

MURRAY RIVER COUNCIL
COUNCIL POLICY

**CODE
OF
CONDUCT
(Vulnerable
Persons &
Children)
POLICY**

POL-112.V#1



murray river
council

1. INTRODUCTION

Murray River Council is a place where all vulnerable persons and children can actively participate in community life, feel safe and valued, and feel supported to strive to meet their daily life aspirations and goals.

Murray River Council is bound to observe child safe principles along with respecting the human rights of individuals that identify as vulnerable (socially disadvantaged) to enable individuals to feel supported in their aim to achieve their daily life aspirations and goals.

2. OBJECTIVES

This Code of Conduct (Vulnerable Persons and Children) Policy aims to:

- ▶ Set clear expectations about behaviour towards, and in the presence, of vulnerable persons and children;
- ▶ Define the behaviours that are acceptable and unacceptable towards and in the presence of vulnerable persons and children, taking into account the diverse needs of vulnerable persons and children, the different environments in which we operate, and the various ways our people interact with vulnerable persons and children;
- ▶ Help Council officials, including Councillors, employees, contractors, volunteers and council delegates (our people) to become aware of how their behaviour and the behaviour of other adults at Murray River Council and the broader community can affect the vulnerable persons and children we work with; and
- ▶ Assist our people to identify and raise behavioural/conduct issues with confidence.

3. SCOPE

This Policy applies to all Council officials engaged in duties on behalf of Murray River Council.

4. POLICY STATEMENT

Murray River Council has a zero tolerance to the abuse of vulnerable persons and children.

All Council officials have a legal and moral obligation to keep vulnerable persons and children safe – to promote vulnerable persons and children best interests.

All vulnerable persons and children regardless of their age, gender identity, sexual orientation, ethnicity, religious beliefs, ability and family background have the right to be protected from harm and to be treated with dignity, respect and integrity.

As a community and child safe organisation, Murray River Council is committed to providing welcoming, safe and accessible environments where vulnerable persons and children feel valued, listened to and considered in decisions that affect their lives. The need to remove or reduce the risk of abuse, informs our decision making concerning vulnerable persons and children in our presence. We have specific policies, procedures and practices in place to support our people to achieve these commitments.

GENERAL CONDUCT OBLIGATIONS

Council Officials will:

- ▶ Be vigilant, proactive and take all reasonable steps to protect vulnerable persons and children from abuse.
- ▶ Treat all vulnerable persons and children with respect, equality and dignity.
- ▶ Listen to and treat the safety concerns of vulnerable persons and children seriously, particularly if they tell you that they or another person has been or is at risk of being abused.
- ▶ Place the interests of any vulnerable persons and children being abused, or at risk of being abused, above the interests of Council or other individuals within it.
- ▶ Provide welcoming, safe and accessible environments that protect vulnerable persons and children from violence, bullying, teasing, threatening, and discriminatory remarks.
- ▶ Maintain professional relationships within the scope of service provision (irrespective of whether a prior relationship exists with a vulnerable persons and children /family).
- ▶ Uphold the rights and best interests of vulnerable persons and children in planning and decision-making.
- ▶ Promote the cultural safety of Aboriginal and culturally and/or linguistically diverse vulnerable persons and children and the safety of vulnerable persons and children with a disability.
- ▶ Be a positive role model, by supporting vulnerable persons and children to adopt protective behaviours, empowering vulnerable persons and children to speak up if they have concerns for their safety or wellbeing, and ensuring vulnerable persons and children are aware of their rights and have access to this information.
- ▶ Provide opportunities that reflect the diverse needs of vulnerable persons and children and empower them to fully participate in the community, including our services and programs.
- ▶ Recognise vulnerable persons and children as active citizens, agents in their own lives and encourage them to 'have a say' on issues that directly affect them.
- ▶ Adhere to risk mitigation strategies and safe work practices (identified by and relevant to your work area) when interacting with vulnerable persons and children.
- ▶ Complete relevant training and other professional development activities as required, to maintain skills and competency to uphold this Policy.
- ▶ Ensure the immediate safety of a vulnerable person or children if an allegation of abuse is made or if abuse has occurred.
- ▶ Adhere to appropriate 'safe touch' that is considered suitable to your role, or where otherwise necessary (i.e. comforting a child in distress, administering first aid).

Appropriate safe touch with a vulnerable persons and children should at all times:

- ▶ Be appropriate to the developmental needs of the person/child.
- ▶ Be strictly appropriate to the physical contact necessary to provide services or support.
- ▶ Be open, non-secretive and culturally sensitive.
- ▶ Be in the presence of another Council Official, to ensure transparency and visibility of necessary and proportionate physical support offered.
- ▶ Refrain from carrying out any nursing or similar duties, and from directly or indirectly administering medications or performing any tasks that are the sole responsibility of the parent, carer, guardian or support person.

Particular to vulnerable persons, Council Officials should at all times:

- ▶ Maintain working relationships with vulnerable persons so that professional boundaries are maintained; and
- ▶ Do not become involved or interfere in family situations, sign any personal or family documents, accept payments or take responsibility for any financial matters.

Mandatory reporting obligations:

- ▶ Treat all concerns or allegations of child abuse seriously and respond consistently with the procedures outlined in the Child Safe Policy (POL-703) and the
- ▶ Treat all concerns or allegations of elder abuse seriously and respond consistently with the procedures outlined in the Community Services Procedure - Elder Abuse and Neglect Procedure (CHSP-182)
- ▶ Report any breach of the Code of Conduct (Vulnerable Persons and Children) Policy (POL-112) by a Council Official to your Supervisor (or next level Manager where the concern involves your Supervisor) immediately.

Council officials will not:

- ▶ Develop a 'special' relationship with a vulnerable person or a child to the exclusion of others or show favouritism, i.e. by offering gifts or special treatment.
- ▶ Exhibit behaviours with vulnerable persons and children which may be construed as unnecessarily physical.
- ▶ Hit, physically assault, or engage in inappropriately rough activities with a vulnerable persons and children .
- ▶ Speak to a vulnerable person or children in an angry, intimidating or threatening manner.
- ▶ Engage in open discussions of a mature or adult nature with or in the presence of vulnerable persons and children.
- ▶ Condone or make self-disclosures about past or present participation in illegal or unsafe behaviours when speaking to or in the presence of a vulnerable persons and children.
- ▶ Smoke, consume alcohol or illicit drugs, or be substance affected when working with vulnerable persons and children.
- ▶ Touch intimate areas or have any other physical contact with a vulnerable persons and children (i.e. kiss, hold, cuddle) unless administering necessary first aid and in accordance with safe touch practices above.
- ▶ Do things of a personal nature (i.e. toileting or changing clothes) that you could not reasonably expect a vulnerable person or a child to do for themselves, unless performing personal care duties as part of your role, or in unavoidable situations (i.e. preventing an accident or administering first aid).
- ▶ Use inappropriate, discriminatory, prejudicial, oppressive, harassing, abusive, sexually explicit, demeaning or culturally insensitive language or images when speaking to, or in the presence of a vulnerable person or child.
- ▶ Discriminate against any vulnerable person or child on the basis of age, gender, race, culture, religion, disability, vulnerability, sexuality or other protected attributes, or express personal views on such attributes when speaking to or in the presence of a vulnerable person or a child.
- ▶ Purposefully establish a relationship with a vulnerable person or a child and/or their family outside of work.

- ▶ Solicit, conduct or accept requests from vulnerable persons and children and/or their families for private services (i.e. babysitting, non-authorised home visits, or private lessons) delivered outside of your work.
- ▶ Provide personal contact details (i.e. phone number, home address, email/social media addresses) to vulnerable persons and children and the parents of children you interact with at work.
- ▶ Use social media/online platforms to solicit or befriend a vulnerable person or child or have online contact with a vulnerable persons and children that is not transparent to Council and part of an approved program or activity.
- ▶ Take, use or publish unauthorised images of vulnerable persons and children in Council's programs and activities.
- ▶ Use personal devices to take images of vulnerable persons and children.
- ▶ Ignore or disregard any suspected or disclosed vulnerable persons and children abuse.
- ▶ Put vulnerable persons and children clients at risk of abuse or harm either through negligence or inaction.

5. BREACHES OF POLICY

Breaches of this Code will be investigated on a case by case basis in accordance with Staff Performance Management/Disciplinary Policy (POL-507) and Workplace Discrimination and Harassment Policy (POL-503), in addition to

- ▶ Community Service (CS) Procedure - Responding to a Reportable Allegation to a Child (CHSP-101)
- ▶ Community Services (CS) Procedure - Elder Abuse and Neglect Procedure (CHSP-182)

Any behaviour that constitutes a criminal offence under any Legislation, Standards, Code of Practise and Murray River Council Policies and Procedures will be treated as a criminal matter and immediately reported to NSW Police.

This applies to all known criminal offences involving a vulnerable person and/or children irrespective of whether or not it occurred while undertaking Council business.

Incidences of 'reportable conduct' will be investigated and reported to the relevant legislative authority.

This includes: sexual offences, sexual misconduct, and physical violence against, with, or in the presence of a child. It also includes any behaviour that is likely to cause significant emotional or psychological harm to a child, and significant neglect.

Pertaining to elder abuse, any reportable conduct against vulnerable and/or aged people will be reported to Manager Community Services in the first instance.

6. PROCEDURE

Council Officials must review this Policy during their induction period.

For relevant positions, or where contact with vulnerable persons and children is probable, this Policy must be read before the Council Official commences any duties that involve direct contact with children.

Council Officials should raise any queries about this Policy with their Supervisor immediately.

Council Officials should retain a copy of this Policy for their personal reference and review.

Supervisors should consider reviewing compliance with this Policy at the individual's 3 and 6 month reviews.

6. EVALUATION AND REVIEW

This policy will be reviewed every four (4) years by the Director Community & Economic Development.

This policy may be reviewed more frequently if there are significant changes to legislation and best practice, or in the event that a review of the management of a vulnerable person or child safety concern identifies systemic failings or practice issues that need to be addressed.

7. LEGISLATION, ASSOCIATED DOCUMENTS AND DEFINITIONS

Legislation

- ▶ Advocate for Children and Young People Act 2014 (NSW)
- ▶ Child Protection (Working with Children) Act 2012 (NSW)
- ▶ Child Protection (Working with Children) Regulation 2013 (NSW)
- ▶ Children and Young Persons (Care and Protection) Act 1998 (NSW)
- ▶ Children's Guardian Act 2019 (NSW)
- ▶ Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018 (NSW)
- ▶ Disability Services Act 1986 (Cth)
- ▶ Disability Discrimination Act 1992 (Cth)
- ▶ National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (NSW)
- ▶ Children (Education and Care Services National Law Application) Act 2010 (NSW)
- ▶ Crimes Act 1900 (NSW)
- ▶ Disability Anti-Discrimination Act 1977 (NSW)
- ▶ Disability Inclusion Act 2014 (NSW)
- ▶ Health Records and Information Privacy Act 2002 (NSW)
- ▶ Local Government Act 1993 (NSW)
- ▶ Mental Health Act 2007 (NSW)
- ▶ Privacy and Personal Information Protection Act 1998 (NSW)
- ▶ Privacy Act 1988 (Cth)
- ▶ Sex Discrimination Act 1984 (Cth)
- ▶ State Records Act 1998 (NSW)
- ▶ United Nations Convention on the Rights of the Child 1990 (NSW)
- ▶ Work Health and Safety Act 2011 (NSW)
- ▶ Aged Care Act 1997 (Cth)

Associated Documents

- ▶ MRC Policy – Code of Conduct Policy POL-100 (CTL/17/31)
- ▶ MRC Policy – Work Health and Safety Policy POL-506 (CTL/17/26)
- ▶ MRC Policy - -Workplace Discrimination and Harassment Policy POL-503 (CTL/19/41)
- ▶ MRC Policy – Risk Management Policy POL-200 (CTL/17/35)
- ▶ MRC Policy – Staff Performance Management/Disciplinary Policy POL-507 (CTL/19/5)
- ▶ MRC Policy – Community Services Child Safe Policy POL-703 (CTL/19/74)
- ▶ MRC Plan – Work Health and Safety Management System (CTL/20/9)
- ▶ MRC Plan – Risk Management Plan (CTL/20/31)
- ▶ MRC Plan – Disability Inclusion Action Plan

- ▶ IPC - Information Protection Principles and Health Privacy Principles (www.ipc.nsw.gov.au)
- ▶ IPC - Privacy Code of Practice for Local Government (www.ipc.nsw.gov.au)
- ▶ NSW Child Safe Standards
- ▶ CS Procedure - Elder Abuse and Neglect Procedure (CHSP-182) (DOC/20/388)
- ▶ CS Procedure - Responding to a Reportable Allegation to a Child supported within Murray River Council (CHSP101) (DOC/19/36054)
- ▶ CS Procedure – Staff and Volunteer Induction Process (CHSP-176)CS Procedure Procedure (CHSP176) (DOC/20/384)
- ▶ CS Procedure – Youth Engagement Program Staff Induction Procedure (CHSP-184) (DOC/20/391)

Definitions:

Term	Definition
Child or Children	Is inclusive of any person under 18 years of age, including the unborn child
Our People	All Council officials, including Councillors, employees, contractors, volunteers and council delegates
Vulnerable Persons	Are persons whom identify as socially disadvantaged, including but not exclusive to persons living with a functional or cognitive disability and/or frail aged condition
MRC	Murray River Council
Council Official	including Councillors, employees, contractors, volunteers and delegates of Council, engaging in duties on behalf of Murray River Council
Child Safe	Activity/s or task/s undertaken by MRC executed within the parameters of the National Child Safe Standards, which align directly with the National Child Safe Principles, adopted as a result of the outcome of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse (2013-2017)
CS	Community Services

8. DOCUMENT CONTROL

Version No.	Details	Dates	CM9 Reference	Resolution No.
1	Initial Issue	DRAFT	VF/21/905	DRAFT

Council reserves the right to review, vary or revoke this policy at any time
This Policy is scheduled for review in before 2025

Disclaimer:

This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.