

## 1. Purpose

Youth Off the Streets (YOTS) is a child safe organisation that has a zero-tolerance stance for any forms of child abuse. Everyone within YOTS must maintain the organisation's professional reputation and uphold the principles outlined in this Child Safe Code of Conduct.

YOTS has developed this Child Safe Code of Conduct as part of its commitment to protect children and young people, by providing clear behavioural guidelines and expectations that comply with the *Children and Young Persons (Care and Protection) Act 1998* No. 157 and all other relevant and applicable child protection laws in the states where YOTS provides services.

## 2. Scope

This policy applies to all YOTS:

- Workers, Board members and service providers; and
- Activities that involve, result in, or relate to contact with children and young people.

## 3. Child Safe Commitment Statement

*"We are a Child Safe organisation. We abide by the Paramountcy Principle. We believe the safety, welfare and wellbeing of all children is paramount above all else".*

All YOTS employees, Board members, volunteers, contractors and service providers must conduct themselves in a manner consistent with the Child Safe Commitment Statement and the YOTS PRIDE values and be a positive role model to children and young people.

**YOTS workers must be aware and understand that their appearance and use of language, actions and relationships with YOTS children and young people is held at a higher standard than what is expected of an ordinary person. This includes all types of interactions and is not limited to physical interactions. This also includes the use of all technology that is used as a YOTS worker, including and not limited to the YOTS eSIM and related devices.**

YOTS workers must uphold their obligations in working with children and young people, abide by and always represent the obligations.

The **"I will"** and **"I will not"** statements are the YOTS basic principles that must be followed by YOTS workers while carrying out their duties and / or during their relationship with YOTS children and young people. It is important to understand that allegations of breaches of these principles that occur at any point in time are dependent on a severity threshold. On assessment against the threshold, breaches may be deemed as 'Reportable Conduct' and will be dealt with under *YOTS Reportable Conduct Policy and Procedure*. Workers may also be required to apply the *Mandatory Reporting Procedure*.

## I WILL:

- Understand that a YOTS child or young person is one that participates in a YOTS service. It can also include any child or young person that is in the community.
- Understand that I am a Mandatory Reporter, and this responsibility is one that I carry inside of my work and outside of my work.
- Conduct myself in a manner that is consistent with YOTS values and act in accordance with the YOTS Child Safe Policy and Procedures at all times. This means that I will be mindful of my actions and words and that I understand the YOTS Child Safe Policy and Procedures. I will always uphold them.
- Provide a welcoming, inclusive, and culturally safe environment for all children, young people, parents, workers and volunteers.
- Report any concerns or allegations of child abuse in accordance with YOTS Mandatory Reporting Procedures and Reportable Conduct Procedures immediately and within 24 hours or as soon as it is practicably safe to do so.
- Create an environment that promotes and enables YOTS children and young people to engage and participate in decision-making about activities, policies and processes that concern them, wherever possible.
- Treat all YOTS children and young people from all communities with dignity and respect regardless of gender, race, religious or political beliefs, age, physical or mental health, sexual orientation, family and social background and culture, economic status, or criminal background.
- Take responsibility in being accountable for my own behaviour towards YOTS children and young people by respecting professional boundaries and not engaging in any behaviour that could be interpreted as concerning or inappropriate.
- Wherever possible, ensure that two or more adults are present when working in the proximity of children and young people. Where this is not practicable, ensure 1:1 meetings are conducted in a YOTS professional office, public place and that records are kept of meetings.
- Advocate for YOTS children and young people by reporting instances of a risk of significant harm to children and young people that come to my knowledge in the course of my work by following the *YOTS Reportable Conduct Procedure* and the *YOTS Mandatory Reporting Procedure*.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or young people to access child pornography through any devices.
- Only use a personal phone device for a YOTS related activity if I have been authorised for a dual use phone and have signed an eSIM agreement, or in a critical emergency.
- Use my eSIM in the same way that I would use any YOTS technology. I will inform my manager if I have any issues or concerns with my eSIM.
- Comply with all relevant Australia legislation including labor laws.

- Consult my manager if I have any questions regarding child protection and how it relates to my work / relationship with YOTS.
- Comply with YOTS policies and procedures to safeguard YOTS children and young people's rights regarding privacy, record keeping, information sharing and incident reporting.

#### **I WILL NOT:**

- Use language or behaviour towards any YOTS children and young people that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Act in ways intended to shame, humiliate, belittle or degrade YOTS children and young people, or otherwise perpetrate any form of emotional abuse.
- Fondle, hold, kiss, hug or touch YOTS children and young people in an inappropriate or culturally insensitive way.
- Hit or otherwise physically assault or physically abuse YOTS children and young people.
- Engage in any discipline or punishment of YOTS children and young people intended to humiliate or frighten a child or young person.
- Engage in any practices that take the form of physical coercion or physical punishment (including corporal punishment), immobilisation, force-feeding and deprivation of food.
- Engage in any form of sexual activity or develop intimate / sexual relationships with anyone under the age of 18 regardless of the age of consent. The mistaken belief in the age of a child is not a defence.
- Engage in any form of sexual activity or develop a physical / sexual relationship with anyone over the age of 18 who is a current or former client of YOTS.
- Use tobacco products, vape or possess or be under the influence of alcohol or illegal drugs on YOTS premises or at any time while working with YOTS children and young people and people at YOTS.
- Develop relationships with YOTS children and young people which could in any way be deemed exploitive or abusive.
- Sleep in the same room or bed as a YOTS child or young person with whom I am working with.
- Do things for YOTS children and young people I am working with of a personal nature that they can do for themselves.
- Condone or participate in behaviour of YOTS children and young people which is illegal, unsafe or abusive.
- Discriminate against, show differential treatment towards, or favor particular YOTS children and young people to the exclusion of others.
- Spend excessive time alone with YOTS children and young people that I am working with.
- Engage in any form of commercial exploitation of a YOTS child or young person.
- Provide shelter in my home for YOTS children and young people that I am working with.

- Seek to make contact and spend time with any YOTS children and young people outside of my professional capacity at YOTS.
- Invite or have an unaccompanied YOTS child or young person into my home, unless they are at immediate risk of injury or in physical danger.
- Use computers, mobile phones, video and digital cameras for the purpose of exploiting or harassing children or young people.
- Use the YOTS eSIM that is on my personal phone for any other purpose other than YOTS related tasks.
- Share my personal contact details (email, phone numbers, social media sites, address etc.) with any YOTS child or young person that is a current or former client of YOTS.
- Ask for or accept the personal contact details (email, phone numbers, social media sites, address etc.) of any YOTS child or young person associated with YOTS services, except if it relates to YOTS programs.
- Meet with or communicate with any YOTS child or young person associated with YOTS and its services outside of my professional capacity and agreed role and responsibilities.
- Transport any YOTS children or young people in my personal vehicle unless it has been approved.
- Transport YOTS children and young people in a YOTS vehicle in any way that is unsafe or if that travel has not been approved.
- Disclose any personal information about a child or young person to any party, outside of my professional duty of care responsibilities unless it is to a prescribed body and under Chapter 16A or with the written consent of a child or young person and their legal guardian.

#### **4. No touching and professional boundaries**

YOTS recognises that physical contact can be soothing, supportive, create and maintain attachment, and help a young person to feel cared for and important. However, physical contact can also be problematic by creating confusion, misplaced attachment or re-create trauma for young people with traumatic experiences.

The YOTS policy on touching is that we do not touch our young people. However, sometimes you will need to touch a young person when helping them with an activity, or it may be appropriate in exceptional circumstances. Only touch a young person with the best interests of the young person in mind, by first considering:

- the reasons why physical contact is required
- your role as an employee
- the possible impact of the physical contact on the young person, and
- how the young person may construe physical contact both at the time and in the future.

When comforting a child or young person in distress, use other methods to comfort them that do not involve touching, such as:

- Sit next to the young person
- Assume a soft and caring voice
- Listen actively

Below are some examples of the few occasions when touching may be appropriate (and always with the consent of the young person):

- A high-five to a child or young person in celebration of an accomplishment (always ask for permission: “Can I give you a high-five?”)
- A hand on the shoulder to comfort a child or young person experiencing grief (eg. at a funeral and while in public)
- When you are demonstrating how to use equipment eg. you are giving a guitar lesson and correcting the position of their arms. (always ask for permission: “Can I move your arms?”)
- Assisting with personal appearance activities (e.g. assisting with tying a necktie)
- Supporting wound management
- Assisting a child or young person with a mobility issue or disability
- A child or young person rushes to you and gives you a hug (briefly accept the hug and immediately withdraw)

If a child or young person asks for a hug, apologise and explain that we have a ‘no touch’ policy.

If you witness or want to give physical contact in a manner not outlined above, then please talk to your supervisor about the situation.

It is important that you have read and understood all the above points. If you have any queries about this, you must clarify them with your manager. This is important because on you are required to sign that you have understood everything and that you will abide by this Child Safe Code of Conduct.

## 5. Definitions

|                      |                                                                                                                                                                                                                                                                                                                                                                                         |
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| Child / young person | <p><b><u>NSW</u></b></p> <ul style="list-style-type: none"><li>• a <u>child</u> is under the age of 16 years and a <u>young person</u> is aged 16 years or above but under the age of 18 years under the <i>Children’s and Young Persons (Care and Protection) Act 1998</i>.</li></ul> <p><b><u>Queensland</u></b></p> <p>under 18 years of age (<i>Child Protection Act 1999</i>).</p> |
| Child abuse          | Means all forms of physical abuse, emotional ill-treatment, sexual abuse, and exploitation of a child and includes any actions that result in actual or potential harm to a child.                                                                                                                                                                                                      |
| Child protection     | Any measure taken to safeguard children from abuse or harm.                                                                                                                                                                                                                                                                                                                             |

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| Cultural safety               | An environment that is safe for people: where there is no assault, challenge, or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge, and experience, of learning, living, and working together with dignity and truly listening. (Defined by the Māori nursing fraternity in New Zealand, 2008).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Grooming                      | <p>Any act with the aim of befriending, building rapport and gaining trust of a child for the purpose of subjecting them to abuse. Signs of grooming include giving gifts or special attention, or inappropriate touching such as tickling or wrestling with a child.</p> <p><u>Online grooming</u> is the establishment of a relationship with a child or young person online with the aim of meeting him / her in person for sexual activity. This can include online chat or sexting, and the abuser may lie about their age or identity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Harm                          | Refers to any significant detrimental effect on a child's physical, psychological, or emotional wellbeing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Reasonable grounds for belief | <p>A belief based on reasonable grounds (see below) that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are considered and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.</p> <p>A reasonable belief is formed if a reasonable person believes that:</p> <ul style="list-style-type: none"> <li>a) the child needs protection.</li> <li>b) the child has suffered or is likely to suffer "significant harm as a result of physical injury," or</li> <li>c) the parents are unable or unwilling to protect the child.</li> </ul> <p>A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.</p> <p>A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:</p> <ul style="list-style-type: none"> <li>a) a child states that they have been physically or sexually abused;</li> <li>b) a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);</li> <li>c) someone who knows a child states that the child has been physically or sexually abused;</li> </ul> |

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|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <p>d) professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or</p> <p>e) signs of abuse lead to a belief that the child has been physically or sexually abused.</p>                       |
| Sexual abuse | Occurs when an adult or another child or young person uses power and authority to involve a child in sexual activity. It can be physical, verbal, or emotional.                                                                                                                                                                  |
| Worker       | Means a person who performs work in any capacity for a person conducting a business or undertaking. A worker includes employees, apprentices, trainees, contractors or subcontractors, an employee of the contractor or subcontractor, employees of a labour hire company, work experience students, outworkers, and volunteers. |

## 6. Related documents

Child Safe Policy

Child Safety Committee Charter

Child Safety Strategy

Code of Conduct

Complaints Policy

Complaints Procedure

Information Technology Policy

Mandatory Reporting Procedure

Performance – Disciplinary Guidelines

Recruitment Policy

Recruitment and Selection Guidelines

Reportable Conduct Procedure

Risk Management Policy

School Child Safe Procedures

Whistleblowing Policy

## 7. Legislation

Children and Young Persons (Care and Protection) Act 1998 No. 157

Children's Guardian Act 2019

Crimes Act 1900

Child Protection Act 1999

Child Protection Regulation 2023

Criminal Code Act 1899

## 8. Revision control

| Version no. | Revision                                                                                                            | Date            |
|-------------|---------------------------------------------------------------------------------------------------------------------|-----------------|
| v 1.0       | New code of conduct.                                                                                                | unknown         |
| v 2.0       | Updated to reflect NESA and Child Safe Standards                                                                    | 1 May 2020      |
| v 3.0       | Review Child Safe Standards for Board approval.                                                                     | 1 November 2020 |
| v 4.0       | Updated to include Section 4 - No Touching and additional will and will nots / technology additions for new phones. | 1 March 2024    |

## 9. Document status

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|------------------------|-------------------------------|
| <b>Title:</b>          | Child Safe Code of Conduct    |
| <b>Version:</b>        | 4.0                           |
| <b>Effective date:</b> | 1 March 2024                  |
| <b>Author:</b>         | Child Justice and Safety Lead |
| <b>Authorised by:</b>  | Leadership Team               |
| <b>Next Review by:</b> | 1 March 2027                  |

### Confirmation of Understanding

I agree to be bound by the YOTS Child Safe Code of Conduct. I confirm that I have read and understood what is required of me, at all times. I understand that I have a personal responsibility to uphold the YOTS Child Safe Code of Conduct and all the young people that I work with. If I become aware of any behaviors inconsistent with this Code, I will report them immediately.

Name of worker or board member:

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Signature:

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Date:

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Name of witness:

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Signature:

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Date:

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