

# Child Protection Procedures

## Section 1 - Overview

(1) These procedures provide a framework to operationalise the UNE [Child Protection Policy](#), which advocates UNE's intolerance of any act of Child abuse or exploitation. The procedures are based upon best practice in relation to the professional work that UNE Representatives, Students and other representatives undertake in the support, nurturing and education of children in their operations at UNE, as well as outside the University. They include instances where UNE Representatives may be in direct contact with children as well as those where children may be less visible — such as outreach programs to schools, through research projects, and in academically focused clinical or research settings. They also extend to functions where children are invited to the University for events such as UNE Open Day or specialist School-based activities.

(2) The Procedures identify four key providers of professional services relating to the nurture and support of children, providing initiatives in relation to child protection, for each. Key providers outlined within these procedures are:

- a. UNE employees;
- b. Independent contractors, volunteers and consultants working with UNE employees at any location, or on site at UNE;
- c. Members of the UNE community undertaking research, clinical or outreach projects that may involve either directly or indirectly, the provision of services relating to the nurture and support of children; or
- d. Professional partners working collaboratively with members of the UNE community undertaking research that may involve either directly or indirectly, the provision of services relating to the nurture and support of children.

(3) The Procedures will also provide a framework for reporting and responding to allegations of Child abuse and/or exploitation where either the informant or the accused are members of the UNE community.

## Section 2 - Scope

(4) These procedures apply to clauses set out within the UNE [Child Protection Policy](#) and the UNE [Staff Recruitment Rule](#) and are applicable to all staff, Students, contractors (including subcontractors, associates, consultants) and volunteers operating under the umbrella of and/or representing UNE, as well as members of UNE Boards and controlled entities. The procedures are applied specifically to the work undertaken by individuals in contact with children either on campus at UNE, or anywhere else within Australia or internationally — whether contact be by virtual or online means, or in person. UNE Representatives have a responsibility to remain professional in their conduct during these interactions, at all times.

(5) Within the context of the UNE [Child Protection Policy](#) and its associated procedures, professionalism extends to establishing boundaries between children and UNE representatives to ensure that any misunderstanding or indeed a violation of the relationship (either real or perceived) is ameliorated as far as possible.

# Section 3 - Procedures

## Associated with employment of staff to UNE positions

(6) UNE employees will be advised at induction, that a breach of the [Child Protection Policy](#) could result in an immediate suspension/termination of their contract.

(7) Candidates applying for UNE positions that involve contact with children by way of care or instruction, marketing or any other face-to-face interaction will be subject to both a Criminal Record Check as well as a Working With Children Check (as referred to within the UNE [Staff Recruitment Rule](#)) during the appropriate phase within the HR recruitment process.

(8) Interview questions put to candidates applying for positions that involve direct contact with children (or indirect contact where appropriate) will be designed to ensure any hiatus in employment timelines are explored, and to allow an appropriate assessment of the candidate's attitude towards child abuse/exploitation and protection can be made apparent.

## Associated with the employment of consultants and contractors

(9) Contractors/consultant of any kind, whose work includes involvement with children or who operates within an environment where children are in the care or instruction of UNE Representatives, will be subject to the appropriate Criminal Record Check as well as a Working With Children Check (or similar according to the jurisdiction of State or nation) as part of the contracting process.

## Associated with UNE research projects

(10) UNE research proposals where research involves interaction with children for any purpose, will provide an outline of any potential risks for child abuse/exploitation, accompanied by strategies to ameliorate the risk as far as possible.

(11) Where research is undertaken within Australia, those engaged to work upon research projects will be subject to a police/Criminal Record Check as well as a Working With Children Check in the same way as a UNE Representative (see Section (7) above). Criminal Record Checks must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for each of the individual's countries of citizenship. Individuals need to provide their consent to a Criminal Record Check and should be informed of the purpose for which the resulting police clearance certificate should be used, including being sighted by relevant agencies (eg. AusAID). It is acknowledged that in limited instances it may prove impossible to obtain a reliable Criminal Record Check. A statutory declaration 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.

(12) Where research is undertaken internationally whether it is via UNE research or in collaboration with international aid agencies (eg AusAID), project documentation will also consider (in addition to a criminal record check as per the above) any legal obligations and laws regarding the protection of children from potential abuse, according to the country or local jurisdiction involved and how to report suspicions or unacceptable behaviour while 'in country'.

## In relation to entities partnering with UNE

(13) Where an entity engages with activities relating to the care or instruction of children, it is expected that they will also possess and actively implement an agreed, corporate Child Protection Policy. UNE would require that such a policy be presented for consideration before a partnership could be approved.

(14) In the event that an entity does not possess a corporate Child Protection Policy, UNE will request that the application of the UNE [Child Protection Policy](#) is incorporated into any partnering agreement between UNE and that

entity.

(15) Where entities are partnering with UNE internationally, both UNE Representatives and the entities concerned will comply with international and funding body child protection compliance standards.

## Ensuring application of and compliance with the UNE Child Protection Policy

(16) UNE will provide training relating to the protection of children within its care (or under its instruction) for staff at the point of induction as well as at regular intervals across the year, whether this is via direct and face-to-face or via online training modules to be completed as part of annual performance reviews.

(17) Online training modules will be undertaken by all UNE Representatives in contact with children, engaged with child care or instruction. This includes representatives on campus, off campus, nationally, internationally, as consultants or contractors to UNE as well as those engaging with the University for the purposes of research.

(18) Where research projects that are funded by aid agencies or other granting bodies are undertaken internationally, separate training modules will be prepared for those associated with the project (and who will be in contact with children) to undertake. These training modules will be undertaken in addition to the training modules described at (16) and (17) above.

## Reporting by a UNE representative, of any suspected act(s) of child abuse or exploitation:

Responsibility of the UNE Representative	Any concerns, whether they be suspected, observed or informed by a third party (including a child) should be reported in confidence and without discussion with others, to the relevant project leader or line manager (or Health and Safety Officer, or Grievance Officer according to the situation) immediately (that is, on the same working day within 24hrs)
Responsibility of the relevant project leader, line manager (or Health and Safety /Grievance Officer	The relevant UNE line manager/representative should make themselves immediately available to discuss concerns relating to child protection and provide a private space for a confidential discussion about the incident to occur
Formal reporting procedure	The discussion between the UNE representative reporting the suspected instance(s) of abuse or exploitation and the UNE line manager/representative should focus on factual information and address the following issues: The nature of the concern; The perceived risk(s) to any children; and The action(s) that will now follow the reporting of the incident. An incident report relating to the discussion should be prepared, dated and signed by those involved with the discussion.
Immediate action following the preparation of an incident report	A copy of the report should be presented to the relevant UNE senior officer (eg. Head of School, Director, Project Lead, whichever is most appropriate) as soon as possible. A copy of the incident report is to be filed as a confidential corporate record. The UNE senior officer in discussion with the line manager will determine whether the allegation should be reported to external authorities for action. The formal response to the allegation is to be prepared as soon as possible after the meeting between the UNE senior officer and appropriate line manager. The response will be in accordance with Section 7 of these procedures, below

## Responding to an allegation of child abuse or exploitation

(19) After the discussion outlined in the section above (between the relevant UNE senior officer and the line manager to whom the allegation was reported), the following actions should be implemented immediately:

- The Child/children involved should be protected from any possible further abuse by ensuring that they are placed in a safe place and provided with appropriate medical care and counseling (drawing upon specialist expertise in relation to abuse) as required.
- The person about whom the allegation has been made, should be approached and the allegation explained to them. They will also be assured that a process of natural justice will be followed and that penalties will not be applied without clear proof and justification.

(20) Once the protection of all parties has been ensured, the following responses can be considered:

- a. Contacting and liaising with specialist child protection agencies in relation to appropriate options and activities;
- b. A closer investigation of the allegation can be made locally, via confidential interviews with the person presenting the allegation as well as the person about whom the allegation has been made;
- c. If it is deemed that the allegation is one of inappropriate behaviour rather than abuse, then the person about whom the allegation was made is to be counseled appropriately and the situation. Counselling will be in accordance with misconduct clauses outlined in the appropriate UNE Enterprise Agreement
- d. If it is uncertain about whether behaviour has been abusive, the person about whom the allegation has been made may be suspended from their current duties until such time as a thorough investigation has been completed;
- e. If it is deemed that a possible crime has been committed, it will be reported to the local police or in the case of an act of abuse that may have been committed internationally, to the Australian Federal Police.

(21) All deliberations and resulting actions are to be recorded and kept securely as corporate records where access is restricted. Any written communication is to be only circulated between intended recipients and should be prepared to ensure confidentiality.

## Section 4 - Definitions

For the purposes of this Procedure the following definitions apply.

(22) 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.

(23) 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).

(24) 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).

(25) 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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## 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.