

TasTAFE Child Safe Code of Conduct

Scope

This Child Safe Code of Conduct (the Code) is applicable for all TasTAFE employees, students, contractors, and volunteers (referred to as '**stakeholders**' for the duration of this document), across all campuses and training facilities of TasTAFE.

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 and supporting policies and procedures.

Purpose

The purpose of the Code is to outline the behavioural expectations of TasTAFE for all 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 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 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 stakeholders at TasTAFE 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.

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 students, children and young people
 - Behaviours that are unacceptable when interacting with TasTAFE students, 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 (Leaders)

- Implement systems, structures 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.
- Provide six-monthly reporting of breaches of this Code to the Board.
- Report major breaches of this Code out-of-session.

All Stakeholders *(Including Board of Directors, CEO, senior management, contractors, students on placement, temporary/casual staff, and co-located staff from other organisations)*

- Understand and adhere to the obligations of this Code.
- Report any non-adherence to this Code.

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 Guideline.
- 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.
- 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 or illegal drugs whilst on TasTAFE premises or during tuition.
- 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.

Reportable Conduct:

- All TasTAFE stakeholders will comply with their reporting responsibilities and use the mechanisms for reporting child safety concerns to ensure action is taken on 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 broad. Information Sheet – Reportable Conduct.

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 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 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 in relation to breaches of this Code will be investigated in accordance with the *TasTAFE (Skills and Training Business) Act 2021*. (Section 36)

If an investigation finds a stakeholder has breached the child safe code of conduct, TasTAFE can take one or more of the following actions in respect of the stakeholder:

- Direct that the stakeholder undergoes counselling as specified by TasTAFE
- Notify the Registrar, within the meaning of the *Registration to Work with Vulnerable People Act 2013*, in respect of the breach
- If the 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*)

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.

TasTAFE staff may seek advice on non-compliance with this Code from line management or the People, Performance and Culture Team.

Stakeholders who witness or hear of another stakeholder breaching this Code, are responsible for reporting this to the appropriate authority.

Reporting Responsibilities and Mechanisms for Reporting Child Safety Concerns

If stakeholders believe this Code has been breached by another person in the organisation they will:

- Act promptly to prioritise the safety and best interests of children and young people.
- Report any concern to their line manager, teacher/lecturer, or another manager or leader in TasTAFE.

- **Immediately log the Child Safety concern by emailing human.resources@tastafe.tas.edu.au marked “Confidential - Child and Youth Safety”.**
- Comply with all legislative requirements on reporting as follows:
 - Reporting criminal offences to police
 - TasTAFE employees and volunteers are mandatory reporters. Where there is a reasonable belief or suspicion that a child is at risk (including cases involving pregnant women and potential harm to the child post-birth) contact the Strong Families Safe Kids Advice and Referral Line on 1800 000 123.
 - as required as an employer of someone who holds a Working with Vulnerable People registration.
 - Report to the Independent Regulator through the TasTAFE CEO within the following deadlines:
 - **Within 3 business days** report reportable conduct to the Independent Regulator in writing and provide basic details such as the worker’s name.
 - **Within 30 days:** Leaders must provide detailed information to the Independent Regulator, including:
 - information about the allegation or conviction
 - whether any actions have been taken (for example, placing a limit on a worker’s contact with children)
 - any written submissions.
 - **At the end of the investigation:** Leaders must provide the following information to the Independent Regulator:
 - findings of the investigation
 - reasons for the findings
 - details of any actions that have been taken as a result.

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)*
- *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
 - 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
 - Information Sheet – Reportable Conduct
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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	0419 697 702
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 Support Services
- Manager Aboriginal & International Student Support

Endorsement required by:

Executive

Dates:

Last endorsed: 12/12/2023

Last approved: 19/12/2023

Next review: 17/12/2024

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> .

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All references to Aboriginal also includes Torres Strait Islander