



## Working with Children Code of Conduct

Policy number	P174	Version	2
Drafted by	Caroline Quinn	Approved by Board on	26/4/18
Responsible person	George Giuliani	Scheduled review date	26/4/21

### Introduction

Open House is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse. All staff and volunteers are responsible for the care and protection of children and reporting information about child abuse.

The Open House Working with Children Code of Conduct provides an overview of key elements of our organisation's approach to child safety. In the context of Open Houses activities this relates to all persons less than 18 years of age.

### Purpose

The purpose of this policy is:

1. To outline our commitment to child safety.
2. To facilitate the prevention of child abuse occurring within Open House.
3. To work towards an organisational culture of child safety.
4. To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
5. To provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation.
6. To provide a clear statement to staff/volunteers/contractors forbidding any such abuse.
7. To provide assurance that any and all suspected abuse will be reported and fully investigated.

### Authorisation

Signature of Board Chair  
Date of approval by the Board  
Open House



## Working with Children Code of Conduct

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### Policy

#### *Our commitment to child safety*

- Open House is committed to promoting and protecting at all times the best interests of children involved in its programs.
- All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.
- Open House has zero tolerance for child abuse. All employees and volunteers are responsible for the care and protection of the children within our care and reporting information about suspected child abuse.
- Child protection is a shared responsibility between Open House and all employees, volunteers, contractors, associates, and members of the community.
- Open House will consider the opinions of children and use their opinions to develop child protection policies.
- Open House supports and respects all children, staff and volunteers. We are committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

You do not need to have proof to report any concerns you have about the safety of a child. If you form the reasonable belief (*see definitions*) that you consider someone at risk, then you have the responsibility to act.

**If any person believes a child is in immediate risk, telephone 000 and if practical and safe, take reasonable steps to protect the child whilst avoiding any potential escalation or danger**

## Responsibilities

Open House takes its legal responsibilities seriously including Failure to Disclose and Protect.

<b>Board</b>	The Board is responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place for the detection and prevention of child abuse.
<b>CEO</b>	<ul style="list-style-type: none"> <li>• Dealing with and investigating reports of child abuse;</li> <li>• Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation’s Code of Conduct;</li> <li>• Ensuring that all adults within the Open House community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;</li> <li>• Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct and in particular have signed the Child Safety Code of Conduct;</li> <li>• Ensuring all contractors visiting the Open House site who are not required to review / sign the Code of Conduct are supervised at all times;</li> <li>• Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.</li> </ul> <p><b>The CEO must ensure that all complaints of suspected abusive behaviour or misconduct are reported to any external regulatory body such as the police.</b></p>
<b>Managers</b>	<p>Must ensure that they:</p> <ul style="list-style-type: none"> <li>• Promote child safety at all times;</li> <li>• Assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible;</li> <li>• Educate employees about the prevention and detection of child abuse; and</li> <li>• Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.</li> </ul> <p>Management should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.</p> <p><b>Managers must report complaints of suspected abusive behaviour or misconduct to the CEO immediately and also to any external regulatory body such as the police.</b></p>

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<b>Staff, volunteers &amp; contractors</b>	<p>All staff/volunteers/contractors share in the responsibility for the prevention and detection of child abuse, and must</p> <ul style="list-style-type: none"><li>• Familiarise themselves with the relevant laws, the Code of Conduct (to be signed), and Open House’s policy and procedures in relation to child protection, and comply with all requirements;</li><li>• Report any reasonable belief that a child’s safety is at risk to the relevant authorities (such as the police and / or the state-based child protection service) and fulfil their obligations as mandatory reporters;</li><li>• Report any suspicion that a child’s safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in the organisation); and</li><li>• Provide an environment that is supportive of all children’s emotional and physical safety.</li><li>• Contractors who are visiting the Open House site on a temporary or short term basis and therefore not required to review /sign the Code of will be supervised at all times</li></ul> <p><b>Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police</b></p>
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## Code of conduct

The code of conduct outlined below is a child safe specific code and is in addition to the Open House Code of Conduct (P173). All staff, volunteers and Board members of Open House must adhere to the outlined child safe principles for appropriate and safe conduct when working with children.

### All staff, volunteers and Board members **must**:

- Adhere to Open House's Working with Children Code of Conduct and uphold our commitment to child safety at all times
- take all reasonable steps to protect children from abuse
- listen and respond 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 child
- promote the cultural safety, participation and empowerment of Aboriginal children
- promote the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds
- promote the safety, participation and empowerment of children with a disability
- **as far as practicable, never be alone with a child participant**, always having another **adult** present
- report any concerns or allegations of child abuse to the relevant manager or CEO and ensure any allegation is reported to the police or child protection
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe
- encourage 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 a 'special' relationship with a specific child participant for their own needs (by 'special' this means a physically and/or emotionally intimately inappropriate relationship contrary to the staff and participant guidelines of Open House)
- engage in open discussions of a mature or adult nature in the presence of children
- avoid unnecessary physical contact or initiating physical contact with any participant
- put children at risk of abuse (for example, leaving them unsupervised)
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- 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, beliefs or disability
- have contact with a child or their family outside of our organisation without a Manager's or CEO's knowledge and/or consent (accidental contact, such as seeing people in the street, is appropriate)
- have any email or online contact with a child or their family (unless necessary, for example providing families with information, e-newsletters) – Line manager must be copied into emails.
- ignore or disregard any suspected or disclosed child abuse.

**If any person believes a child is in immediate risk, telephone 000 and if practical and safe, take reasonable steps to protect the child whilst avoiding any potential escalation or danger**

*I acknowledge that I have read and understood this code of conduct and to immediately report any breach of this policy. Breach of this policy will result in any and all necessary action that will be taken by the relevant Manager, CEO or Chair of Board at Open House.*

Name:

Signed:

Date:

## Procedures

### Employment of New Personnel

Open House undertakes a comprehensive recruitment and screening process for all workers and volunteers which aims to:

- Promote and protect the safety of all children under the care of the organisation;
- Identify the safest and most suitable people who share Open House's values and commitment to protect children; and
- Prevent a person from working in the organisation if they pose a risk to children.

Open House requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with the organisation.

This will require applicants to provide a police check and Working With Children's check in accordance with the law and as appropriate, before they commence working and during their time with Open House at regular intervals. Thorough reference checks will be undertaken as per the approved internal procedure.

Once engaged, workers/volunteers must review and acknowledge their understanding of this Policy.

### Training and supervision

Training and education is important to ensure that everyone in our organisation understands that child safety is everyone's responsibility.

Our organisational culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

New employees and volunteers will receive induction to ensure they understand our organisation's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (please refer to the Open House code of conduct below to understand appropriate behaviour further).

### Risk Management

Open House will ensure that child safety is a part of its overall risk management approach.

The CEO, managers and staff will be committed to identifying and managing risks within the organisation. All board members, CEO, staff and volunteers will receive regular training in relation to child safety.

### Reporting

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise their manager about their concern. For example, behaviours of abuse, please see the fact sheets D182 (Grooming and predatory behaviours) and D183 (Indicators of child abuse).

D182 <https://communitydoor.org.au/sites/default/files/Planned%20Support%20Guide.pdf>

D183 <https://www.secasa.com.au/pages/indicators-of-child-sexual-abuse/>

In situations where the manager is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of supervision.

**Managers must report complaints of suspected abusive behaviour or misconduct immediately to the CEO and also to any external regulatory body such as the police.** See document D137 for incident reporting instructions.

D137 <http://www.daru.org.au/wp/wp-content/uploads/2013/06/department-of-health-incident-reporting-instruction-2010.pdf>

### **Investigating**

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the CEO will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the CEO may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation. Any such investigation will be conducted according to the rules of natural justice.

The CEO will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation. After an initial review and a determination that the suspected abuse warrants additional investigation, the CEO shall coordinate the investigation with the appropriate investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

### **Responding**

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies or its Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

### **Privacy**

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Open House will have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

### **Reviewing**

Every two years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

## Definitions

**Child** means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

**Child protection** means any responsibility, measure or activity undertaken to safeguard children from harm.

**Child abuse** includes:

- Any act committed against a child involving
  - A sexual offence or
  - An offence under section 49B(2) of the Crimes Act 1958 (grooming)
- The infliction of a child of:
  - Physical violence or
  - Serious emotional or psychological harm
  - Serious neglect of a child

**Reasonable grounds for belief** is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) The child is in need of protection,
- (b) The child has suffered or is likely to suffer “significant harm as a result of physical injury”,
- (c) The parents/carers are unable or unwilling to protect the child.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.

A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a ‘reasonable belief’ might be formed if:

- a) A child states that they have been physically or sexually abused;
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) Someone who knows a child states that the child has been physically or sexually abused;
- d) Professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

## Related Documents:

**Standard 1:** Ensuring an organisational culture of child safety, including through effective leadership arrangements.

- P115 – Safety and Quality Policy
- P154 – Legislative Compliance Policy
- P161 – Participants Wellbeing Policy

**Standard 2:** Working with Children Code of Conduct/statement of commitment to child safety

- P165 – Participant Safe Environment Policy
- P174 – Working with Children Code of Conduct

**Standard 3:** Code of conduct establishing expectations for appropriate behaviour with children.

- P121 – Board Code of Ethics
- P135 – Anti Bullying Policy
- P136 – Sexual Harassment Policy
- P165 – Participant Safe Environment Policy
- P173 – Code of Conduct

**Standard 4:** Screening, supervision, training and human resources practices that reduce the risk of child abuse by new and existing personnel.

- P130 – Staff Recruitment and Retention Policy
- D141 – Reference Checking Template
- P142 – Employment Reference Policy
- D146 – Recruitment Practices for Child Safe Organisations
- P177 – Volunteer Recruitment Policy
- P128 – Staff and Volunteers Training Policy
- P163 – Participants Assessment Policy
- D182 – Grooming and predatory behaviour factsheet
- D183 – Indicators of child abuse factsheet

**Standard 5:** Process for responding to and reporting suspected child abuse.

- D183 – Indicators of Child Abuse
- D137 – Incident Reporting Instructions DHHS
- D212 – Critical Client Incident Management Instructions
- D213 – Required Documents for Reporting a Critical Incident

**Standard 6:** Strategies to identify and reduce or remove risks of child abuse.

- P165 – Participant Safe Environment Policy

**Standard 7:** Policies promoting the participation and empowerment of children

- P159 – Participants Empowerment Policy
- P162 – Participants Participation Policy
- P164 – Participants Goal Oriented Plan Policy

**An overview of the D215 - Child Safe Standards can be found:**

<https://www.eciavic.org.au/documents/item/1039>

## Authorisation

Signature of CEO

Paul Burgess

Date