Working with Children Policy

Section 1 - Purpose and Scope

Purpose

(1) The University of Queensland (UQ) is committed to the safety, wellbeing, and protection of children from harm. This Policy outlines UQ's approach to working with children and should be read in conjunction with UQs wider strategies that support staff, students, and volunteers engaged in work with children. The purpose of this Policy is to:

a. maintain a safe environment within UQ for Working With Children (WWC);
b. support a child safe culture within UQ that is aligned with the National Principles for Child Safe Organisations, and UQ's strategies that support inclusivity, and the health, safety and wellbeing of all members of the UQ Community;
c. ensure UQ maintains a framework for supporting and enhancing capacity to meet compliance obligations and stakeholder needs through respectful, supportive and collaborative engagement with children;
d. ensure UQ has reasonable safeguards in place for children and members of the UQ Community to the extent that it may be reasonable to do so; and
e. maintain oversight of UQ regulated activities and support WWC through an integrated risk management approach.

Scope

(2) This Policy applies to UQ and its controlled entities, including all members of the UQ Community involved in regulated activities that involve WWC under the control of UQ that may be regulated by the Working with Children (Risk Management and Screening) Act 2000; and associated regulations.

(3) This Policy should be read in conjunction with related UQ policies under the UQ policy framework (refer to section 6 'Related Policy Areas' of this Policy).

(4) This Policy should be applied with regard to the Commonwealth and State Legislation and Statutes for WWC (refer to section 6 'Key Legislation and Standards' of this Policy).

Regulated Business

(5) UQ has risk management strategies for regulated business and ensures screening of people employed, or undertaking particular business with regard to work with children under UQ's responsibility. This includes engagement of staff, students and volunteers in regulated business.

(6) UQ manages activities related to non-compulsory learning and teaching activities, and research initiatives involving children and young people that may be considered regulated business and/or regulated employment ('regulated activities') under the Working with Children (Risk Management and Screening) Act 2000. These activities may include, but are not limited to:

a. Health services (e.g. Therapy clinics and health programs);
b. Support services (e.g. Counselling services);

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c. Support and welfare services to under 18 international students;
d. Provision of accommodation services to students who are children;
e. Private teaching, coaching or tutoring activities outside of core teaching and learning activities (e.g. Student placement within UQ);
f. Funded disability services provided by UQ;
g. Student Placement activities controlled by UQ;
h. Religious services (e.g. UQ Multi-faith centre activities); and
i. Events and activities involving children and young people that are considered high risk.

(7) As a registered higher education institution under the Tertiary Education Quality and Standards Agency Act 2011, UQ's core learning and teaching activity falls under exemption provisions with regard to Working with Children (Risk Management and Screening) Act 2000 and these core activities are not considered regulated business.

(8) Any members of Senate and the UQ Community that are engaged in activities which may be regulated under the Working with Children (Risk Management and Screening) Act 2000 are required to maintain a current Positive Notice (Blue Card) or approved exemption.

Other Activity Working With Children

(9) There are other activities (including commonwealth funded projects) that UQ manages and supports that require particular regard to the engagement with children and young people. This may include, but is not limited to, activities, programs, and research for:

a. Workplace, diversity, and inclusion activities;
b. Younger overseas student support (as outlined in provisions under the National Code of Practice for Providers of Education and Training to Overseas Students 2018;
c. Student placement(s) and Work Integrated Learning opportunities undertaken in partnership with other institutions/providers;
d. Commonwealth funded research activities and projects (e.g. ARC/NIAA/NHMRC funded activities that involve WWC);
e. Australian Government aid programs (including DFAT partner programs);
f. Outreach events and activities; and
g. Special events and recreational activities, including those offered through a controlled entity.

Students and Student Placements

(10) UQ seeks to enrich student learning experiences through a range of student placement arrangements that enable students to practice the skills of the profession in a real-life and safe setting. Where these types of opportunities involve students engaged in regulated activities working with children in Queensland, they may need a Blue Card.

(11) There are stipulated study pathways at UQ that may require students to hold a Blue Card for the duration of their studies. This requirement will normally be outlined in the program requirements. Students that are enrolled in a UQ course which includes a practical placement that involves WWC may need a Blue Card.

(12) See the Work Integrated Learning and Work Experience Policy and Procedure for further information in relation to student placement requirements.

Yellow Card

(13) Activities may also involve work with children with disability which may include programs funded through the National Disability Insurance Scheme (NDIS), Queensland (State) based disability funding, or other disability service

providers. These activities may require criminal history screening prescribed notice (i.e. Yellow card or exemption) in addition to a Blue Card.

Section 2 - Principles and Key Requirements

Principles for Safeguarding Children

(14) The following principles underpin UQ's approach to WWC:

a. UQ has zero tolerance for child abuse.
b. UQ recognises the rights of the child and acts in their best interests to protect them.
c. UQ has regard to the National Principles for Child Safe Organisations founded on:
    i. respect for the individual, ensuring they feel welcome, listened to, and included;
    ii. providing accessible information about both physical and online safety, health and wellbeing, with signposting to avenues for support;
    iii. providing opportunities for children to have a voice and be involved in the review and enhancement of UQ provisions involving children;
    iv. listening and being responsive to individual concerns and needs to achieve their goals;
    v. establishing an environment of mutual trust where the individual feels safe and supported; and
    vi. providing a safe environment with safeguards to protect children from harm.

Key Requirements for Working With Children

(15) UQ will take reasonable steps to meet its obligations by:

a. supporting a culture that values the rights and safety of children under the Governance and Management Framework Policy;
b. implementing UQ policy and procedures that support WWC, including procedures for recruitment and/or selection of staff, students, and volunteers;
c. maintaining and communicating strategies for WWC;
d. undertaking risk assessments (normally on an annual basis) of UQ regulated activities that involve WWC, and maintain risk management plans for high risk activities and special events;
e. conducting systematic review of UQ strategies and controls for managing risks associated with WWC;
f. ensuring there are multiple channels for children and members of the UQ community to raise concerns or make disclosures of harm;
g. maintaining a supportive process for handling and processing complaints, disclosures, and suspicion of harm;
h. maintaining a process that ensures effective management and oversight of screening and linking current positive notice (blue card) status and new Blue Card applications for members of the UQ Community involved in regulated activities across UQ; and
i. maintaining a training framework to create awareness and support the training needs of members of the UQ Community for WWC.

Section 3 - Roles, Responsibilities and Accountabilities

Vice-Chancellor and President

(16) The Vice-Chancellor and President is the University's Chief Executive Officer and responsible to the Senate for the overall direction of strategic planning and matters in relation to working with children.

The UQ Institutional Champion

(17) The Deputy Provost is nominated as the UQ champion for WWC to support the enhancement of an institutional wide culture that values, respects, and protects the rights of children.

Chief Human Resources Officer

(18) The Chief Human Resources Officer is responsible for the oversight of UQ's compliance obligations for WWC that involves staff. This will be achieved by:

a. implementing and communicating the requirements of this Policy and associated procedures for staff;
b. oversight, and monitoring of Organisation Portal Accounts, and UQ systems/registers of current notices (positives notices / negative notices / criminal history checks) and related approvals for staff involved in WWC and/or regulated activities;
c. management and administration of central Organisation Portal Accounts for senior staff, and associated UQ registers, in liaison with central entities; and
d. developing staff training and awareness-raising material for staff who work with children.

Director, Academic Services Division and Academic Registrar and Director, Student Support and Wellbeing Services

(19) The Director, Academic Services Division, and the Director, Student Support and Wellbeing Services are responsible for oversight of UQ’s compliance obligations for WWC that involves students and relevant volunteers. This will be achieved by:

a. implementing and communicating the requirements of this Policy and associated procedures for students and relevant volunteers within their portfolio;
b. oversight, and monitoring of Organisation Portal Accounts, and UQ systems/registers of current notices (positives notices / negative notices / criminal history checks) and related approvals for people involved in WWC and/or regulated activities;
c. management and administration of relevant central Organisation Portal Accounts and associated UQ registers, in liaison with central entities; and
d. developing training and awareness-raising material for people that work or undertake placements involving work with children.

Organisational Units and Controlled Entities

(20) The Head of each UQ organisational entity (including Faculties, Schools, Institutes, Centres, and Divisions), and UQ controlled entity conducting regulated employment and activities involving WWC are responsible for:

a. oversight of business activities involving WWC and identify compliance obligations and responsibilities with regard to those activities, including regulated activities and any restrictions or exemptions that may need to be considered;
b. persons undertaking WWC are informed, in writing, of their regulatory obligations before undertaking WWC;
c. oversight and compliance with the Working with Children Policy and procedures for relevant staff, students, and volunteers;

d. ensuring the No Card No Start policy is strictly enforced for all regulated activities involving WWC;
e. management and Administration of Organisation Portal Accounts under their remit, and associated UQ registers, and liaison with, and reporting to central divisions;
f. undertaking risk assessments (at least annually) of regulated activities involving WWC, ensuring current notices (positives notices / negative notices / criminal history checks) and related approvals are obtained for staff, students, and volunteers involved in WWC and/or regulated activities; and
g. implementing systems to ensure staff, all volunteers and students engaged in working with children are aware of this Policy and have completed the necessary training and support.

Members of the UQ Community and Controlled Entities

(21) Before engaging in activities with children and regulated activities or employment with children, members of the UQ Community and Controlled Entities are responsible for ensuring that they:

a. assess activities and events involving WWC and identify compliance obligations and responsibilities with regard to regulated activities and any restrictions or exemptions that may need to be considered;
b. hold a current Blue Card (positive notice or valid exemption) that is linked to the relevant UQ entity, in line with the No Card No Start Policy in Queensland;
c. are not a Restricted Person undertaking Restricted Employment;
d. have received the prerequisite management approval to undertake the activity or project, and an appropriate risk management plan has been established to safeguard the needs of children; and
e. read relevant policy and procedures, and undertaken any relevant training as directed.

Section 4 - Monitoring, Review and Assurance

(22) The Chief Human Resources Officer is responsible for monitoring, reviewing, and providing assurance on the effectiveness of this Policy for staff.

(23) The Director, Academic Services Division and Director, Student Support and Wellbeing Services are responsible for monitoring, reviewing, and providing assurance on the effectiveness of this Policy for students and relevant volunteers.

(24) Members of the University Senior Leadership Group (USLG) are responsible for monitoring, reviewing, and providing assurance on portfolio performance, the effectiveness of controls and demonstrate compliance with this Policy.

Section 5 - Recording and Reporting

(25) The Chief Human Resources Officer (Human Resources and Workplace Relations); Director, Academic Services Division and Academic Registrar; and Director, Student Support and Wellbeing Services will report annually to the Institutional Champion and the University Senior Executive Team on the effectiveness of this Policy.

Section 6 - Appendix

Definitions, Terms, and Acronyms

Terms	Definitions
Blue Card	The Blue Card is evidence that a positive notice has been issued to the cardholder following criminal history screening to determine their eligibility to work with children.

Terms	Definitions
Child	Being a person under the age of 18.
Controlled Entity	A controlled entity under the Controlled Entities Policy.
Disclosure of Harm	A disclosure of harm occurs when someone, including a child, tells someone about harm that has happened, is happening, or is likely to happen.
Harm	Any detrimental effect of a significant nature on a person's physical, psychological or emotional wellbeing. Harm can be caused by physical, psychological, or emotional abuse; economic hardship, neglect, or sexual abuse or exploitation.
Negative Notice	A letter issued to a person who application is refused, prohibiting them from carrying on a business or working with children.
Positive Notice	A letter issued to a person whose application is approved and issued with a Blue Card or Yellow Card.
Regulated Activity	Is a reference to activities undertaken by staff, students, or volunteers that are classified as regulated business or regulated employment under the Working with Children (Risk Management and Screening) Act 2000 and Working with Children (Risk Management and Screening) Regulation 2020.
Restricted Employment	Restricted employment refers to the situations or exemptions that allow a person to work with children without a blue card, such as if they are: - a volunteer parent; - a volunteer who is under 18; - paid or unpaid staff who work in regulated child-related employment for not more than 7 days in a calendar year; or - a consumer at a child-related service outlet where they also carry out work at the outlet.
Restricted Person	A restricted person is a person who either: - has been issued a negative notice; - has a suspended Blue Card; - is a disqualified person; or - has been charged with a disqualifying offence that has not been finalised.
Staff	Continuing, fixed-term, research (contingent funding) and casual staff members.
Suspicion of Harm	A suspicion of harm is when someone has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm.
UQ Community	Current UQ students, staff (whether or not those staff are covered by the Enterprise Agreement), volunteers, affiliates, associates and anyone else contractually bound to comply with the Policy.
Volunteers/Volunteering	People who donate their services in a voluntary capacity to UQ without expectation of remuneration. Volunteers may include those undertaking work on fundraising and community-oriented projects, tertiary students wishing to gain exposure to particular UQ functions, among others. Volunteering is time willingly given for the common good and without financial gain.
WWC	Working with Children, refers to activity that involves work/working with children and young people, being people under the age of 18.
Yellow Card	The Yellow Card is evidence that a positive notice has been issued to that person following criminal history screening to determine their eligibility to work with people with a disability.

Related Policy Areas

(26) This policy should be read in conjunction with the following UQ policies, procedures and guidelines:

a. Ethical Conduct in the Workplace policies, including the Staff Code of Conduct Policy
b. Administrative Accountability policies, including the Privacy Policy, Information Management Policy and Complaints Management Policy
c. Equity, Diversity and Inclusion Policy and related policies and procedures

d. Enterprise Risk Management Framework Policy
e. Compliance Management Policy
f. Health, Safety and Wellness Policy
g. Work Integrated Learning and Work Experience Policy and Procedure
h. Reasonable Adjustments for Students Policy
i. Student Code of Conduct Policy
j. Administration of Research Funding - Applications, Grants and Contract Research Policy
k. Responsible Research Management Framework Policy
l. Human Research Ethics Procedure
m. Recruitment, Selection and Appointment Policy and related policies and procedures
n. Performance Management and Grievance policies and procedures, including the Executive and Professional Staff Annual Performance and Development Policy, Academic Annual Performance and Development Policy, Diminished Performance and Unsatisfactory Performance Policy.
o. Information and Communication Technology Policy and supporting policies and procedures, including the Acceptable Use of UQ ICT Resources Guideline.

Key Legislation and Standards

(27) Key legislation and standards related to this policy include:

a. National Principles for Child Safe Organisations (Australian Human Rights Commission 2017)
b. National Office for Child Safety
c. Department of Foreign Affairs and Trade Child Protection Policy 2017
d. Education Services for Overseas Students Regulations 2019,
e. National Code of Practice for Providers of Education and Training to Overseas Students 2018
f. National Health and Medical Research Council (NHMRC), The National Statement on Ethical Conduct in Human Research (2007) (National Statement (2007) consists of a series of guidelines made in accordance with the National Health and Medical Research Council Act 1992.
g. National Health and Medical Research Council (NHMRC), Australian Code for the Responsible Conduct of Research 2018
h. Queensland Legislation:
    i. Child Protection Act 1999
    ii. Working with Children (Risk Management and Screening) Act 2000
    iii. Working with Children (Risk Management and Screening) Regulation 2020
    iv. Civil Liability Act 2003 (Qld)
    v. Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020 (Cth)
    vi. Disability Services Act 2006
    vii. Work Health and Safety Act 2011
    viii. Human Rights Act 2019
    ix. Education (Work Experience) Act 1996.

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