

## Safeguarding Children & Young People Code of Conduct Policy

### 1. Purpose

Starlight Children's Foundation exists to brighten the lives of seriously ill and hospitalised children, young people, and their families by providing positive and enriching experiences that support their well-being and resilience.

Our most important responsibility is to ensure our programs are provided for all children and young people in a caring, nurturing, and safe environment.

To achieve this, we support, encourage, and expect our team to strive for the highest possible standards concerning safeguarding children and young people from abuse. We have developed this Safeguarding Child and Young People (SCYP) Code of Conduct to identify clear expectations for behaviour towards, and in the presence of, children and young people and prevent behaviour that may be harmful to them.

### 2. Who the Policy applies to

All Starlight team members are required to commit to and abide by this SCYP Code of Conduct. Team members include our Board Directors, Executive team, People Managers, all paid team members, and all volunteers interacting with children and young people.

### 3. Reporting

*If a serious incident occurs where a child or young person is in immediate harm, risk of harm, abuse, or neglect, team members must follow the reporting and responding process which may include contacting the police or other relevant authorities. This process is outlined in the Reporting and Responding Policy.*

All team members must make a SCYP log if they notice behaviours that are contrary to the SCYP Code of Conduct Policy. At Starlight, our approach is **Act don't Judge**. You must act on the basis there is no doubt, observation, or concern too small or insignificant to log. You do not need to verify the validity of your concern.

There may be exceptional situations where the SCYP Code of Conduct cannot be followed, for example, in an emergency. It is crucial that, wherever possible, you seek your manager's approval before taking action that contravenes these guidelines. You must advise your manager as soon as possible if these guidelines are breached.

A failure to report inappropriate behaviour, breaches of Starlight's SCYP Code of Conduct, or concerns regarding the safety, welfare, or well-being of children and young people will be considered as misconduct and will result in disciplinary action.

Disciplinary action may include suspension while matters are investigated and/or termination of the employment or volunteering contract. In addition to any internal disciplinary proceedings, Starlight will report to the police all instances in which a breach of the law has or may have occurred.

#### a) What should be logged?

In situations where our team becomes aware of harm, risk of harm, abuse, or neglect towards a child or young person, or any incidents of racism as outlined in our *Anti-Discrimination Policy* they must follow the process as outlined in the *Reporting & Responding Policy*.

This applies regardless of whether the breach has been made by a team member or someone external and includes:

- Any behaviour that does not seem appropriate or feel right, regardless of how minor or trivial the behaviour appears.
- Any team member that does not follow the Code of Conduct policy, regardless of how minor or trivial it may appear.
- Any complaint, or observation, advised by a Starlight parent, family member, or health professional.

#### b) How do I report?

Team members must complete and submit a SCYP log online or call the Starlight SCYP hotline within 24 hours. The log will be acknowledged, and if further action is required, the team member will be informed.

For more information concerning responsibilities for reporting and responding, please refer to the Reporting and Responding Policy and Procedures.

### 4. Key Requirements

#### a) Sexual misconduct

Under no circumstance is any form of sexual behaviour to occur between, with, or in the presence of children or young people participating in any of our programs. Engaging in sexual behaviour while participating in our programs is prohibited even if the young person/s 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 sexual in nature, including but not limited to:

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

#### b) Positive guidance

Children and young people are encouraged to have a say, especially on issues that are important to them. Children and young people are given information about their safe participation in Starlight activities including access to information about safeguarding children and young people.

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

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

- An effective and positive environment
- The safety and/or well-being of children, young people, or Starlight team members participating in our programs.

We require our team 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 allowed to redirect their misbehaviour positively.

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

#### c) Professional role boundaries

Our team should not, of their own volition or at the request of a child, young person, or family member, act outside the confines of their role (as specified in their position description).

To maintain professional relationships, Starlight team members must not:

- Engage in activities or have contact with a Starlight child, young person, or their family outside of their role purpose or a Starlight program. This includes former participants in Starlight programs.
- Provide any form of support to a child, young person, or their family, unrelated to a Starlight program, including, for example, emotional or financial support.
- Attend a private social function at the request of a child or young person who has participated, or is participating, in our programs, or at the request of their family.
- Develop any special relationships with children that could be seen as favouritism or become over or under involved with particular children or young people.
- Engage in discussions in the presence of children and young people that are not age appropriate, for example of a sexual nature

#### d) Use of language and tone of voice

Language and tone of voice used in all interactions with children, young people, and their families should:

- Provide clear direction, boost their confidence, and encourage, or affirm them.
- Not be harmful to children, and must not be:
  - Discriminatory, racist, or sexist.
  - Derogatory, belittling, or negative.
  - Intended to threaten or frighten.
  - Profane or sexual.

#### e) Promoting Diversity, Equity, and Inclusion

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

Our team will pay particular attention to promoting safety (including cultural safety), participation and empowerment when interacting with children and young people who are Aboriginal or Torres Strait Islander, from culturally and/or linguistically diverse backgrounds, Lesbian, Gay, Bisexual, Transgender, Queer,

Intersex, Asexual, plus other (LGBTQIA+) children and those unable to live at home, or who have a disability.

Aboriginal and Torres Strait Islander children and young people will be supported to express and enjoy their cultural rights.

f) **Anti-Discrimination**

Starlight is committed to providing a safe, inclusive, and respectful environment for children, young people, and the families we support. Our programs should be free from any form of discrimination, bullying, and harassment based on a person's characteristics, which are protected under Australian law. Racism is not tolerated. Any incidents of racism must be reported.

These characteristics include but are not limited to ethnicity or cultural background, faith, sexuality, gender identity, dis/ability, age, or family responsibilities.

*See also Starlight's Anti-Discrimination Policy*

g) **Working in pairs**

Most interactions with children and young people are in pairs or visible to others (for example, full transcripts of all communication on Livewire Online).

Exceptions are listed below and are subject to always following the procedures outlined in the *SCYP Code of Conduct Procedures*.

Exceptions:

- Wish presentations or installations.
- A request by a hospital or clinic for a Starlight team member to work alone, for example visiting a child in isolation who has a restricted visitor list or providing procedural support.
- Media opportunities or research activities; for example, filming a Wish story or conducting an evaluation interview.

h) **Supervision**

All team members are responsible for supervising the children and young people to which Starlight provides programs to ensure those participants:

- Engage positively with our programs.
- Behave appropriately toward one another.
- Are in a safe environment and are protected from external threats.

i) **Use of electronic and online communications**

**Under 12 years old**

We prohibit all one-on-one electronic communication between our team and children under the age of 12 years. Online interactions, such as on Planet Starlight, are allowed as they are not one-on-one e.g., they are visible to other children, parents and/or Starlight team members.

**Over 12 years old**

Where appropriate to achieve a positive program experience (including Livewire Online), and if supported by the young person's parents, a Starlight team member may engage in direct electronic communication with a young person.

Wherever possible, email and text messages sent to a young person aged under the age of 18 years should be copied to their parent or guardian.

Where a parent is not included in the communication, team members must follow SCYP Code of Conduct Procedures for communicating with children and young people:

- Restrict such communication to issues directly associated with delivering our programs, such as advising that a scheduled event is cancelled or organising the logistics for a Starlight Wish.
- Limit the personal or social content in such communications to what is required to convey the program-related message in a polite, friendly manner. Do not communicate anything a reasonable observer could view as being of sexual nature or grooming behaviour.
- Do not use such communication to promote unauthorised social activity or to arrange unauthorised contact.
- Do not request a young person keep communication a secret from their parents or guardians.
- Do not communicate with young people using Internet chat rooms or similar forums, such as social networking sites, game sites, or instant messaging, except for the livewire.org site.

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

All Starlight team members are required to follow both Starlight's *Social Media Policy* and *IT Policy*.

#### j) Gifts

##### a. Gift Giving

Gifts are a positive part of Starlight Program experiences. Gifts are only to be given as part of program experiences as outlined in our *Code of Conduct Procedures*.

Giving of gifts by our team members to children and young people to whom we deliver our programs is subject to:

- Parents or other responsible adults are being made aware of any gift given.
- Being done only to enhance the program experience, i.e., team members should not give gifts in a way that could be perceived as grooming.

##### b. Gift Receiving

Gifts received must be accepted on behalf of the Starlight team. Depending on the items they will be shared with the team; with programs for use in a program area; with fundraising for a raffle or prize opportunity.

#### k) Photographs of children and young people

Under these guidelines:

- Children and young people are to be photographed by a Starlight team member while involved in our programs only if:
  - A specific request for imagery has been made, or there's shareable moment in the program that demonstrates impact
  - The context is directly related to participation in our programs.

- The child is appropriately dressed.
  - The image is taken in the presence of other team members.
  - The image is taken on a Starlight device or the device of a professional photographer/film crew, i.e., not on a personal camera, including a mobile phone.
- Images (digital or hard copy) are to be stored on SAM to prevent unauthorised access by others. They are not to be stored on local computers or kept on the camera or phone.
  - Images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required.

If images are to be shared externally, refer to the *Consent Policy*.

#### l) Physical contact with children and young people

Physical contact with children and young people must be appropriate and based on the needs of the child or young person (such as to assist a child to participate).

Permission should always be sought from the child or young person and follow their wishes, except where it is to prevent harm to the child or others and it isn't possible, e.g., they are falling. In this situation:

- Physical restraint should be a last resort.
- The level of force used must be appropriate to the specific circumstances and aimed solely at restraining the child or young person to prevent harm to themselves or others.
- An SCYP log (or WHS log where appropriate) must be made as soon as possible.

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

- Involves touching of:
  - genitals
  - buttocks
  - the breast area
- 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

Our team is required to make a SCYP log of any physical contact initiated by a child or young person that is sexual and/or inappropriate.

#### m) Overnight stays and sleeping arrangements

Overnight stays (where a Starlight team member is staying overnight with a Starlight family) are not part of Starlight programs.

During activities such as Wish Week, a parent or guardian will always be staying with the child and will be their primary carer throughout the stay. Starlight team members stay separately to families e.g., in their own rooms and ideally in another part of the hotel.

Overnight stays at a Starlight team member's home or the home of a child, young person, or their family are not permitted under any circumstances.

n) **Change room and Bathroom arrangements**

Starlight team members must not be in the presence of a child, young person, or their family when either the Starlight team member or the child, young person, or family member is getting dressed, undressed, or using the bathroom. Team members should respectfully remove themselves if this happens unexpectedly.

o) **Captain Starlight costumes, Starlight and Livewire uniforms, and ID badge**

Starlight team members should wear their costume, uniforms, and ID badge only while delivering programs or as required by Starlight, such as when representing Starlight at functions, events, or specific activities as sanctioned by Starlight.

Costumes, uniforms, and ID badges must only be used by the Starlight team member they are issued to and returned when employment or volunteering ceases.

p) **Use, possession, or supply of alcohol or drugs**

While working with children and young people team members must not:

- Use, possess, or be under the influence of an illegal/illicit drug or 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 programs.

This standard of behaviour is expected to also be followed when there is a reasonable likelihood of encountering children or young people, for example, an overnight stay in a remote community during a Starlight Healthier Futures Initiative visit.

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

q) **Transporting children, young people, and their families**

The transport of children, young people, or their families is not part of Starlight programs (except for Wishgranting) and is prohibited.

When transporting children, young people, and their families as part of their Starlight Wish:

- A parent or guardian must always be with the child or young person during any transportation.
- Transport should never be in a Starlight team member's personal vehicle or a Starlight car; it should always be through a recognised third-party provider e.g. taxi, chauffeured hire car service, public transport.

r) **Working with third parties**

Whilst in the presence of children and young people in our programs (in hospital and online), any third party will always be accompanied by a Starlight team member.

For the Wishgranting program where third parties are visiting a family home, a Starlight team member will be present whenever possible. If this is not possible, families will be briefed on what to expect from the visit. When families are on wishes outside the home, they will receive an itinerary that includes any third party they are engaging with.

### a) Communications and Training

At Starlight we:

- Communicate our *SCYP Code of Conduct Policy* to all Starlight team members.
- Involve our team in reviews of our *SCYP Code of Conduct Policy*.
- Advise all team members of any significant alterations to our *SCYP Code of Conduct Policy*.

## 6. Monitoring & Review

This Policy will be reviewed every two years. A review may be required due to legislative change, organisational change or insights gained from incidents.

Review and administration of this Policy is facilitated by the Head of Programs.

## 7. Related Documents

- Safeguarding Children and Young People Policy
- Code of Conduct Procedures
- Reporting and Responding Policy
- Reporting and Responding Procedures
- Social Media Policy
- IT Policy
- Anti-discrimination Policy
- Appropriate Workplace Behaviour Policy

## 8. Related Legislation

In upholding this Policy, the following legislation must be considered by the Starlight team:

- Children and Young People Act 2008 (ACT)
- Working with Vulnerable People (Background Checking) Act 2011 (ACT)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Care and Protection of Children Act 2007 (NT)
- Child Protection Act 1999 (QLD)
- Working with Children (Risk Management and Screening) Act 2000 (QLD)
- Children and Young People (Safety) Act 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- Children, Young Persons, and their Families Act 1997 (Tas)
- Registration to Work with Vulnerable People Act 2013 (Tas)
- The Worker Screening Act 2020 (VIC)
- Crimes Act 1958 (Vic)
- Children and Community Services Act 2004 (WA)
- Working with Children (Criminal Record Checking) Act 2004 (WA)

## 9. Approvals & Revisions

|                 |                               |
|-----------------|-------------------------------|
| Approver Name:  | Felicity McMahon              |
| Approver Title: | Head of Programs              |
| Approval Date:  | December 3 <sup>rd</sup> 2024 |
| Effective Date: | December 4 <sup>th</sup> 2024 |
| Review Date:    | December 2026                 |

Endorsed By:



For and on behalf of the Board

Courtenay Smith

Chair  
Starlight Children's Foundation

Date: 10/12/2024



Louise Baxter

Chief Executive Officer  
Starlight Children's Foundation

Date: 10/12/2024

## Appendix A: Roles and Responsibilities

All Starlight team members must understand and comply with the *SCYP Code of Conduct*. As part of this commitment to observing the *SCYP Code of Conduct*, all team members are required to sign *Starlight's Team Member Commitment Statement* and *Starlight's Confidentiality Declaration*.

All team members should also do everything they can to ensure anyone who interacts with Starlight does so in a way that reflects our *SCYP Policy* and *Code of Conduct*.

Some Starlight team members have additional responsibilities, as outlined in the table below.

|                          |                                                                                                                                                                                                                                                                                                        |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Starlight Executive Team | <ul style="list-style-type: none"> <li>Promote a commitment to this Policy and its expectations.</li> <li>Ensure all People Managers have access to support and advice to understand and implement this, Policy.</li> </ul>                                                                            |
| SCYP Representatives     | <ul style="list-style-type: none"> <li>Review and update this Policy and supporting resources in consultation with relevant stakeholders.</li> <li>Support the implementation of this Policy, including providing training and advice in the application of procedures.</li> </ul>                     |
| People Managers          | <ul style="list-style-type: none"> <li>Understand the SCYP Code of Conduct Policy and related procedures and ensure it is followed by your teams.</li> <li>Ensure any SCYP Code of Conduct breaches are logged.</li> <li>Ensure your team has access to this policy and related procedures.</li> </ul> |

## Appendix B: Definitions

| Term                  | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Child or young person | <p>Starlight children and young people include:</p> <ul style="list-style-type: none"> <li>Those children and young people who interact with a Starlight program. The target age range for most children and young people is four to eighteen years; however, we do reach children as young as newborns through to their 22<sup>nd</sup> birthday.</li> <li>Those who have interacted with a Starlight program in the past and are still below the upper age limit of our program delivery (i.e., their twenty-second birthday).</li> <li>Siblings and those living with the Starlight family, e.g., foster children and cousins.</li> <li>Volunteers under the age of eighteen years.</li> </ul>                                                                                                                                                                               |
| Gift                  | <p>A gift is anything that is given or left for a child, young person, or their family to keep by a Starlight team member. Gifts include:</p> <ul style="list-style-type: none"> <li>Presents of any value; and</li> <li>Prizes</li> </ul> <p>Gifts exclude:</p> <ul style="list-style-type: none"> <li>Arts and crafts that a child may make as part of the Starlight program.</li> <li>Information brochures; and</li> <li>Activity packs given out as part of program deliver.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                    |
| Grooming              | <p>Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child to abuse them. There is no set pattern concerning the grooming of children. For some perpetrators, there will be a lengthy period before the abuse begins. The child may be given special attention and what starts as a normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a child in and abuse them relatively quickly. Some abusers do not groom children but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports, and religious activities, or in internet chatrooms, on social media, or by other technological channels.</p> |
| Starlight Team member | <p>Board Directors, Executive team, People Managers, all paid Team Members, and all programs' volunteers, including interns (i.e., all volunteers interacting with children and young people).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| SCYP Log              | <p>A written report of a breach of the Code of Conduct completed online, or via the SCYP Hotline by calling 1800 951 150. All reports are to be made as soon as possible and within 24 hours of behaviour or incident being observed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## Appendix C: Child Protection Assurance

Please read carefully:

By signing this document, you are assuring the Starlight Children's Foundation that you have not in any jurisdiction in any country;

- a) been found guilty by a Court of a sexual offense against a student or child; or
- b) been found guilty by a Court of any act involving personal violence towards a student or child; or
- c) do not have any charges pending against you in respect of the offenses in (a) and (b) above;
- d) been dismissed from any previous employment because you were involved in improper conduct of a sexual nature with a student or child; or
- e) retired or resigned from your previous employment following allegations that you were involved in improper conduct of a sexual nature with a student or child; or
- f) been advised by any employer that your name has been included on a list of those not to be employed in a child-related area of activity.

If you are not able to give such assurance the Starlight Children's Foundation may cease your placement without notice.

You further agree to notify Starlight Children's Foundation immediately of any factors which may affect your suitability for working with children.

Please click 'CONFIRM' to agree