



## **Purpose**

The College has a responsibility for the welfare of its staff and students. As a result it aims to provide a working environment in which the agency of students is maximised and staff/student relationships are developed in order to improve teaching and learning. The College aspires to maintain a friendly and professional atmosphere. This atmosphere contributes to an effective and enjoyable learning environment.

The College recognises that in a healthy working environment, positive staff and student relationships will be formed; however, in order to protect both staff and students, the boundaries of personal and professional life must be fully recognised and respected.

With the New Standards for Child Protection in Non-Government Colleges applicable as of 1 January 2017, it is essential that the Staff Code of Conduct complies with these standards. It is particularly important that all College staff, volunteers and parents understand the difference between grooming and sexual abuse and the delineation of the boundaries between appropriate and inappropriate interaction between students, and between students and adults. These are addressed in this policy.

**Child grooming** is the befriending and establishing of an emotional connection with a child, and sometimes the family, to lower the child's inhibitions for child sexual abuse.

**Sexual abuse**, also referred to as molestation, is usually undesired sexual behaviour by one person upon another. When force is immediate, of short duration, or infrequent, it is called **sexual assault**.

In all situations, and in particular regard to managing students' behaviour the school explicitly forbids child abuse, corporal and degrading punishment.

**Corporal punishment**, as defined in the Guide to the Registration Standards and Other Requirements for Non-Government Schools is 'any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; can also include, for example, forcing the child to stay in an uncomfortable position. It does not include the use of reasonable physical restraint to protect the child or others from harm.

**Degrading punishment**, as defined in the 'Guide' is 'any punishment which is incompatible with respect for human dignity, including corporal punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.

## **General**

This *Code* is not intended to be contractual in nature and does not impose any contractual obligations on the College. The College reserves the right at its sole discretion to vary or cancel this Code at any time.

Nothing in this Code should be taken to limit the circumstances in respect of which the College may take disciplinary action in respect of an employee.

### **Who has to comply with the Code of Conduct?**

All employees of the College must comply with this *Code*, by accepting employment with the College you must be aware of and comply with this *Code*. Volunteers, visitors and contractors are also expected to comply with this *Code*.

## **1. Employee Expectations**

As an employee, you should be aware of the College's policies and procedures, particularly those that apply to your work. Many of these are available on the College website; others may be made available to you through induction, training and development programs and the Staff Handbook.

If you are uncertain about the scope or content of a policy with which you must comply, you should seek clarification from the Principal or your direct supervisor or line manager.

As a College employee, you are expected to:

- a) perform your duties to the best of your ability, in a timely manner and be accountable for your performance;
- b) follow reasonable instructions given by your supervisor or his/her delegate;
- c) comply with lawful directions;
- d) carry out your duties in a professional, competent and conscientious manner, while seeking suitable opportunities to improve your knowledge and skills, including through participation in relevant professional development;
- e) act honestly and in good faith in fulfilling your duties;
- f) be courteous and responsive in dealing with your colleagues, students, parents and members of the public;
- g) work collaboratively with your colleagues;
- h) ensure that your conduct, whether during or outside working hours, is consistent with the ethos of the College and does not damage the reputation of the College;
- i) dress in a professional manner that is appropriate for your role.

## **2. Code of Conduct breach**

As a College employee, you hold a position of trust and are accountable for your actions.

The consequences of inappropriate behaviour and breaches of this *Code* will depend on the nature of the breach.

Employees must report possible breaches by colleagues to their supervisor or the Principal. If the possible breach is by their supervisor then it must be reported to the Principal. Where the breach of the Code of Conduct involves a violation of the Child Protection Standards and there are reasonable grounds to suspect grooming or sexual abuse the Principal is required to inform the College Board and in turn, the College Board must report to the Director General of the Department of Education in accordance with ***Critical and Emergency Incident Procedures***.

Factors the College may consider when deciding what action to take may include:

- a) the seriousness of the breach;
- b) the likelihood of the breach occurring again;
- c) whether the employee has committed the breach more than once;
- d) the risk the breach poses to employees, students or any others; and whether the breach would be serious enough to warrant formal disciplinary action.

Actions that may be taken by the College in respect of a breach of the Code include Performance Management or remedial action, training or disciplinary action ranging from a warning to termination of employment and reporting of the matter to the Teacher Registration Board WA. The College will reserve the right to determine in its entirety the response to any breach of this Code.

### **3. Respect for people**

The College expects employees to treat each other with respect and courtesy. Our daily interaction with others reflects on the College's reputation. Therefore, all employees are expected to be approachable, courteous and prompt in dealing with other people, including students, parents, other employees and members of the community.

Employees who work with students have a special responsibility in presenting themselves as appropriate role models for those students. Modelling effective leadership and respect in your interactions with students can have a profoundly positive influence on a student's personal and social development.

### **4. Duty of care and work health and safety**

As a College employee, you have a duty of care to students in your charge to take all reasonable steps to protect students from risks of harm that can be reasonably predicted.

The duty encompasses a wide range of matters, including (but not limited to):

- the provision of adequate supervision
- ensuring grounds, premises and equipment are safe for students' use

- implementing strategies to prevent bullying from occurring in College, and
- providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a student who is injured or becomes sick at College.

### **Duty of care**

As a College employee, you have a duty of care to students in your charge. That duty is to take all reasonable steps to protect students from risks of harm that can be reasonably predicted. For example, risks from known hazards and from foreseeable risk situations against which preventative measures can be taken. The standard of care that is required, for example the degree of supervision, needs to be commensurate with the students' maturity and ability.

Duty of care to students applies during all activities and functions conducted or arranged by the College. The risks associated with any activity need to be assessed and managed before the activity is undertaken.

You should ensure that you are aware of the College's ***Duty of Care and Excursion Policies***.

### **Occupational health and safety**

You also have a responsibility under occupational health and safety legislation to take care of your own health and safety at work. It is also your responsibility to ensure that your activities do not place at risk the health and safety of your co-workers, students or other persons that you may come into contact with at work.

Considerations of safety relate to both physical and psychological well-being of individuals.

You should ensure that you are aware of and comply with the College's ***Occupational Health & Safety Policy***.

## **5. Professional relationships between employees and students**

As a College employee, you are expected to always behave in ways that promote the safety, welfare and well-being of children and young people. You must actively seek to prevent harm to children and young people, and to support those who have been harmed.

While not all employees are required to manage and supervise students, it is important for all College employees to understand and observe the ***College's child protection policies***.

## **6. Appropriate use of electronic communication and social networking sites**

The College provides electronic communication facilities for its students and employees for educational or administrative purposes. It monitors and views data stored or transmitted using the College's facilities. By its nature, electronic communication is a fast and informal way of

communicating. However, once a document or image has been sent there is no way to recall it and it exists forever.

## **7. Use of alcohol' drugs or tobacco**

The College Ethos does not allow the use of alcohol at any College functions, including staff functions. The use of drugs is strictly forbidden.

## **8. Identifying and Managing Conflicts of Interest**

Private interests can, or have the potential to, influence a person's capacity to perform their duties and in turn compromise their integrity and that of the College.

A conflict of interest can involve:

- a) pecuniary interests i.e. financial gain or loss or other material benefits;
- b) non-pecuniary interests i.e. favours, personal relationships and associations.

Conflict of interest also includes:

- a) the interests of members of your immediate family or relatives (where these interests are known);
- b) the interests of your own business partners or associates, or those of your workplace; or
- c) the interests of your friends.

## **9. Declaring Gifts, Benefits or Bribes**

As an employee, you may be offered a gift or benefit as an act of gratitude. There are some circumstances where to refuse a gift would be perceived as rude, insulting or hurtful. You are expected to exercise sound judgment when deciding whether to accept a gift or benefit.

## **10. Communication and Protecting Confidential Information**

You should be mindful of confidentiality when in discussions with parents. You cannot provide a guarantee of confidentiality if the matter under discussion requires mandatory reporting.

## **11. Record Keeping**

All employees have a responsibility:

- a) to create and maintain full, accurate and honest records of their activities, decisions and other business transactions, and
- b) to capture or store records in the College's record systems.

## 12. Copyright and Intellectual Property

When creating material you need to ensure the intellectual property rights of others are not infringed and information is recorded about any third party copyright/other rights included in materials.

## 13. Response to Allegations of Staff Breaches to the Code of Conduct

The above mentioned Code of Conduct has a range of requirements, some of which are related to the College's unique culture and therefore matters of compliance and breaches of compliance may be addressed internally by the College Principal and Board. However, the matters relating to The College Registration Standard 12 'Child Protection' relation to grooming, sexual abuse and Mandatory Reporting have legal and professional obligations which must be observed and breaches of these must be responded to within a legal framework.

In summary:

- Where the breach of the Code of Conduct involves a violation of the Child Protection Standards and there are reasonable grounds to suspect grooming or sexual abuse the Principal is required to inform the College Board and in turn, the Board must report to the Director General of the Department of Education in accordance with **Critical and Emergency Incident Procedures**. This will be done after the College Principal has sought legal and professional advice through the agency of its membership with AISWA.
- Where an allegation of grooming or child abuse involves a staff member, the complainant must be informed about advocacy, support and other services which may be available. This will be done after the College Principal has sought legal and professional advice through the agency of its membership with AISWA.
- The College will ensure that the relevant government authorities are consulted to determine when, what and by whom information relating to an allegation of child abuse and its investigation may be given to the person who is the subject of the allegation, the complainant, affected students and their parents and guardians, and the wider College community. This will be done after the College Principal has

sought legal and professional advice through the agency of its membership with AISWA.

- The College will act in a manner which ensures that victims of alleged abuse receive the support they need once an allegation is made.

Whilst at all times the College must act in the best interests and welfare of the children in its care, the College does also have an obligation of duty of care to the staff member implicated in a grooming or sexual abuse allegation. The staff member would be advised of the need to seek legal advice and the College Principal would ensure confidentiality of information is maintained whilst the matter is being investigated.