



Child Safe Code of Conduct POLICY

The Department of Justice and Community Safety is committed to the safety and wellbeing of children and young people. We seek to prevent harm of any kind impacting children and young people and have zero tolerance for racism, child abuse and inequality. Children and young people's rights, relationships, identity, and culture must be recognised and respected, their voices heard, and their concerns acted upon. We aim to foster a culturally safe, child safe and child friendly environment for all children and young people we have contact with, deliver services to, or are impacted by our work.

Purpose

The Department's Child Safe Code of Conduct (Code) establishes clear expectations regarding behaviour towards children and young people (Children) and in promoting and maintaining child safety and wellbeing.

This Code supports the Department's compliance with the Child Safe Standards under the *Child Wellbeing and Safety Act 2005* (Child Safety and Wellbeing Act).

Scope

This Code applies to all persons who conduct work for the Department in a paid or unpaid capacity, regardless of whether that person's role relates to Children, including an employee (including employees covered by the Victorian Public Service Enterprise Agreement 2020 and Executive Officers), volunteer, contract worker, agency on-hire staff, consultant, student, person seeking employment, officer or office holder (Workers).

This Code should be read alongside applicable:

- Victorian Government policies
- Department policies including the:
 - [Child Safety and Wellbeing Policy](#)
 - Reportable Conduct Policy
- the Code of Conduct for the Victorian Public Sector Employees (VPS Code of Conduct)
- relevant legislation (including the Child Wellbeing and Safety Act).

Roles and responsibility

All Workers are responsible for:

- understanding and complying with this Code, VPS Code of Conduct and other related policies
- reporting any breaches of this Code.

In addition, managers are also responsible for:

- ensuring their relevant Workers have read and understand this Code
- where required, setting clear expected behaviours towards Children tailored to the business area's unique operating environment, aligned with this Code and the Department's Child Safety and Wellbeing Policy
- supervising and holding their relevant Workers to account for complying with this Code
- promoting a culture of reporting that recognises and responds to child abuse and harm, including reporting breaches of this Code.

Behavioural expectations

At all times, Workers will demonstrate compliance with the Child Safe Standards by complying with the Department's Child Safety and Wellbeing Policy, the Department's Reportable Conduct Policy, this Code and the VPS Code of Conduct.

Non-compliance with this code

The Department will investigate all breaches of this Code

A staff member who breaches this Code may be subject to assessment and investigation for misconduct and face disciplinary action including termination of employment.

A breach of this Code may also be a breach of the VPS Code of Conduct, the Department's Child Safety and Wellbeing Policy and/or the Department's Reportable Conduct Policy.

For further information about the Department's misconduct policy refer to the whole-of-government VPS 2020 Management of Misconduct Policy or contact the Department's internal investigations unit (Employee.investigations@justice.vic.gov.au ([External link](#))).

Further information about investigating reportable conduct allegations is available in the department's Reportable Conduct Policy.

Guidance on how workers can demonstrate each Child Safe Standard

These actions and behaviours will apply differently according to the Workers' roles. Workers can consider the following guidance in relation to their specific roles and demonstrate these behaviours accordingly.

Standard 1: Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal Children and young people are respected and valued

Workers will:

- encourage and actively support Aboriginal and/or Torres Strait Islander (Aboriginal) Children to express their culture and enjoy their cultural rights
- actively support and facilitate participation and inclusion of Aboriginal Children, their families and their communities
- respect and value diverse and unique identities and experiences of Aboriginal Children
- acknowledge, promote and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal Children
- assess and manage the risk of racism or discrimination towards Aboriginal Children when developing, delivering and reviewing their policies, processes, protocols, services and arrangements
- identify, confront, report and take a zero-tolerance approach to racism and other harm to Aboriginal Children, and ensure that any instances of racism are addressed with appropriate consequences
- help the Department be a place where Aboriginal Children feel safe and included
- champion the practice of acknowledging Traditional Owners, including in internal and external meetings and events
- familiarise themselves with and act in alignment with the *Charter of Human Rights and Responsibilities Act 2006*, which includes the right to protection of cultural rights and cultural rights distinct to Aboriginal people.

In addition to the above, managers will also:

- promote a culture of reporting that recognises and responds to child abuse and harm, including reporting all instances of racism
- encourage acknowledging and appreciating the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal Children
- encourage awareness of the impacts of intergenerational trauma which adversely impact the lives of Aboriginal Children and increases their vulnerability to justice system contact
- facilitate access to cultural awareness training and supports
- encourage displaying positive Aboriginal and multicultural symbols to create physically safe spaces
- encourage seeking advice from the relevant Departmental area on Aboriginal issues when developing, delivering and/or reviewing business unit policies, processes, protocols, services and arrangements.

Standard 2: Child safety and wellbeing is embedded in organisational leadership, governance and culture

Workers will:

- champion and model a child safe culture at all levels of the Department from the top down and bottom up
- foster a culture of openness that supports all persons, including colleagues, to safely report and disclose harm to Children
- hold each other to account for adhering to this Code by challenging, reporting and acting on unacceptable behaviour towards Children, including racism and breaches of this Code
- make decisions and provide advice consistent with *The Charter of Human Rights and Responsibilities Act 2006*

- comply with this Code, the Department's Child Safety and Wellbeing Policy, the Department's Reportable Conduct Policy, and the Department-wide and their business unit specific action plans to implement the Child Safe Standards.

In addition to the above, managers will also:

- communicate and facilitate the understanding of this Code, the Department's Child Safety and Wellbeing Policy and other related policies, including information sharing and record keeping obligations
- set clear expectations around child safety and wellbeing, including establishing their business unit specific action plan to implement the Child Safe Standards tailored to their specific circumstances, unique operating environment, interactions with Children, and risks and service impacts to children
- monitor and hold their relevant Workers to account for complying with this Code, the Department's Child Safety and Wellbeing Policy, the Department's Reportable Conduct Policy, and the Department-wide and their business unit specific action plans to implement the Child Safe Standards
- guide decision-making on child safety issues
- oversee ongoing identification and management of child safety risks in their business units, including potential or actual conduct that may cause harm to Children such as racism, factors in the physical and online environments, and third-party contracts
- facilitate the prominent display of the Department's Statement of Commitment to Child Safety and Wellbeing to publicly demonstrate the Department's commitment to being a child safe organisation
- focus on preventing, identifying and mitigating risks to all, including risks of harm and abuse to Children
- encourage seeking advice from the relevant Departmental area on risk management, information sharing and record management issues when developing, delivering and/or reviewing business unit policies, processes, protocols, services and arrangements
- encourage seeking advice from the relevant Departmental area on child safety and wellbeing issues when developing, delivering and/or reviewing business unit policies, processes, protocols, services and arrangements.

Standard 3: Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously

Workers will:

- empower Children to participate in issues and activities that are important to them and affect their lives
- facilitate a child-friendly environment and approach where Children are encouraged to enjoy their rights, including cultural rights, and feel safe to express their views, participate in decision-making, and raise concerns
- listen, value, consider and respond to the views, ideas, contributions and concerns of Children, particularly when it relates to safety concerns, thereby strengthening confidence and engagement
- share knowledge with Children about their rights (including to safety, information and participation), staff behaviour, decisions affecting them, raising issues and available support services
- encourage Children to form positive social connections, engage in teamwork and support peers, to help Children feel safe and be less isolated
- be attuned to signs of harm and facilitate child-friendly ways for Children to express their views, participate in decision-making and raise their concerns.

Given the varied vulnerabilities of Children, the Department is not positioned to provide access to sexual abuse prevention programs and other relevant information to Children in an age-appropriate and accessible manner. If required, the Department provides information on external support and expert providers.

In addition to the above, managers will also:

- encourage seeking advice from the relevant Departmental area on stakeholder engagement issues when developing, delivering and/or reviewing business unit policies, processes, protocols, services and arrangements.

Standard 4: Families and communities are informed and involved in promoting child safety and wellbeing

Workers will:

- recognise the value of welcome input from, and consider concerns and ideas raised by families, communities and carers of Children
- take an inclusive approach to child safety while keeping child safety paramount, such as by encouraging the participation of consultation with, and open communication with appropriate parties (such as families,

communities and carers of Children) when making decisions, addressing issues and developing and reviewing activities, policies and practices that affect their child

- support families to be part of the Department community by acknowledging and celebrating successes, consulting to achieve shared goals and developing and maintaining positive working relationships
- share knowledge with families, carers and the community about Department operations and governance, including approaches to safely manage complex interactions with Children.

Standard 5: Equity is upheld and diverse needs respected in policy and practice

Workers will:

- recognise the value of and consider rights, equity and the diverse needs of Children in the development of policies, practices and services particularly in matters to do with child safety
- provide support and respond to those Children who are vulnerable
- plan activities in consideration of diverse characteristics that may impact a child's ability to participate, such as culture, identity, language, opinion, religion, status and upbringing, while keeping child safety paramount
- provide services, information, support and complaints processes to Children in ways that are culturally safe, accessible and easy to understand
- pay particular attention to the needs of
 - Children with disability
 - Children from multicultural, multifaith and culturally and linguistically diverse backgrounds
 - Children who are unable to live at home
 - Children of diverse gender identities or sexual orientations, such as lesbian, gay, bisexual, transgender and intersex Children
 - Aboriginal Children.

In addition to the above, managers will also:

- encourage seeking advice from the relevant Departmental area on inclusion and intersectionality issues when developing, delivering and reviewing business unit policies, processes, protocols, services and arrangements.

Standard 6: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

Workers will:

- follow the Department's human resources, including recruitment, policies, which relevantly include obligations to:
 - consider child safety risks and requirements relevant to the role during recruitment activities, particularly in roles that have direct engagement with Children
 - ensure that recruitment, including advertising, referee checks and pre-employment screening, emphasise child safety and wellbeing
 - disclose any information of charges, convictions of abuse and all other offence history in accordance with the Department's pre-employment misconduct screening and criminal record checks arrangements, and also in accordance with the Department's Criminal Offences Guideline and Related Policy
 - ensure that relevant staff and volunteers have current and updated Working with Children Check or equivalent background checks when required, in accordance with the Department's Working with Children Check Policy
 - undertake recruitment and selection activities in accordance with the Department's Recruitment and Selection Guideline and Related Policy.
- Follow the Department's integrity policies, which relevantly include obligations to:
 - avoid or declare and manage actual, perceived and potential conflict of interests in accordance with the Department's Conflict of Interest Policy. This includes any interests, employment or formal or informal relationships with a Child that exist outside the organisational setting that may affect their ability to perform their role.

In addition to the above, managers will also:

- provide new relevant Workers with an appropriate induction adjusted to each role's requirements, duties, risks and responsibilities in relation to child safety and wellbeing
- facilitate access to information on the Department's child safety practices, including reporting, record keeping and information sharing obligations, and access to this Code and the Department's Child Safety and Wellbeing Policy
- ensure that ongoing supervision and people management is focused on child safety and wellbeing
- encourage seeking advice from the relevant Departmental area on recruitment and selection issues when developing, delivering and/or reviewing business unit policies, processes, protocols, services and arrangements.

Standard 7: Processes for complaints and concerns are child-focused

Workers will:

- prioritise immediately acting in the best interests of the Child to make them safe before promptly reporting the matter through internal Department processes as outlined in the Department's Child Safety and Wellbeing Policy
- call Victoria Police on Triple Zero (000) or report in person at a police station if they have concerns about the immediate safety of any Child
- promptly follow internal business unit processes or contact the Department's Child Safety Officer to report all child safety issues and child safe concerns or complaints. The Child Safety Officer can be contacted by phone on (03) 9136 3666 or by email at childsaf@justice.vic.gov.au ([External link](#)). This includes:
 - breaches of this Code
 - breaches of the Department's Child Safety and Wellbeing Policy
 - breaches of the Department's Reportable Conduct Policy
 - reportable conduct allegations
- report to Victoria Police any criminal and suspected criminal behaviour, including any reasonable belief that a sexual offence has been committed against a child under the age of 16
- report to Child Protection any mandatory reporting or a belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect and their parent has not or is unlikely to protect them from harm of that type
- take seriously concerns or complaints raised about the safety of Children, including in the physical or online environments, and respond to them promptly and thoroughly
- act decisively, promptly and take all reasonable steps on identified risks to child safety to mitigate or correct service problems and protect Children from harm, without compromising a child's right to privacy, access to information, social connections and learning opportunities
- follow the Department's reporting, record keeping, privacy and information sharing policies and obligations
- keep full, timely and accurate records of all child safety incidents and child safe concerns and complaints
- cooperate with law enforcement, as required.

In addition to the above, managers will also:

- promote a culture of reporting that recognises and responds to child abuse and harm
- when aware, ensure any concern, allegation, disclosure or observation of harm to a Child, and any breach of this Code, the Department's Reportable Conduct Policy or the Department's Child Safety and Wellbeing Policy are promptly reported to the Department's Child Safety Officer and, if necessary, any relevant authority as per the Department's Child Safety and Wellbeing Policy
- facilitate access to information on the Department's expectations on reporting child safety incidents and child safe concerns and complaints.

Standard 8: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

Workers will:

- complete all compulsory training and professional development related to child safety and wellbeing
- support each other to effectively implement the Department's Child Safety and Wellbeing Policy

- undertake business unit specific training if their roles have direct engagement with Children
- support colleagues in understanding child safe matters and support colleagues who disclose harm
- support colleagues to appreciate the strengths of Children with diverse needs and from diverse backgrounds and understand their importance to collective wellbeing and safety.

In addition to the above, managers will also:

- facilitate access to information on the Department's child safety practices, including reporting, record keeping and information sharing obligations, and access to this Code and the Department's Child Safety and Wellbeing Policy
- supervise, review and provide feedback to staff on their performance against child safety expectations
- identify child safety training needs for their relevant Workers, including to understand how to build culturally safe environments for Children.

Standard 9: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

Workers will:

- use a child safe lens to identify and mitigate risks for physical or mental harm to Children in physical and online environments without compromising their right to privacy, access to information, social connections and learning opportunities
- observe professional boundaries and abide by the Department's Child Safety and Wellbeing Policy when interacting with Children while keeping child safety paramount
- maintain ethical behaviour, expected standards of behaviour and acceptable relationships with Children, their families and carers
- work with Children in an open and transparent way
- use online platforms respectfully, professionally and in line with Australia's eSafety Commissioner's requirements
- maintain awareness of online safety, privacy and other settings of online platforms
- apply the Department's integrity, recruitment, procurement, record keeping, privacy and information sharing policies respectfully, professionally and equitably, including the department's Use of Technology and Social Media policies.

In addition to the above, managers will also:

- set clear expectations on the oversight of Children in physical environments and Children's use of online environments tailored to their specific circumstances and risks.

Standard 10: Implementation of the Child Safe Standards is regularly reviewed and improved

Workers will:

- raise concerns regarding the safety and wellbeing of Children
- commit to and deliver on the Department's child safety expectations
- think about child safety when planning ahead
- maintain awareness of child safety and wellbeing risks. In addition to the above, managers will also:
- encourage the identification of continuous improvement opportunities when reviewing their business unit's performance in delivering child safety and wellbeing and implementing the Child Safe Standards
- oversee regular and ongoing review, evaluation and improvement to their child safe policies and arrangements, including analysing feedback from staff, Children and families, child safety incidents and child safe concerns and complaints to identify causes and systemic failure to inform continuous improvement.

Standard 11: Policies and procedures document how the organisation is safe for children and young people

Workers will:

- consider and address any child safe concerns and risk of harm to Children when developing policies, procedures and practices
- ensure that policies and procedures are documented and easy to understand
- understand and implement policies and procedures

- comply with anti-discrimination laws to prevent the harm that discrimination can cause and provide a safe and inclusive environment.

In addition to the above, managers will also:

- champion and model compliance with policies and procedures
- set clear expectations around child safety and wellbeing, including establishing their business unit specific action plan to implement the Child Safe Standards tailored to their specific circumstances, unique operating environment, interactions with Children, and risks and service impacts to Children.

Unacceptable behaviour

Workers must not:

- condone, conduct or participate in abusive, bullying, demeaning, discriminatory, disrespectful, exploitative, grooming, harmful, harassing, illegal, intimidating, manipulative, offensive, passive aggressive, racist, sexually provocative or unsafe behaviour or language against, with or in the presence of Children. This includes sexual offences, sexual misconduct, physical violence, significant neglect, and emotional or psychological harm to a Child outside of the workplace and/or working hours
- discriminate against Children for any reason including age, personal characteristics, culture, disability, ethnicity, gender, geographic location, language, opinion, race, relationship, religion, sex characteristics, sexuality, socioeconomic status, upbringing, visa status or other situation that makes Children vulnerable.
- ignore or disregard any concerns, suspicions or disclosures of harm of any kind to a Child
- exaggerate or trivialise allegations relating to harm of any kind to a Child
- initiate or conduct unnecessary or unauthorised contact with a Child or their family or carers, including in physical and online environments
- develop or conduct inappropriate relationships with Children, including sexual relationships or relationships that show favouritism
- accept, carry out or participate in grooming, which includes online, in person and in verbal, visual and/or written communications. This includes building a relationship with a Child or the Child's parents or carers in order to harm, abuse or exploit the Child particularly in a sexual manner or to gain the Child's secrecy and silence to avoid disclosure.
- knowingly put a Child at risk of abuse, including failing to act to protect a child under the age of 16 in Victoria from the risk of a sexual offence or failing to disclose a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria
- use any technological device to exploit or harass Children or expose them to harmful, offensive or sexualised content
- exchange any personal contact details with Children without a genuine operational need
- use corporal punishment, such as smacking or other forms of physical discipline
- execute excessive use of force
- pressure Children to have unnecessary physical contact
- initiate, permit or request unacceptable physical contact with Children, such as massages or kisses
- communicate (including online) with Children about romantic, intimate or sexual feelings.

Employee Wellbeing and Support

Staff are strongly encouraged to contact employee wellbeing and support (EWS), which is a holistic service that promotes physical and mental health wellbeing.

EWS is delivered by Converge International. It provides free, confidential counselling 24 hours a day, seven days a week on 1300 687 327 or through the Aboriginal and Torres Strait Islander specialist service on 1300 287 432.

For more information contact the Department's Wellbeing team on wellbeing@justice.vic.gov.au ([External link](#))

Definitions

Aboriginal refers to Aboriginal and/or Torres Strait Islander people.

Child(ren) includes both children and young people under the age of 18 years.

Child abuse is defined in the Child Wellbeing and Safety Act, and includes:

- a sexual offence committed against a child
- an offence committed against a child under section 49M(1) of the *Crimes Act 1958*, such as grooming
- inflicting physical violence on a child
- inflicting serious emotional or psychological harm on a child
- serious neglect of a child.

A **child safe complaint** can include an expression of dissatisfaction about:

- the Department's services or dealings with individuals
- allegations of abuse or misconduct by a staff member, a volunteer or another individual
- disclosures of abuse or harm made by a child
- the conduct of a child at the organisation
- the inadequate handling of a prior concern
- general concerns about the safety of a group of children or activity.

A **child safe concern** can include any potential issue that could impact negatively on the safety and wellbeing of children.

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

Reportable conduct is defined in the Child Wellbeing and Safety Act as:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct, committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes significant emotional or psychological harm to a child, or
- significant neglect of a child.

Workers means a person who conducts work for the Department in a paid or unpaid capacity, regardless of whether that person's role relates to children, including an employee (including employees covered by the Victorian Public Service Enterprise Agreement 2020 and Executive Officers), volunteer, contract worker, agency on-hire staff, consultant, student, person seeking employment, officer or office holder.

Relevant legislation, standards and policies

- *Charter of Human Rights and Responsibilities Act 2006*
- *Child Wellbeing and Safety Act 2005*
- *Children, Youth and Families Act 2005*
- *Crimes Act 1958*
- *Fair Work Act 2009 (Cth)*
- *Health Records Act 2001*
- *Occupational Health and Safety Act 2004*
- *Online Safety Act 2021 (Cth)*
- *Privacy and Data Protection Act 2014*
- *Public Administration Act 2004*
- Public Records Act 1973
- *Worker Screening Act 2020*
- Child Safe Standards
- Code of Conduct for Victorian Public Sector Employees
- Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM)

- National Principles for Child Safe Organisations
- United Nations Convention on the Rights of the Child
- Victorian Public Service Enterprise Agreement 2020, including the Management of Misconduct Policy (or any successor agreement).

Related department policies and documents

- Child Safety and Wellbeing Policy
- Conflict of Interest Policy
- Criminal Offences Guideline and Related Policy
- Criminal Record Check Policy
- Information Management Policy
- Information Privacy Policy
- Outside Employment Policy
- Procurement Policy
- Records Management Policy
- Recruitment and Selection Guideline and Related Policy
- Reportable Conduct Policy
- Risk Management Policy
- Security Screening Guidelines and Related Policy
- Social Media Policy
- Use of Technology Policy
- Victimisation Guideline and Related Policy
- Working with Children Check Policy.

Review of this Code and approval

This Code is issued under the authority of the Deputy Secretary, Integrity, Regulation and Legal Services and reflects current Departmental policy and practice. It will be reviewed biennially and updated as required with changes communicated to Workers.

POLICY REVIEW AND APPROVAL

| | |
|------------------------------------|------------------------------|
| Policy last reviewed: | August 2024 |
| Approved by: | School Council (August 2024) |
| Next scheduled review date: | 2026 |