

# Staff - Working with Children Screening and Clearance Procedures

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## INTRODUCTION

The University as an education provider is committed to ensuring the safety and well-being of children who are involved in or may be affected by University activities. In accordance with the [Charles Darwin University and Union Enterprise Agreement](#), [Working with Children Policy](#) and the Northern Territory [Care and Protection of Children Act](#), and [Care and Protection of Children \(Screening\) Regulations](#) all staff members who are employed in child-related work or, their duties involve or are likely to involve, contact with a child must obtain a Working with Children Clearance Notice and associated Ochre Card.

A Working with Children Clearance Notice and Ochre Card is a prerequisite for gaining employment with the University and once employed, maintaining currency is mandatory for continued employment in any child-related field with the University. Staff members already employed by the University who move to an identified position undertaking child-related work must be able to obtain a Working with Children Clearance and Ochre Card and maintain its validity throughout their employment with the University.

A reference to Working with Children Clearance and Ochre Card under NT legislation and SAFE NT is taken to mean the equivalent in any other Australian jurisdiction in which a staff member is employed.

## COMPLIANCE

This is a compliance requirement under the [Charles Darwin University Act 2003](#) part 3, section 15 and the [Care and Protection of Children Act 2007](#).

## INTENT

The intention of this document is to define clearly, the obligations of both the University and the individual University staff member with regard to the [Care and Protection of Children Act](#), specifically the Working with Children Clearance and associated Ochre Card.

This document applies to all staff members who work or, have the potential to work with, children or in child-related fields, in either a paid or voluntary capacity.

## RELEVANT DEFINITIONS

In the context of this document

**Applicant** means an individual who has applied for employment with the University where the position applied for is one that requires a Working with Children Clearance to be undertaken. An applicant also refers to a current staff member who is required to undergo a Working with Children Clearance because of the changing nature of his or her job or a transfer or promotion to a new position within the University;

**Child** (as defined by the [Care and Protection of Children Act](#)) means a person less than eighteen (18) years of age or a person apparently less than eighteen (18) years of age if the person's age cannot be proved;

**Child-related work** means the usual duties of the work that are likely to be in child-related work areas or activities which usually involves, or may potentially involve, contact with a child or children aged under eighteen (18) years of age;

**Child-related work areas** means, but is not limited to, the following:

- The teaching sector of the University providing education and training to students under eighteen (18) years of age;
- Registered child care services operated by the University; and
- Residential facilities, counselling or similar support services, community or children activities, leisure, music and sport programs or activities and private tuition activities where the staff members, contractors or volunteers are likely to come in unsupervised, regular direct contact with persons under eighteen (18) years of age.

**Ochre Card** means the photo identification card that is issued to anyone who is issued with a Working with Children Clearance Notice as proof of holding a Working with Children Clearance Notice;

**SAFE NT** means Screening Assessment for Employment in the Northern Territory, and is the Northern Territory Police unit responsible for conducting criminal and employment screening checks and issues Working with Children Clearance Notice and Ochre Cards for employment purposes across the Northern Territory;

**Senior Manager** means a staff member of the University holding the position of Director, College Dean or Head of School;

**Staff member** means anyone employed by the University and includes all continuing, fixed-term, casual, adjunct or honorary staff or those holding University offices or who are a member of a University committee;

**Working with Children Clearance (Clearance)** means a screening process that checks an individual's criminal and employment record to ensure there is nothing in that individual's history which may constitute a serious risk of harm to children such as sexual, violent or drug related offences involving children and malpractice or discipline for inappropriate workplace behaviours; and

**Working with Children Clearance Notice** means the authorising notice issued as required by law as proof of having passed the Working with Children Clearance screening process.

## PROCEDURES

### Requirement for a Working with Children Clearance

The University, in accordance with the [Charles Darwin University and Union Enterprise Agreement, Working with Children Policy](#) and the Northern Territory [Care and Protection of Children Act 2007](#), requires all current, new and prospective staff members engaged or likely to be engaged in child-related work, to obtain and hold a Working with Children Clearance (Clearance) conducted and administered by SAFE NT prior to engaging in work, either in a paid or voluntary capacity.

To ensure the University is compliant with legislative and professional requirements:

- Senior Managers must ensure the requirement for a Clearance is included on the position profile prior to the recruitment and selection process for recognised positions;

- People and Capability must notify applicant/s for child-related work positions that a Clearance is required during the recruitment and selection process; and
- Successful applicants who are recommended for employment with the University must apply for a Clearance if they do not hold a current Clearance. An offer of employment will be conditional upon the production and verification of a valid Clearance.

An applicant for a position that has been identified as requiring a Clearance, who refuses or is unable to obtain a Clearance may not be eligible for employment with the University.

A current staff member in a position that has been newly identified as requiring a Clearance, who refuses to obtain a Clearance may be subject to disciplinary action, up to and including termination .

### Existing Clearance Holders

A Clearance is transferrable across all categories of child-related work in the Northern Territory, and between paid and volunteer work, however, they are not transferrable between states and territories.

New, current and prospective staff members who already hold a valid Working with Clearance must present the originals to the People and Capability unit for verification with SAFE NT. The Talent Acquisition team will make a copy to be kept on the staff member’s personnel file and update the University’s database.

### Clearance Application

New, current and prospective staff members who do not hold a current Clearance must apply for one in accordance with the SAFE NT Clearance process.

### Payment

Application or renewal fees for a Clearance must be paid directly to SAFE NT when lodging forms. Staff members may seek reimbursement from the People and Capability unit, in accordance with the [Charles Darwin University and Union Enterprise Agreement](#). A receipt for payment, stating the date of lodgement (which should be prior to the first day of employment) must be submitted the Talent Acquisition team to process a reimbursement.

### Temporary Exemption

It is against the law for the University to employ a person in child related employment if the person does not hold a valid Clearance. If a new, current or potential staff member’s Clearance application is not processed prior to commencing employment, the People and Capability unit must request an exemption from Territory Families to ensure the University is not in breach of the legislation. Evidence of application or renewal must be submitted to the Talent Acquisition team, in the form of a receipt from SAFE NT for verification, prior to the commencement of employment or the expiry of an existing staff member’s valid Clearance.

### Clearance

If after assessing the application, SAFE NT decides that a person does not pose an unacceptable risk of harm or exploitation to children, a Clearance will be sent to the applicant along with the Ochre Card. The Clearance will be valid for a two (2) year period, from the date the card is issued.

The applicant or existing staff member must present the Clearance to the People and Capability unit for verification with SAFE NT. The Talent Acquisition team will make a copy to be kept on the staff member's personnel file and update the University's database.

If SAFE NT denies a Clearance, the applicant will be advised in writing by registered mail. The applicant must advise the Director, People and Capability as soon as possible as they may not be eligible for employment with the University.

### **Currency**

It is a legislative requirement that staff members maintain currency for continued employment in any child-related field with the University. Staff members must advise the Director, People and Capability in writing of any relevant change of circumstances. This includes:

- Being charged or convicted of an offence relating to children of a type specified in the [Care and Protection of Children Act 2007](#) ;
- Revocation of Clearance; or
- Having conditions imposed on the Clearance.

In these circumstances, the Director, People and Capability will:

- Provide the staff member with an opportunity to discuss any relevant change of circumstance;
- Engage the staff member elsewhere within the University, if there is an opportunity and it is appropriate; or
- Terminate the staff member's employment.

### **Renewals**

It is the staff member's responsibility to renew the Clearance prior to the expiration date. It is against the law to continue to undertake child-related work without an up to date Clearance.

SAFE NT will send a reminder notice to the Clearance holder two (2) months prior to expiry.

Staff members must present the original renewed Working with Children Clearance Notice and Ochre card to the People and Capability unit for verification with SAFE NT, as soon as it is received. The Talent Acquisition team will make a copy to be kept on the staff member's personnel file and update the University's database.

Where an application for renewal is made prior to expiry but the Clearance is not received in time, the staff member must present the SAFE NT receipt to the People and Capability unit. The Talent Acquisition team will then seek a temporary exemption from Territory Families.

### **Records Management**

Clearance records will be stored securely by the People and Capability unit on the individual staff member's personnel file, and managed in accordance with the University's [Records Management Policy](#) and Procedures and [Privacy and Confidentiality Policy](#).

### **Non-Compliance**

Non-compliance with this Procedure may result in disciplinary action and/or reference to law enforcement agencies in accordance with the Northern Territory [Care and Protection of Children Act 2007](#) and University Governance Documents.

## ESSENTIAL SUPPORTING INFORMATION

### Internal

[Charles Darwin University and Union Enterprise Agreement](#) 2018

[Privacy and Confidentiality Policy](#)

[Records Management Policy](#)

[Working with Children Policy](#)

### External

[Anti-Discrimination Act 2004](#) (Northern Territory)

[Care and Protection of Children Act 2007](#) (Northern Territory)

[Care and Protection of Children \(Screening\) Regulations](#) (Northern Territory)

[Information Act 2002](#) (Northern Territory)

### Document History and Version Control

<b>Last amendment:</b>	Sep 2019	<b>Next Review:</b>	Aug 2021
<b>Sponsor:</b>	Deputy Vice-Chancellor, Operations		
<b>Contact Officer:</b>	Director, People and Capability		

Version	Date Approved	Approved by	Brief Description
1.00	23 Feb 2011	Vice-Chancellor	Creation of original document and upload to CDU website.
2.00	12 Oct 2011	Vice-Chancellor	Major review of document including removal of references to pre and post March 2011 and updating of document in line with new CDU and Union Enterprise Agreement 2011.
2.01	19 Oct 2012	Governance	<ul style="list-style-type: none"><li>• Removal of NT Manager as position title no longer in use.</li><li>• Removal of references to reimbursement of Ochre Card fees.</li><li>• Removal of references to OHRS sending notification of renewals and monitoring currency of Notices.</li><li>• Updating and addition of hyperlinks.</li><li>• Transferring document to current template.</li></ul> Minor changes to formatting and grammar.
2.02	31 Jul 2013	Governance	<ul style="list-style-type: none"><li>• Assigned document number</li><li>• Converted document to current template</li><li>• Updated and added hyperlinks</li><li>• Minor changes to wording, grammar and formatting</li></ul>

			<ul style="list-style-type: none"> <li>Updated definitions</li> </ul>
3.00	3 Dec 2014	Vice Chancellor	<p>Major Review in line with Governance review requirements and CDU and Union Enterprise Agreement 2013</p> <ul style="list-style-type: none"> <li>Update introduction as the legislation is no longer 'new'</li> <li>Update and add definitions for Applicant, Ochre Card, SAFE NT, Working with Children Clearance and Working with Children Clearance Notice</li> <li>Review and update of processes, including requirement for temporary exemption</li> <li>Process for reimbursement of Renewals in line with CDU and Union Enterprise Agreement 2013</li> <li>Update and hyperlink essential supporting information</li> </ul>
3.01	15 Dec 2017	Governance	<ul style="list-style-type: none"> <li>Conversion to new template due to new University branding</li> <li>Updated definitions</li> <li>Updated hyperlinks</li> <li>Amended references to the Office of Human Resources to the Office of People and Capability</li> <li>Amended the Contact Officer from Director, Office of Human Services to the Director, People and Capability</li> <li>Sponsor added Deputy Vice-Chancellor, Operations</li> </ul>
4.00	4 Sep 2019	Vice-Chancellor	<p>Comprehensive review of document in line with current processes and clarity</p> <ul style="list-style-type: none"> <li>Updated hyperlinks</li> <li>Amended definition of staff member to updated definition</li> <li>Minor grammar and syntax amendments</li> <li>Removed reference to 'Office of'</li> </ul>