



# Child Safety Code Of Conduct

## Purpose

A code of conduct establishes a standard, incorporating the mission, goals, objectives and values of the **St. Kevin's Out of Hours School Care**, ensuring fairness and equity, by which committee, staff, parents, volunteers and students at **St. Kevin's Out of Hours School Care** conduct themselves towards each other, government authorities and the general community.

This policy will provide guidelines to promote desirable and appropriate behaviour to ensure that all interaction with children and adults is respectful, honest, courteous, sensitive, tactful and considerate. It does not provide all the answers but is a broad outline of behavioural principles, expectations and ideals that will assist in ensuring the safety and wellbeing of children, families and staff at **St. Kevin's Out of Hours School Care**.

Refer to Quality Improvement and Accreditation System (QIAS), Quality Practices Guide 2005, Principles 1.2, 1.5, 2.1, 3.2, 5.1, 5.4, 5.5, 6.2, 6.3, 7.1.

## Policy statement

### 1. Values

The committee of management of **St. Kevin's Out of Hours School Care** believes that they have a legal responsibility to provide a duty of care for all children and staff, and that **St. Kevin's Out of Hours School Care** is a place of learning for children and therefore the rights of the child will be considered first and foremost.

**St. Kevin's Out of Hours School Care** is committed to:

- The wellbeing of each child having fundamental importance
- The provision, as far as practicable, of a safe and secure environment
- Providing an open, welcoming environment in which everyone's contribution is valued and respected
- Encouraging parents/guardians, volunteers and community members to support and participate in the centre's program.

### 2. Scope

The code of conduct applies to all adults, including parents/guardians, staff, volunteers, students on placement, extended family and visitors while attending or involved in any activities related to the **St. Kevin's Out of Hours School Care**.

### 3. Background and legislation

The committee and staff have a duty of care to the children attending the centre and must ensure: 'That the children's service is operated in a way which ensures the safety of the children being cared for or educated, ensures that the developmental needs of those children are met and supports the health and wellbeing of those children'.

Employers have a responsibility to provide, as far as practicable, a safe workplace that is free from discrimination, bullying and/or harassment. Therefore the committee needs to ensure that all parents/guardians, volunteers, staff, students and any other persons involved in the centre adhere to clear guidelines regarding appropriate interaction and communication with one another and with children at the centre.

Legislation may include but is not limited to:

- Education and Care Services National Law Act 2010
- Children's Services Act 1996 (CSA)
- Children's Services Regulations 2009 (CSR)
- *Children, Youth and Families Act 2005*
- *Child Wellbeing and Safety Act 2005*
- *Disability Discrimination Act 1992*
- *Equal Opportunity Act 1995*
- *Human Rights and Equal Opportunity Commission Act 1986*
- *Occupational Health and Safety Act 2004 (Vic.)*
- Occupational Health and Safety Regulations 2007 (Vic.)
- *Sex Discrimination Act 1984*
- *Workplace Relations Act 1996.*

#### 4. Definitions

**Ethical conduct:** Always act in the best interests of children, their families and users of the centre.

**Respect:** Value the rights, religious beliefs and practices of individuals. Refrain from actions and behaviour that constitute harassment or discrimination.

**Support:** Work in a cooperative and positive manner.

#### 5. Sources and related centre policies

##### Sources

- Early Childhood Australia Code of Ethics

##### Centre policies

- Behaviour guidance
- Communication
- Complaints and grievances
- Delivery and collection of children
- Non-smoking
- Occupational health and safety
- Privacy
- Program participation

#### Procedures

**The committee is responsible for:**

- Assessing any serious breaches of this code that may be deemed misconduct and may lead to disciplinary action
- Collecting and filing the completed and signed agreements (see [Attachment 5](#), 'Code of conduct acknowledgement') for staff and volunteers working at the centre.
- Implementing the standards of conduct as set out in this policy (see [Attachment 1](#), 'Standards of conduct')

- Informing ACECQA by phone within 48 hours of receiving a complaint or becoming aware of an incident regarding a child's health, safety or wellbeing and providing a written report as soon as practicable
- Ensuring that the children being cared for or educated by **St. Kevin's Out of Hours School Care** are protected from harm and from any hazard likely to cause injury (ECSNR part 4.2).

**The staff are responsible for:**

- Ensuring that all parents/guardians, staff, volunteers, students and visitors are provided with a copy of this policy on arrival, employment or enrolment
- Respecting the individual needs, cultural practices and beliefs of families in all interactions, both verbal and non-verbal
- Working with colleagues, committee and parents/guardians to provide an environment that encourages positive interactions and supports constructive feedback
- Providing guidance to parents/guardians and volunteers through positive role modelling and, when appropriate, clear and respectful directions
- Developing practices and procedures that will ensure that parents/guardians on duty, or other adults participating in the program, are not placed in a situation where they are left alone with a child
- Understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary action—breaches by contractors, volunteers and others may lead to a review of their engagement
- Ensuring that the children being cared for or educated by **St. Kevin's Out of Hours School Care** are protected from harm and from any hazard likely to cause injury (ECSNR part 4.2).
- Notifying the licensee representative as soon as possible after receiving a complaint or becoming aware of an incident regarding a child's health, safety or wellbeing (ECSNR r176).

**The parents/guardians are responsible for:**

- Abiding by the standards of conduct as set out in this policy (see [Attachment 1](#), 'Standards of conduct')

## Evaluation

In order to assess whether the policy has achieved the values and purposes, the committee will:

- Monitor compliance with the expectations and procedures set out in the policy
- Take into consideration feedback on the policy from staff, parents/guardians and committee members
- Assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy.

## Attachments

[Attachment 1](#): Standards of conduct

[Attachment 2](#): Procedures for dealing with potential breaches

[Attachment 3](#): Intervention orders

Attachment 4: Code Of Conduct Acknowledgement (for staff & volunteers)

## Authorisation

This policy was adopted by the **St. Kevin's Out of Hours School Care** committee of management at a committee meeting on **May 2016**

**Review date: May 2018**



## Attachment 1: Child Safety Code of conduct

**All staff, volunteers and board members of St. Kevin's OHSC are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.**

**All personnel of St. Kevin's OHSC are responsible for supporting the safety, participation, wellbeing and empowerment of children by:**

- adhering to St. Kevin's OHSC child safe policy at all times / upholding St. Kevin's OHSC ]statement of commitment to child safety at all time
- taking all reasonable steps to protect children from abuse
- treating everyone with respect
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that adults are not left alone with a child
- reporting any allegations of child abuse to St. Kevin's OHSC Child Safety Officer Cathe Ross/ leadership, and ensure any allegation to reported to the police or child protection
- reporting any child safety concerns to St. Kevin's OHSC Child Safety Officer Cathe Ross] / leadership
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

### **Staff and volunteers must not:**

- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps. Sitting on laps could be appropriate sometime, for example while reading a storybook to a small child in an open plan area)
- put children at risk of abuse (for example, by locking doors)
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of culture, race, ethnicity or disability
- have contact with a child or their family outside of our organisation without our child safety officer's knowledge and/or consent (for example, no babysitting). Accidental contact, such as seeing people in the street, is appropriate)
- have any online contact with a child or their family (unless necessary, for example providing

families with e-newsletters)

- ignore or disregard any suspected or disclosed child abuse.

By observing these standards you acknowledge your responsibility to immediately report any breach of this code to St. Kevin's OHSC Child Safety Officer Cathe Ross / leadership.

**If you believe a child is at immediate risk of abuse phone 000.**

I agree to adhere to this Code of Conduct:

Name: .....

Signature: .....

Date: .....

## **Attachment 2 - Procedures for dealing with a breach in the code of conduct**

On notification of a breach of the code the committee will activate the Complaints and grievances policy. The complaints subcommittee will recommend a course of action to the committee that may include but is not limited to:

- Issuing a first and final warning letter, or meeting to inform the relevant person/s of the outcome of the investigation and that another breach of the code of conduct will not be tolerated
- Seeking an intervention order (via the legal system) against the relevant person. Success in obtaining a restraining order may prevent this person from attending the centre to collect children or to participate in the program
- Withdrawing or suspending a child's place in the program due to the parents'/guardians' serious breach of the code of conduct. This action will only be taken if no other alternatives are deemed appropriate by the subcommittee/committee.

### **Emergency situations**

In an emergency situation, where it is believed that staff, children or parents/guardians are at immediate risk (for example, violence has been threatened or perpetrated), the staff members and/or committee involved need to be able to act quickly and decisively. The committee, and all those listed on the license are authorised to contact the local police to advise them of the current situation.

The executive committee is the delegated authority to determine suitable actions in these situations, which may include but are not be limited to:

- Suspending the relevant person/s from attending the centre until the committee has investigated and decided on an appropriate course of action. If required, notify the parents/guardians that alternate arrangements will need to be organised for the delivery and collection of their child to ensure that the suspended person does not attend the centre
- Suspending a child's place in the program due to the suspended person still attending the centre after they have been advised not to
- Applying immediately for an intervention order (via the legal system). Refer [Attachment 4](#), 'Intervention orders'.

## Attachment 3 - Intervention orders

An intervention order is a court order made by a magistrate under the *Family Violence Protection Act 2008* or the *Stalking Intervention Orders Act 2008*.

Stalking is a criminal offence and relates to person who engages in a series of prohibited acts with the intention of causing either physical or mental harm to a victim, or fear or apprehension for the victim's safety or that of their loved ones.

Some of the behaviour that can cause either physical or mental harm to a person or apprehension or fear in a person includes:

- Following the affected person
- Contacting the affected person by post, telephone, fax, text message, email or other electronic communication or means; publishing on the Internet, by an email or other electronic communication a statement relating to the affected person or purporting to relate to or originate from the affected person
- Causing an unauthorised computer function in a computer owned or used by the affected person
- Tracing the affected person's use of the Internet, email or other electronic communication
- Entering or loitering outside or near the affected person's place of residence or business or any other place frequented by the affected person
- Interfering with property in the affected person's possession
- Giving offensive material to the affected person or any other person, or leaving it where it will be found by, given to or brought to the attention of the affected person
- Keeping the affected person under surveillance
- Acting in any other way that could reasonably be expected to arouse apprehension or fear in the affected person for their safety.

You can apply for an Intervention order if you have been assaulted, threatened, harassed, stalked or had property damaged and it is likely to happen again.

If you are over seventeen years, you can apply to the Magistrates Court for an intervention order yourself, or the police can apply for an intervention order on your behalf (they can do this with or without your consent).

The purpose of an intervention order is to protect the safety of the victim. It is generally only granted if a court is satisfied that it is necessary to restrict the defendant's future behaviour in relation to the aggrieved person.

An intervention order may prohibit or restrict a person from:

- Behaving offensively towards the aggrieved person
- Approaching (or going near) an aggrieved person
- Attending the premises where an aggrieved person lives, works or frequents
- Being at a particular location
- Contacting, harassing, assaulting, stalking, threatening or intimidating an aggrieved person
- Damaging property owned by an aggrieved person
- Causing another person to engage in conduct that is prohibited by the intervention order.

Obtaining an intervention order involves:

The person seeking the intervention order contacts the closest magistrate's office (or Neighbourhood Justice Centre), speaks with a court registrar and fills in an application form. The police notify the



defendant about the complaint. The magistrate has a court hearing and decides whether to make the order.

A magistrate may make an interim stalking intervention order if satisfied that it is necessary pending the hearing and determination of the application to:

- Ensure the safety of the affected person
- Preserve any property of the affected person.

An interim stalking intervention order is a temporary order that is made to give the affected person protection until the application for the intervention order can be listed before the court (usually two weeks).

A magistrate may make a final stalking intervention if satisfied on the balance of probabilities that the respondent has stalked the affected person and is likely to continue to do so. The court may specify a period for which an intervention order is to last until, or may make an order that will remain in force indefinitely.

An application to extend, vary or revoke an intervention order may be made by any party to a stalking intervention order proceeding. All parties to the original application must be served with a copy of the application (including Victoria Police if the original application was made by a police officer).

If a stalking intervention order is breached, the respondent may be charged by the police with a criminal offence.

### **Mediation may be able to assist**

The Magistrates' Court 'Diversion to Mediation' Program concentrates predominantly on intervention order applications, which involve stalking. Mediation has a number of benefits. Not only does it provide parties an opportunity to raise issues concerning them, but it also provides them with the opportunity to arrive at workable solutions that will benefit the needs of each party.

Other benefits of mediation are:

- Mediation is a free service.
- Mediation can be arranged very quickly.
- Mediation is an informal and flexible process.
- Mediation is confidential.
- Mediation allows all parties to have an equal opportunity to raise their issues.
- Mediation assists parties to generate practical solutions that are workable.
- Mediation can help to restore ongoing relationships.