

CHILD SAFEGUARDING CODE OF CONDUCT

1. Introduction

CatholicCare Wollongong is committed to creating and maintaining an environment that promotes the safety of all children and young people, consistent with our mission and values, and in compliance with our legislative obligation. This includes encouraging a culture where the prevention and reporting of abuse is supported and encouraged. All employees are responsible for promoting the safety, wellbeing, and empowerment of children and young people.

This Code has been written in recognition of the power differential that is inherent between adults and children/young people. The potential for this power imbalance to impact detrimentally on relationships is high. Therefore, the purpose of this Code of Conduct is to set clear rules and expectations for how employees in CatholicCare Wollongong should behave around children and young people in areas where there is a need to make personal and ethical decisions. It also provides understanding in the importance of children and young people being (and feeling) safe and how the support of adults can contribute to this.

This Code aims to:

- Clarify the expectations of employees, which for this document includes authorised carers, advisors, and consultants, and
- Provide a safe and supportive environment for children, young people, and employees, and
- Build and maintain a contemporary workplace that is safe, respectful, professional, and legally compliant.

This Code is not exhaustive and does not identify every potential scenario of concern in the workplace.

2. Our Commitment

The Child Safeguarding Code of Conduct applies to all employees engaged to work in or provide services to CatholicCare Wollongong. All employees, families and community members are encouraged to speak up if they have concerns about the safety of children and young people. Complaints about a breach of this Code of Conduct must be reported to the Executive Manager of the program where the breach occurred and the Executive Manager of Quality & Risk. In the event that the concern is about conduct of senior management and Advisory Council Members (where relevant), report directly to the Chief Executive Officer, or Chief Operating Officer to ensure there is no conflict of interest in the reporting process.

Failure to comply with this code of conduct may result in disciplinary action including increased supervision, appointment to an alternative role, immediate termination of employment, termination of contractor agreement, notification to external agencies and/or criminal charges. Detailed descriptions of breaches are found in our Disciplinary Policy.

Behaviours that on their own may not constitute a breach of the Code of Conduct, but together may indicate a pattern of behaviour that poses a risk to the safety of children and young people, will be treated as a breach of this code, and the same disciplinary action will be implemented.

Any breaches requiring reporting to an external agency may include but are not limited to the:

- NSW Police Force
- Department of Communities and Justice
- Office of the Children's Guardian

- NDIS Quality and Safeguards Commission

Failure to do so may result in further disciplinary action.

If a child is at immediate risk of abuse, phone the NSW Police Force, dial 000.

3. Acknowledgment of the United Nations Rights of the Child

In the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.

As stated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth", growing up in a family environment, in an atmosphere of happiness, love and understanding and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

We must listen to the child or young person and ensure the best interests of the child or young person becomes the top priority in all decisions and actions that affect children and young people.

Basic principles of the Convention:

- All children are equal and have the same rights.
- Every child has the right to have his or her basic needs fulfilled.
- Every child has the right to protection from abuse and exploitation.
- Every child has the right to express his or her opinion and to be respected.

4. Agency Culture

4.1. Duty of Care

Duty of care to children and young people applies during all activities and functions conducted or arranged by CatholicCare Wollongong where children and young people are in the care of employees.

Employees must assess and manage the risk associated with any activity before undertaking the activity, in line with the Child Safeguarding Risk Management Policy.

These obligations will arise from the specific role and responsibilities of the employee include (but are not limited to) the following:



Acceptable

- Providing adequate supervision.
- Following procedures relating to a child and/or young person's safety, behaviour management, welfare, and wellbeing (for example, reporting procedures).
- Demonstrating personal behaviours that promote the safety, welfare, and well-being of children and young people.
- Providing medical assistance (if competent to do so) or seeking assistance from a medically trained person to aid a child or young person who is injured or becomes sick.



Unacceptable

- Leaders that do not support or prioritise child or young person safety.
- Protection of the reputation of the Agency over the decisions required to prioritise children and young people.
- Emphasis on power, aggression, strength, and competition.
- Lack of understanding/awareness of child abuse.
- Unclear expectations about employee-child relationships.



Acceptable

- Identifying and protecting a child or young person from hazards that pose a risk of harm and which can be reasonably predicted.
- Taking appropriate action where a child or young person's safety, welfare or well-being is at risk.
- The standard of care that is required needs to take into consideration various factors, such as a child or young person's maturity, ability, and circumstances.



Unacceptable

- Not listening to and respecting children and young people.
- Children and young people not having access to a trusted adult.
- Ineffective child safe policies and procedures
- Close-knit and longstanding relationships between co-workers that negatively impact on the attitudes, beliefs, and practice toward protecting children and young people.
- Inadequate internal disciplinary processes.

Professional conduct

Employees must act professionally and appropriately when dealing with children and young people as well as others they come into contact with as part of their engagement with CatholicCare Wollongong.



Acceptable

- Treat all workers, families, and children and young people with respect by listening to their needs, remaining calm and using positive, non-offensive language.
- Behave with integrity, honesty, consistency, and transparency.
- Behave courteously and ethically towards other Employees, children and young people and their families.
- Behave with respect for individual rights to freedom of expression, self-determination, and decision-making in accordance with applicable laws and conventions.
- Listen and respond to the views and concerns of children and young people, particularly if they are telling you that they are or another child and young person has been abused or that they are worried about their safety/the safety of another child and young person, with positive and age-appropriate word choice.
- Treat children and young people with respect and value their ideas, opinions,



Unacceptable

- Condoning or participating in behaviour with a child and young person that is illegal, unsafe, or abusive.
- Rude or insulting behaviour, including verbal aggression, swearing, using racial, cultural, homophobic, or sexist slurs.
- Abusive, threatening, or derogatory language or conduct including yelling, talking over the top of others, use of hurtful sarcasm.
- Intimidating words or actions such as moving into another person's personal space, or finger pointing.
- Making physical or psychological threats to harm another person.
- Engage in such conduct towards children/ young people or peers and stakeholders in the presence of children and young people.
- Ignore or disregard any suspected or disclosed child abuse.
- Exaggerating or trivialising the subject of child abuse, such as telling jokes that make light of children and young people



Acceptable

and backgrounds.

- Promote the safety, participation, and empowerment of children and young people especially those with a disability.
- Promote the cultural safety, participation, and empowerment of Aboriginal and Torres Strait Island children (for example, by never questioning an Aboriginal and Torres Strait Island children and young people's self-identification).
- Promote the safety, participation, and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination).



Unacceptable

being hurt.

4.2. Vulnerabilities of Children

Various Forms of Child Abuse

Child abuse falls into different categories:

- **Physical abuse** – the intentional or reckless use of physical force against a child and young person that results in harm to the child and young person's health, development, or dignity, or which has a high likelihood of resulting in such harm. It may also include the threat of abuse where the child and/or young person reasonably fears it may occur.
- **Sexual abuse** – any act which exposes a child and young person to, or involves a child and young person in, sexual processes beyond his or her understanding or contrary to accepted community standards. This can include both sexual offences (a child-related criminal offence of a sexual nature) as well as sexual misconduct (conduct with, towards or in the presence of a child and/or young person that is sexual in nature but is not a sexual offence).
- **Emotional abuse** – behaviour towards a child and/or young person that is likely to damage a child and young person's self-esteem or social competence.
- **Neglect** – behaviour by a person responsible for the care of a child and young person (such as a parent, carer, or Employee if the child is in their care) that constitutes a failure to act in ways consistent with accepted community standards about what is necessary to meet the developmental needs of a child and young person.
- **Ill-treatment** – the Children's Guardian Act defines ill-treatment as 'conduct towards a child and young person that is unreasonable and seriously inappropriate, improper, inhumane or cruel.'

Defining abuse helps to clarify the range of behaviours that are acceptable or unacceptable in the context of CatholicCare Wollongong's efforts to be child safe and constitute 'reportable conduct'. These are outlined in more detail below.

Physical contact, Nudity, and Discipline

Physical contact can only be done (with the child's permission) in public areas so other adults have oversight of the kind of contact that is being made. Adults should also be encouraged to intervene if they feel a child and/or young person is being touched by another person without a valid reason.

Additional requirements are needed where children and young people have access to changing and toilet facilities, especially when this is shared with the general public.

Acceptable

Physical Contact

- Assisting to develop sports or dance skills or techniques.
- Treating an injury.
- Preventing an injury.
- Meeting the requirements of the sport.
- Providing showering or toileting assistance to children and young people with their consent.

Nudity

- Providing showering or toileting assistance to children and young people with their consent.
- Recognising that continued refusal of children and young people or showing signs of being uncomfortable using changing facilities may be an indicator that the child and/or young person is being harmed or is afraid of being harmed.
- Providing a private space for children and young people to undress, shower and toilet that has appropriate supervision while respecting the child and young person's privacy.

Sexual Misconduct

- Take all reasonable steps to prevent and respond to sexual misconduct.

Discipline

- Disarming a child or young person who is at risk of harming themselves or another person.
- Separating children who are fighting.

Unacceptable

Physical Contact

- Any unwarranted or unwanted touching with hands, other body parts or objects.
- Corporal punishment, such as hitting, striking, punching, kicking, or slapping a child or young person or other forms of physical discipline.
- Initiating, permitting, or requesting unacceptable physical contact with a child or young person, such as massages or kisses.
- Dragging or pushing a child.
- Threatening to hurt a child through words or gestures, regardless of whether the person actually intends to apply force.
- Facilitating situations which unnecessarily result in close physical contact with a child or young person, such as wrestling or tickling.
- Undertaking a task of a personal nature for a child and young person if they can do it for themselves, such as changing clothes, feeding, personal grooming or toileting.
- Pressuring a child or young person to have unnecessary physical contact.
- Intentional and unjustified use of physical force.
- All criminal offences involving a sexual element that is committed against, with or in the presence of a child or young person and includes indecent assault, sexual assault, possession/dissemination/production of child pornography or child abuse material.



Acceptable

Discipline cont.

- Reasonable use of physical force for the protection of self or others.



Unacceptable

Nudity

- Insisting that children and young people access changing facilities if they are not comfortable doing so.
- Employees changing or toileting in front of children and young people if changing facilities are shared with the general public.
- Watching children and young people undress in circumstances where supervision is not required.
- Intimate, romantic, or sexual relationship* with any Child/young person or student who is under an employee's care or supervision regardless of their age. It is irrelevant whether the relationship is consensual, non-consensual, known to or condoned by parents, guardian, or caregivers.
- Commit a sexual offence.

Discipline

- Intentional and unjustified use of physical force.
- Throwing an object to gain a child or young person's attention in a hostile way.
- Restraining a child or young person (unless as part of an approved behaviour management plan).
- Pushing, pulling, shoving, grabbing, pinching, poking, shaking, or throwing a child or young person.
- Locking a child or young person in a cupboard as punishment.
- Tying child or young person to a chair.
- Disciplinary action/s that violate the rights of a child or young person under the United Nations Convention on the Rights of the Child (Ratified in Australia 1990).
- Making physical or psychological threats to harm another person.
- Engage in such conduct towards children/young people or peers and stakeholders in the presence of children/young people.



Acceptable



Unacceptable

- Ignore or disregard any suspected or disclosed child abuse.
- Exaggerating or trivialising the subject of child abuse, such as telling jokes that make light of children and young people being hurt.

Emotional Abuse, Neglect, and Ill-treatment.

Employees share the responsibility for keeping children and young person's safe. While the Royal Commission primarily focused on child sexual abuse, employees can prevent and respond to all forms of harm, including emotional abuse, neglect and ill-treatment of a child or young person.



Unacceptable or illegal behaviours

Emotional abuse

- Teasing a child or young person.
- Yelling at a child or young person.
- Bullying a child or young person.
- Persistent criticism and discrediting of a child or young person.
- Persistent rejection of or hostility towards a child Refusing to acknowledge a child or young person's worth and the legitimacy of their needs.
- Deliberately preventing a child or young person from forming friendships.
- Depriving a child or young person of essential stimulation and responsiveness.
- Encouraging a child or young person to engage in destructive, antisocial behaviour.
- Exposing a child or young person to family violence.
- Making a child or young person feel worthless, unloved, alone, or frightened.
- Intentional and unjustified use of physical force.

Neglect

- Depriving a child or young person of necessities such as food and drink, clothing, critical medical care or treatment, or shelter, which is a violation of the rights of a child under the United Nations Convention on the Rights of the Child (Ratified in Australia 1990).
- Failing to protect a child or young person from abuse (such as, failing to report abuse when a child or young person discloses it or when an Employee observes it).
- Exposing a child or young person to a harmful environment (such as, an environment where there is illicit drug use or illicit drug manufacturing).
- Failing to adequately supervise a child or young person, resulting in injury or harm.

III-treatment

- Making excessive and/or degrading demands of a child or young person.
- Disciplining or correcting a child or young person in an unreasonable and inappropriate or improper manner.
- Inappropriate and/or degrading comments or behaviour towards a child or young person.
- Repeated hostility towards a child or young person.
- Seclusion and other types of restrictive practices.
- Locking up a child or young person in a room.
- Pushing a child or young person to train or perform when they are injured.

Medication, Drugs, and other substances

Employees must not purchase for or offer, supply, give or administer to children or young people or condone or encourage, illegal drugs, restricted substances, alcohol, or tobacco (including vapes or e-cigarettes), prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy).

Appropriate Relationships and Boundaries

Employees must act professionally and appropriately when dealing with children and young people and others they come into contact with as part of their engagement with CatholicCare Wollongong. This obligation also extends to relationships employees have with children and young people outside of work.



Acceptable

Relationships

- Disclose to the Line Manager or delegate any concerns or questions about the appropriateness of a relationship with a child or young person or a child or young person's family.
- Consider and respect the diverse backgrounds and needs of the child or young person.
- Involve children and young people in making decisions about activities, policies and processes that concern them wherever possible.
- Demonstrate appropriate personal and professional boundaries of the child or young person.



Unacceptable or illegal behaviours

Relationships

- Behaving in a way that could reasonably be construed as involving an inappropriate relationship with a child/young person or a group of children/young people.
- Inviting children and young people they come into contact with as part of their engagement with CatholicCare Wollongong to join their personal electronic social networking or messaging sites/apps or accept children's invitations to join theirs.
- Attending parties or socialise with children or young people or invite a child or young person to their home or attend a child or young person's home without an appropriate professional reason and without the parents/carers' consent and the consent of the Manager or delegate.
- Encourage a child to communicate with an employee in a private setting.



Acceptable

Grooming

- Discuss with your line manager any reasons for the need to communicate with children or young people, or their families using electronic information and communication technology (ICT) for reasons other than work purposes.



Unacceptable or illegal behaviours

Relationships cont.

- Babysitting, mentoring and/or tutoring a child or young person out of work hours (without managerial approval for this kind of secondary employment).
Where there are existing personal relationships, such as a family relationship or close friendships that involve an Employee and a child or young person, the Employee needs to take care to be transparent, prudent and behave appropriately and be mindful of any perceived conflict of interest and report the conflict of interest accordingly.

Grooming

- Testing boundaries, for example, by undressing in front of a child or young person, encouraging inappropriate physical contact (even where it is not overtly sexual), talking about sex, or 'accidental' intimate touching.
- Persuading a child or group of children that they have a 'special' relationship, for example, by spending inappropriate special time with a child or young person, inappropriately giving gifts, or showing special favours to them but not other children or young people, inappropriately allowing the child or young person to overstep rules or asking the child or young person to keep this relationship to themselves.
- Inappropriately extending a relationship outside of work.
- Inappropriate personal communication (including emails, telephone calls, letters, text messages, social media and web forums of a sexual nature).

Gifts and Benefits

Any personal gift giving or receiving in CatholicCare Wollongong, particularly gift giving to children and young people, should follow a formalised process whereby management approval is sought, gifts are recorded and gift giving and receiving is monitored.



Acceptable

- Giving a child or young person a reward as part of a recognised and transparent reward system embedded in the behavioural expectations of the group or activity.



Unacceptable or illegal behaviours

- Giving a child or young person gifts, food, money, attention, or affection in exchange for sexual activities or images.
- Offering a child or young person gifts, food, cigarettes, money, attention, or affection with the intention of making it easier to access the child or young person for sexual activity.

Technology and social media

The use of technology and communication devices can be a positive thing. Many learning tools, interactive games and activities are available online. However, the risks of online environments becoming destructive and damaging, particularly for children and young people include:

- Bullying,
- Threats and harassment,
- Grooming,
- Exposure to violent, illicit and/or pornographic materials, or
- Stalking.

Inappropriate use of social media will be reported to the relevant authorities including NSW Police, the Office of the Children's Guardian (OCG), Department of Communities and Justice or the Australian Communications and Media Authority (ACMA).



Unacceptable or illegal behaviours

- Using a computer, mobile phone, camera, or other device in a way that is inconsistent with CatholicCare's Wollongong Child Safeguarding Policy and other relevant policies.
- Communicating (including online) with a child or young person about romantic, intimate, or sexual feelings.
- Engaging in unauthorised contact with a child or young person online for the purpose of developing a sexual relationship.
- Sexual comments, conversations, or communications with a child or young person online.
- Using a computer, mobile phone, camera, or other device to exploit or harass a child or young person.
- Using a camera to record a child or young person while they are dressing, bathing, or using the bathroom.
- Using private text messages to communicate with a child or young person where open communication is possible.

Alcohol, Recreational Drugs, and Child Abuse Images (Pornography)



Unacceptable or illegal behaviours

- Providing children and young people with alcohol, drugs, tobacco (including vapes or e-cigarettes), or pornography.
- Working or attempting to work while intoxicated or under the influence of illegal drugs.
- Drinking alcohol, taking illicit drugs, possessing, or distributing pornography while working with children and young people (including on field trips, excursions, or any other offsite work).
- Taking explicit photographs of children.
- Showing children and young people pictures, animations, images, or websites of an inappropriate or adult nature.
- Discussing with children and young people, topics of an adult or sexualised nature, including telling adult jokes.

4.3. Mandatory Reporting

Employees must make reports to immediately their Line Manager or delegate in accordance with the following sections. The Line Manager or delegate will determine if reporting or notification needs to be made to the relevant authority and will make the report. The relevant authority includes the NSW Ombudsman's Office, Office of the Children's Guardian, Community Services and/or the NSW Police.

All employees who deliver health care, welfare, education, children's services or residential services, wholly or partly, to children and young people as part of their paid or professional work are mandatory reporters of children and young people who are at risk of significant harm. This also applies to Employees in a management position with direct responsibility for or supervision of such services.

A child or young person is at risk of significant harm if current concerns exist for the safety, welfare or well-being of a child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- The basic physical or psychological needs of the child or young person are not being met (**neglect**).
- The parents or caregivers have not arranged necessary medical care for the child or young person (**unwilling or unable to do so**).
- The parents or caregivers have not arranged for the child or young person to receive an education in accordance with the Education Act 1990 (NSW) (**unwilling or unable to do so**).
- Risk of physical or sexual abuse or ill-treatment (**physical or sexual abuse**).
- Parent or caregiver's behaviour towards the child causes or risks serious psychological harm (**emotional abuse**).
- Incidents of domestic violence and as a consequence a child or young person are at risk of serious physical or psychological harm (**domestic or family violence**).
- The child was the subject in a pre-natal report and the birth mother did not engage successfully with support services. If a mandatory reporter has reasonable grounds to suspect a child is at risk of significant harm and those grounds arise during the course of or from their work, they must make a report to their Line Manager or delegate.

While it is not mandatory under NSW legislation to report about young persons (children aged 16-17 years), employees are still required to make reports about concerns for young persons to their Line Manager or delegate who will use professional judgement in deciding whether the concerns warrant a report to the relevant authority.

4.4. Reporting of Inappropriate Conduct of Employees

Employees must report immediately to their Line Manager or delegate:

- Any convictions or allegations of reportable conduct involving any employees' family member that they are aware of, or reasonably suspect.
- If they are charged with or convicted of an offence relevant to working in child related employment, or if they have had any reportable conduct allegation made against them.
- Any information or concerns about inappropriate behaviour by any employee that involves a child or children, including behaviour that has occurred either inside or outside of work.

An employee who is unsure of whether they are required to make a report should discuss the matter with their Line Manager or delegate.

4.5. Confidentiality

Employees must maintain confidentiality in relation to any matters of a child protection nature and only discuss the matter with those required to be notified or reported to. Where an employee is in doubt as to the requirements of confidentiality, they should seek advice from their Line Manager or delegate.

4.6. Victimisation

Employees must not take detrimental action against a complainant or person who reports information as required by legislation and this Code. Such action is unlawful.

4.7. Record keeping

Employees must maintain appropriate records and data in relation to their professional practice in the care and protection of children and young people. Records may include case notes, student/client files and behaviour management plans.

- 4.7.1.** An employee must keep contemporaneous records of any disclosure, observations, and discussions regarding a child protection matter, including any alleged breach of this Code. These records must be kept in a secure location as provided by CatholicCare Wollongong.

4.8. Investigations

Allegations of a child protection nature against an employee will be investigated and dealt with in line with CatholicCare Wollongong's Child Safeguarding policy and associated procedures.

DECLARATION

I, _____ have read the Code of Conduct and the Child Safeguarding Policy and Procedures that express the intent of CatholicCare Wollongong to protect and nurture children and other vulnerable people.

I agree to comply with these rules and expectations. I am aware that if I breach these, and/or break the law, that my actions will be reported to the Police and/or the other aforementioned agencies.

Signed: _____

Date: ____ / ____ / 20____

Signed: _____

Date: ____ / ____ / 20____