

AUGUST 2024

Schedule 1.4: Conduct Standards for workers in all other settings

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Purpose and Scope

These standards apply to workers (including employees, volunteers, contractors and sub-contractors, consultants and trainees) who work with, or are engaged by the Department for Education, Children and Young People (the department, DECYP) in settings other than schools, child and family learning centres; and youth detention and residential youth justice settings.

Workers in child safety and out of home care settings are currently subject to these settings, pending the completion of schedule 1.3 Conduct Standards for Workers in Child Safety and Youth Justice Operations settings.

This document sets out the standards of conduct and behaviour in relation to children and young people required of all DECYP workers in all other settings and 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 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 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 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 Contact, Violence and Intimidation towards Children and Young People

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

- 1.3.1. Workers must not engage in physical violence and intimidation toward children and young people.
- 1.3.2. Workers must not have unnecessary physical contact with a child or young person.
- 1.3.3. Workers must not engage in conduct that could physically harm a child or young person.

1.4. Causing Psychological Harm to a Child or Young People

- 1.4.1. Workers must not cause significant emotional or psychological harm to a child or young person.

1.5. Professional Relationships and Boundaries between Workers and Children and Young People

- 1.5.1. 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, 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.

If the contact arises in a situation where families are not related, but have legitimate close relationships, compliance with the requirement set out in Standard 1.5.1 will

be assessed in that context. Recognising that abuse may occur in legitimate relationships, each situation will be assessed on a case-by-case basis.

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

- 1.6.1. 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.
- 1.6.2. Workers must not knowingly show, send, or post sexual or pornographic messages or content to a child or young person.
- 1.6.3. Workers must exercise appropriate online behaviours, including being aware of, and complying with the [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 email 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.
- using 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](#).