

Understanding and Developing a Child Safe Code of Conduct

A handbook for
child-related organisations





Acknowledgement of Country

We acknowledge the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal and Torres Strait Islander people and their ongoing cultures and connections to the lands and waters of NSW. We pay our respects to Elders past and present.

We advise this handbook may contain images of deceased persons.

Recognition of survivors

We would also like to recognise the experiences of those who have survived child sexual abuse. The effects of abuse are long lasting and serious. We want to encourage everyone to champion child safety. We owe it to survivors to prevent future abuse, whether it's sexual, physical, emotional or lack of appropriate care.

Note: The information contained in this handbook is for guidance purposes only. Always refer to the legislation to fully inform yourself of your legal obligations.

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Overview



A Child Safe 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 Child Safe 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 Child Safe Code of Conduct:

- 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 to all adults working or volunteering in an organisation. An age-appropriate code of conduct may also be developed for children and young people, especially for those aged between 13 and 18.

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

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

Child Safe Code of Conduct helps prevent abuse and encourages reporting

Where organisations promote a Child Safe Code of Conduct and support its 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'.

Child Safe 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, governance and culture

notes that staff and volunteers should comply with a Child Safe Code of Conduct that sets clear behavioural expectations of adults when working with children.



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

A Child Safe Code of Conduct should be developed by identifying the acceptable and unacceptable behaviours unique to your organisation when adults are interacting with children. While some interactions 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 Child Safe Code of Conduct, define your child safe culture.



A Child Safe Code of Conduct supports the 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 induction, training and supervision. Leaders should monitor whether people understand and use them. In this context, a Child Safe Code of Conduct is an important part of an organisation's suite of child safe policies and procedures, and it's recommended child-related organisations have one to comply with the Child Safe Scheme.

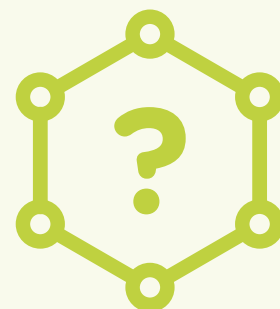
Note:

'Children' in this handbook refers to children and young people under 18 years of age.






'Staff' refers to employees, contractors and volunteers engaged in child-related work ([defined as 'worker' in the legislation](#)) as well as business owners and managers ([defined as 'employer' in the legislation](#)), or anyone in a position of leadership in a club, educational setting or religious organisation, including anyone considered a religious leader (under the *Child Protection (Working with Children) Act 2012*) or 'Head of Relevant Entity (HRE)' (under the *Children's Guardian Act 2019*).



Core components and reflective questions



Here is a list of the important parts of a Child Safe Code of Conduct, explaining the purpose of each part and including questions you can ask to see whether your organisation is meeting the accepted standards.

 Components	 Explanation	 Reflective questions
 Include or link to your organisation's Statement of Commitment to Child Safety	Child safe organisations are committed to creating and maintaining an environment that promotes the safety of all children. A Statement of 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.* A Child Safe Code of Conduct should describe these behaviours as being unacceptable.	<i>Does our Child Safe Risk Management Plan (CSRMP) identify instances of potential risk to children by adults? Have we included any unacceptable behaviours identified in our Child Safe Code of Conduct? (For more information about risk management and how to create a CSRMP, see our risk management handbooks, part 1 and part 2.)</i>

*'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 child safe behaviours that are consistent with your organisation's culture and values

Child safe behaviours demonstrate a commitment to keeping children safe in a way that is consistent with an organisation's culture and values. These 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 Child Safe Code of Conduct needs to be **specific enough** to enable staff to identify the behaviours they should and should not engage in. It should assist them to respond to identified risks to child safety. It also needs to be **general enough** to cover multiple situations.

On pages 13-14, you'll find a list of general and specific acceptable behaviours recommended for your organisation to help you comply with the [Child Safe Scheme](#) and keep children safe.

What types of behaviours should our organisation support to help keep children safe? How do these align with our organisation's 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 Child Safe 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 includes:

- **Psychological abuse (also known as emotional abuse)** – includes bullying, threatening and abusive language, intimidation, shaming and name calling, ignoring and isolating a child, and exposure to domestic and family violence.
- **Sexual abuse** – includes the sexual touching of a child, grooming, and production, distribution and possession of child abuse material.
- **Grooming** – this is a process where a person manipulates a child or group of children and sometimes those looking after them, including parents, carers, teachers and leaders. They do this to establish a position of 'trust' so they can later sexually abuse the child. (See 'Grooming behaviours' on the next page for more information.)

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

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



Components



Explanation



Reflective questions



Define various forms of child abuse (cont.)

- **Misconduct** – inappropriate behaviour that may not be as severe as abuse, although could indicate that abuse is occurring and would often be in breach of an organisation’s Child Safe Code of Conduct, including showing a child something inappropriate on a phone, having inappropriate conversations with a child or an adult sitting with a child on their lap.
- **Lack of appropriate care** – includes not providing adequate and proper supervision, nourishment, clothing, shelter, education or medical care.

Organisations should be aware that there are additional, more specific definitions in the *Children’s Guardian Act 2019* that constitute ‘reportable conduct’. It is important to understand if an organisation is a ‘relevant entity’ under the Reportable Conduct Scheme. [Visit the OCG website for more information about reportable conduct.](#)

Grooming behaviours

A Child Safe 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 to abuse them, and obtaining their compliance and silence to avoid being discovered. It does so by building trust and favouring some children over others 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 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 2019*).





Components



Explanation



Reflective questions



Include behaviours that your organisation considers acceptable and unacceptable, as well as any behaviour that may be considered concerning

All organisations that deliver services to children should have a Child Safe Code of Conduct that details behaviour with or towards children that the organisation considers acceptable and unacceptable, as well as concerning.

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 acceptable, unacceptable or concerning. Behaviours that are of concern in some contexts may not be in others.

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

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, a 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?



To help you identify the types of behaviours you may want to include in your Child Safe Code of Conduct, see page 13.



Components



Explanation



Reflective questions



Outline internal and external reporting obligations

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

An organisation's Child Safe Code 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 managing breaches of the code. There should also be processes in place to respond to concerns raised about the conduct of senior management and board members (where relevant), to ensure there is no conflicts of interest in the reporting process.

In some cases, a breach may also need to be reported to an external agency.

- Behaviours that may amount to criminal conduct should be immediately reported to NSW Police.
- [Behaviours that indicate a child is at risk of significant harm should be immediately reported to the Department of Communities and Justice.](#)
- The Office of the Children's Guardian should be notified of allegations of reportable conduct.
- 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 Child Safe Reporting Policy to support its Child Safe Code of Conduct, which would describe in greater detail the complaints and allegations required to be reported externally. See our handbook [Reporting Obligations and Processes](#) for more details.

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 Child Safe Code of Conduct

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

The code should describe what form this action will take. It may include things such as formal warnings, increased supervision, appointment to another role, suspension or termination from employment with the organisation.

Having clear processes and transparent responses to breaches will mean 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 our Child Safe Code of Conduct?

Are there limitations on what actions our organisation can take? What avenues need to be followed 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 Child Safe Code of Conduct should note that there are criminal offences in NSW 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 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 it clear how staff can take action to prevent and report abuse?

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



Components



Explanation



Reflective questions



Include a date of review

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

It 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 the creation and review processes. It can empower them, and also gives you insight into what makes them feel safe, from their perspective.

How frequently is our Child Safe Code of Conduct reviewed?

How often are staff reminded of its contents?

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

How does our organisation include children in the development and review of our Child Safe Code of Conduct?



Consider engaging children and young people in the creation and review of your Child Safe Code of Conduct. It can empower them, and lets you know what makes they feel safe.



Acceptable, unacceptable and concerning behaviours



Set out here are examples of behaviours you may wish to include in your Child Safe Code of Conduct, including acceptable positive behaviours that keep children safe, and unacceptable and concerning behaviours.

Organisations should create a Child Safe Risk Management Plan in an attempt to identify all the activities or scenarios where there may be a risk of harm to children in their interactions with adults. An organisation's leaders should oversee the task; however, all stakeholders, including children, should be invited to participate. Once the risks have been identified, their likelihood and consequence also need to be assessed. See [part 1](#) of the risk management handbooks for guidance on how to create a Child Safe Risk Management Plan. You can then use the plan to set clear expectations around acceptable and unacceptable behaviour in your Child Safe Code of Conduct to help manage or mitigate those risks.

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

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

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

Keeping children safe

Acceptable behaviours¹

General

Adhering to relevant Australian and NSW legislation, peak body requirements, and your organisation's 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 complaints or concerns around behaviour, or observed breaches of the Child Safe Code of Conduct.

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

Acceptable behaviours¹

Specific

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

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, following your organisation's reporting procedures as described in your Child Safe Reporting Policy.

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 other adults always know what work you are doing with children).

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

Working within a team, despite any differences, to ensure 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 unacceptable. 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 undertaken. Your organisation may also consider a situational prevention approach such as ensuring there is the provision for natural surveillance where appropriate.

Alternatively, some sports and dance instructors may be required to physically support a child to help them safely and correctly swim, dance or perform other activities. 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 that 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 dressing, feeding, personal grooming or toileting.

Pressuring a child to have unnecessary physical contact.

Some organisations will require children to access change rooms and you may consider additional advice for acceptable behaviour by adults in this situation. These can include:

- not insisting that children access change rooms 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 change rooms are shared with the general public.

When creating or updating your Child Safe Code of Conduct, consider 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 unacceptable 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 any of the following 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 Child Safe Code of Conduct should include what is acceptable around staff visiting children at home or children visiting an employee's home (or having 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 a child would be permitted 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 Child Safe Code of Conduct should clearly state where overnight stays are acceptable, and where they are not.

If your Child Safe 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 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 all staff members should be allowed to do it – 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 an adult having to transport a child or young person where they may be left alone with them. These situations can be described in your Child Safe 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 or bus)
- a clear reason given for the requirement of the transport
- information on who else will be on the journey (other adults or 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 16 is illegal in NSW.



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

Interacting with others

The language and manners your stakeholders use when interacting with each another 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 are robust procedures around the use of company owned and personal communication devices, and the Child Safe Code 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 it is safer for coaches to post this information publicly via the club's Facebook page. Your Child Safe 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 way to engage with the members of your community, 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 there are strict guidelines for the use of social media when interacting with others, particularly children in a private setting. You can ask:

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

You may wish to note in your Child Safe Code of Conduct 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 (DCJ), or the [eSafety Commissioner](#). If social media is a large part of your day-to-day operations, you may need to consider whether it is necessary to have a separate 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 13 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



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 giving or receiving of gifts in your organisation, particularly giving gifts to children, should follow a formalised process whereby approval is sought from management, gifts are recorded, and giving and receiving gifts is monitored. Robust procedures are 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 giving and receiving gifts 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.

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

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

Examples of concerning behaviours

Concerning behaviours on their own may not necessarily constitute a breach of the Child Safe 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.

Showing favour to one child over others.

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 it.



Child Safe Code of Conduct best practice



A Child Safe Code of Conduct works best when it is widely available and accessible to everyone within the organisation (including children), and available in printed and electronic formats.

An organisation may have multiple versions of their Child Safe Code of Conduct, each relevant for different members of their communities. 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

A Child Safe 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 direct 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 staff member.

Staff should sign and undertake training to ensure they understand the Child Safe Code of Conduct

An organisation's Child Safe Code of Conduct should be freely available to everyone and its use described in the organisation's Child Safe Policy (see the [Understanding and Developing a Child Safe Policy](#) handbook for guidance on how to create a Child Safe Policy). It is also common practice for anyone interacting with your organisation to read and sign your Child Safe Code of Conduct before they commence their engagement with you. You should keep a register of who has signed it.

Where possible, training should be offered so all adults and children understand the purpose of an organisation's Child Safe Code of Conduct and the rules it contains. It can be offered as part of an induction package or as one-off training for people newly engaged with an organisation. Staff should also be given regular reminders of its contents, including:

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

Distribution and communication

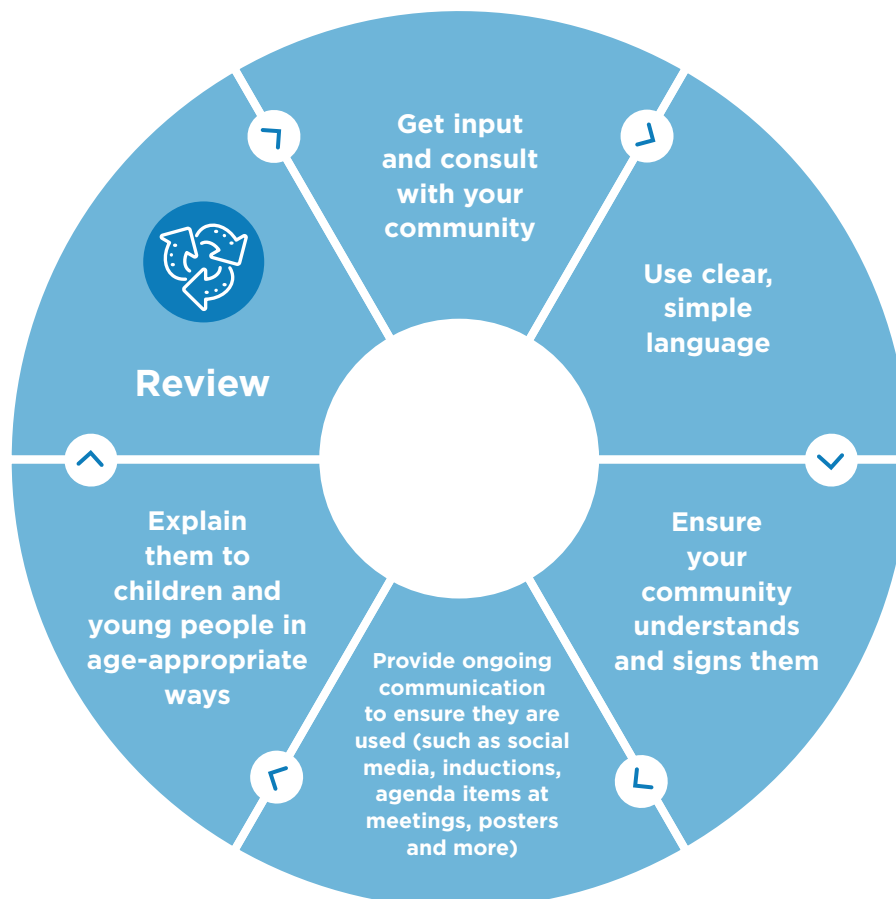
Organisations are increasingly providing an age-accessible Child Safe Code of Conduct for children and young people, which not only describes the kinds of behaviour expected from them but also staff. This helps children recognise what is unacceptable behaviour for adults. Children can also participate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

Organisations may also create a different Child Safe Code of Conduct for different sectors of their workforce, depending on how they interact with children. Consideration should also be given to providing a version that is:

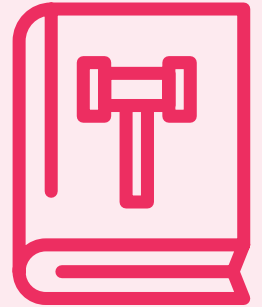
- written in the community languages used in your organisation
- accessible for every person who engages with your organisation.

Your organisation should also consider providing children with posters and social media posts that demonstrate your commitment to the Child Safe Standards. For more information on the Child Safe Standards and how to implement them in your organisation see the [Guide to Child Safe Standards](#) handbook.

Creating your Child Safe Code of Conduct



Sample Child Safe Code of Conduct



This is a Child Safe Code of Conduct for the fictional Sunny Pines Swimming Club. A template follows that you can use to create your own Child Safe Code of Conduct.

SUNNY PINES SWIMMING CLUB

Organisation name

CHILD SAFE CODE OF CONDUCT

Title

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.

Statement of Commitment to Child Safety

This Child Safe Code of Conduct sets out 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. The glossary in our Child Safe Policy provides more information about these different types of abuse.

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

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

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

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 all child safe policies and procedures
- Work within a team to ensure 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 of conduct are reported immediately
- Uphold the rights of the child and always prioritise their needs

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

Acceptable 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 as one that is competitive with, at times, a high intensity culture

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:

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 Child Safe Code of Conduct must be reported to our Member Protection Information Officer, Jenny Ralston. Jenny can be contacted on **0555 555 555** or at **jenny.ralston@sunnypines.org.au**

Some breaches of this code of conduct may need to be reported to NSW Police, the Department of Communities and Justice and the Office of the Children’s Guardian. Our Child Safe Reporting Policy provides more information about our reporting obligations to external authorities, and describes protections and confidentiality provisions for anyone making a report. You can ask for the policy at the front desk. It is also available on our website: **sunnypines.org.au/complaintpolicy.pdf**

Staff and volunteers who breach our Child Safe Code of Conduct may also be subject to disciplinary action. This can include increased supervision, appointment to a different role, suspension or termination from the organisation. Detailed descriptions of breaches can be found in our disciplinary policy. You can ask for the policy at the front desk. It is also available on our website: **sunnypines.org.au/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.
(Section 43B of the *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 (under 18 years) has been abused.
(Section 316A of the *Crimes Act 1900*)

Signature

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

Name:

Signature:

Date:

Last reviewed: 23 June 2022

Next review date: 22 June 2022

Responsible officer: Jenny Ralston
(Member Protection Information 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 Child Safe Code of Conduct

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

Agreement and signature

Review date

Place your organisation's name here

Place your
organisation's
logo here

Child Safe Code of Conduct

An organisation's Child Safe Code of Conduct establishes a clear set of rules and expectations for adult behaviour around children at your organisation. You can use this template to create your Child Safe Code of Conduct.

Title	Content
Commitment to child safety [Outline the organisation's commitment to child safety] [Define the different types of child harm and abuse ¹]	
I will [Outline positive staff behaviours that are consistent with your organisation's culture and values]	
I won't [List the types of behaviour your organisation considers unacceptable]	

¹ See pages 7-8 of the [Understanding and Developing a Child Safe Code of Conduct](#) handbook for help defining the different types of abuse. For reportable conduct definitions see [part 4, section 20](#) of the Children's Guardian Act 2019.

Title	Content
<p>Concerning behaviours [List the types of behaviours your organisation considers may be a concern]</p>	
<p>Internal and external reporting obligations [Outline internal and external reporting obligations including whistleblower protection²]</p>	
<p>Criminal offences for not acting to protect children [Outline the offences for not acting to protect children or reporting abuse]</p>	
<p>Penalties for staff or volunteers who breach the Child Safe Code of Conduct</p>	
<p>Name of person who has read and agreed to abide by the terms of this Child Safe Code of Conduct</p>	
<p>Signature</p>	
<p>Date reviewed</p>	

² If your organisation has a separate Child Safe Reporting Policy you can refer to it here and include it as an appendix.

Title	Content
Next review date [Include a date when the policy will be reviewed and who is responsible for the review, noting that if there are any critical incidents the policy will be reviewed immediately]	
Signature of responsible officer	

Appendix A: Behaviours that constitute child abuse

This appendix lists unacceptable behaviours (misconduct) and concerning behaviours as they relate to the different types 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 Child Safe Code of Conduct should focus on to prevent abuse in your organisation's unique operating environment.

Examples of behaviour that would be deemed 'unacceptable'

Unacceptable behaviours²

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 someone knows, believes 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 behaviours²

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 behaviours²

III- 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*

- 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)

*As discussed earlier, grooming has a specific definition in New South Wales criminal law that 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 2019*). Grooming behaviours here refers to more general predatory behaviour.

[†]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).



Endnotes

1. Victorian Commission for Children and Young People
2. Victorian Commission for Children and Young People – please note this is not an exhaustive list



Office of the Children's Guardian Child Safe Standards Handbooks



Guide to the Child Safe Standards



Understanding and Developing a Child Safe Code of Conduct



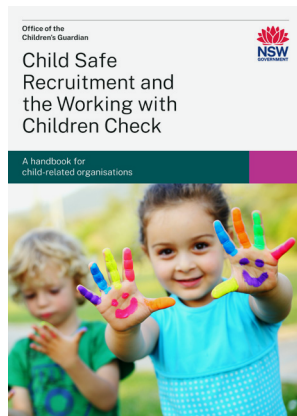
Empowerment and Participation



Reporting Obligations and Processes



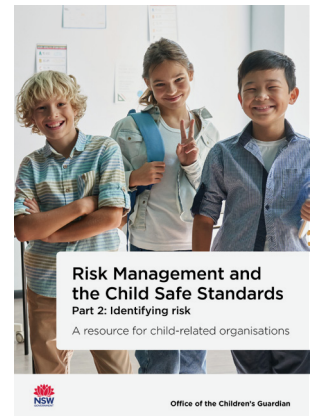
Understanding and Developing a Child Safe Policy



Child Safe Recruitment and the Working with Children Check



Risk Management and the Child Safe Standards
Part 1: Responding to risk



Risk Management and the Child Safe Standards
Part 2: Identifying risk



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Children's Guardian**

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