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| **Council policy title:** | Safeguarding Children and Young People Code of Conduct |
| **Council policy sponsor:** | Bryce Craggs, Director Community and Customer Experience |
| **Adopted by:** | Bayside City Council |
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# Guiding Values

In keeping children and young people safe the following values are a mechanism for guiding our actions and assisting in decision-making. They are a reference to which Council members can refer, to ensure their responsibilities to children and young people are upheld.

* Safeguarding children and young people is a shared responsibility, it is reliant on all individuals within our organisation to keep children and young people safe in our care.
* We recognise the diverse and unique identities of Aboriginal children and young people and support Aboriginal and young people to express their culture and enjoy their cultural rights.
* Any form of abuse, neglect, or racism towards children and young people will not be tolerated and immediate action will be taken upon report of any suspected harmful or abusive behaviours.
* The best interest of the child will be the primary consideration in all actions and decisions concerning the safety or wellbeing of a child or young person.
* We are accountable to the children and young people we work with by fostering high ethical standards in a culture of openness and transparency.
* We empower children by informing them of their rights and responsibilities and support them to speak up about any matters of importance to them, including if something goes wrong.  We work to include the participation of children and young people in decision making regarding any services or other matters affecting them.

# Purpose

Council has zero-tolerance towards abuse and neglect of children and young people. We are committed to the rights of all children and young people to feel safe and be safe when participating in Council’s activities, services, and programs.

The purpose of the Safeguarding Children and Young People Code of Conduct (Code) is as follows:

* To set clear expectations of behavior towards and in the presence of children.
* To clarify what behavior is acceptable and not acceptable towards or in the presence of children for Council members in their interactions as part of their role with Council.
* To assist Council members to identify and report behavioral/conduct issues which would be outside of the expectations outlined in this Code.

We are committed to taking action in advancing the safety and wellbeing of children and young people and ensuring compliance with all requirements set out in this Code. The commitment to safeguarding children is supported by Councillors, Council’s CEO, Executive Team, people leaders, staff, volunteers, agency staff and contractors and endorsed by Council.

# Scope

This Code applies to; Councillors, Council employees (permanent, casual, and fixed term), volunteers, students, agency staff members and contractors involved with Council. For the purpose of this Code, these people will be referred to as Council members.

This Code applies in all operational environments (physical and online), and wherever children and young people are participating in Council’s activities, programs, services and/or facilities. In addition, this Code also considers the external environment, whereby Council members are alert to incidents of child abuse and neglect occurring outside the scope of our operations and services.

This code applies to Safeguarding children and young people from all forms of Child abuse and neglect including physical, sexual, psychological, emotional harm, and experiencing or witnessing family violence.

This Code is to be read in conjunction with the associated Codes of Conduct (and Volunteer Handbook) that directly applies to Council members including.

* Councillor Code of Conduct
* Staff Code of Conduct
* Volunteer Handbook

It is also to be read in conjunction with Council’s policies, procedures and guidelines which support Councillors, Council employees, volunteers, agency staff members and contractors to ensure Council is a Child Safeguarding organisation and to meet the Victorian Child Safe Standards.

# Responsibilities

Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise that it is our legal and moral responsibility to keep our children and young people safe from harm and always promote their best interest.

Council members must maintain the highest standards of professional conduct in their attitude, behaviour and interactions with children and young people. We will uphold the rights and best interests of the child in all decision making, supporting the safety, participation, wellbeing, and empowerment of children.

A child refers to a person who is under the age of 18. Council adheres to the Victorian [*Child Safe Standards*](https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/the-child-safe-standards/)*,* the [*National Principles for Child Safe Organisations*](https://humanrights.gov.au/sites/default/files/National%20Principles%20for%20Child%20Safe%20Organisations.pdf)and legislation including our obligations relating to a [*Failure to Disclose*](#_Failure_to_disclose)*,* [*Failure to Protect*](#_Failure_to_Protect) and [*Grooming*](#_Grooming)offences.

Council members, regardless of their role or level of responsibility, are to act to safeguard children and young people from such harm by:

* adopting appropriate safeguarding practices and behaviours set within this Code, when carrying out their roles, and
* reporting any abuse and neglect of which they become aware to our management and/or to external authorities responsible for safeguarding children or to police, regardless of whether that abuse is being perpetrated by Council members within our organisation, or by those outside our organisation including those from the child’s family, extended family, their family’s extended network or strangers.

**Council members are to promote equity and respect diversity by:**

* actively anticipating children and young people’s diverse circumstances and responding effectively to those with additional vulnerabilities.
* informing children and young people of their rights and giving all children and young people access to information, support, and complaints processes.
* respecting the rights of children and young people to participate in decision making, paying appropriate attention to the needs of the following groups:
	+ Aboriginal and Torres Strait Islanders
	+ Children and young people with a disability
	+ Children and young people from culturally and linguistically diverse backgrounds
	+ LGBTQI+ (Lesbian, gay, bisexual, transgender, queer, and intersex)
	+ Children and young people who are unable to live at home

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### **What we will do**

* Safeguarding children and young people is a shared responsibility within Council. We expect all within Council regardless of their role or level or responsibility, to act to safeguard children and young people from harm by adopting the appropriate safeguarding behaviours set within this Code.
* All Council members are required to adhere to the professional boundaries of their role and should not act outside of these boundaries in the delivery of programs and services.
* We understand and adhere to Council’s Safeguarding Children and Young People policies and procedures, including our legal obligations to report any incidents or allegations.
* Council members are responsible for avoiding the appearance of impropriety in their dealings with children and young people.
* All Council members performing child-related work are required to have the appropriate and up to date ‘Working with Children Check’.
* If a child or young person requires assistance that is beyond the confines of a Council member’s role, or beyond the scope of Council’s usual service, they should at the earliest opportunity, seek advice from their People Leader or Supervisor, or Council’s Child Safety Officer(s).

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| **Adherence to professional role boundaries** | Council members should not, of their own volition or at the request of a service user, act outside of their role when helping to deliver our programs and services. Council members must not:* engage in activities with children or young people who are engaged in our organisation outside authorised activities associated with their role at Council
* accept an invitation to attend any private social function at the request of a child or young person\*
* initiate contact (in an online or physical environment) with children or young people that is not a specific requirement of their role at Council
* develop a ‘special’ relationship with a child to the exclusion of others or show favouritism

\*There may be circumstances where a relationship with a child or young person engaged in Council activities and/or their family exists outside of Council. Council members should manage this relationship by upholding the rights and best interest of the child or young person at all times. A declaration to the supervisor should be made to confirm the nature of this relationship (via a declaration form). |
| **Sexual Misconduct** | Under no circumstances is any form of sexual behaviour to occur between, with, or in the presence of children or young people participating in any of our activities, programs, services and / or facilities. Sexual behaviour needs to be interpreted widely, to encompass the entire range of actions that would reasonably be sexual in nature, including but not limited to:  * contact behaviors - such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution
* non-contact behaviors - such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity
 |
| **Physical contact** | * Any physical contact with children and young people must be appropriate to the delivery of our activities, programs, and services such as administering first aid, giving a ‘high 5’ as a greeting and based on the needs of the child or young person such as to assist or comfort a distressed child rather than on the needs of our Council members.
* Our Council members are required to report to management any physical contact initiated by a child or young person that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the child or young person, our Council members, and any other participants.

Under no circumstances should any Council members have contact with children or young people participating in our activities, programs, and services that:  * Involves touching:
	+ of genitals,
	+ of buttocks,
	+ of the breast area (female children and young people).

That is other than as part of delivering medical or allied health services  * would appear to a reasonable observer to have a sexual connotation
* is intended to cause pain or distress to the child or young person – for example corporal punishment
* is overly physical – e.g. wrestling, horseplay, tickling or other roughhousing
* is unnecessary – e.g. assisting with toileting when a child does not require assistance
* is initiated against the wishes of the child or young person, except if such contact may be necessary to prevent injury to the child/young person or to others, in which case:
	+ physical restraint should be a last resort
	+ the level of force used must be appropriate to the specific circumstances.
 |
| **Alcohol and/or drugs** | * The possession use or supply of illegal drugs to any person and/or alcohol to a child or young person is strictly prohibited at any Council location in line with the law.
* Council members are not permitted to smoke, consume alcohol or illicit drugs, or be substance affected when working with children and young people.
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| **One-to-one supervision** | Council members are required to avoid one-to-one unsupervised situations (including unsupervised online activities, such as one-to-one online tutorials or meetings) with children and young people to whom we provide services, and (wherever possible) are to conduct all activities and/or discussions with children and young people in view of other Council members.   |
| **Gift giving** | Council members are prohibited from providing gifts to a child or group of children which could be demonstrated as showing favouritism or developing a ‘special’ relationship. This does not include gifts that are provided as part of delivering a service or program including recognition of service. |
| **Transporting Children** | Children and young people are not to be transported as part of the service at Council. If Council members are seeking to transport children or young people as part of their role at Council, they will need to seek permission from the parent or guardian providing written authorisation for children under the age of 18 years.  |
| **Positive Guidance** | * We strive to ensure that children and young people participating in our activities, programs, services and / or facilities are aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.
* Under no circumstances are our Council members to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening, or humiliating.
 |
| **Language and Tone of Voice** | Language and tone of voice used towards children and young people should provide clear direction, boost their confidence, and be encouraging and affirming.At no time should harmful language be used towards or in the presence of children or young people. This includes language that is:* derogatory, belittling, or negative
* intended to threaten or frighten
* profane or sexual
* be of an otherwise mature or adult nature that would not be suitable to discuss in the presence of children.

Council members must not condone or make self-disclosures about past or present participation in illegal or unsafe behaviours when speaking to or in the presence of a child. |
| **Promoting Equity and Diversity** | * Members must ensure that their approach and interactions with children and young people are sensitive, respectful, and inclusive of all backgrounds and abilities. Council members must actively anticipate children and young people’s diverse circumstances and respond effectively to those with additional vulnerabilities.
* Where Council is involved with children and young people who are Aboriginal or Torres Strait Islander, from culturally and/or linguistically diverse backgrounds, have a disability, LGBTQI and those who are unable to live at home, members are required to promote their safety (including cultural safety), participation and empowerment.
 |
| **Discrimination** | There are anti-discrimination, equal opportunity and sexual harassment laws that support fairness, equity, diversity, and inclusion. These laws apply to how we treat other employees and our customers. Council also has policies and procedures to support these principles. All employees are required to be aware of the relevant laws and Council’s policies and procedures and comply with them. |
| **Electronic and online communication** | * We prohibit all online and electronic communication between Council members and children and young people which is not directly related to providing a service or program or related to their role at Council.
* All communication between Council members in accordance with their duties and children and young people is to occur via Council allocated phones, computers, or other equipment.
* Council members are required to ensure appropriate monitoring of children and young people when they use Council’s online and electronic communication equipment to prevent exposure to pornographic material and to ensure that they do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites or through web searches, or inappropriate phone or email communication.
 |
| **Photography and Images of Children** | * Council only permits organisational filming and photography by council authorised staff within their role.  All filming and photography of a child or young person must be approved by the parent or guardian, providing written authorisation for children under the age of 18 years.
* Images of children and young people are not to be distributed (including as an attachment to an email) to anyone outside our organisation other than the child photographed or their parent/care giver without management knowledge and approval.
 |
| **Bathroom/Change Room Arrangements** | * Supporting children and young people to use a bathroom or change room must only occur as part of Council members conducting their duties as per their employee role description, and always while adhering to child safe practices and procedures.
* Council members are required to ensure that any contact they have with a child or young person while using/or working at a Council facility including public bathrooms, playgrounds and during Council events is child safe, age appropriate and adheres to Council Safeguarding Children and Young People policies and procedures.
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# Reporting obligations

All Council members are expected to make a report immediately to their people leader ordesignated child safety person/s (i.e., before the end of the person’s session of work) if:

* they become aware of any allegations of child abuse
* they have a concern for the safety of a child or young person in our services
* they notice any Council members whose practice or behaviour is contrary to the expectations of behaviour set out in this Code.

\*All Council Members will be provided with the organisational *Reporting Policy and Incident Management Procedure t*o fully support and guide this process.

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# Breaches of this Code

Council members each have a personal accountability to:

* Act in accordance with the intent and letter of the Code
* Not condone behaviour that breaches the Code
* Report any breaches of the Code

Council members are expected to abide by Council’s policies and procedures as well as local, state, and federal legislation. Breaking these laws or policies may bring Council into disrepute and be considered a breach of this Code.

A breach of this Code may result action under Council’s Disciplinary Policy and may have consequences for an employee’s employment up to and including termination, dependent upon the seriousness of the misconduct.

Contractors, agency staff members, volunteers and Councillors will be managed in line with the terms of their engagement with Council and may result in the cessation of this relationship.

For any questions about this Code or need more information, it is the responsibility of Council members to find answers. Members are encouraged to speak with their supervisor, people leader or People and Capability.

People leaders at all levels must promote and enforce this Code in their work area. Service providers, representatives and agents must make sure their Council members are aware of this Code and do not breach its principles and directions when performing duties on behalf of the Council.

The many different laws that govern Council’s activities are often complex, however misunderstanding or being unaware of laws does not relieve Council members of an obligation to comply.

If Council members think a decision or action does not reflect this Code, they have the right and responsibility to raise that concern.

Council members do not need to be directly affected by an issue to raise it.

**Communication and Training**

We have an induction process ensuring all new employees are informed and supported to understand Council’s safeguarding children and young people policies, procedures, and practices. Our employees are provided with copies of Council’s *Safeguarding Children and Young People Policy*, *Safeguarding Children and Young People Code of Conduct* and *Reporting Policy* and, where applicable, *Recruitment and Selection Policy.*

Our induction process provides guidance relating to an individual’s safeguarding responsibilities and offers opportunities to seek clarity in relation to the commitments and behavioural expectations set out in our safeguarding policies.

We have a Training plan that outlines how and when we support ongoing education for all our employees in relation to how keeping children and young people safe will be fulfilled. Council’s plan includes training regarding children’s rights, voices and participation, cultural safety, and humility.

**Monitoring and Review**

This document will be reviewed by People and Strategy at least every 3 years, after consultation. Some circumstances may trigger an early review, this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Policy owner, People and Strategy, Senior Child Safe Advisory Group and/or Chief Executive Officer.

When there are any updates or changes to this Code, they will be communicated to all Council members and stakeholders.

Roles and Responsibilities

Council acknowledges that protecting children is everyone’s responsibility. All employees, volunteer’s agency staff and contractors have a role to play and must be clear of their responsibilities in keeping children safe. For details of roles and responsibilities refer to *Safeguarding Children and Young People Policy**.*

# Glossary - Definitions and Abbreviations

| **Term** | **Meaning** |
| --- | --- |
| Aboriginal & Torres Strait Islander Children | Persons under the age of 18 who identify as Aboriginal and/or Torres Strait Islander.  |
| Child | a person who is under the age of 18. |
| Child abuse | includes:* sexual offences (against, with or in the presence of, a child)
* sexual misconduct (against, with or in the presence of, a child)
* physical violence (against, with or in the presence of, a child)
* behaviour that is likely to cause significant emotional or psychological harm
* significant neglect
* experience or witnessing family violence
 |
| Child related work | Refers to roles in which there is direct contact with a child/children. Direct contact includes any access or contact with children and young people when a parent or guardian is not present, and the employee, administrator, contractor, or volunteer is completing their normal duties.This expands on the definition from the Department of Justice and Community Safety, which indicates Work within one or more of the occupational fields defined in the Working with Children Act 2005 where the contact with children is direct, unsupervised, and part of a person’s duties, not incidental to their work.Incidental contact with children and young people is where the contact is rare, one off and when the parent or guardian is present. Direct contact with children includes face to face, physical, oral, and electronic communication, including* Employees and Managers working with children and young people (up to 18 years)
* Employees in contact with children and young people via email and all forms of social media
* Employees who view CCTV footage
* All roles who supervise work experience students, volunteers, and employees (up to 18 years) including trainees and apprentices.
 |
| Child safety | In the context of the Child Safe Standards, child safety means measures to protect a child from abuse.  |
| Emotional or Psychological | Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed, or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risk behaviours. |
| Failure to Disclose | Requires any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) must disclose that information to police. Applies to everyone in the community, not just mandated professionals. |
| Failure to Protect | Applies to people who hold a position of authority within organisations who know of a risk of child sexual abuse by someone in the organisation and have the authority to reduce or remove the risk, but negligently fail to do so. |
| Family Violence | Family violence is:(a) behaviour by a person towards a family member of that person if that behaviour; (i) is physically or sexually abusive; or (ii) is emotionally or psychologically abusive; or (iii) is economically abusive; or (iv) is threatening; or (v) is coercive; or (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or(b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a). |
| Grooming | Grooming is an offence which targets communication by an adult, including online communication, with a child or their parents with the intent of committing child sexual abuse. There is no set pattern in relation to the grooming of children. For some perpetrators, there will be a lengthy period before the abuse begins. Grooming can take place in any setting where a relationship is formed, such as leisure, sport, music, or in internet chatrooms, in social media or by other technological channels. |
| Mandatory Reporters | Professionals required under the *Children, Youth and Families Act 2005 (Vic.)* to protect children from harm relating to physical and sexual abuse.* A registered medical practitioner
* A person registered under the Nurses Act 1993
* A person who is registered as a teacher under the Victorian Institute of Teaching Act 2001
* On and from the relevant date, the proprietor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed by, a children’s service to which the Children Services Act 1996 applies.
 |
| Neglect | Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention, or adequate supervision, to the extent that the child’s health, safety and/or development is, or likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations. |
| Physical Violence | physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or use or weapons (such as, belts and paddles). |
| Reasonable belief | If an adult has a reasonable belief that an incident has occurred, then they must report the incident. Factors contributing to reasonable belief may be:* A child states they or someone they know has been abused (noting the sometimes the child may in fact be referring to themselves)
* Behaviour consistent with that of an abuse victim is observed
* Someone else has raised a suspicion of abuse but is unwilling to report it
* Observing suspicious behaviour.
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| Sexual offences | Sexual offences occur when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to their age and development.  |

# Related documents

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| --- | --- |
| **Legislation** | Child and Wellbeing and Safety Act 2005Child and Wellbeing Safety Amendment Act 2015Commission for Children and Young People Act 2012Australian Human Rights Commission Act 1986 (Cth.)Charter of Human Rights and Responsibilities Act 2006 (Vic)Children, Youth and Families Act 2005 (Vic.) Working with Children Act 2005 (Vic.) Equal Opportunity Act 2010 (Vic.) Privacy Act 1988 (Cth) Crimes Act 1958 (Vic.) |
| **Policies** | Safeguarding Children and Young People Policy Reporting PolicyRecruitment and Selection PolicyStaff Code of ConductCouncillor Code of ConductDisciplinary PolicyRisk Management Policy |
| **Procedures/Processes** | Reportable Conduct Scheme ProcedureRecruitment and Selection Procedure Disciplinary ProcedureRisk Assessment ProcedureMaternal and Child Health Mandatory Reporting ProcedureIncident Management Procedure |
| **Other** | Human Rights Charter GuidelineA guide for creating a Child Safe Organisation – Commission for Children and Young PeopleNational Principles for Child Safe Organisations |