# ‘Child Safety Policy (MPF1337)

## 1. Objectives

* 1. The objectives of this policy are to:
1. outline the University’s commitment to child safety, which includes the physical, cultural, emotional, and psychological safety of children;
2. outline appropriate standards of behaviour towards children;
3. prevent and manage child abuse risks and guide responses to incidents of harm;
4. empower children by establishing an environment of trust, inclusion and cultural safety that enables them to ask questions and speak up if they have concerns, feel unsafe or have experienced harm; and
5. outline the process for responding to the child abuse reports and complaints.

## 2. Scope

## 2.1. This policy applies to:

1. all members of the University community;
2. the University’s controlled entities;
3. individuals or organisations (and their officers and employees) who are contractually obliged to comply with this policy; and

2.2. All other individuals engaged in activities reasonably connected with the University and its controlled entities are expected to conduct themselves in a manner consistent with this policy.

2.3. Any person, whether they are a member of the University community or not, can report a child safety concern that is related to the University.

2.4. A report or complaint can be made about a current incident or one that has occurred at any time in the past.

## 3. Authority

3.1 This policy is made under the [*University of Melbourne Act 2009* (Vic)](http://www.unimelb.edu.au/governance/regulatory-framework#legislation) and the [Vice-Chancellor Regulation](http://www.unimelb.edu.au/governance/statutes) and supports compliance with the:

1. *Child Wellbeing and Safety Act 2005* (Vic);
2. *Child Employment Act 2003* (Vic)
3. C*rimes Act 1958* (Vic)
4. Department of Foreign Affairs and Trade Child Protection Policy;
5. *Education Services for Overseas Students Act 2000* (Cth);
6. National Principles for a Child Safe Organisations;
7. United Nations Convention on the Rights of the Child;
8. Victorian Charter of Human Rights and Responsibilities;
9. Victorian Child Safe Standards; and
10. *Working with Children Act 2005* (Vic)

## 4. Policy

* 1. The University is an inclusive and welcoming environment that supports the safety, participation, empowerment and wellbeing of all children. In particular, the University will:
1. promote the cultural safety of Aboriginal and Torres Strait Islander children and children from culturally and/or linguistically diverse backgrounds;
2. promote the safety and inclusion of same sex attracted, intersex and gender diverse children in accordance with the Gender Affirmation Policy[**(MPF1364)**](https://policy.unimelb.edu.au/MPF1364); and
3. provide a safe environment in which children with a disability can participate equitably.
	1. The University does not tolerate child abuse in any form, and will:
4. take a proactive approach to the prevention of child abuse by identifying, removing and/or reducing risks early;
5. take a proactive approach to identifying and responding to instances of racism and any form of discrimination, harassment and bullying against children;
6. take action to eliminate and prevent sexual misconduct in accordance with the Sexual Misconduct Prevention and Response Policy [**(MPF1359)**](https://policy.unimelb.edu.au/MPF1359);
7. take all reasonable steps to support a child making a report or the child to whom a report pertains;
8. treat all children making a report or to whom a report pertains with dignity and respect; and
9. treat all child abuse allegations seriously in accordance with applicable legislative obligations.
	1. The University is committed to promoting best practices in relation to child safety.

## 5. Procedural Principles

### Child Safe Champion

* 1. The following procedural principles outline appropriate standards of behaviour towards children. The Child Safe Champion is responsible for implementing the standards in Section 5.3 throughout the University.
	2. The Provost is the University’s Child Safe Champion.

### General

* 1. All members of the University Community and the University’s controlled entities are responsible for promoting the safety, participation, wellbeing and empowerment of children by:
1. treating children with respect;
2. complying with all relevant laws, regulations, policies including but not limited to the Appropriate Workplace Behaviour Policy [(MPF1328)](https://policy.unimelb.edu.au/MPF1328) , Student Conduct Policy [(MPF1324)](https://policy.unimelb.edu.au/MPF1324) and Sexual Misconduct Prevention and Response Policy [(MPF1359)](https://policy.unimelb.edu.au/MPF1359), processes and guidelines;
3. obtaining appropriate consent in writing, and retaining appropriate records of the consent, from parents/legal guardians for their children to participate in all University activities;
4. informing the University, via the Safer Community Program of any instances of suspected child abuse in accordance with section 5.7;
5. complying with any child safety training, registration or accreditation requirements which may be relevant to their duties or activities;
6. encouraging and providing the mechanism for children to raise concerns and issues and to express their views and participate in decisions affecting them; and
7. engage with families and communities in the design and operations of our activities where practicable and reasonable to do so.

### Child abuse

* 1. Child abuse is not tolerated by the University. All individuals covered by this policy must avoid actions or behaviours deemed to be child abuse and have a positive duty to avoid:
1. using language or behaviour towards children or in the presence of children that is inappropriate, harassing, abusive, sexually provocative, grooming, discriminatory, disrespectful, demeaning or culturally inappropriate;
2. exploiting or harassing children in any way;
3. engaging in unauthorised personal contact with children, including through social networking sites;
4. developing special relationships that could be seen as favouritism or grooming behaviours; or
5. physical and emotional harm being caused to children by other children.
	1. All members of the University community and the University’s controlled entities must immediately inform the University of any concerns or allegations of child abuse or non-compliance with this policy in accordance with University processes established under section 5.7.
	2. A failure to comply with sections 5.4 or 5.5 may constitute a criminal offence and result in serious penalties.

### Responding to and reporting child abuse

* 1. The University’s Child Safety Officer is responsible for establishing and implementing processes for responding to and reporting suspected child abuse in accordance with the Reportable Conduct Scheme, mandatory reporting requirements (where applicable) and other applicable reporting requirements around child safety.
	2. The University is committed to implementing complaints processes and practices that are child friendly and easily assessable to children, their families, and the University community.
	3. Members of the University community covered by this policy (as outlined at section 2 - Scope) may be subject to mandatory reporting obligations in the course of carrying out University business. This includes, but is not limited to:
1. registered medical practitioners, nurses, midwives, registered teachers (including kindergarten teachers), school principals, out of home care workers, early childhood workers, registered psychologists and youth justice workers.
2. As such, these individuals must be aware of their mandatory reporting obligations whilst carrying out University business and must report their concern to the University’s Safer Community Program in the first instance.

	1. University staff must create and keep accurate records relevant to child safety and wellbeing, including recording incidents, responses and decisions affecting children. Records must be created and maintained in accordance with the Records Management Policy [(MPF1106)](https://policy.unimelb.edu.au/MPF1106).
	2. University staff will seek advice from appropriate Aboriginal and Torres Strait Islander agencies in relation to child safety matters involving Aboriginal and Torres Strait Islander children.

### Suitable staff and volunteers

* 1. All members of the University community who work with children directly, or indirectly or incidentally must have a working with children check and equivalent background checks in accordance with Appropriate Workplace Behaviour Policy [(MPF1328)](https://policy.unimelb.edu.au/MPF1328)
	2. The University will ensure position descriptions and Job advertisements clearly demonstrate the University’s commitment to child safety and awareness of social and legal responsibilities.
	3. The University encourages applications from Aboriginaland Torres Strait Islander people, people from linguistically diverse backgrounds and people with disabilities.

### Training and Supervision

* 1. University staff and volunteers receive an appropriate induction and are made aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.
	2. University staff and volunteers must complete the required child and cultural safety training where directed to do so.
	3. The supervision and management of University staff and volunteers is focused on child safety and wellbeing where relevant.

### Cultural safety

* 1. The University will ensure respect for cultural differences and will recognise and respond to the needs of children and communities, including those outlined in section 4.1.
	2. The University will ensure that information is presented in a child-friendly, culturally sensitive, relevant and accessible manner.

### Research

* 1. All members of the University community or of the University's controlled entities who conduct research with, or relating to, children must ensure that:
1. the research ethics principles outlined in the [National Statement on Ethical Conduct in Human Research](https://www.nhmrc.gov.au/about-us/publications/national-statement-ethical-conduct-human-research-2007-updated-2018)of merit, integrity, justice and beneficence and respect are applied to the research;

1. appropriate approvals are obtained for the activity prior to the commencement of research, including appropriate ethical approvals, and that the conditions of any approvals are adhered to during the course of the research;
2. all members of the University community involved in the research are screened to ensure that they are fit and proper persons, at a minimum in accordance with regulatory and requirements, including working with children checks, prior to the personnel commencing work on the project.
3. any ethical approvals for human research obtained outside the University of Melbourne are formally registered with the University through the relevant human research ethics process.

### Privacy, technology and social media

* 1. All members of the University community and the University’s controlled entities must protect the privacy of children and their families in accordance with the Privacy Policy ([MPF1104](https://policy.unimelb.edu.au/MPF1104)) and the Provision and Acceptable Use of IT Policy ([MPF1314](https://policy.unimelb.edu.au/MPF1314)).
	2. All members of the University community and the University’s controlled entities must ensure that technology and social media are used appropriately in connection with children, including by:
1. obtaining all necessary approvals from parents, guardians, or otherwise in accordance with relevant processes and guidelines including appropriate storage and record keeping;
2. ensuring that any use of technology and social media by the University in undertaking its activities is not detrimental to the child or harmful to the child’s safety; and
3. presenting children in a dignified and respectful manner.
	1. Any members of the University community and the University’s controlled entities who photographs, records the voice and/or image of children, or uses photographs and/or recordings of children’s image or voice, for study or work-related purposes must:
4. provide an appropriate notice and obtain informed consent directly from the child, where they have capacity to provide it, or from a parent or guardian of the child.
5. ensure that the content and purpose of the photographs, film and recorded or video material are appropriate in accordance with section 5.22 and align with any notice or consent relied upon in collecting information; and
6. act in accordance with all relevant processes, guidelines and operating rules, including (where applicable) the University’s social media guidelines, and the Information Security Policy [**(MPF 1270)**](https://policy.unimelb.edu.au/MPF1270), and Provision and Acceptable Use of IT Policy ([MPF1314](https://policy.unimelb.edu.au/MPF1314)).

### International students

* 1. The University is responsible for ensuring that appropriate accommodation, support and general welfare arrangements are made to protect the personal safety and wellbeing of any child who is:
1. currently enrolled in a University course, subject or program as an international student; and
2. not being cared for in Australia by a parent or a suitable nominated relative.

**Child Employment**

* 1. Any member of the University community and the University’s controlled entities who employs a child under the age of 15, paid or unpaid, must apply for a valid permit under the *Child Employment Act 2003* (Vic)and must ensure:
1. the work does not adversely affect a child’s education, health, safety, wellbeing or development;
2. there is adequate supervision for the duration of the employment;
3. If the child is employed in entertainment, the child is not subjected or exposed to any behaviour, acts or circumstances:
4. That unnecessarily socially isolates the child; or
5. That is likely to intimidate, threaten, frighten or humiliate the child; or
6. Otherwise depicts or deals adult themes, including nudity, sex, cruelty, violence or drug misuse.
7. compliance with the Mandatory code of practice for the Employment of Children in Entertainment (or any other applicable Code, laws or regulations), where applicable.

## 6. Roles and Responsibilities

|  |  |  |
| --- | --- | --- |
| ***Role/Decision/Action*** | ***Responsibility*** | ***Conditions and limitations*** |
| ~~I~~University’s Child Safety ChampionOversee the effectiveness of the implementation of this Policy at the University.Champion a child safe culture at all levels of the organisation through ensuring all University employees, volunteers and contractors (where relevant) receive appropriate induction and training on child safety on a mandatory and ongoing basis.~~,~~Notify the Commissioner for Children and Young People of any reportable allegations under the Reportable Conduct Scheme | Provost | … |
| Ensure appropriate resources are allocated within academic divisions to implement processes, systems and tools for ensuring child safety in relation to local faculty activities.  | Deans of academic divisions |  |
| Establish and continually review the processes, tools and systems for mitigating risk of harm to children connected to all non-research university activities. | Academic Registrar | … |
| University’s Child Safety OfficerEstablish internal processes for reporting and responding to suspected child abuse. | Director, Student Services |  |
| Establish and continually review the processes, tools and systems for mitigating risk of harm to children connected to research university activities. | Director of Research Ethics and Integrity |  |
| Establish and continually review the processes, tools and systems for mitigating risk of harm to children connected to University Museums and Collections. | Director, University Museums and Collections |  |
| Implement and continually review the University’s Working with Children Check Program and other related employee screening processes aimed at keeping children safe.Embed appropriate wording to demonstrate the University’s commitment to Child Safety into all templates used for recruiting new staff | Director, HR Services |  |
| Ensuring the security of both physical and IT infrastructure across all UoM campuses to mitigate risk of harm to children in physical and online University environments. | Executive Director, Business Services and Chief Technology Officer |  |

## 7. Definitions

**Aboriginal and Torres Strait Islander child** means a person under the age of 18 years who:

* is of Aboriginal or Torres Strait Islander descent
* identifies as Aboriginal or Torres Strait Islander; and
* is accepted as Aboriginal or Torres Strait Islander by the community in which they live or have lived.

**Child** means a person who is under the age of 18 years.

**Child abuse** means any act committed against a child involving:

* physical violence (including threats of physical violence)
* sexual abuse
* serious emotional or psychological abuse; or
* serious neglect.

**Child employment** means:

* a child performs work under a contract of service or a contract for services (whether written or unwritten); or
* a child performs work, other than under a contract and whether or not the child receives payment or other reward for performing that work; and
* the work the child performs is for the benefit (financial or non-financial) of the University or its controlled entities; and
* the child is subject to directions about how the work is performed.

**Child safety**, in the context of this policy, means measures to protect children from child abuse.

**Children from culturally and/or linguistically diverse backgrounds** means a child who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents’ identification on a similar basis.

**Complaint** means a complaint of child abuse relating to University matters by an individual who wants the University to investigate or to take specific action in response to the incident.

**Controlled entity** means a University company, University subsidiary company or other entity where the University has effective control.

**Cultural safety of Aboriginal and Torres Strait Islander children** means the positive recognition and celebration of Aboriginal and Torres Strait Islander cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity.

**Cultural safety of children from culturally and/or linguistically diverse backgrounds** means an environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need.

**Disclosure** means an individual telling anyone who is part of the University about their experience or witnessing of sexual misconduct. Unlike complaint, disclosure does not trigger an investigation or action unless the University has a duty of care to do so. It may also be the first step prior to a complaint being made.

**University community** means:

a) University staff and employees;

b) University students;

c) members of University bodies, honorary appointees and visiting personnel (as defined in the University of Melbourne Statute); and

d) all other individuals engaged in activities reasonably connected with the University and University activities (as defined in the Vice-Chancellor Regulation), including contractors, consultants, University Council members, volunteers, visitors, student clubs, student unions, and affiliated colleges.

## POLICY APPROVER

Provost

## POLICY STEWARD

Academic Registrar

## REVIEW

This policy is to be reviewed by 30 January 2022.

## VERSION HISTORY

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Version** | **Approved by** | **Approval Date** | **Effective Date** | **Sections modified** |
| 1 | Provost | 30 January 2017 | 1 January 2017 | New policy to comply with Victorian Child Safe Standards requirements.  |
| 2 | Director, Students and Equity | 7 March 2017 | 7 March 2017  | Editorial amendment to sections 3 and 5.7 to include the *Working with Children Act 2005* (Vic) and new DFAT Child Protection Standards. |
| 3 | Director, Students and Learning | 16 October 2019 | 28 October 2019 | Editorial amendments to fix broken link at 5.10 (c) and update titles. |