

Child Protection Policy

Abstract

UTS 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 protection and the requirements for those interacting with children within the University or on its behalf.

Dates	Policy approved 19/08/2015 Policy takes effect 21/08/2015 Policy is due for review (up to three years) 08/2018
Approved by	Council Meeting 15/4, 19 August 2015 Resolution COU/15-4/78.4
Implementation Officer	Director, Human Resources
Relevant to	All staff ('workers'), affiliates and all students (see definitions for workers and affiliates in section 3)
Related documents	Code of Conduct Course Related Work Experience Vice-Chancellor’s Directive and Procedures for Reporting Obligations to the Australian Health Practitioner Regulation Agency (AHPRA) Ethical Conduct of Research Involving Human Participants Vice-Chancellor’s Directive Handling Staff Grievances Vice-Chancellor’s Directive Implementing Child Protection Legislation – Supervisors’ Guidelines (HR Manual 7.5) Implementing Child Protection Legislation Guidelines (HR Manual 7.6) Responsible Conduct of Research Policy Risk Management Policy and Guidelines UTS Information Technology Security Vice-Chancellor’s Directive UTS Student Charter UTS Student Rules: Section 16 — Student misconduct and appeals Workplace Behaviour Statement (HR Manual 7.4)

Legislation	Child Protection (Working with Children) Act 2012 (NSW) Child Protection (Working with Children) Regulation 2013 (NSW) Children and Young Persons (Care and Protection) Act 1998 (NSW)
File number	UR 15/1171
Superseded documents	None

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1. Purpose

The UTS Child Protection Policy (the Policy) aims to establish the principles and practice supporting the University's commitment 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.

This Policy seeks to address the University's responsibilities under the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#) (the Act) and the associated [Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#) (the Regulation).

2. Scope

This Policy is applicable to all workers, affiliates and students, as defined in section 3. Section 5.1 applies specifically to those workers, affiliates and students who engage in child-related work; the remainder of the Policy has universal application. It does not apply to individuals employed by the University's associated entities, and therefore excludes UTS Child Care.

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 [Course Related Work Experience: Procedures for Reporting Obligations to the Australian Health Practitioner Regulation Agency \(AHPRA\)](#).

3. Definitions

The following definitions apply to this Policy. These are in addition to terms defined in [Schedule 1](#), Student Rules.

Adult means any person over the age of 18 years old.

Affiliates include honorary appointees, emeritus professors and members of University/faculty committees.

Child (or children) means any person under the age of 18 years old.

Child-related work means any work requiring face-to-face contact with a child or children, as outlined in section 6 of [the Act](#) and part 2 of [the Regulation](#). Section 6(2)(g) of the Act excludes the educational activities conducted at UTS from 'child-related work'.

Unacceptable risk means 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. (For more details, see the [Risk Management Policy and Guidelines](#).)

Worker means people carrying out work in any capacity for UTS, including UTS staff, contractors/subcontractors and their employees, employees of labour hire companies who have been assigned to work at UTS, outworkers, apprentices, trainees at UTS, UTS students undertaking work experience at a school or childcare facility as part of their coursework and volunteers (including chaplains and members of the UTS Peer Network).

Working with Children Check means the process of screening individuals engaged in child-related work.

Working with Children Check clearance means an authorisation to engage in child-related work from the NSW Children's Guardian. This is further outlined in [the Act](#).

4. Policy principles

The following principles apply to this Policy:

- a zero tolerance approach to child exploitation and abuse
- recognition of the United Nations Convention on the Rights of the Child
- a 'whole of University' approach to child protection
- procedural fairness.

Zero tolerance approach to child exploitation and abuse

UTS 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.

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.

The University will also report such abuses should they be observed.

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

UTS 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.

A 'whole of University' approach to child protection

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

All workers, affiliates and students 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, field work engagements, research strategies and practices, commercialisation activities, and through active communication of these values throughout the University.

The University actively manages the potential risk of child exploitation and abuse associated with research and education via the [Ethical Conduct of Research Involving Human Participants Vice-Chancellor's Directive](#) 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 UTS Legal Services may also be required.

Procedural fairness

The University will apply fair and transparent procedures to any investigation of potential child exploitation and abuse, and to the management of accusations of child abuse should they arise.

5. Policy statements

While workers, affiliates and students at UTS 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. This may arise through a range of activities including but not limited to:

- community engagement projects
- sporting events and open days
- outreach programs
- summer schools
- fieldwork engagements
- promotional or marketing events and campaigns
- social media campaigns
- children on campus provisions
- interactions on social networks
- research projects
- student or staff placements.

It is the responsibility of all UTS workers, affiliates and students 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.

UTS acknowledges the collective role that all staff within the organisation play in ensuring child protection and safety.

The following policy statements seek to put into practice the principles outlined in this Policy, by ensuring the necessary protections are in place for staff engaging in child-related work and for the reporting of alleged abuses.

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

5.1 Child-related work

Child-related work is defined in section 3 of this Policy, in the Act and the Regulation. It does not apply to those exemptions outlined in the Regulation.

It is expected that all UTS workers, affiliates and students maintain a professional and appropriate interaction with children in all situations where such contact may occur. The University also requires all workers, affiliates and students who have direct contact with children in child-related work in the course of their duties at UTS, to undertake any checks and clearances, training or development required by the University or any external organisation (as appropriate).

Examples of child-related work activities at UTS that may require a Working with Children Check under these definitions include but are not limited to:

- sporting, cultural or entertainment activities run by UTS and involving children
- counselling service providers and medical health practitioners
- workers and students involved in student placements at schools, education or childcare centres, and
- children in student residences where workers and students have direct contact with the children.

5.1.1 Working with Children Check

All new and existing UTS workers and affiliates engaging in child-related work as part of their University duties must hold a current Working with Children Check; a requirement for anyone wanting to work with children in New South Wales.

A Working with Children Check is defined by the Office of the Children's Guardian as involving a national criminal history check and a review of findings of workplace misconduct. The outcome of this Working with Children Check is either a clearance to work with children or a bar against working with children (see section 5.1.2).

Ongoing monitoring after clearance

If the outcome of a Working with Children Check is a clearance, the cleared individual will still be subject to ongoing monitoring for relevant new records for the five-year life of the clearance, to ensure that the Check remains current.

Exemption from the Check

The Office of the Children's Guardian website outlines specified [exemptions](#) from the Working with Children Check.

Additional UTS requirements

Additional requirements for appointment to a role that includes child-related work may also be included as part of the job specification.

5.1.2 Working with Children Check — barred individuals

UTS will not engage anyone in child-related work that has been barred from working with children in a Working with Children Check.

Any worker, affiliate or student 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 will be immediately suspended from any child-related work pending further investigation.

UTS workers, affiliates and students will be made aware that, in the course of its duties, the [Office of the Children's Guardian](#) 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 and the Child Protection (Working with Children) Regulation 2013.

5.1.3 Additional requirements from external agencies

In some instances, UTS workers, affiliates and students 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.

5.2 Child protection risk management

The University reserves the right to require existing and incoming workers, affiliates and students to obtain a Working With Children Check, even when not engaged directly in child-related work, as outlined in the Act and the Regulation.

Workers and students engaging in research activity which is child-related *must* apply for a Working with Children Check and receive clearance from the Children's Guardian *before* applying for ethics approval (outlined in the [Ethical Conduct of Research Involving Human Participants Vice-Chancellor's Directive](#)) and before commencing any interaction with children as part of their research project.

Managers may require workers to undertake child protection training and/or awareness sessions. Where this need is identified, funds must be made available to workers and students as necessary.

5.3 Reporting child protection breaches

Breaches by workers and affiliates

Procedures for handling reports related to child exploitation and abuse by UTS workers and affiliates are considered a failure to comply with the University's [Code of Conduct](#) and will be dealt with under [section 4.11](#) of the Code. This includes the right of UTS to notify a relevant statutory authority and/or agency where breaches of relevant legislation may be evident.

Breaches by students

UTS students in breach of this Policy will be dealt with under [section 16](#) of the Student Rules.

Reporting exploitation and/or abuse

Reports related to suspected child exploitation and/or abuse should be made in line with:

- [Handling Staff Grievances Vice-Chancellor’s Directive](#) for breaches by workers and affiliates, and
- [section 16](#), Student Rules, for student breaches,

as well as the [Workplace Behaviour Statement](#) and the [Guidelines for Implementing Child Protection Legislation](#) (sections 7.5 and 7.6 of the HR Manual).

Misuse of IT or communications technology

Any instance of a UTS worker, affiliate or student 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 dealt with under the [Information Technology Security Vice-Chancellor's Directive](#) and is considered a breach of the [Code of Conduct](#).

Procedural fairness

All reports will be handled in an unbiased and fair manner, taking into account the principles of procedural fairness (refer to [Handling Staff Grievances — Guidelines for Supervisors](#) for details on what constitutes procedural fairness). UTS will balance these principles with its duty of care obligations for all children who may interact with the University.

6. Roles and responsibilities

Accountable Officer: The Provost is responsible for managing policy compliance and initiating the review process.

Implementation Officer: The Director, Human Resources is the primary point of contact for advice on implementing and administering the policy, for establishing and maintaining the official file, for proposing amendments as required, and for managing the consultation process when the policy is due for review.

Other positions and committees: Responsibilities of UTS workers, affiliates and students are outlined in the [Workplace Behaviour Statement](#), which elaborates on the principles outlined in the [Code of Conduct](#).

7. Acknowledgements

[United Nations Convention on the Rights of the Child](#)

AusAid’s Child Protection Policy (2013)

[Department of Foreign Affairs and Trade’s Child Protection Policy \(2013\)](#)

[NSW Office of the Children’s Guardian](#)

8. Version control and change history

Effective date	Version	Approved by, resolution no. (date)	Amendment
21/08/2015	1.0	Council, COU/15-4/78.4 (19/08/2015)	New Policy.