

# Child Safe Environment Procedures

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## 1. Governing Policy

[Child Safe Environment Policy](#)

## 2. Purpose

These procedures support the [Child Safe Environment Policy](#) by outlining how the University will embed a culture of safety and inclusion for children and young people.

## 3. Definitions

<b>Child and children</b>	Person(s) under 18 years of age.
<b>Harm</b>	As defined in the <i>Children and Young People (Safety) Act SA 2017</i> , refers to physical harm or psychological harm (whether caused by an act or omission) and includes such harm caused by sexual, physical, mental or emotional abuse or neglect.
<b>Mandated notifier</b>	Any member of the University community who is engaged in the delivery of education services wholly or partly for children or who holds a management position with duties that include the direct supervision or responsibility for those services, as defined in the <i>Children and Young People (Safety) Act SA 2017</i> .
<b>Prescribed position</b>	<ol style="list-style-type: none"> <li>a. a position in which a person works, or is likely to work, with children, or</li> <li>b. any other position, or a position of a class, prescribed by the <i>Child Safety (Prohibited Persons) Regulations 2019</i>.</li> </ol>
<b>Prohibited person</b>	A person who is prohibited from working with children in accordance with the <i>Child Safety (Prohibited Persons) Act SA 2016</i> .
<b>University community</b>	For the purposes of this policy, University community includes: <ol style="list-style-type: none"> <li>i. enrolled Flinders students, including cross-institutional students and students on exchange from another institution</li> <li>ii. employees and exchange staff</li> <li>iii. employees of controlled entities, Centres and Institutes, and affiliated clubs and associations</li> </ol>

	<ul style="list-style-type: none"> <li>iv. contractors and consultants performing work on University sites or on behalf of the University</li> <li>v. visiting academics or persons with academic status</li> <li>vi. the Council and its committees</li> <li>vii. any volunteer in the workplace and study environment.</li> </ul>
<b>OCHRE Card</b>	Working with children clearance notice required to work or volunteer with children in the Northern Territory.
<b>Working With Children Check or WWCC</b>	A check undertaken in accordance with the <i>Child Safety (Prohibited Persons) Act SA 2016</i> .
<b>Young person and young people</b>	Child(ren) between the ages of 12-17.

## 4. Procedures

### 4.1. Employment screening

- c. For the purpose of employment screening and Working With Children Checks, the term 'staff' includes all current and prospective employees, volunteers, agents, contractors and sub-contractors of the University.
- d. All staff who occupy prescribed positions must obtain a Working With Children Check (WWCC) – or, for positions where work will be undertaken in the Northern Territory, an OCHRE card – before they can be appointed to the position.

#### 4.1.1. Identification of prescribed positions and verification of WWCC

- a. When creating a volunteer or paid position, or updating a current position that has not been assessed previously, the relevant Hiring Manager or supervisor will consult with People and Culture.
- b. In conjunction with supervisors, People and Culture will determine whether the position is prescribed. If a position is prescribed:
  - i. People and Culture will mark the position as prescribed in Workday
  - ii. the position description, job advertisement, vacancy request and/or other relevant position information must explicitly state that engagement is dependent on the University receiving a child-related employment screening that is satisfactory to the University.
- c. If the preferred candidate already holds a current WWCC or OCHRE Card, a copy of the card will be collected by People and Culture as part of the recruitment process, and the expiry date recorded in Workday.
- d. If the preferred candidate does not hold a current WWCC or OCHRE Card, People and Culture will apply for one, and pay the required fee, on behalf of the candidate once they are advised of the preferred candidate. This includes:
  - i. existing staff occupying a non-prescribed position who then apply for or are appointed to a prescribed position at the University
  - ii. individuals who hold a Volunteer WWCC and have been offered a paid position.

- e. Once received, People and Culture will upload the WWCC or OCHRE Card and record the expiry date in Workday.
- f. In accordance with the [Recruitment Procedures](#), an appointment to a prescribed position cannot be confirmed until a WWCC is completed.
- g. A volunteer or contractor will be responsible for arranging their own WWCC or OCHRE Card and any associated cost.
- h. Evidence of a current Teacher's Registration will also meet clearance requirements for a WWCC.
- i. The University may require a person who occupies a prescribed position to undergo refreshed screening if deemed necessary or advisable.
- j. Researchers who intend to conduct research involving children or vulnerable adults must obtain a WWCC or OCHRE Card in addition to obtaining human ethics approval – for more information see [Human ethics](#).
- k. Staff required to undertake work in any other jurisdictions must comply with the child protection compliance requirements of that state.

#### **4.1.2. Working without a WWCC**

- a. It is a criminal offence to work or volunteer in a prescribed position without a valid WWCC or OCHRE Card.
- b. Persons who are performing prescribed positions must notify the DHS Screening Unit, or equivalent in other jurisdictions, immediately if their assessable information (as defined in the *Child Safety (Prohibited Persons) Act 2016*) changes.
- c. If a change in assessable information is disclosed and results in the person being prohibited from working with children, the University will, where possible and appropriate, work with the individual to find transfer opportunities within the University that will remove the person from a role in contact with children.
- d. If an individual in a fixed term or ongoing prescribed position has not yet received their screening assessment and the start date cannot be delayed, the person may, in exceptional circumstances and on a temporary basis only, be able to work under the 'work on application' provision. For an individual to commence under this provision appropriate arrangements must be put in place and permission sought in advance from the Director, People and Culture.

#### **4.1.3. Changes in Status or Job Requirements**

- a. Any failure to disclose a change in assessable information may result in disciplinary action, including termination of employment or the exercise of breach of contract provisions to terminate a contractor engagement.
- b. Where the duties or functions of a position change, the supervisor, in conjunction with People and Culture, must consider whether the change impacts on the 'prescribed' status of the position. Supervisors must notify People and Culture if changes to a position mean that the person may have contact with children. Staff must then comply with any directions from People and Culture, who will apply for a WWCC or OCHRE on their behalf.
- c. Existing staff who refuse to obtain a screening check for a newly prescribed role may not continue in that position. The Director, People and Culture will manage any refusal to undergo screening in accordance with any applicable procedures under the relevant industrial instrument.
- d. Where an existing staff member's role has changed to prescribed status and their screening outcome is adverse to the staff member, the staff member will be provided with the opportunity to respond, in accordance with the principals of natural justice.

- e. The Director, People and Culture and Vice-President and Executive Dean or Portfolio Head will determine appropriate action to take, in accordance with natural justice principles and relevant procedures under the relevant industrial agreement. Such actions may include (but are not limited to), redeployment, restricted duties or termination of employment.

#### **4.1.4. WWCC/OCHRE Card renewal and record keeping**

- a. 90 days prior to expiry of the WWCC/OHRCE Card, Workday will generate a reminder to the individual, supervisors and People and Culture.
- b. For staff in prescribed positions with a WWCC, People and Culture will apply for renewal and pay the appropriate fee on their behalf. Staff in prescribed positions with an OCHRE Card will need to arrange their own renewal and can seek reimbursement of the cost.
- c. All other individuals will be responsible for arranging their own renewal and any associated cost.
- d. Failure by an individual to undertake relevant steps to progress a WWCC/OCHRE Card renewal may result in the individual being stood down from work or provided alternative duties where available, until the appropriate steps have been undertaken.
- e. Once received, People and Culture will upload the renewed WWCC/OCHRE Card to Workday and record the new expiry date.
- f. The University is required to retain the following records in relation to screening:
  - i. confirmation that screening has been obtained
  - ii. the expiry date of the relevant check
  - iii. where the Screening Unit has provided the University with assessment information that impacts on an individual's suitability to work with children, any information about how this has affected decision-making processes
  - iv. declarations (where applicable).
- g. The University will store such information separately, securely and confidentially. Restricted access provisions will apply to authorised staff under these arrangements, until a risk assessment in relation to working with children has been made. If any criminal history information has been received as part of the assessment, it will be destroyed once a decision has been made regarding whether the person may pose a risk to children.

## **4.2. Managing concerns and reports about child safety**

- a. If a child is in immediate danger, contact the police on 000, and/or University Security Services on 8201 2880 (if the incident is on University premises).
- b. Any individual who suspects, on reasonable grounds, that a child or young person is being or has been harmed, should report it to the Child Abuse Report Line (CARL) on 131 478 (or equivalent in other jurisdictions). If in South Australia, information about what to include in the report is available on the SA Government website at <https://www.sa.gov.au/topics/education-and-learning/health-and-wellbeing/child-abuse/report-child-abuse>.
- c. Individuals who are mandated notifiers, as set out in the [Child Safe Environment Policy](#), must make a notification via CARL either by phone or via e-CARL online as soon as reasonably possible after forming their belief that a child may have been or may be harmed.
- d. SA-based mandated notifiers should refer to the [Department of Child Protection's Mandatory Reporting Guideline](#) for information about what to include in their report and how to make it.
- e. A failure by a mandated notifier to report a suspicion formed on reasonable grounds that a child or young person is, or may be at risk, may result in a person being prosecuted and a court imposing a fine.

- f. The University also requires members of the University community who suspect, on reasonable grounds, that a child has been, is being or may be harmed by a member of the University community during or as a result of their association with Flinders, to report this internally. Reports can be made:
- a) to People & Culture if the allegation relates to a member of staff
  - b) via the Student Policy and Integrity Office if the allegation relates to a student.
- g. Individuals who have witnessed a child being harmed or had harm disclosed to them may experience distress. The free and confidential Employee Assistance Program or University Counselling Service is available to assist and support staff and students.

#### 4.3. Policy and procedures statement

The University will provide a statement to the South Australian Government certifying that these policies and procedures are in place, as required by the Children and Young People (Safety) Act SA 2017, or at any time they are changed.

## 5. Additional resources

Information about screening checks, application and assessment process and payments is available at <https://screening.sa.gov.au/home> or <https://nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance>

Information for Flinders staff can be found at [Employment screening](#)

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\* Unless otherwise indicated, this policy or procedures still apply beyond the review date.

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