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CROMWELL COLLEGE WORKING WITH CHILDREN PROCEDURES

1. Purpose

This procedure outlines how Cromwell College (the college) will deal with allegations of harm and how the college fulfils its obligations for the screening and management of prescribed notices (Blue Card / Exemption Card) for staff, students, and volunteers who are engaged in college activities under the [*Working with Children \(Risk Management and Screening\) Act 2000*](#) (the Act). The procedures should be read in conjunction with related college policies under the Cromwell Management System framework and Commonwealth and State legislation and statutes for WWC (refer to section 10 and 11 of this procedure).

2. Scope

This procedure applies to Cromwell College and any activities that involve WWC under the control of the college.

Specifically, the procedure supports staff with responsibilities for college activities that:

- require effective risk management and screening of staff, students, and volunteers who will be involved in activities as outlined under the Act
- are controlled by the college that involve persons working with children.

4. General Guidelines

When managing a WWC issue the college will be guided by the following:

Risk Management

For the protection of both employees and students, no employee is permitted to be alone with a child in a room with the door closed, unless both the employee and the child are clearly visible from the outside, e.g. by means of a pane of glass. For the purposes of this requirement, any room utilized must be subject to regular observation by other persons for the duration of the interaction i.e. there is a regular flow of foot traffic. Should this not be possible a meeting with a child should be conducted in an alternative location that meets these requirements or with an additional staff member present.

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Natural Justice

The principles of Natural Justice will apply to decisions to be made under this Policy. The two fundamental principles of Natural Justice are:

- That those making a decision are not biased;
- That nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity of being heard.

Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. Cromwell College is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence about actions under the Policy and to produce documents.

Defamation

A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability for defamation.

Promptness

All steps under this procedure will be carried out promptly. Cromwell College will keep the victim and the alleged perpetrator informed of progress.

Public Relations

The Principal will ensure the college is able to react quickly to allegations of harm so that accurate and relevant information is available for employees, students and their families and / or the media.

Police Action

It will usually be necessary to wait until the police have decided whether to charge the respondent before taking any internal disciplinary proceedings. If the police do charge the respondent, it will be necessary to wait until the charges have been dealt with in the courts before commencing internal enquiries or disciplinary proceedings. This does not preclude the Principal from seeking advice from police regarding the duty of care to existing students which may involve the standing down of an employee during an investigation. The police are not required to inform Cromwell College about their investigation.

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Some of their material may be acquired under a Freedom of Information request when their work on the case is finished.

Insurer

Cromwell College will keep its insurer informed about developments.

Review

The Deputy Principal will ensure that this Policy is reviewed at least once every two years.

The Role of the Principal

The Principal of Cromwell College should not, under any circumstances, caution the alleged victim as to the possible consequences of reporting Abuse (e.g., possible break-up of the family unit), especially if the alleged abuser is a family member.

1. On receipt of a report of Abuse other than the suspected Sexual Abuse of a student by an employee referred to in paragraph 3, the Principal of Cromwell College will carry out a preliminary assessment to determine whether the Principal reasonably suspects the Abuse has occurred.
2. There will be two representatives of Cromwell College present at interviews, where practical. In cases of allegations of serious harm, it is best not to interview a student who is a child unless a properly qualified person conducts the interview.
3. If the Principal of Cromwell College receives a written report about Sexual Abuse or suspected Sexual Abuse by another person of a student under 18 years attending the College, the Principal will immediately provide a copy of the report to the police and must also give a copy of the report to the Chairman of the Cromwell College Board of Governors.

The Principal of Cromwell College must, upon becoming aware of all allegations of paedophilia, immediately refer them in writing to the police, including those from the past, except where the alleged perpetrator is deceased.

4. The Principal of Cromwell College will support the child by:
 - offering pastoral support;
 - offering to arrange professional counselling, if circumstances warrant it, even if any allegation is not yet proved or disproved;

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- treating the child with respect and dignity;
 - being sensitive to the child's needs, feelings and concerns; and
 - maintaining confidentiality, to the degree possible in the circumstances.
5. The Principal of Cromwell College will contact the child's parents, inform them of the allegations and explain how the college intends to proceed, except where the suspected harm is from people outside the Cromwell College, in which event the responsibility for informing parents / caregivers rests with the investigating child protection agency official.
 6. The Principal of Cromwell College will inform the respondent of the allegations and:
 - if the respondent is a member of the Cromwell College community, offer pastoral support;
 - treat the respondent with respect and dignity;
 - arrange for professional counselling if it is requested until the matter has been resolved.
 7. The Principal will stand down any employee if there is an unacceptable risk in leaving the employee in their position.
 8. The Principal will suspend the enrolment of any student if there is an unacceptable risk in permitting the student to remain at Cromwell College.
 9. When a police prosecution, relating to the information is completed, or if there is no police prosecution, the Principal of Cromwell College will investigate the information to determine whether:
 - redress should be offered to the child;
 - disciplinary action should be taken.

The Principal, with the advice of the Chairman of the Cromwell College Board of Governors, may involve independent professionals in the investigation.
 10. If the Principal believes redress should be offered, the Principal will refer that issue to the Chairman of the Cromwell College Board of Governors.
 11. If the Principal believes disciplinary action should be taken against the respondent, the principal will initiate that action and ensure that the principles of Natural Justice are observed.

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13. Cromwell College will ensure that the following are undertaken in order to reduce the chance of Abuse occurring:

- Ensure that each employee understands and fulfils their obligations under the WWC Policy;
- Ensure there is an acceptable reference for each employee engaged since the commencement of this protocol, from their previous employer;
- Ensure that each employee who, in the opinion of the Principal, has sufficient contact with children has a current positive prescribed notice issued by Blue Card Services.

5. Dealing with Allegations of Harm

Suspicion of Harm

“Reasonable grounds” for suspecting harm exist if:

- A child or young person reports that they have been harmed
- Someone else, for example another child, a parent, or an employee, reports that harm has occurred or is likely to occur
- A child or young person reports that they know of someone who has been harmed (it is possible that they may be referring to themselves)
- Significant changes in the behaviour of a child or young person, or the presence of new unexplained and suspicious injuries is a concern
- The harm is observed happening

Any disclosure of harm is important and must be acted upon, regardless of whether:

- The harm to a child or young person has been caused by a person within or outside the college, or
- The child or young person disclosing the harm is from within or outside the college.

It is crucial to have procedures in place so that any disclosure from an adult, child or young person is dealt with efficiently and effectively.

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When a Disclosure is Made

No investigation of allegations of harm should be undertaken by Cromwell College. Only enough questions should be asked as to confirm the need to report the matter to the Queensland Police Service. The safety of the child or young person is paramount. Unnecessary questions or interviews could cause distress or confusion and interfere with any subsequent investigation undertaken by the authorities.

To discuss or report an incident involving a child or young person to the Queensland Police Service, contact can be made with the local Child Protection and Investigation Unit (formerly Juvenile Aid Bureau) through the nearest Police District Communication Centre.

Cromwell College should not:

- Conduct its own investigation to substantiate claims
- Hold its own internal hearing, or
- Attempt to mediate a settlement of the matter instead of notifying relevant Authorities

Investigations conducted by Cromwell College could lead to:

- The destruction of evidence by an accused person
- Intimidation of the person disclosing the information, or
- Intimidation of the child or young person being harmed (if the disclosure was made by someone else)

NB: When a report is made to the Queensland Police Service, reporting details are kept confidential and the identity of the reporter is strictly protected.

1. A student who becomes aware or reasonably suspects that harm has been caused by anyone to a student of Cromwell College who was under 18 at the time should report it to the Principal.
2. An employee who becomes aware, or reasonably suspects, that harm has been caused by anyone to a student of Cromwell College who was under 18 at the time should report it to the Principal and keep a written record of the actions taken.

Note: Under s 191 of the Public Health Act 2005, doctors and registered nurses, have an obligation to give notice of harm or likely harm immediately to the Chief Executive, Department of Child Safety, if:

- (i) they become aware, or reasonably suspect, during the practice of their profession, that a child has been, is being, or is likely to be, harmed; and

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- (ii) as far as they are aware, no other doctor or nurse has notified the Chief Executive under the section about the harm or likely harm.

This immediate notice can be given verbally, by e-mail or by similar means and must then be followed up with written notice within seven days. The notice must include:

- the child's name
- the child's date of birth
- the place or places where the child lives;
- the names of the child's parents
- the place or places where the parents live or may be contacted;
- details of the harm or likely harm of which the professional is aware or that the doctor or nurse suspects; and
- the doctor or nurse's name, address and telephone number.

The doctor or nurse may seek further information about harm or likely harm to a child before forming a reasonable suspicion about the matter, for example, by consulting with a colleague.

A person who becomes aware of the identity of a person who has notified authorities about harm must not disclose the identity of that person except in the circumstances set out in s 186(2) of the Child Protection Act 1999.

3. The Principal of Cromwell College, upon receiving a report of harm or suspected harm to a student of Cromwell College and upon becoming aware of the harm having been caused or reasonably suspecting the harm to have been caused, should report it to the police, and keep a written record of the actions taken.
4. A student who wishes to report behaviour by an employee considered by that student to be inappropriate, should report the behaviour to the Principal. A student or employee who wishes to report behaviour by the Principal considered by that student or employee to be inappropriate, should report the behaviour to the Chairman of the Cromwell College Board of Governors.
5. The Principal, upon receiving a report by a student of inappropriate behaviour, should interview the student, the employee named in the report and any other person who may be able to provide useful information. The Principal should take action on the basis of the report.
6. An employee or student at Cromwell College who becomes aware, or reasonably suspects, in the course of their employment or residency at Cromwell College, that a student under 18 years attending Cromwell College has been Sexually Abused by another person, should

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immediately give a written report about the Abuse or suspected Abuse to the Principal of Cromwell College.

The report must contain the information set out in 10 below.

7. The Principal of Cromwell College who becomes aware, or reasonably suspects Sexual Abuse should immediately give a copy of the report to a police officer and must also give a copy of the report to the Chairman of the Cromwell College Board of Governors.

The report must contain the particulars as set out in 10 below.

8. An employee or student at Cromwell College who becomes aware, or reasonably suspects, in the course of their employment or residency at Cromwell College, that a student under 18 years attending Cromwell College is likely to be Sexually Abused by another person, must immediately give a written report about the suspicion to the Principal of Cromwell College.

The report must contain the particulars as set out in 10 below.

9. The Principal of Cromwell College who becomes aware, or reasonably suspects likely Sexual Abuse must immediately give a written report about the suspicion to a police officer officer and must also give a copy of the report to the Chairman of the Cromwell College Board of Governors.

The report must contain the particulars as set out in 10 below.

10. The written report must contain the following particulars:
 - (a) the name of the person giving the report (the “first person”);
 - (b) the student’s name and sex;
 - (c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been Sexually Abused;
 - (d) details of the Abuse or suspected Abuse;
 - (e) any of the following information of which the first person is aware:
 - (i) the student’s age;
 - (ii) the identity of the person who has Abused, or is suspected to have Abused, the student;
 - (iii) the identity of anyone else who may have information about the Abuse or suspected Abuse.

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11. A person making a report of Abuse or likely Abuse, Sexual or otherwise, is not liable, civilly criminally or under an administrative process for giving information contained in the report, and the confidentiality of those who notify of harm or risk of harm, is protected [Child Protection Act 1999 ss 22 and 186].
12. The Principal of Cromwell College must keep the appropriate insurer informed of any report or claim that is advised to the Principal.

5. Screening and Blue Card Management

Cromwell College will take reasonable steps to ensure that the process for screening and Blue Card management meets compliance obligations under the Act. Key controls include:

1. Upholding the Queensland Government's 'No Card No Start' policy.
2. Identifying and undertaking risk assessment of activities being undertaken by the college and managing those activities in accordance with a Risk Management Strategy.
3. Screening and undertaking identity (ID) checks of staff, students, and volunteers involved in activities where a Blue Card is deemed necessary and maintaining records in a Blue Card register.
4. Effectively managing and administering prescribed notices and notifications from Blue Card Services (BCS).
5. A requirement for college staff to immediately notify their Manager or Supervisor of any material change in their circumstances that may impact their eligibility to engage in activities, which may include negative notices (Blue Card / Exemption Card), or other material change in circumstances. College staff should immediately refrain from engagement in regulated activities until the matter has been resolved and they have been granted express permission to recommence engagement in regulated activities by their Manager or Supervisor.

6. Key Requirements – Blue Card / Exemption

6.1 No Card No Start

The No Card No Start laws:

1. mean staff, students or volunteers must have a Blue Card before they can work with children (from 31 August 2020, a pending application is no longer sufficient); and

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2. require organisations to take reasonable steps to ensure the Blue Card belongs to the card holder and link them to their organisation before engaging them in regulated activities involving working with children.

It is an offence under the Act for:

- a disqualified person to apply for a Blue Card; or
- a restricted person to start or continue working or volunteering in restricted employment.

6.2 Regulated Activities

Staff responsible for planning and implementing activities at Cromwell involving work with children will be required to hold a Blue Card (or valid exemption). This includes staff, deemed by the college to require a Blue Card, Resident Assistants , Academic Mentors and both internal and external tutors.

6.3 Screening

Managers and supervisors with responsibility for a regulated activity must ensure that all involved in regulated activities are screened prior to their commencement in the activity. This includes undertaking identity checks and ensuring Blue Card (or valid exemption) requirements are identified and actioned in accordance with the No Card No Start policy.

6.4 Frequency Test

Under the Frequency Test, if a person is not engaged in the regulated activity for more than 7 days in a calendar year, they may not need to hold a Blue Card. Refer to the current [guidance on the BCS](#) website when applying the Frequency Test. A calendar year starts from 1 January and ends on 31 December. A 'day' is for any period of time on 1 day, irrespective of whether it is a full day or part day.

The Frequency Test cannot be used for:

- a restricted person; or
- a business operator.

Where a determination is made that a Cromwell College Person does not need to hold a Blue Card by applying the Frequency Test, this must be recorded in the colleges register.

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6.5 Identity Checks

Managers and Supervisors with responsibility for a regulated activity are required to take reasonable steps to check the identity of all persons involved in regulated activities.

This may include:

- a. sighting of the person's original driver's license, passport, Blue Card, or other [Transport and Main Roads \(TMR\) approved evidence of ID](#); and
- b. confirmation of ID through single sign on access; or
- c. checking of personal information (Name and DOB) with information held by BCS (Blue Card Reference / Blue Card Account Number).

6.6 Blue Card Register

The Assistant to the Business Manager will be responsible for ensuring that a register is maintained in an approved format.

6.7 Negative Notices and Disqualifications

BCS will normally inform both the individual (applicant) and the college if the outcome of their Blue Card / Exemption Card application is negative. BCS will contact the individual where a change in circumstances leads to disqualification of the individual from working with children.

A person who receives a negative notice or is disqualified cannot undertake regulated activities working with children, must inform the college immediately and remove themselves from all engagement in regulated activities.

6.7.1 Staff, Students and Volunteers

The person that has received disclosure of a negative notice or disqualification must inform their Manager. The Manager will consider the staff member's suitability in their current role and advise the person regarding how this will affect their ongoing employment.

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7. Blue Card Applications

7.1 Responsibility

Each individual Blue Card holder/applicant is personally responsible for ensuring that their Blue Card application/renewal is completed to avoid any unnecessary delays to their commencement in regulated activities. This includes timely renewal of Blue Cards and submission of new applications (allowing for a minimum four-week processing timeframe) to avoid a breach of the No Card No Start law.

7.2 Applying for a Blue Card and Blue Card Payments

Individuals must submit their Blue Card/Exemption Card application to BCS through the online applicant portal. For further information refer to the BCS Applicant Portal:

<https://my.bluecard.qld.gov.au/login>

7.3 Staff, students and volunteers

When the applicant has a registered Blue Card account (applicant portal), the account number must be submitted to the Assistant Business Manager at Cromwell.

8. Monitoring and Assurance

- 8.1 This procedural document will be made available to all staff and students via an internet access link as well as the staff and student Policies and Procedures booklet.
- 8.2 To ensure effective protection under the procedure, the Deputy Principal will monitor and review this procedure every two years.

9. Definitions

Blue Card - The Blue Card is evidence that a positive notice has been issued to the cardholder following criminal history screening to determine their eligibility to work with children.

Blue Card Register - centrally held Blue Card Register containing details regarding staff and students requiring a Blue Card

Child - Being a person under the age of 18.

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College – refers to Cromwell College

Disclosure of Harm – A disclosure of harm occurs when someone, including a child, tells someone about harm that has happened, is happening, or is likely to happen.

Harm – Any detrimental effect of a significant nature on a person’s physical, psychological or emotional wellbeing. Harm can be caused by physical, psychological, or emotional abuse; economic hardship, neglect, or sexual abuse or exploitation.

Negative Notice – A letter issued to a person who application is refused, prohibiting them from carrying on a business or working with children.

No Card No Start – Queensland Government requirement that a No Card No Start policy be maintained in the organisation for all persons engaged in regulated activities. This means a person cannot commence college activities until they hold a current Blue Card (Positive Notice).

Positive Notice – A letter issued to a person whose application is approved and issued with a Blue Card or Yellow Card.

Regulated Activity – activities undertaken by staff, students or volunteers at the college that are classified as regulated business or regulated employment under the *Working with Children (Risk Management and Screening) Act 2000* (Qld, ‘the Act’) and *Working with Children (Risk Management and Screening) Regulation 2020* (Qld).

Restricted Employment - Restricted employment refers to the situations or exemptions that allow a person to work with children without a blue card, such as if they are:

- a volunteer parent;
- a volunteer who is under 18;
- paid or unpaid staff who work in regulated child-related employment for not more than 7 days in a calendar year; or
- a consumer at a child-related service outlet where they also carry out work at the outlet.

Restricted Person - A restricted person is a person who either:

- has been issued a negative notice;
- has a suspended Blue Card;

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- is a disqualified person; or
- has been charged with a disqualifying offence that has not been finalised.

Staff - Full time, part time and casual staff members.

Student - currently enrolled student undertaking study at UQ.

Suspicion of Harm - A suspicion of harm is when someone has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm.

Volunteers/volunteering - People who donate their services in a voluntary capacity without expectation of remuneration.

WWC - Working with Children, refers to activity that involves work/working with children and young people, being people under the age of 18.

10. Legislations and Standards

- National Principles for Child Safe Organisations (Australian Human Rights Commission 2017) <https://childsafe.humanrights.gov.au/>
- Australian Government, National Office for Child Safety, [Frequently asked questions - Extending child safety obligations to Commonwealth funded third parties](#)
- National Office for Child Safety (NOCS) <https://pmc.gov.au/domestic-policy/national-office-child-safety>
- Legislation in Queensland;
 - Child Protection Act 1999 (Qld)
 - Working with Children (Risk Management and Screening) Act 2000 (Qld)
 - Working with Children (Risk Management and Screening) Regulation 2011 (Qld)
 - Civil Liability Act 2003 (Qld)
 - Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020 (Cth)
 - Disability Services Act 2006 (Qld)

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- Public Health Act 2005 (Qld)
- Work Health and Safety Act 2011 (Qld)
- Human Rights Act 2019 (Qld)
- Education (Work Experience) Act 1996 (Qld)

11. Internal Policies and Procedures

- POL-S05 Working with Children Policy