Working with Children Policy

INTRODUCTION

The University is committed to ensuring the safety and well-being of children who are involved in or may be affected by University activities.

In accordance with the Care and Protection of Children Act 2007, the University requires all current, new and prospective staff members, students and contractors likely to be engaged in child-related work to obtain and hold a Working with Children Clearance and associated Ochre Card, administered by SAFENT prior to engaging in work, either in a paid or voluntary capacity.

The University will exclude current, new and prospective staff members and students from engaging in child-related work if:

- A person is denied a Working with Children Clearance; or
- A person’s Working with Children Clearance is revoked, after the notice is issued.

A reference to Working with Children Clearance and Ochre Card under NT legislation is taken to mean the equivalent in any other Australian jurisdiction in which the staff member is employed.

STATEMENT OF AUTHORITY

The authority behind this policy is the Charles Darwin University Act 2003 part 3, section 15.

COMPLIANCE

This is a compliance requirement under the Care and Protection of Children Act 2007.

INTENT

The intention of this document is to define clearly the obligations of both the University and staff members, students, and contractors with regards to the Care and Protection of Children Act 2007, specifically, the Working with Children Clearance and associated Ochre Card.

This policy does not apply to persons employed by entities that are not part of or controlled by the University.

RELEVANT DEFINITIONS

In the context of this document

Child (as defined by the Care and Protection of Children Act 2007(NT)) means a person less than eighteen (18) years of age or a person apparently less than eighteen (18) years of age if the person’s age cannot be proved;

Child-related work means the usual duties of the work that are likely to be in child-related work areas or activities which usually involves, or may potentially involve, contact with a child or children aged under eighteen (18) years of age;
Child-related work areas means, but is not limited to, the following:

- The teaching sector of the University providing education and training to students under eighteen (18) years of age;
- Registered child care services operated by the University; and
- Residential facilities, counselling or similar support services, community or children activities, leisure, music and sport programs or activities and private tuition activities where the staff members, contractors or volunteers are likely to come in unsupervised, regular direct contact with persons under eighteen (18) years of age.

Ochre Card means the photo identification card that is issued to anyone who is issued with a Working with Children Clearance Notice as proof of holding a Working with Children Clearance Notice;

Penalty means financial penalty or imprisonment;

Staff member means anyone employed by the University and includes all continuing, fixed-term, casual, adjunct or honorary staff or those holding University offices or who are a member of a University committee;

Working with Children Clearance means a screening process that checks an individual’s criminal and employment record to ensure there is nothing in that individual’s history which may constitute a serious risk of harm to children such as sexual, violent or drug related offences involving children and malpractice or discipline for inappropriate workplace behaviours; and

Working with Children Clearance Notice means the authorising notice issued as required by law as proof of having passed the Working with Children Clearance screening process.

POLICY

In accordance with the Care and Protection of Children Act 2007 and the Care and Protection of Children (Screening) Regulations the University will ensure that, where possible, a person who may pose a risk to children is not employed in roles, or requested to complete tasks, where they have a direct, unsupervised contact with children.

To meet the requirements of legislation:

- All staff members, students and contractors who are engaged in child-related work or, their duties involve or are likely to involve, contact with a child under eighteen (18) years of age at the University, must undergo a Working with Children Clearance;
- All students participating in placements which involve direct contact with children under eighteen (18) years of age without the presence of a qualified supervisor must undergo a Working with Children Clearance;
- All staff members and contractors who are currently engaged in child-related work must maintain a valid Working with Children Clearance Notice and Ochre Card for continued employment in any child-related field with the University;
- Commencement of employment or engagement will not take place until such time that the staff member, student or contractor has been issued with a Working with Children Clearance Notice and
Ochre Card, or an exemption has been sought from the Chief Executive of the Northern Territory Department of Children and Families;

- All staff members, students and contractors are required to carry his or her Ochre card at all times whilst engaged in child-related work;
- The collection, recording and storage of records relating to a staff member’s Working with Children Clearance Notice and Ochre Card will be managed in accordance with the University’s Information Privacy Policy and Records Management Policy any other relevant legislative requirements;
- Continuing or fixed-term staff members may seek reimbursement of the Working with Children Clearance applications fees from the University’s Office of People and Capability, in accordance with the Charles Darwin University Union and Enterprise Agreement 2013;
- Working with Children Clearance and Ochre Card holders must notify the University in writing, of any change of circumstances as soon as practicable. A change of circumstances includes the holder being charged or convicted of an offence relating to children of a type specified in the Care and Protection of Children Act 2007; and
- In the event of a staff member, student or contractor receiving a revocation notice after a Working with Children Clearance Notice and Ochre Card has been issued the University may take the necessary course of action that will ensure compliance with the legislation.

It is an offence under Northern Territory law to employ or to continue to undertake ‘child-related work’ if a person does not hold a valid Working with Children Clearance and Ochre Card. A penalty can be issued to an individual and/or the University for engaging a person, who is found to be in breach of the legislation.

ESSENTIAL SUPPORTING INFORMATION

Internal

Charles Darwin University Union and Enterprise Agreement 2013
Code of Conduct
Privacy and Confidentiality Policy
Staff - Working with Children Screening and Clearance Procedures
Records Management Policy

External

Anti-Discrimination Act 2004 (Northern Territory)
Care and Protection of Children Act 2007 (Northern Territory)
Care and Protection of Children (Screening) Regulations 2010 (Northern Territory)
Information Act 2002 (Northern Territory)
<table>
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<tr>
<th>Version</th>
<th>Date Approved</th>
<th>Approved by</th>
<th>Brief Description</th>
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<tbody>
<tr>
<td>1.00</td>
<td>23 Feb 2011</td>
<td>Vice Chancellor</td>
<td>Creation of original document and upload to CDU website.</td>
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| 1.01    | 13 May 2011   | Governance        | - Minor changes to grammar  
- Certified Agreement changed to Enterprise Bargaining Agreement in line with current title change  
- Members of staff changed to staff members in line with other policy documents.                          |
| 1.02    | 4 Oct 2011    | Governance        | - Addition of information about Port Adelaide delivery centre.  
- Amend VET academic staff to VET teaching-focused academic staff  
- Enterprise bargaining agreement changed to CDU and Union Enterprise Agreement in line with current agreement title.  
- Remove note with regards to exemptions.                                                             |
| 1.03    | 12 Oct 2011   | Vice-Chancellor   | Minor changes in language in line with new EA                                                                                                     |
| 1.04    | 10 Jan 2012   | Governance        | - Update hyperlinks  
- Minor changes to grammar and formatting                                                                |
| 1.05    | 13 Feb 2013   | Governance        | - Converted document to new template  
- Updated and added hyperlinks  
- Minor changes to wording, formatting and grammar  
- Assigned document number                                                                                   |
| 2.00    | 3 Dec 2014    | Vice-Chancellor   | Major Review in line with Governance review requirements  
- Extended information under Introduction  
- Intent now includes students and contractors  
- Updated and added definitions - Child-related work areas, Ochre Card, Penalty, Working with Children Clearance and Working with Children Clearance Notice  
- Removed all procedural step within policy to be included in the Staff – Working with Children Screening and Clearance Procedures  
- Addition of reference to Working with Children Clearance and Ochre Card under NT legislation is taken to mean the equivalent in any other Australian jurisdiction in which the staff member is employed |
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<tr>
<th>2.01</th>
<th>15 Dec 2017</th>
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|      |            | • Conversion to new Governance template due to new University branding  
|      |            | • Updated definition for staff member  
|      |            | • Updated hyperlinks  
|      |            | • Amended Contact Officer from Chief Operating Officer to Deputy Vice-Chancellor, Operations |