

OVERVIEW

Kogarah Community Services (KCS) is committed to protecting all children attending the Service and any other child with whom the Service comes into direct contact. The organisation strives to provide a child safe environment at all times and this Code aims to provide staff with certainty about what acceptable standards of behaviour are when working with children. This Code will enable staff to work in a way that supports the safety, welfare and wellbeing of children at all times.

SCOPE

This Code applies to staff, volunteers and practicum placement students. In statements where the term 'staff' is used, the same standards apply to volunteers and practicum placement students.

This Code aims to give additional guidelines to supplement the following:

- Education and Care Services National Law and Regulations
- Child Protection Act 1999
- Mandatory requirements of Children and Young Persons (Care and Protection) Act 1998 (NSW)
- UN Convention on the Rights of the Child
- Early Childhood Australia (ECA) Code of Ethics

DUTY OF CARE

- Ensure adequate supervision of children as defined by the Education and Care Services National Law and Regulations.
- Safeguard children at all times and not place a child at risk of abuse, or condone the behaviour of children which is unsafe.
- Provide active supervision to ensure the safety of children during activities.
- Contribute to risk assessments by taking into consideration the child's age, development and any illness, injury or additional needs that could place them at risk.
- Be vigilant in assessing and addressing any activities that have potential to cause harm or injury to the children.
- Staff personal communication devices are strictly forbidden during children supervision times unless having prior approval or in an emergency situation.
- Be aware of, and address as appropriate, any specific health issues with children in your care, particularly any medical and dietary specifications.
- Give medication to children in accordance with the Service's Medical Conditions & Medication Administration policy and as detailed by the Education and Care Services National Law and Regulations.

FAIRNESS, RESPECT AND NON-DISCRIMINATION

- Treat all children with respect and act in a way that does not show unfair differential treatment, or favour particular children to the exclusion of others.
- Coarse language is strictly forbidden in the work place.
- Respect the cultural and linguistic diversity of the children, families and colleagues.
- Staff should speak English in the work place where other colleagues from different culturally and linguistically diverse backgrounds are present to avoid misunderstanding and to ensure that any urgent needs of the children can be addressed in due course.
- Use appropriate language for the age and understanding of the child, and avoid confusing or age-inappropriate discussions with sexual, discriminatory or violent references.

SMOKING, DRINKING AND DRUGS

- smoking, drinking alcohol and taking illicit drugs are prohibited at all times in the work premises, on the bus for transporting the children to and from Schools and during excursions.
- Staff must not work under the influence of alcohol.
- Drugs – including medicines prescribed by a doctor or available over-the counter – can affect a person's ability to work safely. Staff should consider any possible side effects and how these might impact on the work prior to commencing a work shift

PRIVACY PROTECTION

- Ensure that personal information of the children and their families is securely stored, used and shared on a need basis; observe the service's instructions regarding privacy protection.
- Only photograph/video record children for documentation and promotional purposes of the service and with the necessary consent of the child and his/her parent/guardian.
- Not store or share photographs/videos of children attending the service on a personal device or share in any personal social media platform.

CHILD PROTECTION

- Do not physically punish a child, and ensure that any restraint of a child is only used for protecting the child or another person from physical harm, and conforms to industry and agency standards regarding the use of restraints with children.
- Staff should avoid any actions or words intended to or having potential to threaten, intimidate, shame, humiliate, belittle, embarrass or degrade the children, their families and their colleagues.
- Always act in the best interest of children and avoid any unnecessary or potentially harmful physical contact with children, unless necessary for their safety and wellbeing. Encourage children to carry out tasks of a personal nature (e.g. Toileting and dressing) for themselves whenever possible.
- Avoid one-on-one situations with children by ensuring that there is always another staff member or other children present at the same time. If an unavoidable situation arises where a staff member finds themselves alone with a child or children, this should be communicated to the coordinator/management team as soon as practical.
- not expose children to inappropriate content including age-inappropriate websites, imagery and music. Assume obligations to report to the coordinator/team leader and/or the management team any concerning staff conduct towards children or any suspected risk of harm to a child.
- Assume obligations to report to the coordinator/team leader and/or the management team any concerning staff conduct towards children or any suspected risk of harm to a child.
- Assume mandatory obligations of reporting to the coordinator/team leader and/or the management team regarding issues of concern with child protection in relation to any staff, volunteers, families and others. Assume cooperation and full disclosure of what has been witnessed and/or what has been disclosed by a child in case of subsequent follow-up investigations internally and/or by external authorities.

PROFESSIONAL BOUNDARIES

- Professional boundaries are parameters that describe the limits of a relationship where one person entrusts their welfare and safety to a professional and often in circumstances where a power imbalance might exist.
- In a childcare setting, a staff-child relationship is not equal. Staff members are in a unique position of trust, care, authority and influence with the children and their families, which means that there is always an inherent power imbalance between them.
- Staff must take responsibility for establishing and maintaining appropriate physical boundaries with the children. Staff must ensure physical contact is limited, as required and only with the child's permission. For instance, staff could consider giving the child a high five instead of a hug, or when comforting a child, staff could consider seating a child alongside them rather than on their lap.
- When staff and the children's families become confidants and/or friends, a dual relationship is created which may create some ambiguity or blurring of the relationship between the Service and

the families where the role becomes less defined. These interactions might foster inappropriate relationships with the children and/or the families and therefore must be avoided. Examples include looking after the child outside work hours (including paid or unpaid arrangements), expressing intimate gestures towards a child or his/her family member, taking a child for an unauthorised outing outside office hours such as movies, social events, etc., privately giving a child or his/her family member money or gifts or the reverse, connecting with the child or his/her family personally by email, instant messaging, telephone or social networking, etc.

- It is a staff member's assumed responsibility to set and maintain clear and appropriate professional boundaries in all forms of communication, including face-to-face interaction, written communication, telephone and online communications (including social networking, email, blogging and instant messaging).
- Staff's private conduct shall not compromise the fulfilment of their professional responsibilities.
- Staff shall ensure that professional relationships are not exploited to gain personal, material or financial advantage.

CONFLICT OF INTEREST

- A conflict of interest can involve:
 - Financial gain or loss or other material benefit;
 - Favour, personal relationships and associations.
- A conflict of interest also applies to:
 - The interest of members of your immediate family or relatives (where these interests are known);
 - The interest of your own business partners or associates, or those of your workplace;
 - The interests of your friends.
- A conflict exists when a reasonably minded and informed person would form that view.
- When faced with a situation in which a conflict of interest may be present, staff must:
 - Assess the situation and the surrounding circumstances that could affect any decisions or actions you may take in the matter.
 - Identify whether any conflict of interest exists.
 - Determine the type of conflict of interest; and
 - Report any conflict to the Coordinator/Team Leader and/or the management team.

GIFTS AND BENEFITS

- Accepting gifts and other benefits has the potential to compromise a staff member's position by creating a sense of obligation, a sense of debt to the person offering or receiving the gift and therefore undermining their impartiality. Therefore, staff must exercise caution when accepting a gift or benefit. In case of doubt, staff should consult the Coordinator/Team Leader and/or the management team and refer to this Code of Conduct.
 - A gift is an item of tangible value. Examples include (but not limited to) cash, voucher, hospitality, entertainment, commodity, tickets, etc.
 - A benefit is a service or non-tangible item that is of value to the receiver. Examples include (but not limited to) meals, discount, preferential treatment, new job, etc.
- Staff shall not:
 - ask for or encourage the giving of any form of gift or benefit in connection with their duties within KCS.
 - accept any gift or benefit which could create a conflict of interest or be perceived to create such a conflict.
 - accept any gifts involving cash items, regardless of value, in circumstances where a staff member is unable to reject or return a gift to the giver, s/he must report to the Coordinator/Team Leader and/or management team as soon as practicable.
- Any gift or benefit received by a staff member up to the value of \$20 may remain the property of the staff member provided acceptance is not likely to affect, or could reasonably be perceived to affect, the independent and impartial performance of the staff member's official duties. Staff will notify the Coordinator/Team Leader of any nominal gift received.

- All gifts and benefits received by staff will be recorded in the gifts and benefits register by the Coordinator/Team Leader. Where multiple gifts of nominal value are received from the same donor in any one school year with a cumulative value of \$100 or more, the Team Leader or Manager will contact the donor directly to outline where the ongoing acceptance of such gifts could reasonably be perceived to affect the independent and impartial performance of the staff member's official duties.
- In a childcare setting, it is common for families to give food to express their gratitude to the Service at various times of the year. Where multiple gifts are received (e.g. chocolates at the end of the year) staff should state that the gift is accepted in the team's capacity instead of a personal capacity. These gifts can then be distributed fairly or raffled among the team.
- Gifts of high value (>\$100) from families must be declined. Staff should explain to parents about KCS's Code of Conduct and governance requirement. As an alternative to express their gratefulness to the staff/team, parents are encouraged to submit written feedback to the management team and/or make a donation to support KCS.
- All gifts given to children and/or the families are from the organisation and staff should not give any individual gifts to children and/or the families.

BREACHES OF THE CODE OF CONDUCT

- A breach of duty of care exists when it is proven that the person who is negligent has not provided the appropriate standard of care. A staff member is negligent in failing to take precautions against a risk of harm if:
 - the risk was foreseeable (i.e. a staff member knew about it, or s/he ought to have known about it), and
 - the risk was not insignificant, and
 - a reasonable person in the same position would have taken those precautions.
- A breach of this Code and/or relevant Codes and guidelines result in disciplinary action, up to and including termination of employment, depending on the nature and circumstances

RELATED DOCUMENTS

In addition to this policy, employees must familiarise themselves with the following in reference of the program they are employed under.

- Aged Care Program:
 - KCSP037 Code of Conduct
 - [Code of Conduct for Aged Care Workers](#)
 - Staff are also required to comply with the Aged Care Code of Conduct and Banning Orders. Staff are provided with a copy of the Code of Conduct for Staff and Volunteers which also includes the Aged Care Code of Conduct and information on banning orders.
See KCSP006 About Us Approved Provider Responsibilities/ Code of conduct and banning orders for detailed information.
- Community Engagement Program:
 - KCSP037 Code of Conduct
 - [ACWA Ethics and Good Practice Guide](#)
- Children's Services Program:
 - KCSP037 Code of Conduct

Code of Conduct Child Safety

KCS Policy



RECORD OF REVISIONS

Unless the Policy specifically states otherwise, the Policy does not form part of your employment agreement with KCS. KCS may unilaterally vary, remove or replace this Policy at any time. To the extent that this Policy imposes any obligations on KCS and/or purports to provide any right or benefit to you, those obligations are not contractual and do not give rise to any contractual rights. The Employee is required to be familiar with the content of the Policy and comply with the terms at all times.

File Reference	KCSP060 – Code of Conduct Child Safety				
Date Created	6/4/2023	Created By	CCD/JR	Responsible	CEO

Version Number	Modified or Reviewed by	Modifications Made/Notes	Date	STATUS (Internal, External, Archived)
V1	OM	New Policy	November 2014	DRAFT
V2	SR	Compliance with NQF & Rebrand	January 2016	Live
V3	TT	Typo corrections	July 2017	Live
V4	OM	Updated in line with Child Safe Practices	March 2020	Live
V5	Jordan Ross	New Format and whole of KCS Doc. Original CCD document.	April 2023	Live