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TRUSTEES OF THE CHRISTIAN BROTHERS OCEANIA PROVINCE



QUEENSLAND

Integrity in Interacting with Children and Young People

Code of Conduct

1. Introduction

This *Code of Conduct "Integrity in Interacting with Children and Young People"* is designed firstly to provide positive guidelines for behavioural standards to be observed in all relationships between people working for or within Oceania Province (Queensland) and children and young people in their care, or who avail themselves of our services. Secondly, to assist the Trustees of the Christian Brothers, Queensland, to meet its' legal obligation to provide a *Code of Conduct* for interacting with children and young people for all employees under the Child Protection Risk Management Strategy as detailed in the *Commission for Children and Young People & Child Guardian Act 2005 (Qld) s99G(4)*.

2. Applicability of the Code of Conduct "*Integrity in Interacting with Children and Young People*"

This Code of Conduct "*Integrity in Interacting with Children and Young People*" applies to all Oceania Province employees in Queensland contracted on a continuing, fixed term or casual basis, whether priest, religious or lay personnel. Volunteers are also required to abide by this Code.

Each child and young person receiving the services of the Oceania Province (Queensland) has the right to feel safe and be protected from 'harm'. Employees and volunteers have a duty of care to children and young people using our services and to take reasonable actions to protect them from a reasonably foreseeable risk of harm. This duty applies equally to ministry based activities and out of ministry activities conducted by employees and volunteers of the Trustees of the Christian Brothers Queensland (that involve children and young people.) Employees should note that the Code and the Interim *Oceania Province (Queensland) Child Protection Policy* are also to apply within residential settings and while escorting children to camps, excursions and tours within or outside Australia.

It is noted that employees and volunteers must also adhere to other Codes of Conduct such as other relevant professional bodies.

This Code of Conduct supplements and is to be read in conjunction with the Interim *Oceania Province Child Protection Policy and Guidelines 2008 (Qld)*, Interim *Oceania Province Risk Management Compliance Policy 2008 (Qld)* and the church document *Integrity in Ministry 2004*.

3. Definitions

Child is a person under the age of 18 years in accordance with the *Child Protection Act 1999 (Qld)*.

Employee refers to each person working within Oceania Province (Queensland) including staff, contractors, religious and volunteers (both paid and unpaid) involved in ministries, initiatives and services provided by the Trustees of the Christian Brothers Queensland.

Harm caused to a child is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental harm not involving negligence or misconduct. Harm to a child includes minor harm, that is cumulative in nature that would result in a detrimental effect of a significant nature to the child if allowed to continue. Harm can be caused by amongst other things physical or emotional abuse or neglect, or sexual abuse or exploitation. (Child Protection Act 1999; Department of Education Manual HS-17 Student Protection, p.10)

Initiative means a service operated by the Trustees of the Christian Brothers, Oceania Province.

Ministry Means a particular work that is undertaken to serve the mission of the Church and which has the responsibility to protect, honour and advance the dignity of every human person.

Christian Brothers (Edmund Rice) Ministry: a particular work that is undertaken by the Trustees of the Christian Brothers Queensland as a specific apostolic activity proper to the mission of the Province and for which the Trustees have responsibility

Ministry Leader is a person who has delegated responsibility for the day to day operations of a particular ministry for which the Trustees of the Christian Brothers Queensland is the governing authority.

4. Context

The Trustees of the Christian Brothers Queensland in governing the Oceania Province commits to following the example of Jesus and Blessed Edmund Rice by being witnesses to God's nurturance and all-inclusive love for all people through our sensitivity, respect and support. The provision of a safe, supportive, enriching environment is essential to ensure that all children and young people entrusted to our care are affirmed in their dignity and worth as a person.

5. Vision

Edmund Rice's foundation motivation for founding the Christian Brothers was generated from a deep compassion for the 'dear little ones' (Normoyle, 1979, p.151) He saw in them his incarnational Lord and moved by the Spirit he opened his whole heart to Christ present and appealing in the poor (Constitutions 1985 p.52). McLaughlin, 2007 p.107).

6. Code of Conduct – Integrity in Interacting with Children and Young People

6.1 Interactions with children and young people

It is expected that employees and volunteers will be caring, compassionate, respectful, supportive adults who act with integrity and take an interest in the wellbeing of children and young people and who set appropriate boundaries within those adult-child relationships. Employees and volunteers must be aware that their interactions with children and young people are based on reliance on and confidence in them as persons entrusted with their safety and care and that those relationships are open to scrutiny and differing perceptions.

Employees and volunteers must always treat children and young people with respect. There is no place for sarcasm, derogatory remarks, use of language that could be interpreted as offensive or any other inappropriate conduct that may result in emotional distress, psychological harm or spiritual harm to a child or young person.

Behaviour that may cause emotional distress, psychological harm or spiritual harm to a child or young person includes:

- *targeted and sustained criticism, belittling, teasing;*
- *racial and religious insults;*
- *derogatory ethnic slurs;*
- *ignoring or withholding praise and affection;*
- *public humiliation;*
- *excessive or unreasonable demands;*
- *hostility, constant yelling / verbal abuse, rejection or scapegoating;*
- *using inappropriate locations or social isolation, outside of the ministry or initiatives behaviour support policy, as punishment*
- *exposing children to inappropriate content, including sexually explicit or violent films, books or magazines*

Employees and volunteers must always act with integrity and treat children and young people with respect and model behaviour that is consistent and appropriate for the wellbeing of the child and young person.

Some indicative behaviours that may suggest a child or young person is not being treated in a consistent and appropriate manner could include:

- *giving gifts to a child or young person (for example, giving a birthday or Christmas gift to a particular child or young person when this is not the practice with other children or young people, or asking the child or young person to keep the gift a secret from others);*

- *showing special favours (for example, taking a particular child on camping trips, movie outings and meals)*
- *sharing secrets or discussing intimate relationships with a child or young person;*
- *allowing a particular child or young person to over-step rules;*
- *inconsistent consequences or allowances towards a particular child or young person except where it is evident that the child or young person needs special allowances. For example, where the child or young person has a medical problem or other condition that requires allowances.*

Employees and volunteers must be conscious that their position places extra obligations on them when interacting with children and young people accessing services within Oceania Province, Queensland.

Examples of inappropriate employee / child and young person relationships include:

- *making telephone calls of a personal nature to a child or young person;*
- *sending emails of a personal nature to a child or young person;*
- *sending sms (text) messages of a personal nature to child or young person;*
- *communicating using social networking sites;*
- *over-familiarity or inappropriate language;*
- *spending 'special time' with a child or young person;*
- *sharing secrets or discussing matters of a sexual nature relating to themselves or any other person;*
- *displaying pornographic materials either by hard copy or computer screen;*
- *not being sensitive with regard to the physical and emotional space required in interactions with children and young people;*
- *not exercising prudent judgment, that has the well-being of the child or young person as its goal, in initiating and responding to physical contact, such as giving a comforting hug or affirming touch*
- *spending time or undertaking activities in a child or young person's home when the child or young person's parent/carer is not at home;*
- *bringing a child or young person to a private residence or their own home without a parent or carer present;*
- *supplying and serving alcohol, tobacco or any controlled or illicit drugs to a child or young person when in the care of employees and volunteers within Oceania Province (Qld) and only supply or administer medication with the express permission of a parent or guardian;*
- *inappropriate physical contact with a child or young person.*

When congratulating a child or young person, a consistent approach should be used in line with ministry or initiative practice. Employees and volunteers must be conscious that their actions, particularly physical gestures, may be open to misinterpretation and perception by others. Employees and volunteers are required to develop and exercise prudent judgment and sensitivity regarding appropriate physical interaction with children and young people.

For **overnight and extended activities**, an appropriate risk analysis of the full context of the activity is required to determine the number of supervising staff. A minimum of two adult supervisors will supervise children and young people and there will be at least one supervisor of the same gender as any child or young person participating in the activity. Prior approval from the Ministry Leader must be sought when camps and excursions are conducted.

In the overall process of implementing the planning of overnight and extended activities that would involve Aboriginal and Torres Strait Islander young people or young people of other specific cultural groups, the Ministry Leader should ensure that appropriate consultation occurs periodically with a suitable advisor or advisors to ensure that supervision issues appropriate to a particular culture, and which would lead to young people feeling safe and comfortable, are taken into consideration.

For example: For Aboriginal and Torres Strait Islander young people, an issue can be that different communities might very well have specific and different expectations around dress and supervision in public (i.e. out of the home) for boys and girls, each at different ages. With this is what the staff/leaders are wearing, e.g. what swimming attire staff members wear.

Employees and volunteers should avoid, as far as possible, situations where they are alone with a child or young person. Employees and volunteers should:

- *whenever possible, endeavour **not to drive a child or young person in their car** unless they have specific permission, and do so in accordance with the Interim Child Protection Policy Oceania Province (Queensland). Prior approval must be obtained from the Ministry Leader when it is necessary to escort a child or young person to an appointment, eg. medical, dental, tuition, etc. In the event of an emergency, employees and volunteers should attempt to obtain parental consent and also report the matter to the Ministry Leader, where possible prior to the journey commencing;*
- *only engage in **tutoring and coaching children and young people** in accordance with Oceania Province policy. Employees and volunteers should be aware that separate professional and child protection issues may arise in these circumstances and should continue to follow their obligations under this Code;*
- ***when counselling and interviewing children and young people**, ensure the setting is appropriate for the activity. For example, in all rooms where the child or young person is located and/or likely to be interviewed, there will be glass windows and/or glass panes in doors. At no time will doors be locked or rooms inaccessible;*
- *not be alone with a child or young person in **sleeping, dressing or bathing areas**;*
- *ensure that at least two children or young persons are involved in chores and activities where possible, or if conducting activities with an individual child or young person, do so in a public place in view of others;*
- *document any one to one activities with a child or young person, including recording details of travel, type of activity, location and any significant incidents or conversations. Provide this documentation to the Ministry Leader in a timely manner.*

Employees and volunteers must not under any circumstances, engage in intimate and/or sexual relationships with a child or young person or engage in any conduct of a sexual nature with a child or young person. The age of the child or young person or the employee or volunteer is irrelevant and it is irrelevant whether the relationship is heterosexual or same-sex, consensual or non-consensual or condoned by parents or caregivers. Such circumstances may also result in criminal charges and be reportable to the appropriate authorities or relevant professional association.

Sexual misconduct includes:

- *sexual jokes and comments'*
- *obscene language of a sexual nature;*
- *unwarranted, prolonged inappropriate touching;*
- *requests for sexual favours;*
- *sexual exhibitionism or undressing in front of children and young people;*
- *personal correspondence with children and young people in respect of the employee's or volunteer's sexual feelings for the child or young person;*
- *deliberate exposure of children and young people to the sexual behaviour or others;*
- *possession, distribution or display of pornography;*
- *electronic transmission of messages or files which are sexually explicit, offensive or contain inappropriate jokes;*
- *sending sms (text) message or communicating using social networking sites which are sexually, offensive or contain inappropriate jokes.*

Employees and volunteers in their pastoral care role to safeguard integrity and respect for relationships with children and young people must be cautious of the content and context of their discussions and interactions with children and young people.

Employees and volunteers must exercise caution when:

- *making personal comments about a child or young person;*
- *asking questions that probe a child or young person's sexuality or personal relationships;*
- *discussing with children and young people personal details of the employee or volunteer's or child or young person's lifestyle. The exception to this would be in a formal counselling situation and only applies to the child or young person's situation not the employee;*
- *disclosing their personal contact details to children and young people;*

Should any child or young person engage, or attempt to engage, in inappropriate behaviour of a sexual nature with an employee or volunteer, then immediate steps must be taken to discourage the child or young person and the matter should be immediately reported to the Ministry Leader.

Employees and volunteers must notify the Ministry Leader or the Child Protection Officer Queensland immediately should they suspect a situation involving any form of risk of harm to a child or young person. Employees and volunteers must also be aware of mandatory reporting requirements under the *Child Protection Act 1999 (Qld)* and the requirements of *Oceania Province Interim Child Protection Policy 2008 (Qld)*. It is not the responsibility of employees or Volunteers to investigate allegations or suspicions of a child protection nature.

6.2 Children and Young People Support Practices

Support practices for children and young people receiving services within Oceania Province aim to facilitate the development and experience of responsible self-discipline amongst children and young people and to promote the wellbeing, safety and effective management of the individual ministry or initiative.

Each person working within Oceania Province (Qld) is expected to abide by the individual ministry or initiative's behaviour management/ support guidelines and avoid any action that will threaten a child or young person's sense of personal safety.

All employees and volunteers should be aware that corporal punishment is prohibited. Corporal punishment involves the application of physical force to punish or correct a child or young person unless that physical contact is reasonable and necessary for the protection of any person.

*Employees and volunteers should be aware that the following practices are **unacceptable**:*

- *any form of corporal punishment;*
- *using an object, such as a ruler or book to gain a child or young person's attention in a hostile or an inappropriate physical manner;*
- *holding or restraining a child or young person for any purpose other than a child or young person's actions causing imminent harm to self or others;*
- *hitting or kicking a child or young person;*
- *pushing, pulling, shoving, grabbing, pinching, poking or shaking a child or young person;*
- *intimidating, swearing at or using sarcasm to humiliate a child or young person;*
- *criticising a child or young person rather than the child or young person's actions;*

6.3 Physical contact with children and young people

When physical contact with a child or young person is a necessary part of the activities/ learning experience, employees and volunteers must exercise caution to ensure that the contact is appropriate and acceptable for the duty to be performed.

Examples of situations in which physical contact with a child or young person may be appropriate include:

- *assessing a child or young person who is injured or ill may necessitate touching. In these circumstances an employee or volunteer should advise the child or young person of what they intend to do and, where possible, seek the child or young person's consent;*
- *conducting activities, for example sport, swimming, and other activities that may require the physical handling of a child or young person to demonstrate a particular action or skill.*
- *Physical contact with children and young people which may be appropriate includes:*
 - *comforting a distressed child or young person;*
 - *guiding a child or young person in a non threatening manner;*
 - *gently tapping a child or young person on the shoulder to gain his/her attention after verbal requests were unsuccessful;*
 - *protecting a child or young person from imminent danger to himself/herself or to others; and*
 - *carrying or piggy backing a small child who is tired during an excursion or has been injured.*

Physical interventions (including physical restraints, removals) to contain and/or control the behaviour of a child or young person should only be employed as measures of last resort to ensure safety and protection. The use of physical intervention is restricted to occasions when the child or young person, other children and young people, employees, volunteers or others are being harmed or are in imminent danger or being harmed. Only such force as is reasonably necessary in the circumstances is permitted.

Some examples of when it may be appropriate to use physical intervention as a last resort include:

- *a child or young person attacking an employee, volunteer, other child or young person;*
- *a child or young person physically fighting with another child or young person;*
- *a child or young person causing, or at risk of causing, injury to self or others;*
- *a child or young person misusing dangerous materials, substances or objects where it is likely that this will cause imminent harm.*

As any physical intervention involves some risk of injury to the child or young person or employee or volunteer, employees and volunteers must weigh this risk against the risks involved in failing to physically intervene when it may be warranted. All employees and volunteers using physical interventions are responsible and accountable for the manner in which they exercise that authority.

7. Clarification of the Code of Conduct – Integrity in Interacting with Children and Young People (Qld)

If there is any conflict between this Code and applicable legislation, the legislation will prevail. If an employee or volunteer is in doubt about the interpretation of this Code then the matter should be discussed with a Ministry Leader or the Officer, Protection of Children and Vulnerable Persons, Oceania Province (Queensland). If this matter cannot be clarified, it may be referred to the Director, Life and Mission Teams, Edmund Rice Ministries, Oceania Province.

8. Breaches of the Code of Conduct – Integrity in Interacting with Children and Young People (Qld)

Conduct which is contrary to this Code may amount to professional misconduct which will be dealt with in accordance with relevant Oceania Province policies and in accordance with principles of fairness and natural justice.

Should any employee or volunteer have concerns about possible breaches of this Code, they should speak with the Ministry Leader or appropriate senior staff member.

9. Implementation

Ministries and Initiatives will ensure regular training is made available to employees and volunteers regarding this Code. This training will be complimented by each Ministry Child Protection Contact who will provide information to staff about staff responsibility as it applies to Child Protection. The Oceania Leadership Team will provide opportunities through a delegated person for Ministry Leaders and relevant Oceania Province (Queensland) staff to ensure their understanding of the Code and their responsibilities in relation to its implementation.

10. Review of the Code of Conduct – Integrity in Interacting with Children and Young People (Qld)

This Code will be reviewed and updated as necessary and/or as required by legislation.

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