



# LCDC Working with Children and Young People Code of Conduct

## Summary

This code of conduct outlines the requirements of staff to provide a safe environment for all children and young people.

## Table 1: Document Details

<b>File Number</b>	LCDCcc01
<b>Applies to</b>	All LCDC personnel
<b>Issued by</b>	LCDC Committee
<b>Delegated Authority</b>	Chairperson, LCDC Committee
<b>Standard Custodian</b>	Chairperson, LCDC Committee
<b>Content author</b>	LCDC Committee
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<b>Confidentiality</b>	Official



## Title

LCDC Working with Children and Young People Code of Conduct

## Purpose

This document serves as the Working with Children and Young People Code of Conduct for LCDC meeting the requirements of the *Children and Young People (Safety) Act 2017* and the *Child Safety (Prohibited Persons) Act 2016* to ensure safe environments for children and young people (under 18 years of age).

## Aboriginal Impact Statement Declaration

The needs and interests of Aboriginal people have been considered in the development of this policy. LCDC acknowledges outcomes for Aboriginal and Torres Strait Islander children and young people in care have historically been, and continue to be, poor. LCDC firmly believe that it is unacceptable for the outcomes of Aboriginal and Torres Strait Islander children and young people to be any different to those for children and young people in care generally. Through recognition of the history and wisdom of Aboriginal peoples, LCDC is working to create Aboriginal lead systems and services that support self-determination and safeguard these approaches.

Cultural considerations are a crucial part of the risk assessment process in providing a safe environment to children and young people and when responding to feedback.

## Scope

This policy applies to all LCDC staff, contractors, students on placement and volunteers, including consumer advisors, (personnel) working with children and young people across all settings and activities.

## Definitions

This policy uses critical definitions drawn from the *Children and Young People (Safety) Act 2017*.

### Legislative definition of child or young person

A person who is under 18 years of age.



*s16(1) Children and Young People (Safety) Act 2017*

## **Legislative definition of Harm**

Physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of this subsection, includes such harm caused by sexual, physical, mental or emotional abuse or neglect.

Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.

*s17 Children and Young People (Safety) Act 2017*

## **Legislative definition of ‘At Risk’**

Refer to *s18 Children and Young People (Safety) Act 2017* for the full definition, which includes:

- The child or young person has suffered harm.
- There is a likelihood that the child or young person will suffer harm.
- There is a likelihood that the child or young person will be removed from the state for an unlawful act or procedure to be undertaken.
- The parents or guardian of the child or young person are unable or unwilling to care for them.
- The child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence.
- The child or young person is of no fixed address.

## **Legal definition of parent**

includes—

- a. a step-parent of the child or young person; and
- b. a person who stands *in loco parentis* to the child or young person;

*s16 Children and Young People (Safety) Act 2017*

## **Legal definition of guardian**



Guardian or guardians of the child or young person pursuant to an order of the Court under the Safety Act. *s16 Children and Young People (Safety) Act 2017*

## **Legal definition of employee**

- a. is a self-employed person; or
- b. carries out work under a contract for services; or
- c. undertakes practical training as part of an educational or vocational course; or
- d. carries out work as a volunteer,

and a reference to something occurring in the course of the person's employment is to be construed accordingly.

*s30(4) Children and Young People (Safety) Act 2017*

## **Mandated Notifier**

The general term applied to all employees who are legally required to report reasonable suspicion of risk of harm to a child or young person.

## **Mandatory Reporting/Notification**

The general term applied to the process of reporting reasonable suspicion of risk of harm to a child or young person.

# **Code of Conduct Detail**

## **Expectations of Management**

LCDC management includes all LCDC Committee and similar roles.

Management will:

- ensure risk assessments are undertaken to identify and mitigate risks to child safety within business units and LCDC;
- implement and demonstrate supportive communication practices between themselves, children, young people, families and other stakeholders that encourage honesty and feedback;
- empower staff to listen to and act upon any concerns raised by children, young people, or their families or carers;



- ensure that the needs and perspectives of the diverse groups of children and young people in South Australia are considered when designing, implementing, monitoring and evaluating programs and services; and
- Investigate when the Code of Conduct is not upheld.

When collaborating and sharing information about children and young people, LCDC management will:

- adhere to the Information Sharing Guidelines;
- work with relevant statutory authorities, other state government agencies and non-government organisations to promote and protect the safety of children and young people;
- undertake consultation with PEAK bodies to ensure the sharing of information is provided in a culturally safe and appropriate manner; and
- ensure cultural authorities are engaged where relevant to assist with understanding and decision making.

## **Expectations of Personnel**

All LCDC personnel will:

- comply with the conditions set out under Chapter 8 of the *Children and Young People (Safety) Act*;
- demonstrate the highest standards of behaviour in their professional and personal lives;
- report any actual or suspected incident or risk of harm to a child or young person in accordance with the department's Mandatory Notification Policy and associated Procedure;
- implement, monitor and report on recommendations made by the Incident Management Unit, Internal Audit or any other relevant assessment in to the provision of safe environments for children and young people;
- value and respect the contributions of children and young people in continuous improvement activities and service development;
- ensure every decision is made in the best interests of the child;
- participate in training and ongoing professional development activities to obtain and maintain the necessary skills and knowledge to meet the mandatory requirements of their role as it relates to their interaction with children and young people;



- promote the safety of children and young people, working with statutory authorities, other state government agencies and non-government organisations as required; and
- promote the sharing of information about child safety and wellbeing when working with children, young people, families and community.

As part of contract establishment and management processes, LCDC personnel will:

- ensure partner organisations, suppliers, grant recipients and other contracted organisations have adequate child safety capabilities and practices to confirm their representatives are suitable and comply with the provisions set out in the *Child Safety (Prohibited Persons) Act 2016* and the *Children and Young People (Safety) Act 2017*; and
- report any suspected breaches of the agreement by the partner organisation, supplier, grant recipient or other contracted organisation so appropriate action can be taken, which may include the suspension or termination of the agreement.

When engaging with children and young people, LCDC personnel will:

- provide information to children, young people, families and carers about program/service activities, their rights and responsibilities;
- ensure children, young people, families and carers have access to appropriate support and feedback mechanisms, including confidential complaint procedures and professional counselling;
- apply the voice of children and young people when designing, implementing, monitoring and evaluating programs and services;
- consider the needs and perspectives of the diverse groups of children and young people in South Australia when designing, implementing, monitoring and evaluating programs and services;
- listen to and act upon any concerns raised by children, young people, or their families or carers;
- provide feedback to children, young people and families on the actions being taken to address concerns raised; and
- demonstrate understanding and valuing of diversity, being aware of their own biases and taking steps to ensure this does not influence their actions and behaviours.

## **Expectations of Incident Management**



LCDC Incident Management will:

- assess and investigate alleged breaches of this policy;
- ensure investigation processes are conducted in a culturally safe manner and seek advice from cultural authorities within or available to LCDC, and
- make recommendations based on their assessments and investigations.

## **Expectations of LCDC Business Partners**

HR Business Partners will:

- support personnel and management to understand their obligations;
- assist with the management of breaches.

## **Breaches of the Working with Children and Young People Code of Conduct**

Unacceptable behaviour, which may be deemed to be a breach of this code, includes:

- undertaking unlawful activity with or in relation to a child;
- engaging in an activity likely to cause any physical, sexual or emotional harm to a child;
- abusing the trust that comes with being engaged by LCDC;
- being alone with a child unnecessarily;
- arranging personal contact, including online contact, with children or young people they work with for a purpose unrelated to their work activities;
- discriminating against any child or their family members;
- disclosing personal or sensitive information about a child, including images of a child, without the consent of the child or young person and/or the consent of their parent or legal guardian (except where this is required for mandatory reporting or other legal requirements);
- using inappropriate language in the presence of children or young people;
- showing or providing children or young people with access to inappropriate images or material;
- undertaking work activities with children or young people when under the influence of alcohol or prohibited drugs; and
- ignoring or disregarding any suspected or disclosed risk of harm to a child or young person.



Breaches of this code may be considered a breach of the Code of Ethics, which may result in disciplinary action, including possible dismissal. Breaches may also lead to criminal proceedings.

## **Code of Conduct Review**

This code will be reviewed on an as needs basis, or every three years, whichever is the earlier. The LCDC Committee, Teachers and Volunteers will be responsible for initiating the process.

## **Reference and Relevant documents**

- Children and Young People (Safety) Act 2017
- Child Safety (Prohibited Persons) Act 2016
- LCDC Working with Children and Young People Code of Conduct
- LCDC Child Safe Policy and Statement of Commitment
- LCDC Information Sharing Guidelines
- LCDC Code of Conduct – Individual
- DHS Information Sharing Guidelines
- LCDC Social Media Policy
- SA Education Dept Mandatory Notification Procedure
- LCDC Managing Misconduct Guideline (draft)
- DHS Child Safe Concerns Checklist
- DHS Child Safe Notifications Checklist

## **Related documents and Resources**

[National Principles for Child Safe Organisations \(PDF 1.9MB\)](#)

[What matters to Aboriginal Children and Young People, their families and communities: South Australia's Commissioner for Aboriginal Children and Young People Inaugural Report - Dec 2019 \(PDF 2.7MB\)](#)

## **Approval**

### **Content Author**

Business Unit: LCDC Committee