

1. Purpose of policy

1.1 The purpose of this policy is to provide guidance to USC staff, students, job applicants and volunteers to ensure all University activities are conducted in an environment that is safe for vulnerable people, including children.

1.2 The primary objective is to ensure the University fulfils its responsibilities and obligations under the Working with Children (Risk Management and Screening) Act 2000 (Qld) ('the Act'). The Act aims to reduce the risk of harm to children and young people by requiring those who work or volunteer with children to have a background check and to be registered.

2. Policy scope and application

2.1 This policy and the associated procedures apply to all USC staff including visiting, honorary and adjunct academics, members of University Council, external members of University committees, and individuals acting in a voluntary capacity, and students.

2.2 The Working with Children (Risk Management and Screening) Act 2000 is the relevant legislative context for child-related employment in Queensland, and this policy and the associated procedures address the University's obligations under that Act. Individuals working on behalf of the University in other jurisdictions (including overseas) should be aware that they may be subject to different legislative requirements. More guidance is provided in Section 9. Jurisdictions other than Queensland.

3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Act refers to the Working with Children (Risk Management and Screening) Act 2000 (Qld).

Blue Card refers to a card which is issued in Queensland to a person who is the holder of a current "positive notice", following a Working with Children assessment of a person's eligibility to work with children based on their known past police and disciplinary information.

Blue Card Services is a section within the Queensland Department of Justice and Attorney-General that undertakes Working with Children checks and issues Blue Cards.

Child as defined in the Act, is any person under the age of 18 years.

Regulated employment are categories of employment regulated by the Act.

Volunteer is a member of the USC community who provides their services in a voluntary capacity to the University, not for financial reward but who may receive reimbursement for out-of-pocket expenses. Volunteers are not staff of the University.

Vulnerable people include individuals under the age of 18 years of age (defined in the Act as 'children'), and individuals aged 18 years and above who are, or may be, unable to take care of themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

APPROVAL AUTHORITY

Council

RESPONSIBLE OFFICER

Vice-Chancellor and President

DESIGNATED OFFICER

Deputy Vice-Chancellor (Academic)

FIRST APPROVED

29 May 2019

LAST AMENDED

30 August 2019

EFFECTIVE START DATE

3 June 2019

REVIEW DATE

29 May 2024

STATUS

Active

RELATED DOCUMENTS

Acceptable Use of Information Technology Resources - Governing Policy

Anti-Discrimination and Freedom from Bullying and Harassment (Staff) - Governing Policy

Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Governing Policy

Children on Campus - Managerial Policy

Conduct on University Premises - Managerial Policy

Health, Safety and Wellbeing - Governing Policy

Information Management Framework - Governing Policy

Performance Management - Managerial Policy

Recruitment, Selection and Appointment - Managerial Policy

Sexual Harassment Prevention (Students) - Governing Policy

Social Media - Managerial Policy

Staff Code of Conduct - Governing Policy

Student Conduct - Governing Policy

Student Grievance Resolution - Governing Policy

Students with a Disability - Managerial Policy

Working with Vulnerable People - Procedures

Workplace and Industry Placement - Procedures

RELATED LEGISLATION / STANDARDS

Disability Discrimination Act 1992 (Cwlth)

Disability Standards for Education 2005

Child Protection Act 1999

Disability Services Act 2006

Working with Children (Risk Management and Screening) Act 2000

Working with Children (Risk Management and Screening) Regulation 2011

Yellow card refers to card which is issued in Queensland to a person who has undergone a criminal history screening for eligibility to work with a Department of Communities, Disability Services and Seniors funded non-government service provider or a National Disability Insurance Scheme (NDIS) non-government service provider.

Workplace integrated learning (WIL) placement course is any course undertaken within a program of university study to gain experience in a workplace setting, also known variously as Supervised Professional Experience (SPE), internship, practicum, workplace learning (WPL), or clinical placement.

4. Commitment to protection from harm

4.1 USC is committed to the safety and wellbeing of all members of the University community, and expects all staff, students and volunteers to abide by the relevant University policies and procedures, in particular the Staff Code of Conduct – Governing Policy and the Student Code of Conduct – Governing Policy.

4.2 The University will endeavour to provide not only an environment that is physically safe for children and other vulnerable people, but also supportive and respectful services or interactions where children and vulnerable people are genuinely engaged and where the likelihood of harm is minimised through education and appropriate risk management.

4.3 Compliance with the Blue Card system in Queensland (and similar systems in other jurisdictions) is critical in building and maintaining safeguards for children in regulated environments. USC implements the Act, through this policy and associated procedures and guidelines. More information on the Queensland Blue Card system is available at www.bluecard.qld.gov.au

5. Regulated Employment

5.1 University Activities

5.1.1 Under the Act, USC's overarching activities of teaching and learning are considered to fall under the category of 'private teaching, coaching or tutoring', but, as an education provider, the University's primary functions are exempt and therefore not regulated employment. This means that most staff working with students in the University setting, (even though some students may be under the age of 18) are not in regulated employment and do not require a Positive Notice (Blue Card).

5.1.2 However, some University activities are considered to be regulated employment under the Act and staff and volunteers in these areas may be required to undergo a Working with Children Check and obtain a Blue Card. Areas of regulated employment at USC include, but are not limited to, health, counselling and support services (e.g. clinics and student services), marketing outreach activities in primary and secondary schools, as well as sport and active recreation.

5.1.3 Staff who work with children must hold a Blue Card or an exemption card if their work falls into a category of regulated employment and they work, or are likely to work, for at least:

- eight consecutive days, or
- once a week for each week during a period of four weeks, or
- once a fortnight for each fortnight during a period of eight weeks, or
- once a month for each month during a period of six months.

5.1.4 Volunteers must hold a Blue Card if their work falls into a category of regulated employment, regardless of how often they will come into contact with children, unless an exemption applies.

5.1.5 Registered teachers and registered health practitioners (if the work they are doing relates to their function as a registered health practitioner) are exempt from requiring a Blue Card.

5.1.6 The University will identify the work areas that require staff and volunteers to hold a Blue Card, and monitoring will be applied according to the associated Procedures.

5.2 Students in Workplace Placements

5.2.1 Students who are required to undertake a workplace integrated learning (WIL) placement course and may have to work with children as part of the placement, must obtain a Blue Card before they commence their placement. This is usually set out as a mandatory requirement in the program information for all relevant programs at USC.

5.2.2 Under the Act, students on WIL placements are referred to as 'trainee students', and the University is responsible for ensuring that a Blue Card is obtained and current prior to the student commencing work in child-related work.

5.2.3 There may be occasions where students are required to undertake a WIL placement in a setting that provides health and/or disability support services to vulnerable people, where a Yellow Card (or an equivalent criminal history check) is required. In general, students who have a Blue Card will be able to apply for an exemption for those situations.

5.2.4 The University will have processes in place for managing students who receive a negative notice from Blue Card Services, or equivalent. This would typically involve transferring students to an academic program where a Blue Card is not a mandatory requirement.

5.3 Executive Officers

5.3.1 In recognition that some activities of the University may include staff, students and volunteers engaged in regulated employment under the Act, the following Executive Officers are delegated with responsibility relating to the management and operation of the regulated activities conducted by an organisational unit in their portfolio, and will be required to hold a Blue Card or exemption:

- (a) the Vice-Chancellor and President
- (b) the Deputy Vice-Chancellor (Academic)
- (c) the Pro Vice-Chancellor (Students)
- (d) the Pro Vice-Chancellor (Engagement)
- (e) the Chief Operating Officer
- (f) the Director, Thompson Institute

5.3.2 In delegating the power to manage and operate regulated activities to the above-named Executive Officers, members of the USC Council are not required to hold a Blue Card.

5.3.3 Additionally, where applicable, controlled entities of the University which operate regulated activities should be able to demonstrate to the Council that they have appropriate governance structures in place.

6. Research

6.1 All USC research activities that may involve children and other vulnerable people are subject to compliance with the National Statement on Ethical Conduct in Human Research and the Australian Code for the Responsible Conduct of Research, which includes gaining the usual ethical approvals through the processes set out in the Human Research Ethics - Governing Policy and associated Procedures.

6.2 In addition to ethics approvals, researchers may need to seek advice from the relevant agencies (i.e. Blue Card Services, Department of Communities, Disability Services and Seniors, etc.) as to whether Blue Card or similar criminal history screening is required before commencing research projects involving children or other vulnerable people.

6.3 In Queensland, a researcher who works with children, in contexts such as schools, childcare centres or community centres is likely to require a Blue Card (or exemption) if the work will last:

- at least 8 consecutive days
- once a week, each week, over 4 weeks
- once a fortnight, each fortnight, over 8 weeks
- once a month, each month, over 6 months.

6.4 Researchers should be aware that other requirements may apply to research conducted elsewhere in Australia or overseas - refer to Section 9. The Office of Research provides guidance on legal requirements and considerations in planning research projects.

7. Risk management

The University through its Risk Management function maintains a Working with Vulnerable People Framework. This includes a risk assessment that is undertaken annually (or more frequently if required) to identify the level of contact with vulnerable people and the level of risk of harm or abuse and controls to manage these risks. It is the responsibility of each area to identify whether they require Blue Cards or not in the context of the definition of regulated employment.

8. Managing disclosures or suspicions of harm

8.1 USC staff and Volunteers should respond professionally to any disclosures of harm, and act in the best interests of the individual subjected to the alleged harm. Any disclosure of harm must be acted on in a prompt and appropriate manner, and should be referred, in the first instance, to:

- (a) Manager, Student Wellbeing – in the case of the individual who is a student of the University; or
- (b) Director, Human Resources – in the case of the individual raising allegations about a University employee or volunteer; or
- (c) Site Supervisor – in the case of the individual being at a site where a University student is undertaking a WIL placement course, for example, at a primary or secondary school, at a nursing home, etc.

8.2 Similarly, if staff, volunteers or students suspect a child or vulnerable person is at risk of harm, they should report the suspicion to the relevant person (as above) promptly.

8.3 Allegations of a staff member's breach should be reported to the Director, Human Resources and will be managed in accordance with the USC Enterprise Agreement and Guidelines for the Resolution of Complaints - Staff.

8.4 Students accused of a breach will be reported to the Pro Vice-Chancellor (Students) and managed under the Student General Misconduct - Procedures. Matters of a serious nature may be referred to the Queensland Police Service for investigation.

9. Jurisdictions other than Queensland

Anyone who is undertaking a University activity in another State, Territory or country, has a responsibility to comply with the applicable legislation (and also any relevant equivalent international legislation, if applicable). The following table lists relevant legislation in Australian jurisdictions.

WA	Working with Children (Criminal Record Checking) Act 2004
VIC	Working with Children Act 2005
TAS	Registration to Work with Vulnerable People Act 2013
SA	Children's Protection Act 1993 Note: unlike Queensland and most other states, there is no exemption for working with students who are under 18 years of age in a University setting.
NT	Care and Protection of Children Act
NSW	Child Protection (Working with Children) Act 2012
ACT	Working with Vulnerable People (Background Checking) Act 2011
STATE	LEGISLATION LINK

10. Authorities/Responsibilities

The following authorities/responsibilities are delegated under this policy:

Director, Human Resources	Maintains a process for identifying positions where Blue Cards are required and incorporating it into the employment requirements where appropriate.
Chief Operating Officer	Maintains a Risk Management Framework for Working with Vulnerable People.
Director, Thompson Institute	Manage staff in regulated employment including health services and counselling services.
Chief Operating Officer	Manage staff and volunteers in regulated employment within their Portfolio, including sporting activities offered to children.
Pro Vice-Chancellor (Engagement)	Manage staff and volunteers in regulated employment within their Portfolio, including marketing activities in primary or secondary schools, and education or outreach programs offered to children.
Pro Vice-Chancellor (Students)	Manage staff and volunteers in regulated employment within their Portfolio, including within counselling and support services offered by Student Wellbeing, Student Services and Engagement, and Indigenous Services.
Deputy Vice-Chancellor (Academic)	Manage staff and volunteers in regulated employment within their Portfolio, including Schools and their management of trainee students (participation in WIL placement courses), research involving vulnerable people, as well as health clinics.
ACTIVITY	UNIVERSITY OFFICER/COMMITTEE

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