

Procedure: Child protection

Purpose

To set out the procedures guiding the University's approach to child protection.

Definitions

AFP Australian Federal Police.

AFP Certificate A notice provided by the AFP indicating that the result of a National Police Check discloses a record of a criminal offence that is a child sex offence.

ANU people People either employed by ANU, engaged by ANU on a contract basis, or engaged by ANU on a voluntary or unpaid basis. This includes staff, students, contractors, and volunteers.

Child (plural children) In accordance with the United Nations Convention the Rights of the Child, 'child' means every human being below the age of 18 years.

Child abuse All forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse.

Child sex offence Is a criminal offence that involves child abuse or child pornography or an offence that may lead to a reasonable belief that the person is at risk of engaging in child abuse or child pornographic behaviours.

Child pornography Any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes (Optional Protocol to the Convention on the Rights of the Child, cited in AusAID Child Protection Policy 2009)

Child protection An activity or initiative designed to protect children from any form of harm, particularly arising from child abuse or neglect.

National Police Check This check, undertaken by the Australian Federal Police (AFP), is conducted for the purposes of child safe screening.

NVO Non-Violence Order - means an order by a court that the person refrain from contacting a person or persons as result of potential violent or harassing behaviours.

Working with children Working in a position that involves regular contact with children, either under the position description or due to the nature of the work environment.

Procedure

Context of child protection

1. The Child Protection Policy and Procedures are designed to protect children from harm, whether on campus or in other locations where the ANU community engages with children on University business.
2. The policy articulates the University's zero tolerance approach to child abuse and child pornography, and the procedure documents its approach to managing and reducing the risk of child abuse.
3. The University generally interacts with students who are adults or who are older adolescents (16 and 17 year olds). Those students have the protections embedded in the Codes of Conduct and grievance procedures of the University.
4. Younger children, who are inherently more vulnerable, have a much lesser degree of interaction with the day-to-day operations of the University and are less visible in the policy settings created by the University. Generally, the University interacts with such children through outreach programs to schools and school age children, research projects involving children directly or indirectly, and provides access to University facilities for community projects involving children. Care is especially required in relation to areas such as the School of Art, academic clinical settings, or functions such as the Ambassadors program to schools in NSW, University Open Days, College Open days, and work experience opportunities.
5. ANU people are responsible for maintaining a professional role with children, including establishing clear boundaries that serve to protect everyone from misunderstandings or a violation of the relationship.

Considerations of risk

6. There are many situations and activities that may be considered high risk (real or perceived) arising from the subject (i.e. children), the location, the activities and various stakeholders' interests. Specifically consideration of the following risks should be made:
 - * working in a direct and unsupervised capacity with a child/children, especially those under 16 years of age;
 - * working with abandoned, orphaned, abused or sexually exploited children; and children with heightened vulnerability such as children with disabilities;
 - * working in remote locations, such as activities located away from community or in isolated or secluded or inaccessible locations;

- * activities involving visiting a child's home or vice versa; and activities located in shelters, orphanages or schools;
- * performing high risk tasks with children including one-on-one activities; personal hygiene tasks; swimming, bathing, changing; and working alone or unsupervised; and
- * work funded by agencies with interests in child protection and advocacy.

College Deans and Service Division Directors

7. College Deans and Service Division Directors are accountable for Child Protection within their areas of responsibility. They may delegate their responsibilities to managers and supervisors.

8. College Deans and Service Division Directors are required to identify the areas that work with children, and to assess the risks and make determinations on how to manage these risks. One issue will be to ensure that whatever training or information is delivered is in accordance with the risk assessments they make. Training may also be considered appropriate and provided to ANU people working in the general proximity of children, to ensure safe working practices are established and maintained.

9. College Deans and Service Division Directors are required to resource child protection processes, information and training commensurate with the risk assessment, including funding National Police Checks.

10. The University will incorporate monitoring of compliance with the policy and legislation into existing and continuing University practices and activities, including conducting audits of working environments to ensure that children in the workplace are identified, and that the work processes of ANU people working with children are transparent and accountable (eg keeping windows in doors uncovered etc).

Managers and supervisors

11. Managers and supervisors, under the delegation of, and/or in consultation with the College Dean or Service Division Director, will be responsible for ensuring that the following procedures are applied to:

- * all ANU people who currently work with children, and
- * ANU people whose jobs change to incorporate a working with children role, and
- * selection exercises undertaken to fill new or vacant ANU vacant positions that incorporate a working with children role.

12. In relation to clause 11 above, managers and supervisors will:

- * ensure that position descriptions, employment contracts, and advertisements identify when/if a role is required to work with children (particularly in relation to clause 6 above), and these should note that a "nil" National Police Check and a signed ANU Working with Children Conduct Agreement (Attachment B) are prerequisites for their roles;
- * request that the local Human Resources Manager organise a National Police Check be undertaken by the Australian Federal Police (AFP):

National Police Check
for all ANU people who currently work with children
prior to new duties commencing for an existing ANU person
prior to an offer of employment being made to a successful candidate (following a selection exercise)

Note: The [Manager, Recruitment Services](#) can provide advice on AFP checks.

- * especially for Australian Government funded positions, use targeted interview questions and verbal referee checks as part of the selection process.
- * ensure ANU people who work with children:

ANU people who work with children
receive Working With Children Awareness information and/or training
read and sign an ANU Working with Children Conduct Agreement (see Attachment B)
agree to have a National Police Check undertaken by the Australian Federal Police (AFP) (the Manager, Recruitment Services can provide advice on AFP checks)
agree to have this check repeated periodically for the term that they continue to work with children (and not less than every two years)
declare to the appropriate delegate[1] if their status or eligibility to work with children

deteriorates as a result of criminal or civil action taken against them

13. Managers and supervisors must ensure that working environments are safe (and seen to be safe) for children. It is important that ANU people do not work alone in closed rooms with children, and that the safety of the child is the first priority.

14. Additional care should be taken for staff who will be working with children overseas. These ANU people may need to receive supplementary training or information before they depart. In addition, further character checks may be deemed necessary and College Deans and Service Division Directors are to assess the risk and needs in these circumstances.

15. Managers and supervisors should keep their College Dean or Service Division Director apprised of any working with children issues as they arise.

National Police Checks

16. National Police Checks undertaken by the Australian Federal Police (AFP) for the purpose of child-safe screening will be made for all ANU people whose duties at the University require them to work with children (particularly as described in clause 6 above).

17. If the AFP issues an AFP certificate pursuant to a person, the University delegate will advise the person. The person is entitled to explain the circumstances of the certificate and the delegate is required to make a decision which protects the interests of children engaged with the University (see clause 26 below).

18. If there is a nil result, there is no further action.

ANU Working with Children Conduct Agreement

19. If an ANU person (as described in clause 11 above) declines to sign an ANU Working with Children Conduct Agreement, the delegate is required to make a decision which protects the interests of children engaged with the University (see clause 26 below).

Criminal convictions and other relevant considerations

20. ANU people are obliged to advise the appropriate delegate:

- * if they are charged with, or convicted of, a child sex offence in Australia or any other jurisdiction, and/or
- * if they become (or may become) ineligible to work with children because of a criminal conviction or other relevant finding (eg a NVO in relation to children or young people), so that appropriate action may be taken (see clause 26 below).

Disciplinary procedures and other action

21. Breaches of the Child Protection Policy and Procedure (including breaches of Conduct Agreements) will be dealt with under the University staff and student disciplinary procedures, and as appropriate for volunteers and contractors.
22. Failure to abide by the policy and procedure may be deemed serious misconduct warranting dismissal, or termination of contract or association with the University.

Support

23. The University will balance the presumption of innocence for ANU people alleged to have committed an offence against a child versus the duty of care and the need for caution to protect the interests of children and preserve them from harm.
24. Support for children and parents, guardians or carers may be accessed via the [ANU Employee Assistance Program](#), and the [Dean of Students](#).
25. Similarly, support for staff, students, contractors or volunteers may be accessed via the ANU Employee Assistance Program, and the Dean of Students.

Managing AFP Certificates

26. Options for managing ANU people who are the subject of an AFP Certificate include:
 - * restructuring of roles and responsibilities;
 - * redeployment;
 - * retraction of employment or placement;
 - * consideration of applicability of staff or student discipline action; and
 - * termination of contract or association with the University.

Reporting procedures

27. The University will act upon all complaints and/or allegations of misconduct under the Child Protection Policy.
28. The contact officer for enquiries and complaints is the [Deputy Director, Human Resources Division](#).
29. Where there are grounds for suspecting/reporting abuse, the University must notify authorities.
30. In accordance with *Section 66AA* of the *The Crimes Act 1900 (ACT)*, it is an offence for any adult to fail to report child sexual offences to a police officer where they reasonably

believe a sexual offence has been committed against a child. All ANU people are required to immediately report all concerns or allegations of child abuse to police, without delay.

31. References and additional web resources:

- * [Child Protection Policy, DFAT](#)
- * [Childwise](#) - Australian child protection charity working to prevent child abuse. Provides Working with Children training and Information.
- * [First Advantage](#) - background screening provider for ANU
- * [Keeping Children Safe](#) - a coalition for child protection.
- * [National Statement on Ethical Conduct in Human Research](#), chapter 4.2 Children and Young People
- * [Volunteering Australia](#)

Review

32. The Child Protection Policy and Procedure will be reviewed every three years or earlier if warranted, and lessons learned incorporated into subsequent versions. Review may include reference to DFAT, the Australian Government, or other stakeholders.

ANU Working with Children Conduct Agreement

33. The Australian National University requires all people working with children to:
- * Treat children with respect acknowledging that they may be more vulnerable than adults;
 - * Not use language or behaviour towards children that is inappropriate, bullying, harassing, abusive, sexually provocative, demeaning, emotionally or psychologically aggressive, or culturally inappropriate;
 - * Not engage children in any form of criminal or unlawful activity;
 - * Wherever possible, ensure that another adult is present when working in the proximity of children;
 - * Not offer or provide off-campus on-on-one lessons to children with whom they have an ANU relationship, without the express knowledge and consent of ANU;
 - * Not invite unaccompanied children into the person's home unless they are at immediate risk of injury or physical danger.
34. Never exploit or harass children or images or representations of children:
- * Before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images that may have particular constraints on these types of images;
 - * Before photographing or filming a child, obtain consent from the child and a parent or guardian of the child. As part of this, the ANU person I must explain how the photography or film will be used (ie informed consent);
 - * Ensure photographs, films, videos, and DVDs present children in a dignified and respectful manner. Children should not be posed as sexually suggestive or exploitative;
 - * Ensure images are honest representation of the context and the facts; and
 - * Ensure file labels do not reveal identifying information about a child when sending images electronically.
 - * Comply with all relevant Australian and local legislation, including labour laws in relation to child labour;
 - * When undertaking research, read and be guided by the [National Statement on Ethical Conduct in Human Research](#), chapter 4.2 Children and Young People;

- * Seek all relevant approvals and guidance from the Chair or Deputy Chair of the [Human Research Ethics Committee](#) or the College Head or other relevant ANU delegate, if unsure about the intent of the Child Protection procedure in the ANU person's role; and
- * Immediately report all concerns or allegations of child abuse in accordance with the Child Protection Procedure.
- * In accordance with *Section 66AA* of the *The Crimes Act 1900 (ACT)*, it is an offence for any adult to fail to report child sexual offences to a police officer where they reasonably believe a sexual offence has been committed against a child. Staff, students, contractors and volunteers are required to immediately report all concerns or allegations of child abuse to police, without delay.

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