

Child Safety Responding and Reporting Obligations Policy

The Victorian Government introduced the Child Safe Standards (the standards), which are compulsory minimum standards for organisations that provide services for children and young people (or are used by children and young people) to help protect them from harm. The Standards require organisations that provide services for children and young people to have a Code of Conduct that establishes clear expectations for appropriate behaviour with children and young people.

The Department of Justice and Community Safety's (the department) Child Safe Code of Conduct outlines the child safe principles and minimum expectations for appropriate behaviour that all employees, consultants, contractors or volunteers (**staff**) engaged by the department must observe when in the company of children and young people.

Scope

The department's Child Safe Code of Conduct applies to all staff of the department. It applies to a broad range of situations where interaction with children and young people may occur. For example, the Child Safe Code of Conduct will apply when staff come into contact with children and young people as part of their duties. For example:

- in the youth justice system
- in the adult corrections systems through their parents or guardians
- who appear in court as a child witness
- through incidental contact (e.g. via home visits, children visiting Justice Service Centres)
- through services provided by funded agencies.

It is important that all staff are aware of the department's obligations under the department's [Reportable Conduct Scheme Policy](#), whereby allegations of employee misconduct involving children and young people can be made against an employee even if the conduct occurred outside of their work

Statement of Commitment

The department is committed to the safety, wellbeing and best interests of children and young people. The department:

- will uphold the rights of children and young people who come into contact with the department so that they feel heard on matters relevant to their safety and so that they feel safe and protected
- has zero tolerance for child abuse and will take all allegations of reportable conduct and safety concerns very seriously, ensuring such conduct is dealt with in accordance with departmental policies, procedures and the law
- is committed to preventing child abuse and identifying risk early, and removing and reducing these risks
- will actively work to listen to and empower children and young people who come into contact with the department
- has legal and moral obligations to contact authorities when there are concerns about a child or young person's safety, which will be followed rigorously
- has robust human resources and recruitment practices for all staff and volunteers
- will provide training and education to staff and volunteers on the Child Safe Standards, Reportable Conduct Scheme and creating a child safe organisation
- will provide a culturally safe environment for Aboriginal and Torres Strait Islander children and young people and those from culturally and/or linguistically diverse backgrounds, and consider their needs in providing that environment
- will provide a safe environment for, and consider the needs of, children and young people with a disability, and consider their needs in providing that environment
- will provide a safe environment for, and consider the needs, of children and young people who have suffered trauma, and consider their needs in providing that environment

- will provide a safe environment for, and consider the needs of, same sex attracted and intersex children and young people, and recognises gender diversity in providing a safe environment, and consider their needs in providing that environment

This department requires all staff to uphold these commitments. The department has specific policies, procedures and training in place to achieve these commitments.

Statement of Code of Conduct

The Child Safe Standards require organisations that provide services for children to have a Code of Conduct that establishes clear expectations for appropriate behaviour with children and young people.

All staff of the department are required to observe the below child safe principles and expectations for appropriate behaviour towards and in the company of children and young people.

The following Code of Conduct outlines appropriate standards of behaviour by staff towards children and young people. It aims to protect children and young people and reduce opportunities for abuse or harm to occur. It also helps staff by providing them with guidance on how to best support children and young people and how to avoid or better manage difficult situations.

Everyone in the department has a role to play – the Secretary, executive, leadership group, staff, volunteers, students and contractors – they need to understand their roles and be supported to take action.

Standard of Obligations

All staff of the department are responsible for the safety, wellbeing and empowerment of children and young people who engage with the department. All staff are expected to act in accordance with all relevant legislation, this Code of Conduct, the department's policies and the Code of Conduct for Victorian Public Sector Employees. Staff will:

- uphold the rights of children and young people who come into contact with the department to feel heard on matters relevant to their safety.
- provide a welcoming, inclusive and safe environment that supports and values the ideas and opinions of children and young people and treats them with respect regardless of their race, colour, gender identity, sex, sexual orientation, language, religion, political or other opinion, national, ethnic or social origin, culture, property, disability or other status

- actively promote and consider the cultural safety and inclusion of all children and young people
- empower children and young people by providing an environment where they can actively participate and 'have a say', especially on issues that are important to them
- listen and respond to the views and concerns of children and young people, including where it relates to concerns that they feel unsafe
- abide by the department's commitment and obligation to be a child safe organisation
- identify and mitigate risks to the safety and wellbeing of children and young people
- take all reasonable steps to protect children and young people from abuse
- challenge unacceptable behaviour and report all allegations or suspicions of abuse to the Child Safety Officer
- report any concerns, allegations, disclosures or observations of child abuse in line with the department's policies and processes, mandatory reporting and reportable conduct reporting requirements
- report all child safety concerns to the Child Safety Officer, or other relevant person
- work with children and young people in an open and transparent way. For example, by ensuring that where appropriate, interactions with children and young people can be observed by other adults
- respect the privacy of children and young people and their families and only disclose information to people on a need to know basis and in accordance with privacy legislation
- observe professional boundaries with children and young people at all times
- disclose any information of charges, convictions of abuse and all other offence history in accordance with the department's Criminal Record Check policy.

Staff of the department must not:

- condone or participate in behaviour that is illegal, unsafe or abusive to children and young people.

- ignore or disregard any concerns, suspicions or disclosures of child abuse.
- exaggerate or trivialise allegations or issues relating to child abuse or the safety and wellbeing of children and young people
- discriminate against children and young people on the basis of their age, gender identity, sex, race, cultural or sexual orientation.
- develop inappropriate relationships with children or young people, including relationships that show favouritism.
- display violent or inappropriate behaviour towards a child or young person.
- initiate unnecessary physical contact with children and young people or exhibit behaviours with children and young people which may be construed as inappropriate
- put children and young people at risk of abuse (for example, by allowing unnecessary one-adult/one-child encounters to occur)
- conduct a sexual relationship with a child or young person or indulge in any form of sexual contact with a child or young person
- engage in open discussions of a mature nature in the presence of children and young people
- use inappropriate, offensive, harassing, abusive, sexually provocative, demeaning, culturally inappropriate or discriminatory language when speaking with, or in the presence of, a child or young person
- discriminate against any child or young person, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability
- use any computer, mobile phone, or video and digital camera to exploit or harass children and young people or expose them to offensive or sexualised content.
- exchange personal contact details with a child or young person such as phone number, social networking sites or email address, unless necessary
- have unauthorised contact with a child or young person client or their family outside of the department, including online, on social media or by phone.

Consequences of breaching the Child Safe Code of Conduct

All staff of the department who breach this Code of Conduct may be subject to disciplinary procedures in accordance with the relevant industrial instrument and/or relevant terms of engagement.

Breach of the code of Conduct

All staff are obliged to report any breaches of this Code of Conduct to the Child Safety Officer or appropriate person. In instances where a reportable allegation has been made, the matter will be managed in accordance with the department's Reportable Conduct Policy and may be subject to referral to Victoria Police.

If a staff member thinks that this Code of Conduct has been breached by another staff member, they will:

- act in the best interest of the child or young person
- act promptly to ensure that the child or young person is safe
- promptly follow departmental reporting procedures

Definition

Child means a child or young person under the age of 18 years.

Child abuse means 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.

Child Safe Standards as made under section 17(1) of the *Child Wellbeing and Safety Act 2005*.

Related Policies

- Code of Conduct for Victorian Public Sector Employees 2015
- [Public Administration Act 2004 \(External link\)](#)
- [Child Wellbeing and Safety Act 2005 \(External link\)](#)

- [Children Legislation Amendment \(Reportable Conduct\) Act 2017 \(External link\)](#)
- [Victorian Public Service Enterprise Agreement 2020 \(External link\)](#)
- [Privacy and Data Protection Act 2014 \(External link\)](#)
- [Working with Children Act 2005 \(External link\)](#)
- Recruitment and Selection Guideline and Related Policy
- Department of Justice and Community Safety Child Safe Policy
- Department of Justice and Community Safety Reportable Conduct Scheme Policy
- Department of Justice and Community Safety Misconduct Policy
- Department of Justice and Community Safety Working with Children Check Policy
- Criminal Record Check Guideline and Related Policy Criminal Record Check Policy.

Approval

This Child Safe Code of Conduct is issued under the authority of the Secretary pursuant to the *Child Wellbeing and Safety Act 2005*.

The contents of this document represent the current Child Safe Code of Conduct of the department and reflects its current practices and experience.

This Code of Conduct is subject to biennial review and will be altered (and the alterations communicated to users) as, and when, appropriate in order to ensure that it remains current.

Changes to this Code of Conduct can be requested by a business unit by presenting a suitable case to the Chief Transformation and People Officer, People and Workplace Services.

Contacts

Please contact the Child Safety Officer in relation to the matters arising under this policy:

Child Safety Officer
People and Workplace Services
Phone: 8684 8059
Email: childsaf@justice.vic.gov.au (External link)

Will be taken to School Council for 17th Nov 2021