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**A guide to the Code of Ethical Practice for the Victorian Youth Sector (the Code)**

**Infosheets 1 to 8**

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2. [How to include the Code in staff and volunteer supervision](#gsfnc3bf4i5f)
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For more information on the Code of Ethical Practice for the Victorian Youth Sector please visit [www.yacvic.org.au](http://www.yacvic.org.au) or contact us on 03 9267 3799 or at info@yacvic.org.au.

 YACVic acknowledges the support of the Victorian Government.

**Infosheet 1**

**How to include the Code of Ethical Practice for the Victorian Youth Sector in staff and volunteer recruitment and induction**

If you employ staff or volunteers who work with young people, you can use the [Code of Ethical Practice for the Victorian Youth Sector (the Code)](http://www.yacvic.org.au/code) as part of their recruitment, induction or professional development.

This info sheet includes suggestions for using the Code in:

* position descriptions
* interviews
* employment contracts
* induction processes
* ongoing professional development.

**Position descriptions**

When advertising a paid or volunteer role, you can make applicants aware of the Code by referring to it in the position description. For example:

**Supervision, reporting and accountability**

[This position] will participate in regular supervision to discuss ethical dilemmas and responses to unethical behaviour, as guided by the Code of Ethical Practice for the Victorian Youth Sector.

Including the Code in key selection criteria means applicants must demonstrate their awareness and understanding of ethical practice with young people. For example:

**Key selection criteria**

A demonstrated commitment to working ethically with young people, as defined by the Code of Ethical Practice for the Victorian Youth Sector.

**Interviews**

Interviews are a great opportunity to ask prospective employees or volunteers to reflect further upon ethical practice. A couple of ways you can do this are:

* Present candidates with a copy of the Code to review before, and during, the interview. As part of the interview, ask the candidate to pick one of the youth work practice responsibilities they most identify with, and explain why it’s important to them.
* Make ethical practice questions a part of the interview, e.g. “Ethical practice is a core part of our work with young people. Can you please explain what this means to you?” or “[This organisation] commits to working ethically with young people, and we use the Code of Ethical Practice for the Victorian Youth Sector to guide us. What do you know about the Code and how have you used it—or might you use it—yourself?”

**Employment contracts**

When your preferred candidate accepts the role, you can include commitment to ethical practice and observance of the Code as part of their employment contract or volunteer agreement. For example:

**Ethical practice**

The employee/volunteer is expected to work to the principles and practice responsibilities set out in the Code of Ethical Practice for the Victorian Youth Sector.

**Induction processes**

Once the role commences, you can:

* provide a copy of the Code in an induction kit: download the full Code from www.yacvic.org.au/code
* include the Code in your organisation’s online or offline induction training.

As part of their induction, it’s also important to inform your new staff member or volunteer how they can raise concerns about unethical practice. Download the info sheet ‘How to challenge unethical behaviour’ from www.yacvic.org.au/code.

**Ongoing professional development**

You can keep using the Code in professional development by including it in performance appraisals or annual staff reviews. For example:

**Ethical practice**

What ethical challenges have you experienced in your role? How have you used the Code of Ethical Practice for the Victorian Youth Sector?

**The Code in practice**

All new YMCA Youth Services workers undertake mandatory reading of the Code as part of their online induction training.

After they complete the induction, workers discuss the information with their direct manager. They are then directed to the YACVic website to read and download the Code.

**Infosheet 2**

**How to include the Code of Ethical Practice for the Victorian Youth Sector in staff and volunteer supervision**

You can use the [Code of Ethical Practice for the Victorian Youth Sector (the Code)](http://www.yacvic.org.au/code) as part of your regular supervision of staff or volunteers. This leads to safer, higher–quality work with young people.

This info sheet includes:

* guidance on building a culture of ethical practice in a team or workplace
* a supervision tool, to use with an individual or a group/team
* an overview of the youth work practice responsibilities, for use in supervision sessions.

**Building a culture of ethical practice**

It’s important to build a culture of ethical practice within a team or workplace. This makes thinking and talking about ethical challenges a natural and normal thing to do.

Some ways to do this:

* make ethical practice a standing agenda item at meetings
* encourage regular discussions about ethical practice
* make the Code a regular part of individual and/or group supervision processes (see below).

Make time for people to consider ethical practice. Dealing with day–to–day events is important but a consistent approach to ethical practice is also a priority.

Give the people you manage or supervise the chance to practice their ethical decision making—it will make them more comfortable and confident in their work with young people. You can use the ethical dilemmas in ‘A Guide to the Code of Ethical Practice for the Victorian Youth Sector’, a free booklet you can order via [www.yacvic.org.au/code](http://www.yacvic.org.au/code).

Make sure your team is aware of your organisation’s process for raising concerns about unethical practice. And make sure they know you will always support them in doing this. Clear, explicit policies will help.

Help your staff or volunteers to uphold the youth work practice responsibilities by:

* providing cultural awareness, anti–discrimination and/or diversity training
* using topical news stories as opportunities to discuss the impact of social context on young people’s lives
* allocating time and resources to practice self–care
* distributing relevant legal information about boundaries, duty of care, privacy or confidentiality, e.g. Youthlaw’s ‘What do I do when?’ handbook ([www.youthlaw.asn.au](http://www.youthlaw.asn.au)) or Privacy Victoria’s information sheets ([www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)).

Most of all, you can build a culture of ethical practice by leading by example!

General tips:

* Provide your staff/volunteers with your policy and procedures, including your complaints and whistleblowing processes.
* Provide staff with regular, skilled and youth work–appropriate supervision.
* Support your staff/volunteers to understand their legal responsibilities, through training and professional development.
* Exit interviews are a good way to help staff share any concerns they have.
* Seek legal advice from Youthlaw ([www.youthlaw.asn.au](http://www.youthlaw.asn.au)) if necessary.

**Ethical Practice Supervision Tool**

Instructions:

**Individual supervision**

1. Ask the employee/volunteer to describe an ethical challenge they’ve faced in the last two weeks.
2. Ask them to identify the youth work practice responsibilities that can help/have helped them respond to the challenge.

**Group supervision**

1. Ask a member of the group to describe an ethical challenge they’ve faced recently.
2. Ask each member of the group to choose one of youth work responsibilities from the Code.
3. Ask them to describe how they would apply it to the ethical challenge being discussed.
4. Keep talking the challenge through until all of the youth work practice responsibilities have been covered.

**Ethical Practice Supervision Tool**

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| Ethical challenge: |  |
| *Youth Work Practice Responsibilities*  | *Notes* |
| Recognition of Indigenous Peoples |  |
| Young People as the Primary Consideration |  |
| Duty of Care |  |
| Privacy and Confidentiality |  |
| Boundaries |  |
| Transparency, Honesty and Integrity |  |
| Social Context |  |
| Anti-Oppressive Practice: Non-Discrimination, Equity and Self-Awareness |  |
| Cooperation and Collaboration |  |
| Knowledge, Skills and Self-Care |  |

**Youth work practice responsibilities**

**Recognition of Indigenous peoples**

Youth workers recognise that we live on the traditional lands and waters of the Indigenous peoples of Australia. They will be respectful of Indigenous culture, recognising that culture and connection to land is a right of Indigenous young people.

Youth workers will recognise the importance of culture to Indigenous young people’s self–esteem and sense of identity.

**Young people as the primary consideration**

The primary consideration and key responsibility of the youth worker is the young people with whom they engage.

**Duty of care**

Youth workers will act in the best interests of young people, avoid exposing them to physical, psychological or emotional harm or injury, and always uphold the principle of ‘do no harm’.

**Privacy and confidentiality**

Youth workers respect young people’s right to privacy and confidentiality.

**Boundaries**

The youth work relationship is strictly professional. Professional boundaries intentionally protect both the young person and the worker. Youth workers will maintain the integrity of these limits.

**Transparency, honesty and integrity**

Youth workers will be open and honest with young people, enabling them to access information to make choices and decisions in their lives and in relation to their participation in youth work activities. Youth workers will act with integrity, adhering to the principles and practice responsibilities of their profession.

**Social context**

Youth workers will recognise the impact of social and structural forces on young people, so that their practice is responsive to young people’s experiences and needs and to break down barriers that restrict young people’s life opportunities.

**Anti–oppressive practice: non–discrimination, equity and self–awareness**

Youth workers will ensure that equality of opportunity is promoted and will enable and encourage young people to respect and celebrate their own and others’ cultural backgrounds, identities and choices.

**Cooperation and collaboration**

Youth workers will cooperate and collaborate with others, including families, in order to secure the best possible outcomes for young people.

**Knowledge, skills and self–care**

Youth workers will keep abreast of the information, knowledge and practices needed to meet their obligations to young people.

**Infosheet 3**

**How to include the Code of Ethical Practice for the Victorian Youth Sector in contracting, funding and partnership agreements**

You can easily include the [Code of Ethical Practice for the Victorian Youth Sector (the Code)](http://www.yacvic.org.au/code) in contracting, funding or partnership agreements. This shows your partners, contractors, or people applying for funding, that you expect them to work ethically with young people.

This info sheet includes guidance on how to include the Code:

* in a Memorandum of Understanding (MOU)
* in funding guidelines
* in supply or hire contracts.

**How to include the Code in a Memorandum of Understanding (MOU)**

A Memorandum of Understanding (MOU) is an agreement between two or more organisations who work together to provide an activity, event, service or other support for young people.

You can refer to the Code in a section that outlines roles and responsibilities of the people signing the MOU, e.g.:

**Roles and Responsibilities**

All parties commit to work to the principles and practice responsibilities set out by the Code of Ethical Practice for the Victorian Youth Sector ([www.yacvic.org.au/code](http://www.yacvic.org.au/code)).

**How to include the Code in funding guidelines**

If you invite applications for grants or other funding, you can include the Code in your criteria or application form. You can use simple statements in your criteria, like:

Preference will be given to groups and organisations who work to the principles and practice responsibilities set out by the Code of Ethical Practice for the Victorian Youth Sector ([www.yacvic.org.au/code](http://www.yacvic.org.au/code)).

Or you can ask more detailed questions as part of the application process, e.g.:

How will the project work ethically with young people, in keeping with the Code of Ethical Practice for the Victorian Youth Sector?

or

Please explain your understanding of, and commitment to, ethical work with young people. (Refer to the Code of Ethical Practice for the Victorian Youth Sector: [www.yacvic.org.au/code](http://www.yacvic.org.au/code)).

**How to include the Code in supply or hire contracts**

If you are contracting a business or organisation to provide a service or product (e.g. staff training, security at an event for young people), you can refer to the Code in your purchase agreement or contract, e.g.

The supplier agrees that [service or product] will be supplied in observance of the Code of Ethical Practice for the Victorian Youth Sector.

Or, if you are supplying the service or product (e.g. staffing an event), you can state that this will only be done in relation to the Code:

[Name of organisation] commits to working ethically at all times with young people. [Service or product] is provided on the understanding that our staff/volunteers work to the youth work principles and practice responsibilities of the Code of Ethical Practice for the Victorian Youth Sector.

Similarly, if you are hiring your facilities or other resources to external hirers, you can make observance of the Code a condition of hire, e.g.

Hire of [facility or resource] is conditional upon the hirer’s commitment to observe the youth work principles and practice responsibilities of the Code of Ethical Practice for the Victorian Youth Sector. Hire may be refused if we believe the hirer’s aims are not compatible with this Code.

**The Code in practice**

The City of Maribyrnong’s Phoenix Youth Centre is available to external hirers. However, it’s made clear in hire contracts that hire will only be approved for activities in keeping with the Code of Ethical Practice for the Victorian Youth Sector.

**Infosheet 4**

**How to make the Code of Ethical Practice for the Victorian Youth Sector part of your organisation**

There are many benefits to implementing the [Code of Ethical Practice for the Victorian Youth Sector (the Code)](http://www.yacvic.org.au/code) across an organisation:

* It provides a clear, reliable, and visible framework to guide decision making.
* It reminds staff and volunteers of their legal responsibilities, including duty of care and professional boundaries.
* It minimises risks from staff or volunteers relying on individual value systems.
* It helps promote consistent practice, especially useful if there is high turnover of staff or volunteers.
* It demonstrates the organisation’s commitment to ethical practice and high–quality service and program delivery to young people, the public and other external stakeholders.

This info sheet includes:

* advice about how to build a culture of ethical practice within an organisation
* suggestions for how to support staff and volunteers to use the Code
* a model Code implementation plan.

**How to build a culture of ethical practice within an organisation**

For the Code to be properly embraced by members at all levels of an organisation, it’s important to build a culture of ethical practice.

Normalise thinking and talking about ethical challenges, by making this part of:

* recruitment, induction and supervision processes
* team or board meetings
* events or team–building activities
* organisational or departmental communications.

Include the Code in organisational policies and procedural documents, including any existing code of conduct/behavior/ ethics.

Make sure all staff and volunteers know how to raise concerns about unethical practice. Everyone should be aware of, and have easy access to, your organisation’s complaints and whistleblowing procedures. They should also feel supported in raising any concerns.

Make time for people to consider ethical practice as part of their working hours (see over).

**Supporting staff and volunteers to use the Code**

It’s important to resource staff and volunteers properly, so they are able to understand and work to the youth work practice responsibilities set out by the Code. Resources include:

**Time**

Allocate time for people to consider ethical practice as a part of their working hours. Similarly, allocate time for staff or volunteers to practice good self–care—such as adequate break times—and opportunities to develop their professional knowledge through self–directed or group research.

**Skills**

Provide tools, training or professional development that helps staff better understand the impact of social context on young people’s lives, and issues of anti–oppressive practice, non–discrimination and equity.

To do this, contact organisations who have relevant expertise\*, e.g.

* Australian Drug Foundation [www.adf.org.au](http://www.adf.org.au)
* Asylum Seeker Resource Centre [www.asrc.org.au](http://www.asrc.org.au)
* Centre for Excellence in Child and Family Welfare [www.cfecfw.asn.au](http://www.cfecfw.asn.au)
* Centre for Multicultural Youth [www.cmy.net.au](http://www.cmy.net.au) (for info about supporting young people from migrant and refugee backgrounds)
* Council to Homeless Persons [www.chp.org.au](http://www.chp.org.au)
* CREATE Foundation [www.create.org.au](http://www.create.org.au) (for info about supporting young people in out of home care)
* Domestic Violence Resource Centre of Victoria [www.dvrcv.org.au](http://www.dvrcv.org.au)
* Koorie Heritage Trust [www.koorieheritagetrust.com](http://www.koorieheritagetrust.com) (for info about Aboriginal cross–cultural awareness)
* Rainbow Network [www.rainbownetwork.com.au](http://www.rainbownetwork.com.au) (for info about supporting young people who are same–sex attracted or gender–diverse).

Similarly, provide resources, training or professional development that helps staff better understand their legal responsibilities. Some organisations\* that can support you are:

* Youthlaw [www.youthlaw.asn.au](http://www.youthlaw.asn.au)
* Privacy Victoria [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)

\*These details are provided for information only and should not be taken as an official endorsement by YACVic or the Victorian Government. We are not responsible for the content of any external weblinks provided in this document.

**Funding**

You will incur financial costs to properly resource a project or program to be run ethically. This might include staff time (wages and supervision) or training and professional development fees. It is important to acknowledge this, and make sure adequate funds are available.

**How to create a Code implementation plan**

A Code implementation plan:

* clarifies the key elements of each youth work practice responsibility, with relevance for your organisation
* creates good practice indicators, which show how you will meet the responsibilities
* assigns responsibility to a person for meeting the indicators
* sets a date by which the indicators will have been met.

You’ll find a model implementation plan on the next page that will help you work through these steps. Your organisation’s senior management should lead the planning.

You’ll need to complete the sections for each youth work practice responsibility to make them relevant to your organisation.

Here’s an example:

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| **Key elements of practice responsibility**  | **Good practice indicator**  | **Person/people responsible**  | **Implementation date**  |
| Recognise that we live on the traditional lands and waters of the Indigenous peoples of Australia.  | Acknowledgement of Country at start of team meetings and all public events.  | Everyone  | Immediately/ ongoing  |
| Recognise that culture and connection to land and community is a right for Aboriginal young people and that they have a right to cultural safety.  | All staff undertake cross– cultural awareness training as part of professional development. All young people tell us they feel welcome and safe in Youth Service venues.  | Youth Service Coordinator and HR Manager Everyone  | Ongoing  |
| Youth workers are respectful of Indigenous culture at all times and recognise the importance of culture as it relates to Indigenous young people’s self– esteem and sense of identity.  | Youth Service participates in annual NAIDOC week events. Agencies supporting Aboriginal community participate in Youth Service Network meetings.  | Youth Service Coordinator  | July  |

**Code of Ethical Practice for the Victorian Youth Sector**

**Model Implementation Plan**

Organisation:

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| **Youth Work Practice Responsibility** Recognition of Indigenous peoples  |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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| **Youth Work Practice Responsibility** Duty of care  |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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| **Youth Work Practice Responsibility** Boundaries  |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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| **Youth Work Practice Responsibility** Young people as the primary consideration  |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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| **Youth Work Practice Responsibility** Privacy and confidentiality  |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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| **Youth Work Practice Responsibility** Transparency, honesty and integrity  |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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| **Youth Work Practice Responsibility** Social context  |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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| **Youth Work Practice Responsibility** Anti-oppressive practice: non-discrimination, equity and self-awareness  |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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| **Youth Work Practice Responsibility** Cooperation and collaboration  |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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| **Youth Work Practice Responsibility** Knowledge, skills and self-care |
| Key elements of practice responsibility  | Good practice indicator  | Person/people responsible  | Implementation date  |
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**General tips for managers/organisations:**

* Provide your staff/volunteers with your policy and procedures, including your complaints and whistleblowing processes.
* Provide staff with regular, skilled and youth work–appropriate supervision.
* Support your staff/volunteers to understand their legal responsibilities, through training and professional development.
* Exit interviews are a good way to help staff share any concerns they have.
* Seek legal advice from Youthlaw if necessary.

**Infosheet 5**

**How your organisation can commit to the Code of Ethical Practice for the Victorian Youth Sector**

Your organisation can strengthen its commitment to the [Code of Ethical Practice for the Victorian Youth Sector (the Code)](http://www.yacvic.org.au/code) through its communications, policies and procedures. Doing this reminds people throughout the organisation of their duty of care and professional boundaries. It also reassures young people and their families that they will receive a high quality service.

This info sheet includes:

* guidance on statements of organisational commitment to the Code
* suggestions for incorporating the Code into policy and procedures
* guidance on creating ‘Code champions’ at senior management level.

**Statements of organisational commitment to the Code**

A statement of commitment to work to the Code clearly communicates the value that your organisation places on ethical work with young people.

Statements can be made internally, to staff and volunteers, and externally to the public and other stakeholders. Statements can be made via:

* websites, social media, and/or newsletters
* verbal announcements at events or meetings
* posters in offices and youth venues
* annual reports, strategic or business plans
* policy or procedural documents (see below).

Examples of statements of organisational commitment:

This organisation commits to working ethically with young people. We have adopted the Code of Ethical Practice for the Victorian Youth Sector.

This organisation works ethically with young people. We adopt the Youth Work Principles and Practice Responsibilities from the Code of Ethical Practice for the Victorian Youth Sector. We expect our partners to do the same.

**Integrating the Code into policy and procedures**

Integrating the Code into your organisation’s policies means your staff and volunteers will be regularly exposed to your shared commitment to ethical practice. For example, you could refer to observance of the Code in your:

* staff/volunteer code of conduct
* IT policy
* HR policy
* procurement policy
* equal opportunities policy.

Integrating the Code into organisational procedures also communicates your commitment to ethical practice to external stakeholders, such as young people, partner organisations and contractors. For example, you could include the Code in:

* partnership agreements, memorandums of understanding (MOUs) or contracts
* invitations or expressions of interest for funding applications
* complaints processes
* intake or evaluation forms
* recruitment and induction processes.

**Creating ‘Code champions’ at senior management level**

It’s important for senior managers to lead the organisation’s commitment to the Code and ethical practice. This demonstrates that ethical work is a whole–of–organisation priority and everyone’s responsibility, not simply something for those ‘on the front line’.

Champions are the people who enthusiastically promote the idea of ethical practice and remind others of the Code and the youth work practice responsibilities. An organisation’s Code champion can become a focal point for ethical practice. They become a useful contact for staff, volunteers or members of the public who have concerns about unethical behaviour.

Opportunities for champions to promote the Code to staff and volunteers include:

* staff meetings or team–building days
* CEO communications
* staff or volunteer recruitment days.

Champions can also promote the Code externally, via:

* media interviews
* stakeholder events
* inter–agency meetings.

**The Code in practice**

The City of Darebin’s Northland Youth Centre has made the Code part of their policy and procedures manual. The Code has been added to the manual as an appendix, so all staff can easily refer to it.

**Infosheet 6**

**Legal responsibilities when working with young people**

If you work with young people, you have legal, as well as ethical responsibilities.

This info sheet contains guidance on:

* professional boundaries
* duty of care
* Child Safe Standards
* reporting abuse or neglect, including ‘failure to disclose’ and ‘failure to protect’ offences
* privacy and confidentiality
* parent/guardian consent equal opportunity and anti–discrimination.

Please note that what you read below is not legal advice and shouldn’t be taken as such. If you do need legal advice, please get in touch with Youthlaw ([www.youthlaw.asn.au](http://www.youthlaw.asn.au)) or ask a lawyer.

**Professional boundaries**

Work with young people involves a professional relationship, not a friendship. Professional boundaries keep your work and private lives separate. They also keep your relationship with young people appropriate: for example, keeping personal information or personal details private, or contacting young people outside of your work or volunteering.

“A youth worker’s relationship with their client should be professional. This is to protect the young person and the worker. Boundaries help to ensure that young people are not exploited or let down in any way and also help to protect workers from complaints about inappropriate behaviours.” (Youthlaw 2012, p. 63)

For more information on boundaries, including guidance on contact with young people outside of work, romantic relationships, taking young people home or in your car, texting or calling young people, read pages 63–66 of Youthlaw’s publication: ‘What do I do when? A practical guide to the law for people who work with young people’ (available at [www.youthlaw.asn.au](http://www.youthlaw.asn.au)).

**Duty of care**

“A duty of care is a legal requirement to take reasonable care of another person and to protect them from a foreseeable risk. A ‘foreseeable risk’ is a risk that is not completely unexpected.” (Youthlaw 2012, p.7).

If you work with young people, or provide an activity, service or event for them, you owe them a duty of care. This involves:

* doing no harm to them
* providing a safe environment for their emotional and physical health and wellbeing, e.g. by addressing discrimination.
* taking steps to protect them against possible risk or harm, e.g. by carrying out risk assessments.

For more information on duty of care, including negligence, accidents and injuries, camps and excursions, staffing levels, driving young people, untrained staff and volunteers, and occupational health and safety, read pages 7–21 of Youthlaw’s publication: ‘What do I do when? A practical guide to the law for people who work with young people’.

**Child Safe Standards**

The Victorian Government has introduced Child Safe Standards to improve organisations’ prevention of and responses to child abuse. The standards are compulsory for all organisations providing services to children and young people under 18. Child safety is everyone's responsibility, including leaders, staff and volunteers.

You can contact the Commission for Children and Young People for information about how to create safe environments for children, and the Child Safe Standards. Contact the Commission via [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au), email: childsafe@ccyp.vic.gov.au or phone 1300 78 29 78.

**Reporting abuse or neglect**

**Reporting sexual abuse: ‘failure to disclose’ and ‘failure to protect’ offences**

In Victoria, new criminal offences have been created to improve responses to child sexual abuse

***“Failure to disclose”***

From 27 October 2014 all adults (over 18s) in Victoria must report to police any reasonable belief that a sex offence has been committed by an adult against a child under the age of 16, unless they have a reasonable excuse or another exemption applies

Failure to do so is a criminal offence punishable by up to three years imprisonment.

For more information about the “failure to disclose” offence, including the types of sex offences that must be reported, exemptions and what may be considered a reasonable excuse, please read this Department of Justice and Regulation [fact sheet](http://www.justice.vic.gov.au/home/safer%2Bcommunities/protecting%2Bchildren%2Band%2Bfamilies/failure%2Bto%2Bdisclose%2Boffence).

***“Failure to protect”***

From 1 July 2015, it is a criminal offence in Victoria for those who work or volunteer within organisations providing care, supervision or authority for children to fail to protect children from the risk of sex abuse by others associated with the organisation.

An offence will be committed when:

1. A person in authority knows that someone associated with their organisation poses a risk of committing a sexual offence against a child under the age of 16; and

2. They had the authority to reduce or remove the risk; and

3. They negligently failed to do so.

The maximum penalty is five years imprisonment.

For more information about the “failure to protect” offence, please read this fact Department of Justice and Regulation [fact sheet](http://www.justice.vic.gov.au/home/safer%2Bcommunities/protecting%2Bchildren%2Band%2Bfamilies/failure%2Bto%2Bprotect%2Boffence).

(The above information was taken from Youthlaw’s [website](http://youthlaw.asn.au/for-youth-workers/legal-obligations-to-disclose-and-protect-against-child-sex-abuse/). For further advice about these offences, please contact Youthlaw on (03) 9611 2412.

**Reporting physical or emotional abuse or neglect**

In Victoria, youth workers are not mandated (required by law) to report suspected cases of physical or emotional, abuse or neglect. But youth workers, like all adults over 18 years, *are* required to report sexual abuse (see above). If a young person reveals something else that concerns you, you should encourage and support them to seek help and contact the police. If they don’t want to do this and you believe they are in serious danger, talk to your supervisor—you may feel you need to breach their confidentiality and report your concerns to Department of Health and Human Services (DHHS) Child Protection or Victoria Police.

“The Children, Youth and Families Act 2005 allows anyone who reasonably believes that a child (under 18 years old) is in need of protection to report their concerns to the Department of Human Services Child Protection service (DHS Child Protection) or to the police. This report will not be considered to be a breach of professional ethics or a departure from accepted standards of professional conduct if it is made in good faith; nor will a person reporting be liable to any action for damages or other legal proceedings for having done so. It is a good idea to get legal advice if you are concerned about whether or not to make a report.” (Youthlaw 2012, p. 33)

Always check your own organisation’s policies on reporting abuse and ask your manager if you’re unclear.

For more information on reporting abuse, read pages 33–36 of Youthlaw’s publication: ‘What do I do when? A practical guide to the law for people who work with young people’, or visit the DHHS Child Protection website: [http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/child-protection](http://www.dhs.vic.gov.au/for-service-providers/children%2C-youth-and-families/child-protection)

**Privacy and confidentiality**

Youth workers have a trusting relationship with young people. It’s important to maintain this trust by keeping young people’s personal information private and confidential, unless they say it’s OK to tell others:

“Best practice is to get the consent of the young person before you share any information with anyone. Written consent is preferable to verbal consent and keep this consent on file.” (Youthlaw 2012, p. 26)

You do not have an obligation to tell a parent or guardian information you have about a young person. But it is good practice to encourage and support the young person to discuss the matter with their parent or guardian.

Please note that you *do* have a legal obligation to inform Victoria Police if you have a reasonable belief that a sex offence has been committed by an adult (over 18) against a child under the age of 16 – see “failure to disclose”, above.

Generally, you are under no legal obligation to tell anyone about another person’s medical condition. However, this information can be shared with other staff members in your agency if they need to know it in order to fulfil their duty of care, for example on camps or excursions. Best practice is to get the young person’s consent before you share any personal information about them.

If a young person asks you to keep something confidential, you should first explain these limits, or any limits imposed by your organisation’s policy.

For more information about privacy and confidentiality, read pages 23–32 of Youthlaw’s publication: ‘What do I do when? A practical guide to the law for people who work with young people’.

For more information about Victoria’s privacy laws, visit the Privacy Victoria website ([www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)).

**Parent/guardian consent**

Young people have the legal capacity to consent to take part in programs, events, activities, etc. if they are old enough to understand what they are consenting to. However, if they are under 18, it is considered good practice to also get parent/guardian consent. You should also refer to your organisations’ policies and procedures and discuss the situation with your supervisor.

“There is no set legal age below which you must get consent from the parent instead of the young person themselves. You can accept a young person’s consent if the young person has the capacity (that is, they understand the issues involved) and is of sufficient maturity. Most young people of high school age will understand the issues and implications of consenting to activities and excursions. However it is best practice to obtain the parent/guardian’s consent as well as the client’s when the young person is under 18. This is usually done by providing a parental consent form which can then be signed by parents or guardians.” (Youthlaw 2012, p. 38)

For more information on parent/guardian consent, read pages 37–41 of Youthlaw’s publication: ‘What do I do when? A practical guide to the law for people who work with young people’.

**Equal opportunity and anti–discrimination**

Working in an anti–oppressive, non–discriminatory way means you understand, respect and celebrate cultural difference and other aspects of young people’s identities, and actively challenge prejudice or discrimination. Equity means you help everyone you work with to access the same opportunities, regardless of their background.

“It is important that your agency’s policies and procedures are non–discriminatory and that your service is accessible to all young people. For example, this may involve having interpreters available or publishing information in different languages to ensure that young people from culturally and linguistically diverse backgrounds can use your services. Similarly, physical access needs to be appropriate to ensure those with physical disabilities can use your services.” (Youthlaw 2012, p. 75)

**General tips for workers**

* Read your organisation’s policies and procedures—if you have any questions, or you’re unclear about anything, ask your manager.
* Know your legal obligations: make sure you understand key laws and regulations. Ask your manager for help if you’re unsure.
* Take responsibility for own actions: don’t ignore ethical thinking or leave it up to others. Keep written records of decisions you make, incidents or actions you take (always include the date and time).
* Challenge unethical practice if you see it.
* Know your professional limits: work within the responsibilities of your role, your knowledge and refer to other professionals when necessary. Seek legal advice from Youthlaw if necessary.

**General tips for managers/organisations**

* Provide your staff/volunteers with your policy and procedures, including your complaints and whistleblowing processes.
* Provide staff with regular, skilled and youth work–appropriate supervision.
* Support your staff/volunteers to understand their legal responsibilities, through training and professional development.
* Exit interviews are a good way to help staff share any concerns they have.
* Seek legal advice from Youthlaw if necessary.

**For further guidance on legal matters concerning young people, Youthlaw provide:**

* consultations with a lawyer by email or by calling (03) 9611 2412
* fact sheets and legal information for young people
* publications for youth workers, community workers, and educators in school and community settings
* training seminars for workers
* an online training video series – see [www.youthlaw.asn.au](http://www.youthlaw.asn.au).

**References**

Youthlaw (2012) ‘What do I do when? A practical guide to the law for people who work with young people’, 2nd Edition, Melbourne: Youthlaw.

Thanks to Youthlaw for its help in creating this info sheet.

**Infosheet 7**

**How to challenge unethical behaviour**

The [Code of Ethical Practice for the Victorian Youth Sector (the Code)](http://www.yacvic.org.au/code) outlines the principles and responsibilities of work with young people. It reminds you about:

* your duty of care and professional boundaries
* inappropriate and appropriate practices.

Use of the Code throughout an organisation promotes consistent good practice. It leads to safer, higher-quality work with young people.

This info sheet includes guidance about:

* how to raise concerns about unethical behaviour
* how to support young people, and their families, to recognise and challenge unethical behaviour
* how to make a complaint to the Victorian Government.

**How to raise concerns about unethical behaviour**

If you see something at work you think is unethical, you can challenge it: ask the person to explain their actions using the Code, or tell them you’re uncomfortable with their behaviour because you feel it’s not in keeping with the Code. Be prepared to explain your point of view in a supportive way.

It’s important to remember that doing nothing to challenge unethical behaviour could be as bad as the behaviour itself. Challenging unethical behaviour should always be done in a professional, diplomatic manner that aims to support, not discipline, your colleague. If you feel uncomfortable or unsure about this, bring the matter up through your supervision.

Afterwards you should talk with your line manager. Describe the incident and why you think it was unethical.

If you feel the matter isn’t addressed properly, consult your organisation’s complaints or ‘whistle–blowing’ policy.

**How to support young people, and their families, to recognise and challenge unethical behaviour**

When young people and their families first access your service or organisation, you should provide them with information about:

* ethical practice
* your commitment to work ethically with young people
* your complaints procedure.

If a young person, parent or guardian is worried about something that’s happened at your project, organisation or service, you should advise them that they can raise a concern or make a complaint. Consult your organisation’s complaints policy or procedure for more information.

**How to make a complaint**

If you want to make a complaint about unethical behaviour, follow your organisation’s complaints process. If you continue to have concerns, the Victorian Government Department of Human Services (DHS) Complaints, Integrity and Privacy Unit supports people to make a complaint about projects or services that have received DHS funding:

**1300 884 706 or complaints.reception@dhs.vic.gov.au**

**General tips**

* Read your organisation’s policies and procedures—if you have any questions, or you’re unclear about anything, ask your manager.
* Know your legal obligations: make sure you understand key laws and regulations—ask your manager for help if you’re unsure.
* Take responsibility for your own actions: don’t ignore ethical thinking or leave it up to others. Keep written records of decisions you make, incidents or actions you take (always include the date and time).
* Challenge unethical practice if you see it. Know your professional limits: work within the responsibilities of your role, your knowledge and refer to other professionals when necessary.
* Seek legal advice from Youthlaw (www.youthlaw. asn.au) if necessary.

**Infosheet 8**

**How to make the Code of Ethical Practice for the Victorian Youth Sector relevant to young people**

The main audiences for the [Code of Ethical Practice for the Victorian Youth Sector (the Code)](http://www.yacvic.org.au/code) are people and organisations who work with young people. But it’s also necessary to support young people to understand what the Code is about and why it’s important to them and to you.

This info sheet includes guidance on:

* making young people aware of the Code
* producing a version of the Code for young people
* making the code inclusive of cultural diversity.

**How to make young people aware of the Code**

You can make young people aware of the Code when you agree the guidelines for their engagement with your organisation, for example:

* in interviews or intake procedures
* in case–management meetings
* as part of a group agreement
* in planning or evaluating a project or program with young people.

You can also make young people more familiar with the Code and youth work practice responsibilities:

* explain how decisions you have made regarding them are influenced by the Code
* display posters that promote the Code and your organisation’s commitment to ethical practice (you can download a poster from [www.yacvic.org.au/code](http://www.yacvic.org.au/code)).

**Producing a version of the Code for young people**

One way your service or organisation can make the Code more relevant to young people is to produce your own youth–friendly version of the Code.

This should:

* be presented in a visually engaging way, using bright and colourful graphics
* use simple language, written as though speaking directly to the young person
* use digital or online technology, such as a website or app, to make it interactive.

For this project to work best, young people should be involved throughout the process. As well as consulting young people about their ideas and opinions, you should involve a group of young people in developing the content and design of any materials you produce.

**How to make the Code inclusive of cultural diversity**

The Code relates to work with all young people, including those who have migrant or refugee backgrounds. In applying the Code, you need to consider the specific contexts of the young people you work with. For example, this might include:

* language skills
* barriers relating to visa status
* experiences of racism, antisemitism and/or Islamophobia
* direct or indirect experience of torture
* negotiation of differing cultural norms, family roles or expectations.

These experiences may represent both challenges and strengths for young people with migrant or refugee backgrounds.

Always keep cultural diversity in mind when you’re supporting young people to understand the Code. This way, you won’t accidently exclude some young people.

Ways that you can make the Code more inclusive of culturally diverse young people and their families include:

* concrete examples that relate to the experiences of young people with migrant and refugee backgrounds
* images that reflect cultural diversity.

You can also present the Code, or materials explaining it, in relevant languages and/or using video or other forms that don’t rely on literacy skills.

For further advice on making the Code culturally inclusive, contact the Centre for Multicultural Youth (CMY) [www.cmy.net.au](http://www.cmy.net.au).