

# Child Safe Code of Conduct

## Scope

This Child Safe Code of Conduct (the Code) applies across all TasTAFE campuses and training facilities and related contexts. It applies to all TasTAFE employees, including the Board of Directors, the CEO, contractors, temporary/casual staff, collocated staff from other organisations and volunteers ('TasTAFE Stakeholders'). Where specified parts also apply to learners and learners on placement. For this document, they will be referred to as 'learners'.

All people aged under 18 in Australia are considered to be children, and for the purposes of this document, they will be referred to as 'children and young people'.

This Code should be read in conjunction with the TasTAFE Staff Code of Conduct, Student Code of Conduct Policy, Managing Student Behaviour Procedure and supporting policies and procedures including Residence Management Policy and Mandatory Reporting of Children and Young Peoples Abuse and Neglect Procedure.

## Purpose

The purpose of the Code is to outline the behavioural expectations of TasTAFE for all TasTAFE stakeholders in their interaction with children and young people, and to stipulate the consequences for any breach of this Code.

The Code is based on the ten National Principles for Child Safe Organisations. These principles collectively support advocacy for child safety and wellbeing and prevent harm to children and young people.

Developing and implementing this Code is a key means of addressing these principles. As such the Code reflects the highest standards of practice in the environments in which our TasTAFE stakeholders engage with children and young people.

The Code incorporates and aligns with requirements of the Child and Youth Safe Organisations Act 2023.

## Commitment to Child Safety

TasTAFE has zero-tolerance for the abuse and neglect of children and young people and is committed to creating a child safe environment where all children associated with the organisation are protected from harm. This will be achieved through policy and procedure education and training, identifying child safety risks, and taking swift action to respond to, and report child safety concerns.

TasTAFE is committed to diversity and social inclusion, and it is expected that each TasTAFE stakeholder will act with intent to empower and engage children and young people in context to their roles and responsibilities within the organisation. This is to ensure that children and young people associated with TasTAFE are given an opportunity to express their concerns and opinions and have a voice.

TasTAFE promotes the empowerment, participation and cultural safety of Aboriginal children and young people from culturally and linguistically diverse backgrounds, children and young people living with disability, children and young people who identify as LGBTIQ+ and those who are unable to live at home.

All TasTAFE stakeholders have a responsibility to understand their important role individually and collectively in ensuring that children and young people are provided with a safe and supportive environment where they can thrive in their learning experiences and fulfill their potential.

## Child Safe Code of Conduct

### All TasTAFE stakeholders will:

- Provide a welcoming, inclusive, and safe environment for children and young people.
- Take all reasonable steps to protect children and young people from abuse through early identification and mitigation of risks to children's safety, in accordance with relevant TasTAFE policy and procedure.
- Behave respectfully, courteously, and ethically towards children, young people, and their families and towards other staff.
- Maintain appropriate professional boundaries with children and young people in line with other relevant professional codes of conduct. This includes expectations such as physical contact, the use of social media, language, and when and how it is appropriate to communicate with children and young people.
- Support children and young people to speak up, participate in consultation processes and to provide feedback in relation to decisions and activities.
- Listen to and empower children and young people who encounter TasTAFE and support them to fulfil their potential.
- Listen and respond to the views and concerns of children and young people, particularly if they communicate that they or another child/young person do not feel safe or well.
- Promote the empowerment, participation, and cultural safety of particularly vulnerable children, for example, Aboriginal children and young people, children and young people from culturally and linguistically diverse backgrounds, children and young people living with disability, children and young people who identify as LGBTIQ+, and those who are unable to live at home.

- Report any allegations of child abuse to the relevant authorities, e.g., Police, Child Protection, as per legislation and internal policy/procedure i.e., TasTAFE Mandatory Reporting of Children and Young Persons Abuse and Neglect Procedure.
- Comply with TasTAFE policies and procedures on record keeping and information sharing.
- Lead by example and model appropriate behaviour amongst colleagues and in interactions with children and young people.
- Call the Police if a child is in immediate danger, by phoning 000.

## **All TasTAFE stakeholders will not:**

- Use hurtful, inappropriate, or discriminatory language when speaking with or in the presence of a child or young person.
- Discriminate against or denigrate any child or young person because of their age, gender identity, sex, race, culture, ethnicity, religion, sexuality, or disability.
- Engage in unnecessary physical contact with a child or young person or do things of a personal nature for them that they can do for themselves.
- Engage in sexual misconduct which includes any sexual activity, exploitation, inappropriate conversations of a sexual nature and Grooming.
- Engage in any action that could be considered Grooming, including giving unauthorised gifts to individual children, young people, or their families, showing favouritism, or developing friendships with children, young people and/or their families outside service/program hours.
- Be alone with a child or young person unnecessarily, particularly in a secluded or private setting.
- Use electronic communication and/or social media (e.g., computer, mobile phone, video or digital camera) to exploit or harass children and young people or to expose them to offensive, sexualised or mature content.
- Photograph or video a child or young person without their consent and the consent of their parent or guardian.
- Disclose personal or sensitive information about a child including images of a child unless the child and their parent or legal guardian consent, or unless required to do so by TasTAFE policy and procedure on reporting.
- Use alcohol or illegal drugs or be under the influence of alcohol or illegal drugs whilst on TasTAFE premises or during tuition; or use, sell or possess alcohol (unless licensed to do so) or illegal drugs whilst on TasTAFE premises or undertaking any other TasTAFE training activity.
- Arrange contact, including online contact with children or young people outside of TasTAFE programs and activities.
- Use unacceptable discipline or threats of such discipline.
- Ignore children or young people who raise concerns or disregard any suspicions of child abuse or inappropriate conduct towards children or young people.

- Wait until there is definite proof before acting on an allegation or suspicion of abuse or misconduct.

### **All Learners will:**

- Be welcoming to children and young people.
- Keep appropriate boundaries with children and young people, including physical contact, social media use or communication.
- Treat children and young people with respect by listening, staying calm, and using positive language.
- Listen to and address the concerns of children and young people, especially if they express feeling unsafe or unwell.
- Report any abuse they witness to the TasTAFE Safeguarding Officer on 03 6153 1300.

### **Learners will not:**

- Use hurtful, inappropriate, or discriminatory language around children or young people.
- Discriminate against or put down children or young people based on age, gender, race, culture, religion, sexuality, or disability.
- Engage in unnecessary physical contact with a child or young person.
- Participate in any sexual activity, inappropriate sexual conversations, or Grooming while on TasTAFE campus.
- Engage in any Grooming behaviour.
- Be alone with a child in a private, secluded area not seen or visited by many people.
- Use electronic communication or social media to exploit, harass, or expose children to offensive or mature content.
- Take photos or videos of a child without permission from both the child and their parent or guardian.
- Ignore concerns or suspicions of child abuse or inappropriate behaviour towards children.

## **Specific Program and Service Delivery Areas**

### **Camping and/or overnight stays**

Throughout their engagement with TasTAFE, young people aged under 18 years may participate in camps and overnight trips as part of their training.

#### **TasTAFE stakeholders are expected to:**

- Plan all overnight stays and camps in accordance with relevant TasTAFE policies and procedures.

- Obtain written parental/guardian approval prior to any overnight stay and ensure the parent/guardian and child or young person are provided with details of location, activities, sleeping arrangements and supervision.
- Be aware of their responsibilities regarding child safety and consider a 'buddy' system of support where a trip leader and/or responsible adult helps to support the young person under 18.
- Provide safe sleeping arrangements by considering age and gender if the child or young person will be sharing a room.
- Identify any risks prior to the event (e.g., the consumption of alcohol and access to 18+ venues), develop a risk mitigation plan, and ensure that this is communicated to all parties.
- Ensure that young people under eighteen can contact their parent/guardian for support if required and that they are aware of key TasTAFE stakeholders present from whom they can seek support.

## **Transportation**

### **TasTAFE stakeholders are expected to:**

- Never transport children and young people in their private vehicle.
- Obtain written parental/guardian consent before transporting children in a work vehicle, and communicate the purpose of the transport, pick up and drop off times, and locations to the parent/guardian.
- Be aware of the risks of children and young people using public transportation. If an event/trip/excursion requires the use of public transportation, the TasTAFE stakeholder must provide adequate supervision.

## **Use of electronic communications and online behaviour**

### **TasTAFE stakeholders are expected to:**

- Engage only in authorised contact with children and young people using TasTAFE email addresses, digital learning platforms and/or social media accounts developed for the purposes of a TasTAFE course.
- Ensure that any other interaction with children and young people online is for the purposes of their safety or education, i.e., private messaging platforms are only to be used for group conversations strictly within TasTAFE context such as student clubs, camps, or trips.
- Consider any risks associated with online contact, and identify appropriate mitigation strategies, including recording online classes and discussion groups, supervision of online breakout room discussions, and communicating child safety to other adults associated with TasTAFE in the online space, e.g., adult students attending the same online class as children and young people.
- Obtain written parental/guardian consent prior to recording an online class where a student is under the age of eighteen.

## Breaches of this Code

Allegations about learners breaching this Code will be investigated and appropriate disciplinary action taken in accordance with the Managing Student Behaviour Procedure.

Allegations about anybody else breaching this Code will be investigated in accordance with the *TasTAFE (Skills and Training Business) Act 2021 (Section 36)*. If an investigation finds someone has breached the Child Safe Code of Conduct, TasTAFE can take one or more of the following actions:

- Direct that the TasTAFE stakeholder undergoes counselling as specified by TasTAFE
- Notify the Registrar appointed under the *Registration to Work with Vulnerable People Act 2013*, in respect of the breach
- If the TasTAFE stakeholder is a registered teacher within the meaning of the *Teachers Registration Act 2000*, notify the Board, within the meaning of that Act, in respect of the breach
- Determine whether the breach amounts to serious misconduct within the meaning of the Fair Work Act 2009 of the Commonwealth
- refer the matter to Tasmania Police.

(Nothing in the above mentioned prevents the CEO from sharing Reportable Conduct information within the requirements and meaning of the *Child and Youth Safe Organisations Act 2023*)

TasTAFE Stakeholders who breach this Code can be subject to disciplinary procedures in accordance with the relevant industrial instrument and TasTAFE policies, procedures and Codes of Conduct. For serious breaches, this may include termination of employment or engagement with TasTAFE and referral to police where this hasn't already occurred.

TasTAFE employees may seek advice on non-compliance with this Code from line management or the People, Safety and Culture Team and report as a non-compliance in line with the Non-Compliance Reporting Procedure.

TasTAFE Stakeholders who witness or hear of another TasTAFE stakeholder breaching this Code, are responsible for reporting this to the TasTAFE Safeguarding Officer on 03 6153 1300.

## Reporting Child Safety Concerns

Everybody is encouraged to speak up if they have concerns about the safety of children and young people.

### Learners:

Let your teacher know if you think another learner or anyone else has breached this Code. If you think your teacher has breached this Code, then seek out your campus student support (Client Central/Student Counsellors) or TasTAFE Safeguarding Officer on 03 6153 1300.

## Everybody else:

If believed that this Code has been breached Act promptly to prioritise the safety and best interests of children and young people. Do:

1. Report criminal offences to police.
2. Report to the TasTAFE Safeguarding Officer on 03 6153 1300.
3. TasTAFE employees and volunteers are mandatory reporters. You should make a report as soon as you believe a child is at risk of abuse, neglect, or serious harm. It is against the law for mandatory reporters to fail to notify authorities about possible risks to a young person or unborn baby. If you believe that the young person is at immediate risk it is best to make a report to the police as soon as possible to protect the young person from immediate harm. If it is not a situation where you believe there is an immediate risk then you should make a report to Strong Families Safe Kids Advice and Referral Line on 1800 000 123. It will not be sufficient to tell your manager or supervisor as the law requires you to make the report yourself to Strong Families Safe Kids Advice and Referral Line.
4. Once aware People Safety and Culture will report to the Work with Vulnerable People Registrar on behalf of TasTAFE as an employer of someone who holds Working with Vulnerable People registration.
5. If the breach of the Code may be Reportable Conduct, the TasTAFE CEO reports to the Independent Regulator within 3 business days of becoming aware of the Reportable Conduct.

The following section includes descriptions of Reportable Conduct. Please reach out to support services if needed.

### Support services:

- For information about child wellbeing and safety, contact Strong Families, Safe Kids Advice and Referral Line: Phone: 1800 000 123
- For free and confidential support for people who have been affected by sexual violence, contact the Tasmanian Sexual Assault Support Line (24 hour response state-wide): Phone: 1800 697 877. This line is run by the Sexual Assault Support Service in the South, and Laurel House in the North and North West.
- For information and support for children, young people and adults affected by family violence, contact Family Violence Counselling and Support Service: Phone: 1800 608 122
- For free and confidential support for people impacted by crime, contact Victims of Crime Service: Phone: 1300 300 238
- For support for relationships and to live positive lives, contact Relationships Australia Tasmania: Phone: 1300 364 277
- For culturally appropriate, trauma-informed legal and non-legal services and assistance to Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault, contact SIS. Phone: 1800 747 827

# Roles and Responsibilities of TasTAFE Stakeholders

## Board of Directors

- Ensure that a Child Safe Code of Conduct is prepared that specifies in relation to all persons employed or engaged in relation to TasTAFE:
  - The expected behaviours when interacting with TasTAFE learners, children and young people.
  - Behaviours that are unacceptable when interacting with TasTAFE learners children and young people.
- Ensure that there are systems and structures in place within the organisation to implement and monitor the effectiveness of this Code.
- Ensure governance arrangements and relevant policies are appropriate, relevant, understood and regularly reviewed, in accordance with organisational processes.
- Ensure the Child Safe Code of Conduct is published on the TasTAFE website whilst it remains in force.

## CEO, Executive Group and Senior Managers

- Implement systems, structures, onboarding and training within the organisation to employ and monitor the effectiveness of this Code.
- Implement governance arrangements and policies that are appropriate, relevant, understood and regularly reviewed, in accordance with organisational processes.
- Ensure the overall welfare and wellbeing of children and young people (duty of care).
- Manage non-adherence to this Code.
- CEO authorise investigation in accordance with the *TasTAFE (Skills and Training Business) Act 2021 (Section 36)*.
- Provide six-monthly reporting of breaches of this Code to the Board.
- CEO on becoming aware of a reportable allegation or reportable conviction recorded against a TasTAFE stakeholder, inform Board Directors and notify the regulator in writing of the allegation or conviction **within 3 days**.

## People Leaders/Managers

- Manage their people's adherence to this Code.
- Report their people's non-adherence to this Code by contacting the TasTAFE Safeguarding Officer on 03 6153 1300 following the [Non-Compliance Reporting Procedure](#).

## Safeguarding Officer

- Receives reports of non-adherence to this Code.
- Administers the reporting and investigation of Reportable Conduct.

## Other TasTAFE Stakeholders

- Understand and adhere to the obligations of this Code.
- Report any non-adherence to this Code by contacting TasTAFE Safeguarding Officer on 03 6153 1300.
- Teaching employees include behaviours of learners and what behaviours learners can expect of TasTAFE teachers about the Child Safe Code of Conduct in learner induction.

## Definitions

### Reportable Conduct

The definition of reportable conduct includes a range of conduct committed against, or in the presence of, children and young people, and is broader than suspected criminal behaviour alone.

### Grooming

Grooming means befriending and establishing an emotional connection with a child (and/or the child's guardian, family or friend or a worker) for the purpose of establishing trust to normalise sexually harmful behaviour or engage in an unlawful act, criminal offence or sexual misconduct against a child.

Grooming occurs in a pattern of manipulative or controlling behaviours. These behaviours can take place in a range of settings.

Examples of grooming behaviour include:

- isolating a child from their peers to spend time alone
- befriending a child in person and continuing to communicate with the child online
- giving gifts, money or alcohol to a child, parent or friend to gain access to a child
- inappropriate touching of a child, including tickling and play fighting
- asking a child not to tell anyone about the perpetrator's behaviour.

For the purpose of:

- establishing trust to normalise sexually harmful behaviour or engage in an unlawful act, sexual offence or sexual misconduct against a child.

Grooming behaviour can also be a sexual offence under section 125D of the *Criminal Code Act 1924*.

If you are unsure if an allegation of grooming behaviour is a criminal offence, you should contact Tasmania Police.

## **Physical Violence**

Physical violence means:

- actual physical violence: the intentional or reckless application of physical force to a person without lawful justification or excuse; or
- apprehended physical violence: any act which intentionally or recklessly causes a person to apprehend immediate and unlawful violence to the person.

Examples of actual physical violence include hitting, punching, pushing, kicking and spitting. Examples of apprehending physical violence include words or actions which indicate that physical violence will occur to the child in the future.

## **Relevant Offence**

The definition of reportable conduct includes 'a relevant offence' because there are other types of conduct that need to be reported, but don't easily fit into the other categories.

Under the Reportable Conduct Scheme, a relevant offence is:

- a sexual offence under the *Criminal Code Act 1924*
- failing to report the abuse of a child
- female genital mutilation
- inciting or attempts to commit crimes that are inciting or attempts to commit offences listed above
- accessories after the fact for crimes that are inciting or attempts to commit offences listed above.

## **Sexual offences and sexual misconduct**

Sexual offences include:

- bestiality (given this often co-occurs with sexual abuse of people)
- penetrative sexual abuse of child or young person
- person permitting penetrative sexual abuse of child or young person on premises
- persistent sexual abuse of child or young person
- indecent act with child or young person
- procuring child or young person for sexual abuse
- communications with intent to procure child or young person
- penetrative sexual abuse of person with mental impairment
- indecent assault
- procuring a person for penetrative sexual abuse by threats or fraud
- involving person under 18 years in production of child exploitation material
- production of child exploitation material
- distribution of child exploitation material

- possession of child exploitation material
- accessing child exploitation material
- incest
- indecency
- rape
- inciting or attempts to commit crimes that are inciting or attempts to commit offences listed above
- accessories after the fact for crimes that are inciting or attempts to commit offences listed above
- wilfully and obscenely expose one's person in public

### **Sexual misconduct**

This conduct may overlap with criminal conduct. When performed in a sexual manner or with a sexual intention, sexual misconduct includes:

- inappropriate behaviour
- physical contact
- voyeurism (which means watching someone or others)
- speech or other communication, including electronic communication.

Sexual misconduct is conduct that doesn't meet the acceptable standard of behaviour by a worker or volunteer and is committed in a sexual manner or with sexual intention.

Sexual misconduct may occur in a variety of settings, including in person communication and online communication.

Examples of sexual misconduct include inappropriate comments to a child about an area of their body in a sexual manner and inappropriate touching of a child.

Another example would be intentionally showing a sexually explicit movie to a child for sexual gratification.

### **Significant emotional or psychological harm**

Emotional or psychological harm means harm to a child's:

- wellbeing
- development
- or both.

Significant means the harm is more than trivial. It is also important to know that something doesn't have to have a permanent impact or effect to be considered significant.

Examples of significant emotional or psychological harm include:

- direct and indirect exposure to domestic and family violence
- verbal abuse, such as telling a child they are worthless

- humiliating a child in front of their peers.

### **Significant neglect**

Neglect of a child means the deliberate or reckless failure to meet one or more of that child's basic needs.

Significant means the neglect is more than trivial or insignificant, but is not required to be deemed serious or to have a lasting permanent effect.

There are several types of neglectful behaviour.

These include:

- supervisory neglect: for example, leaving a child in a hot car in summer time
- physical neglect: for example, a child being extremely dirty and suffering a skin condition as a result of poor hygiene
- educational neglect: for example, preventing a child from attending school for no valid reason
- emotional neglect: for example, rejecting a child from a family, home, school or other situation for no valid reason.

## Associated legislation

- This Code has been developed in line with the National Principles for Child Safe Organisations.
- Anti-discrimination Act 1998
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Fair Work Act 2009
- Racial Discrimination Act 1975
- Racial Hatred Act 1995
- Relationships Act 2003
- Sex Discrimination Act 1984
- TasTAFE (Skills and Training Business) Act 2021
- Work Health and Safety Act 2012 (Tasmania)
- Work Health and Safety Regulations 2012 (Tasmania)
- Children, Young Persons and Their Families Act 1997
- Child and Youth Safe Organisations Act 2023

## Associated documents

- Staff Code of Conduct
- Student Code of Conduct
- Unacceptable Behaviour and Potential Misconduct Policy
- Managing Unacceptable Behaviour and Potential Misconduct Procedure
- Mandatory Reporting of Children and Young Peoples Abuse and Neglect Procedure
- Safe Campus Policy
- Health, Safety and Wellbeing Policy
- Registration to Work with Vulnerable People Policy
- Registration to Work with Vulnerable People Procedure
- Bullying and Harassment Procedure
- WHS Hazard Risk Identification, Risk Assessment Management and Control Procedure
- Information Sharing under the Child and Youth Safe Organisations Framework

# Policy control

## Contact points

Responsibility	Position title	Contact person	Contact number
Executive owner	Chief Executive Officer	Grant Dreher	0467 864 745
Policy owner	Board	Chairperson	0499 723 109
Contact person	Director People, Safety and Culture	Jim Burden	0437 521 452

## Consultation

The following teams/positions were consulted during the development of this Policy:

- TasTAFE Board
- Executive Team
- Student Support Manager – Disability and Counselling
- Student Support Manager - International & Aboriginal

## Endorsement required prior to Board Approval:

Risk and Compliance Committee

Executive

## Endorsements

Committee	Date
Risk and Compliance Committee	15.11.2024
Executive Team	10.12.2024

## Dates:

Last approved: 17/12/2024

Next review: 17/12/2025

## Version history

Version	Date	Description of changes
1.0	19.12.2022	Establishment
1.1	19.12.2023	Scheduled review and incorporation of requirements of the <i>Child and Youth Safe Organisations Act 2023</i> .
1.2	30.04.2024	Updated contact points.
1.3	04.10.2024	Updated CEO, Executive and Senior Manager responsibilities to expressly include reporting responsibility. Included People Leader section to expressly require managing for adherence to the Code. Added detail on what amounts to reportable conduct. Included visitors within definition of stakeholders. Broadened application from TasTAFE campuses and training facilities to include related contexts ie. excursions and online environments. Reworded application of policy to make clearer. Included: mandatory reporter obligation and contact information for strong families' safe kids, learner obligations and role of TasTAFE Safeguarding Officer to unify and simplify reporting.

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*All references to Aboriginal also includes Torres Strait Islander*