingly to the University without financial gain.

#### 4. Policy Statement

**4.1** The University is committed to the safety and wellbeing of children and young people accessing its services, in accordance with the Act.

While the University does not provide services wholly to children, there will always be a small number of students who are under the age of 18 at the commencement of their studies (and who attain adulthood shortly thereafter). In addition, some of the University's external engagement, research and teaching activities may include interaction with children.

**4.2** The University will take appropriate steps to establish whether a person or position performs prescribed functions, whether an exemption applies and, accordingly, whether a position is prescribed, in accordance with the Act.

Before a person is appointed or engaged to undertake prescribed functions or to act in a prescribed position, the University will require the person to undergo screening.

**4.3** At any time it thinks necessary or desirable for the purpose of establishing or maintaining child safe environments, the University will require a person who occupies a prescribed position or undertakes prescribed functions to undergo screening.

**4.4** For the purpose of supporting child safe environments, the University may also require a person to undergo screening as a condition of appointment to a position in the University or as a result of a third party requirement.

**4.5** The University requires that screening is undertaken by a screening unit that is authorised to undertake child-related employment screening, consistent with the *Child Safe Environment Standards*.

**4.6** The University requires that suspicion, on reasonable grounds, of child abuse or neglect is reported in accordance with procedures pursuant to this Policy.

**4.7** The University will provide ongoing support and information to promote and maintain the University as a child safe environment and expects its staff, students and volunteers to be active participants in maintaining a safe environment for children and young people.

#### 5. Responsibilities

**5.1** The Director, People and Culture is responsible for:

- overseeing the child-related employment screening process as it applies to staff, in liaison with Executive Deans and Portfolio Heads;

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- overseeing the provision of support and advice to the University community about children's protection issues.

**5.2** Executive Deans are responsible for overseeing the application of this Policy in their respective faculties for:

- staff who occupy prescribed positions or undertake prescribed functions;
- titleholders;
- students for whom screening is a condition of their placements with external organisations, for work experience in an industry or professional workplace, in connection with their studies;
- volunteers who are engaged to perform prescribed functions; and
- contractors, sub-contractors and agents in their respective faculties who are engaged to perform prescribed functions.

**5.3** Portfolio Heads are responsible for overseeing the application of this Policy in their respective portfolios for:

- staff who occupy prescribed positions or undertake prescribed functions;
- volunteers who are engaged to perform prescribed functions; and
- contractors, sub-contractors and agents in their respective portfolios who are engaged to perform prescribed functions.

## **6. Supporting Procedures**

**6.1** The Child Safe Environment Procedures and Employment Screening Web Page provide information about the processes for screening to work with children and other matters related to the application of this policy in respect of staff.

**6.2** TheWork-Integrated Learning Policy and Administrative Procedures for Student Work-Integrated Learning Placements provide for the requirement for screening in relation to student placements. The processes involved for screening of students are administered by Schools.

**6.3** Where appropriate, the provisions for screening that are administered by Schools may also extend to students not undertaking placements that require screening (such as Research Higher Degree students requiring screening in relation to ethics approvals for research projects) and to volunteers.