



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A

Policy:

Protecting Children

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Audience: Staff and Students

Policy Category: Governance
Policy Sub-category: Health, Safety
and Wellbeing

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Contents

1	OBJECTS OF THE UNIVERSITY	3
2	PURPOSE.....	3
3	SCOPE.....	3
4	PRINCIPLES.....	3
5	UNIVERSITY ACTIVITIES INVOLVING CHILDREN	5
6	ROLES AND RESPONSIBILITIES	5
7	RELATED DOCUMENTS	7
8	DEFINITIONS	8

1 OBJECTS OF THE UNIVERSITY

The University's Objects are defined in Section 5 of its Act of Parliament:

The Objects of the University are:

- (a) the provision of university education, within a context of Catholic faith and values; and
- (b) the provision of an excellent standard of -
 - i. teaching, scholarship and research;
 - ii. training for the professions; and
 - iii. pastoral care for its students.

2 PURPOSE

- 2.1** This Policy sets out the University's principles to uphold the University's commitment to protecting the safety and wellbeing of Children.
- 2.2** State legislation across Western Australia, New South Wales and Victoria contains specific obligations for employers and employees that aims to protect children by prohibiting any unsuitable person from engaging in work that is defined variously as child related. They are the:
 - (a) *Working with Children (Criminal Record Checking) Act 2004* and the *Working with Children (Criminal Record Checking) Amendment Regulations 2004* (the WA Act)
 - (b) *Child Protection (Working with Children Act 2021)* (the NSW Act), and
 - (c) *Working Screening Act 2020* (the Victorian Act).
- 2.3** There is also the requirement for those undertaking "Education Services" (which is defined to include Universities) to make reports on specific types of allegations and reportable convictions to the Ombudsman of Western Australia under the *Western Australian Reportable Conduct Scheme*.
- 2.4** The Policy should be read in conjunction with the:
 - (a) *Procedure: Legislative Obligations – Working with Children Checks, and*
 - (b) *Procedure: Protecting Children, Reporting Concerning Behaviour, and the Western Australian Reportable Conduct Scheme*.

3 SCOPE

- 3.1** This Policy applies to all Staff Members, Students and Affiliates whether on University premises or at another location.

4 PRINCIPLES

- 4.1** The University is committed to the safety and wellbeing of Children who are involved in, or may be affected by, University Activities involving Staff Members, Students or Affiliates, whether on University premises or at another location:

- 4.1.1 University Activities that involve Children and the behaviour of all Staff Members, Students and Affiliates should contribute to the safety and wellbeing of Children and not expose them to harm.
- 4.1.2 The University expects consideration of the *National Principles for Child Safe Organisations* (Australian Human Rights Commission) in the assessment of University Activities.
- 4.1.3 The University expects all members of its community to treat one another with respect and dignity and behave in accordance with the University's *Employee Code of Conduct and Ethical Behaviour*.
- 4.1.4 Staff Members and Students should report any concerning behaviour toward Children that is witnessed or suspected in accordance with the *Procedure: Protecting Children, Reporting Concerning Behaviour*, and the *Western Australian Reportable Conduct Scheme*.
- 4.2** Under child protection legislation, the core teaching work of the University is not considered to be related to Children, and Staff Members do not require a Working with Children (WWC) Check in relation to their core University teaching duties:
- 4.2.1 Where required under legislation, a Working with Children (WWC) Check will be required from Staff Members, Students and Affiliates prior to undertaking certain University Activities, including those listed in section 5.
- 4.2.2 A risk management plan should be developed and implemented for University Activities that involve Children in order to identify both risks and mitigating strategies, in accordance with the *Procedure: Legislative Obligations Working with Children Checks*.
- 4.2.3 The *Western Australian Reportable Conduct Scheme* arising from Division 3B of the *Parliamentary Commissioners Act 1971* (WA) requires the University to establish a system to prevent, report, and notify the Ombudsman of specified types of conduct, as well as to investigate and take action on such matters.
- 4.2.4 The University will provide information to Staff, Students and Affiliates in relation to their obligations under WWC and Reportable Conduct legislation.
- 4.3** The University may require Staff, Students and Affiliates to hold a National Police Certificate prior to being involved in University Activities.
- 4.4** Where University Activities involve partnered or sub-contracted organisations (such as, but not limited to schools; health service facilities; community agencies or government agencies), the University will work with the other organisation to ensure adequate measures are in place to protect the safety and wellbeing of Children while such University Activities are being conducted.
- 4.5** The University will not normally allow a Staff Member, Student or Associate to bring a Child into the workplace or class.

5 UNIVERSITY ACTIVITIES INVOLVING CHILDREN

5.1 University Activities include, but are not limited to:

- 5.1.1 significant regular direct contact with current or prospective students under 18 years of age, such as through the provision of: counselling services; pastoral care; ministry services; visits to schools, expos or career fairs; workshops or outreach programs; and student associations
- 5.1.2 research involving participants who are Children
- 5.1.3 supervision of professional practice placements within schools or organisations providing health, education, and support services to Children
- 5.1.4 community engagement activities that involve Children and are undertaken as a representative of the University, or as a consequence of association with the University
- 5.1.5 community volunteering in organisations providing services to Children where the volunteering is associated with the University, such as a component of a course or participation in the *In the World and for the World* program
- 5.1.6 education programs for school students
- 5.1.7 field trips and excursions involving Children, including overnight camps or where activities involve the provision of temporary accommodation, and
- 5.1.8 forums, conferences, and events where Children are involved or attend.

6 ROLES AND RESPONSIBILITIES

6.1 **Chief People Officer** is responsible for:

- 6.1.1 acting as the University's authorised representative to the relevant child protection state government agency, to receive notifications regarding adverse WWC decisions and oversee WWC reporting requirements, as well as the delegate for those reports made under the Western Australian Reportable Conduct Scheme
- 6.1.2 receiving, documenting, and acting immediately on all reports of concerning behaviour toward Children and Vulnerable Adults regarding Staff Members and Affiliates, and assisting relevant line managers to ensure that the Child is safe and supported as appropriate.
- 6.1.3 assisting in risk management plans for positions which require Staff and Affiliates to participate in University Activities that involve Children.
- 6.1.4 in consultation with the relevant line manager, assessing which positions require incumbents to undertake a WWC Check and/or hold a National Police Certificate
- 6.1.5 validating WWC Cards and WWC Clearances received from Staff Members and Affiliates through the relevant State government agency website.

- 6.1.6 maintaining a register of WWC Cards and WWC Clearances for Staff Members and Affiliates and using this to monitor and track the currency of Staff WWC Checks
- 6.1.7 ensuring that records relating to WWC Checks, WWC Clearances and National Police Certificates are kept confidential in accordance with the *Policy: Privacy*
- 6.1.8 ensuring information is provided to Staff in relation to their obligations under this Policy and the associated procedures, and
- 6.1.9 monitoring compliance with this the WWC elements of this Policy across the University.

6.2 *PVC, Research (or delegate)* is responsible for:

- 6.2.1 ensuring that research activities involving Children as participants require a WWC Check or WWC Clearance as part of the ethics clearance process.
- 6.2.2 validating WWC Cards and WWC Clearances received from researchers through the relevant State government agency website.
- 6.2.3 maintaining a register of WWC Cards and Clearances required by research ethics processes and using this to monitor and track their currency.
- 6.2.4 ensuring that records relating to WWC Checks, WWC Clearances and National Police Certificates are kept confidential in accordance with the *Policy: Privacy*, and
- 6.2.5 acting immediately on all reports of concerning behaviour, ensuring that the report is documented and referred to the Chief People Officer, and/or relevant Executive Deans as appropriate.

6.3 *DVC, International and Partnerships (or delegate)* is responsible, in relation to University Activities funded wholly or partially by the Department of Foreign Affairs and Trade, for:

- 6.3.1 ensuring that Students, Staff or Affiliates hold a WWC Check or WWC Clearance prior to undertaking a University Activity involving Children
- 6.3.2 ensuring that training is provided to partner organisations and other relevant associated organisations on expected behaviours and responsibilities to protect Children and how to report concerning behaviour, and
- 6.3.3 acting immediately on all reports of concerning behaviour, ensuring that the report is documented and referred to the Chief People Officer, and/or Executive Deans as appropriate.

6.4 *Executive Deans (or delegate)* are responsible for:

- 6.4.1 ensuring that Students enrolled in their School hold a WWC Check or WWC Clearance prior to undertaking a University Activity that involves Children.
- 6.4.2 validating WWC Cards and WWC Clearances received from Students through the relevant State government agency website;

- 6.4.3 maintaining a register of WWC Checks and Clearances for Students in their School and using this to monitor and track their currency
 - 6.4.4 ensuring that records relating to WWC Checks are kept confidential in accordance with the *Policy: Privacy*, and
 - 6.4.5 acting immediately on all reports of concerning behaviour, ensuring that a report is documented, and action taken, or referral made, where appropriate.
- 6.5 *Directors (or equivalent)*** is responsible for ensuring that, in respect of volunteering or community activities not forming a component of a course and identified as requiring Students to hold a WWC Check and/or National Police Certificate:
- 6.5.1 students hold a WWC Check prior to undertaking the University Activity that involves Children
 - 6.5.2 WWC Cards and WWC Clearances received from Students are validated through the relevant State government agency website
 - 6.5.3 a register of WWC Checks and Clearances and National Police Certificates for Students is maintained and used to monitor and track their currency
 - 6.5.4 records relating to WWC Checks and National Police Certificates are kept confidential in accordance with the *Policy: Privacy*, and
 - 6.5.5 all reports of concerning behaviour are acted on immediately, ensuring that a report is documented and actioned appropriately.
- 6.6 *Staff Member, Student or Affiliate*** is responsible for ensuring that:
- 6.6.1 their WWC Card or WWC Clearance remains valid and is renewed in accordance with the requirements of the relevant State government child protection agency
 - 6.6.2 they inform the responsible Senior Officer in writing of changes to WWC status, including suspension, removal, issue of negative notice, or expiry and of any changes to their police information, and
 - 6.6.3 they comply with reporting requirements of the child protection agency.
- 6.7 *Vice Chancellor (or delegate)*** is responsible as:
- 6.7.1 Head of the Relevant Entity under the relevant sections of the *Parliamentary Commissioner Act 1971* for the purposes of the *WA Reportable Conduct Scheme*. The functions of which are delegated to the Chief People Officer.

7 RELATED DOCUMENTS

- 7.1** *Working with Children (Criminal Record Checking) Act 2004* (Western Australia)
- 7.2** *Working with Children (Criminal Record Checking) Amendment Regulations (WA)*
- 7.3** *Working With Children (Screening Act) 2004* (Western Australia)

- 7.4 *Child Protection (Working with Children) Act 2012 (New South Wales)*
- 7.5 *Children and Young Persons (Care and Protection) Act 1998 (New South Wales)*
- 7.6 *Worker Screening Act 2020 (Victoria)*
- 7.7 *Working with Children Act 2005 (Victoria)*
- 7.8 *Working with Children Regulations 2016 (Victoria)*
- 7.9 *Children, Youth and Families Act 2005 (Victoria)*
- 7.10 *Occupational Health and Safety Act 2000 (New South Wales)*
- 7.11 *Work Health and Safety Act 2020 (WA)*
- 7.12 *Department of Foreign Affairs and Trade – Child Protection Policy*
- 7.13 National Principles for Child Safe Organisations
- 7.14 The Child Safe Standards (Victoria)
- 7.15 *Employee Code of Conduct and Ethical Behaviour*
- 7.16 *Code of Conduct: Research*
- 7.17 *Code of Conduct: Students*
- 7.18 *Procedure: Protecting Children, Reporting Concerning Behaviour and the Western Australian Reportable Conduct Scheme*
- 7.19 *Procedure: Legislative Obligations – Working with Children Checks*
- 7.20 *Policy: Ethics Approval for Research Involving Human Participants* and associated procedures
- 7.21 *Policy: Sexual Assault and Sexual Harassment*
- 7.22 *Procedure: Disclosing Sexual Assault and Sexual Harassment*
- 7.23 *Policy: Misconduct*

8 DEFINITIONS

8.1 For the purpose of this Policy, the following definitions apply:

Affiliate has the same meaning as contained in the *Employee Code of Conduct and Ethical Behaviour* and also includes for the purposes of this Policy – Volunteers.

Child or Children means a person or persons under age 18 years who may or may not be enrolled as a student of the University.

Child-related work means as defined in the relevant state legislation. See Procedure: Legislation Working with Children Checks.

Reportable Conduct under the WA Reportable Conduct Scheme means as defined by the scheme and detailed in *Procedure: Protecting Children, Reporting Concerning Behaviour, and the WA Reportable Conduct Scheme*.

Staff Member means a person employed as a member of the University’s staff.

Student means a person enrolled in a Program or Course at the University.

University Activities means activities involving Children and include, but are not limited to, those outlined in Section 5 of this Policy.

Working with Children (WWC) Check means the criminal record check that is compulsory for people who carry out child-related work as defined by relevant legislation. The WWC Check includes the holder’s photograph, signature, Assessment Notice number and expiry date, and is portable across all types of child-related work.

Version	Date of approval	Approved by	Amendment
1	23 April 2024	Vice Chancellor	Effective date – new Policy.