

Child Safe Code of Conduct

Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.

1 Objective

This Child Safety Code of Conduct sets out Yarriambiack Shire Council's commitment to ensure it discharges the obligations and expectations contain in the 11 Child Safe Standards.

2 Responsibility

The Manger People and Culture is responsible for implementing the Child Safe Code of Conduct, and all employees, volunteers and contractors have the responsibility for the safety and wellbeing of children and young people who engage with Council. Employees are expected to act in accordance with Council's Child Safe Code of Conduct in their physical and online interactions with children and young people under the age of 18 years.

All employees of Council include:

- Full-time, part-time and casual
- Work experience students, apprentices and trainees
- Temporary and casuals engaged through an agency
- Volunteers and Contractors directly engaged by Council

3 Policy Statement and Scope

Yarriambiack Shire Council recognises, respects and promotes its responsibilities to keep children safe from abuse, and commits to ensuring the safety of children as a priority. Yarriambiack Shire Council values diversity and will not tolerate child abuse or discriminatory practices.

The Child Safety Code of Conduct aims to protect children and reduce opportunities for child abuse or harm to occur.

The Child Safety Code of Conduct applies to the broad range of situations where interaction with children and young people may occur in the delivery of Yarriambiack Shire Council's services, including through digital technology and social media. It defines acceptable and unacceptable behaviours and provides guidance to identify and report any child-related misconduct in an appropriate and timely manner.

4 Acceptable and Unacceptable Behaviours

The Code identifies positive child safe behaviours that we encourage all adults to support. It also identifies behaviours that we consider unacceptable. Below are behaviours Council staff are to adhere to.

Acceptable Behaviours

Council Staff will:

- Always adhere to this Code and the Child Safe and Wellbeing Policy.
- Be vigilant, proactive and take all reasonable steps to protect children/young people from abuse.
- Ensure as far as practicable that adults are not left alone with a child or young person (unless it is core to the approved service or program being provided).
- Establish culturally safe physical and online environments in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.

- Treat all children and young people with dignity, ensure equity is upheld, and the diverse needs of children and young people are respected. This includes (but is not limited to) children and young people with a disability, culturally and linguistically diverse children and young people, those who are unable to live at home, and children/young people with diverse gender and sexual orientations.
- Listen to and treat the safety concerns of children and young people seriously, particularly if they tell you that they or another child or young person has been, or is at risk of being, abused.
- Provide welcoming, safe and inclusive physical and online environments that protect children and young people from exploitation, violence, bullying, teasing, threatening, and discriminatory remarks.
- Manage dual relationships appropriately, i.e., where a prior or pre-existing personal relationship exists with a child, young person, or family who engages with our programs and services.
- Uphold the rights and best interests of children and young people in planning and decision-making.
- Be a positive role model, i.e., supporting children and young people to learn protective behaviours, empowering children/young people to speak up if they have concerns for their safety or wellbeing and ensuring children/young people are aware of their rights and have access to this information.
- Provide opportunities that reflect the diverse needs and experiences of children and young people and empower them to fully participate in our services, programs and community.
- Recognise children and young people as active citizens, agents in their own lives and encourage them to 'have a say' on issues that directly affect them.
- Engage and openly communicate our safeguarding approach with children, young people and their families, and ensure relevant information is accessible.
- Adhere to risk mitigation strategies and safe work practices (identified by and relevant to your work area) when interacting with children and young people.
- Complete our child safe training and other relevant professional development activities as required.
- Treat all concerns or allegations of child abuse seriously and respond consistently with the procedures outlined in the Child Safe & Wellbeing Policy.
- Take steps to ensure the immediate safety of a child and young person if an allegation of abuse is made or abuse has occurred.
- Report any breach of the Code to your People Manager (or next level Manager where the concern involves your People Manager) immediately.
- Adhere to appropriate 'safe touch' (see below) considered suitable to your role, or where otherwise necessary, i.e., comforting a child in distress, administering first aid.

Unacceptable Behaviours

Council Staff must not:

- Develop a 'special' relationship with a child or young person to the exclusion of others or show favouritism, i.e., by offering a child or young person gifts or special treatment.
- Exhibit behaviours with children/young people that may be construed as unnecessarily physical.
- Hit, physically assault, or engage in inappropriately rough play with a child or young person.
- Speak to a child or young person in an angry, intimidating, or threatening manner.

- Engage in discussions of a mature or adult nature with or in the presence of children/young people.
- Condone, or make self-disclosures about past or present participation in illegal or unsafe behaviours with, or in the presence of a child or young person.
- Smoke, consume alcohol or illicit drugs, or be substance affected with or in the presence of children and young people whilst actively on duty.
- Touch intimate areas or have any other physical contact with a child/young person (i.e., kiss, hold, cuddle) not deemed to be appropriate to your role, or appropriate 'safe touch' (as defined above).
- Do things of a personal or intimate nature (i.e., toileting or changing clothes) that you could reasonably expect a child or young person to do for themselves, unless performing necessary personal care duties as part of your role, or in unavoidable situations such as administering first aid.
- Use inappropriate, discriminatory, prejudicial, oppressive, harassing, abusive, sexually explicit, demeaning or culturally insensitive language with or in the presence of a child or young person.
- Discriminate against any child or young person based on their age, gender, race, culture, religion, disability, vulnerability, sexuality or any other protected attribute, or express personal views about such attributes when with or in the presence of a child or young person.
- Purposefully establish a relationship with a child, young person and/or their family outside of work.
- Solicit, conduct, or accept requests from a child, young person, or their family for private services (i.e., babysitting, non-authorized home visits, private lessons) delivered outside of your work.
- Provide personal contact details (i.e., phone number, home address, email/social media accounts) to children, young people, or their parents/guardians (rare authorised/monitored exceptions apply).
- Access client records and/or other identifying information to gain unauthorised access to a child or young person in physical and online environments.
- Use social media or other online platforms to solicit or befriend a child, young person, or their family; or have online contact with a child, young person, or their family that is not transparent to Council and part of an approved program or activity.
- Take, use, view, store or publish unauthorised images of children/young people in our programs and services. All reasonable steps must be taken to protect children and young people from the inappropriate use of their images (refer to Child Safe Policy Resource: Guidelines for Taking and Using Images of Children and Young People available on the Child Safe Hub).
- Under any circumstances, use personal devices to take, use, view, store or publish authorised or unauthorised images of children and young people in our programs and services.
- Ignore or disregard any suspected or disclosed child abuse.
- Put a child or young person at risk of abuse or harm either through negligence or inaction.

5 Allegations of Child-Related Misconduct and Reportable Conduct

All breaches of this Code of Conduct must be reported to the Manager Family, Youth and Children on mobile: 0413 288 326, or via email.

Any breach of this Code by Yarriambiack Shire Council staff will be investigated and may result in disciplinary action in accordance with the Yarriambiack Shire Council's Human Resources Disciplinary Guideline, including possible termination.

Please Note:

If any person in a position of authority within the Yarriambiack Shire Council becomes aware of a substantial risk that a child may become the victim of a sexual offence committed by an adult associated with the Yarriambiack Shire Council (for example, an employee, contractor or volunteer), and they have the power or responsibility to reduce or remove the risk, then they must take all reasonable steps to do so. A person in authority who negligently fails to take appropriate action to address the risk may be charged with the criminal offence of 'failing to protect' and may face a term of imprisonment.

If an adult reasonably believes a sexual offence has been committed by an adult against a child under the age of 16, they must report it to Victoria Police by calling 000 or going to their local police station. Failure to disclose the information may be a criminal offence.

6 References

- a) Occupational Health and Safety policy
- b) Information Privacy policy
- c) *Occupational Health and Safety Act (2004)*
- d) *Crimes Act (1958)*
- e) Child Safety Code of Conduct incorporated into Employee Code of Conduct
- f) Child Safety & Wellbeing Policy
- g) Child Safe Environment Policy (Early Years)

7 Definitions

Child	<ul style="list-style-type: none"> • For the purpose of this document a child is anyone under the age of 18 years.
Child Abuse	<ul style="list-style-type: none"> • 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 • sexual misconduct, committed against, with or in the presence of, a child • physical violence committed against, with or in the presence of, a child • any behaviour that causes significant emotional or psychological harm to a child or significant neglect of a child.

8 Policy Review

This policy will be reviewed in conjunction with its associated policy every three years or on an 'as needs' basis.

9 Access to the Child Safe Code of Conduct

The Code will be made available on Council's Website and Intranet.

10 Legislative Context

Child Wellbeing and Safety Act 2005

Children Youth & Families Act 2005

Crimes Act 1958

Victorian Human Rights of Responsibilities

11 Council Approved Policy

Policy Adopted:	Ordinary Meeting (incorporated into the Employee Code of Conduct) 24 July 2019 - Item 13.5	Minute Page 58
Policy Reviewed:	Ordinary Meeting 29 June 2022 - Item 14.4	Minute Page 29
	Ordinary Meeting 26 June 2024 – Item 15.5	Minute Page 35