Child Safety and Wellbeing Policy

Authority Source: Vice-Chancellor

Approval Date: 18/07/2022

Publication Date: 18/07/2022

Review Date: 17/07/2025

Effective Date: 18/07/2022

Custodian: General Counsel and University Secretary

Contact: GC.canberra.edu.au

Accessibility: Public

Status: Published

In developing this policy the University had regard to the provisions of section 40B(1)(b) of the Human Rights Act 2004 (ACT).

1. PURPOSE:

1.1. The purpose of this policy is to set out the University's approach to Child safety and wellbeing.

1.2. The University is committed to providing an environment for work, study and living that is safe, respectful, and inclusive. Being part of the University community means that Students, Staff, and visitors take responsibility for their actions and behaviour and contribute to a safe, inclusive and respectful environment for the entire University community.

1.3. The University as part of its day-to day-business activities interacts with Students who are Adults or Children. Students currently have entitlements and protections pursuant to the University's Student welfare policies and procedures, Student Charter and Student Grievance Resolution Policy.

1.4. Children under 16 years of age have less interaction with the day-to-day operations of the University. The University may interact with this age group through programs designed for schools, research projects which involve Children directly or indirectly, and access to University facilities for community projects which involve Children. University Staff and Students must ensure appropriate care is taken in areas including, school projects, academic or clinical settings and University functions, such as programs designed for schools, University open days, and work experience opportunities.

2. SCOPE:

2.1. This policy applies to Staff, Students, and Affiliates of the University.

2.2. This policy also applies to contractors, volunteers, downstream partners, placement and service providers, and visitors engaged in University activities either on or off-campus that involve contact with or impact on Children.

3. PRINCIPLE:

3.1. The University has zero tolerance for Child Abuse, Exploitation, Neglect or Sexual Misconduct against a Child.

3.2. The University adopts and upholds Australia's obligations under the United Nations Convention on the Rights of the Child.

3.3. The University adopts and integrates into its day to day operations the Commonwealth Child Safe Framework (**CCSF**), and, as part of the CCSF, the University adopts the National Principles for Child Safe Organisations.

3.4. The University community is responsible for maintaining a professional and appropriate relationship with Children, including establishing clear boundaries that serve to protect everyone from misunderstandings or a violation of the relationship.

3.5. The University is committed to:

3.5.1. conducting background checking in accordance with its Employee Background Checking Policy;

3.5.2. ensuring that the physical environment of the University promotes safety and wellbeing and minimises the opportunity for Children to be harmed;

3.5.3. ensuring that Staff and Students working in close proximity to Children sign the Working with Children Agreement and the Child Safety Code of Conduct contained in Schedules 1 and 2 of the Procedure;

3.5.4. providing internal reporting processes to allow members of the University community to report any instance of misconduct towards a Child or Young Person, and that those processes are widely communicated and known;

3.5.5. applying the National Principles for Child Safe Organisations to services provided directly for the benefit of Children and Young People, and incorporating safety considerations as part of annual University risk assessments;

3.5.6. promoting awareness through training of mandatory and voluntary external reporting processes to members of the University community and that the University encourages external reports of misconduct to be made where appropriate;

3.5.7. ensuring that there are internal misconduct investigation processes in place that are conducted in accordance with natural justice principles and that those processes are widely communicated and known;

3.5.8. ensuring that Children, their parents, guardians and carers are made aware of the support available to them following an instance of misconduct;

3.5.9. ensuring that the University's online environment promotes Child safety and wellbeing and minimises the opportunity for Children to be harmed;

3.5.10. ensuring that any images of Children used on the University webpages, marketing material or other publications are appropriate and promote the safety and wellbeing of Children; and

3.5.11. promoting Child safety and wellbeing and preventing unacceptable behaviour towards Children through education and training.

3.6. The University will regularly undertake a risk assessment of its operations as they relate to Child safety and wellbeing and will identify and implement appropriate measures to continue to mitigate identified risks.

3.7. Children enrolled at the University will be informed of the University's commitment to Child safety and wellbeing and will be encouraged and supported to communicate their views or concerns.

3.8. The University enables and encourages the prompt reporting of allegations of Child Abuse, Exploitation, Neglect and Sexual Misconduct against a Child and will take action to comply with its legal obligations to notify authorities of any reasonable suspicion of Child Abuse, Exploitation, Neglect and Sexual Misconduct.

3.9. Concerns, complaints or allegations of Child Abuse, Exploitation, Neglect or Sexual Misconduct will be treated in a child-focused, trauma-informed and culturally appropriate manner and with due regard to the principle of procedural fairness.

IMPLEMENTATION

3.10. Training, education and information on Child safety and wellbeing will be made available to Staff, Students and Affiliates and the broader University community as relevant.

3.11. The University acknowledges that child protection is a shared responsibility between the University and the broader University community. The University will take steps to raise awareness of child protection across the University community.

3.12. This policy will be reviewed in accordance with the Policy Framework Policy to ensure it complies with all mandatory processes for responding to and reporting suspected Child Abuse, any new Child safety standards and any other legislative changes relevant to Child safety.

3.13. The Child safety and wellbeing risk register will be reviewed annually in consultation with key stakeholders.

4. RESPONSIBILITIES:

Who	Responsibilities
Vice-Chancellor	Policy Custodian
General Counsel	• Policy contact. • Policy implementation and review. • Development of processes, guides and templates. • Monitoring and reporting on policy compliance and policy improvement and development.

5. LEGISLATION:

5.1. This policy is governed by the *University of Canberra Act 1989 (ACT)* and informed by Commonwealth and other forms of legislation from time to time, including the following:

5.1.1. *Australian Human Rights Commission Act 1986 (Cth)*

5.1.2. *Human Rights Act 2004 (ACT)*

5.1.3. *United Nations Convention on the Rights of the Child*

5.1.4. *Criminal Code 2002 (ACT)*

5.1.5. *Children and Young People Act 2008 (ACT)*

5.1.6. *Working with Vulnerable People (Background Checking) Act 2011*

5.2. In developing this Policy, the University had regard to the provisions of section 40B(1)(b) of the *Human Rights Act* (ACT), and to the following University legislation:

5.2.1. *University of Canberra (Student Conduct) Rules 2017*

5.2.2. *University Facilities (Information and Communication Technology Network) Rules 2006*

5.2.3. *University Facilities (Library and Information Services) Rules 2007*

6. SUPPORTING INFORMATION:

6.1. In developing this policy, the University had regard to the following University documents:

6.1.1. Delegations of Authority Policy

6.1.2. Child Safety and Wellbeing Code of Conduct

6.1.3. Charter of Conduct and Values

6.1.4. Human Rights and Discrimination Policy

6.1.5. Student Charter

6.1.6. Employee Background Checks Policy

6.1.7. Privacy Policy

6.1.8. University Business Travel and Entertainment (when travelling) Policy

6.1.9. Human Rights and Discrimination Policy

6.1.10. Critical Student Incident Management Policy

6.1.11. Welfare Arrangements for Under 18 International Students Policy

6.1.12. Space Management Policy

6.1.13. Campus Master Plan

6.1.14. DITM and Records Management Policy Manual

6.1.15. Network Access Policy

6.1.16. Corporate Web Policy.

6.2. In developing this policy, the University had regard to the following other resources:

6.2.1. Volunteering Australia – provides guidelines for volunteers

6.2.2. child protection Policy, Commonwealth Department of Foreign Affairs and Trade

6.2.3. Commonwealth Child Safe Framework

6.2.4. Commonwealth Child Safe Framework Implementation Guidelines.

6.2.5. Childwise – is an Australian child protection charity, which works to prevent Child Abuse. Childwise also provides Working with Children Training and Information

6.2.6. Every Child – is an international development charity for child protection

6.2.7. Keeping Children Safe – a coalition for child protection

6.2.8. National Statement on Ethical Conduct in Human Research, chapter 4.2 Children and Young People

7. DEFINITIONS:

Terms	Definitions
Adult	An individual who is at least 18 years old pursuant to the *Legislation Act 2001* (ACT).
Affiliates	means people given emeritus and honorary (including adjunct, professional associate and visitor) appointments in accordance with the relevant University policies and procedures.
Child or Children	A person who is under 12 years old, pursuant to the *Children and Young People Act 2008* (ACT). For the purposes of this policy and its associated Procedure, references to a 'Child' or to 'Children' include any person who is not an 'Adult' as defined in the *Legislation Act 2001* (ACT).
Child Abuse or Abuse	As defined in Section 342 of the *Children and Young People Act 2008* (ACT).
Child Exploitation or Exploitation	The dissemination of material exhibiting the inappropriate portrayal of a Child or Children using telecommunications services or the post.
Neglect	As defined in Section 343 of the *Children and Young People Act 2008* (ACT).
Procedure	means the Child Safety and Wellbeing Procedure associated with this policy.
Sexual Misconduct	As defined in the Sexual Misconduct Policy.
Staff	means all persons who are employed by the University to align with the definition included within, but not restricted by the Enterprise Agreement including the Vice-Chancellor.
Student	means a person enrolled as a Student in an approved course (including undergraduate and postgraduate, coursework and research) at the University or in a course or program of study conducted by or on behalf of the University; any casual learner participating in any formal or informal teaching programs offered by the University or on behalf of the University; and, where relevant, an exchange Student or non-award Student.
Young Person or Young People	A person or persons who is or are 12 years old or older, but is or are not yet an Adult pursuant to the *Children and Young People Act 2008* (ACT).

8. LINKS:

8.1. External documents related to this Policy are:

8.1.1. Commonwealth Child Safe Framework

8.1.2. National Principles for Child Safe Organisations (National Principles)

8.1.3. Child Protection Policy | DFAT 2017

8.1.4. Code of Professional Ethics and Conduct

8.1.5. National Statement on Ethical Conduct in Human Research

8.1.6. australian code for the responsible conduct of research

8.1.7. United Nations Convention on the Rights of the Child, particularly Article 19

8.1.8. International Standard for Risk Management: ISO 31000 — Risk management