



# Safe Environments for Children and Vulnerable People Policy

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## OVERVIEW

The University is committed to providing safe physical and online environments where the protection and wellbeing of children and vulnerable people is achieved in accordance with:

- [Children and Young People \(Safety\) Act 2017 \(SA\)](#) (“the Act”) which requires appropriate policies and procedures be in place to ensure that child-safe environments are established and maintained.
- [Children and Young People \(Oversight and Advocacy Bodies\) Act 2016 \(SA\)](#) which gives authority to the Children and Young People Commissioner to conduct inquiries.
- [Child Safety \(Prohibited Persons\) Act 2016 \(SA\)](#) which aims to minimise the risk to children posed by persons who work or volunteer with them.
- [Educational Services for Overseas Students \(ESOS\) Act 2000 \(Cth\) – National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) which obligates the University and approved agents to protect the interest and ensure the welfare of international students.
- [Australian Department of Foreign Affairs and Trade \(DFAT\) Child Protection Policy 2017](#) and [Preventing Sexual Exploitation, Abuse and Harassment Policy](#) which sets out expectations for University personnel and students involved in funded programs and while travelling overseas.
- [National Principles for Child Safe Organisations 2019](#), an initiative of the Council of Australian Governments
- [Indigenous Student Assistance Grants Guidelines 2017](#) issued under the [Higher Education Support Act 2003](#)

## SCOPE AND APPLICATION

This Policy applies to all [personnel](#) and [students](#) and relates specifically to their contact and work with children and [vulnerable people](#) (as defined by this Policy) and to their broader role in supporting a [Safer Campus Community](#).

Children and young people are frequent and welcome users of University spaces and resources and this policy acknowledges the distinct obligations that apply to the University, *personnel* and to partner organisations to ensure that all people can experience University environments and engage in approved activities safely.

Under [South Australian law](#) a *child* or young person means a person under 18 years of age.

While the University does not primarily provide services to children, there are a cohort of young people under the age of 18 at the commencement of their undergraduate studies. In addition, some of the University’s research, teaching and community engagement activities may include interactions with children, young people or [vulnerable people](#).

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The University acknowledges that the [National Principles for Child Safe Organisations 2019](#) define an environment that is safe for children and young people as being one where:

- Child safety and wellbeing is consciously considered and promoted;
- Engagement with children and young people is genuine and valued;
- Conditions within the environment reduce the likelihood of harm while increasing the likelihood that any risks of harm will be identified; and
- Any concerns, allegations or disclosures made about the risk of harm are dealt with appropriately.

### **Creating environments that are safe for children, young people and vulnerable people**

All those involved in University activities should anticipate the presence and actual and potential involvement of children, young people and vulnerable individuals on University campuses and in approved activities. Where such involvement can be anticipated, a [risk management](#) plan should be implemented by the local area to ensure the environment and the activities are appropriate and safe. Under the policy, this obligation extends to University managed or arranged:

- Accommodation services, including the homestay program;
- Approved pathway programs provided to international students by third parties;
- Global student mobility experiences and international research
- Contractor activity on campuses; and
- Venue hire.

The measures adopted to manage risks should be inclusive of the needs of children, young people and vulnerable individuals of diverse backgrounds and cultural experiences. This includes Aboriginal and Torres Strait Islander students enrolled in tertiary education programs or participating in pathway activities provided as a part of the [Commonwealth's Indigenous Student Success Program](#) (ISSP). Areas delivering ISSP funded programs must be able to demonstrate conformity with the conditions applied by the funding body.

### **Legal requirement for personnel to have working with children checks**

The University has clear statutory obligations where services or activities are being delivered directly to children or young people\* and must ensure that all [personnel](#) involved have valid [working with children checks](#) issued by the [central assessment unit](#) of the South Australian Government. Details of these obligations, responsibilities and processes are set out in the University's [Employment Screening Procedure](#).

*\*Note: Tertiary education services are not classified as child-related work so there is no legal obligation for personnel delivering an approved undergraduate program to young people under 18 to be screened. Local areas may introduce a screening requirement as an appropriate [risk management](#) strategy.*

A South Australian [working with children check](#) applies the most comprehensive screening criteria possible and gives effective clearance for personnel working with any [vulnerable people](#).

## **POLICY PRINCIPLES AND PROCEDURES**

When accessing opportunities to learn and participate in approved activities, the University recognises and supports the rights of children, young people and vulnerable people to be safe in the environments they encounter.

To ensure the appropriate inclusion of children, young people and vulnerable people, the University will:

1. Apply the [National Principles for Child Safe Organisations](#) to services provided directly for the benefit of children and young people and otherwise incorporate safety considerations as a part of usual [Work, Health and Safety Assessments](#) or the [Safer Campus Community](#) strategy.
2. Adopt a risk management approach to the protection of children, young people and vulnerable people who are, or may be, involved in University-related activities by requiring:
  - Local area heads (Branches / Schools / Institutes), program co-ordinators, contract managers and research chief investigators to actively assess risk of harm in operational areas or activities for which they are responsible.

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- [Risk assessments](#) to be prepared in an appropriate form or, if applicable, in a form required as a condition of government grant funding agreements or other regulatory purpose.
3. Provide guidelines on expected behaviours and responsibilities for all personnel and students as appropriate for their role by requiring:
    - Local area heads (Branches / Schools / Institutes), program co-ordinators, contract managers and research chief investigators to ensure that personnel and students in their area of responsibility are able to access guidance, training or support that is commensurate with the assessed risk to children, young people or vulnerable people.
  4. Ensure that any person in a [prescribed position](#) or involved in an activity where a valid [working with children check](#) is required by law, or otherwise determined by a risk assessment of the position or activity, has a valid and current clearance issued by the [central assessment unit](#) prior to commencement and for ongoing employment or engagement at the University by requiring:
    - Local area heads (Branches / Schools / Institutes), program co-ordinators, contract managers and research chief investigators to
      - implement the requirements set out in the [Employment Screening Procedure](#) for staff and titleholders
      - direct personnel, including any volunteer, contractor, student, regular visitor or any person that they must obtain and maintain a working with children check for the duration of the period that they are involved with children or vulnerable people in a University related activity.
      - ensure appropriate record systems are used to monitor the currency of clearances and training for all prescribed position holders or as otherwise required.
  5. Provide information about, and where necessary, direct or facilitate access to the [central assessment unit](#) for adults (personnel or students) who require a DHS working with children check as a part of their employment, professional placement or other University related activity.
  6. Manage any disclosures or formal reports of harm or risk of harm to a child, young person or a vulnerable person at the University (made in addition to any mandatory reporting obligations as below) as a part of the [Safer Campus Community](#) strategy, by enabling anyone affected, concerned or uncertain about their obligation to:
    - [Report an Incident](#); or
    - [Find help](#).

Disclosures or formal reports to the University will be treated using one or more of the following policies and procedures, as appropriate, to ensure that the child or vulnerable person is appropriately supported by the University, and that action is taken to address any inappropriate conduct by a member of the University community :

- [Student Misconduct Policy](#)
- [Student Critical Incidents Response Policy and Procedures](#)
- [Sexual Misconduct Policy](#)
- [Behaviour and Conduct Policy](#)
- [Enterprise Agreement \(as amended\)](#)

**Where a threat is immediate, you should contact**

- **SA Police on 000, and/or**
- **University Security Services on 831 35444.**

7. Support personnel and students to meet their statutory obligations to protect a child from sexual abuse to the police and to [report any reasonable suspicion](#) that a child or young person is at risk of harm (as set out in section 30 of [Children and Young People \(Safety\) Act 2017 \(SA\)](#)) by providing information advising them to use the following SA Government notification services:

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- **Child Abuse Report Line (CARL) on 13 14 78**
  - [Online child protection reporting system](#).
8. Provide access to information and direct personnel working with children to [training resources](#) to ensure they understand their personal and organisational obligations for child safety and protection by requiring.
    - Local Area Heads (Branches / Schools / Institutes), program co-ordinators, contract managers and research chief investigators with supervisory responsibilities, are to ensure that relevant child safety and reporting training is included in a [Training Plan](#) for any personnel with statutory reporting obligations (as set out in Chapter 5 of the [Children and Young People \(Safety\) Act 2017 \(SA\)](#)) or as appropriate for their role and activity. This training should be completed as soon as practicable and refresher training completed periodically as recommended.
  9. Observe all [research ethics and compliance requirements](#) for safe environments for children and vulnerable people, including those mandated by regulators and / or government research funding agreements, such as the [National Office for Child Safety](#), the [National Statement on Ethical Conduct in Human Research](#) and the [Department of Foreign Affairs and Trade Child Protection Policy 2017](#) and [Preventing Sexual Exploitation, Abuse and Harassment Policy](#).
  10. Allow only appropriate use of technology and social media as is required by the IT Acceptable Use and Security [Policy](#) and relevant [Procedures](#) and guidelines. Suspicions of online [child exploitation](#) activity should also be reported to the Australian Federal Police directly or via the [ThinkUKnow](#) website.
  11. Provide a Statement to the South Australian Government certifying that policies and procedures designed to ensure safe environments for children and young people are in place as required by the [Children and Young Person \(Safety\) Act 2017 \(SA\)](#) (section 114).

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## DEFINITIONS –

**Central assessment unit** operates within the South Australian [Department of Human Services](#) and is established under Part 5 of the [Child Safety \(Prohibited Persons\) Act 2016 \(SA\)](#) to perform various functions, including to conduct [working with children checks](#).

**Child Safe Environment** – means a respectful and protective environment where children are safe from harm when participating in any University learning, teaching or research activities or other authorised on campus activities.

**Child exploitation and abuse:** For the purposes of this policy, the University has adopted the definition of child exploitation in the [DFAT Child Protection Policy 2017](#) to mean one or more of the following:

- Committing or coercing another person to commit an act or acts of abuse against a child.
- Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material
- Committing or coercing another person to commit an act or acts of grooming or online grooming.

**Child-related work** is defined by section 6 of the [Child Safety \(Prohibited Persons\) Act 2016 \(SA\)](#)

**DFAT Funded partner** includes an individual or organisation that received DFAT administered funding, as well as other contract arrangements funded by DFAT, including any partners engaged through the lead partner that DFAT has the legal agreement with.

**Education Services** as defined by the [Child Safety \(Prohibited Persons\) Regulations 2019 \(SA\)](#) includes preschool, primary and secondary education, but not tertiary education. This means tertiary education programs provided by the University to under 18s are not considered “working with children” for the purpose of [working with children checks](#).

**Personnel** for the purposes of this Policy means people actively associated with the teaching, learning, research, enabling and support activities of the University and partner organisations, including:

- University officers appointed under the [University of Adelaide Act 1971 \(SA\)](#)
- Academic, teaching and professional staff
- Titleholders, academic visitors and affiliates of the University
- Contractors, consultants and agents of the University
- Volunteers.

**Prescribed position** refers to a position in which a person works, or is likely to work, with children; or a position or class of positions identified by statute from time to time. Refer to the University's [Employment Screening Procedure](#) for further detail.

**Program:** For the purposes of this policy, refers broadly to the full range of approved activities conducted by or for the University and includes, but is not limited to, formal programs of study which leads to the conferral of a tertiary education award.

**Risk management** refers to a process of evaluating potential risks of harm to children or an individual child and actively implementing controls or treatments as appropriate. This may include the provision of training or a requirement that those with close contact with children have valid working with children clearances. A [risk assessment tool](#) is available to assist with the assessment of risk.

**Risk of harm:** For the purpose of this policy, the University has adopted the definition of **harm** (section 17) and **at risk** (section 18) and **reasonable suspicion obligations** (Chapter 5) in the [Children and Young Person \(Safety\) Act 2017 \(SA\)](#):

- **Harm** means; *physical or psychological harm caused by sexual, physical or emotional abuse or neglect.*
- **At risk** means; *a child or young person who has or is likely to suffer harm*
- **Reporting a reasonable suspicion** of a child at risk of harm is mandated for people employed in certain roles including those working directly with children and means; you must contact the



Department for Child Protection via the [Child Abuse Report Line \(CARL\) on 13 14 78 or http://www.reportchildabuse.families.sa.gov.au/](http://www.reportchildabuse.families.sa.gov.au/)

**Safer Campus Community** is an initiative to facilitate [access](#) to a range of services and responses to assist in student safety and to support the whole campus community to work together to support safety on University campuses.

**Student** has the same meaning as in Chapter 3 of [Statutes of the University](#), being:

- a. a person who is enrolled in, or has deferred enrolment in, or is on formal leave of absence or suspension from, an academic program, a course or a group of courses at or offered by the University or an affiliated educational establishment that leads to a University award; or
- b. a person who is authorised to participate in learning or research training activities of any type at the University; or
- c. a student of another education institution who is authorised to have access to University premises or facilities or both

**Training resources** refers to [child safe environment courses](#) offered by specialist training providers either in traditional workshop formats or online.

**Working with children** means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering and other unpaid work.

**Working with children checks** means an [official assessment](#) provided by the [central assessment unit](#) under the [Child Safety \(Prohibited Persons\) Act 2016 \(SA\)](#). The assessment unit will issue a clearance or advise that the person is a “prohibited person” and cannot be employed in positions that involve working with children.

**Vulnerable people:** For the purpose of the Policy the definition of *vulnerable people* is adopted from the [Indigenous Student Assistance Grants Guidelines 2017](#) to refer to individuals over 18 who may not be able to protect themselves from harm or exploitation by reason of age, illness, trauma or disability.

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| <b>RMO File No.</b>                   | 2023/1662  |
| <b>Policy Custodian</b>               | Deputy Vice-Chancellor and Vice-President (Academic)   |
| <b>Responsible policy officer</b>     | Director, Student Life, Division of Academic and Student Engagement  |
| <b>Endorsed by</b>                    | Academic Board on 6 May 2020   |
| <b>Approved by</b>                    | Acting Vice-Chancellor and President on 14 May 2020<br>Re-affirmed for a further three years by the VC&P 12 April 2023   |
| <b>Related Documents and Policies</b> | <a href="#">Australian Code for the Responsible Conduct of Research Behaviour and Conduct Policy</a><br><a href="#">National Principles for Child Safe Organisations Code of Conduct</a><br><a href="#">DFAT Child Protection Policy 2017</a><br><a href="#">Equal Opportunity Policy</a><br><a href="#">Fair Treatment Procedure</a><br><a href="#">Health, Safety and Welfare (HSW) Handbook</a><br><a href="#">IT Acceptable Use and Security Policy</a><br><a href="#">Social Media Guidelines</a><br><a href="#">Legal Compliance Policy</a><br><a href="#">National Statement on Ethical Conduct in Human Research Employment Screening Procedure</a><br><a href="#">Protecting Children is Everyone’s Business; National Framework for Protecting Australia’s Children 2009–2020 Recruitment Policy</a><br><a href="#">Responsible Conduct of Research Policy</a><br><a href="#">Risk Policy</a><br><a href="#">Sexual Misconduct Policy Staff Complaints Procedure</a><br><a href="#">Student Charter</a><br><a href="#">Student Grievance Resolution Policy</a> |

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|---|---|
|   | <a href="#"><i>Student Misconduct Policy</i></a><br><a href="#"><i>Student Misconduct Rules</i></a><br><a href="#"><i>University of Adelaide Enterprise Agreement (as amended)</i></a>  |
| <b>Related Legislation</b>                  | <a href="#"><i>Children and Young People (Safety) Act 2017 (SA)</i></a><br><a href="#"><i>Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA)</i></a><br><a href="#"><i>Child Safety (Prohibited Persons) Act 2016 (SA)</i></a><br><a href="#"><i>Educational Services for Overseas Students (ESOS) Act 2000 (Cth) – National Code of Practice for Providers of Education and Training to Overseas Students 2018</i></a><br><i>Indigenous Student Assistance Grants Guidelines 2017</i> as issued under the <a href="#"><i>Higher Education Support Act 2003 (Cth)</i></a><br><a href="#"><i>United Nations Convention on the Rights of the Child</i></a> |
| <b>Effective from</b>                       | 14 May 2020   |
| <b>Review Date</b>                          | 1 April 2026  |
| <b>Contact for queries about the policy</b> | Director, Student Life, tel 8313 0890   |