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Schedule 1.2: Conduct Standards for workers in Detention Centre and Residential Youth Justice settings

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Purpose and Scope

The purpose of the Conduct Standards for workers in Detention Centre and Residential Youth Justice Settings (the Standards) is to provide Department for Education, Children and Young People (the department, DECYP) workers with standards of conduct and clearly defined behavioural expectations that apply while working in their role, and in situations where there is a connection to their role, to ensure they provide a safe and inclusive physical and emotional environment for all children or young people and colleagues.

This schedule applies to all workers (employees, contractors, consultants, sub-contractors, trainees and volunteers) engaged in Detention Centre and Residential Youth Justice Settings.

This document must be read in conjunction with the Conduct and Behaviour Policy and Schedule 1: General Conduct and Behaviour Standards for all workers.

1 Protection of Children and Young People from Harm

1.1. Child Sexual Offences

- 1.1.1. Workers must not commit a sexual offence against a child or young person, including but not limited to:
 - indecent assault
 - persistent sexual abuse of a child or young person
 - distributing, possessing, making and/or accessing child exploitation material
 - procuring a child or young person for sexual abuse
 - rape and incest.
- 1.1.2. Workers must not engage in intimate or sexual misconduct with a child or young person.
- 1.1.3. Workers must discourage and reject any sexual advances by a child or young person and report any such behaviour immediately to their principal or manager.

1.2. Sexual Misconduct

- 1.2.1. Workers must not engage in sexual misconduct towards a child or young person, including but not limited to:
 - physically touching a child or young person in a way that may be considered unnecessary and/or indecent and without a valid employment context
 - communicating in a sexual nature with a child or young person via any means
 - making comments to a child or young person that sexualises their appearance
 - making comments of a mature, adult and/or sexual nature (including sexual innuendos, jokes, comments or suggestions) in the presence of a child or young person

- engaging in grooming behaviour of a child or young person
- engaging in a romantic or sexual relationship with a child or young person where that worker has been in a position of authority, care or protection in relation to that child or young person:
 - a) for 2 years after the young person turns 18 or
 - b) for 2 years after the employee's position of authority, care or protection has ended,

whichever is later.

Exceptions

A worker who is in a lawful private relationship commences employment with the department and the continuation of the relationship would contravene this Standard.

A change of circumstances means that a worker who was in a lawful private relationship that did not contravene these Standards is now in a relationship that would contravene these Conduct and Behaviour Standards - for example, their partner begins studying at a departmental school.

These exceptions to the general prohibition are subject to the worker immediately declaring the relationship or the change in circumstances to their manager or the Deputy Director, Industrial Relations.

Where a worker has a lawful relationship that meets an exemption listed above, that worker must avoid being involved in decisions involving that partner.

1.3. Physical violence and intimidation towards children and young people

As far as reasonably practicable:

- 1.3.1. Workers must not engage in physical violence and intimidation towards children and young people.
- 1.3.2. Workers must not use physical force unless it is reasonable, and:
 - 1.3.2.1. Is necessary to prevent the detainee from harming himself or herself or anyone else or
 - 1.3.2.2. Is necessary to prevent the detainee from damaging property or
 - 1.3.2.3. Is necessary for the security of the centre or
 - 1.3.2.4. Is otherwise authorised by or under the [Youth Justice Act 1997](#) or any other Act or at common law.
- 1.3.3. Workers must not intentionally use an object to hit or strike a child or young person that is not in accordance with prescribed policies and procedures relevant to their duties.
- 1.3.4. Workers must not verbally threaten to physically harm a child or young person.
- 1.3.5. A worker must not engage in conduct that could result in intentional physical harm to a child or young person, subject to physical intervention permitted under the [Use of](#)

[Physical Force Procedure](#) and/or reasonable physical action required to defend oneself against imminent and serious physical harm.

- 1.3.6. A worker must not restrain a child or young person in a way that is not in accordance with the [Use of Physical Force Procedure](#) or any other related procedure.

1.4. Neglect of a child or young person

As far as reasonably practicable and where there is no legitimate purpose:

- 1.4.1. Workers must not deliberately or recklessly fail to meet one or more of a child's basic needs, as far as is reasonably practical and subject to relevant operational policies and procedures
- 1.4.2. Workers must not leave a child or young person alone or unsupervised for an extended period of time subject to the [Use of Isolation Procedure](#)
- 1.4.3. Workers must seek, or comply with, appropriate treatment for a child or young person who has a medical condition or illness.

1.5. Causing psychological harm to a child or young person

- 1.5.1. Workers must not intentionally cause emotional or psychological harm to a child or young person.
- 1.5.2. Workers must not intentionally target a child or young person with unfair and/or continued criticism, humiliation, or blame.
- 1.5.3. Workers must not make derogatory comments in any form towards a child or young person, including verbally or in writing.
- 1.5.4. Workers must not ignore or reject reasonable requests for support or assistance within an employment context, from a child or young person, as far as is reasonably practicable.

1.6. Professional relationships and boundaries between workers and children and young people

- 1.6.1. Workers must not breach professional boundaries by commencing and/or maintaining a personal (as opposed to a professional) relationship with any child or young person either during or outside of work hours, unless the relationship has a legitimate purpose.

A legitimate purpose may exist where the child or young person is a member of the worker's family or the worker is caring for the child or young person in a formal capacity, for example as a foster carer, respite carer or homestay host, and the relationship is otherwise lawful. The worker must report this to their manager.

If the contact arises in a situation where families are not related, but have legitimate close relationships, compliance with the requirement set out in 1.6.1 will be assessed in that context. Recognising that abuse may occur in legitimate relationships, each situation is assessed on a case-by-case basis.

Subject to there not being a legitimate purpose as above:

- 1.6.2. Workers must not socialise (socialise does not apply to incidental contact) with a child or young person.
- 1.6.3. Workers must not invite or have a child or young person in their home.
- 1.6.4. Workers must not attend a child or young person's home.

1.7. Interaction with Children and Young People via Electronic Communication and Social Media

- 1.7.1. Workers must not knowingly use electronic communication and/or social media to communicate in a sexual nature, procure for sexual abuse or groom a child or young person.
- 1.7.2. Workers must not knowingly show, send, or post sexual or pornographic messages or content to a child or young person.
- 1.7.3. Workers using electronic communication or social media both in and outside the course of their employment must conform to the professional boundaries of the employee/child or young person relationship. The interaction must always have a valid youth justice context.
- 1.7.4. Workers must exercise appropriate online behaviours, including being aware of, and complying with [Social Media Policy and Procedures](#).

Inappropriate behaviour online can include, but are not limited to knowingly:

- exchanging telephone number(s), email address(es) or social media details with a child or young person without a professional or employment related reason.
- communicating with a child or young person including via posts, instant messaging, or inbox without a professional or employment related reason.
- befriending a child or young person on social media.
- following or be "followed" by a child or young person on social media.

To support appropriate online behaviour workers are to:

- take necessary reasonable steps to refuse or block known approaches by children or young people that are not within a legitimate relationship (as outlined above).
- not post pictures or videos of children or young people, unless it is directly related to their learning and appropriate consent has been provided.
- use appropriate language and exercise good judgement when communicating electronically or when using social media.

Exceptions

Any contact or communications between a worker and a child or young person where there is a legitimate relationship and where the contact is reasonable and lawful. An example could be where a member of their family or providing care for a child or young person in a formal capacity.

If the contact arises in a situation where families are not related, but have legitimate close relationships, compliance with the boundaries set out in Standard 1.6.1 will be assessed in that context. Recognising that abuse may occur within legitimate relationships, each situation is considered on the facts.

2 Reporting Obligations to Protect Children and Young People from Harm

- 2.1. Workers must report any suspected criminal conduct in relation to children and young people to their supervisor/manager and/or to Tasmania Police.
- 2.2. Employees and Volunteers must report any concerns about the abuse of a child or young person to the Strong Families, Safe Kids Advice and Referral Line, as per the [Mandatory Reporting Procedure](#).
- 2.3. Workers must report any concerns about the conduct of another worker in relation to children and young people by lodging a [Concern Notice](#).