

Victorian Youth Sector Code of Ethical Practice: Consultation Draft and submission questions

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Making a submission on the Code of Ethical Practice

Why your input is important

The development of this *Draft Victorian Youth Sector Code of Ethical Practice* offers an opportunity for the youth sector to engage in important debate around youth work and ethical practice. It also allows for the development of a tool to assist all youth work professionals to approach their work with young people within a strong ethical framework. It will assist in guiding practice and to articulate the nature and objectives of that practice to others. By engaging in this debate and contributing a response to this Draft Code, members of the youth sector are able to assist to build a Code that is relevant, useful and of value to the sector.

The consultation and drafting process to date

The development of this *Draft Victorian Youth Sector Code of Ethical Practice* has been lead by the Youth Affairs Council of Victoria (YACVic) under the direction of the Code of Ethical Practice Working group, appointed by the YACVic Board of Governance. The Working Group comprises representatives from the youth sector including representatives from youth services, YACVic, the Office for Youth, Department for Victorian Communities and the Office of the Child Safety Commissioner.

The *Draft Victorian Youth Sector Code of Ethical Practice* builds on existing Codes of Ethical Practice or similar documents from both Australia and International sources. A working draft was developed by Tim Corney and Lauren Hoiles, for the Youth Affairs Council of Victoria, and utilised to conduct a range of preliminary sector consultations. Youth workers, employers of youth workers, universities, TAFEs and Registered Training Authorities were all targeted for consultation and invited to attend briefings and provide feedback in this early phase. Feedback received as part of that process was

incorporated into this updated draft before being broadly released for the submission process.

Specific advice was sought from, and generously provided by the Koori Agencies Policy Network who provided both content for, and feedback on the draft.

YACVic would like to thank everyone who engaged in the preliminary consultation phase.

The YACVic Policy Advisory Group, Board of Governance and Youth Reference Group will also be specifically consulted on this document.

How to have your say

YACVic welcomes your feedback on the *Draft Victorian Youth Sector Code of Ethical Practice*. We have posed specific questions on the Draft Code, highlighting where your feedback would be particularly valuable. Do not feel obliged to answer all questions when making a submission response, only those you wish to respond to. These questions appear throughout the document, to prompt your thinking as you read. These same questions are also listed in the accompanying word document entitled ***Draft Victorian Youth Sector Code of Ethical Practice: Submission Questions Template***. This document can be downloaded and enables you to insert your questions on the template directly, and return the document either as a hard copy by post or electrically to the details below.

Please send your response to:

By post: Attention: Jen Rose
 Youth Affairs Council of Victoria

Level 2, 172 Flinders St
Melbourne, 3000.

Email: Please write 'Code submission' in the subject heading and send to jrose@yacvic.org.au

Due Date: Submissions are due by 5:00pm **April 20, 2007**.

Should you require a hard copy of the Draft Code, have feedback you would like to discuss, or any questions about the Draft Code or this consultation process, please phone Jen Rose, Policy Officer, YACVic on 9267 3722.

What will be done with your feedback?

All feedback will be collated by YACVic and considered by the Code of Ethical Practice Working Group. Through the consideration of feedback, the Working Group will seek to identify common and key themes stemming from the submissions and to recommend changes to the Draft Code to reflect that feedback. Those changes will then be made by YACVic, and reflected in a final document.

Acknowledgments

The Youth Affairs Council of Victoria (YACVic) gratefully acknowledge the Youth Affairs Council of Western Australia (YACWA) and the United Kingdom National Youth Agency (UKNYA) for their willingness to allow the use and reproduction of their respective codes of ethics/practice within this document. YACVic also gratefully acknowledges the pioneering work of Howard Sercombe and his assistance in the drafting of this document.

The Youth Affairs Council of Victoria would also like to acknowledge the following individuals and organisations for their contribution to this project:

- ❑ Robyn Broadbent, Victoria University
- ❑ Tim Corney *
- ❑ Georgie Ferrari, YACVic *
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- ❑ Paula Grogan, Youthlaw *
- ❑ Carmel Guerra, Centre for Multicultural Youth Issues *
- ❑ Lill Healy, Office for Youth *
- ❑ Richard Hill, Youth and Community Services Consultancy *
- ❑ Lauren Hoiles
- ❑ Roger Holdsworth, Australian Youth Research Centre, Melbourne University
- ❑ The Koori Agencies Policy Network (which includes the Victorian Aboriginal Legal Services, the Victorian

Aboriginal Child Care Agency Co-operative Ltd, the Victorian Aboriginal Community Controlled Health Organisation, the Victorian Aboriginal Community Services Association Ltd and the Victorian Aboriginal Education Association Inc), through whom feedback and contributions for this document were coordinated.

- ❑ Fran Linardi, Whittlesea Youth Services *
- ❑ Jen Rose, YACVic *
- ❑ Chris Walsh, Office of The Child Safety Commissioner *

* Denotes membership of the Code of Ethical Practice Working Group.

Introduction

The Youth Affairs Council and a Code of Ethical Practice

The Youth Affairs Council of Victoria (YACVic) is the peak body representing the youth sector. YACVic provides a means through which the youth sector and young people voice their opinions and concerns in regards to policy issues affecting them. YACVic works with, and makes representations to, government and serves as an advocate for the interests of young people, workers with young people and organisations that provide direct services to young people. YACVic also promotes and supports the participation of young people in debate and policy development areas that most affect them. YACVic's resources are primarily directed towards policy analysis and development, research and consultation and to meeting the information, networking, education and training needs of our constituency.

YACVic's vision is for a Victorian community that values and provides opportunity, participation, justice and equity for all young people. The following principles inform our work:

- Human rights
- Diversity
- Early intervention
- Affirmative action
- Participation
- Collaboration
- Resourcing

□ Flexibility

YACVic is a membership based not-for profit organisation. Our membership is representative of young people, individuals and organisations working with young people from across Victoria.

YACVic's work in driving the process of development of a Victorian Youth Sector Code of Ethical Practice is consistent with our vision and principles. It has been undertaken in order to lead a process that engages and strengthens the youth sector in Victoria.

Summary

The *Draft Victorian Youth Sector Code of Ethical Practice* is motivated by the importance of ensuring the safety and wellbeing of young people and those that work with them. As such the Draft Code seeks to draw attention to particular International Conventions and Government legislation and to document the values and principles that underpin ethical youth work practice.

Preamble

The Victorian Youth Sector is currently without an endorsed Code of Ethical Practice. With the recent enactment of the *Children, Youth and Families Act 2005*, the *Child Wellbeing and Safety Act 2005*, the *Working With Children Act 2005* and the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* there is now new legislative impetus to look again at a code of ethical practice for youth work (Corney & Hoiles 2006).

The appointment, under the *Child Wellbeing and Safety Act 2005* of the Child Safety Commissioner and his recent public challenge to the youth sector to

rethink the issues of safety and protection of both young people and those that work with them (Child Safety Commission 2006), has reopened the debates associated with professional practice and codes of ethics for youth work in Victoria. Given these developments it appears that the time is now right for the youth sector to adopt a Code of Ethical Practice for youth workers (Corney & Hoiles 2006).

There are numerous ways to address the issue of 'ethics'. These may include adopting or subscribing to specific underpinning ethical theories or philosophies. However, many would argue that one of the strengths of the youth sector is the diversity of philosophical and religious traditions contained within it. As such we believe that the basis for making 'ethical' judgments about youth work practice will be assisted and informed by applying the principles, values and conventions embodied in this document. For some this may be simply summed up in the ancient dictum 'primum non nocere' - First, do no harm.

What is a Code of Ethical Practice?

A Code of Ethical Practice is a document developed by a body of practitioners to provide an agreed framework or set of values for professional practice. A Code of Ethics can also be described as 'a set of norms based on the belief systems or values of a group of people who agree to adhere to commonly held philosophical principles' (Outten 1991:8).

At the basic level a Code of Ethical Practice provides a set of statements about what is considered good practice, while at its best a Code of Ethical Practice provides an overarching guide for workers to apply ethical principles in a specific practice context (Youth Action and Policy Association [YAPA] 2005). A Code of Ethical Practice also provides workers with a frame of

reference in which to develop ethical awareness, create discussion of ethical issues and implement good and safe practice for both clients and workers. The code may be self-regulatory and voluntarily adhered to, or it may be imposed by government or sector based imperatives (YAPA 2005; Child Safety Commissioner 2006; Barwick 2006). It is proposed at this stage, that this code be voluntary, and youth workers and organisations are encouraged to adopt it.

Why does the Youth Sector Need a Code of Ethical Practice?

Safety of Young People

First and foremost the safety of young people is fundamental to the practice of youth work. The *Child Wellbeing and Safety Act 2005* Section 5 1 (c) states that 'Those who develop and provide services, as well as parents, should give the highest priority to the promotion and protection of a child's safety, health, development, education and wellbeing'. Creating a safe environment where young people are able to actively participate in their community is at the core of youth work (Youth Coalition of the ACT 2003; NYA 2004).

One of the most effective ways a profession or sector can ensure the safety of the people it works with is to implement a Code of Ethical Practice (Child Safety Commissioner 2006). A Code of Ethical Practice helps to protect young people from harm by making clear 'professional boundaries, ethical behaviour and acceptable and unacceptable relationships' (Child Safety Commissioner 2006:11). This does not mean that creative ways of working with young people will be marginalised but rather those creative ways can be

developed under a set of principles that ensure the safety and well being of the young person is central to any decisions made. (Barwick 2006).

Safety & Protection of Workers

A Code of Ethical Practice also contributes to the safety of both young people and workers by providing a clear expectation about ethical behaviour, acceptable and unacceptable relationships and professional boundaries of workers (YAPA 2005; YACWA 2003). Indeed the Child Safety Commissioner (2006:11) suggests that when professionals ‘...are clear about expectations, they are much more likely to act appropriately with each other...’ and with young people.

Without a Code of Ethical Practice, or a strong set of guiding principles, it can be difficult to ensure that all workers are working together to create a safe environment. If there are no standards upon which to guide good practice it can be difficult to argue against poor practice (Barwick 2006). If such a situation arises that poor practice is observed a Code of Ethical Practice allows the profession, organisation, and/or worker to ask someone to explain their behaviour (Child Safety Commissioner 2006). It further provides a standard to inform and guide the pre-service and in-service training of workers and volunteers.

The Role of the Child Safety Commissioner

The Office of the Child Safety Commissioner has declared that there is a clear link between the safety and wellbeing of young people and the level of professional practice of youth workers (Office of the Child Safety Commissioner 2006).

The Child Wellbeing and Safety Act 2005 establishes the Child Safety Commissioner to promote continuous improvement and innovation in child safety and out-of-home-care services. The Commissioner's role and functions cover children aged 0-18 years. It is a role that listens to children and young people and advises the Minister for Children about the range of issues affecting the safety and wellbeing of children.

In his address to the 2006 Annual General Meeting of the Youth Affairs Council of Victoria, The Child Safety Commissioner outlined the need for provisions that allow for not only the protection of young people but also for workers. In calling for a Code of Ethical Practice for the youth sector the Commissioner drew on the recent work of Hoiles and Corney (2006) and his own experiences as a youth worker. Commissioner Geary stated that:

"I strongly believe that youth work needs to come out of the shadow of aligned professions and a major step will be a strong and proud declaration of a CODE of ethical practice. Celebrating diversity involves readily including every corner of youth work. For example in institutional, residential, outreach, policy development, local government, sport, recreation and educational fields of youth work...

Taking this thinking a step further, Tim Corney and Lauren Hoiles in their article 'Why the Youth Sector Needs a Code of Ethical Practice' (Corney, Hoiles 2006) present a strong argument supporting why the youth sector needs a Code of Ethical Practice. They view a code of ethical practice as a combination of both a code of ethics and a code of conduct with an aim to provide a necessary framework for the profession, to

be used by workers in their work practice and the sector as a whole.

In essence, a code will provide workers and agencies with a statement of both ethical principals, worker boundaries and practices giving us a guide that outlines a set of values to inform our professional practice” (Child Safety Commissioner October 2006).

Human Rights - A framework for ethical youth work practice

There is increasing recognition of the importance of human rights in the way in which we work with young people and how we establish and monitor programs, policies and procedures. Human rights should underpin the work of youth workers as human rights provide guidance about how we treat people.

Human rights outline the basic standards that are essential for people to live with dignity and respect. Human rights are founded on respect for the dignity and worth of each person regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability. Just as we all have rights, we also have a responsibility to respect and promote the rights of others.

The United Nations set a common standard on human rights with the adoption of the Universal Declaration of Human Rights in 1948. Since then the United Nations has developed a series of declarations, treaties and conventions which outline rights in specific areas (such as civil and political rights) or for particular groups of people (eg the rights of women). Once a country agrees to adopt these standards, the government is obliged to respect, protect and realise the rights of all people.

The Convention on the Rights of the Child (CROC) has particular relevance to youth work practice. CROC is a treaty for the protection and promotion of rights of children and young people up to the age of 18 years.

The Convention sets out the basic human rights that children and young people have: the right to survival; to develop to the fullest; to protection from

harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The four core principles of the Convention are non-discrimination; the best interests of the child; the right to life, survival and development; and respect for the views of the child. The Convention protects children's rights by setting standards in health care; education; and legal, civil and social services.

As the Australian Government has ratified the CROC, they are obliged to create and amend laws and policies to implement the Convention and must consider all actions in light of the *best interests* of the child.

The provision of services must also be underpinned by human rights as outlined in Articles, 3.1 & 3.3 of CROC which provide a direct link between human rights and ethical practice:

Article 3.1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 3.3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

In addition to international law, Victoria has recently enacted *the Charter of Human Rights and Responsibilities* and this has specific application to youth workers.

The purpose of the Charter is to establish a framework for the protection and promotion of human rights for all members of the community, including marginalised and vulnerable groups such as children and young people.

The Charter is based on fundamental human rights protected in international human rights law, particularly the International Covenant on Civil and Political Rights (ICCPR). The Charter covers selected human rights of a civil and political nature. It includes protection from cruel and degrading treatment, freedom of association, the right to take part in public life and rights concerning equality before the law and treatment in the criminal justice process.

In addition to the full range of rights enjoyed by all it also recognises that children (that is people under the age of 18) and young people have special needs for protection. The Charter includes provisions protecting children and families, and children in the juvenile justice and criminal trial system. The Charter incorporates the 'best interest of the child' principle in determining a child's need for protection and best interests requires considering the child's perspective.

Importantly for workers employed by government agencies (including local government), the Charter imposes an obligation on 'public authorities' to act compatibly with human rights and a procedural obligation to properly consider relevant human rights in decision-making processes. 'Public authority' is defined broadly to include government agencies and departments, statutory

authorities, the Victoria Police, and local councils, and extends to bind private entities and community sector organisations where they are performing functions of a public nature on behalf of the State.

While human rights can seem intangible they have direct relevance to the way in which we work with young people and how we develop and maintain services. Human rights principles should guide service planning, delivery and evaluation and it is by understanding and implementing a human rights approach that we foster ethical practice.

Question 1: *What are the strengths and weaknesses of a human rights framework as a base for a Code of Ethical Practice?*

Young people, the sector and youth work: defining some terms

Young People

YACVic acknowledges that what defines or determines what a young person is can be influenced by a variety of factors such as, culture, ethnicity and social context to name a few. However age is a dominating factor in any definition. YACVic has adopted the definition of a young person as being aged between 12 and 25 years, which reflects YACVic's mandate as defined by YACVic's service agreement with the Office for Youth.

The Youth Sector

The youth sector is a part of the social and community services industry. It comprises those agencies, organisations, programs and workers, government and non-government, paid and unpaid, who work with, or to the benefit of, young people as a significant part of their work. It includes management, service delivery, advocacy, research, training, evaluation and policy formation (Australian Federation of Youth Sector Training Councils, 1993).

Those working in the youth sector possess a variety of skills, experiences and qualifications and the sector includes, but is not confined to, professionals who have formally trained in youth work. Most importantly, a significant proportion of the sector's work involves working with or to the benefit of young people (Health & Community Services ITAB, 1993, Youth Affairs Council of Victoria, 2004 and Sercombe 1997).

Youth Workers

Youth workers work in a wide variety of settings: in church organisations, for local governments, for government departments, for schools, for small community organisations and for large charities (Sercombe, 1997). As mentioned youth workers may undertake a range of service delivery functions as well as ancillary work such as research and management.

In Victoria there are a variety of courses from certificates to degrees (at graduate and postgraduate level) that can lead to youth work offered by Universities, TAFE and Registered Training providers.

Some people may argue that youth work is dependent upon qualification as a youth worker. However, currently a number of people employed as youth workers are not vocationally trained as youth workers and many have no formal training. Therefore, youth workers are either trained as youth workers or they practice youth work (Youth Affairs Council of Victoria, 2004).

Youth Work

Given the diverse range of work, training and expertise in the youth work field, it is difficult to arrive at a simple definition of youth work. However, there are at least three factors that make youth work unique:

- ❑ Youth work is the only profession with a discrete focus on the age 12-25. Youth workers must have a specialist knowledge of the developmental characteristics of adolescence.
- ❑ Youth work considers youth in the context of broader issues and is not narrowly problem focused.
- ❑ Youth work considers the development of the whole person. Youth workers have a range of knowledge of

generic and specialist community services such as law, health, schooling, recreation etc.

(Sercombe 1997, Youth Affairs Council of Victoria 2004)

Question 2: *Is there more information that should be included in the definitions of the youth sector, youth workers and youth work or are they adequately comprehensive?*

Values

Professions are founded on the basis of values. These values are broader than the codes of practice or rules of association that regulate membership and are values that transcend the ever changing context of day to day professional practice (Corney, 2003; Fook, Ryan & Hawkins, 2000). The National Youth Work Training Project (1997) found that values were considered critical and fundamental to underpinning good youth work practice and are an area of training that youth workers said they needed in order to be able to work effectively. This includes “understanding what values are, one’s own values, young people’s values, community values, agency values, the values of other organisations and the impact of values on determining the approach to working with young people” (National Youth Work Training Project 1997:6). Thus the inclusion of values in a code of ethical practice is imperative.

There are values that are quite specific to, and underpin youth work practice (Corney 2003 & 2004). Drawing on the work of Howard Sercombe, YACVic suggest the following:

- The young person is the “primary consideration” of the youth worker.
- Young people are seen in their social context.

- ❑ Youth work is holistic – it takes into account the whole person.

(Sercombe 1997, Youth Affairs Council of Victoria 2004)

Commonwealth of Nations Youth Secretariat and Youth Work

Australia is a member of the Commonwealth of Nations and an active participant in the Commonwealth Youth Program (CYP). The following is how the Commonwealth has recently described the role and focus of youth work and the importance of a code of ethical conduct.

The way that young people and youth development programs are perceived in the Commonwealth has changed radically. This change must also be reflected in the field of youth work - those who work directly with young people - and youth work training. Young people are now seen as active partners. They are independent stakeholders who participate fully in the development process. For youth workers, this means that young people are no longer their 'clients' to whom they deliver a service. They are now partners who shape and chart the field of youth work together. Youth workers now play the role of 'facilitators' rather than 'providers'.

The CYP has clear aims to reorient the youth work arena, to help raise the professional standards for youth work and bring greater recognition to and respect for youth work practice. They suggest that the critical pathway to developing the profession will be “creating a code of conduct to guide it, as well as structures to monitor and regulate it” (Commonwealth Youth Program 2006).

The Commonwealth Youth Program - Key values

The Commonwealth Youth Program has determined the following values as imperative to good youth work practice.

- ❑ Enabling: creating the conditions in which young people can act on their own behalf and on their own terms rather than relying on others to do things for them.
- ❑ Ensuring: operating in accordance with value systems that give a sense of purpose and meaning to how young people use their skills and knowledge.
- ❑ Empowering: putting democratic principles into practice so that young people can play an assertive and constructive part in the decision-making that affects them.

(Maunder 2003)

Submission note: Questions regarding the values listed here sit at the end of this document on page 49.

A Code of Ethical Practice: guiding principles

Submission note: Questions regarding these principles sit at the end of this section of the Draft Code on page 49.

Recognition of Indigenous Peoples

Youth workers recognise that they live, work and play on the traditional lands and waters of the Indigenous Peoples of Australia. They recognise that culture and connection to land and community is a right for Indigenous young people and that they have a right to cultural safety. Youth workers will be 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.

Commentary

It is vitally important that youth workers recognise and respect the unique rights of Indigenous peoples in assisting to promote Indigenous young people's cultural safety and general well-being.

For youth workers and youth services, this involves recognising the rights of Indigenous young people and Communities to self-determination and respecting Indigenous young people's rights to access both Indigenous Community Controlled services and other generalist services in a safe way.

Primary Consideration

Consistent with the CROC Article 1, the “primary consideration” and constituency of the youth worker is the young people with whom they engage. Where conflicts exist between obligations to one young person and another, it is resolved in ways that avoid harm and continue to support the person least advantaged by the resolution (YACWA:4). *(Please note: the term ‘primary consideration’ is not universally accepted. See the following alternatives – Primary client, partner, person, relationship, stakeholder, agent. Also note the CYP are using the term ‘active partner’ and/or ‘Independent stakeholder’ to convey similar notions).*

Commentary

Youth workers often have a lot of people they answer to: funding bodies, peers, management committees, parents, communities. This clause, which we believe is at the core of the youth work relationship, keeps us in mind of who we are there for. Lots of people working in the field don’t have the young person as their primary consideration, but see them as one of many stakeholders. That’s OK: it just means they are not a youth worker. But young people need to know that there is at least one player in the game that they can rely on to uphold their interests (YACWA:4).

Social Environment

Youth workers recognise the impact of social and structural forces on young people. Their work is not limited to facilitating change within the individual young person, but extends to the social context in which the young person lives (YACWA:5). Youth workers will particularly recognise that racism and cultural abuse is a factor in the lives of Indigenous young people and will seek to promote an environment which values their culture.

Commentary

Youth workers are agents of change in a variety of contexts, both with individual young people, but also with the social systems that can cause the problems in the first instance. As youth workers we want to be very clear that it is no use dealing with a young person in isolation. Young people (like all of us) are shaped, influenced, contained and to some extent controlled by the contexts in which they live. Young people are part of the communities and broader social contexts. This cannot be excluded from our approach to young people. It would be short sighted to think that they can be dealt with in isolation, ignoring the complex myriad of influences all around them (YACWA:5).

Equity

Youth workers' practice will be non discriminatory (YACWA:6). Youth workers work to overcome unfairness caused by unequal access to economic, social, and cultural resources (YAPA:1). Youth workers promote just and fair behaviour, and challenge discriminatory actions and attitudes on the part of young people, colleagues and others. Youth workers draw attention to unjust policies and practices and actively seek to change them (NYA: 6). Youth workers will understand that to deal with Indigenous young people with equity means that their practice should be cultural appropriate and culturally competent.

Commentary

All young people regardless of race, gender, religion, disability, environment, association, background or sexual orientation, under Human Rights and Equal Opportunity Legislation have the right to be treated in a fair manner that promotes equity and equality. This impacts directly on the youth workers approach to young people. Regardless of youth workers personal beliefs, a young person has the right to be treated fairly and responded to on the basis of their need. If a youth worker is unable to detach their personal beliefs from the situation, then they do have the responsibility to ensure that the young person is referred to a worker that is able to deal with their needs in a non discriminatory and sensitive manner. The focus here is responding to the young persons need in the best possible way (YACWA:6).

Empowerment

The youth worker seeks to enhance the power of the young person by making power relations open and clear; by holding power-holders accountable; by facilitating their disengagement from the youth work relationship; and by supporting the young person in the pursuit of their legitimate claims. Youth workers presume that young people are competent in assessing and acting on their interests (YACWA:7). Youth workers will understand that respect for Indigenous self-determination is critical to their dealings with Indigenous young people.

Commentary

The term 'empowerment' has become a bit of a buzzword, and as a result it's meaning is sometimes not clear. For this principle, empowerment is thought of in ethical terms and what it means for us as youth workers. It therefore focuses on our responsibility to being accountable to young people.

In this context, 'empowerment' also refers to young people's ethical and responsible action; we presume that young people are competent in assessing and acting on their interests. We also, however, recognise that young people are at diverse and varied stages of development and need particular assistance and support at different times. It may be that an individual young person is not a good judge of their interests 'at a particular point in time'. They may be experiencing an episode of mental illness, or be in some emotional distress. We may find out about these sorts of things as we assess the situation, but the presumption at the outset is that young people know what they are doing.

It is also important that we acknowledge that risk, and taking risks, is a part of life. Young people need opportunities to take risks and learn from their experiences. It can be the role of a youth worker to support a young person through that process. However as youth workers, we need to be aware of and sometimes challenge the assumptions we hold about young people's competency in assessing and acting in their own interests (YACWA:7).

Duty of Care

The youth worker avoids exposing young people to the likelihood of harm or injury and strives always to uphold the motto of 'do no harm' in their practice. (YACWA:8) Youth workers will take responsibility for assessing risk and managing the safety of work and activities involving young people while being aware of the need to strike a balance between avoiding unnecessary risk and permitting and encouraging young people to partake in challenging activities (NYA:6). Youth workers understand that cultural abuse and racism are factors that harm Indigenous young people.

Commentary

'Duty of Care' recognises that sometimes we may do more harm than good by intervening in a situation. We can get a bit fired up with our passion to help people, or to get things moving, or to use the skills and resources we have at our disposal, and it might not actually be the best thing.

If we are running an activity, making a referral, or engaging a young person in a program, we have a responsibility to make sure that the activity, referral or program is safe in general, and for the particular young person, and there will not be further harm that results from their involvement. Risk assessment and management needs to be thorough. Equipment needs to be well maintained, and staff need to be properly trained (YACWA:8).

We will exercise care in the employment of staff, whether paid or voluntary, full time or part time. Abuse of young people is not rare, and we are careful about who we give access to the young people we work with. Proper investigation needs to be made of people's work and criminal histories, even if they are volunteers (YACWA:8).

Corruption

Youth workers and youth agencies will not advance themselves or other stakeholders at the expense of young people (YACWA:9).

Commentary

We often think about corruption as just about money. This clause encourages us to keep ourselves honest in terms of our motivations and rewards, which may be about money but may also involve other things such as power, profile, emotional security, personal identity and so on. It is important to realise that this principle does not require altruism; in other words, we don't need to act with an entirely unselfish regard for the needs and interests of young people. It also doesn't mean that youth workers shouldn't do well out of their youth work. It is just that this cannot be at the expense of young people, so that young people don't do as well out of the youth work relationship as they would otherwise (YACWA:9).

Transparency

The contract established with the young person, and the resulting relationship, will be open and truthful (YACWA:10). The youth worker will be open and honest with young people, enabling them to access information to make choices and decisions in their lives generally and in relation to participation in youth work activities. Youth workers will recognise that accountability to different groups may conflict and take responsibility for seeking appropriate advice and making decisions in cases of conflict. (NYA: 7)

Commentary

We don't deceive young people, either by saying things that are untrue or by not saying things. This means that in initial meetings youth workers must be clear on what they can and can't offer. This applies to various areas of practice, agency policy and law. Whilst being open and truthful, workers should be mindful of issues of confidentiality, disclosure, health and safety, who the worker works for and what the agency is funded or contracted to provide. We also have a role in explaining to young people the nature of other stakeholders relationships to them and the expectations this may place upon them (YACWA:10).

Confidentiality

Information provided by young people will not be used against them, nor will it be shared with others who may use it against them. Young people should be made aware of the contextual limits to confidentiality, and their permission sought for disclosure. Until this happens, the presumption of confidentiality must apply (YACWA:11).

Commentary

Even where we think it might achieve good outcomes, we don't give names or other details to police, schools, Centrelink, other agencies or anyone else unless young people have been made aware of why there may be a need to provide private information to others and their permission has been given. In accordance with National Privacy Principles we presume that young people expect us to keep their information confidential, even if that is about where they were and who they were with. Perfect confidentiality is of course not possible or even desirable: there are always limits. We need to know what they are ourselves, and communicate and clarify them to young people at the onset of the relationship (YACWA:11).

Cooperation/Collaboration

Youth workers will seek to cooperate with others in order to secure the best possible outcomes for young people (YACWA:12). Youth workers will actively seek opportunities to collaborate with colleagues and professionals from other agencies (NYA:8), and will encourage young people and others to work together collectively on issues of common concern (NYA: 6). Youth workers will particularly be conscious of the need to work with Indigenous services in order to secure positive outcomes for Indigenous young people.

Commentary

Ethical youth work practice involves a commitment to co-operative partnerships with relevant service providers in order to collectively achieve positive outcomes in the best interests of young people. Interagency collaborative approaches enables a young person a greater range of choices in terms of support networks and access to a range of information, skills and resources to meet all their needs. It also enables a youth worker to expand their network to current information and available resources.

Working in deliberate isolation increases the risk of dependency-based relationships and denies young people the right to choice and an equitable share of available resources (YACWA:12). Thus collaboration between workers is an essential component of ethical practice as it seeks to ensure the best possible outcomes for young people even when competitive processes by Government often circumvent such outcomes by encouraging competition not cooperation (Hart 1992).

Knowledge & Skills

Youth workers have a responsibility to keep up-to-date with the information, resources, knowledge and practices needed to meet their obligations to young people (YACWA:13). Youth workers also have a responsibility to undertake appropriate cross-cultural training if their work involves dealing with Indigenous young people.

Commentary

Maintaining a level of competence through an ongoing commitment to being informed and skilled in relation to 'best practice' in youth work is essential. This is a standard requirement of most professions (YACWA:13). This includes recognising when new skills and knowledge are required, and seeking relevant education and training as well as seeking feedback from service users and colleagues on the quality of their work. Youth workers will only undertake work or take on responsibilities for which they have the necessary skills, knowledge or support. (NYA:8)

Self Awareness

Youth Workers are conscious of their own values and interests, and approach difference in those with whom they work with respect (YACWA:14). Youth workers will make themselves aware of issues around how the dominant culture privileges them in relation to Indigenous young people and seek to be culturally competent.

Commentary

This means that youth workers will take into account the diversity of values, interests and perspectives that young people may present with, and recognise their own may be different in comparison. It is important that youth workers are self-aware and recognise and challenge their own prejudices, and cultural bias. Respect and dignity are crucial to being able to accept these differences between self and the young person, whilst also recognising that universally accepted concepts of human rights cannot be compromised. (YACWA:14)

Boundaries

The Youth Work relationship is a professional relationship, intentionally limited to protect the young person. Youth Workers will maintain the integrity of these limits (YACWA:15), recognising the tensions between developing supportive and caring relationships with young people and the need to preserve the boundaries of the professional relationship (NYA:7).

Commentary

Youth workers will take care not to develop close personal, particularly sexual, relationships with the young people they are working with as this may be against the law, exploitative or result in preferential treatment (NYA:7). This means that youth workers will recognise that the relationship between themselves and a young person is a contracted relationship and therefore recognises the need to be non-sexual and limited (YACWA:15). This is particularly important in work with young people who have less access to knowledge, resources, and skills than we do. Youth workers will also take care that behaviour outside work does not undermine the confidence, of young people and the public, in youth work. (NYA:7)

Self Care

Ethical youth work practice is consistent with preserving the health of youth workers (YACWA:16)

Commentary

This means that youth workers need to prioritise the practice of self-care; of looking after the self as a means to assure longevity of career & continued high quality service provision to young people. The level of benefits to the worker from adequate self-care practice will be congruent with the level of benefits to the young people we work with (YACWA:16).

Integrity

Youth workers are loyal to the practice of youth work, not bringing it into disrepute. Youth workers will respect the strengths and diversity of roles other than youth work (YACWA:17).

Commentary

For youth workers, this means that they are aware of their role and the expectations this places upon them from themselves, other stakeholders, and from young people. Whilst undertaking a role that may be different from others, youth workers will value and respect difference in others approaches. Through continuing to portray youth work in a professional manner, youth workers will be mindful to not act in a way that can bring their role into disrepute (YACWA:17).

Ethical Awareness

Youth workers recognise the importance of continuing reflection and debate and view this statement of ethical principles as a working document which should be constantly under discussion (NYA:8 & 9)

Commentary

Developing an ethical awareness means to be aware of the standards of ethical practice around youth work. This means familiarising yourself with the code of ethical practice and having the ability to utilise the code within your work practice. It requires developing awareness of the potential for conflict between personal and professional values, as well as between the interests and rights of different individuals and between the ethical principles in this statement. It is also about being prepared to discuss difficult ethical issues in the light of these principles and contributing towards interpreting and elaborating on the practice principles (NYA: 8 & 9).

Youth workers should also contribute to ensuring colleagues, employers and young people are aware of the code of ethical practice and be prepared to challenge colleagues or employing agencies whose actions or policies are contrary to the principles in this statement. Ethical awareness is also about re-examining these principles, engaging in reflection and discussion with colleagues and contributing to the learning of the organisation where they work (NYA:8)

Anti-Opressive Practice

Youth workers will work in ways that ensure that equality of opportunity is promoted in all of our agencies, projects and events. Youth workers will have an understanding of oppression, the ability to recognise oppression and how it operates in the lives of young people (Mullaly, 2002). Youth workers will contribute to enabling and encouraging young people to understand, value, respect and celebrate their own and others cultural backgrounds and choices (Warwickshire County Council, 2006).

Commentary

Youth workers understand that oppression is not a static concept, but a dynamic and relational one (Mullaly, 2002). They will help to counter the economic and political marginalisation of young people by encouraging them to find and use their collective voice.

Youth workers will contribute to enabling and encouraging young people to understand, value, respect and celebrate their own and others cultural backgrounds and choices. Youth workers will work in ways that promote the bringing together of young people of different ethnicities, faiths, cultures, nationalities and sexual orientation so that they can celebrate what they have in common as well as learn about the differences in a safe and non-threatening environment.

Youth workers will assist young people to understand the effects of power and prejudice in society and the effects of discrimination and social exclusion on different groups in society. Youth workers will work with young people to

challenge and oppose racism, sexism, homophobia and all other forms of discriminatory oppression (Warwickshire County Council, 2006).

Social Justice

Social justice is a primary motivating value for youth workers (Crooks, 1992). Youth workers will initiate structural social change and work with the symptoms and causes of social conflict including the impact of colonization on Indigenous peoples.

Commentary

Youth workers clearly link the idea of social justice to a particular conceptualisation of the notion of youth (Corney 2004). This conceptualisation defines youth as, socially, economically and politically marginalised and disadvantaged. Youth workers see young people as suffering particular political, social and economic inequalities as a result of age primarily but also as a result of class, ethnicity, belief, sexuality, gender and ability. This is strongly supported by a chorus of voices from the sector literature, Benjamin (1989) Crooks (1992:20) Brown (1992:16) Outten (1992:8) to name but a few. As Mary Crooks (1992:20) clearly states, 'social justice' is the core value of youth work.

As such, youth workers will reject victim blaming and amusement practice paradigms and support both individual and collective consciousness raising to change unjust social structures (Brown, 1992:6).

Gary Outten, of the Youth Sector Training Council of South Australia, suggests that to enact social justice principles youth workers will take a "...holistic approach to the social, political and economic wellbeing of young people". And will use value frameworks that enable "...social and political action amongst others" (1992:8).

Participation

Participation is a fundamental right of citizenship (Hart, 1992) and as members of our society, young people have a right to participate in decision making (Broadbent, 2006). Youth workers will work towards the active engagement of young people in all areas of society and will facilitate processes where young people can participate and have a voice. Youth workers will ensure that the process of engaging young people in agencies, projects and events is NOT tokenistic (Ife, 1995; Kenny, 1994).

Commentary

The term participation is used here to refer to the process of sharing decisions which affect young people's life and the life of the community in which young people live. It is the means by which a democracy is built and it is a standard against which democracies should be measured (Broadbent, 2006).

Young people have rightly learned to look on the notion of participation with some scepticism. This has occurred through young people being consulted and informed about decisions but in effect having very little or no power to affect change. Young people have a right to sit at the table and participate in decisions about the present and the future. Youth workers understand that young people become involved because they believe they can collectively change things. Youth workers will therefore work in ways that actively promote the non-tokenistic engagement of young people (Kenny, 1994; Ife, 1995).

Roger Holdsworth (1999) has developed a three-way test for measuring the authenticity of active participation. He suggests that any project involving young people's active participation should be able to show that:

- ❑ it has value to young people - that young people chose or constructed it and see its relevance to their interests;
- ❑ it has wider value in the community - that it is meeting real and purposeful community ends;
- ❑ it has added value - it meets or exceeds mandated or legislative objectives.

Endorsing and promoting the United Nations Human Rights Regime

The Youth Affairs Council of Victoria fully endorses the United Nations Human Rights Regime and youth workers having an understanding of these rights and actively seek to promote them. Of particular note are the United Nations Convention on the Rights of the Child, the United Nations Declaration of Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples and other Conventions as they relate to children and young people.

Endorsing and promoting the Victorian Charter of Human Rights and Responsibilities

The Youth Affairs Council of Victoria fully endorses the Victorian Charter of Human Rights and Responsibilities and that youth workers have an understanding of these rights and actively work to promote them.

Question 3: Are there further values (other than those listed already from YACVic and the Commonwealth Youth Program) that you think underpin youth work that should be included?

Question 4: Do you have comment on any of the specific principles?

Question 5: Are there other principles that haven't been included, but should be?

Question 6: Could you as a youth worker carry out your work under these principles?

Question 7: What is the potential value or usefulness of a Victorian Youth Sector Code of Ethical Practice to you?

Question 8: What impact do you perceive a Code having on the sector, in an organisational setting, on individual youth workers?

Question 9: Would a glossary of terms be useful in this document? It may contain explanations of acronyms, brief descriptions of organisations and legislation referred to etc.

Question 10: A companion document, outlining how a Code can be used in an organisational setting is being considered for later release. What would be useful in a companion document?

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Legislation

Children, Youth and Families Act 2005

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