

WORKING WITH CHILDREN AND VULNERABLE ADULTS POLICY 2021

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

Dated: 30 August 2021 (commencing 1 September 2021)

Signature:

Name: Professor Mark Scott

Current policy approver: Vice-Chancellor and Principal

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1 Name of policy

This is the Working with Children and Vulnerable Adults Policy 2021.

2 Commencement

This policy commences on 1 September 2021.

3 Policy is binding

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

4 Statement of intent

- (1) The University's pursuit of a safe and healthy work and learning environment includes a commitment to the safety, health and wellbeing of children and vulnerable adults who are involved in, or may be affected by, its activities.
- (2) This commitment reflects the University's values of respect and integrity.
- (3) This policy states requirements for working with children and vulnerable adults, including that:
 - (a) any person engaged in child-related work must have a working with children check clearance in accordance with the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#);
 - (b) no person may commence in child-related work with the University without holding a working with children check clearance;
 - (c) individuals to whom the Children's Guardian has refused clearance or individuals considered by the University (after consultation with the Office of General Counsel) to be unsuitable to do so, are not permitted to work with children at, or on behalf of, the University;
 - (d) staff, students and affiliates (including volunteers) must comply with their, and the University's, obligations under:
 - (i) the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#);
 - (ii) the child protection legislation in the state or territory in which they are working;
Note: See the [staff intranet](#) for further information.
 - (iii) any other applicable child protection legislation or vulnerable adult protection legislation; and
 - (iv) the requirements of funding bodies;

when undertaking University activities.

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

- (4) This policy also specifies reporting requirements for anyone who receives or becomes aware of an allegation of reportable conduct while undertaking or supervising child-related work at or on behalf of the University.

5 Application

- (1) This policy applies to staff, students and affiliates (including volunteers).
- (2) This policy does not apply to:
- individuals employed by entities that are not part of, or controlled by, the University, unless these individuals are affiliates of the University; or
 - children of staff, students, affiliates or visitors who are visiting the University in the care of their parents, teachers or other carers.

Note: See the [Children in University Workplaces and Premises Policy](#). For avoidance of doubt, individuals employed by student organisations and independently operated childcare centres are not subject to this policy.

6 Definitions

affiliate has the meaning given in the [Staff and Affiliates Code of Conduct 2021](#). At the date of this policy that is:

a person appointed or engaged by the University to perform duties or functions on its behalf, including but not limited to:

- an honorary title holder engaged under the [Honorary Titles Policy 2013](#);
- a consultant or contractor to the University; and
- an office holder in a University entity, a member of any University committee, board or foundation.

An affiliate is not an employee of the University.

child means a person who is under 18 years of age.

child-related program means any activity, or group or series of activities, involving direct contact with children where that contact is a usual part of, or more than incidental to, the activity.

child-related work means work involving direct contact with children in a child-related sector as designated by the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#), where the contact is a usual part of, and more than incidental to, the work. This includes:

- providing ongoing counselling, mentoring or distance education for children by any form of communication, including online or by telephone;
- short term or project-based work;
- paid or unpaid work.

Note: Child-related work may occur in person or online.

Children’s Guardian means the [Office of the Children’s Guardian](#), which is an independent statutory body established by the NSW Government to promote and regulate the quality of child-safe organisations, services and people.

Dean means, as appropriate, any of:

- an Executive Dean of a faculty;
- a Dean of a faculty; or
- a Head of School and Dean of a University school.

delegate has the meaning given in the [University of Sydney \(Delegations of Authority\) Rule 2020](#). At the date of this policy that is:

means any person or entity to whom, or to which, a delegation has been made by Senate.

faculty means, as appropriate, a faculty or a University school.

head of administrative area (HOA) has the meaning given in the [University of Sydney \(Delegations of Authority\) Rule 2020](#). At the date of this policy that is:

means a senior staff member:

- outside a faculty or University school;
- whose position is declared as an HOA by the Senior Deputy Vice-Chancellor in writing; and
- who is recorded as an HOA in the relevant human resources recordkeeping systems.

Where appropriate, a reference to HOA includes a reference to the Director, Law Extension Committee.

higher degree by research	<p>means any formal research education program provided to students in either of the:</p> <ul style="list-style-type: none">• doctorate by research (including Doctor of Philosophy); or• masters by research
higher degree by research internship	<p>means supervised research training undertaken by a higher degree by research student at a workplace controlled by an internship provider.</p> <p>Note: See the Higher Degree by Research Internship Procedures 2018</p>
higher degree by research internship co-ordinator	<p>has the meaning given in the Student Placement and Projects Policy 2015. At the date of this policy, that is:</p> <p>means a member of academic staff with responsibilities as set out in Part 4 [of that policy].</p>
hiring manager	<p>means the staff member responsible for conducting the recruitment, selection and appointment process for a position.</p>
lead researcher	<p>has the meaning given in the Research Code of Conduct 2019. At the date of this policy, that is:</p> <p>means the person responsible for the intellectual, administrative and ethical aspects of a research project.</p>
lead supervisor	<p>has the meaning given in the Higher Degree by Research Supervision Policy 2020. At the date of this policy that is:</p> <p>the meaning provided in subclauses 8(6) and 13(4) [of that policy].</p>
national police check	<p>means details of an individual's disclosable court outcomes and any pending charges, performed by retrieving data from police databases from all Australian territories and states.</p> <p>Note: See the NSW Government Service NSW website</p>
placement	<p>means assigning a student to undertake supervised learning at a workplace that is controlled by a placement provider, for the purpose of the student's practical education. A placement is a vocational placement as provided in the Fair Work Act 2009 (Cth).</p> <p>Note: For higher degrees by research a placement will generally form part of a research project.</p>

relevant information in relation to an investigation of an allegation of reportable conduct or reportable conviction, means information about:

- the progress of the investigation;
- the findings of the investigation; and
- action taken in response to the findings.

Note: See s 57 of the [Children's Guardian Act 2019 \(NSW\)](#).

reportable allegation means, in relation to a staff member or affiliate (including a volunteer or contractor), an allegation that:

- the person is someone required to hold a working with children clearance and has engaged in reportable conduct (whether or not in the context of the person's relationship with the University); or
- the person is not someone required to hold a working with children clearance and has engaged in reportable conduct within the context of their relationship with the University.

Note: See section 18 of the [Children's Guardian Act 2019 NSW](#)

reportable conduct means any conduct defined as such in the [Children's Guardian Act 2019 \(NSW\)](#). At the date of this policy this is:

whether or not any criminal proceeding has commenced or concluded:

- a sexual offence with, towards or in the presence of a child;
- sexual misconduct with, towards or in the presence of a child;
- ill treatment of a child;
- neglect of a child;
- assault against a child;
- offences under s 43(B) or 316A of the [Crimes Act 1900 \(NSW\)](#) (i.e. failing to remove or reduce risk of a child becoming a victim of abuse, or concealing a child abuse offence);
- behaviour that causes significant emotional or psychological harm to a child.

Note: Terms used in this definition are more fully defined in Part 4 Division 2 of the [Children's Guardian Act 2019 \(NSW\)](#) and "child abuse" is defined in section 43B of the [Crimes Act 1900 \(NSW\)](#)

Reportable Conduct Scheme means the scheme established under Part 4 of the [Children's Guardian Act 2019 NSW](#) under which the NSW Children's Guardian monitors the manner in which organisations investigate reportable allegations and make determinations in relation to reportable convictions.

Note: See section 11 of the [Children's Guardian Act 2019 \(NSW\)](#)

reportable conviction has the meaning given in section 19 of the [Children's Guardian Act 2019 \(NSW\)](#). At the date of this policy this is, as applicable to the University:

a conviction, including a finding of guilt without the court proceeding to a conviction, in NSW or elsewhere, of an offence involving reportable conduct:

- of a person who is required to hold a working with children clearance, whether or not the conduct the subject of the conviction occurred in the context of the person's relationship with University; or
- of a person who is not required to hold a working with children clearance, where the conduct occurred within the context of their relationship with the University.

responsible officer	means, for the purposes of this policy: <ul style="list-style-type: none">• in the case of staff and affiliates (including volunteers) in faculties, the Provost;• in the case of staff and affiliates (including volunteers) in a Vice-Principal portfolio, the relevant Vice-Principal;• in the case of students, including candidates for higher degrees by research, the Deputy Vice-Chancellor (Education);• for all research activities, the Deputy Vice-Chancellor (Research);• in all other cases, the Senior Deputy Vice-Chancellor or Vice-Chancellor.
Services Portal	means the single online service from which University staff access information, forms and requests for action from the University's central operations.
vulnerable adult	means an individual aged 18 years and above who: <ul style="list-style-type: none">• is or may be unable to take care of themselves; or• is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason. <p>Note: For further information see the Australian Government Department of Social Services website.</p>
worker	has the meaning given to it in Part 1 of the Child Protection (Working with Children) Act 2012 (NSW) . At the date of this policy, that is: means any person who is engaged in work in any of the following capacities – <ul style="list-style-type: none">(a) as an employee,(b) as a self-employed person or as a contractor or subcontractor,(c) as a volunteer,(d) as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience);(e) as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.
working with children check	means the background checking process which is a prerequisite for individuals engaged in child-related work, and which leads in appropriate cases to the issuing of a working with children check clearance under the Child Protection (Working with Children) Act 2012 (NSW) .

**working with
children check
clearance
(clearance)**

has the meaning given in the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#). At the date of this policy, that is:

means an authorisation that is in force under this Act to engage in child-related work.

PART 1 – GENERAL PRINCIPLES

7 Principles

- (1) The University is committed to the safety and protection of children and vulnerable adults, including meeting its obligations under the Reportable Conduct Scheme.
- (2) In all dealings with children, the University's primary concern is the safety, welfare and wellbeing of the children, including protecting them from abuse. When engaging in child-related work, staff, students and affiliates (including volunteers) must:
 - (a) at all times prioritise the child's safety, welfare and wellbeing; and
 - (b) take all necessary steps to protect the child from abuse.
- (3) All individuals to whom this policy applies must:
 - (a) familiarise themselves with their specific responsibilities under this policy and act consistently with them; and
 - (b) report any reportable allegation or conviction as soon as they become aware of it.
- (4) Researchers working with children and vulnerable adults must comply with all applicable ethics review, professional and conduct requirements for the protection of child and vulnerable adult participants.

Note: See the [Research Code of Conduct 2019](#).
- (5) In addition to background checks and working with children check clearances, the University may use other risk management strategies, including imposing specific requirements on particular individuals, to provide a safe environment for children and vulnerable adults.
- (6) Reporting obligations under this policy apply in addition to, and not in substitution for, any mandatory reporting obligations an individual may have arising from their professional obligations.

PART 2 – WORKING WITH CHILDREN

8 Child-related work

- (1) Workers, affiliates (including volunteers) and students may interact with children in the course of their duties, research or studies. Such situations include:
- (a) mentoring and counselling services for children;
 - (b) treating children in hospitals or other settings;
 - (c) work in schools or other educational institutions (other than universities) or in the tuition of children on or off campus, individually or in groups;

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. See clause 10 (1) of the [Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#).

- (d) work in clubs or other bodies providing cultural, recreational, sporting or other community services primarily for children;
- (e) work in the provision of entertainment services on a commercial basis primarily for children;
- (f) work with children in juvenile correctional centres;
- (g) work at residential services for children or overnight camps for children;
- (h) other outreach programs for children;
- (i) promotional or marketing events and campaigns; and
- (j) social media campaigns and interactions on social media.

Note: Individuals working in, or placed with, private or government organisations, including [NSW Health](#) or [NSW Education](#), will also be subject to the working with children requirements of these workplaces.

- (2) The University may also require staff, students and affiliates (including volunteers) to obtain a working with children check clearance in circumstances other than those specified as child-related work in subclause 8(1). These include:

- (a) conducting research activities with, or relating to, children;

Note: This is part of the human ethics approval process. See the [Research Code of Conduct 2019](#) and the [Research website](#).

- (b) having access to confidential records or information about children; or

Note: The Manager, Archives and Records Management Services should be consulted when identifying such records or information.

- (c) any other activity deemed appropriate by the Chief Human Resources Officer or the Deputy Vice-Chancellor (Education).

Note: See the staff intranet for assistance in [identifying child-related work](#) at the University.

9 Approval to establish a child-related program

- (1) No child-related program may commence without the approval of the relevant Faculty General Manager, University school General Manager or Head of Administrative Area (“the approver”) after consultation with their Dean or responsible officer where applicable.
- (2) The relevant manager must provide a business case to the relevant approver, which specifies:
 - (a) the objectives of the program;
 - (b) the source and amount of funding;
 - (c) how the program meets the University’s core functions and strategic priorities;
 - (d) all child-related work and related positions and activities involved in the program; and
 - (e) a risk assessment and management plan for all child-related work in the program.
- (3) The approver will assess the business case and, after consultation with the relevant Dean (or responsible officer), decide whether to approve the program.
 - (a) If the program is approved, the Dean or responsible officer must inform Human Resources.

Note: See clause 4 in the [Working with Children Procedures – Staff and Affiliates](#) for the approval process.
- (4) Approvals must:
 - (a) be time limited, with a termination date after which a new business case and further approval will be required; and
 - (b) require compliance with this policy.

10 Engaging staff or affiliates (including volunteers) in approved child-related work

The hiring manager or relevant delegate must:

- (a) identify working with children requirements in all advertising, recruitment and engagement processes and activities;
 - (b) inform potential applicants or affiliates of requirements for any child-related work, and consequently for working with children check clearances:
 - (i) during the recruitment or engagement process; or
 - (ii) as soon as possible after it is known that they will engage in child-related work.
- Note:** See the [Recruitment and Selection Policy](#) for information on the recruitment and appointment process and the [Working with Children Procedures – Staff and Affiliates 2021](#)

11 Commencing research involving child-related work

- (1) No child-related research may commence without the approval of a Human Research Ethics Committee.

Note: See the [Research integrity and ethics guidelines](#) on the University website.

- (2) A staff member or affiliate conducting child-related research must comply with all working with children requirements imposed as part of their ethics approval.

Note: See the [National Statement on Ethical Conduct in Human Research](#) and the [Australian Code for the Responsible Conduct of Research 2018](#)

12 Identifying child-related work before admission or placement of students

- (1) Before offering admission to potential students, faculties must assess whether:
 - (a) each award and non-award course they offer may involve child-related work; and
 - (b) a placement or higher degree by research internship may involve child-related work.

- (2) Lead supervisors must:

- (a) require that higher degree by research students involved in child-related work obtain and maintain a working with children check clearance for the duration of that work;
- (b) verify these clearances before the student commences any child-related work; and
- (c) create and maintain records of the clearances and verification; and
- (d) provide copies of the records to the Office of the Provost.

Note: See [Recordkeeping Policy 2017](#). The recordkeeping requirements of this subclause are intended to be temporary, pending further development of the higher degree by research student record system.

- (3) Faculties must inform students of requirements for any child-related work, and consequently for working with children clearances, before or as soon as possible after the student's first enrolment in a relevant award course.
- (4) Before allocating students to placements involving child-related work, faculties must notify Student Administration Services of students enrolled in courses identified as involving child-related work.

13 Working with children check and clearance

- (1) All individuals engaged in or proposing to engage in child-related work:
 - (a) must hold a current working with children check clearance; and
 - (b) must not undertake any child-related work before the University has verified the validity of that clearance.

- (2) The result of a working with children check is either:
- (a) a clearance to engage in child-related work in New South Wales for five years, with the worker continually monitored for relevant new records during the life of the clearance; or
- Note:** See subclause 22(5) of the [Child Protection \(Working with Children\) Act 2012](#).
- (b) a refusal to grant a clearance, which means it is a criminal offence to engage in any child-related work, whether paid or unpaid.
- (3) The University will not permit a person to undertake child-related work if they:
- (a) are the subject of an interim bar on working with children pending finalisation of their application for a clearance;
 - (b) do not hold a clearance; or
 - (c) have been refused a clearance.
- (4) Human Resources will:
- (a) verify the working with children check clearance status of all staff in child-related work;
 - (b) verify the working with children check clearance status of affiliates other than volunteers in child-related work;
 - (c) verify the working with children check clearance status of volunteers for each child-related program they are engaged in;
- Note:** See subclause 13(5)(g).
- (d) update the working with children check clearance records of all research staff and affiliates other than volunteers notified by the Office of the Provost as being engaged in research involving children; and
 - (e) notify all staff and affiliates (other than volunteers) at least three months before the expiry date of their current clearance.
- (5) Faculties will:
- (a) identify and notify students of the need to get a working with children check clearance, and the process by which to do so;
 - (b) notify Student Administration Services of the details of coursework students required to obtain working with children check clearances;
 - (c) prepare and maintain lists of coursework students required to obtain working with children check clearances, and their verification status;
 - (d) liaise with individual students whose working with children check clearances have not been verified, so that either:
 - (i) a clearance is obtained and verified; or
 - (ii) the student is not permitted to undertake child-related work;
 - (e) identify, and notify Human Resources of, affiliates required to obtain working with children check clearances;
 - (f) prepare and maintain lists of volunteers required to obtain working with children check clearances, and their verification status;

- (g) notify Human Resources of the details of volunteers required to obtain working with children check clearances; and
 - (h) liaise with volunteers whose working with children check clearances have not been verified, so that either:
 - (i) a clearance is obtained and verified; or
 - (ii) the volunteer is not permitted to undertake child-related work.
- (6) Organisational units, other than faculties or University schools, which use volunteers will:
- (a) prepare and maintain lists of volunteers required to obtain working with children check clearances, and their verification status;
 - (b) notify Human Resources of the details of volunteers required to obtain working with children check clearances; and
 - (c) liaise with volunteers whose working with children check clearances have not been verified, so that either:
 - (i) a clearance is obtained and verified; or
 - (ii) the volunteer is not permitted to undertake child-related work.
- (7) Research Integrity and Ethics will:
- (a) identify research staff and affiliates (including volunteers) whose research involves working with children on the basis of human ethics approvals granted for their research;
 - (b) prepare and maintain lists of all individuals so identified; and
 - (c) provide these lists to the Office of the Provost.
- (8) The Office of the Provost will verify the working with children check clearances of all individuals referred to it by Research Integrity and Ethics and submit these details to Human Resources.
- Note:** See [Recordkeeping Policy 2017](#). The recordkeeping requirements of this subclause are intended to be temporary, pending further development of the higher degree by research student record system.
- (9) Student Administration Services will:
- (a) verify the working with children check clearance status of undergraduate and postgraduate coursework students as notified by faculties; and
 - (b) inform faculties if a student who requires a working with children check clearance does not hold one.
- Note:** See clauses 4, 5 and 6 in the [Working with Children Procedures - Students 2021](#) in relation to the verification and notification process.

14 Exemptions from the working with children check

- (1) Exemptions from the requirement for a working with children check clearance are as specified in Part 4 of the [Child Protection \(Working with Children\) Regulation 2013 \(NSW\)](#). In the event of any conflict between this policy and the Regulation, the Regulation will prevail.

- (2) Exemptions relevant to the University include:
- (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;
Note: A role that has incidental contact with a child is not child-related work. See subclause 6(1) of the [Child Protection \(Working with Children\) Act 2012](#).
 - (c) a co-worker or supervisor in a workplace where a child works;
 - (d) those engaged in short-term work:
 - (i) for up to five 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 New South Wales:
 - (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.

PART 3 – CONDUCT WHEN DEALING WITH CHILDREN

15 Unacceptable conduct

- (1) The University takes a zero-tolerance approach to child exploitation, abuse and any other reportable conduct. None of the behaviours specified in this subclause are acceptable to the University.
- (2) Unacceptable behaviours include, but are not limited to:
- (a) sexual touching of a child;
 - (b) child grooming behaviours;
 - (c) production, dissemination or possession of child abuse material (also referred to as child pornography);
 - (d) sexual comments, conversations or communications to a child;
 - (e) ill-treatment of a child, including:
 - (i) making excessive or degrading demands or comments;
 - (ii) inappropriate forms of behaviour management; or
 - (f) behaviour that might reasonably cause significant emotional or psychological harm.

PART 4 - ALLEGATIONS OF REPORTABLE CONDUCT OR REPORTABLE CONVICTIONS

16 Informing the University of allegations

- (1) Any person subject to this policy who becomes aware of possible reportable conduct or a reportable conviction must report the matter as soon as practicable by email to: child-safety@sydney.edu.au
- (2) Members of the public may also report concerns relating to possible reportable conduct or reportable convictions in the same manner.

17 Response to allegations or reportable convictions

- (1) Immediately upon receipt of a report under clause 16, the relevant responsible officer must take all reasonable steps to remove or minimise any obvious risk to children, while protecting the rights of the person who is the subject of the report.
- (2) The Chief Human Resources Officer is authorised to make reports to, and liaise with, the Office of the Children's Guardian under the [Children's Guardian Act 2019](#) on behalf of the Vice-Chancellor.
 - (a) The Chief Human Resources Officer will:
 - (i) consult the Office of General Counsel before making a report; and
 - (ii) provide a copy of any such report to the Vice-Chancellor within 48 hours of lodging it.

18 Confidentiality and information disclosure

- (1) Except as required by this policy or under section 57 of the [Children's Guardian Act 2019](#), the following matters must not be disclosed to any other person, by any form of communication:
 - (a) the identity of any of:
 - (i) the person reporting an allegation;
 - (ii) individuals the subject of an allegation;
 - (iii) any child to whom an allegation relates;
 - (b) information provided or collected during the consideration or investigation of an allegation;
 - (c) the fact an allegation has been reported;
 - (d) any report, outcome or determination of an investigation of an allegation.
- (2) Unless they consider it not to be in the public interest to do so, the Chief Human Resources Officer or Deputy Vice-Chancellor (Education) (as appropriate) will provide relevant information to:
 - (a) any child to whom the information relates; and
 - (b) the parent or authorised carer of any such child.

- (3) The Chief Human Resources Officer, or Deputy Vice-Chancellor (Education) (as appropriate) may disclose relevant information:
 - (a) for the purpose of promoting the safety, welfare or wellbeing of a child, or class of children, to whom it relates;
 - (b) to those organisations or individuals specified in the [Children's Guardian Act 2019](#) and any associated regulations.
- (4) The Chief Human Resources Officer or Deputy Vice-Chancellor (Education) must consult the Office of General Counsel before disclosing relevant information.

PART 5 - WORKING WITH VULNERABLE ADULTS

19 Work with vulnerable adults

- (1) Staff, affiliates and students may interact with vulnerable adults in the course of their duties, research or studies. Such situations include:
 - (a) providing services for homeless adults;
 - (b) providing services for victims of crime;
 - (c) providing community services, such as those provided to adults or families suffering social or financial hardship, or provided to adults who need support to live independently;
 - (d) providing disability services;
 - (e) providing respite care services;
 - (f) involvement with religious organisations;
 - (g) providing support services for migrants, refugees and asylum seekers who cannot communicate or have difficulty communicating in English; and
 - (h) providing housing and accommodation services for adults suffering social or financial hardship.
- (2) Where working with vulnerable adults, staff, affiliates and students must comply with:
 - (a) all applicable protection legislation; and
Note: At the effective date of this policy, in addition to working with children checks, the Australian Capital Territory and Tasmania have a legislative requirement for background checks when working with vulnerable adults. See the [Department of Social Services website](#) for screening requirements for individuals working with vulnerable people.
 - (b) all applicable obligations imposed by funding or regulatory bodies.
Note: Additional obligations may apply to grant funded programs and research. Recipients must check the terms of any applicable funding agreement or contract and the policies and guidelines of their funding bodies.

- (3) The relevant manager must:
- (a) complete, or require the completion of, a risk assessment to the standard required by the Commonwealth Department of Social Services to identify the level of responsibility for vulnerable adults and the potential level of risk for harm or abuse; and
Note: Guidance on undertaking such risk assessments in relation to dealing with vulnerable adults is available from the [Department of Social Services website](#).
 - (b) by identifying and analysing hazards, assess the risks associated with those hazards and implement appropriate strategies to manage those risks.
Note: For further information about risk assessment, see the [Working with Children Procedures – Staff and Affiliates 2021](#), [Working with Children Procedures – Students 2021](#) and [Risk Management Policy 2017](#).
- (4) Where the outcome of the risk assessment for a position or activity is “medium” or higher the relevant manager must require all staff, affiliates and students involved to apply for a national police check.
Note: Access the online police check application form on the [Service NSW website](#) and read the [FAQs](#).
- (5) Individuals who are directed to apply for a police check:
- (a) must not be permitted to undertake work with vulnerable adults until an appropriately clear result has been obtained and provided to the relevant responsible officer; and
 - (b) must meet the cost of the police check.
- (6) If a serious criminal or court record is identified, the matter must be referred to the Office of General Counsel for advice about the individual’s employment, affiliation or candidature.

PART 6 – ROLES AND RESPONSIBILITIES

20 Roles and responsibilities – working with children

- (1) University staff, students and affiliates (including volunteers) are responsible for:
- (a) contributing to the safety and wellbeing of children and not exposing them to harm;
 - (b) familiarising themselves with all applicable legal and regulatory requirements, and the requirements of this policy, when engaging with children on behalf of the University in the course of their work, studies or research;
 - (c) co-operating fully with any action taken by the University to make the University safe for children;
 - (d) completing any required education and training in relation to the protection of children;
 - (e) undertaking a working with children check as required;

- (f) notifying Human Resources, Student Administration Services (including through SONIA where applicable), Research Integrity and Ethics or their lead supervisor (as appropriate) of their working with children check clearance number in a timely manner;
 - (g) maintaining the validity of their working with children check clearance, including renewing it when required;
 - (h) reporting reportable conduct or reportable convictions as soon as they are aware of them; and
 - (i) co-operating in any investigation under this policy.
- (2) **Hiring managers** are responsible for:
- (a) seeking approval from the Faculty General Manager, University school General Manager or Head of Administrative Area to establish a child-related program;
 - (b) reviewing individual positions to include any requirement for a working with children check clearance prior to advertising the role;
 - (c) regularly reviewing existing roles to identify if the requirements of the role have changed and informing Human Resources if it might potentially involve child-related work;
 - (d) checking that a staff member's working with children check clearance has been verified by Human Resources before commencement;
 - (e) monitoring the currency of staff working with children check clearances for the duration of employment;
 - (f) not permitting any person to undertake child-related work without a valid working with children check clearance;
 - (g) developing a risk management plan for all activities involving children in accordance with clause 9 of the [Working with Children - Staff and Affiliates Procedures 2021](#).
- (3) **Any delegate with the authority to appoint or engage staff or affiliates**, including volunteers, is responsible for:
- (a) promoting the safety and wellbeing of children within their area of responsibility;
 - (b) informing Human Resources of any new program or activity which involves, or might potentially involve, child-related work;
 - (c) identifying if a position or activity involves child-related work and informing Human Resources accordingly;
 - (d) approving a position or activity only after confirming that any child-related work is appropriately identified;
 - (e) requiring that affiliates, including volunteers, hold a valid working with children check clearance as appropriate, prior to their engagement in child-related work;
 - (f) informing Human Resources of all affiliates, including volunteers, whose appointment they have approved and who require working with children check clearances;
 - (g) preparing and maintaining lists of volunteers requiring working with children check clearances, and their verification details; and

- (h) monitoring the maintenance of current working with children check clearances of affiliates, including volunteers, who require them;
 - (i) not permitting any person to undertake child-related work without a valid working with children check clearance; and
 - (j) developing a risk management plan for all activities involving children in accordance with clause 9 in the [Working with Children Procedures – Staff and Affiliates 2021](#).
- (4) **Any delegate who approves funding for programs involving child-related work** is responsible for:
- (a) satisfying themselves that appropriate arrangements are proposed to comply with this policy; and
 - (b) making compliance with this policy a condition of funding.
- (5) **The Deputy-Vice Chancellor (Education)** is responsible for:
- (a) requiring working with children check clearances for award course placements involving child-related work;
 - (b) requiring that students have working with children check clearances before commencing their placement and maintain these clearances for the duration of their placement involving child-related work;
 - (c) requiring working with children check clearances for higher degree by research students involved in child-related work;
 - (d) requiring that higher degree by research students who require working with children check clearances have them before commencing their research and maintain them for the duration of their research;
 - (e) requiring a risk management plan for all activities involving children in accordance with clause 8 in the *Working with Children Procedures - Students 2021*;
 - (f) taking all reasonable steps to minimise risks after being informed of reportable conduct or a reportable allegation; and
 - (g) referring allegations relating to students to the Registrar.
- Note:** See the [University of Sydney \(Student Discipline\) Rule 2016](#).
- (6) **Faculty and University school General Managers** are responsible for:
- (a) assessing the business case for a child-related program and, if appropriate, approving it after consultation with the Dean;
 - (b) arranging the establishment and maintenance of systems for identifying and notifying students and volunteers who need to obtain working with children check clearances;
 - (c) establishing systems and processes for liaising with Human Resources to record and verify working with children check clearances for volunteers;
 - (d) establishing systems and processes for liaising with volunteers required to obtain clearances so that they are obtained and maintained as required;
 - (e) requiring managers, staff and affiliates (including volunteers) involved in child-related work to complete relevant training; and
 - (f) making working with children information available to managers, staff and affiliates (including volunteers).

- (7) **The Executive Director (Student Administration Services)** is responsible for establishing and maintaining systems for:
- (a) verifying working with children check clearances for coursework students;
 - (b) recording students' working with children check clearances and verifications; and
 - (c) liaising with faculties to maintain current clearances and records.
- (8) **The Deputy-Vice Chancellor (Research)** is responsible for:
- (a) requiring all researchers whose research involves child-related work to obtain and maintain a working with children check clearance for the duration of the research; and
 - (b) requiring a risk management plan for all research activities involving children in accordance with clause 8 in the *Working with Children Procedures - Students 2021*.
- (9) **Lead supervisors** are responsible for:
- (a) supporting their higher degree by research students in maintaining high standards of responsible research and in giving appropriate consideration to the needs of children involved in research or health care interventions in which the student participates;
Note: See subclauses 22(2)(d) (iii) and 37 (5)(a) and (b) of the [Health Clinics and Clinical Services Policy 2020](#).
 - (b) identifying if a higher degree by research student's research project involves child-related work;
Note: See the [Progress Planning and Review for Higher Degree by Research Students Policy 2015](#)
 - (c) recording, and monitoring the currency of, their research students' working with children check clearances for the duration of the program or activity;
 - (d) not permitting their research students to commence or continue with any child-related work without a valid working with children check clearance; and
 - (e) developing a risk management plan for all activities involving children in accordance with clause 8 in the [Working with Children Procedures - Students 2021](#).
- (10) The **Chief Human Resources Officer** is responsible for:
- (a) requiring working with children check clearances for staff and affiliates undertaking child-related work;
 - (b) requiring that staff and affiliates have the relevant clearances before commencing child related work, and maintain these clearances for as long as they undertake such work;
 - (c) taking all reasonable steps to minimise risks after being informed of reportable conduct or a reportable allegation; and
 - (d) liaising with and, when required, making reports to the Office of the Children's Guardian.

- (11) **Human Resources** is responsible for:
- (a) reviewing this policy and related procedures so that they are compliant with child protection legislation;
 - (b) supporting managers in identifying child-related roles;
 - (c) maintaining the currency of, and communicating, robust recruitment processes which incorporate working with children check clearances;
 - (d) providing offers of employment or engagement which are subject to a staff member or affiliate receiving a working with children check clearance;
 - (e) verifying working with children check clearances for staff and affiliates, including volunteers, undertaking child-related work;
 - (f) maintaining records of working with children check clearances for staff members and affiliates in the Human Resource Management System;
 - (g) separately maintaining records of working with children check clearances for volunteers; and
 - (h) creating the frameworks, tools, processes and training to support staff, managers and affiliates (including volunteers) in meeting child protection obligations.
- (12) The **Office of General Counsel** is responsible, when requested, for providing advice in relation to:
- (a) legislative or regulatory requirements, including compliance with the Reportable Conduct Scheme;
 - (b) any request from or action taken by a regulatory body;
 - (c) risk mitigation measures; and
 - (d) changes in relevant legislation.
- (13) **Individuals engaging in, or proposing to engage in child-related work** are responsible for:
- (a) familiarising themselves with the requirements of this policy, associated procedures and relevant legislation;
 - (b) obtaining, and maintaining, a working with children check clearance; and
 - (c) not undertaking child-related work without such a clearance.

21 Roles and responsibilities – working with vulnerable adults

- (1) **University staff, students and affiliates, including volunteers** are responsible for:
- (a) contributing to the safety and wellbeing of vulnerable adults and not exposing them to harm;
 - (b) familiarising themselves with the requirements of this policy and co-operating fully with any action taken by the University to make the University safe for vulnerable adults; and
 - (c) when required, obtaining a national police check.

- (2) **Managers** are responsible for:
- (a) regularly reviewing existing roles to identify if the requirements of the role have changed and if there are activities which involve increased contact with vulnerable adults; and
 - (b) developing a risk management plan for all activities involving vulnerable people in accordance with subclause 19(3) of this policy and clause 9 of the [Working with Children Procedures – Staff and Affiliates 2021](#).
- (3) **Lead researchers or lead supervisors**, as appropriate, are responsible for:
- (a) complying with, and requiring compliance with, all requirements for responsible research, consistently with approval from a properly constituted Human Research Ethics Committee;
 - (b) identifying if a higher degree by research student's research project involves working with vulnerable adults and requiring the student to obtain a national police check if necessary;
 - (c) giving appropriate consideration to the needs of vulnerable adults involved in research or health care interventions in which their student participates and;
Note: See the [Health Clinics and Clinical Services Policy 2020](#) and related [procedures](#)
 - (d) developing a risk management plan for all activities involving vulnerable adults in accordance with subclause 19(3) of this policy and clause 9 of the [Working with Children Procedures – Staff and Affiliates 2021](#);
- (4) **The Deputy-Vice Chancellor (Research)** is responsible for:
- (a) requiring the conduct of the risk assessment required by subclause 19(3) of this policy for any research involving vulnerable adults; and
 - (b) where necessary, requiring individuals to obtain a national police check before engaging in research with vulnerable adults.
- (5) **Human Resources** is responsible for keeping this policy and its related procedures current, and compliant with community expectations and funding body requirements, in relation to work with vulnerable adults.
- (6) **Risk Management** is responsible for supporting the conduct of risk assessments in relation to activities involving vulnerable adults.
- (7) **Individuals engaging in, or proposing to engage in work with vulnerable adults** are responsible for:
- (a) familiarising themselves with the requirements of this policy, associated procedures and relevant legislation;
 - (b) where required to do so:
 - (i) obtaining a national police check; and
 - (ii) not working with vulnerable adults without completing such a check.

PART 7 – BREACHES AND ADMINISTRATIVE MATTERS

22 Breaches of policy

- (1) A breach of this policy, if proven, may result in disciplinary action including:
 - (a) suspension; and
 - (b) as appropriate, termination of:
 - (i) employment;
 - (ii) affiliation; or
 - (iii) candidature.
- (2) Breaches include, but are not limited to:
 - (a) knowingly working with children without a clearance;
 - (b) knowingly permitting someone to work with children without a clearance;
 - (c) failing to notify a reportable allegation or reportable conviction of which an individual is aware; or
 - (d) engaging in reportable conduct.
- (3) Immediately upon having reason to believe that an individual is engaging in child-related work without a clearance, the responsible officer must direct the relevant individual to:
 - (a) cease all child-related activity; and
 - (b) apply directly for a working with children check clearance.
- (4) The activity in which the individual was engaged must:
 - (a) cease if it cannot be conducted without the individual; and
 - (b) not recommence until an appropriately qualified person who holds a working with children check clearance (who may or may not be the person originally involved) is appointed to conduct it.
- (5) The Chief Human Resources Officer or Deputy-Vice Chancellor (Education) (as appropriate) will commence an investigation into how the individual came to be working without a clearance.

23 Procedures

- (1) The Chief Human Resources Officer will determine procedures for the implementation of this policy in relation to staff and affiliates, including volunteers.
- (2) The Deputy Vice-Chancellor (Education), in consultation with the Chief Human Resources Officer, will determine procedures for the implementation of this policy in relation to students, including higher degree by research students.

24 Rescissions and replacements

This document replaces the *Working with Children Policy 2014*, which is rescinded as from the date of commencement of this policy.

NOTES

Working with Children and Vulnerable Adults Policy 2021

Date adopted: 30 August 2021
Date commenced: 1 September 2021
Policy Owner: Chief Human Resources Officer
Review date: 1 September 2026
Rescinded documents: *Working with Children Policy 2014*
Related documents:

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

[*Children's Guardian Act 2019 \(NSW\)*](#)

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

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

[*Casual Employment Policy*](#)

[*Staff and Affiliate Code of Conduct 2021*](#)

[*Health Clinics and Clinical Services Policy 2020*](#)

[*Student Charter 2020*](#)

[*Higher Degree by Research Supervision Policy 2020*](#)

[*Health Clinics and Clinical Services Procedures 2020*](#)

[*Honorary Titles Policy*](#)

[*Recruitment and Appointment Policy*](#)

[*Research Code of Conduct 2019*](#)

[*Risk Management Policy 2017*](#)

[*Student Placement and Projects Policy 2015*](#)

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

[*Higher Degree by Research Internships Procedures 2018*](#)

[*Working with Children Procedures – Staff and Affiliates 2021*](#)

[*Working with Children Procedures – Students 2021*](#)

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

AMENDMENT HISTORY

Provision **Amendment**

Commencing