

Introduction

Legacy is a unique organisation which supports the families of Australian Defence Force personnel who have given their life or health for their country. This brings the organisation into frequent close contact with spouses and children.

Legacy Brisbane acknowledges it has a duty of care to all those it comes into contact with. This acknowledgement imposes a duty of care obligation on Legatees, staff and volunteers.

The obligation on Legatees, staff and volunteers is to:

- make every contact with a child and their family a positive experience
- always act in the best interests of the child
- avoid carelessly causing injury or harm to another person (by any act or omission)
- anticipate risks for the child / children you are working with and take care to prevent them coming to harm
- maintain appropriate boundaries between yourself and the child.

To assist individuals in a position of responsibility, the document discusses some broad principles and outlines some practical guidance below.

Principles

Every situation will be different. Each family and each child will have different needs and different expectations of Legacy. Legatees, staff and volunteers should be aware of their obligation, but also be prepared to exercise judgement in fulfilling the Legacy Charter. They should be guided in their actions by proven principles, namely: Position of trust, Confidentiality, Exercise of judgement, and Propriety.

- **Position of trust**
Relating with a child places you in a position of trust. The relationship is not one between equals. You must ensure that the unequal balance of power is not used to advantage you or any other person to the detriment of the child.
- **Confidentiality**
Your responsibilities as a Legacy representative may afford access to confidential information about the child. Appropriately preserving confidentiality is vital. (See also the policy on Privacy, Confidentiality and Data Management).
- **Exercise of judgment**
There may often be circumstances where guidance is limited; or in extreme cases, where you have to make a decision or take action that contravenes guidance. On these occasions, you need to satisfy yourself that your decisions and actions are warranted, proportionate, safe and equitable. Always act with the best interests of child in mind.
- **Propriety**
You have a responsibility to maintain public confidence in your ability to safeguard the welfare and best interests of the child. Therefore, you must avoid any behaviour that might compromise your position or indicate an unsuitability to work with children. (Examples would be: use of drugs, alcohol or prohibited substances, acts of violence or inappropriate use of information technology).

Communications, Contact and Activities

Communication between Legacy representatives and children, by whatever method, including the use of mobiles, texts, social media and e-mail should take place within clear and explicit boundaries with the consent of the parent / guardian. The same applies to the use of digital photography, webcams, websites and blogs.

- ***Social and physical contact***

Social contact between you and children, or their family, should only occur if the reason for the contact has been established and agreed. Similarly, any physical contact must match the level of relationship developed with the family and meet the needs and wishes of the family.

- ***Sexual contact***

Intimate or sexual relationships between adults and children are a grave breach of trust and are illegal. You must never allow a relationship with a child to develop in such a way.

- ***One-on-one situations***

One-on-one situations have the potential to make children more vulnerable to harm by those who seek to exploit their position of trust. Also, if you work in a one-on-one setting you become susceptible to unjust or unfounded allegations; for example: by a child who has developed an infatuation with an adult. Avoid such situations if possible. If not, take sensible precautions to avoid risks to the child and yourself.

- ***Overnight stays***

Activities that include overnight stays carry an additional degree of risk. You must inform parents / guardians about adult to child ratios, gender split and the proposed sleeping arrangements.

- ***Gifts***

You may give a gift to a child for a legitimate reason (birthday, achievement at school etc) provided the expenditure is considered appropriate and authorised by your Contact Group or relevant manager. It is best to clear the gift with the parent / guardian first. Ensure it is given openly so it cannot be mis-interpreted as attempting to influence or groom the child.

- ***Photography and video footage***

Photography and / or video footage should take place with due regard to the law and the need to safeguard the privacy, safety and wellbeing of children. You should seek consent from parents / guardians and from the child where possible. They should be given access to the images and agree to any further retention or use (e.g. for publicity purposes).

Questions to consider

These questions can be helpful when you are considering if professional and /or legal boundaries are being breached:

- Would I change the way I am acting if a colleague were present?
- Would I think it was OK if I saw someone else acting this way?
- Am I treating this child differently to the way I would treat another child in the same circumstances?
- Is it possible that my behaviour will impact on the child in a negative way?
- Is it possible that the consequences of my actions will make people think less of me and limit my ability to work with children?

Closing Comments

If you are in any doubt about a course of action or information you have been told, please call the Legacy Brisbane Child Safety Officer (07 3029 5616) or your Group Chair.

If a child is in immediate danger, call the Police on 000.

By following the guidelines outlined in this statement, you will be working to protect Legacy Brisbane's excellent reputation, allowing the organisation to continue to fulfil its vision of no social or financial disadvantage to the families of those who have served their country.