

WORKING WITH CHILDREN POLICY 2014

The Acting Vice-Chancellor as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 3 March 2014

Last amended: 6 June 2017 (administrative amendment only)

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Position: Acting Vice-Chancellor

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1 Name of policy

This is the Working with Children Policy 2014.

2 Commencement

This policy commences on 12 March 2014.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students and affiliates.

4 Statement of intent

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

- (a) requiring individuals engaged in child-related work to have a working with children check clearance in accordance with the Act;

- (b) excluding from child-related work individuals whom the Children's Guardian has barred from working with children or as otherwise determined by the University; and
- (c) informing staff, students and affiliates of their obligations under child protection legislation.

Note: In the limited circumstances where staff and students are permitted to bring their own children into University workplaces and premises, refer to the [Children in University Workplaces and Premises Policy](#).

5 Application

- (1) This policy applies to staff, students and affiliates.
- (2) This policy does not apply to individuals employed by entities that are not part of or controlled by the University. This includes individuals employed by independently operated child care centres.

6 Definitions

Act means the *Child Protection (Working with Children) Act 2012 (NSW)*

affiliate has the meaning given in the University of Sydney Code of Conduct. For the avoidance of doubt, this includes volunteers.

Note: At the date of this policy this meaning is:

Clinical title holders; adjunct, conjoint and honorary appointees; consultants and contractors to the University; holders of offices in University entities; members of Boards of University Foundations; members of University Committees; and any other persons appointed or engaged by the University to perform duties or functions on its behalf.

child means a person who is under 18 years of age

child-related work means work involving face-to-face contact with children in a child-related sector as designated by the Act. It may be paid or unpaid.

clinical placement means a professional practice placement undertaken within a workplace setting by allied health, medical, nursing and midwifery students who are enrolled in a tertiary institution

Children's Guardian means the Office of the Children's Guardian which is an independent statutory body managing the working with children check.

co-ordinating supervisor has the meaning given in the Supervision of Higher Degree by Research Students Policy 2013.

Note: At the date of this policy this meaning is:

the research supervisor in a supervisory team who has designated academic delegations and responsibility for administrative requirements.

professional placement	means, for the purposes of this policy, all student placements within a workplace setting other than clinical placements
Regulation	means the <i>Child Protection (Working with Children) Regulation 2013</i> .
worker	has the meaning given to it in Part 1 of the Act. Note: At the date of this policy this is: a person engaged as an employee, a self-employed person or contractor, a volunteer, or a person undertaking practical training as part of an educational or vocational course (other than a school student undertaking work experience).
working with children check	means the background checking process which is a prerequisite for individuals engaged in child-related work, and involves a full national criminal history check and a review of reported workplace misconduct.
working with children check clearance	means an authorisation from the Children's Guardian to engage in child-related work.

7 Child-related work

- (1) A working with children check is required for all child-related work.
- (2) Designated child-related sectors relevant to work undertaken in the University include but are not limited to:
 - (a) child development and family welfare services including mentoring and counselling services for children;
 - (b) children's health services where a health practitioner or other person is treating children in hospitals or other settings;
Note: Work as a student in a clinical placement in a hospital or other health service does not require a working with children check under the Regulation due to an adequate probity checking mechanism already in place for such placements through NSW Health.
 - (c) work in schools or other educational institutions (other than universities) or in the tuition of children;
Note: Where University staff or affiliates have direct contact with University students under the age of 18, this is not regarded as child-related work under the Act.
 - (d) work in clubs or other bodies providing cultural, recreational, sporting or other community service primarily for children;
 - (e) work in the provision of entertainment services on a commercial basis primarily for children;

- (f) work at residential services for children or overnight camps for children.

Note: For more detailed information about each of these child-related sectors refer to Part 2 of the [Regulation](#).

Note: Individuals working or placed in NSW Health or NSW Education (or with private health or education providers) are subject to the working with children requirements of these workplaces. Refer to [NSW Health](#) and [NSW Education](#) websites for further information.

- (3) The University may, as a risk management strategy, also require staff, students and affiliates to obtain a working with children check where these activities are not directly aligned to the designated child-related sectors referred to in clause 7 (2), such as:

- (a) conducting research activities with children;

Note: This will be part of the human ethics approval process, refer to the [Research Code of Conduct 2013](#) and the [Research website](#).

- (b) or other activities as deemed appropriate by the Director, Human Resources.

8 Working with children check

- (1) Staff, students and affiliates engaged in child-related work are responsible for holding a current working with children check.
- (2) The University will verify the working with children check status of all individuals engaged in child-related work.
- (3) The result of a working with children check is either:
- (a) a clearance to engage in any child-related work in NSW for five years, with the worker continually monitored for relevant new records during the life of the clearance; or
 - (b) a bar against working with children, which means it is a criminal offence to engage in any child-related work, whether paid or unpaid.
- (4) The University will not engage a barred person in child-related work and will remove any such person from child-related work, or suspend or terminate the employment or appointment of a person who becomes a barred person in accordance with the Act.

9 Timeframe for applying for the working with children check

- (1) New staff commencing at the University in child-related work, or existing staff transferring to a position which is child-related work, must apply for a working with children check before they start working in the relevant position.
- (2) Existing staff undertaking a new research activity which is child-related work must apply for a working with children check before they commence the research.
- Note:** Refer to section 8 in the [Research Code of Conduct 2013](#).
- (3) Contractors holding a current certificate for self-employed people may continue to use this certificate in child-related work at the University, but on its expiry must apply for a working with children check.

- (4) Existing staff engaged in child-related work at the University will apply for a working with children check when advised by the University, but no later than the phase-in schedule of the Regulation.
- (5) All students undertaking professional placements in child-related work, research students engaged in research which constitutes child-related work and affiliates engaged in child-related work, will apply for a working with children check when advised by the University, but no later than the phase-in schedule of the Regulation.

Note: Refer to the [phase-in schedule](#) on the Children's Guardian website for information on when each child-related sector is being phased in over the period 2013 to 2018.

10 Exemptions from the working with children check

The following workers engaged in child-related work at the University are not required to apply for a working with children check:

- (a) a worker under 18 years of age;
- (b) administrative or other ancillary workers whose roles do not ordinarily involve contact with children for extended periods;
- (c) a co-worker or supervisor in a workplace where a child works;
- (d) those engaged in short-term work:
 - (i) for up to 5 days in a year, with minimal direct or unsupervised contact with children;
 - (ii) as a visiting speaker, performer, assessor or similar visitor at a school or other place for a one-off occasion, in the presence of one or more other adults.
- (e) interstate visitors who work or volunteer in NSW:
 - (i) at a one-off event for up to 30 days a year;
 - (ii) in any child-related work for up to 30 days a year who have an interstate working with children check clearance or who are exempt in their home jurisdiction.

11 Identifying child-related work

The relevant delegate must assess whether a position, duties or a professional placement is child-related work prior to undertaking recruitment, appointment or enrolment procedures.

Note: Refer to the [Working with Children Procedures](#).

12 Implementing the working with children check

- (1) The Director, HR is responsible for administering the working with children check procedures as they relate to staff.
- (2) The Student Centre, in collaboration with the relevant faculties, is responsible for administering the working with children check procedures as they relate to students in professional placements.

- (3) The co-ordinating supervisor and the relevant faculty, University school or school are responsible for administering the working with children check procedures as they relate to research students engaged in research which constitutes child-related work.
- (4) The relevant delegated officer of the faculty, University school or school or administrative unit, together with the Director, HR, are responsible for administering the working with children check procedures as they relate to affiliates.

Note: Refer to the [Working with Children Procedures](#).

NOTES

Working with Children Policy 2014

Date adopted: 3 March 2014

Date registered: 10 March 2014

Date commenced: 12 March 2014

Date amended: 6 June 2017 (administrative amendments only)

Administrator: Director, Human Resources

Review date: 3 March 2019

Related documents:

[*Child Protection \(Working with Children\) Act 2012*](#)

[*Child Protection \(Working with Children\) Regulation 2013*](#)

[*University of Sydney \(Delegations of Authority – Administrative Functions\) Rule 2016*](#)

[*Casual Employment Policy*](#)

[*Code of Conduct – Staff and Affiliates*](#)

[*Code of Conduct – Students*](#)

[*Honorary Titles Policy*](#)

[*Recruitment and Selection Policy*](#)

[*Research Code of Conduct 2013*](#)

[*Supervision of Higher Degree by Research Students Policy 2013*](#)

[*Working with Children Procedures 2014*](#)

[*Office of the Children's Guardian website*](#)

AMENDMENT HISTORY

Provision	Amendment	Commencing
	Complete review of Child Protection Policy last updated 25 May 2010, separate procedures document created.	12 March 2014
9 Note	Amended hyperlink to “phase-in schedule” and period “2013 to 2017” updated to “2013 to 2018”.	28 October 2014
Related documents	Amended hyperlink to “Office of the Children’s Guardian website”	28 October 2014
7(2) Note	Added note. Administrative amendment only.	17 August 2016
12(3)-(4)	Administrative amendment relating to organisational design changes	6 June 2017
Related documents	Updating references to University of Sydney (Delegations of Authority – Administrative Delegations) Rule 2016	6 June 2017