

# Child Protection Policy

## Section 1 - Overview

(1) The University of New England (UNE) promotes best practice in relation to the professional work that staff and Students undertake in the support, nurturing and education of children. This policy relates specifically to the protection of children (see definitions below) from any type of exploitation and abuse in the delivery of these activities (whether delivery is virtual, online or in person) and recognises that exploitation and abuse is met with disciplinary and commercial sanctions as well as criminal penalties under Australian law (and where it applies, under extra-territorial laws). The UNE [Child Protection Policy](#) aligns with AusAID Child Protection Policy and adheres closely to AusAID's following key principles:

- a. Zero tolerance of child exploitation and abuse;
- b. Recognition of the best interests of the child;
- c. Sharing responsibility for child protection;
- d. A risk management approach; and
- e. Procedural fairness.

(2) As an Australian university (and in conforming to Australian Federal and State Laws) UNE operates within a structured framework of legislation in relation to child-focused activities and the professional conduct of any member of staff, any student or any representative of UNE. The legislative documentation which underpins this framework as well as other supporting documentation, is outlined at the conclusion of this document. The procedural documentation to operationalise this policy is contained within the UNE [Child Protection Policy](#) (Procedures).

## Section 2 - Scope

(3) This policy applies to all staff, Students, contractors (including subcontractors, associates, consultants and entities) and volunteers operating under the umbrella of and/or representing UNE, as well as members of UNE Boards and controlled entities. It relates specifically to the work undertaken by individuals in relation to their contact with children.

## Section 3 - Policy

### Zero tolerance of child exploitation and abuse

(4) UNE will not tolerate any form of child exploitation or abuse when staff are in contact with children, the engagement of children for any form of sexual activity and/or the possession of, or access to child pornography or Child exploitation material. Any such actions will be addressed according to the appropriate local, criminal, civil and disciplinary sanctions.

(5) UNE aims to ameliorate the risk of any possible child exploitation or abuse by training UNE Representatives in relation to their child-related obligations as outlined in Section 3 of this policy.

(6) UNE will not knowingly engage any person who either directly or indirectly poses any form of unacceptable risk to children.

(7) Any UNE research and/or proposals/services must document explicitly the impact upon children. Any impact will be assessed (in accordance with the Australian National Health and Medical Research Council's National Statement on Ethical Conduct in Human Research) by the relevant ethics committee and appropriate senior University officer.

(8) Deliberately false or malicious allegations by UNE representatives will be treated as a breach of employment contract and will be addressed as such. This may include termination of employment or contract as outlined within misconduct clauses associated with the relevant UNE Enterprise Agreement.

## **Recognition of the best interests of the child**

(9) UNE recognises the vulnerability of all children, especially those who as a result of circumstance or disability may place their trust in or rely more significantly upon the actions, support and decisions of those charged with their care. In this regard, UNE is committed to upholding the rights of children and its obligations towards them. As a national university, UNE is bound by Australia's involvement as a signatory to the United Nations Convention on the Rights of the Child.

(10) Staff to whom this policy applies, must understand, adhere to and indicate their willingness to abide by the UNE [Child Protection Code of Conduct](#), referred to at the conclusion of this policy. Staff working at any of the University's affiliated institutions or controlled entities, where a local Code of Conduct has been developed that is specifically related to their workplace, must abide by that local Code in addition to the UNE Code. In both cases a willingness to abide by the respective Code of Conduct is indicated by the UNE representative signing the Code of Conduct documentation.

## **Sharing responsibility for child protection**

(11) As a tertiary education provider, UNE has a responsibility to ensure the safety and security of children and to promote the practice of educational support that will positively contribute to a child's healthy physical/emotional development and well-being.

(12) In its endeavour to ensure the safety and protection of UNE representatives and the children within their care or under their instruction, UNE will:

- a. Formalise, implement and regularly assess appropriate contracting, recruitment and operationalisation processes that build in regulatory checks such as a Criminal Record Check and a Working With Children Check offered by the NSW Office of the Children's Guardian (or similar checks dependent upon the location and context of work being undertaken) as referred to within the procedures relating to this policy as a matter of best practice and in accordance with the UNE [Staff Recruitment Rule](#) (clause 13);
- b. Provide Child protection awareness training to UNE representatives who may not be directly involved with the care or instruction of children, but who may be working indirectly with them within a Service or Centre where children are present; and
- c. Implement a child protection report and response plan with associated documentation, in accordance with the procedures associated with this policy.
- d. Ensure that all staff are aware of their responsibility to report an act of misconduct, whether it be in relation to child protection or any other issue outlined in the relevant UNE Enterprise Agreement.

## **Risk management approach**

(13) UNE is committed to the regular undertaking of institutional and program/project risk assessments to ameliorate the potential for risks to children. This includes regular risk assessments in relation to Ethics committee requirements (outlined in the procedures to accompany this policy) and when undertaking reviews of any of the University's workplaces, as regulated by the review cycles of the University's Internal Audit (or at least once every five years).

## **Procedural fairness**

(14) UNE will exercise due diligence and adhere to the principles of natural justice when addressing issues such as child protection, which may have the potential to affect a person's rights or interests. Reporting systems associated with allegations of child abuse or exploitation ensure that both the rights of the alleged victim as well as the rights of the alleged offender, are respected.

(15) At all times, employees will be required to conduct themselves in accordance with the code of conduct outlined within the UNE Enterprise Agreement(s), and will be bound by the relevant Agreement(s) misconduct and disciplinary clauses when breaches of conduct occur.

## **Section 4 - Definitions**

For the purposes of this Policy the following definitions apply.

(16) Child abuse - All forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual activity (including paid) with a child (as defined above).

(17) Child pornography - Any representation by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes (Optional Protocol to the Convention on the Rights of the Child).

(18) Child exploitation material - Material that depicts (expressly or implicitly) a child under 18 years of age as a victim of torture, cruelty or physical abuse.

## Status and Details

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|---------------------------|---|
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## Glossary Terms and Definitions

**"UNE Representative"** - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

**"Student"** - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

**"Child"** - In accordance with the United Nations Convention on the Rights of the Child, a child is defined as a person under 18 years of age — unless under the law applicable to the child, majority is attained earlier. For the purposes of any contact with children associated with AusAID activities, a child is defined as a person under 18 years of age, regardless of the age of consent in country.

**"Criminal Record Check"** - A check of an individual's criminal history record.

**"Working With Children Check"** - Is a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct.