# Child Safety Code of Conduct

**Department:** People and Culture

**Responsible Officer:** Director, People and Culture

**Accountable Director:** Director, People and Culture

**Effective date:** 13 June 2022

**Date of next review:** 1 July 2024

**Version:** 1.0

## Purpose and scope

The Victorian Government introduced the Child Safe Standards (the standards), under the *Child Wellbeing and Safety Act 2005* (Vic) which are compulsory minimum standards for organisations that provide services for children and young people (or are used by children and young people) to help protect them from harm. The Standards require organisations that provide services for children and young people to have a Code of Conduct that establishes clear expectations for appropriate behaviour with children and young people.

This Code should be read in conjunction with the [Child Safety and Wellbeing Policy](https://www.legalaid.vic.gov.au/sites/default/files/2022-06/child-safety-and-wellbeing-policy.docx).

The purpose of this Code is to outline the child safe principles and minimum expectations for appropriate behaviour that must be observed when in the company of children and young people.

This Code applies to all VLA Board, all VLA staff members, students, volunteers, and consultants. It also applies to a broad range of locations where direct or incidental interaction with children and young people may occur. For example:

* VLA premises
* child protection, family law and family violence systems
* family dispute resolution services
* school and educational settings through community legal education services
* youth justice system
* adult corrections systems through their parents, carer or other means
* mental health, hospital, residential care systems
* courts and tribunals
  + Justice Service Centres.

It is important that all employees are aware of VLA’s obligations, whereby allegations of employee misconduct involving children and young people can be made against an employee even if the suspected abuse occurred outside of their work.

## Statement of Policy

The Child Safe Standards require organisations that provide services for children to have a Code of Conduct that establishes clear expectations for appropriate behaviour with children and young people.

All staff of VLA are required to observe the below child safe obligations and expectations for appropriate behaviour towards and in the company of children and young people.

## Child Safety Code of Conduct

1. Standards and obligations

VLA staff are responsible for the safety, wellbeing and empowerment of children and young people who engage with VLA.  They are expected to act in accordance with all relevant legislation, this Code of Conduct, VLA’s policies and the Code of Conduct for Victorian Public Sector Employees.

VLA staff will:

* uphold the rights of children and young people who come into contact with VLA to feel heard on matters relevant to them and their safety
* provide a welcoming, inclusive, and safe environment that supports and values the ideas and opinions of children and young people and treats them with respect regardless of their race, colour, gender identity, sex, sexual orientation, language, religion, political or other opinion, national, ethnic, or social origin, culture, property, disability, or other status
* actively promote and consider the cultural safety and inclusion of all children and young people
* empower children and young people by providing an environment where they can actively participate and ‘have a say’, especially on issues that are important to them
* listen and respond to the views and concerns of children and young people, including where it relates to concerns that they feel unsafe
* Comply with legal professional obligations when managing disclosures of abuse from a child client and where appropriate, seek client consent to disclose abuse before making reports that would breach client confidentiality
* abide by VLA’s commitment and obligation to be a child safe organisation
* identify and take appropriate steps to notify appropriate agencies to mitigate risks to the safety and wellbeing of children and young people
* take all reasonable steps to protect children and young people from abuse and harm
* challenge unacceptable behaviour and report all allegations or suspicions of abuse or harm to the Child Safety Officer
* report any concerns, allegations, disclosures, or observations of child abuse in line with VLA’s policies and processes
* report all child safety concerns to the Child Safety Officer, or other relevant person unless it would breach a legal staff members obligation to maintain client confidentiality
* work with children and young people in an open and transparent way.
* respect the privacy of children and young people and their families and only disclose information to people on a need-to-know basis and in accordance with VLA’s Privacy Policy, the *Privacy and Data Protection Act* 2014 and the *Health Records Act* 2001.
* observe professional boundaries with children and young people at all times
* disclose any information of charges, convictions of abuse and all other offence history in accordance with VLA’s Criminal Record Check policy.

VLA staff must not:

* condone or participate in behaviour that is illegal, unsafe or abusive to children and young people
* ignore or disregard any concerns, suspicions, or disclosures of child abuse or harm
* exaggerate or trivialise allegations or issues relating to child abuse or the safety and wellbeing of children and young people
* discriminate against children and young people based on their age, gender identity, sex, race, sexual orientation, or cultural background
* develop inappropriate relationships with children or young people, including relationships that show favouritism, form relationships with them outside of work context and role
* display violent or inappropriate behaviour towards a child or young person
* initiate unnecessary physical contact with children and young people or exhibit behaviours with children and young people which may be construed as inappropriate
* put children and young people at risk of abuse or harm (for example, by allowing unnecessary one-adult/one-child interactions to occur except where it is required e.g., for instruction-taking in departmental, legal, and judicial settings)
* engage in any form of intimate or sexual contact with a child or young person
* engage in open discussions of a mature nature in the presence of children and young people, (including online) except in the course of legal staff taking instructions where it relates to the conduct of a legal matter
* use inappropriate, offensive, harassing, abusive, sexually provocative, demeaning, culturally inappropriate, racist, or discriminatory language when speaking with, or in the presence of, a child or young person
* use any computer, mobile phone, or video and digital camera to exploit or harass children and young people or expose them to offensive or sexualised content except in the course of legal staff taking instructions where it relates to the conduct of a legal matter
* exchange personal contact details with a child or young person such as phone number, social networking sites or email address, unless necessary
* have unauthorised contact with a child or young person client or their family outside of their VLA role, including online, on social media or by phone or in writing.

1. Consequences of breaching the Child Safety Code of Conduct

VLA staff who breach this Code of Conduct may be subject to disciplinary procedures in accordance with the Victoria Legal Aid Enterprise Agreement 2020-2024 and/or relevant terms of engagement.

1. Breach of the Child Safety Code of Conduct

All VLA staff are obliged to report any breaches of this Code of Conduct to the Child Safety Officer or appropriate person (such as a manager). In instances where an allegation of suspected sexual abuse has been made, the matter will be managed in accordance with VLA’s Complaints Procedures and may be subject to referral to Victoria Police. 

If a staff member thinks that this Code of Conduct has been breached by another member of staff, they will:

* act in accordance with the rights of the of the child or young person, supporting them wherever possible to have their views and preferences heard and acted on
* act promptly to ensure that the child or young person is safe and there is follow up to ensure their ongoing safety
* promptly follow VLA’s reporting procedures.

## Related documents

* Code of Conduct for Victorian Public Sector Employees 2015
* *Public Administration Act 2004*(Vic)
* *Child Wellbeing and Safety Act 2005*(Vic)
* *Children Legislation Amendment (Reportable Conduct) Act* *2017*(Vic)
* Victoria Legal Aid Enterprise Agreement 2020 – 2024
* *Privacy and Data Protection Act 2014*(Vic)
* *Health Records Act 2001* **(**Vic)
* *Worker Screening Act 2020* (Vic)
* [VLA Complaints Procedure](https://viclegalaid.sharepoint.com/sites/intranet/policiesandprocedures/working-with-clients/Pages/our-complaint-policy-and-procedure.aspx)
* [VLA Working with Children Check Policy](https://viclegalaid.sharepoint.com/sites/intranet/policiesandprocedures/working-with-clients/Pages/working-with-children-check-policy.aspx)
* [VLA Recruitment and Selection Policy](https://viclegalaid.sharepoint.com/sites/intranet/policiesandprocedures/employment/recruitment-and-selection/Pages/staff-resourcing-and-recruitment.aspx)
* [VLA Child Safety and Wellbeing Policy](https://www.legalaid.vic.gov.au/sites/default/files/2022-06/child-safety-and-wellbeing-policy.docx)
* [VLA Practice Standards](https://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/our-practice-standards#:~:text=Victoria%20Legal%20Aid%E2%80%99s%20%28VLA%27s%29%20practice%20standards%20apply%20to,efficient%20delivery%20of%20high%20quality%20legal%20aid%20services.)
* VLA Misconduct Policy
* [Criminal Record Check Guideline and Criminal Record Check Policy](https://viclegalaid.sharepoint.com/sites/intranet/policiesandprocedures/employment/recruitment-and-selection/Pages/employment-disclosure-and-police-check-policy.aspx)

## Keywords

[Child Safe Standards](https://ccyp.vic.gov.au/child-safe-standards/)

Child Safety and Wellbeing Policy

Child Safety and Wellbeing Code of Conduct

*Child Wellbeing and Safety Act* *2005*(Vic)

## Version control

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| Version number | Details | Author | Date |
| 1.0 | Child Safety Code of Conduct | Emma Hunt | June 2022 |
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