

Introduction

The following are requirements and expectations of all Council officials (Council employees, Councillors, **contractors**, students and volunteers) in contact with children and/or young people aged under 18 years old. These requirements and expectations apply to any kind of contact (face to face, phone, email, social media, written or other contact) with any children or young persons with whom there is contact in the workplace or whom are known to you through your contract with Council, whether you are on duty or not:

You must respect the rights of every child and young person, including the right to:

- safety and a safe environment
- freedom from abuse, neglect and exploitation of any kind
- protection from harm and risk of harm
- personal space and privacy
- dignity, and to be treated with respect.

1. Requirements when in contact with children and young people

1.1 You must:

- interact respectfully with children and young people at all times;
- behave at all times with sensitivity and within appropriate adult-child boundaries with any child or young person;
- immediately report any child-related allegations, or criminal convictions in relation to children or young persons made by anyone against a Council official, in accordance with the Child Protection Determination & Procedures;
- promptly report to the Contract Administrator if you become a “Barred” person (i.e. convicted of any serious sex offence or a certain offence involving a child or young person including kidnapping, murder, child pornography, child prostitution);
- promptly report to the supervisor if any Council official has behaved towards a child or young person in a way that contravenes Council’s Code of Conduct, the Child Protection Determinations and Procedures, or this Guideline;
- if in a mandated occupational group (“child related work”), promptly report risk of significant harm to a child or young person in accordance with the law and Council’s Child Protection Determination and Procedures.

1.2 You must not physically, verbally, psychologically, sexually or emotionally abuse, neglect or exploit any child or young person at any time nor assist others to do so, nor remain silent about others doing so.

- 1.3 You must not set up contact in any way (phone, text, fax, email, social media, face to face, letter, web cam or chat room etc.) with children or young people whom you know through your contract with Council (either other employees or patrons of a Council facility) for any relationship or contact outside your work role unless such contact is justified within your work responsibilities or otherwise reasonable, and has prior approval of the Contract Administrator. This includes not giving your personal contact details (phone/fax number, email address, facebook page, website etc.) to a child or young person without prior approval of the Contract Administrator. In circumstances where Council officials have legitimate reasons for contact outside their work role with children or young persons known through work, contact should be made with the parent or legal guardian of the child or young person first to seek permission.
- 1.4 You must not take any child or young person whom you know through your contract or contact in the Council to your own home or into a vehicle or to homes of your friends, family or other personal associates unless:
 - there is a legitimate reason for you doing so;
 - prior approval from the Contract Administrator has been given; and
 - consent has been obtained from the child's or young person's parent or legal guardian.
- 1.5 You must not use any form of corporal punishment with any child or young person.
- 1.6 You must not use any physical restraint or force with any child or young person except:
 - where this is necessary for the child/young person's immediate safety or to prevent immediate serious harm; or
 - where this is necessary in defence of your own immediate physical safety, or;
 - for direct carers, where this is in accordance with the direct carer role boundaries set out below.
- 1.7 You must not access pornographic material of any kind while on duty or by using work equipment at any time, nor provide such material to any child or young person known through your contract with the Council.
- 1.8 You must not use inappropriate language such as profanities or swearing in the vicinity of children and young people, or make derogatory remarks to or about children and young people in the workplace or while on duty.
- 1.9 You must not give or provide alcohol, legal or illegal drugs, cigarettes or tobacco to children or young people under 18 in the workplace (refer also to Council's Management of Alcohol and Other Drugs in the Workplace Determination and Procedure).
- 1.10 You must not give gifts to a child or young person during the course of your work, unless there is a reasonable explanation for you doing so. Council contractors should be open and make an appropriate declaration in accordance with Council's Code of Conduct, if given a gift by a child or young person.

1.11 You must not engage in any physical contact that could be “Reportable Conduct” under the *Ombudsman Act 1974*. Reportable Conduct means:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child or young person (including a child pornography offence or an offence involving child abuse material), or
- any assault, ill-treatment or neglect of a child or young person, or
- any behaviour that causes psychological harm to a child or young person,
- whether or not, in any case, with the consent of the child or young person.

2. Appropriate boundaries for physical contact with children and young people in the workplace

2.1 Your physical contact needs to take into account cultural sensitivities and the age of the child/young person. Council officials and contractors may use non-invasive physical greetings commonly accepted in the community and relevant considering the age, development and ability of the child or young person (e.g. shake hands, high five with hands).

2.2 Council officials and contractors who are in a direct care role/relationship with a child or young person with intellectual or physical disabilities are to encourage appropriate boundaries and sensitively discourage inappropriate physical contact (for example, by comments such as “*we don’t know each other very well, how about we shake hands*”).

3. Work roles that do not involve direct care of children or young people

3.1 As a general guide you must:

- avoid physical contact with children and young people unless there is a legitimate reason for such contact for the child/young person’s own safety and welfare (e.g. administering first aid, removing from impending danger, comforting a highly distressed child or young person in an emergency situation).

Physical contact for the child/young person’s safety and welfare should only be to the extent required for the child/young person’s safety or welfare and no more.

- avoid being alone with a child or young person in any closed room or isolated location that is not in visual contact by another adult unless there is a legitimate reason for doing so for the child/young person’s own safety and welfare. First aid should never be administered in a closed room unless another adult (preferably known to the child/young person) is present. All first aid should be administered in the presence of another adult if possible (preferably one known to the child/young person) unless it is an emergency and the delay in getting another adult would jeopardise the child/young person’s safety.

3.2 You must not use physical force or restraint on a child or young person unless:

- this is necessary for the child/young person’s immediate safety; or
- to prevent immediate serious harm; or
- if this is necessary in defence of your own immediate physical safety.

In such emergencies physical force or restraint should only be to the extent necessary to prevent serious harm from occurring.

- 3.3 If you are confronted with a situation of an older child or young person threatening to harm others and wielding a weapon you are advised to seek immediate assistance (from Police on telephone number 000) rather than attempt to disarm the child or young person.
- 3.4 You must never remove an item of clothing from a child/young person's body unless this is necessary for the child/young person's immediate safety to prevent serious harm (e.g. to administer emergency first aid). The only exception to this is to assist the child / young person in removing or replacing their shoes, hat, or outer jacket where they cannot do this for themselves and the child / young person has given you permission.

4. Entry to dressing, undressing or bathing/showering or toileting facilities as part of normal duties – Aquatic and Recreation Centres, Library Services, Youth Services

- 4.1 Where you are required as part of your contract to enter public facilities and where a school aged child or young person is dressing, undressing, bathing/showering or toileting, these duties should be performed in accordance with this Guideline.
- 4.2 You must never attend to your own personal care activities (dressing, undressing, toileting or bathing/showering) in the presence of a child or young person unless these activities are undertaken in a public facility. If a Council official or contractor is using a Council public facility as outlined above (e.g. Aquatic or Recreation Centre change room), personal care activities must be undertaken in a private cubicle wherever possible.

In such cases, your behaviour should be in accordance with this Guideline.

Relevant Council Protocol

Child Protection Determination & Procedures

Code of Conduct

I, _____ (Name) _____ (Position)

of _____ (Company) have read, understood and will abide by Council's Child Protection Determination, Procedures and Policies and all Child Protection legislation. I will also ensure that all Contractors supplied to Hornsby Shire Council through the above Company will be informed of the above Guideline and its requirements.

Signature: _____ Date: _____

If you would like further information regarding Child Protection, please contact the Manager Human Resources Branch on (02) 9847 6981, or the Manager Risk and Audit on (02) 9847 6609.

End of document