Appendix H

Defining concerning behaviour, misconduct and criminal conduct in a Code of Conduct

A Code of Conduct provides guidance for staff and volunteers on expected behavioural standards and responsibilities.1

Your organisation’s Code of Conduct should include definitions of abuse and clear information about the kinds of behaviours that are not acceptable, ranging from behaviour that may be a breach of the code, to behaviour that may amount to a criminal offence. Avoid using general terms such as ‘appropriate’ and ‘inappropriate’ to describe behaviour. The Code should include specific examples relevant to the type of work that your staff and volunteers perform.

Concerning behaviours that may be specified in an organisation’s Code of Conduct includes, but is not limited to:

- disciplining or correcting a child or young person in an unreasonable manner
- making excessive and/or degrading demands of a child or young person
- taking photos of a child or young person who is in the care of the organisation outside of official duties
- creating situations to be alone with a child or young person
- repeatedly visiting a child/young person and/or their family at their home for no professional reason
- providing gifts or favours to a child/young person or their family
- wearing inappropriate clothing around children or young people (for example, clothing with sexually explicit images or messages or clothes that expose or accentuate the genitals or breasts).2

Misconduct that may be specified in a Code of Conduct includes, but is not limited to:

- using sexual language or gestures
- making written or verbal sexual advances
- sharing sexual photos or videos or other photos of the child or young person
- sharing details of one’s own sexual experiences with a child or young person
- taking a child or young person to one’s house to be alone with them
- sharing phone numbers with a child or young person except as allowed by the organisation’s policies and procedures
- engaging with a child or young person via social media except as provided by the organisation’s policies and procedures
- asking children or young people to keep a relationship secret
- showering or dressing or undressing with the door open (for example, on excursions and in residential situations)
- not respecting the privacy of children/young people when they are using the bathroom or changing (for example, on excursions and in residential situations).3

3 Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report, Volume 6, Making institutions child safe; and Volume 7, Improving institutional responding and reporting.
Examples of conduct, which if proven, would be criminal should also be specified in the Code of Conduct, and includes, but is not limited to:

- intentionally or recklessly applying physical force against a child or young person
- obscene exposure
- having, attempting to have or facilitating any kind of sexual contact with a child or young person
- possessing, creating or exposing children to pornography
- giving goods, money, attention or affection in exchange for sexual activities or images
- sexting
- grooming offences (as defined by law in most jurisdictions)⁴
- trafficking, possession, supply, or use of a prohibited drug
- manufacture or cultivation of a prohibited drug.

For further information about developing a Code of Conduct, see:


⁴ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report, Volume 6, Making institutions child safe; and Volume 7, Improving institutional responding and reporting.