

## Purpose

As part of the Australian Government's commitment to child safety, minimum requirements for the protection of children are being extended through written agreements to organisations that receive Commonwealth funding, where the funded activity involves vulnerable people including children.

The purpose of these Guidelines is to assist University staff in complying with these child protection compliance requirements when the University receives funding from Commonwealth authorities for activities that involve the engagement of vulnerable people including children.

## What are the Compliance Requirements?

When the University receives Commonwealth funding for an activity that involves the engagement of vulnerable people including children, we are required to:

- a. Complete a **risk assessment** for the activity that identifies the level of:
  - i. responsibility for vulnerable people including children
  - ii. risk of harm or abuse to the vulnerable people including childrenand implement appropriate risk mitigation strategies to manage the identified risks.
- b. **Train staff and monitor their compliance** to ensure staff are aware of, and comply with:
  - i. the outcomes of the risk assessment
  - ii. relevant legislation [including the West Australian *Working with Children (Criminal Record Checking) Act 2004* obligations]
  - iii. the mandatory reporting requirements (annual statement of compliance)
- c. Provide an **annual statement of compliance**, confirming compliance with the aforementioned compliance requirements, to the Commonwealth authority which has provided the funding.

## How does the University facilitate compliance with the Compliance Requirements?

### a. Risk Assessment

All research projects involving children are required to complete a risk assessment in consultation with Enterprise Risk (SGSC) and this risk register shall be entered into the ECU risk management system (Riskware).

### b. Train Staff and Monitor Compliance

#### i. *Informing staff of the outcome of the risk assessment*

The University uses Riskware, an online enterprise solution, to provide University staff the ability to document, report, monitor, and manage risk. Once completed; risk assessments are to be entered into Riskware. This will ensure that risk owners and those responsible for implementing relevant risk treatments are notified of the risks, any risk treatments and their obligations.

#### ii. *Informing staff of relevant legislative requirements*

In Western Australia, the *Working with Children (Criminal Record Checking) Act 2004* (WWC Act) regulates contact with vulnerable persons (children). A Working with Children (WWC) Check is required by a person if they engage in certain paid or unpaid work with children, described as 'child-related work' under the WWC Act.

The University has implemented a comprehensive compliance program to inform staff of the compliance obligations and to facilitate compliance with the WWC Act, which includes:

1. A Working with Children Check and Child Protection Policy and associated Guidelines which provide for:
  - the efficient administration in relation to WWC checks including the identification of positions that require a WWC Check and therefore are mandated during the recruitment process;
  - the receipt of employer notices advising the result of a WWC check;
  - the maintenance of sufficient records for the purposes of the WWC Act;
  - procedures to ensure compliance with the employer obligations under the WWC Act;
  - relevant guidance to ensure that children are protected in the delivery of the University's teaching, learning and research.

2. Conducting compliance reviews into the University's compliance with the WWC Act and relevant University policy, procedures and guidelines to ensure any gaps in the processes are identified and addressed.
3. Education and training - The University has made the Policy and Guidelines available to all staff. In addition, the University is implementing a comprehensive online Compliance training module, which will include a unit on working with vulnerable people compliance, which will focus on the WWC Act compliance obligations.

In jurisdictions outside of Western Australia other legislative requirements may apply with regard to vulnerable people. Staff working in these jurisdictions should acquaint themselves of the relevant compliance obligations. Legal and Integrity may be contacted for advice.

c. Annual statement of compliance

The mandatory reporting requirements involve that the University (the signatory or equivalent, of the funding agreement) must provide an annual statement of compliance with the "Compliance Requirements" to the Commonwealth authority which has provided the funding. The format the statement of compliance should take will usually be provided by the relevant Commonwealth authority. In instances where this is not the case, Legal and Integrity may be contacted for advice on drafting the Statement.

ECU signatories should review the relevant risk register, these Guidelines and any other information they may require to satisfy themselves that the Compliance Requirements have been met prior to providing the statement of compliance to the Commonwealth funding authority.

**Enquiries**

Queries in relation to this process may be directed to Strategic and Governance Services Centre, Legal and Integrity at [integrity@ecu.edu.au](mailto:integrity@ecu.edu.au).