

CHILD SAFE STANDARD 3: DEVELOPING A CHILD SAFETY CODE OF CONDUCT

Guidance for schools in developing their response

A Code of Conduct is a highly effective strategy to help keep children safe from harm¹. A Code of Conduct lists behaviours that are acceptable and those that are unacceptable. It identifies professional boundaries, ethical behaviour and how to avoid or better manage difficult situations.

This Code of Conduct aims to protect children and reduce any opportunities for child abuse or harm to occur. It also assists school staff to understand how to avoid or better manage risky behaviours and situations. It is intended to complement child protection legislation, school policies and procedures and professional standards, codes or ethics as these apply to staff and other personnel.

In preparing for compliance schools are expected to:

1. **Adopt** the Department's exemplar **Child Safety Code of Conduct** or develop a Child Safety Code of Conduct specific to your school in consultation with school staff and the school governing authority— see the suggested process below and the [Exemplar/Model Clause Code of Conduct](#).
2. **Identify** the actions the school proposes to take, per Standard 1, to put the school's Child Safety Code of Conduct into effect and articulate the timeframe for this.
3. **Determine** the timeframes for the school governing authority to authorise the statement as well as the timeframes for informing the school community about the statement.

BACKGROUND

On 26 November 2015, the Victorian Parliament passed the *Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015* to introduce seven child safe standards (the Standards) into law. The Standards apply to all organisations involved in child-related work in Victoria.

Under the *Education and Training Reform Act 2006*, Ministerial Order No. 870 provides the framework for how schools will be required to comply with the Standards. Overall responsibility for ensuring compliance rests with the Victorian Registration and Qualifications Authority.

¹ Commission for Children and Young People (2015) A Guide for Creating a Child Safe Organisation, accessed May 2016 at: <http://www.ccp.vic.gov.au/downloads/creating-a-childsafe-organisation-guide.pdf>

Ministerial Order 870 specifies the following requirements for schools regarding a Code of Conduct:

The school governing authority must develop, endorse, and make publicly available a code of conduct that:

- a) has the objective of promoting child safety in the school environment;*
- b) sets standards about the ways in which school staff are expected to behave with children;*
- c) 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*
- d) is consistent with the school's child safety strategies, policies and procedures as revised from time to time.*

Where there is a school council, they are the school governing authority.

Please note that Ministerial Order 870 defines some terms broadly. For example the definition of **school staff** being 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), and including a chaplain or minister of religion. A school lead for child safety should have sufficient status and authority, including leadership support and the ability to direct other staff (where appropriate), to undertake the role effectively.

Relevant definitions can be found [here](#).

ALIGNMENT WITH EXISTING PROFESSIONAL CODES OF CONDUCT

This *Child Safety Code of Conduct* is particular to the requirements of the Victorian Child Safe Standards and applies to all school employees, contractors, volunteers and any other members of the school community involved in child-related work with students of the school.

This *Child Safety Code of Conduct* identifies inappropriate behaviour with children in a school environment. The objective is to guide school staff in identifying and regulating their own behaviour and the behaviour of other school staff, and to protect children from abuse in the school environment.

The Child Safe Code of Conduct does not replace or change responsibilities under the Code of Conduct for *Victorian Public Sector Employees* the *Victorian Teaching Profession Codes of Conduct and Ethics* and other professional or occupational codes of conduct that may impose certain obligations or regulations. The Code is intended to be complementary to those other professional or occupational codes of conduct.

More information regarding the alignment between the Child Safety Code of Conduct and other applicable professional codes of conduct is further discussed [here](#).

AN EXEMPLAR CHILD SAFETY CODE OF CONDUCT

Principals are responsible for ensuring that the school reviews, adopts, develops and maintains a Child Safety Code of Conduct and for arranging endorsement of the Code by the school governing authority. Each school should undertake meaningful consultation with staff, the school governing authority and others in the adoption/development of its Code of Conduct.

The Principal may wish to allocate responsibility for leading the development of the Child Safety Code of Conduct to a member of the school leadership team or other appropriate school leader.

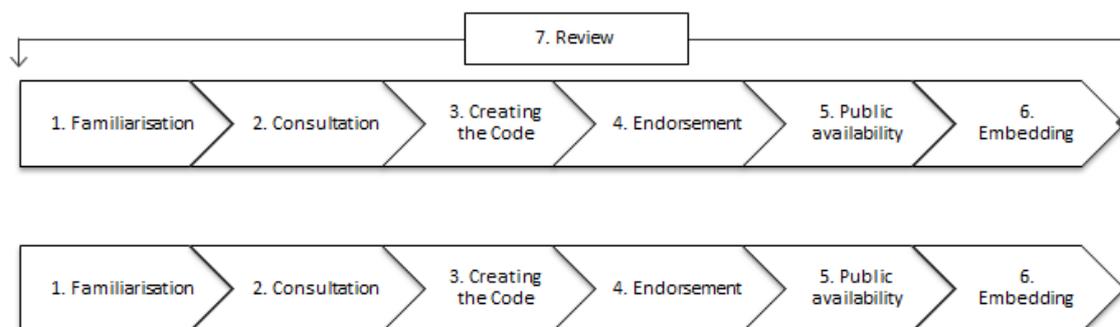
The Principal and nominated staff member/s should become familiar with the Child Safe Standards, the Ministerial Order 870, other Departmental resource material regarding the safety and wellbeing of children, related VRQA advice and resources, as well as the contents of this Guide (available at the end of this document).

The Code of Conduct must be appropriate to each individual school. For example, schools may wish to insert additional text to address specific situational events or to address issues specific to a cohort of school staff, for example parents who volunteer at the school. This may include additional text, to qualify the exemplar Code, such as:

- Alcohol may be consumed by school staff, in moderation, and in line with the School Policy Advice Guide, at [insert event e.g. the Year 12 formal] however staff are to be mindful of their duty of care obligations and are to remain professional at all times.

The Code will apply to school employees, contractors, volunteers and any other members of the school community involved in child-related work. Once finalised, the Code of Conduct should be made widely available (for example on the school website) on an ongoing basis.

This guide outlines seven steps to developing the Child Safety Code of Conduct.



1. FAMILIARISATION WITH THIS GUIDE AND RELATED RESOURCES

This Guide is provided to assist a school to develop or review its own Child Safety Code of Conduct. It includes:

- an exemplar/model clause Code of Conduct, as outlined above [Note: the exemplar Code can be adopted by the school]. This can be found [here](#).
- references and resources, including VRQA guidance – see Section 9 below.

2. CONSULTATION AND ENDORSEMENT – CREATING THE CODE

Each school should either adopt the exemplar Child Safety Code of Conduct or develop its own Child Safety Code of Conduct. Consultation with the school governing authority, teaching and non-teaching staff, volunteers, families and children can provide unique insights into child safety practices and concerns.

The process of consultation should provide information about the Victorian Child Safe Standards and the intent of a Child Safety Code of Conduct. It should highlight who the Code will apply to and that it will apply across all school activities, including school camps and in the use of digital technology and social media.²

The exemplar or 'Model Clause' Code of Conduct contained within this Guide can provide the basis for discussing the appropriateness of specific behaviours. Schools may decide to modify this exemplar for their own context, for example the acceptability of some behaviours may depend upon the students' age and developmental stage or other needs. Moreover, the lists of acceptable and unacceptable behaviours contained in the exemplar are not intended to be exhaustive, but may assist schools when customising their codes of conduct.

The Code of Conduct needs to be consistent with applicable school policies and practices pertaining to child safety including wellbeing, student supervision, duty of care, volunteers, camps and excursions (including overseas travel), bullying policies and disciplinary procedures. This includes reference to the student safety section of the SPAG.³

The Code should be provided to the school's governing authority for review and endorsement.

3. PUBLIC AVAILABILITY

Once endorsed, the Code should be widely disseminated and visible within the school community (e.g. school website, newsletters, posted in prominent school locations, included in staff and family handbooks, included in staff, volunteer, and contractor induction kits/ processes).

4. EMBEDDING THE CODE

The school will need to develop practices and systems to ensure all school staff (employees, contractors and volunteers) and parents are informed about the Code and its implications on an ongoing basis.

This can include the following actions:

- ensuring that all school staff (employees, contractors and volunteers) are aware of the code and how it applies
- inclusion of the Code as part of the induction for new school staff
- inclusion of the code as part of annual training for existing leadership members, employees, contractors and volunteers

² <http://www.education.vic.gov.au/school/principals/spag/governance/pages/socialmedia.aspx>

³ <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/safety.aspx>

- discussion of the Code at staff meetings; communication of the Code through school communication channels and/or displaying the Code in common areas, such as a staff room
- informing parent/ carers and other persons associated with the school of the expected behaviour for the school's leadership, staff, contractors and volunteers
- using the school's and the Department's reporting procedures (as applicable) should breaches of the Code be suspected or identified
- including the Code in employment advertisements and service contracts to ensure compliance
- communication of the Code to students in an appropriate way.

Schools may also wish to record, in a central repository held by the school, that staff, contractors and volunteers have read and understood the Code.

5. REVIEWING THE CODE

The school may review its Child Safety Code of Conduct on an as needs basis. As a minimum the code should be reviewed every 3 years.

RESOURCES AND REFERENCES

- [*A step-by-step guide to making a report to Child Protection or Child FIRST*](#)
- Commission for Children and Young People (2015) [*A Guide for Creating a Child Safe Organisation 2.0*](#)
- Department of Health and Human Services (2015) [*Code of conduct: Child safe standards toolkit: resource three*](#)
- Department of Training and Education – School Policy Advice Guide, [Alcohol](#)
- Department of Training and Education – School Policy Advice Guide, [Photographing and Filming Students](#)
- Our Community (2016) [*Child Protection Tool Kit, What every not-for-profit organisation must do now*](#)
- [Protecting the safety and wellbeing of children and young people](#)
- [Protecting Children - Mandatory Reporting and Other Obligations](#) - elearning module
- State of Victoria (2010) [*Protecting the safety and wellbeing of children and young people*](#): A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools
- Victorian Institute of Teaching [*Victorian Teaching Profession Codes of Conduct and Ethics*](#)
- Victorian Government, Education & Reform Act 2006, Gazette No. S2, January 2016, [*Child Safe Standards – Managing the Risk of Child Abuse in Schools, Ministerial Order No. 870.*](#)

- Victorian Registration and Qualification Authority (2016) [Information Sheet. Child Safety Standard 3: Child safety code of conduct.](#)
- Victorian Registration and Qualification Authority (2016) [Information Sheet. Child Safety Standard 3: Child safety code of conduct - acceptable and unacceptable behaviour.](#)