CHILD SAFETY STANDARD 3: Child safety code of conduct

Introduction

Registered schools have an important responsibility for keeping children safe.

All registered schools are required to develop and endorse a child safety code of conduct as part of child safety standard three (clause nine of Ministerial Order No. 870).

This information sheet outlines the purpose of a child safety code of conduct, things to consider when developing a code of conduct, and checklists to ensure a child safety code of conduct addresses critical areas.

Child safety standard three has four specific requirements. They are that the code of conduct:

1. has the objective of promoting child safety in the school environment;
2. sets standards about the ways in which school staff are expected to behave with children;
3. takes into account the interests of school staff (including other professional or occupational codes of conduct that regulate particular school staff), and the needs of all children; and
4. is consistent with the school's child safety strategies, policies and procedures as revised from time to time.

Please note that the Ministerial Order defines some terms broadly. Some examples are included at the end of this information sheet. A full list of definitions is available at www.vrqa.vic.gov.au/childsafe.

What is the purpose of a child safety code of conduct?

A child safety code of conduct is intended to promote child safety in the school environment.

A child safety code of conduct spells out professional boundaries and acceptable and unacceptable adult/child relationships and behaviour. It should be unambiguous, widely disseminated and supported by supervision, professional development and training.

A child safety code of conduct helps schools, staff and volunteers to raise behavioural issues. It provides a reference point for discussion when there may otherwise be confusion, uncertainty, or a lack of confidence about boundaries for appropriate behaviour with children.

This information should be read in conjunction with a school's child safety strategies, policies and procedures. This advice does not replace any legislative or regulatory obligations or other professional or occupational codes of conduct that regulate particular staff at the school. For example, the Victorian Institute of Teaching (VIT) *Victorian Teaching Profession Codes of Conduct and Ethics* provides clarity regarding professional behaviour expected of teachers at all times. The code specifies behaviour unacceptable for a professional relationship between a teacher and a student.

> *'Teachers are always in a professional relationship with the students in their school, whether at school or not.[1]'*

The VIT code provides a useful guide to appropriate behaviour for all school staff.

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[1] Victorian Institute of Teaching, *Victorian Teaching Profession Codes of Conduct and Ethics*

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Developing a child safety code of conduct

Below are a series of questions to guide the development of a child safety code of conduct.

The code of conduct should be consistent with a school's child safety strategies, policies and procedures. It should be developed in consideration of the diversity of the students enrolled at the school, including children with a disability, Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds and vulnerable children. In considering this diversity, children must always be protected from harm.

> *'A child safe organisation respects cultural differences and variations in child rearing practices due to a family's personal, cultural or religious beliefs. However a child safe organisation recognises that these differences do not reduce a child's right to be safe or the organisations responsibility to protect the child from harm.*[2]

Child Safety Standard 3: Child Safety Code of Conduct

Questions	Yes	No
Is the code consistent with the school's child safety strategies, policies and procedures?		
Does the code set standards about the ways in which school staff are expected to behave with children?		
Is the supporting policy and code clear about who the code applies to?		
Does the code consider the interests of school staff (including professional or occupational codes of conduct that regulate particular school staff), and the needs of all children?		

Does the code address:
* physical contact/touching
* favouritism/'special' relationships
* social media
* put of hours contact with students
* discipline
* changing rooms and changing clothes, toilet and bathing arrangements
* cultural matters.

Is the code clear about:
* reporting and raising concerns about staff/volunteer conduct
* how to take action if an allegation of abuse is made
* reporting to the Victorian Institute of Teaching any charges, committals for trial or convictions in relation to a sexual office by a registered teacher, or certain allegations or concerns about a registered teacher.

Does the code cover all activities, including potentially high risk activities such as:
* overnight camps
* counselling
* first aid
* bus travel
* students with high support needs.

Does the code minimise grey areas and highlight inappropriate behaviours?

Is the code written in the form of a straightforward list of do's and don'ts?

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[2] Commission for Children and Young People 2015, *A Guide for Creating a Child Safe Organisation*

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Does the code include a statement of the consequences for unacceptable behaviour and failing to follow the code of conduct?

Child Safety Standard 3: Policy Making and Approval Process

Questions	Yes	No
Have staff and parents/guardians been involved in the development of the code?		
Has the code been endorsed by the school governing authority?		
Does the code include the name of the position/role within the school with responsibility for the development, review and implementation of the policy covering the code?		
Are staff required to adhere to the code in writing and sign a copy of the code?		
Have parents/guardians and students been made aware of the code?		
Has the code been made publicly available?		
Has the code been drafted taking account of the diversity of all children at the school, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable, recognising that these differences do not reduce the child's right to be safe or the organisation's responsibility to protect the child from harm?		

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Further information

Victorian Registration and Qualifications Authority

Child safe standards website (all schools): www.vrqa.vic.gov.au/childsafe

Government Schools

Website: www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandards

Email: child.safe.schools@edumail.vic.gov.au

Catholic Schools

CECV Industrial Relations (03) 9267 0228

Catholic Education Melbourne, Student Wellbeing Information Line (03) 9267 0228

Catholic Education Office Ballarat, Child Safety (03) 5337 7135

Catholic Education Office Sale, Child Protection Officer (03) 5622 6600

Catholic Education Office Sandhurst, Child Safe Officer (03) 5443 2377

Website: www.cecv.catholic.edu.au

Seventh-day Adventist Schools

Adventist Schools Victoria Office (03) 9264 7730

Website: www.asv.adventist.edu.au

Lutheran Schools

Contact the regional office via phone (03) 9236 1250 or email operations@levnt.edu.au.

Independent Schools who are members of Independent Schools Victoria

Telephone: (03) 9825 7200

Email: enquiries@is.vic.edu.au

Website: www.is.vic.edu.au

The Victorian Institute of Teaching

For *Victorian Teaching Profession Codes of Conduct and Ethics* and information about employer responsibilities to report action taken against registered teachers in response to allegations and concerns about registered teachers.

Website: www.vit.edu.au

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Acknowledgements

The VRQA would like to acknowledge the following organisations whose resources were consulted in the preparation of this information sheet.

- State Government of Victoria, Commission for Children and Young People, Version 2, 2015 *A Guide for Creating a Child Safe Organisation*

- Moores and ourcommunity.com.au, Institute of Community Directors Australia 2016, *Child Protection Toolkit: What Every Not-for-Profit Organisation Must Do Now*

- Child Wise, *12 Steps to Building Child Safe Organisations*

- State Government of Victoria, Department of Health and Human Services, 2015 *Code of Conduct: Toolkit Resource Three*

- State Government of Victoria, Department of Health and Human Services, 2015 *Recruitment Practices for Cihld Safe Organisations: Toolkit Resource Five*

- Victorian Institute of Teaching, *Codes of Conduct and Ethics*

- Government of South Australia, Department for Education and Child Development 2012, *Child Safe Environments: Principles of Good Practice*

- Government of South Australia, Department for Education and Child Development 2015, *Child Safe Environments: Standards for Dealing with Information Obtained About a Person's Criminal History as part of a Relevant History Assessment*

- Community and Disability Services Ministers' Conference 2005, *Creating Safe Environments for Children - Organisations, Employees and Volunteers*; *Schedule: An Evidence-based Guide for Risk Assessment and Decision-Making When Undertaking Background Checking;* and *Schedule: Guidelines for Exclusion of Persons from Employment/Volunteering in Child-Related Areas*

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Definitions

A full list of definitions for Ministerial Order No. 870 is available at www.vrqa.vic.gov.au/childsafe.

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, on a child, of–
    - physical violence or
    - serious emotional or psychological harm
- serious neglect of a child.

Child-connected work means work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

School environment means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- a campus of the school
- online school environments (including email and intranet systems)
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

School staff means:

- in a government school, an individual working in a school environment who is:
    - employed under Part 2.4 of the *Education and Training Reform Act 2006* (ETR Act) in the government teaching service or
    - employed under a contract of service by the council of the school under Part 2.3 of the ETR Act or
    - a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).
- in a non-government school, an individual working in a school environment who is:
    - directly engaged or employed by a school governing authority
    - a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)
    - a minister of religion[3].

- *school governing authority* means:
    - the proprietor of a school, including a person authorised to act for or on behalf of the proprietor; or
    - the governing body for a school (however described), as authorised by the proprietor of a school or the ETR Act; or
    - the principal, as authorised by the proprietor of a school, the school governing body, or the ETR Act.

Explanatory note: There is a wide variety of school governance arrangements. Depending on the way a school is constituted and operated, the governing body for a school may be the school board, the school council, or some other person or entity. The

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[3] **minister of religion** has the same meaning as in the *Working with Children Act 2005.*

school governing authorities may share or assign responsibility for discharging the requirements imposed by this Order, in accordance with the school's internal governance arrangements.

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