

Codes of Conduct:

a guide to developing child safe
Codes of Conduct





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1 Overview

A Code of Conduct is an important part of an organisation's child safe approach. It helps manage risks to child safety that may arise through adult interactions with children and young people. The purpose of a Code of Conduct is to establish a clear set of rules and expectations for behaviour that is in line with an organisation's culture and values. Having clear rules and expectations of how adults are expected to interact with children works to prevent child abuse and encourage reporting. It also creates positive expectations for the behaviour of all adults in your organisation.

A Code of Conduct:¹

- provides adults with a clear guide on the behaviour that is expected of them, and of the behaviours that are unacceptable
- provides guidance so adults are not left to recognise unacceptable or concerning behaviour on their own
- outlines the likely action an organisation will take if there is a breach of the code.
- is applicable for all adults working or volunteering in an organisation. Codes of Conduct specifically for children and young people may also be developed, especially those aged 13 - 18.

This resource aims to help organisations build their own Code of Conduct. It explains the necessary components of a Code of Conduct, describes the behaviours that may be included in them – both acceptable and unacceptable – and explains how these may be tailored to different organisational contexts. It also provides some information on current best practice implementation. Like all policies and procedures, a Code

of Conduct should be continuously updated as research reveals new opportunities. An example Code of Conduct is provided, as well as a template that organisations can use to create a code that is specific to their own unique environment.

A Code of Conduct helps prevent abuse and encourages reporting

Where organisations promote Codes of Conduct and support their implementation, they will:

- set clear expectations around adult interactions with children
- encourage both adults and children to identify and raise concerns
- encourage a culture of reporting, including low level breaches or breaches where there is only a suspicion that a child is at risk
- can assist to establish a culture of 'duty of care'.

A Code of Conduct is an important part of a child safe organisation

A child safe organisation understands the importance of children being (and feeling) safe and how the support of adults can contribute to this.



Child Safe Standard 1: Child safety is embedded in organisational leadership and governance and culture notes that staff and volunteers should comply with a Code of Conduct that sets clear behavioural expectations of adults when working with children.



This is one of a suite of resources the OCG is developing, or has developed, to support the introduction of the Child Safe Standards in NSW.

A Code of Conduct should be developed by identifying the risks that are unique to your organisation. While some risks are the same across similar organisations, others will only occur in your organisation’s unique operating environments. The behaviours of adults in your organisations, as described in your Code of Conduct, define your child safe culture.



Using a Code of Conduct also contributes to organisations implementation of *Child Safe Standard 10: Policies and procedures document how the organisation is child safe.*

Organisations fail to protect children when policies and procedures are absent, not applied, or are not relevant to the organisation and its environment. Children can also be harmed if there is a culture of non-compliance and poor leadership. Policies and procedures should be integrated into inductions, training and supervision. Leaders should monitor whether people understand and use them. In this context, a Code of Conduct is an important part of an organisation’s suite of child safe policies and procedures.

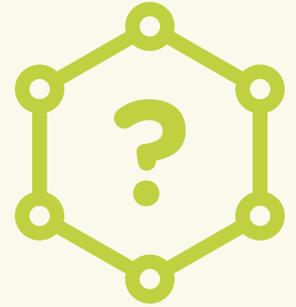
Note:

‘Children’ in this document refers to children and young people under 18.

‘Staff’ refers to employees, contractors and volunteers engaged in child-related work as well as business owners and managers, or anyone in a position of leadership in a club, educational setting or religious organisation including anyone considered a ‘Minister of Religion’ (under the WWCC regulation 2012) or any ‘Head of Entity’ under the Children’s Guardian Act 2019.



2 Core components and reflective questions



A Code of Conduct contains separate and important parts. This resource lists what they are, explains their purpose and has questions you can ask in your own organisational setting to see whether you're meeting accepted standards.

 Components	 Explanation	 Reflective questions
 Include or link to your organisation's 'Commitment to child safety'	Child safe organisations are committed to creating and maintaining an environment that promotes the safety of all children. A written 'Commitment to child safety' describes the core values that drive an organisation's approach to child safety. It should describe the culture you want to have, where the prevention and reporting of abuse is supported and encouraged. It should encourage all staff and volunteers to be responsible for promoting the safety, wellbeing and empowerment of children.	<i>How do our values demonstrate our organisation's commitment to keeping children safe?</i> <i>How do our leaders set expectations about how workers should behave towards children?</i>
 Respond to the risks adults may pose to children	Child safe risk management plans should identify concerning behaviours and risks to child safety that may arise through an organisation's culture, operations and practices. ¹ A Code of Conduct should describe these behaviours as being unacceptable.	<i>Does our Child Safe Risk Management plan identify instances of potential risk to children by adults?</i>

¹ 'Concerning behaviours' don't meet the threshold of unacceptable behaviour but should still be reported, not because they're 'weird,' but because when considered with other similar actions they may indicate a broader pattern of behaviour that is unacceptable. A list of concerning behaviours appears later in this document.



Components



Explanation



Reflective questions



Include positive behaviours that are consistent with your organisation's culture and values

Positive, child safe behaviours demonstrate a commitment to keeping children safe in a way that is consistent with an organisation's culture and values. These types of behaviours give children the confidence to speak up if they're being harmed or have concerns about their, or their friends', safety. Child safe behaviour also demonstrates to parents and carers that an organisation takes child safety seriously.

An organisation's Code of Conduct needs to be **specific enough** to enable staff to identify the behaviours they should engage in. It should assist them to respond to identified risks to child safety. A Code of Conduct also needs to be **broad enough** to cover multiple situations.

You'll find a list of both specific and broad positive behaviours later in this resource.

What types of behaviours should our organisation support to help keep children safe? How do these align with our organisational culture and values?

What kinds of behaviour do children and young people think need to be encouraged in our organisation?



Define various forms of child abuse

Defining abuse helps to clarify the range of behaviours that are unacceptable in the context of an organisation's efforts to be child safe. A good Code of Conduct should not only describe the various forms of child abuse, but also provide examples of specific behaviours that fall within those definitions.

Child abuse falls into different categories:²

- **Physical abuse** – the intentional or reckless use of physical force against a child that results in harm to the child's health, development or dignity, or which has a high likelihood of resulting in such harm. It may also include the threat of abuse where the child reasonably fears it may occur.
- **Sexual abuse** – any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. This can include both sexual offences (a child-related criminal offence of a sexual nature) as well as sexual misconduct (conduct with, towards or in the presence of a child that is sexual in nature but is not a sexual offence).
- **Emotional abuse** – behaviour towards a child that is likely to damage a child's self-esteem or social competence.

What risks to child safety may arise if a Code of Conduct is not implemented in our organisation?

Is there a form of child abuse that is more likely in our organisational context? How can we be alert to and manage this higher risk?

² The Australian Institute of Family Studies, UNHCR and Kids Helpline use the list we've included above.



Components



Explanation



Reflective questions



Define various forms of child abuse

Continued

- **Neglect** – behaviour by a person responsible for the care of a child (such as a parent, carer or staff member if the child is in their care) that constitutes a failure to act in ways consistent with accepted community standards about what is necessary to meet the developmental needs of a child.
- **Ill-treatment** – the Children’s Guardian Act defines ill-treatment as ‘conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.’

Organisations should be aware that many of these terms or their equivalents, are also defined in the *Children’s Guardian Act 2019* and constitute ‘reportable conduct’. This is important to understand if an organisation is a ‘relevant entity’ under the Reportable Conduct Scheme. Please go to the Office of the Children’s Guardian website for more information about reportable conduct.

Grooming behaviours

A Code of Conduct should also include descriptions of grooming behaviours because instances of these may indicate there is a risk of child abuse. Grooming is intended to manipulate and control a child, their family and other support networks (including organisations and the community), with the intent of gaining access to the child, and obtaining their compliance and silence in order to avoid abuse being discovered. It does so by building trust and favouring some children over others in order to isolate and manipulate them.

Grooming has a specific definition in New South Wales criminal law which includes using alcohol or gifts, or exposing a child to indecent material in order to procure sex from them. A child grooming offence in criminal law also constitutes reportable conduct (a ‘sexual offence’ under section 21 of the Children’s Guardian Act).





Components



Explanation



Reflective questions



Include behaviours that your organisation considers unacceptable or concerning

All organisations that deliver services to children should have a Code of Conduct that details behaviour with or towards children that the organisation considers unacceptable or concerning.

Behaviours described in a Code of Conduct need to be **specific enough** to enable staff to identify behaviours that are unacceptable and respond to risks to child safety. At the same time they need to be **broad enough** to cover multiple situations.

The context in which the organisation operates and the nature of the services it provides to children should be considered when identifying types of behaviour that are unacceptable or concerning. Behaviours that are of concern in some contexts may not be in others.

A Code of Conduct can also cover other behaviours that an organisation considers necessary in order to set expectations regarding adult interaction with children. These can include the use of alcohol, unacceptable language, gifts and medication, and smoking.

Examples to help you identify the types of behaviours that you might wish to include in your Code of Conduct are given later in this resource.

What is the nature of the services our organisation provides?

What types of behaviours should our organisation consider unacceptable? How do they fail to align with our organisation's culture and values?

Are there some types of behaviours that would normally be unacceptable but aren't in our context because of the nature of the services we provide? (For example, sport where physical contact is necessary, or physical restraints in an environment where they are authorised and required)? How are limits on these types of behaviours set in a way that respects child safety?

What types of behaviour do children and young people in our organisation consider unacceptable?

Have we set behavioural expectations in a way that does not negatively impact on children's interactions with trusted and caring adults?

Examples to help you identify the types of behaviours that you might wish to include in your Code of Conduct are given later in this resource.





Components



Explanation



Reflective questions



Outline internal and external reporting obligations

Organisations that are focused on child safety foster a culture where the reporting of unacceptable behaviour and abuse – both internally and externally – is encouraged.

Codes of Conduct should clearly explain that if staff recognise behaviours that constitute unacceptable conduct, they need to report them to the person in the organisation who is responsible for the management of breaches of the Code of Conduct. There should also be mechanisms in place to respond to concerns raised about the conduct of senior management and board members (where relevant) to ensure there is no conflict of interest in the reporting process.

In some cases, a breach of the Code of Conduct may also need to be reported to an external agency:

- Behaviours that may amount to criminal conduct should be immediately reported to the NSW Police Force.
- Behaviours that indicate that a child is at risk of significant harm should be immediately reported to the Department of Communities and Justice.
- Allegations of reportable conduct should be notified to the Office of the Children’s Guardian.
- Reports may also need to be made to the NDIS Quality and Safeguards Commission for agencies that provide services to children using NDIS funding.

An organisation should have a Complaint Handling Policy to support its Code of Conduct. This policy should describe which complaints and allegations are required to be reported externally.

How does our organisation embed a culture of reporting?

How does our organisation make our staff aware of their internal and external reporting obligations, including reportable conduct?





Components



Explanation



Reflective questions



Specify the ramifications for staff who breach the Code of Conduct

Organisations should know how they will respond if staff breach their Code of Conduct. For example, how they will be subject to disciplinary or management action.

A Disciplinary Policy should describe what form this action will take. It may include things such as formal warnings, increased supervision, appointment to an alternative role, suspension or termination from employment with the organisation.

Having a clear Disciplinary Policy and transparent responses to breaches will mean that staff will feel more confident to report their concerns because they know that any incident will be investigated fairly.

What actions should our organisation take in response to a breach of your Code of Conduct?

Are there limitations on what actions our organisation can take? What avenues need to be followed in order to ensure appropriate managerial or disciplinary actions?

What else needs to be considered in terms of employment law, fairness and transparency, and confidentiality?



Outline criminal offences for not acting to protect children or report abuse

A Code of Conduct should note that there are NSW criminal offences for failing to report child abuse in organisations.

An adult working in an organisation engaged in child-related work will commit an offence if they know another adult working there poses a serious risk of abusing a child, and they have the power to reduce or remove the risk, and they negligently fail to do so (*Crimes Act 1900*).

All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child has been abused (*Crimes Act 1900*).

Failure to prevent and report abuse refers to:

- an obvious or very clearly unreasonable failure to respond to information strongly indicating that another adult working at the organisation poses a serious risk of abusing a child
- knowing or believing that a child has been abused and not reporting it to police (or not reporting to Police in circumstances where the person ought reasonably to have known).

Are leaders in our organisation aware there are criminal offences if staff fail to act to protect children or report abuse?

Are our staff aware of how to report concerns? In other words, does our organisation make clear how staff can take action to prevent and report abuse?

How do we ensure the child safe messaging in our Code of Conduct is regularly reinforced with our staff and volunteers?



Components



Explanation



Reflective questions



Include a date of review

An organisation's Code of Conduct should be updated and reviewed regularly and after critical incidents. The date of the last review of the Code should be noted in the document.

Codes of Conduct should also state which person in the organisation, or position, is responsible for ensuring the review takes place.

Consideration should be given to engaging children and young people in creation and review processes. This helps empower them, but also gives you insight from their perspective into what makes them feel safe.

How frequently is our Code of Conduct reviewed?

How often are staff reminded of its contents?

How does our organisation incorporate our Code of Conduct into induction and ongoing staff training?

How does our organisation include children in the development and review of Codes of Conduct?



Consideration should be given to engaging children and young people in creation and review processes. This helps empower them, but also gives you insight from their perspective into what makes them feel safe.



3 Positive, unacceptable and concerning behaviours



This section provides examples of positive behaviours that keep children safe, and examples of unacceptable and concerning behaviours that you may wish to include in your Code of Conduct based on key safety risks.

Organisations should attempt to identify all the activities or scenarios as part of their service delivery where children may be at risk of harm. This exercise should be overseen by your organisation's leaders, however all stakeholders, including children, should be invited to participate. Once risks of harm have been identified, their likelihood and consequence also need to be assessed. You can set clear expectations on standards of behaviour in your Code of Conduct to help manage or mitigate those risks.

Unacceptable behaviours can encompass behaviours that constitute a breach of the organisation's Code of Conduct (misconduct). This includes behaviour that may constitute a criminal offence (criminal conduct).

Concerning behaviours are behaviours that on their own may not necessarily constitute a breach of the Code of Conduct but which when considered together with other similar behaviours may indicate an overall pattern of behaviour that indicates a potential risk to the safety of children.

Additional examples of unacceptable behaviours are provided in **Appendix A**, as they relate to the different categories of child abuse. You can use the appendix to identify behaviours that you can include in your Code of Conduct following your risk analysis.

Positive behaviours to keep children safe

Positive behavioursⁱⁱ

General

Adhering to relevant Australian and NSW legislation, peak body requirements, your organisational values, Child Safe Policies and other organisational and employment policies (including those that cover discrimination, bullying and harassment).

Acting with integrity by raising concerns with management if risks to child safety are identified anywhere in an organisation.

Reporting and acting on any behavioural complaints, concerns or observed breaches regarding the Code of Conduct.

Reporting any concern, allegation, disclosure or witnessing of child abuse to the relevant person or authority.

Positive behavioursⁱⁱ

Specific

Taking all reasonable steps to protect children from abuse (such as completing all induction and compulsory training, and working in an open transparent manner).

Respecting the privacy of children and their families by keeping all information regarding Child Protection concerns confidential and only discussing information with the relevant people to follow your organisation's reporting procedures.

Treating all children and young people with respect, regardless of race, colour, sex, gender identity, sexual orientation, language, religion, political or other opinion, health status, national, ethnic or social origin, culture, property, ability or other status.

Reporting any conflicts of interest (such as an outside relationship with a child, babysitting arrangements or any other formal or informal relationships with a child that exist outside your organisational setting).

Listening to and valuing children and young people's ideas and opinions.

Welcoming all children and their families and carers by being inclusive.

Actively promoting cultural safety and inclusion.

Listening to children and responding to them appropriately.

Working with children in an open and transparent way (so that other adults always know what work you are doing with children).

Dressing in clean, appropriate clothing and following any dress code standards or guidelines (including avoiding clothing that is revealing or that includes offensive language or pictures).

Working within a team, despite any differences, to ensure that the needs of the child (and their family) remain the paramount focus.

Physical contact with children and nudity

As an employer you need to specify situations where physical contact with children is either acceptable or prohibited. This will differ from one child-related organisation to the next.

Workers in some organisations like day care centres or disability services will be responsible for providing personal care and assisting children with things like toileting, whereas workers in other child-related organisations like schools and sports clubs would not need to assist (in most cases) with personal care and it would be unacceptable to do so. Workers responsible for personal care should receive formal training and be given clear guidelines to ensure there is transparency in all the processes that are undertaken. Your organisation may also consider a situational prevention approach such as ensuring there is the provision for natural surveillance.

Alternatively, some sports and dance instructors may be required to physically support a child in order to help them safely and correctly swim, dance or perform other form of activity. Whatever your organisation's context, you must be very clear of the expectations for workers in these situations. This may include workers asking the child's permission prior to touching them. If the child refuses to be touched the adult should look at alternative ways to correct posture or relieve injury.

In addition, you may also expect that physical contact can only be done (with the child's permission) in public areas so other adults have oversight of the kind of contact that is being made. Adults should also be encouraged to intervene if they feel a child is being touched by another person without a valid reason.



Acceptable physical contact (with child's permission)

Assisting to develop sports or dance skills or techniques.

Treating an injury.

Preventing an injury.

Meeting the requirements of the sport.

Showering or toileting assistance to children with disability.



Unacceptable physical contact

Any unwarranted or unwanted touching with hands, other body parts or objects.

Corporal punishment, such as smacking or other forms of physical discipline.

Initiating, permitting or requesting unacceptable physical contact with a child or young person, such as massages or kisses.

Facilitating situations which unnecessarily result in close physical contact with a child or young person, such as wrestling or tickling.

Undertaking a task of a personal nature for a child if they can do it for themselves, such as changing clothes, feeding, personal grooming or toileting.

Pressuring a child to have unnecessary physical contact.

Some organisations will require children to access changing facilities and you may consider having additional advice for acceptable behaviour by adults in these situations. These can include:

- Not insisting that children access changing facilities if they are not comfortable doing so (and recognising that continued refusal may be an indicator that the child is being harmed or is afraid of being harmed)
- Providing a private space for children to undress, shower and toilet that has appropriate supervision while respecting the child's privacy
- Discouraging adult nudity in front of children if changing facilities are shared with the general public.

When creating or updating your Code of Conduct, consideration should be given to the scenarios described above to ensure adults understand their responsibilities if their position requires them to have physical contact with children in their care. It also helps children understand when touching is permitted – and when it isn't.



Out of hours work and secondary employment

An organisation can specify what is acceptable or prohibited in terms of secondary employment, including tutoring, mentoring, sports massage and babysitting. You need to analyse the risks associated with permitting workers to engage in activities with children outside your service.

Consider the impact if one of your workers, in a secondary employment capacity, was responsible for the following incidents against children involved with your organisation:

- Crossing of professional boundaries
- Allegations of misconduct
- Disagreements or 'fallings out' with families
- Serious accidents or incidents
- Incidents of abuse

A Code of Conduct should include what is acceptable when visiting children at home or if children are visiting an employee's home (or have contact with them elsewhere). When, where and under what conditions is it acceptable for an employee or child to visit each other at their homes, or anywhere else outside of work hours? Or is it unacceptable in all circumstances?

Your organisation should also consider under what, if any, circumstances would permit a child to stay at the home of a member of staff (recognising there are occasions where children might stay overnight due to travel arrangements, or 'sleepovers' with the staff member's own child). Situations to be avoided include opportunities for the adult to have one-on-one time with the child in a personal setting, as this increases the risk of harm to the child. Your Code of Conduct should clearly state where overnight stays are acceptable, and where they are not.

If your Code of Conduct prohibits secondary employment, there should be no exceptions. It should not be one rule for new or junior workers and another rule for more senior workers, managers and coordinators as this demonstrates inconsistency.

Rules must be clear, and governance should be applied regardless of how 'nice' the worker is, how long they have worked for the organisation or how well liked they are by children, families and other workers. If babysitting is allowed, then it should be allowed by all workers – but you may want to make it clear to parents that the person is not under your management when providing a babysitting service.

Travelling alone with a child

Sometimes there are valid reasons for transporting a child or young person where an adult may be alone with them. These situations can be described in your Code of Conduct, and may include that it only happens with:

- Consent of the child's parents or carers
- Consent of your organisation's leaders
- An understanding by the parents, management and (where age appropriate) the child on what route is being taken and what mode of transport is being used (private car, taxi, bus)
- A clear reason given for the requirement of the transport
- Information on who else will be on the journey (other adults, other children)
- Information on which adult is with the children and if the journey together happens routinely.

Your organisation may wish to record the licence details of adults transporting children, and registration information of their vehicles. It should also be noted that smoking in a vehicle with a person under sixteen is illegal in NSW.



You need to analyse the risks associated with permitting workers to engage in activities with children outside your service.

Interacting with others

The language and manners used by your stakeholders when interacting with each other should reflect the core values of your organisation.



Acceptable

Treating each other with respect

- Using positive, non-offensive language.
- Remaining calm.
- Listening carefully and addressing issues with a positive and helpful attitude.



Unacceptable

Disrespecting one another

- Using offensive language – swearing, using racial, cultural, homophobic or sexist slurs.
- Being abusive or intimidating – yelling, moving into another person's personal space, finger pointing, talking over the top of others.
- Passive aggressive – purposely ignoring, isolating or dismissing others.

Bullying

- Making physical or psychological threats to harm another person.



Technology and social media

The use of technology and communication devices can be a positive thing. Many learning tools, interactive games and activities are available online. Leaders should ensure there is strong governance of both company owned and personal communication devices, and Codes of Conduct should describe how devices should be used in an organisational setting.

For example, your sports club identifies that children are at greater risk when using social media because it enables the opportunity for potential perpetrators to groom children. In the past, it was acceptable for coaches to contact children via messages to their phones reminding them of training and match locations. After a risk assessment you determine that it is safer for coaches to post this information publicly via the club's Facebook page. Your Code of Conduct should therefore describe that staff should use open forums to communicate with children, not private texts.

A social media page, like a Facebook page, can be a great tool to engage with stakeholders, promote events and showcase the work you do. However, misusing it can be destructive and damaging, particularly for children. Risks include:

- bullying
- threats and harassment
- grooming
- exposure to violent, illicit and/or pornographic materials
- stalking.

Organisations have a responsibility to ensure that there are strict guidelines for the use of social media when interacting with stakeholders, particularly children in a private setting. You can ask:

- Should workers accept friend requests from children in the service?
- Should workers respond to children's posts? What language should be used?
- Should requests be accepted from family members of the child such as from siblings, uncles, aunts, grandparents and family friends?

Codes of Conduct may also note that any inappropriate use of social media will be reported to the relevant authorities including NSW Police, the Office of the Children's Guardian (OCG), Department of Communities and Justice or the Australian Communications and Media Authority (ACMA). If social media is a large part of your day-to-day operations, you need to consider whether it is necessary to have a social media policy.

Note: As part of their privacy policies, social networking sites such as Facebook, Twitter and YouTube specify that users must be at least thirteen years old.



Unacceptable or illegal behaviours

Using a computer, mobile phone, camera or other device in a way that is inconsistent with the organisation's Child Safe Policy or other relevant policies.

Communicating (including online) with a child about romantic, intimate or sexual feelings.

Engaging in unauthorised contact with a child online for the purpose of developing a sexual relationship.

Sexual comments, conversations or communications with a child online.

Using a computer, mobile phone, camera or other device to exploit or harass a child.

Using a camera to record a child while they are dressing, bathing or using the bathroom.

Using private text messages to communicate with a child where open communication is possible.

Alcohol, recreational drugs and child abuse images (pornography)



Unacceptable or illegal behaviours

Providing children with alcohol, drugs, tobacco or pornography.

Working or attempting to work while intoxicated or under the influence of illegal drugs.

Drinking alcohol, taking illicit drugs, possessing or distributing pornography while working with children (including on field trips, excursions or any other offsite work).

Taking explicit photographs of children.

Showing children pictures, animations, images or websites of an inappropriate or adult nature.

Discussing with children topics of an adult or sexualised nature, including telling adult jokes.

Gifts and benefits

Any personal gift giving or receiving in your organisation, particularly gift giving to children, should follow a formalised process whereby management approval is sought, gifts are recorded and gift giving and receiving is monitored. Good governance is essential because in some cases the giving of gifts or benefits to a child can be an indicator that an adult is grooming the child by trying to form a 'special' relationship with them. Additionally, providing one child with 'special treatment' can cause a child to feel isolated or leave other children feeling resentful. If gift giving and receiving is a part of your organisational culture it may be necessary to include more guidance in a separate policy.



Unacceptable or illegal behaviours

Giving a child gifts, food, money, attention or affection in exchange for sexual activities or images.

Offering a child gifts, food, cigarettes, money, attention or affection with the intention of making it easier to access the child for sexual activity.

Examples of concerning behaviours

Concerning behaviours are behaviours that on their own may not necessarily constitute a breach of the Code of Conduct but together may indicate a pattern of behaviour that poses a risk to the safety of children.



Concerning behaviours

Having conversations about hurting a child with other adults.

Being alone with a child when there is no professional reason for doing so.

Showing favour to one child over others.

Asking children to stay at the home of the adult or visiting the child at their home (where there is no professional reason for these activities to occur).

An adult asking a child to keep a secret, including a relationship with an adult - for example, a staff member encouraging a child to spend time alone with them and instructing the child not to tell others about this time.



4 Best practice for Codes of Conduct



Codes of Conduct work best when they are widely available and accessible to everyone within the organisation (including children), including via printed and electronic formats.

An organisation may have multiple Codes of Conduct which are relevant for discrete groups of stakeholders. It may have one for its employees, one for volunteers (who may not be expected to have the same level of interactions with young people as staff) and one for children (or more, if different age groups need to be accounted for.)

Use clear language

Ensure you use clear language – a Code of Conduct should be easy to understand.



I will

Treat all workers, families and children with respect by listening to their needs, remaining calm and using positive, non-offensive language.



I will not

Disrespect colleagues, families or children by yelling, swearing or engaging in any sort of abusive or intimidating behaviour and by not making threats of harm or racial, cultural or sexist slurs.

You should write in plain English and avoid using ambiguous statements, difficult words or long sentences. You should use clear language and define words like, 'appropriate'. It can be helpful to use work-related examples to highlight key messages.

Poor example

Maintain appropriate boundaries with children.

Better example

Do not spend time alone with a child in a secluded environment and always ensure you are in the direct sight of another worker.

Staff should sign a Code of Conduct and undertake training to ensure they understand it

Codes of Conduct should be made available to everyone (both adults and children) in the organisation. They should be freely available and their use described in your Child Safe Policy. It is common practice that people interacting with your organisation should read and sign a Code of Conduct before commencing engagement with you. You should keep a register of who has signed a Code of Conduct.

Where possible, training should be offered so that all adults and children understand the purpose of Codes of Conduct and the rules they contain. This can be offered as part of the organisation's Induction package or as 'one-off' training. Staff should also be given regular reminders of their contents:

- if concerns arise
- as part of performance reviews
- via ongoing staff training.

Distribution and communication

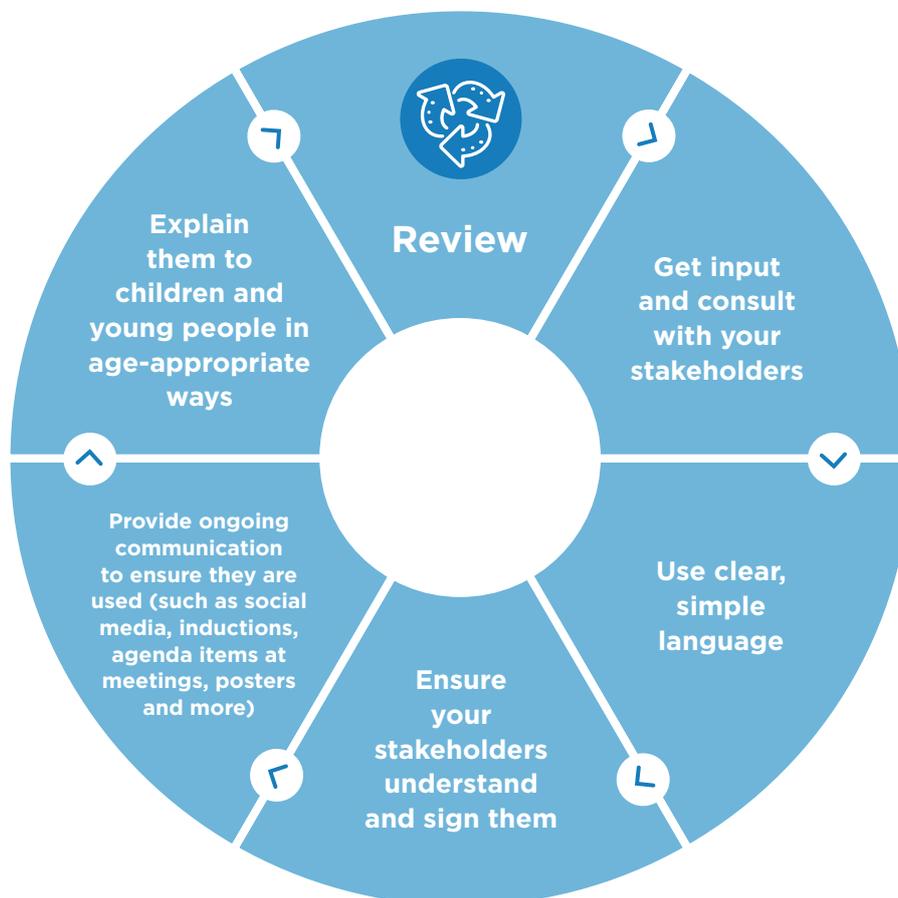
Organisations are increasingly providing age-accessible Codes of Conduct for children and young people, which not only describe what kinds of behaviour are expected from them, but also staff. This helps children recognise what is expected and what is unacceptable behaviour for adults. Children can also participate in the creation or review of Codes of Conduct. If necessary, the creation of Codes of those with accessibility needs should be considered.

Organisations may create different Codes of Conduct for different sectors of their workforce depending on how they interact with children. The purpose of Codes of Conduct should be clearly explained to the children and young people in your organisation.

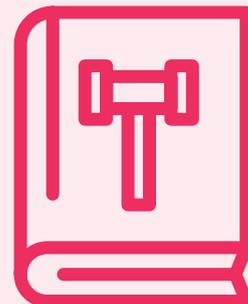
Consideration should also be given to providing Codes of Conduct that are:

- Written in the community languages used in your organisation
- Accessible for every person who engages with your organisation

Your organisation should consider providing children with posters and social media posts that demonstrate your commitment to the Child Safe Standards.



5 Sample Code of Conduct



This is a Code of Conduct for the fictional 'Sunny Pines Swimming Club'. It's followed by a template you can use to create your own Code of Conduct.

SUNNY PINES SWIMMING CLUB

CODE OF CONDUCT

We are committed to creating and maintaining an environment that promotes the safety of all children. This includes encouraging a culture where the prevention and reporting of abuse is supported and encouraged. All staff and volunteers are responsible for promoting the safety, wellbeing and empowerment of children.

This Code of Conduct sets expectations for how adults in our club should behave around children. This is important to help prevent children from being harmed. Child abuse takes many forms and can include physical, sexual and psychological abuse, ill-treatment and neglect. Our *Child Safe Policy* provides more information about these different types of abuse.

This Code of Conduct identifies positive child safe behaviours that we encourage all adults to support. It also identifies behaviours that we consider unacceptable. Engaging in unacceptable behaviour is a breach of this Code of Conduct and may result in managerial or disciplinary action.

Some examples of concerning behaviours are also provided below. These are behaviours that on their own may not constitute a breach of the Code of Conduct but together may indicate a pattern of behaviour that poses a risk to the safety of children.

Organisation name

Title

Statement of Commitment to Child Safety

Explanation of the types of abuse that the Code of Conduct is aiming to prevent and positive, unacceptable and concerning behaviours

I WILL:

- Treat all children and young people with respect
- Listen to and value children and young people's ideas and opinions
- Welcome all children and their families and carers by being inclusive
 - Actively promote cultural safety and inclusion
- Listen to children and respond to them appropriately
- Welcome parents and carers to participate in decisions about their child's training schedule and any other matters about their safety
 - Report any conflicts of interest (such as an outside relationship with a child)
- Adhere to all relevant Australian and NSW legislation and our child safe policies and procedures
 - Work within a team to ensure that the needs of the child (and their family) remain the paramount focus
 - Participate in all compulsory training
- Raise concerns with management if risks to child safety are identified, including cultural, environmental and operational risks
- Report and act on any concerns or observed breaches of this Code of Conduct
 - Take all reasonable steps to protect children from abuse
- Respect the privacy of children and their families by keeping all information about child protection concerns confidential
 - Inform parents and carers if there are situations that need to be safely managed but are outside the boundaries of this Code of Conduct (such as driving an athlete to a swimming competition or undertaking one-on-one training sessions)
 - Take a child seriously if they disclose harm or abuse
 - Ensure breaches of this Code are reported immediately
- Uphold the rights of the child and always prioritise their needs

Positive, child safe behaviours that are encouraged to keep children safe

These behaviours are general enough to cover all forms of abuse, but also mention specific safety risks to children that commonly arise in sporting and (in this case) swimming contexts

Child safety risks include opportunities for adults to be alone with children and have close contact with them, as well as identifying this environment is one that is competitive with, at times, a high intensity culture.

I WILL NOT:

- Condone or participate in illegal, unsafe or abusive behaviour towards children, including physical, sexual or psychological abuse, ill-treatment, neglect or grooming
 - Ignore or disregard any concerns, suspicions or disclosures of child abuse
 - Exaggerate or trivialise child abuse issues
- Use hurtful, discriminatory or offensive behaviour or language with children
 - Fail to report information to police if I know a child has been abused
- Engage in unwarranted and inappropriate touching involving a child
 - Persistently criticise and/or denigrate a child
 - Deliberately prevent a child from forming friendships
 - Verbally assault a child or create a climate of fear
- Offer children and young people alcohol, cigarettes or other drugs
 - Show children pornographic images
- Encourage a child to communicate with me in a private setting
 - Share details of sexual experiences with a child
- Use sexual language or gestures in the presence of children

Unacceptable behaviours that would be considered a breach of the Code of Conduct

These behaviours are general enough to cover all forms of abuse, but also respond to specific safety risks to children that commonly arise in sporting and swimming contexts.

I understand the following types of behaviour may be of concern:

Being alone with a child when there is no professional reason for doing so

Showing favour to one child over others

Babysitting, mentoring and/or tutoring a child out of work hours
(without managerial approval for this kind of secondary employment)

All staff, volunteers, families and community members are encouraged to speak up if they have concerns about the safety of children. Complaints about a breach of this Code of Conduct must be reported to our Member Protection Officer, Jenny Ralston. Jenny can be contacted on her mobile: **0555 555 555**, or via her email:

jenny.ralston@sunnypines.org.au

Some breaches of this Code of Conduct may need to be reported to the NSW Police, the Department of Communities and Justice and the Office of the Children's Guardian. Our *Complaint Handling Policy* provides more information about our reporting obligations to external authorities as well as describing protections and confidentiality provisions for anyone making a report. The policy can be found by asking at the front desk. It is also available as a link on our website

www.sunnypines.org/complaintpolicy.pdf

Staff and volunteers who breach our Code of Conduct may also be subject to disciplinary action. This can include increased supervision, appointment to an alternative role, suspension or termination from the organisation. Detailed descriptions of breaches are found in our Disciplinary Policy. This can be found by asking at the front desk. It is also available as a link on our website

www.sunnypines.org/complaintpolicy.pdf

PLEASE NOTE:

An adult in child-related work in an organisation will commit an offence if they know another adult there poses a serious risk of abusing a child (under 18 years), and they have the power to reduce or remove the risk, and they negligently fail to do so.

All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused.

Signature

I have read this Code of Conduct and agree to abide by it and its terms.

Name:

Signature:

Date:

Last reviewed: 1 November 2019

Next review date: 31 October 2020

Responsible officer: Jenny Ralston
(Member Protection Officer)

Types of behaviours your organisation considers may be of concern when considered as part of a broader pattern of behaviour

Internal and external reporting obligations

You can insert your organisation's policy location, or a hyperlink, here

Consequences for breaching the Code of Conduct

Relevant criminal offences for failing to report abuse and protecting children in organisations

Agreement and signature

Review date

6 Template



Code of Conduct

Organisation name

[Name of organisation]

Commitment to child safety

[Outline the organisation's commitment to child safety]

[Define the various forms of child abuse]

[Outline positive staff behaviours that are consistent with the organisation's culture and values]

I will:

- *[List the types of behaviours your organisation encourages to keep children safe]*

[Outline unprofessional staff behaviours that the organisation considers concerning or unacceptable]

Unacceptable behaviours

I will not:

- *[List the types of behaviours your organisation considers unacceptable]*

Concerning behaviours

I understand these types of behaviours may be of concern:

- *[List the types of behaviours your organisation considers may be of concern]*

[Outline internal and external reporting obligations including whistleblower protection]

[Specify the penalties for staff and volunteers who breach the Code of Conduct]

[Outline criminal offences for not acting to protect children or reporting abuse]

[Specify the penalties for staff and volunteers who breach the Code of Conduct]

Signature

I have read this Code of Conduct and agree to abide by it and its terms.

Name:

Signature:

Date:

Last reviewed:

Next review date:

Responsible officer:

Appendix A

- Behaviours that constitute child abuse

This Appendix lists unacceptable behaviours (misconduct) and concerning behaviours as they relate to the different forms of child abuse.

Codes of Conduct **do not have** to list all these types of behaviours. They may be grouped into different categories or referred to generally based on your risk analysis. The list below will help you identify which behaviours your Code of Conduct should focus on in order to prevent abuse in your organisation's unique operating environment.

Examples of unacceptable behaviours

Unacceptable behavioursⁱⁱⁱ

General

- Condoning or participating in behaviour with a child that is illegal, unsafe or abusive
- Ignoring or disregarding any concerns, suspicions or disclosures of child abuse
- Exaggerating or trivialising child abuse issues
- Using hurtful, discriminatory or offensive behaviour or language with a child
- Failing to report information to police if they know, believe or reasonably ought to know that a child has been abused
- Trivialising the subject of child abuse, such as telling jokes that make light of children being hurt
- Using unacceptable language or telling unacceptable stories or jokes in front of children

Physical abuse

- Hitting, striking, punching, kicking or slapping a child
- Engaging in rough physical games
- Throwing items or using items to hurt a child
- Dragging or pushing a child
- Threatening to hurt a child through words or gestures, regardless of whether the person actually intends to apply force
- Using hostile force towards a child and/or a pattern of hostile or unreasonable and seriously inappropriate physical conduct

Unacceptable behavioursⁱⁱⁱ

Sexual abuse

- Sexual touching of a child
- Sexual contact with a child
- Masturbating in front of a child or exposing genitals
- Possessing or creating child abuse material
- Sharing sexually explicit photos of a child
- Exposing a child to pornography or other indecent material
- Giving a child gifts, food, money, attention or affection in exchange for sexual activities or images
- Not respecting the privacy of a child when they are using the bathroom or changing
- Communicating (including online) with a child about romantic, intimate or sexual feelings for a child
- Using a camera to record a child while they are dressing, bathing or using the bathroom
- Comments that express a desire to act in a sexual manner with a child
- Using sexual language or gestures in the presence of children
- Sexual comments, conversations or communications with a child

Emotional abuse

- Teasing a child
- Yelling at a child
- Bullying a child
- Persistent criticism and discrediting of a child
- Persistent rejection of or hostility towards a child
- Refusing to acknowledge a child's worth and the legitimacy of their needs
- Deliberately preventing a child from forming friendships
- Depriving a child of essential stimulation and responsiveness
- Encouraging a child to engage in destructive, antisocial behaviour
- Exposing a child to family violence
- Making a child feel worthless, unloved, alone or frightened

Neglect

- Depriving a child of necessities such as food and drink, clothing, critical medical care or treatment, or shelter
- Failing to protect a child from abuse (such as, failing to report abuse when a child discloses it or when a staff member observes it)
- Exposing a child to a harmful environment (such as, an environment where there is illicit drug use or illicit drug manufacturing)
- Failing to adequately supervise a child, resulting in injury or harm

Unacceptable behavioursⁱⁱⁱ

Ill-treatment

- Making excessive and/or degrading demands of a child
- Disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner
- Seriously inappropriate and/or degrading comments or behaviour towards a child
- Repeated hostility towards a child
- Seclusion and other types of restrictive practices
- Locking up a child in a room
- Pushing a child to train or perform when they are injured

Grooming^{iv}

- Engaging in unauthorised contact with a child online for the purpose of developing a sexual relationship
- Using a computer, mobile phone, camera or other device to exploit or harass a child
- Unacceptable personal communication that explores sexual feelings or intimate personal feelings with a child
- Sharing details with a child of one's own sexual experiences
- Inappropriately extending a relationship with a child outside of work
- Giving a child special attention or isolating them from peers with the intention of making it easier to access the child for sexual activity
- Offering a child gifts, food, cigarettes, money, attention or affection with the intention of making it easier to access the child for sexual activity
- Making close physical contact, like inappropriate tickling and 'play' wrestling.

Failure to prevent/report abuse

- An obvious or very clearly unreasonable failure to respond to information strongly indicating that another adult working at the organisation poses a serious risk of abusing a child.
- Knowing or believing, that a child has been abused and not reporting it to police (or not reporting in circumstances where the person ought reasonably to have known).



Endnotes

- i. Royal Commission, Volume 7.
- ii. Victorian CCYP
- iii. Vic CCYP, Royal Commission, other sources – please note this is not an exhaustive list
- iv. As discussed earlier in this document, grooming has a specific definition in New South Wales criminal law which is related to using alcohol or gifts, or exposing a child to indecent material, in order to procure sex from a child. A child grooming offence in criminal law also constitutes reportable conduct (a “sexual offence” under s21 of the Children’s Guardian Act). “Grooming behaviours” here refers to more general predatory behaviour.
- v. It should be noted here that there are circumstances in which simply having a relationship with a child outside of work may not be inappropriate, (for example where there was a pre-existing friendship with the child’s family or as part of normal social interactions in the community)







**Office of the
Children's Guardian**

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