

# Child Safe Code of Conduct

## Objective

This code of conduct describes:

- professional boundaries for acceptable and unacceptable behaviour with children at TAFE Gippsland; and
- expectations regarding appropriate behaviours and boundaries for all Staff.

This Code of Conduct will incorporate:

- guidelines in relation to professional behaviours, expectations and obligations;
- information about appropriate and inappropriate behaviours; and
- the consequences of inappropriate conduct.

This Code of Conduct is part of TAFE Gippsland's Child Safety Framework.

## Scope

This Code of Conduct applies to all Staff: employees (including agency and casual employees), Executive and Board members, volunteers, and contractors (including service providers),

Staff are required to observe child safe principles and demonstrate appropriate behaviour with, against or in the presence of children.

This Policy extends to:

- all TAFE Gippsland workplaces, including any location, real or virtual, and other locations external to TAFE Gippsland where Staff may be considered to be carrying out duties in the course of their employment or engagement; and
- investigation by TAFE Gippsland or reportable allegations towards Staff whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

This Code of Conduct should be read in conjunction with associated policies and does not diminish or replace the requirement to also comply with:

- **PAC003POL - Child Safety Policy;**
- **PAC003PRO - Reporting Child Abuse Procedure;**
- **PAC021COC - Staff Code of Conduct;** and
- *Code of Conduct for Victorian Public Sector Employees*

## Legislative and Policy Context

This Code of Conduct has been developed in line with the Victorian *Child Safe Standards*:

Child Safe Standard 1	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
Child Safe Standard 2	Child safety and wellbeing is embedded in organisational leadership, governance and culture.
Child Safe Standard 3	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously
Child Safe Standard 4	Families and communities are informed and involved in promoting child safety and wellbeing.
Child Safe Standard 5	Equity is upheld and diverse needs respected in policy and practice.
Child Safe Standard 6	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
Child Safe Standard 7	Processes for complaints and concerns are child focused
Child Safe Standard 8	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
Child Safe Standard 9	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
Child Safe Standard 10	Implementation of the Child Safe Standards is regularly reviewed and improved
Child Safe Standard 11	Policies and procedures document how the organisation is safe for children and young people.

## Commitment

TAFE Gippsland is committed to ensuring a strong organisational culture of child safety.

When it comes to child safety "if you see something, say something".

All Staff must agree to abide by this Code of Conduct and meet the standards of conduct required when working with children.

TAFE Gippsland has a framework of procedures and processes aimed at providing an environment where children are protected from abuse (including physical violence, sexual offences and/or grooming, serious emotional or psychological abuse and serious neglect). The framework has been designed to comply with the Victorian *Child Safe Standards* and associated legislation.

TAFE Gippsland is committed to:

- actively promoting zero tolerance for child abuse, with all allegations and safety concerns being treated very seriously and consistently with our procedural framework;
- engaging in practices which promote participation and empowerment of children;
- maintaining codes of practices and procedures to protect children from abuse;
- preventing child abuse, identifying risks early, and removing and reducing these risks by raising awareness and regularly providing training to Staff in safe behaviours and warning signs;
- promoting cultural safety for children from Indigenous and culturally and/or linguistically diverse backgrounds and providing a safe environment for children with a disability, children who identify as LGBTI and children who are unable to live at home;
- appropriately inducting and, where appropriate, regularly training Staff on child abuse risk, policies, responding to issues of child safety, supporting colleagues who disclose harm, and how to build culturally safe environments for young people; and
- providing a clear statement to employees and volunteers that child abuse and neglect is not tolerated and will be responded to accordingly;
- ensuring that all Staff are aware of their responsibilities for identifying and responding to concerns or allegations of child abuse and neglect;
- embedding an organisational culture of child safety in the context of national legislation and current examples of best practice;
- establishing clear procedures for preventing and detecting child abuse and neglect and responding to such when it occurs;
- providing assurance to children and young people, their families and the broader community that all cases of suspected abuse will be reported and fully investigated; and
- conducting an annual risk assessment;

## Empowerment and engagement of children and young people

Empowerment is a critical element of creating an organisation that is safe for children and young people. Empowerment and participation can protect children against abuse and harm within TAFE Gippsland by:

- raising children and young people's awareness of inappropriate or unsafe situations, and of their rights including to safety, information and participation;
- fostering appropriate, trustworthy relationships with adults and peers who can help them;
- building children and young people's confidence to report concerns by reinforcing that their views and wishes will be taken seriously;
- increasing Staff knowledge of the safety needs and concerns of children and young people; and
- taking seriously the disclosures of children and young people.

### Empowerment model

In a child safe organisation, children and young people:



*Image sourced from the Commission for Children and Young People*

## Code of Conduct

### Acceptable Behaviour

Whilst not an exhaustive list acceptable behaviours include:

- adhering to the Child Safety Policy;
- upholding the TAFE Gippsland Child Safety Policy Statement;
- taking all reasonable steps to protect children from abuse;
- treating everyone with respect;
- maintaining appropriate professional boundaries at all times with children and young people in line with other relevant professional codes of conduct. This includes expectations of physical contact, language and when it is appropriate to communicate with children and how;
- ensuring online safety by using TAFE approved backdrops in online/remote learning environments (for example branded or blurred backdrops);
- encouraging children and young people to speak up, participate in consultation processes and support them to provide feedback;
- listening and appropriately responding to the views of children and young people;
- listening and appropriately responding to the concerns of children and young people particularly when they or another child are telling you they are worried or have been abused;
- promoting empowerment, participation and safety of children with a disability, who are unable to live at home or are lesbian, gay, bisexual, transgender and intersex;
- ensuring children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand;
- promoting the cultural safety, participation, inclusion and empowerment of children of Aboriginal and Torres Strait descent (for example, by never questioning an Aboriginal child's self-identification, and encouraging and actively supporting a child's right to express their culture);
- ensuring that adults are not left alone with children and young people, except when unavoidable (for example, in an emergency situation). Where this is not practical, additional mitigation of risk strategies may be identified;

- reporting any allegations of suspected and actual child abuse to the TAFE Gippsland Child Safe Officers who will assist in ensuring compliance with mandatory reporting requirements;
- reporting any child safety concerns to the TAFE Gippsland Child Safe Officers;
- supporting children and young people if an allegation of child abuse is made, in line with PAC003POL - Child Safety Policy and PAC003PRO - Reporting Child Abuse Procedure;
- ensuring the child (or children) is safe as quickly as possible if an allegation of child abuse is made;
- leading by example and modelling appropriate behaviour amongst other employees and volunteers and in interactions with children and young people;
- completing a pre-existing relationship form where required;
- when developing lesson plans, including strategies for activities or content delivery to ensure children and young people are supported and can develop friendships or receive support from their peers;
- providing information to families, carers and communities about PAC003POL - Child Safety Policy, associated document, this Child Safe Code of Conduct and our organisation's operations and governance, and allowing them to have a say in the development and review of relevant policies and practices; and
- enabling families to participate in decisions affecting their child, as appropriate.

## Unacceptable Behaviour

Whilst not an exhaustive list unacceptable behaviours include:

- breaches of professional boundaries;
- using inappropriate language, including swearing at or in the vicinity of children and young people;
- physical contact with a child or young person (excludes a handshake, high five or the provision of first aid);
- sexual misconduct, which includes any sexual activity (including voyeurism and exhibitionism), exploitation, inappropriate conversations of a sexual nature and grooming. Further definitions of what constitutes sexual misconduct may be available from the Commission for Children and Young People;
- using of electronic communication, including social media, phone contact outside TAFE standard operating hours or sending from a non-TAFE email or program (Moodle);
- gift giving. Consider how this may lead to forming special and close relationships with children and their families, this includes paying for food or items on behalf of child or young person;
- taking photographs and videos not in line with organisational policy;
- developing friendships with the children and/or their families outside program hours;
- use, possession or supply of alcohol or drugs;
- out of hours or unauthorised contact with children and young people and/or their carers, in person, by social media or by phone;
- breaches of privacy or confidentiality;
- unacceptable discipline or threats of such discipline;
- discrimination, including any form of cultural or racial discrimination;
- disrespect;
- sharing of personal information with children and young people;
- ignoring children who raise concerns, or disregarding any suspicions of child abuse or inappropriate conduct towards children;
- forming special relationships or showing favouritism; and
- not giving equal weight to information provided by a child or young person.

## Breaching the Code of Conduct

Breach of this Code of Conduct can result in a disciplinary procedure. Employees may be stood down pending the outcome of an investigation. A substantiated breach of this Code of Conduct may result in disciplinary action up to and including termination of employment. Breaches by contractors or volunteers may result a contract being terminated, and breaches by Board members can result in their removal.

A Breach of this Code of Conduct by any Staff may result in the breach being reported to the Commission for Children and Young People under the *Child Wellbeing and Safety Act 2005* and may require reporting to other Authorities (such as police) subject to the nature of the alleged breach.

Substantiated breaches of this Code of Conduct can result in the Commission for Children and Young People making a referral to the Department of Justice and Community Safety for a reassessment of the Staff member's Working with Children Clearance.

Where conduct occurs in an effort to keep a child or young person safe, for example any physical action to prevent injury or harm (such as grabbing a young person's arm and pulling them away from a hot stove) this may not be a breach of this Code of Conduct. However, the incident may still need to be assessed to determine that no reportable conduct has occurred.

## Understanding and Acceptance

All employees of TAFE Gippsland are required and expected to complete the online module for Child Safety Standards as part of the compliance based suite. All relevant Staff acknowledge they have read and understood the **Code of Conduct** and their obligations.

TAFE Gippsland requires:

- all Staff, where requested, to have:
  - a current Working with Children Clearance;
  - a Police Check clear of a disclosure of offences that would contradict their suitability to work safely with children and young people.
- contractors to either have a Police and Working with Children Clearance or be under immediate supervision of a TAFE Gippsland employee who does.
- all volunteer information to be provided to People and Culture to ensure appropriate records are kept.
- visitors, contractors and volunteers to use the SINE system to record campus attendance on each occurrence.
- staff to report any incidents that have occurred either in the course of their work, or outside work, that may impact their ability to maintain their Working With Children Clearance or Police Clearance - particularly issues pertaining to activity of a nature that would not be compatible with working safely with children and young people.

## Learning Environments

### Remote Learning Environments

Remote or online learning environments are an extension of the workplace and as such all TAFE Gippsland policies apply, including this Child Safe Code of Conduct. This includes conducting the class in a safe manner, using a TAFE approved backdrop, use of appropriate language. Smoking, drug taking and/or drinking of alcohol is not permitted when conducting online classes or remote learning.

### Physical Learning Environments

Child safety is a priority in physical learning environments. Staff will follow the TAFE Gippsland Code of Conduct for employees and all other policies and procedures.

### Students Leaving Campus

VCE and VETDSS students and other students under the age of 18 years should not be leaving TAFE Gippsland campuses during the course of the day without notifying the teacher (and the originating school in the case of VETDSS students). Students must:

- have written consent to leave the campus from their parent or guardian;
- advise the teacher of their expected time of return; and
- advise the originating school.

**Refer: TLN008POL - VETDSS Policy**

**TLN028POL - VCE Policy**

### Camping and/or Overnight Stays

Employees, contractors and site users involved in an overnight stay including children must observe the following standards of conduct that:

- children are provided with privacy when bathing, toileting and dressing;
- appropriate dress standards are observed by adults in the presence of a child/children;
- children will not be exposed to pornographic material, for example, through movies, television, on the internet or magazines;
- children will not be left under the supervision or protection of unauthorised persons such as accommodation employees, or peers;
- sleeping arrangements will not compromise the safety of a child/children such as unsupervised sleeping arrangements; and
- children have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable or distressed during the stay.

Non-TAFE students are not permitted to participate.

In the event that a supervisor is attending that is not a TAFE employee, screening checks need to take place prior to the camp or overnight stay. This includes the provision of a Working with Children Clearance, Police check and references. This information will be held on file by People and Culture in line with other volunteers in the organisation.

**Refer: TLN022POL - Excursions and Field Trips**

**TLN022GDE - Guidelines Excursions and Field Trips**

## Transportation

In the event that a student needs to be transported from campus and a parent or guardian is unable to attend, every effort should be made to transport the student in a TAFE issued fleet vehicle.

In no circumstances should an employee transport a student on their own, or in a personal vehicle. A minimum of two employees is required. The student is to be in the backseat of the vehicle with one employee in the passenger seat, while the second employee is driving. If a student requires support or supervision, only then should the second employee travel in the rear seat with the student.

## Mandatory Reporting

TAFE Gippsland employees who are mandated to report where they have reasonable belief that a child or young person is being abused will follow the relevant of legislation to report abuse.

Refer: **PAC003POL - Child Safety Policy** and **PAC003POL - Reporting Child Abuse Procedure**.

Mandatory reporting legislation includes the legal requirement of certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.

Although mandatory reporters have legal obligations to report child physical and sexual abuse, all adult Staff have a duty of care to report child abuse and neglect to child protection authorities.

The Child Safe Contact Officers can assist employees to meet their obligations.

Employees are advised that where an employee holds reasonable belief, that belief does not need to be shared by others (direct manager CEO) in order for a report to be made.

## Roles and Responsibilities

Child safety is embedded in our culture, governance and leadership. Everyone has a role to play, from top down and bottom up.

All Staff must:

- understand and adhere to the obligations of the Child Safe Code of Conduct at all times;
- report any breach or non-compliance to the Child Safe Code of Conduct;
- promote the safety and wellbeing of children and young People;
- actively empower children and young people to speak up, participate and be involved in consultation;
- create an environment in which children and young people feel safe; and
- Support and direct those impacted to report and seek assistance.

## Board Members

Board members are responsible for:

- ensuring that there are systems, resources and structures in place within the organisation to implement and monitor the effectiveness of the child safe code of conduct.
- ensuring governance level policies are appropriate, relevant, understood and regularly reviewed;
- demonstrating effective leadership by championing child safe practices both internally and externally; and
- ensuring the Chief Executive Officer implements all required child safe policies and procedures to ensure the organisation's compliance and to foster an open and aware culture.

## Chief Executive Officer

The Chief Executive Officer is responsible for:

- ensuring that there are systems, resources and structures in place within the organisation to implement and monitor the effectiveness of the child safe code of conduct.
- ensuring governance arrangements and policies for child safety are appropriate, relevant, understood and regularly reviewed, in accordance with organisational process.
- providing governance leadership to ensure child safe practices are an organisational focus, adequately resourced and continually improved;
- ensuring that child safe practices are addressed and prioritised at a strategic and operational level;
- following appropriate reporting process when a concern, allegation or disclosure of child abuse or neglect arises;
- ensuring that child safe practices are included in relevant organisational planning processes and documents;
- ensuring all Staff are aware of;
  - their roles and responsibilities;
  - internal child safe policies and procedures; and
  - relevant laws and the organisation's code of conduct;
- ensuring that adequate human and financial resources are allocated to child safety;
- demonstrating effective leadership by championing and engaging, participating and valuing child safe practices both internally and externally;
- monitoring, managing and continually improving the organisation's child safe strategies;
- ensuring that children and young people that engage with the organisation are consulted about things that impact on them; and
- following appropriate reporting processes when a concern, allegation or disclosure of child abuse or neglect arises.

## Executive team members, Heads of Department, Managers

Executive team members, Heads of Department and Managers are responsible for:

- promoting child safe practice across the organisation;
- communicating information and promoting organisational initiatives and practice (internal and external);
- demonstrating effective leadership by championing and engaging, participating and valuing child safe practices both internally and externally;
- providing opportunities for training, supervision and ongoing support for those responsible for child safe practices;
- supporting employees responsible for the safety and wellbeing of children within the organisation;
- monitoring, managing and continually improving the organisation's child safe practices;
- ensuring the overall welfare and wellbeing of children and young people;
- managing and addressing noncompliance with the Codes of Conduct; and
- actively promote the Child Safe Code of Conduct and their commitment to it and its enforcement.
- following appropriate reporting processes when a concern, allegation or disclosure of child abuse or neglect arises; and
- developing organisational control and compliance systems that ultimately prevent, detect and respond to child abuse and neglect.

## Child Safety Team

The Child Safety Team is responsible for:

- regularly reviewing the organisations' policies and procedures to ensure the safety and wellbeing of children and young people, including ensuring that the policies and procedures address the Child Safe Standards, are easy to understand and take into account any stakeholder consultation;
- facilitating the reporting of the findings of relevant reviews to staff and volunteers, community and families and children and young people;
- investigating, or referring to external investigator or Authorities (as applicable), any reportable allegations;
- promoting Child Safety across all campuses;
- seeking to continuously improve TAFE Gippsland Child Safety and Wellbeing at all campuses and TAFE Gippsland programs;
- supporting and providing advice when approached by a Child who has a concern; and
- analysing complaints, concerns and safety incidents to identify causes and systemic failures to inform continuous improvement.

## Designated Child Safety Officers

The designated Child Safety Officers are responsible for:

- championing child safe practices across the organisation;
- supporting employees who are responsible for child safety;
- demonstrate effective leadership by engaging, participating and valuing child safe practices both internally and externally;
- presenting new ideas, best practice options, or up-to-date information on sector-wide research and initiatives;
- ensuring the organisation is safe for children and young people;
- following appropriate reporting processes when a concern, allegation or disclosure of child abuse or neglect arises; and
- regularly reviewing the framework and improving the implementation of the Child Safe Standards.

## Other Staff

Volunteers and persons performing work at the direction, on behalf of or in connection with TAFE Gippsland (including contractors, subcontractors, secondees, agents and temporary staff) are responsible for:

- understanding the signs of child abuse and how to respond to these;
- fulfilling their obligations in relation to all child safety policies, procedures and practices;
- contributing to a positive child safe culture by engaging, participating and valuing child safe practices both internally and externally;
- following **PAC003COC - Child Safe Code of Conduct** when engaging with children and young people; and
- following appropriate reporting processes when a concern, allegation or disclosure of child abuse or neglect arises.

## Related Legislation/Regulation

- [Child Wellbeing and Safety Act 2005](#) (Vic)
- [Child Safe Standards](#)
- [Children, Youth & Families Act 2005](#) (Vic)
- Code of Conduct for Board Directors

## Related Policy and Procedures

- PAC003POL - Child Safety policy
- PAC003PRO - Reporting Child Abuse procedure
- PAC021COC - Staff Code of Conduct
- BRD005COC - Code of Conduct for Board Directors
- PAC016POL - Working with Children Clearances and Police Checks policy
- TLN022POL - Excursions and Field Trips policy
- TLN022GDE - Guidelines Excursions and Field Trips guidelines
- TLN009POL - VETDSS Policy
- TLN028POL - VCE Policy

## Related Documents

- PAC003 - TAFE Gippsland Child Safety Policy Statement
- [Code of Conduct for Victorian Public Sector Employees](#)
- [National Principles for Child Safe Organisations](#)
- [Commission for Children and Young People](#)
- PAC003FOR1 - Hair and Beauty services consent form for students and models under 18 years of age
- PAC003FOR2 - Existing Relationship Declaration - for students under the age of 18 form
- PAC003REG1 - Child Safety Risk Register
- PAC003GDE - Guidance for Investigating a Reportable Conduct Allegation
- [Commission for Children and Young People - Reportable Conduct Scheme for Organisations](#)

## Definitions

<b>Adult</b>	Person who has achieved the age of 18 years.
<b>Child</b>	Means a child or young person who is under the age of 18 years.
<b>Child Safe Contact Officer</b>	Means the Workplace Health, Safety and Wellbeing Manager or P&C Manager Capability and Administration.
<b>Child Safety Framework</b>	Means <b>PAC003 - Child Safety Policy Statement, PAC003POL - Child Safety policy, PAC003COC - Child Safe Code of Conduct, PAC003PRO - Reporting Child Abuse procedure</b> and all associated documents and training materials.

<b>Mandatory reporting</b>	<p>Means the term used to describe the legislative requirement imposed on selected classes of people to report cases of child abuse and neglect to government authorities. Mandated roles include teachers, principals, doctors, nurses, midwives and police officers among others. All adults are required to report to police if they know or reasonably believe that a sexual offence has been committed by an adult against a child under the age of 18 years.</p> <p>The <i>Child, Youth and Families Act 2005 (Vic)</i> identifies a mandatory reporter as:</p> <ul style="list-style-type: none"> <li>• Registered medical practitioners</li> <li>• A nurse</li> <li>• A midwife</li> <li>• Registered teachers and early childhood teachers</li> <li>• School principals</li> <li>• School Counsellors</li> <li>• Police officers</li> <li>• A person in religious ministry</li> <li>• Early childhood workers</li> <li>• Youth, social and welfare workers</li> <li>• Registered psychologists</li> <li>• Youth justice and parole officers</li> </ul>
<b>Reportable allegation</b>	<p>Means any information that leads a person to form a reasonable belief that an employee has committed;</p> <ul style="list-style-type: none"> <li>• reportable conduct; or</li> <li>• misconduct that may involve reportable conduct—</li> </ul> <p>whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.</p>
<b>Reportable Conduct</b>	<p>Means:</p> <ul style="list-style-type: none"> <li>• a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or</li> <li>• sexual misconduct, committed against, with or in the presence of, a child; or</li> <li>• physical violence committed against, with or in the presence of, a child; or</li> <li>• any behaviour that causes significant emotional or psychological harm to a child; or</li> <li>• significant neglect of a child.</li> </ul>
<b>Staff</b>	<p>Means TAFE Gippsland employees or workers, Board members, volunteers and persons performing work at the direction, on behalf of or in connection with TAFE Gippsland (including contractors, subcontractors, secondees, agents and temporary staff).</p>
<b>Young Person</b>	<p>Means a person under the age of 18 years.</p>

## Version Control

Item	Summary of Update	Version	Review Date
1	Document issued	1.0	18/03/2019
2	Updated and renamed from Code of Practice	2.0	14/09/2021
3	Updated to reflect Working with Children Clearance	3.0	19/10/2021
4	Document reviewed and updated to adopt new template and naming conventions.	3.1	01/12/2022

## Appendices

Nil.