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| Child Safe Code of Conduct |
| Department of Families, Fairness and Housing |

This Code of Conduct sets out the Department of Families, Fairness and Housing’s (the department) expectations for staff in promoting and maintaining child safety and wellbeing.

The Code is an important part of the department’s work to implement the Child Safe Standards made under the *Child Wellbeing and Safety Act 2005* (Vic). The Standards require organisations involving children to have policies and practices to keep children safe, prevent child abuse and respond properly to allegations of abuse.

# Application

This Code of Conduct applies to all department staff. This includes:

* employees
* officers and officeholders
* consultants, contractors and labour hire employees, where their agreement with the department requires compliance. Contract managers must draw the Code to the attention of these staff.
* volunteers, interns, cadets, trainees and work experience students engaged by the department.

# Our commitment to child safety

The department is committed to providing an environment where children are safe and feel safe and have a say in decisions that affect their lives.

We are committed to:

* preventing harm to children by identifying risks and taking steps to reduce or remove those risks
* treating allegations of child abuse seriously, and notifying authorities where required by law and department policy
* hiring the right people to work with children, and training and supporting our staff to provide a child safe environment
* ensuring children, families, communities and staff feel safe to speak up about child safety
* aligning responses to children at risk of family violence with Victoria’s legislated family violence framework ([the MARAM Framework](https://www.vic.gov.au/family-violence-multi-agency-risk-assessment-and-management) <https://www.vic.gov.au/family-violence-multi-agency-risk-assessment-and-management>)
* ensuring the cultural safety of Aboriginal children, and ensuring that decision-making for Aboriginal children is made or informed by Aboriginal people wherever possible
* providing a safe and welcoming environment for all children, including Aboriginal children, children from multicultural and multifaith backgrounds, children with disability and LGBTIQ+ children
* embedding inclusive practice in our systems so we identify and respond to the diverse and intersecting needs of children and families
* listening to and empowering children so they can understand their rights and have a say in decisions about their lives
* listening to and learning from children with lived experience of involvement with the department.

# Standards of behaviour

## Expected behaviours

Staff **must**:

* provide a welcoming, inclusive, culturally responsive and safe environment for children
* take reasonable steps to protect children from harm and abuse by identifying risks and taking steps to remove or reduce those risks. In some cases, this may require immediate action (for example, taking a child’s arm to stop them walking into traffic or arranging medical care from a qualified person).
* treat allegations of child abuse and harm seriously
* assess and manage risks of family violence to children in accordance with Victoria’s legislated family violence framework ([the MARAM Framework](https://www.vic.gov.au/family-violence-multi-agency-risk-assessment-and-management) <https://www.vic.gov.au/family-violence-multi-agency-risk-assessment-and-management>) and other laws and department policy
* notify the appropriate authorities of alleged or suspected child abuse in accordance with the law and department policy. This means reporting:
	+ criminal conduct and suspected criminal conduct to Victoria Police
	+ allegations of child abuse or suspected abuse to Child Protection
	+ reportable conduct (alleged child abuse by department staff) to the department’s Integrity Unit
* ensure any steps to manage the behaviour of children are reasonable, lawful and follow department policy
* tell the department if they are charged with a criminal offence
* treat children with respect and value their opinions
* communicate with children in a way that helps them understand information, ask questions and express their preferences
* listen and respond to the concerns of children, particularly about their safety or the safety of another child
* encourage children to ‘have a say’ and participate in decisions that affect their lives
* ensure children know who to approach if they feel unsafe or want to raise concerns
* manage children’s personal information consistently with privacy and information sharing laws and policies
* promote the cultural safety of Aboriginal children by supporting and encouraging their connection to culture, kin, community, cultural practices and Aboriginal identity
* promote the cultural safety, inclusion, participation and empowerment of all children including Aboriginal children, children from multicultural and multifaith backgrounds, children with disability, and children who identify as LGBTIQ+
* take a zero tolerance approach to racism and respond appropriately to any incidents.

## Unacceptable behaviours

Staff must **not**:

* condone or participate in illegal, unsafe, abusive or harmful behaviour towards children. This includes:
	+ participating in sexual abuse or misconduct
	+ possessing child abuse material
	+ grooming a child (predatory conduct undertaken to prepare a child for sexual activity at a later time)
	+ engaging in discussions (including online) of a mature or adult nature in the presence of a child
	+ inappropriately discussing or showing audio or images of sexual acts
	+ physical violence
	+ family violence
	+ neglect
	+ humiliating, belittling, rejecting or threatening a child, or behaving in any other manner that may cause emotional or psychological harm
* develop inappropriate or ‘special’ relationships with children that cross professional boundaries (for example, preferential treatment, giving inappropriate gifts, or inappropriate social media communication)
* initiate unnecessary physical contact with a child, or do things of a personal nature for them that they can do themselves
* ignore or disregard concerns, suspicions or disclosures of child abuse and family violence
* wait until there is definite proof before acting on and reporting an allegation or suspicion of child abuse or family violence
* discriminate against or denigrate any child because of their age, gender, gender identity, race, culture, ethnicity, religion, sexuality or disability
* condone or participate in racist behaviour, or use inappropriate or discriminatory language when speaking with, or in the presence of a child
* question a child’s self-identification or self-expression related to their gender, gender identity, race, culture, ethnicity, religion, sexuality or disability
* disregard or fail to consider the views of children, especially about their safety (including cultural safety) or issues or decisions that are important to them
* withhold access to tools and services that children need to communicate. Examples are communication tools for children with complex communication support needs, or interpreter and translation services for children with low English proficiency or children who use a form of sign language (such as Auslan)
* photograph or distribute images of a child without the consent of their parent or guardian.

# Breaches of this Code

## Reporting a breach

The department is committed to a culture of child safety and wellbeing. We encourage anyone who suspects a breach of this Code of Conduct to speak up and report their concerns.

Staff can report breaches of this Code of Conduct to their line manager. If the breach involves the staff member’s direct line manager, staff can report to the manager’s supervisor.

If the breach involves alleged or suspected child abuse, staff must also notify the appropriate authorities:

* criminal conduct and suspected criminal conduct must be reported to Victoria Police
* allegations of child abuse or suspected abuse must be reported to Child Protection
* reportable conduct by a department employee must be reported to the Integrity Unit. The Reportable Conduct page on the staff intranet provides more information.

Failing to report child abuse may be a criminal offence in some circumstances.

Members of the community can report breaches of this Code of Conduct using the following options:

* **Phone:** 1300 131 431
* **Email:** integrity@dffh.vic.gov.au

If the breach is serious enough to be ‘improper conduct’ under the *Public Interest Disclosures Act 2012* (Vic), staff and members of the community may wish to consider making a disclosure under that Act. The Act is Victoria’s public sector whistleblowing legislation and contains legal protections for people who report improper conduct. More information is available on the department’s [Public Interest Disclosure webpage](https://www.dffh.vic.gov.au/public-interest-disclosure) <https://www.dffh.vic.gov.au/public-interest-disclosure>.

## Handling breaches

Staff who breach this Code of Conduct may be subject to disciplinary procedures in accordance with the relevant industrial instruments and departmental policies. In some situations, breaches of this Code of Conduct may also amount to a breach of the [*Code of Conduct for Victorian Public Sector employees*](https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct/code-of-conduct-for-victorian-public-sector-employees/) <https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct/code-of-conduct-for-victorian-public-sector-employees/> and other professional codes and obligations.

Contractors and consultants may be subject to contract re-negotiation, including termination.

The department will:

* manage reportable conduct by department employees in accordance with its Reportable Conduct Policy
* report criminal conduct and suspected criminal conduct to Victoria Police.

# Definitions

**Child means a** child or young person under the age of 18 years

**Child Safe Standards** mean the Standards made under section 17(1) of the *Child Wellbeing and Safety Act 2005* (Vic).

**Child abuse** includes any act committed against a child involving a sexual offence or an offence under section 49M(1) of the *Crimes Act 1958* (Vic); the infliction of physical violence or serious emotional or psychological harm on a child; or the serious neglect of a child

**Cultural safety**is defined in the department’s [*Aboriginal and Torres Strait Islander cultural safety framework*](https://www.dffh.vic.gov.au/publications/aboriginal-and-torres-strait-islander-cultural-safety-framework) <https://www.dffh.vic.gov.au/publications/aboriginal-and-torres-strait-islander-cultural-safety-framework> as an environment that is safe for Aboriginal people and Torres Strait Islanders, where there is no assault, challenge or denial of their identity and experience. See the framework for more detail.

**Family violence** is behaviour by a person towards a family member of that person if that behaviour is physically or sexually abusive; emotionally or psychologically abusive; economically abusive; threatening; coercive; or in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person.

It is also behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, the above behaviours.

**MARAM** means the Family Violence Multi-Agency Risk Assessment and Management Framework. This Framework ensures that services identify, screen, assess and manage risks of family violence effectively. The MARAM Framework is made under Part 11 of the *Family Violence Protection Act 2008* (Vic).

**Reportable conduct** means:

* a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
* sexual misconduct, committed against, with or in the presence of, a child
* physical violence committed against, with or in the presence of, a child
* any behaviour that causes significant emotional or psychological harm to a child
* significant neglect of a child.

**Reportable conduct scheme** means the scheme that operates under Part 5A of the *Child Wellbeing and Safety Act 2005* (Vic). It requires some organisations (including the department) to respond to and notify allegations of reportable conduct against their employees, volunteers, contractors, officeholders and officers.

# Advice about this Code

Staff members who are unsure about their obligations under this Code of Conduct should speak with their manager or contact Operational Child Safeguarding for advice at child.safeguarding@dffh.vic.gov.au.

The Client Safety Principal Practice Advisor in the Office of Professional Practice may also be able to assist staff with matters concerning client safety. Department staff can find more information about this role on the department intranet. Communication is confidential, except where disclosure is required to meet legal obligations or responsibilities. The Advisor can be contacted at clientsafepractice@dffh.vic.gov.au.

Staff members may also contact People and Culture if there are concerns about the impact of this policy on employment.

More information about the Child Safe Standards can be found at the department’s [Child Safe Standards webpage](https://www.dffh.vic.gov.au/publications/child-safe-standards) <www.dffh.vic.gov.au/publications/child-safe-standards>.

# Approval and review

This Code of Conduct is issued under the authority of the department’s Board. The department will review the Code at least once every two years.

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| To receive this document in another format, phone 1300 131 431, using the National Relay Service 13 36 77 if required, or email Operational Child Safeguarding <child.safeguarding@dffh.vic.gov.au>.Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Australia, Department of Families, Fairness and Housing, November 2024.In this document, ‘Aboriginal’ refers to both Aboriginal and Torres Strait Islander people. Available at the Department of Families, Fairness and Housing’s [Child Safe Standards webpage](https://www.dffh.vic.gov.au/publications/child-safe-standards) <https://www.dffh.vic.gov.au/publications/child-safe-standards> |