

AUGUST 2024

Conduct and Behaviour Policy

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Purpose

This policy has been developed to provide all workers (including employees, volunteers, contractors and sub-contractors, consultants, trainees and out of home carers) engaged with the Department for Education, Children and Young People (DECYP, the department) with the standards of conduct and clearly defined behavioural expectations that apply to workers while working in their role, and in situations where there is a connection to their role. This policy defines the conduct and behaviour required of individual workers in situations with a connection to their employment or engagement with the department.

Other than where specific exclusions are noted in the standards the policy does not seek to restrict or regulate a worker's lawful private conduct or conduct in relation to children or young people that is legitimate, reasonable or unconnected to the worker's employment or engagement with the department. However, as a provider of services to children and young people, situations with a connection to a worker's employment or engagement may arise both during and outside of working hours.

These standards of conduct and behaviour are established to ensure children and young people and workers are physically and psychologically safe in all the department's settings.

This policy supports the [Safe. Secure. Supported. Our Safeguarding Framework](#) which establishes and describes the department's overarching approach to safeguarding children and young people. The Safeguarding Framework directly aligns with and supports Tasmania's [Child and Youth Safe Standards](#), as contained in the [Child and Youth Safe Organisations Act 2023](#), specifically:

- Standard 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Standard 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Standard 10: Policies and procedures document how the organisation is safe for children and young people.

Scope

This policy includes:

- | | |
|----------------|---|
| Schedule 1 | General Conduct and Behaviour Standards for all workers |
| • Schedule 1.1 | Conduct Standards for workers in College/School and Child and Family Learning Centre settings |
| • Schedule 1.2 | Conduct Standards for workers in Detention Centre and Residential Youth Justice settings |
| • Schedule 1.3 | Conduct Standards for workers in Child Safety settings (under development) |
| • Schedule 1.4 | Conduct Standards for workers in all other settings |

All workers, regardless of their DECYP setting, must comply with this Policy and Schedule 1.

In addition, workers must also comply with the schedule of standards relating to their specific work setting:

- College/School and Child and Family Learning Centre settings must comply with Schedule 1.1
- Detention Centre and Residential Youth Justice settings must comply with Schedule 1.2
- Child Safety settings must comply with Schedule 1.3 (currently under development)
- Workers in all other settings must comply with Schedule 1.4

Some standards only apply to DECYP employees and/or volunteers (and not to the broad category of all workers). Where this is the case, the term 'employee' and/or 'volunteer' is used in place of the term 'worker'.

Policy Statement

The department's [Strategic Plan 2024-2030](#) recognises a valued and capable workforce as a foundation for how we support every child and young person to be known, heard and included; safe in all environments; well and thriving; and learning more every day. Employees within a valued and capable workforce are expected to work in a way that is aligned to the agency values and perform their duties diligently, impartially and responsively, with a focus on delivering high-quality services to children and young people. This includes a requirement to ensure the safety, welfare and wellbeing of children and young people in all the department's settings.

Employees must:

- work in accordance with the [State Service Principles](#) and comply with the [Code of Conduct](#).
- comply with all the department's policies and procedures.

All workers must:

- meet the conduct standards for individual workers detailed in this policy and the associated schedules during and outside of working hours.
- meet their reporting obligations in relation to the safeguarding of children and young people.

Any failure by a worker to act in accordance with these conditions is a breach of this policy.

Breaches of the Policy and Standards

A breach of this policy by an employee may result in the commencement of an investigation in accordance with the provisions of [Employment Direction No. 5](#) to determine whether a breach of the [Code of Conduct](#) has occurred.

If an employee is found to have breached the Code of Conduct, the Minister may consider imposition of one or more of the following sanctions as listed in Section 10 (1) of the [State Service Act 2000](#) (the Act):

- counselling

- a reprimand
- deductions from salary by way of a fine not exceeding 20 penalty units
- reduction in salary within the range of salary applicable to the employee
- reassignment of duties
- reduction in classification
- termination of employment in accordance with Section 44 or 45 of the Act.

Any breach of this policy by other categories of worker may result in immediate termination of their engagement with the department and referral for other potential action as appropriate.

Reporting Requirements

Mandatory Reporting Obligations

All the department's employees¹ and volunteers are mandatory reporters under the [Children, Young Persons and their Families Act \(1997\)](#). Mandatory reporting is the legislative requirement to report suspected child abuse and neglect. This includes any suspected online child sexual abuse or exploitation.

The [Mandatory Reporting Procedure](#) provides guidance to DECYP employees and volunteers on how to meet legislated mandatory reporting obligations in relation to the abuse and neglect of children and young people. In summary all employees and volunteers must make a report directly to the [Strong Families, Safe Kids](#), Advice and Referral Line (ARL) on 1800 000 123, or make an [online notification](#), when they believe or suspect, on reasonable grounds that a child or young person is suffering, has suffered or is likely to suffer abuse or neglect, in order to prevent the occurrence, or further occurrences, of the abuse or neglect.

Further advice is available in the [Step by Step Guidance for Concerns, Information and Incidents of Child Abuse](#).

Some workers may have additional reporting obligations conferred by specific legislation that applies to their roles.

Reporting breaches of the Conduct and Behaviour Policy or Standards

Workers within DECYP must report any breaches or suspected breaches of a policy. Failure to report such breaches undermines the integrity of our organisation and compromises the safety of children and young people.

A worker must report any suspected breaches of conduct and behaviour standards that do not relate to the safety and wellbeing of children and young people to their supervisor/manager, who will

¹ Workers engaged with the Office of the Commissioner for Children and Young People are subject to the information sharing and confidentiality requirements contained in Sections 16 – 18 of the *Commissioner for Children and Young People Act 2016*. The mandatory reporting obligations contained in the *Children, Young Persons and their Families Act 1997* do not apply to these workers.

determine if the matter needs to be reported to [Workplace Relations \(workplace.relations@decyp.tas.gov.au\)](mailto:workplace.relations@decyp.tas.gov.au). Staff in schools must report any suspected breach to School Leadership who will refer the matter where appropriate to Learning Services.

Where it appears that a worker's conduct and behaviour has breached a criminal law, DECYP will refer the matter to Tasmania Police.

Maintaining confidentiality is crucial to ensure that detrimental action is not taken against the discloser in reprisal for making the disclosure. DECYP will take all reasonable steps to protect the identity of a discloser and all reasonable care will be taken to protect the privacy of witnesses and the person against whom the disclosure has been made. The principles of procedural fairness must be carefully observed in the investigation concerning all parties involved.

The [Employee Assistance Program \(EAP\)](#) are available for employees and their families and an offer assistance in dealing with challenges, concerns or issues.

Lifeline Tasmania can also provide assistance to workers concerned about issues affecting them and can be contacted on 1800 984 434.

Roles and Responsibilities

All Workers must:

- behave professionally, respectfully and in accordance with the [State Service Principles](#) and [Code of Conduct](#).
- read and make all efforts to understand this policy and associated schedules.
- comply with this policy and associated schedules.
- comply with the specific policies and procedures that apply to their roles.
- fulfill mandatory reporting obligations, specifically to report all concerns of child harm (whether observed, reasonably suspected, or disclosed).
- report any suspected breaches of this policy in accordance with the process outlined.
- complete all mandatory training required for their role.

In addition, Managers must:

- actively promote the policy and associated schedules to ensure that workers are aware of, and understand, their obligations.
- monitor the working environment to identify and respond to any instances of unacceptable conduct or behaviour.
- treat complaints seriously and take immediate action to investigate and resolve matters.
- support workers to fulfill their mandatory reporting obligations, specifically to report all concerns of child harm (whether observed, reasonably suspected, or disclosed).
- report any suspected breaches of this policy in accordance with the process outlined.
- monitor worker completion of any mandatory training required for their role.

Related policies

[Tasmanian Government Cybersecurity Policy](#)

[Child or Young Person Behaviour Management Policy](#)

[Family Violence Policy](#)

[Gifts Benefits and Hospitality Policy](#)

[Work Health and Safety Policy](#)

[Conducting Home Visits Policy](#)

[Information and Communications Technology Conditions of Use Policy](#)

[Restrictive Practices Policy](#)

Related procedures

[Duty of Care Procedure for Students on Departmental Education Sites](#)

[Mandatory Reporting Procedure](#)

[Conducting Home Visits Procedure](#)

[Conflict of Interest Procedure](#)

[Restrictive Practices Procedure](#)

[Social Media Policy and Procedure](#)

Supporting information/tools

[Safe. Secure. Supported. Our Safeguarding Framework](#)

[DECYP Strategic Plan 2024–2030](#)

[State Service Act 2000, Section 7 State Service Principles](#)

[State Service Act 2000, Section 9 Code of Conduct](#)

[Employment Direction 5 – Procedures for investigation and determination of whether an employee has breached the Code of Conduct.](#)

[Employment Direction 6 – Procedures for investigation and determination of whether an employee is able to efficiently and effectively perform duties.](#)

[Child and Youth Safe Standards](#)

[DECYP Step by Step Guidance for Concerns, Information and Incidents of Child Abuse.](#)

[DECYP Information and Communication Technology \(ICT\) User Agreement – Guideline for Workers](#)

[Employee Assistance Program \(EAP\)](#)

Definitions

Abuse (child abuse)

In the context of this document, abuse means child abuse and encompasses any or all types of abuse and neglect, including physical abuse, emotional abuse, psychological abuse, sexual abuse, and exposure to or involvement in domestic and family violence.

Bullying

Behaviour is bullying if it is repeated and unreasonable, directed towards a person or a group of people, and creates a risk to health and safety. It includes abusive, offensive or intimidating behaviour, language or comments and can also be:

- belittling or humiliating comments
- practical jokes, initiation or hazing
- unjustified criticism or complaints

Some bullying can also be indirect behaviour such as deliberately not including someone in activities at work on purpose.

Reasonable management action, taken in a reasonable way, is not bullying.

Child or children

Anyone under the age of 18; in the context of this document, any reference to a child or children has the same meaning as a young person or young people.

Child abuse material

Any material that depicts or describes a child, or a representation of a child, who is or appears to be under the age of 18, and who is or appears to be in a sexual pose or sexual activity, or that shows or describes the person's sexual organs or breasts; this definition includes material that depicts or describes a child, or a representation of a child, as a victim of torture, cruelty or physical abuse.

Child safe organisation

An organisation that consciously and systematically:

- creates an environment in which children's rights, safety and wellbeing are at the centre of thought, values and actions
- engages with children and young people to create conditions that reduce the likelihood of harm
- creates conditions that increase the likelihood of identifying potential harm and
- responds to concerns, suspicions, allegations and disclosures of abuse.

Child sexual abuse

Any act (including grooming) that exposes a child to, or involves a child in, sexual activities that are beyond their understanding, are contrary to accepted community standards, or are outside what is permitted by law.

Child sexual exploitation

A form of coercive and/or violent child sexual abuse in which some form of remuneration is involved whereby the perpetrator/s benefit.

Child Sexual Offences

Offences of a sexual nature to children under [Criminal Code Act 1924](#), [Child and Youth Safe Organisations Act 2023](#) and the [Child Young person and their Families Act 1997](#).

Confidentiality

While there is some similarity between privacy and confidentiality, they are not the same. Confidentiality is imposed to protect information, and the information does not have to be of a personal nature. A person given an assurance of confidentiality is being told that the organisation will put controls around how and when certain information will be used within the organisation and/or disclosed to an outside agency or person.

Conflict of Interest

May occur when financial or other private interests compromise, have the appearance of compromising, or have the potential to compromise an employee's conduct or judgement in relation to their duties and responsibilities within DECYP. Private interests can be associated with a person's family, friends or associates. A conflict of interest can be actual, perceived or potential, pecuniary or non-pecuniary as follows.

- **Actual conflict of interest:** the private interests of an employee interfere with their assigned duties and responsibilities.
- **Perceived conflict of interest:** it may be perceived that a public officer's private interests could improperly influence or may have improperly influenced their public duties.
- **Potential conflict of interest:** the private interests of an employee could interfere with their assigned duties in the future.
- **Pecuniary conflict of interest:** relate to monetary transactions or financial losses/benefits. This conflict of interest situation could directly lead to a financial advantage for an employee, their family, friends or associates.
- **Non-pecuniary conflict of interest:** relate to benefits which are not monetary or financial. Such a benefit could be gained by an employee themselves, their family, friends or associates.

Cyberbullying

Bullying that is carried out online using digital devices.

DECYP Values

The DECYP Values are:

- Connection – building positive relationships and a sense of belonging.
- Courage – accepting challenges and embracing opportunities.
- Growth – aspiring to learn, and improving, even when it's hard.
- Respect – caring for ourselves, each other, and our environment.
- Responsibility – stepping up and doing what's right.

Department or Departmental or DECYP

Refers to the Department for Education, Children and Young People.

Departmental Resources

Departmental resources refer to the assets, materials, and support available to a specific department within DECYP that can include financial allocations, personnel, equipment, office space, and any other necessary tools or facilities that enable the department to function effectively and achieve its goals.

Discrimination

Discrimination occurs where a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. This includes, but is not limited to:

- age
- race
- sexual orientation
- lawful sexual activity
- gender
- gender identity
- intersex variations of sex characteristic
- marital status
- relationship status
- pregnancy
- breastfeeding
- parental status
- family responsibilities
- disability
- industrial activity
- political belief or affiliation
- political activity
- irrelevant criminal record
- irrelevant medical record
- association with a person who has or is believed to have any of these attributes.

Emotional or psychological harm

Emotional or psychological harm means harm to a child's wellbeing, development or both.

Significant means the harm is more than trivial. It is also important to know that something doesn't have to have a permanent impact or effect to be considered significant. Examples of significant emotional or psychological harm include:

- direct and indirect exposure to domestic and family violence
- verbal abuse, such as telling a child they are worthless
- humiliating a child in front of their peers.

Employee

Any individual employed by DECYP under the [State Service Act 2000](#).

Family Violence

Family violence is conduct committed by a person against their spouse or partner, is defined in Section 7 of the [Family Violence Act 2004](#) and includes, but is not limited to: assault; threats, coercion, intimidation or verbal abuse, economic and emotional abuse.

Gifts, Benefits and Hospitality

Gift, benefit or hospitality means any gratuity, favour, discount, entertainment, loan, forbearance, or other benefit having monetary value gained by an officer or employee in the course of the officer's or employee's duties or in relation to the officer's or employee's duties from any person or entity other than the employer. It includes, but is not limited to:

- a gift of money or money equivalent (including gift cards or vouchers)
- a gift of a physical object (excluding token mementos)
- the conferring of a benefit
- the conferring of an honorary degree, title or award.

Grooming

Any online or in-person behaviour intended to manipulate and control a child, their family, kin or caregivers, or other support networks or organisations, with the aim of gaining access to the child, obtaining the child's compliance, maintaining the child's silence, and/or avoiding discovery of sexual abuse. Grooming may be difficult to identify and can be done by people already known to the child, including by a family member, kin or carer.

Harmful sexual behaviour

Developmentally inappropriate sexual behaviour displayed by children and young people that may be harmful or abusive (Hackett, 2014). This includes a range of behaviours, from problematic to abusive, that are directed towards other children, young people or adults, and that may be harmful to those displaying the behaviour as well as those to whom it is directed.

Harassment

Uninvited, unwelcome, unreasonable behaviour directed at a person or group. Harassment is generally in connection with a particular attribute such as age, race, gender or disability, and there does not need to be an intention to harass. Harassment includes any written, physical, or verbal conduct that, from the perspective of a reasonable person, is offensive, humiliating, intimidating, insulting or ridiculing against another person.

Information and Communication Technology (ICT) Resources

Technological tools, devices and resources used to communicate, create, disseminate, store, and manage information. Examples include computers or laptops, mobile devices, telephones, computer applications or systems, network services and equipment, the internet, email and messaging services, broadcasting technologies (radio and television), audio or video equipment, storage media and devices, etc.

Manager

Any employee in a management or senior executive position, including school and college principals.

Neglect

Neglect of a child means the deliberate or reckless failure to meet one or more of that child's basic needs.

Significant means the neglect is more than trivial or insignificant but is not required to be deemed serious or to have a lasting permanent effect. There are several types of neglectful behaviour.

These include:

- supervisory neglect: for example, leaving a child in a hot car in summertime
- physical neglect: a child being extremely dirty and suffering a skin condition as a result of poor hygiene
- educational neglect: preventing a child from attending school for no valid reason
- emotional neglect: rejecting a child from a family, home, school or other situation for no valid reason.

Online child sexual exploitation

When an individual (adult or another child or young person) or group uses technology or the internet to facilitate the sexual abuse of a child, including the production and sharing of child abuse material online

Online grooming

The process of establishing and building a relationship with a child through use of the internet or other technologies to facilitate sexual contact with that child, either physically or online. This may include perpetrators encouraging victims to engage in sexual activity or to send the perpetrator sexually explicit material and may lead to perpetrators meeting the victim in person or blackmailing the victim to self-produce explicit materials.

Personal Information

Personal information is defined under section 3 of the [Personal Information Protection Act 2004](#) as: any information or opinion in any recorded format about an individual –

- a) whose identity is apparent or is reasonably ascertainable from the information or opinion;
and
- b) who is alive or has not been dead for more than 25 years.

Personal information can be almost any information linked to an individual.

The PIP Act defines various types of personal information and includes name, residential address, postal address, date of birth and gender of an individual.

Physical Restraint

The use of physical force to prevent, restrict or subdue movement of a child or young person's body or part of their body.

Physical violence

Physical violence means:

- actual physical violence (the intentional or reckless application of physical force to a person without lawful justification or excuse) or

- apprehended physical violence (any act which intentionally or recklessly causes a person to apprehend immediate and unlawful violence to the person).

Examples of actual physical violence include hitting, punching, pushing, kicking and spitting.

Examples of apprehending physical violence include words or actions which indicate that physical violence will occur to the child in the future.

Public Comment

Public comment includes but is not limited to, public speaking engagements, comments on radio and television, expressing views in letters to the media or in books, journals, the internet, Web 2 technologies and resources such as blogs, wikis, social networking sites or other notices that may be viewed by the public.

Racism

Racism includes anything that offends, insults, humiliates, negatively views, or unfairly treats a person or group of people because of their race, colour, descent, nationality, ethnicity, or migrant status.

Reportable conduct scheme

A compulsory scheme, under the Child and Youth Safe Organisations Framework, that requires leaders of certain organisations to report concerns about worker conduct to an independent regulator, and to investigate those concerns.

Safeguard

To protect a person's health, wellbeing and human rights, enabling them to live free from harm.

Safeguarding Framework

The department's framework for safeguarding children and young people from all forms of abuse.

School

A Tasmanian Government school, college, centre, unit or institute of the State (other than TasTAFE), which provides educational instruction at any level from birth up to and including the final year of secondary education.

Sexual Harassment

Sexual harassment is unlawful under Australian law, including the *Tasmanian Anti-Discrimination Act 1988* and the *Commonwealth Sex Discrimination Act 1984* specifies that it occurs:

- when a person makes an unwelcome sexual advance or physical contact, or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature that is offensive to another person such as making a comment with sexual connotations or a sexual gesture.
- in circumstances in which a reasonable person, having regard to all of the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated, intimidated, insulted or ridiculed.

Sexual Misconduct

This conduct may overlap with criminal conduct. When performed in a sexual manner or with a sexual intention, sexual misconduct includes:

- inappropriate behaviour
- physical contact
- voyeurism (which means watching someone or others)
- speech or other communication, including electronic communication.

Sexual misconduct is conduct that doesn't meet the acceptable standard of behaviour by a worker or volunteer and is committed in a sexual manner or with sexual intention.

Sexual misconduct may occur in a variety of settings, including in person communication and online communication.

Examples of sexual misconduct include inappropriate comments to a child about an area of their body in a sexual manner and inappropriate touching of a child.

Another example would be intentionally showing a sexually explicit movie to a child for sexual gratification.

Sexual Offences

Sexual offences are as defined in the [Child and Youth Safe Organisations Act 2023](#)

Social Media

Any electronic or online service, mobile application and virtual community that has the following features:

- Has the sole or primary purpose of enabling social interaction between two or more end users
- Allows end users to link to or interact with other end users, and
- Allows end users to post material on the service.

Types of social media applications include message boards, social networking sites, blogs and microblogs, image, video and music sharing sites and mobile applications. Specific examples of social media applications include Facebook, YouTube, Twitter, and Instagram.

Student

A child or person enrolled at a school or participating in an educational program linked to a school.

The Child and Youth Safe Standards

Ten principles that organisations must do to create a culture in implementing the Child and Youth Safe Standards. In putting the Child and Youth Safe Standards into practice, organisations must also give effect to a Universal Principle for Aboriginal Cultural Safety. The 10 Standards are:

Standard 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture. This means all people in the organisation care about children and young people's safety and wellbeing above everything else, and make sure they act that way and lead others to act that way.

Standard 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously. This means children and young people are told about their human rights, have a say in decisions and are taken seriously.

Standard 3: Families and communities are informed and involved in promoting child safety and wellbeing. This means families and communities know about and are involved in the organisation's child and safety and wellbeing activities.

Standard 4: Equity is upheld, and diverse needs respected in policy and practice. This means the rights of every child and young person are being met, and children and young people are treated with dignity, respect and fairness.

Standard 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. This means people working with children and young people are safe to work with children and young people and respectful of them. They are taught how to keep children safe and well.

Standard 6: Processes to respond to complaints and concerns are child focused. This means children, young people, families, staff and volunteers are listened to and can share problems and concerns.

Standard 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training. This means staff and volunteers keep learning all the time, so they know how to keep children and young people safe and well.

Standard 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed. This means children and young people are safe in online and physical spaces.

Standard 9: Implementation of the Child and Youth Safe Standards is regularly reviewed and improved. This means the organisation keeps reviewing and improving its child safety and wellbeing practices.

Standard 10: Policies and procedures document how the organisation is safe for children and young people. This means organisation writes down how it keeps children and young people safe and well and makes sure that everyone can see these documents.

Victimisation

Victimisation is when a person is threatened, disadvantaged, or treated badly because they have spoken out against, or tried to stop, discrimination or they are involved in a complaint process.

Victimisation is prohibited under the [Anti-Discrimination Act 1998 \(Tas\)](#).

Vilification

Vilification occurs when someone publicly targets another person, or another group of people, by inciting hatred towards them, serious contempt for them, or severe ridicule of them because of their race, religion, sexuality or gender identity.

Violence and aggression

Violence and aggression occur when someone is abused, threatened or assaulted.

Volunteer

An unpaid worker who participates in or supports the work of the department.

Worker

Any individual engaged by DECYP to perform a role or provide a service. This includes members of staff, volunteers, trainees, students on work experience placement, contractors or sub-contractors (excluding bodies defined as relevant entities under the [Child and Youth Safe Organisations Act 2023](#)).

Young person or young people

Commonly used to refer to any person aged 12 to 17, but also defined under the *Children, Young Persons and their Families Act 1997* as a person aged 16 or 17. In this document, any reference to a young person or young people has the same meaning as a child or children.

Legislation

[State Service Act 2000](#)

[State Service Regulations 2021](#)

[Children, Young Persons and their Families Act \(1997\)](#)

[Child and Youth Safe Organisations Act 2023](#)

[Anti-Discrimination Act 1998](#)

[Equal Employment Opportunity \(Commonwealth Authorities\) Act 1987](#)

[Industrial Relations Act 1984](#)

[Personal Information Protection Act 2004](#)

[Family Violence Act 2004](#)

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