

# SAFEGUARDING CODE OF CONDUCT POLICY



## Purpose

YMCA North (referred to throughout this document as “the Y” or “YMCA”) aims to provide children and young people with a positive and enriching environment that promotes their social, physical, and emotional development. We are committed to safeguarding children and young people in our care and ensuring that they feel and are safe. Accordingly, we wish to ensure that our staff strive for the highest possible standards with respect to safeguarding children and young people from abuse. To that end we have developed the Safeguarding Code of Conduct Policy to identify clear expectations for behaviour towards and in the presence of children, and so prevent, behaviour that may be harmful to the children and young people in our care.

Whilst also being a policy document, the Safeguarding Code of Conduct Policy is part of YMCA’s Safeguarding Children and Young People Policy, and interpretations should be in conjunction with this overarching policy. You should read the Safeguarding Code of Conduct Policy in conjunction with:

- The specific requirements of your role as defined in your ‘position description’ statement.
- YMCA North Commitment to Safeguarding
- YMCA North Safeguarding Responding to Child Abuse Reports and Allegations Policy.
- Any other relevant policy and procedure documents (as listed towards the end of this policy)
- All applicable laws, including in relation to privacy, confidentiality, information sharing and record keeping.
- General community expectations in relation to appropriate behaviour between adults and children

YMCA strives to and is committed to delivering a safe environment for all. In accordance with Oranga Tamariki Act 1989, Section 6, the Paramount Principle, services to children and young people and their families will reflect, ensuring the rights, welfare and interests of the child/young person are the first and paramount consideration. Ensuring every child/young person is given:

- Respect and dignity; and
- Positive guidance promoting appropriate behaviour, having regard to the child’s age and/or stage of development; and
- Positive guidance, using praise and encouragement, and avoiding blame, harsh language, and belittling or degrading responses; and
- Guidance and behaviour management in methods free from any form of physical ill-treatment, solitary confinement, immobilisation, or deprivation of food, drink, warmth, shelter, or protection.

YMCA’s Safeguarding Code of Conduct Policy reflects and promotes sector standards; safeguarding best practice, upholds YMCA values and supports all involved.

## Application

All staff, from our Board and senior managers to casual staff, volunteers and contractors, are required to commit to and abide by the Safeguarding Code of Conduct.

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## Policy

Developed to protect children and young people engaged in our services, the Safeguarding Code of Conduct Policy mandates staffs' active participation in building and maintaining a safe environment for all. It is applicable to all YMCA Staff (whether on a paid, voluntary and/or contractual basis).

YMCA's Safeguarding Code of Conduct signage is to be displayed within all staff and child/young person service environments with clear visibility for children/young people, their families and YMCA stakeholders.

In addition to signage, YMCA's Safeguarding Code of Conduct is also promoted through a range of channels including but not exclusive to:

- YMCA safeguarding policies and procedures including any training events
- YMCA Safeguarding Induction and Training.
- YMCA Website, Intranet and internal communication channels

Parents/carers are encouraged to support their child/young person and others having enjoyable and safe YMCA experiences.

In addition to YMCA efforts, YMCA fully endorses parents/carers going through the Safeguarding Code of Conduct with their child/young person how and when they deem suitable.

## Commitment

All staff across all levels (Front-line to Senior Management and Board of Directors) and irrelevant of working hours (e.g., casual, part, or full-time) are required to adhere to and abide by this Safeguarding Code of Conduct

By signing documentation (via the YMCA North Safeguarding Online Induction) reflecting their commitment to safeguarding and child protection, staff are confirming they have:

- Been provided with a copy or been shown how to access YMCA's Safeguarding Children and Young People Policy and Safeguarding Code of Conduct.
- Have read and have understood the 'Safeguarding Code of Conduct'.
- Understand their responsibilities in relation to ensuring and promoting the safety of children and young people.
- Will observe the guidelines during their employment/time with YMCA to ensure and promote the safety of children and young people participating in any YMCA service, programme or accessing a Centre operated by YMCA.
- Understand they must report any criminal conviction or charge after their employment that indicates they may present a potential risk to the children or young people or affect position duties.

For circumstances and settings outside of these remits, it is crucial that:

- Staff seek the Safeguarding Manager's authorisation prior to acting contravening these guidelines. If not possible, the Safeguarding Manager should be advised as soon as possible post any incident breaching these requirements.
- When a policy breach occurs, a Potential Breach Notification Form must be completed to record all such situations.

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## Responsibilities

Position	Responsibility
Chief Executive Officer (CEO) Safeguarding Manager	<ul style="list-style-type: none"><li>• Implement policy and procedures across the organisation</li><li>• Ensure staff have access to and understand this policy and related procedures</li><li>• Ensure all managers/supervisors have access to support and advice to understand and implement procedures</li></ul>
Safeguarding	<ul style="list-style-type: none"><li>• Review and update this document and supporting resources in consultation with relevant stakeholders</li><li>• Support the coordination of the SCYP framework and implementation</li><li>• Provide training and advice in the application of procedures</li></ul>
Managers / Supervisors	<ul style="list-style-type: none"><li>• Ensure procedure is followed and implemented</li></ul>
Other Employees / Volunteers/ Contractors	<ul style="list-style-type: none"><li>• Compliance with procedure</li></ul>

The Safeguarding Code of Conduct Policy addresses the major areas where staff interact with the children and young people who take part in a service. We have developed these guidelines to help staff to safeguard those children and young people from abuse or neglect.

### Sexual Misconduct

Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of, children or young people participating in any of our services. Engaging in sexual behaviour while participating in our service is prohibited even if the young persons involved may be above the legal age of consent.

'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- 'Contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution.
- 'Non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity

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## **Positive Guidance (Discipline)**

We strive to ensure that children and young people participating in our service are aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants. Children are encouraged to feel safe and be safe and have positive relationships and friendships with their peers.

Wherever possible, children and young people are encouraged to 'have a say' and participate in all relevant organisational activities, especially on issues that are important to them. Children and young people are given information about their safe participation in organisational activities including access to information about child abuse prevention programmes.

However, there are times when staff may be required to use appropriate techniques and behaviour management strategies to ensure:

- an effective and positive environment.
- the safety and/or wellbeing of children, young people or staff participating in our service.

We require our staff to use strategies that are fair, respectful, and appropriate to the developmental stage of the children or young people involved. The child or young person needs to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

Under no circumstances are our staff to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

## **Discrimination**

We expect staff to treat all children and young people fairly, equally and with dignity. Our organisation abides by the 'Convention on the Rights of a Child'. All actions and behaviours from our staff must be non-discriminatory and always in the best interests of the child.

Everyone has the right to feel safe and be free from discrimination. No one within our organisation will be discriminated based on age, gender, race, colour, language, disability, religion, political or other opinion, sexual orientation, national or social origin or their ability to live at home.

Our organisation does not tolerate discriminatory behaviours, and prejudiced attitudes will be challenged. Our staff must have a working knowledge of our 'complaints handling processes' to provide support and access to information should any child, young person or family in our service require it.

## **Adhering to Professional Roles and Boundaries**

Our staff should not, of their own volition or at the request of a service user, act outside the confines of their duties (as specified in their position description) when helping to deliver our service.

All Staff:

- Must not provide unauthorised transportation, for example, giving a child a young person a lift
- Must not engage in activities with children or young people who are clients/members of our organisation outside authorised service, such as off-site private coaching
- Must not provide any form of support to a child or young person or their family, unrelated to our service, for example, counselling
- Must not seek contact with children or young people (or former participants) outside our service

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- Must not accept an invitation to attend any private social function at the request of a child or young person who has participated, or is participating, in our service – or at the request of their family
- Must not develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- Must not engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)

If any of our staff become aware of a situation in which a child or young person requires assistance that is beyond the confines of that person's role, or beyond the scope of our organisation's usual service, they should at the earliest opportunity: refer the matter to an appropriate support agency or refer the child or young person to an appropriate support agency or contact the child or young person's parent or guardian or seek advice from management.

For additional information, see the Babysitting /Out of Hours Engagement Exemption request form.

## Use of Language and Voice

Language and tone of voice used in the presence of children and young people should:

- Provide clear direction, boost their confidence, encourage, or affirm them.
- Not be harmful to children – in this respect, avoid language that is:
  - discriminatory, racist or sexist.
  - derogatory, belittling, or negative, for example, by calling a child a 'loser' or telling them they are 'too fat'.
  - intended to threaten or frighten - profane or sexual in nature

## Promoting Equity and Diversity

All staff must ensure that their approach and interactions with children and young people are sensitive, respectful, and inclusive of all backgrounds and abilities.

Where our organisation is involved with children who are Māori, from culturally and/or linguistically diverse backgrounds or who have a disability, our staff will promote their safety (including cultural safety), participation and empowerment.

## Supervision

Staff are responsible for supervising the children and young people to which our organisation provides service to ensure those participants:

- Engage positively with our service, for example, showing respect to others.
- Behave appropriately toward one another, for example, not fighting.
- Are in a safe environment and are protected from external threats, for example, teasing and bullying.

Our staff are required to avoid one-to-one unsupervised situations with children and young people to whom we provide services, and (where possible) to conduct all activities and/or discussions with service recipients in sight and sound of other staff.

## Use of Electronic and Digital Communications

Wherever possible, email and text messages sent to a child or young person should be copied to their parent or carer.

Where a parent is not included in the communication:

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- Restrict such communication to issues directly associated with delivering our service type, such as advising that a scheduled event is cancelled.
- Limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. Do not communicate anything that a reasonable observer could view as being of a sexual nature.
- Do not use such communication to promote unauthorised 'social' activity or to arrange unauthorised contact. Do not request a child or young person to keep a communication a secret from their parents.
- Do not communicate with children or young people using Internet chat rooms or similar forums such as social networking sites, game sites or instant messaging.

All our staff, and the children and young people to whom we deliver our service, are required to follow our ICT Acceptable Use Policy in relation to browsing websites on our organisation's computers.

Our staff are required to ensure appropriate monitoring of children and young people when they use our organisation's electronic communication equipment to ensure that they do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites or through web searches, or inappropriate email communication.

## **Giving Gifts**

We prohibit our service delivery staff from all giving of gifts to children and young people to whom we provide service.

## **Photography of Children and Young People**

We permit only organisational photography – approved by the YMCA Marketing Department, Safeguarding Manager and Centre Managers – of children and young people to whom we provide service. Such photography is limited to examples such as annual group photos, photos at specific events such as competitions or completion of a programme. All Photography must be in-line with the Safeguarding Imagery Policy.

## **Physical Contact with Children and Young People**

Any physical contact with children and young people must be appropriate to the delivery of our service such as when fitting safety equipment' and based on the needs of the child or young person (such as to assist or comfort a distressed young person) rather than on the needs of our staff.

Under no circumstances should any of our staff have contact with children or young people participating in our service that:

- Involves touching:
  - Of genitals.
  - Of buttocks.
  - Of the breast area (female children). That is other than as part of delivering medical or allied health services.
- Would appear to a reasonable observer to have a sexual connotation.
- Is intended to cause pain or distress to the child or young person – for example corporal punishment.
- Is overly physical – as is, for example, wrestling, horseplay, tickling or other roughhousing.
- Is unnecessary – as is, for example, assisting with toileting when a child does not require assistance.
- Is initiated against the wishes of the child or young person, except if such contact may be necessary to prevent injury to the child/young person or to others, in which case:
  - Physical restraint should be a last resort.

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- The level of force used must be appropriate to the specific circumstances and aimed solely at keeping the child/young person safe.
- Restraining the child or young person is necessary to prevent harm to themselves or others.
- The incident must be reported to management as soon as possible

Our staff are required to report to management any physical contact initiated by a child or young person that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the child or young person, our staff, and any other participants.

## **Overnights and Sleeping Arrangements**

Overnight stays are to occur only with the authorisation of the relevant Group Manager permitted to authorise overnight stays and of the parents/guardians of the children or young people involved.

Practices and behaviour by our staff during an overnight stay must be consistent with the practices and behaviour expected during delivery of our service at other times.

Standards of conduct that must be observed by our staff during an overnight stay include:

- Providing children and young people with privacy when bathing and dressing.
- Observing appropriate dress standards when children and young people are present – such as no exposure to adult nudity.
- Not allowing children or young people to be exposed to pornographic material, for example, through movies, television, the Internet, or magazines.
- Not leaving children under the supervision or protection of unauthorised persons such as hotel staff or friends
- Not involving sleeping arrangements that may compromise the safety of children and young people such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a child or young person
- The right of children to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay
- Parents expecting that their children can, if they wish, make contact

## **Change Room Arrangements**

Staff are required to supervise children and young people in change rooms while balancing that requirement with a child or young person's right to privacy.

In addition:

- Staff should avoid one-to-one situations with a child or young person in a change room area
- Staff are not permitted to use the change room area to, for example, undress, while children and young people are present
- Staff need to ensure adequate supervision in 'public' change rooms when they are used
- Staff need to provide the level of supervision required for preventing abuse by members of the public, adult service users, peer service users, or general misbehaviour, while also respecting a child's privacy
- Female staff are not to enter male change rooms and male staff are not to enter female change rooms.

## **Uniform and Name Badges**

Our staff should wear their uniform only while involved in delivering service or as required by our organisation, such as when representing our organisation at designated functions, to and from work,

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Staff should use their name badge identification only in delivery of our service.

## **Use, Possession or Supply of Alcohol or Drugs**

While on duty, staff must not:

- Use, possess or be under the influence of an illegal drug.
- Use or be under the influence of alcohol.
- Be incapacitated by any other legal drug such as prescription or over-the-counter drugs, supply alcohol or drugs (including tobacco) to children and young people participating in our services.

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with staff ability to care for children involved in our service.

## **Transporting Children and Young People**

Children and young people are to be transported only in circumstances that are directly related to the delivery of our service and in-line with the Safeguarding Transportation Policy.

Children are to be transported only with prior authorisation from Centre Manager and from the child's parent/guardian. Gaining approval involves providing information about the proposed journey, including:

- The form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat.
- The reason for the journey.
- The route to be followed, including any stops or side trips.
- Details of anyone who will be present during the journey other than our staff who are involved in delivering our service.

## **Reporting Obligations**

All staff are expected to make a report immediately (i.e., as soon as possible or before the end of the day) if:

- They become aware of any allegations of child abuse.
- They have a concern for the safety of a child or young person in our services.
- They notice any staff member whose practice or behaviour is contrary to the expectations of behaviour set out in the Safeguarding Code of Conduct Policy

## **Communication**

We communicate our Code of Conduct requirements to all our staff involved with children and young people in our organisation. We communicate any significant alterations to our Safeguarding Code of Conduct Policy requirements and resources to all staff.

## **Monitoring and Review**

This document will be reviewed every 2 years, in consultation with key stakeholders. Some circumstances may trigger an early review, this includes but not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Board and/or Chief Executive Officer.

External audit and verification based on a sample, conducted by the Australian Childhood Foundation shall occur at 3 yearly intervals.

## **Breaches**



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Where a staff member's on or off duty behaviour, influences his or her ability to carry out normal duties or is detrimental to the best interests or reputation of YMCA (this could include inappropriate or adverse commentary in a social media environment), such actions will be treated as breaches of YMCA Safeguarding Children and Young People Policy and Safeguarding Code of Conduct Policy and may be subject to disciplinary action.

All policy breaches are to be recorded on the relevant YMCA Centre's Policy Breach Notification Form.

Forms are managed by and held with the Centre Manager. The Safeguarding Manager will monitor these forms no less than once every 6 months.

We consider a failure to observe these guidelines as misconduct and will take appropriate disciplinary action. Such disciplinary action may, depending on the seriousness of the misconduct, include suspension while matters are investigated. In addition to any internal disciplinary proceedings, we will report to the police all instances in which a breach of the law has or may have occurred. Conduct in breach of YMCA's Safeguarding Code of Conduct Policy may be subject to disciplinary action up to and including dismissal.

Any breaches of law will be reported to New Zealand Police and/or other applicable welfare services.

## **No Settlement Agreements**

YMCA commit not to use 'settlement agreements' where these are contrary to a culture of safeguarding.

Should a staff member resign or cease to provide their services to YMCA, this will not prevent a staff concern and/or allegation being investigated in accordance with YMCA Safeguarding and/or HR policies and procedures.

It is important for all involved that every effort is made to reach a conclusion in all cases of staff concerns and/or allegations bearing on the safety or welfare of children and/or young people, particularly when the person concerned may have continued access to children and/or young people outside of YMCA.

## **Key relevant documents**

- YMCA North Safeguarding Children and Young People Policy
- YMCA North Safeguarding and Child Protection Policy
- YMCA North Safeguarding Imagery Policy
- YMCA North Whistleblowing Policy
- YMCA North Safeguarding Transportation Policy
- YMCA North Drug and Alcohol Policy
- YMCA North Employee Handbook
- Education (Early Childhood Services) Regulations 2008 (as at reprint 1st July 2017)
- Licensing Criteria for Early Childhood Education and Care Centres 2008 (HS31-HS34)
- MSD OSCAR Standards for approval and provider guidelines 2011
- MSD Social Sector Accreditation Standards, Level 3, 2016
- MSD Specialist Accreditation Standard: Outdoor Pursuits and Camp Programmes for Children and Young People, Level 1, 2 and 3, 2016
- MSD Specialist Accreditation Standard: OSCAR Programmes, Level 3, 2016

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## Policy amendments

YMCA is entitled to amend and vary this policy from time to time at YMCA's sole discretion and all employees are required to observe such amended policy.

<b>Creation date:</b> May 2017	<b>Date reviewed:</b> Dec 2022	<b>Next review date:</b> Feb 2024 <i>Note – the default frequency is every 2 years unless otherwise required</i>
<b>Owner:</b> Safeguarding	<b>Approved by:</b> Julian Baldey, CEO and Chair of Safeguarding Governance Group   <b>Signed:</b>  <b>Date:</b> December 2022	
<b>Document control:</b> Original signed document is approved. No unauthorised copies. Reviews of this policy will include input from the Safeguarding Governance Group		

## Tracking changes

	Reviewed by who and when	What was changed	Version #
<b>Written:</b>	Safeguarding, May 2017	Document Created	1
<b>Amendments:</b>	Safeguarding, Aug 2019	Name change from the Facility Hirers Safeguarding Agreement Biennial Review Template change reflecting all partners not just facility hirers	2
	Safeguarding, Dec 2020	ACF reaccreditation Document reviewed against the new ACF standards	3
	Safeguarding Manager, Dec 2022	Biennial review, along with amendments to reflect new branding, and some simplification of language. Reference added to being sub policy of main Safeguarding Children and Young People Policy	4