Working with Children Policy

Section 1 - Introduction

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

(2) 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.

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

a. a person is denied a Working with Children Clearance; or
b. a person's Working with Children Clearance is revoked, after the notice is issued.

(4) 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.

Section 2 - Statement of Authority

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

Section 3 - Compliance

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

Section 4 - Intent

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

Section 5 - Relevant Definitions

(8) In the context of this document:

a. Child (as defined by Care and Protection of Children Act 2007) 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;
b. 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;

c. Child-related work areas means, but is not limited to, the following:
d. The teaching sector of the University providing education and training to students under eighteen (18) years of age;
e. Registered child care services operated by the University; and
f. 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.
g. Contractor means a person or organisation engaged by the University to provide materials or labour to perform a service or do a job. This also includes consultants;
h. Ochre Card means the photo identification card that is issued to anyone who is issued with a NT Working with Children Clearance Notice as proof of holding a Working with Children Clearance Notice;
i. Penalty means financial penalty or imprisonment;
j. 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;
k. Student means a person prescribed as a student of the University in By-law 2 of the Charles Darwin University (Student of the University) By-laws;
l. Volunteer means a person not receiving remuneration as a staff or committee member, who is engaged in a professional capacity to perform an activity for, or on behalf of, the University;
m. Working with Children Clearance means a screening process that checks an individual's criminal and employment record to ensure there is nothing in that individuals 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
n. 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.

Section 6 - Policy

(9) In accordance with the Care and Protection of Children Act 2007 and the Care and Protection of Children (Screening) Regulations 2010 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 direct, unsupervised contact with children.

(10) 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 Clearance. 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.

(11) To meet the requirements of legislation:

a. All staff members, students, contractors and volunteers 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 (Clearance) check;
b. 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 obtain a Clearance check;
c. All staff members and contractors who are currently engaged in child related work must maintain a valid Clearance for continued employment in any child-related field with the University;
d. Commencement of employment or engagement will not take place until such time that the staff member, student, contractor or volunteer has been issued with a Clearance and the University has verified the Clearance, or an exemption has been sought from Territory Families;

e. All staff members, students, contractors and volunteers are required to carry their Ochre card at all times whilst engaged in child-related work;
f. The collection, recording and storage of records will be managed in accordance with the University's Privacy Policy, Records Management Policy and any other relevant legislative requirements;
g. Continuing or fixed-term staff members may seek reimbursement of the Clearance applications fees from People and Capability, in accordance with the Enterprise Agreement and outlined in the Working with Children Screening and Clearance Procedure;
h. A Volunteer Clearance is free of charge and sufficient for volunteers and students on placements;
i. All contractors are responsible for their organisation's compliance maintaining a register of their employees Clearance information and bear the cost of any applications and renewals where applicable. Organisational units who engage a contractor, will monitor the contractor's compliance under this Policy; Staff members, students, contractors and volunteers must notify the University in writing, of any change in circumstances which may affect their ability to maintain a Clearance, 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
j. The University will take the necessary course of action that will ensure compliance with the legislation in the event of a staff member, student, contractor or volunteer receiving an adverse notice after a Clearance has been issued.

Status and Details

Status	Historic
Effective Date	15th January 2022
Review Date	15th January 2022
Approval Authority	Vice-Chancellor
Approval Date	18th December 2021
Expiry Date	29th June 2022
Responsible Executive	Fiona Coulson Vice-Chancellor
Implementation Officer	Peta Preo Director People and Culture
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