



CHILD PROTECTION POLICY

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| Relevant Legislation & External Documents: | Department of Foreign Affairs and Trade Child Protection Policy Department of Foreign Affairs and Trade Guidance Note – Establishing Child Protection Risk Context – DFAT Child Protection Policy Child Protection (Working with Children) Act 2012 (NSW) Child Protection (Working with Children) Regulation 2013 (NSW) Child Wellbeing & Child Protection – NSW Interagency Guidelines Children and Young Persons (Care and Protection) Act 1998 (NSW) The Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015 (NSW) Criminal Code Act 1995 (Cth) Crimes Act 1914 (Cth) Principles supporting the NSW Government’s Keeping them Safe reforms | | |
| Audience: | Public | | |

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1 Purpose of Policy

1. The University recognises that it has an obligation to ensure that children under the care and supervision of University staff, students, volunteers, contractors, sub-contractors and affiliates are protected from harm.
2. The University is required to comply with relevant NSW legislation and related instruments including but not limited to:
 - a. [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#);
 - b. [Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#);
 - c. [Children and Young Persons \(Care and Protection\) Act 1998 \(NSW\)](#); and,
 - d. [The Children and Young Persons \(Care and Protection\) \(Child Employment\) Regulation 2015 \(NSW\)](#)
3. In relation to research activities funded by the Commonwealth Department of Foreign Affairs and Trade (DFAT), the University is also required to comply with child protection requirements outlined in DFAT's [Child Protection Policy](#). These requirements are addressed at Sections 1.5(e), 1.6(b), 2, 3.2, 4.7, 5.16-22, 6.5, 6.6(c), 8.4, 10.3(a), 10.4(c), 10.4(d) and 11.1(b) of this Policy.
4. The University is required to comply with child protection legislation in whichever state, territory and international jurisdiction its child-related activities are taking place in. Information on relevant state and territory legislation can be found at: <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>
5. Child-related work activities at the University where children are under the care and supervision of University staff, students, volunteers, contractors, sub-contractors and affiliates may include but are not limited to:
 - a. Child-related work at the Early Start Discovery Space and Science Space;
 - b. Student professional placements (e.g. teaching placements). NOTE Clinical student placements are exempt under the Child Protection (Working with Children) Regulation 2013 (NSW);
 - c. Schools outreach programs on and off campus;
 - d. Vacation programs for school-age children; and,
 - e. Research projects involving children.

NOTE: University staff, students, volunteers, contractors, sub-contractors and affiliates working with UOW students under the age of 18 years are exempt from the definition of child related work under s6(2)(g) of the *Child Protection (Working with Children) Act 2012 (NSW)* otherwise applying to the education sector and are not required to obtain Working with Children checks. However, it is good practice for staff working with UOW students under 18 years of age to ensure that appropriate risk management assessments have been undertaken.

6. This Policy:
 - a. Sets out the principles and key obligations and requirements relating to child protection for University staff, students, volunteers, contractors, sub-contractors and affiliates under NSW legislation;



- b. Sets out further obligations and requirements for University staff; students; volunteers; affiliates; contractors, sub-contractors and other third parties involved in DFAT-funded research activities; and
- c. Provides information about related University policies, procedures and instruments under which child protection obligations are discharged.

2 Definitions

| Word/Term | Definition (with examples if required) |
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| Affiliates | People holding University of Wollongong Honorary Awards as conferred by the University Council, including the lifetime awards of Emeritus Professor, Honorary Doctor and University Fellow; people appointed in accordance with the University’s Appointment of Visiting and Honorary Academics Policy; |
| Campus | Includes any land which, for the time being, is the property of the University of Wollongong or in its possession or under its control, together with any building or other erection or construction of any kind whatsoever, whether permanent or temporary, standing on or affixed to such land or any part thereof. |
| Child | A person under the age of 18 years (for the purposes of this policy the definition of child includes young person). |
| Child Exploitation or Abuse | <p>Child Exploitation or Abuse has the meaning given in the Department of Foreign Affairs and Trade Child Protection Policy</p> <p>Non-accidental behaviour by parents, caregivers, other adults or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. Such behaviours include physical abuse, emotional maltreatment and sexual misconduct.</p> <p>For the purposes of this policy, it includes possession of, or access to, child pornography or child exploitation material using the University’s IT systems or equipment.</p> |
| Child-related work | <p>Child-related work has the meaning given section 6 in the <i>Child Protection (Working with Children) Act 2012</i> (NSW) (The Act):</p> <p>(a) the worker is engaged in work referred to in subsection (2) of the Act that involves direct contact (physical or face to face contact) by the worker with a child or children and that contact is a usual part of and more than incidental to the work, or</p> <p>(b) the worker is engaged in work in a child-related role referred to in section 6(3) of the Act.</p> <p>NOTE: Under the Act, a worker is defined widely as an employee, contractor or subcontractor, volunteer or person undertaking practical training as part of an educational or vocational course. There are however a number of exemptions under Part 2 of the Child Protection (Working with Children) Regulation 2013 (NSW), including work as a student in the course of a student clinical placement in a hospital or other health service. University staff, students, volunteers, contractors, sub-contractors and affiliates working with UOW students under the age of 18 years are exempt from the definition of child related work under s6(2)(g) of the Act otherwise</p> |



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| | applying to the education sector and do not need to obtain Working with Children checks. |
| Disqualified person | In accordance with the <i>Child Protection (Working with Children) Act 2012</i> (NSW), a disqualified person is a person convicted of an offence or against whom proceedings have been commenced concerning an offence specified in Schedule 2 of the Act. |
| Mandatory reporter | The following people are mandatory reporters under section 27 of the <i>Children and Young Person's (Care and Protection) Act 1998</i> (NSW): people who, in the course of their professional work or other paid employment, deliver health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, or who hold management positions in an organisation with direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children. |
| Sexual misconduct involving a child | <p>The term 'sexual misconduct' has the meaning given in the <i>Child Protection (Working with Children) Act 2012</i> (NSW) and includes sexual offences:</p> <p>Sexual offences include all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'. These offences include (but are not limited to) the following:</p> <ul style="list-style-type: none"> • indecent assault • sexual assault • aggravated sexual assault • sexual intercourse or attempted sexual intercourse • possession/ dissemination/ production of child pornography or child abuse material • using children to produce pornography • grooming or procuring children under the age of 16 years for unlawful sexual activity • deemed non-consensual sexual activity on the basis of special care relationships. <p>The term 'sexual misconduct' includes conduct that does not necessarily equate to a criminal offence (for example, criminal proceedings may not have been commenced or proceeded to a finding of guilt by a court). For sexual misconduct to be reportable to the Office of the Children's Guardian, the alleged conduct must have been committed against, with or in the presence of a child. There are three categories of sexual misconduct in addition to sexual offences:</p> <ul style="list-style-type: none"> • crossing professional boundaries • sexually explicit comments and other overtly sexual behaviour and • grooming behaviour. |
| Significant harm | The term 'significant harm' has the meaning given in section 23 of the <i>Children and</i> |



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| | <p><i>Young Persons (Care and Protection) Act 1998 (NSW):</i></p> <p>(1) For the purposes of this Part and Part 3, a child or young person is "at risk of significant harm" if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:</p> <p>(a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,</p> <p>(b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,</p> <p>(b1) in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 --the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,</p> <p>(c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,</p> <p>(d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,</p> <p>(e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,</p> <p>(f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.</p> <p>Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.</p> <p>(2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions. See also sections 154 (2) (a) and 156A (3) for other circumstances in which a child or young person is taken to be at risk of significant harm.</p> |
| Staff | All persons appointed by the University as academic or general staff regardless of their level of seniority and regardless of whether holding full-time, part-time, or limited-term appointments, including conjoint appointments. For the purposes of this policy, it also includes all persons engaged by the University as casual employees. |
| Student | A person enrolled to study or registered for a course at the University of Wollongong. |
| Volunteer | A person who is not a student, a member of staff or an affiliate but is working on a University project or initiative in a voluntary capacity. Examples of volunteers include but are not limited to: volunteers at the Early Start Discovery Space, Honorary Postdoctoral Research Associates, or individuals accompanying University staff in delivering community and /or outreach activities. |



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| Worker | <p>Under the <i>Child Protection (Working with Children) Act 2012</i> (NSW), a worker is defined widely as an employee, contractor or subcontractor, volunteer or person undertaking practical training as part of an educational or vocational course. There are however a number of exemptions under Part 2 of the <i>Child Protection (Working with Children) Regulation 2013</i> (NSW), including work as a student in the course of a student clinical placement in a hospital or other health service.</p> <p>For the purpose of this policy “Worker” also includes Affiliates.</p> <p>For the purpose of this policy and in relation to DFAT-funded activities, “Worker” also includes third parties engaged by a contractor or civil society organisation to perform any part of an activity funded by DFAT.</p> |
| Working with Children Check (WWCC) | The background checking process which is a NSW requirement for individuals engaged in child-related work (paid or unpaid). It involves a full national criminal history check and a review of findings of workplace misconduct. |
| Working with Children Check clearance | An authorisation from the NSW Office of the Children’s Guardian to engage in child-related work. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked. |
| Definitions specific to DFAT-funded activities | |
| Contact with Children | Contact with children is defined more strictly for DFAT-funded activities than “child related work” under NSW legislation. Contact with Children means working on an activity or in a position that involves or may involve contact with children, either under the position description or due to the nature of the work environment. |
| DFAT | Department of Foreign Affairs and Trade (Commonwealth). |
| Third parties | For the purpose of DFAT-funded activities, partners, consultants, NGOs or members of the University Council and University Committees involved in DFAT-funded activities who are not staff, student or affiliates are third parties bound by the relevant sections of the Policy |
| Working with children | For the purpose of DFAT-funded activities, working with children means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid work. |

3 Application & Scope - Exclusions or Special Conditions

1. This policy applies to:
 - a. University staff, volunteers, contractors, sub-contractors and affiliates involved in child-related work; and,
 - b. University students involved in child-related work when volunteering, or through the course of their studies;

whether working at a University domestic campus or conducting University business (work or study) internationally, or within the virtual / online environment or representing the University (for



example during work placements, practicum or other student or staff professional experience, field trips, academic or sporting competitions).

2. For DFAT-funded activities, this policy applies to:
 - a. University staff, students, volunteers or affiliates engaged in DFAT-funded activities where they will be working with children or have contact with children as defined; and,
 - b. Third parties engaged by a contractor or civil society organisation to perform any part of an activity funded by DFAT where they will be working with children or have contact with children as defined.

NOTE: In relation to DFAT funded activities, there is a wider scope of persons subject to scrutiny, a lower child contact threshold needed to require scrutiny and a greater number of checks needed to be undertaken (Refer clauses 2, 5.15-5.21).

3. This policy will not apply to University controlled entities, which are expected to implement their own child protection policies.
4. In the limited circumstances where staff and students are permitted to bring their own children into the workplace and study environment, refer to the Children in the Workplace and Study Environment Policy.

Exemptions

5. University staff, students, volunteers, contractors, sub-contractors and affiliates working with UOW students under the age of 18 years are exempt from the definition of child-related work under section 6(2)(g) of the **Child Protection (Working with Children Act 2012 (NSW)** and do not need to obtain Working with Children checks.
6. The following workers engaged in child-related work are exempt under the Child Protection (Working with Children) Regulation 2013 (NSW) from applying for and receiving clearance via a Working with Children check:
 - a. a worker under 18 years of age;
 - b. administrative, clerical or maintenance or other ancillary workers if the work does not ordinarily involve contact with children for extended periods;
 - c. a worker who works for a period of not more than 5 working days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present;
 - d. a visiting speaker, adjudicator, performer, assessor or other similar visitor at a place where child-related work is carried out if the work of the person at that place is for a one-off occasion, and is carried out in the presence of one or more other adults;
 - e. a worker who is visiting NSW from outside the State and engaging in child-related work for the purposes of a one-off event if the event is the only child-related work carried out by the worker in NSW in that calendar year and the period of the work does not exceed 30 days;
 - f. a worker who is engaging in any child-related work in and is visiting NSW from outside the State for up to 30 days a year who has an interstate Working with Children Check clearance or who is exempt in their home jurisdiction;
 - g. a student in the course of a student clinical placement in a hospital or other health service;



- h. a worker who is a health practitioner in private practice, if the provision of services by the practitioner in the course of that practice does not ordinarily involve treatment of children without one or more other adults present; and,
- i. a worker who is a co-worker of a child or who is a work supervisor or work placement supervisor of a child.

At the time of writing, the categories above cover child-related work activities at the University. For a full list of legislative exemptions, refer to Part 4, Clause 20 of the Child Protection (Working with Children) Regulation 2013 (NSW).

7. Notwithstanding these exemptions, University staff, students, volunteers, contractors, sub-contractors and affiliates are to undertake appropriate risk management assessments when University activities involve contact with children. In cases where the Working with Children Check is not required and the University activities involve contact with children, a Statutory Declaration that the person is not a disqualified person may be required.

4 Policy Principles

1. The University is committed to ensuring the safety and well-being of children under the care and supervision of University staff, students, volunteers, contractors, subcontractors and affiliates by:
 - a. managing risks associated with University activities involving children;
 - b. ensuring non-exempt University staff, students, volunteers, contractors, sub-contractors and affiliates engaged in child-related work obtain Working with Children Checks and receive clearance in accordance with the *Child Protection (Working with Children) Act 2012* (NSW) and the University's Child Protection (Working with Children Check) Procedure prior to commencing child-related work;
 - c. excluding from child-related work at the University, any disqualified person who is prohibited from working with children;
 - d. informing staff, students, volunteers, contractors, sub-contractors and affiliates working with children about their obligations under child protection legislation and relevant University policies, procedures and instruments; and,
 - e. ensuring the safety, welfare and wellbeing of children engaged in the University's on-campus and off-campus activities.
2. University staff, students, volunteers, contractors, sub-contractors and affiliates must be mindful of their position of authority with respect to children and must ensure that their interactions with children are ethical and do not amount to an abuse of that position.
3. All University staff and affiliates must comply with the University Code of Conduct which sets out key responsibilities in relation to working with children.
4. University students coming into contact with children must comply with the University's Code of Practice – Work Integrated Learning (Professional Experience) and the Code of Conduct Research.
5. The University will ensure potential risks to children are identified and managed as part of the University's risk management procedures and practices.
6. Research involving the participation of children must be approved by the University's Human Research Ethics Committee (HREC) and subject to the required Working with Children Check clearances being in place.
7. ~~For DFAT-funded activities:~~



- a. All University staff, students, affiliates, third parties partners and subcontractors who are engaged by a contractor and or civil society organisation to perform any part of an activity funded by DFAT must sign up to and abide by the University's Child Protection Code of Conduct set out at Appendix A of this policy.
- b. A specific risk assessment covering all activities funded by DFAT that involve contact with children will be carried out that identifies risks, classifies high risk activities and documents steps being taken to reduce or remove these risks. [Refer DFAT Risk Assessment Guidance Work Sheet, link page 1]

5 Working with Children Checks

1. The University has a responsibility to ensure staff, students, affiliates, volunteers, contractors, sub-contractors and successful applicants for positions are suitable for child-related work. The *Child Protection (Working with Children) Act 2012* (NSW) requires that people who work in child-related work (paid or unpaid) apply for and hold a current Working with Children Check clearance.
2. The relevant University officer engaging staff, volunteers, contractors, sub-contractors, affiliates and students (in relation to professional placements) must assess whether a position, duties or a professional placement is child-related work prior to undertaking recruitment, appointment, research activities or placement procedures.
3. The approved screening agency for the University is the NSW Office of the Children's Guardian (or equivalent screening agencies if child-related work is undertaken outside NSW).
4. Under s36B of the *Child Protection (Working with Children) Act 2012* (NSW), staff, students, affiliates, volunteers, contractors, sub-contractors and successful applicants for positions involved in child-related who hold a Working with Children Check clearance must notify the Office of the Children's Guardian of any changes to their personal details (eg name, address, contact details) within 3 months of the change occurring.
5. For staff, students, affiliates, volunteers, contractors, sub-contractors and successful applicants for positions involved in child-related work who are working in jurisdictions where Working with Children Checks or similar clearances are not available, the University will obtain a statutory declaration confirming that the staff, student, affiliate, volunteer, contractor, sub-contractor or successful applicant for a position is not a disqualified person.

Staff, Prospective Staff and Affiliates

6. An offer of employment by the University for a position involving child-related work will be conditional upon obtaining and maintaining a Working with Children Check clearance. The Human Resources Division will verify the Working with Children Check status with the Office of the Children's Guardian (or duly appointed authority) prior to commencement in accordance with the *Child Protection (Working with Children Check) Procedure*. An individual may only commence in a position which is child-related work if they hold a Working with Children Check clearance, in accordance with the *Child Protection (Working with Children) Regulation 2013* (NSW).
7. On expiry of term of a Working with Children Check clearance, subsequent clearances will be required and recorded by the University (refer Section 9).



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8. Current staff appointed to a different temporary or permanent appointment within the University will be required to undertake a Working with Children Check if the position involves child-related work.
9. No disqualified person will be retained in or appointed to work in child related employment within the University, whether in a continuing, fixed term or casual mode of employment.

Volunteers, Contractors and Sub-contractors

10. Volunteers, contractors and sub-contractors undertaking child-related work for the University will be required to obtain the relevant Working with Children Check clearance.
11. The relevant supervisor in the Faculty or Division in which volunteers, contractors or sub-contractors will be working is responsible for ensuring that Working with Children Check clearances are verified online in accordance with the University's Child Protection (Working with Children Check) Procedure before the volunteer, contractor or sub-contractor is permitted to commence their tasks.
12. No disqualified person will be retained in or allowed to commence voluntary child-related work or be engaged to perform child-related work as a contractor or sub-contractor at the University.

Students

13. Students undertaking child-related work placements and activities at the University will be required to undertake a Working with Children Check. Note: Under Part 2, Clause 6(4) of the Child Protection (Working with Children) Regulation 2013 (NSW), child-related work does not include students undertaking a clinical placement in a hospital or other health service.
14. The Faculty or Research Institute in which a student is enrolled will ensure that the Working with Children Check is verified online in accordance with the University's Child Protection (Working with Children Check) Procedure before the student is permitted to commence their child-related tasks.
15. No disqualified person will be retained in or allowed to commence a student placement or study activity involving child-related work at the University.

DFAT-Funded Activities

16. All staff, students, affiliates and third parties engaged by a contractor or civil society organisation to perform any part of an activity funded by DFAT where they will be working with children or have contact with children as defined are required to have the following recruitment and screening checks undertaken in accordance with [DFAT's Child Protection Policy](#):
 - a. Criminal Record Check where possible;
 - b. Verbal Referee Check;
 - c. Documented request for an applicant to disclose whether they have been charged with child exploitation offences and their response; and
 - d. Interview plans incorporating behavioural-based interview questions that are specific to positions that involve working with children.
17. The DFAT Child Protection Policy (Attachment A "Minimum Child Protection Standards"), the DFAT Child Protection Guidance Note - Criminal Record Checks, and the DFAT Child Protection Guidance Note - Establishing Child Protection Risk Context, provide further detail regarding the requirements outlined in Clause 5.16.



18. The Faculty or Research Institute coordinating the DFAT-funded activity will ensure that the above checks are undertaken (in consultation with the Research and Innovation Division) before the individual is permitted to commence their tasks.
19. In the event that work is being undertaken in a jurisdiction where Criminal Records Checks are not available, a statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to child exploitation, may be accepted in lieu. For assistance with appropriate documentation, please contact the Legal Services Unit.
20. All staff, students, affiliates and third parties (including partners, subcontractors and NGO staff) engaged by a contractor or civil society organisation to perform any part of an activity funded by DFAT are also required to read and sign the Code of Conduct at Appendix A of this Policy,
21. Records of the requisite Criminal Records Checks and Verbal Referee Checks shall be retained by the Faculty or Research Institute coordinating the DFAT-funded activity and by the Research and Innovation Division.
22. No disqualified person or person with a criminal record will be retained in or allowed to commence DFAT-funded activity.

6 Reporting and Investigation

Reports from the Public

1. Reports from the public related to child protection issues (including reports from a Child) can be made to the University's Complaints Management Centre in the first instance:
<http://www.uow.edu.au/governance/complaints-management/index.html>.
2. The Complaints Management Centre will be responsible for ensuring that the report is managed through the relevant reporting processes.

Privacy and Confidentiality

3. In accordance with section 10 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (the PPIPA Act), the University provides notice of the way it will use and disclose instances of suspected and actual contraventions of this Policy.
4. University employees are bound by a general duty of confidentiality and the University is bound to protect the privacy of individuals in accordance with the PPIPA Act (NSW). However, exceptions to this requirement include a disclosure which may need to be made if it is "reasonably believed" that the disclosure is necessary to "prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person" or "non-compliance is otherwise permitted ...under an Act" (Sections 18(1)(c) and 25(b) of the PPIPA Act). The majority of disclosures concerning child protection issues will fall within these exemptions. Any concerns about privacy obligations can be discussed with the University's Information Compliance Officer.

External Reporting Process

5. If University staff, students, volunteers, contractors, sub-contractors and affiliates engaged in child related work suspect that a child under their care and supervision is at risk (including if a child makes a disclosure about an incident outside of the University environment) the following table provides a guide to external reporting requirements that must be followed:



| External Reporting Process | | | |
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| Step 1 | Is there immediate danger to a child? | Yes Call 000 Proceed to Step 3 | No Proceed to Step 2 |
| Step 2 | Although there does not appear to be an immediate danger to a child, do you consider that a child is otherwise at risk of significant harm (as defined in the Definitions section of this Policy)? | Yes Report to the local NSW Police Proceed to Step 3 | No External reporting process complete Follow Internal Reporting Procedure below |
| Step 3 | Are you a Mandatory reporter? The following people are mandatory reporters under section 27 of the <i>Children and Young Person's (Care and Protection) Act 1998</i> (NSW): people who, in the course of their professional work or other paid employment, deliver health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, or who hold management positions in an organisation with direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children. | Yes You have a legal obligation to report as soon as practicable to NSW Department of Family and Community Services Child Protection Helpline for Mandatory reporters (133 627) with as much information as possible including: a) Name b) DOB c) Description of child d) Date(s) of incident(s) e) Details of alleged incident(s) f) Whether law enforcement authorities have been informed g) Any other relevant information | No Although not mandatory, you are encouraged to make a report as soon as practicable to NSW Department of Family and Community Services Child Protection Helpline for the general public (132 111) with as much information as possible including: a) Name b) DOB c) Description of child d) Date(s) of incident(s) e) Details of alleged incident(s) f) Whether law enforcement authorities have been informed g) Any other |



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| | | Follow Internal Reporting procedure below | relevant information Follow Internal Reporting procedure below |
| <p>Note - Mandatory reporters are not obliged to report risk of significant harm to unborn children or young people aged 16–17 years however they are encouraged to make a report if it is appropriate. Non-mandatory reporters are also encouraged to make a report if it is appropriate. See the procedure outlined in Step 3 above.</p> | | | |
| <p>Any person who requires clarification about the behaviour in question or the reporting procedure should refer to http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/protecting-children or contact the University’s Human Resources Division for advice.</p> | | | |

Internal Reporting Process

6. In addition to considering any external reporting necessary, any behaviour that is suspected to be sexual misconduct with a child, child exploitation or abuse, or that does not comply with this policy must also be reported to:
 - a. the relevant executive dean or director, or the Director of the Human Resources Division, where the matter is identified by a staff member, volunteer or affiliate;
 - b. the relevant executive dean where the matter is identified by a student; or
 - c. the project leader and the Director of the Research and Innovation Division where the matter is identified by individuals involved in DFAT funded activities. The project leader or the Director of the Research and Innovation Division must then notify DFAT immediately of the incident and/or allegation.
7. The recipient of an internal report of behaviour that is suspected to be sexual misconduct with a child, child exploitation or abuse, or that does not comply with this policy, as identified in clause 6.6, must verify that an external report has been made in accordance with the External Reporting Process as necessary.
8. Where an internal report of behaviour that is suspected to be child exploitation or abuse, or is behaviour that does not comply with this policy relates to behaviour by staff, students, contractors, sub-contractors or affiliates engaged in child-related work, an internal investigation of the behaviour will be initiated as outlined below.

Internal Investigation

9. Where an allegation arises that a staff member may have engaged in conduct or behaviour that is inconsistent with this policy, the allegation may be managed and assessed in accordance with the misconduct and serious misconduct processes under the University of Wollongong (Academic



Staff) Enterprise Agreement or the University of Wollongong (General Staff) Enterprise Agreement and General Staff Misconduct Guidelines.

10. Where an allegation arises that a student may have engaged in conduct or behaviour that is inconsistent with this policy the allegation may be managed and assessed in accordance with the Student Conduct Rules and associated Procedures.
11. Where allegations arise that a contractor, sub-contractor, volunteer or affiliate may have engaged in conduct that is inconsistent with this policy the allegation will be managed in accordance with the usual principles of procedural fairness.
12. If an investigation results in a finding that sexual misconduct or serious physical assault occurred, the University must report this finding to the Office of the Children's Guardian.

Outcome of Internal Investigation

13. Sanctions for non-compliance depend on the nature of the breach but can amount to those that apply to serious staff misconduct under the University Enterprise Agreements or high-level misconduct under the Student Conduct Rules and can include dismissal / exclusion.
14. Volunteers, contractors, sub-contractors engaged in child-related work found to have engaged in child exploitation or abuse will have their arrangement with the University terminated.
15. Sanctions will be in addition to outcomes from any criminal proceedings that may ensue.

7 Support

1. The University is committed to ensuring the support of a child who discloses or is subject to child exploitation and abuse. While reporting and investigation of incidents will take place, the child's needs will also be responded to and an appropriate referral to relevant support services will be made as a matter of urgency.
2. The University is also committed to supporting staff, students, volunteers, affiliates, sub-contractors and other third parties who receive information, manage and make reports about incidents involving child exploitation and abuse. Access to professional counselling and support services will be made available to individuals dealing with child protection incidents.

8 Information and Training

1. Further information on Working with Children Checks can be found:
 - a. in the Child Protection (Working with Children Check) Procedure;
 - b. on the University's Human Resources Division intranet page and the Office of the Children's Guardian website; or,
 - c. by contacting the Recruitment Unit in the Human Resources Division.
2. The Human Resources Division will coordinate regular training regarding Child Protection responsibilities and legislative requirements and will publish training dates and information on the University Intranet.
3. Discipline-specific child protection training will be provided with regard to student placements, and study activities which will be coordinated by the relevant faculty prior to the commencement of the placement or study activity.



4. Specific training on child protection responsibilities and the DFAT Child Protection Policy will be provided for participants of DFAT-funded research activities. This will be coordinated by the Research and Innovation Division prior to the commencement of the research activities.

9 Record Keeping

1. The University is required to maintain the following records of the Working with Children Check for a period of seven (7) years:
 - a. Full name;
 - b. Date of birth;
 - c. Status of worker (e.g. paid or unpaid);
 - d. Working with Children Check number (or application number) and expiry date of each clearance; and,
 - e. Date and outcome of online verification.
2. Working with Children Check records should be able to be collated and reported on for internal and external audit and compliance purposes.
3. Records relating to internal investigations must be retained in accordance with the Records Management Policy and any relevant policy documents.

10 Roles & Responsibilities

1. University staff, students, volunteers, affiliates, contractors, sub-contractors and other third parties where relevant are responsible for complying with this policy and other relevant legislation and University policy documents. Breaches of any section of this policy will be dealt with under the relevant staff and student conduct rules, policies, procedures, instruments or other relevant documentation.
2. University Executive Deans and Directors are responsible for:
 - a. Identifying and managing child-related activities in their faculties, research institutes or divisions;
 - b. Ensuring child-related activities within their faculties or divisions are subject to risk assessment and management and are recorded in faculty, divisional and University risk registers as appropriate;
 - c. Ensuring that general or specific child-protection training is accessed by staff, students, volunteers, contractors, sub-contractors and affiliates in accordance with relevant faculty or division plans and consistent with relevant legislative responsibilities and University policies, procedures and instruments;
 - d. Ensuring that current and new positions within their faculties and divisions involving child-related activities are identified as requiring Working with Children Check clearances;
 - e. Ensuring that staff, students, volunteers, contractors, sub-contractors and affiliates in their faculty / division who may be engaged in child-related work have the relevant Working with Children Check clearances and at the time of recruitment or before commencing child-related activities;



- f. Promoting and ensuring the application of child protection principles outlined within this policy within their faculties or divisions. These responsibilities may be delegated to managers and supervisors; and,
 - g. Maintaining records of Working with Children Check clearances of volunteers, students, contractors and sub-contractors engaged by the Faculty/Division in accordance with Section 9 of this policy.
3. The Human Resources Division is responsible for:
 - a. Ensuring this policy is reviewed regularly and at least once every five years in consultation with relevant stakeholders (including DFAT);
 - b. Ensuring relevant University Human Resources policies and procedures comply with legislative responsibilities with regard to child protection;
 - c. Ensuring the currency and communication of robust recruitment processes which incorporate Working with Children Checks as appropriate;
 - d. Coordinating training regarding Child Protection responsibilities and legislative requirements and publishing training dates and information on the University Intranet; and,
 - e. Maintaining records of Working with Children Checks in accordance with Section 9 of this policy.
4. The Research and Innovation Division is responsible for:
 - a. Ensuring Child Protection responsibilities are identified and appropriate management plans are in place in relation to research projects involving the participation of children approved by the University's Human Research Ethics Committee (HREC);
 - b. Ensuring staff, students, volunteers, contractors, subcontractors and affiliates who may be engaged in research involving child-related activities have the relevant Working with Children check clearances before the University's Human Research Ethics Committee (HREC) approves the child-related activities;
 - c. Ensuring DFAT-funded research activities are managed in accordance with the DFAT Child Protection Policy and the requirements of this policy and the attached UOW Child Protection Code of Conduct; and,
 - d. Maintaining relevant records of Working with Children Checks in accordance with Section 9 of this policy.
5. University staff, volunteers and affiliates are responsible for:
 - a. Complying with child protection requirements set out in this Policy and in the University Code of Conduct;
 - b. Obtaining and maintaining Working with Children Check clearances as required; and,
 - c. Reporting any behaviour that may constitute child exploitation and abuse or non-compliance with this Policy.
6. University students are responsible for:
 - a. Complying with child protection requirements set out in this policy and in the University's Code of Practice – Work Integrated Learning (Professional Experience) and the Code of Practice Research;



- b. Obtaining and maintaining Working with Children Check clearances as required; and,
- c. Reporting any behaviour that may constitute child exploitation or abuse or non-compliance with this policy in accordance with Section 7.

11 Further Advice

1. Sources of advice and assistance within the University:
 - a. For information about Working with Children Checks and training sessions: Human Resources Division: uow-recruitment@uow.edu.au / 4221 5119
 - b. For information about DFAT-funded activities requirements: Research and Innovation Division rso-ethics@uow.edu.au / 4221 3386
 - c. For information about Schools Outreach and on-campus activities: Student and Accommodation Services Division: schools-liaison-team@uow.edu.au / 4221 3249
 - d. For information about how to make a complaint or report an incident: the Complaints Management Centre: uow-complaints@uow.edu.au / +61 2 4221 5170
 - e. For information and enquiries about privacy: the Information Compliance Officer: privacy-enquiry@uow.edu.au / 4221 4368
2. Sources of Advice and Assistance outside the University:
 - a. NSW Office of the Children's Guardian – for legislative responsibilities, Frequently Asked Questions and Advice: <http://www.kidsguardian.nsw.gov.au/about-us>
 - b. Department of Foreign Affairs and Trade – for a copy of the DFAT Child Protection Policy, templates in relation to incident reporting and a range of guidance notes: <http://dfat.gov.au/aid/topics/safeguards-risk-management/child-protection/pages/child-protection.aspx>
 - c. DFAT Child Protection Webinar:
<https://www.youtube.com/watch?v=tqgRHgzuleI&app=desktop>
 - d. NSW Department of Education and Communities Child Protection Online Training: https://www.det.nsw.edu.au/proflearn/cpat/e_learn.html
 - e. Dealing with disclosure of abuse: Australian Institute of Family Studies: <https://aifs.gov.au/cfca/publications/responding-children-and-young-people-s-disclosures-abu>
 - f. General guidance: NSW Government's Principles for Child-Safe Organisations: https://www.kidsguardian.nsw.gov.au/ArticleDocuments/838/ChildSafePrinciples_web.pdf.aspx?Embed=Y
 - g. General guidance: Australian Human Rights Commission's National Principles for Child Safe Organisations:
<https://www.humanrights.gov.au/sites/default/files/National%20Principles%20for%20Child%20Safe%20Organisations.pdf>



12 Version Control and Change History

| Version Control | Date Effective | Approved By | Amendment |
|-----------------|------------------|-------------------------|--|
| 1 | 9 December 2016 | University Council | First version. |
| 2 | 28 August 2019 | Vice-Chancellor | Minor amendment - primarily to Section 5 regarding DFAT-funded activities to reflect most recent DFAT Child Protection Policy and related guidance note, plus minor editorial corrections. |
| 3 | 18 December 2020 | Chief Operating Officer | Administrative amendments to reflect divisional and faculty realignments. |



APPENDIX A: UOW Child Protection Code of Conduct (for DFAT Funded Activities)

To be signed and complied with by University staff, students, affiliates, third parties partners and subcontractors who are engaged by a contractor and or civil society organisation to perform any part of an activity funded by the Department of Foreign Affairs and Trade .

Child Protection Code of Conduct

I, [insert name] _____, acknowledge that I have read and understand the University of Wollongong's Child Protection Policy, and agree that in the course of my association with the University of Wollongong and its clients, I must:

- Treat all children with respect,
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate,
- Not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts,
- Wherever possible, ensure that another adult is present when working in the proximity of children,
- Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger,
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible,
- Use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium, this includes any material which is classified as child abuse material or child pornography material,
- Not use physical punishment on children,
- Not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury,
- Comply with all relevant Australian and local legislation, including labour laws in relation to child labour,
- Immediately report concerns or allegations of child abuse in accordance with appropriate procedures,
- Immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with the University of Wollongong that relate to child exploitation and abuse,
- Be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse.

Use of children's images for work related purposes



UNIVERSITY
OF WOLLONGONG
AUSTRALIA

When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and ensure compliance with local traditions or restrictions for reproducing personal images,
- Obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. As part of this I must explain how the photograph or film will be used,
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive,
- Ensure images are honest representations of the context and the facts,
- Ensure file labels, Meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

I understand that the onus is on me, as a person engaged by the University of Wollongong to use common sense, avoid actions or behaviours that could be construed as child abuse, and report any suspected cases of child abuse to the University of Wollongong when implementing University of Wollongong activities.

Signature.....

Date.....