



Archdiocese of Canberra and Goulburn Catholic Education Office

Child Protection Code of Professional Standards for Catholic School and System Staffs

Preamble

The mission of Catholic schools unequivocally commits each school community to foster the dignity, self-esteem and integrity of every person. The provision of a safe and supportive environment is an essential element to ensure that each student entrusted to the care of our system schools is to be affirmed in his or her dignity and worth as a person. Within our communities students develop skills in building positive relationships; skills that are modelled by staff.

It is expected that staff in Catholic schools and the Catholic Education Office endorse the principles of child protection as a fundamental responsibility and it is within this context that this Child Protection Code of Professional Standards for Catholic School and System Staffs has been prepared. This document will assist staff in understanding and fulfilling their legal and professional responsibilities in this critical area of their work.

NSW and ACT legislation, Catholic Education Office Policy and the professional standing of educators and others working with children all highlight the need for the Catholic education sector to have a *Child Protection Code of Professional Standards* that will provide guidance for Archdiocesan Catholic School and System staffs.

This Code of Professional Standards will assist to clarify the parameters of appropriate and inappropriate conduct for staff who work in child related employment. It will also assist in achieving a safe and supportive school environment for students, staff and the school's broader community.

Related policies, procedures and publications

- Acceptable Use of Computer Facilities and External Networks
 - Child Protection (ACT)
 - Child Protection (NSW)
 - Complaints
 - Discipline
 - Exclusion
 - Excursions
 - Grievance and Dispute Handling
 - Legal Responsibilities and Authority
 - Mandatory Reporting
 - Medication
 - Pastoral Care
 - Privacy
 - Sexual Harassment
 - Student Management
 - Supervision of Boarding Students
 - Suspension
- School based policies and protocols concerning issues such as:
- Consumption of alcohol on school premises
 - Student Welfare, Discipline and Pastoral Care
 - Transport of students
 - Visitors on school premises
 - Volunteers

Child Protection Code of Professional Standards for Catholic School and System Staffs

1. *Professional Responsibilities of Staff*

In performing their duties it is expected that all staff members will support the core values of the school and system. In doing so they will avoid by word or action any influence upon students that is contrary to the teachings and values expressed by the Catholic Church in whose name they act.

Staff members have a responsibility to meet the high standards of professional and ethical behaviour required by the employer, students' families and the Catholic and wider community.

Staff undertake their responsibilities within the framework of the law and lawful instructions from their employer. Staff members must comply with legislative and industrial requirements, with this Code and any policies and procedures that are implemented by their school and the Catholic Education Office.

Staff members and the Catholic Education Office owe a duty of care to students. This duty of care is to take reasonable steps to protect students from a reasonably foreseeable risk of injury. This duty applies equally to school based activities and out of school activities involving the school and its students.

2. *Professional Relationships*

2.1 *Interactions with Students*

It is expected that staff will be caring, compassionate adults who take an interest in their students and who set appropriate boundaries within those staff-student relationships.

Staff must be aware that their interactions with students are based on a trusting relationship arising from the nature of the work, and that those relationships are open to scrutiny.

Staff must always treat students with respect. There is no place for sarcasm, derogatory remarks, offensive comments or any other inappropriate conduct that may result in emotional distress to a child.

Behaviour that may cause psychological harm to a student includes:

- ◆ *Targeted and sustained criticism, belittling or teasing;*
- ◆ *Excessive or unreasonable demands;*
- ◆ *Hostility, verbal abuse, personal rejection or scapegoating;*
- ◆ *Using inappropriate locations for social isolation, outside of the school's discipline policy, as punishment.*

Staff members must always treat students in a consistent manner without inappropriate familiarity or spending 'special time' with a student.

Some indicative behaviour that may suggest a student is not being treated in a consistent manner could include:

- ◆ *Giving gifts to a child (for example giving a birthday gift to a particular student when this is not the practice with other students, or asking the student to keep the gift a secret from others);*
- ◆ *Showing special favours to a student;*
- ◆ *Allowing a student to over-step rules, except where it is clearly articulated in a student's Individual Education Plan or Individual Behaviour Management Plan;*
- ◆ *Sharing secrets with a student;*
- ◆ *Inconsistent consequences or allowances.*

Social interactions between staff and students outside of school and school related activities can be problematic and may lead to allegations or complaints against staff. Staff members must be conscious that their position places extra obligations on them and should follow the policy and procedure as set by their school. Staff members are to seek guidance from their Principal (or Head of Division for CEO staff members) if a personal relationship exists with the student's family. In schools where there are many relationships between staff and students' families, the Principal may wish to give a general directive to staff at the start of each school year.

Examples of when staff members are to seek guidance from their Principal include:

- ◆ *Visiting students at their home;*
- ◆ *Inviting students to visit the staff member's home;*
- ◆ *Making telephone calls of a personal nature to students;*
- ◆ *Sending emails of a personal nature to students;*
- ◆ *Sending sms (text) messages to students.*

When congratulating a student, a consistent approach should be used in line with school and system practice. Staff must be conscious that their actions, particularly physical gestures may be open to scrutiny by others. Staff are required to develop and exercise prudent judgment and sensitivity regarding appropriate physical interactions with students.

Staff should, whenever possible, endeavour not to drive a student in their car unless they have specific permission, and do so in accordance with school and system policy. In the event of an emergency, staff should attempt, where possible, to obtain parental consent and also report the matter to the Principal prior to the journey commencing.

Staff members may only engage in tutoring or coaching students outside of school hours in accordance with school policy. Staff should be aware that child protection issues may arise in these circumstances and should continue to follow their obligations under this Code.

Staff should avoid, as far as possible, situations where they are alone with a student. In the conduct of their professional duties, staff may be required to work in a one to one situation with a student. In such situations staff must follow the school's policy and procedure.

When responsible for a single student, a staff member should:

- ◆ *Have previously discussed arrangements with the Principal or executive member;*
- ◆ *Maintain visibility into the room;*
- ◆ *Where possible, interact with the student in an area open to observation.*

Staffs must do everything within reason to ensure that alcohol, tobacco or prohibited substances are not consumed by students on the school's premises or at school functions, camps or excursions. Staff must not give to students, nor are they to encourage or condone the use by students of, the abovementioned substances. Consumption of alcohol by staff members at school, or while at school functions should be in accordance with school policy. Administration of prescribed medications should be in accordance with school policy.

Staff must not, under any circumstances, engage in intimate and/or sexual relationships with a student or engage in any conduct of a sexual nature with a student. It is irrelevant whether the relationship is heterosexual or homosexual, consensual or non-consensual or condoned by parents or caregivers. The age of the students or staff member involved is also irrelevant.

Improper conduct of a sexual nature by a staff member against a student includes sexual intercourse and any other form of sexual misconduct.. Sexual misconduct includes:

- ◆ *Obscene language of a sexual nature;*
- ◆ *Suggestive remarks or actions;*
- ◆ *Jokes of a sexual nature;*
- ◆ *Obscene gestures;*
- ◆ *Unwarranted and inappropriate touching;*
- ◆ *Sexual exhibitionism;*
- ◆ *Undressing in front of students;*
- ◆ *Personal correspondence with students in respect of the staff member's sexual feelings for the student;*
- ◆ *Deliberate exposure of students to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual;*
- ◆ *Possession, distribution or display of pornography;*
- ◆ *Electronic transmission of messages or files which are sexually explicit, offensive or contain inappropriate jokes;*
- ◆ *Sending sms (text) messages which are sexually explicit, offensive or contain inappropriate jokes.*

Staff in their pastoral care role must be cautious of the content and context of their discussions with students.

Staff members must exercise caution when:

- ◆ *Making personal comments about a student;*
- ◆ *Asking questions that probe a student's sexuality or personal relationships;*
- ◆ *Discussing personal details of lifestyle of self or others;*
- ◆ *Disclosing their personal contact details to students.*

Staff members must not:

- ◆ *Discuss matters of a sexual nature relating to himself or herself.*

Should any student engage, or attempt to engage, in inappropriate behaviour of a sexual nature with a staff member, then immediate steps must be taken to discourage the student and the matter should be immediately reported to the Principal.

Staff must notify the Principal immediately should they suspect a situation involving any form of reportable conduct (NSW) or concern of risk of harm to students. Staff must also be aware of individual mandatory reporting requirements under the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*, *Children and Young People Act 1999 (ACT)*. It is not the responsibility of staff to investigate allegations or suspicions of a child protection nature.

2.2 *Maintaining Professional Boundaries*

The following self-assessment may assist staff in assessing their application of professional boundaries:

- Am I dealing in a different manner with a particular student than with others under the same circumstances?
- Would I do or say this if a colleague or parent was present?
- Is my dress/availability/language different from normal with a particular student(s)?
- Are the consequences of my actions likely to have negative outcomes?
- Are my personal feelings translating into inappropriate actions?
- Could my conduct with a student be perceived as demeaning or belittling?

Staff are required to bring to the attention of their Principal any potential, perceived or actual contraventions of any of these boundaries set out in this Code, whether by themselves or colleagues. The requirement to report any possible contraventions is essential given the duty of care owed to students within the school environment. In addition, all staff are to notify any allegation of reportable conduct (NSW), complaints relevant to the safety or well being of a student (ACT) or reportable convictions (NSW) or relevant convictions (ACT) of which they become aware in accordance with current legislation and school policy.

3. *Duty of Care*

The school owes a duty of care to its staff and students. It is expected that all staff contribute towards the fulfilment of this legal duty. Staff will exercise with diligence, the duty of care that they owe to the student. In addition to this, staff are expected to take all reasonable steps to protect students from risk of harm. This may require making formal notifications/reports to government agencies as well as referring matters of concern to relevant personnel within the Catholic Education Office.

Staff members are also expected to cooperate with the school to maintain a workplace environment that is positive, open and healthy for members of the school community. Each staff member has a significant role to play in achieving and maintaining this objective. It is expected that any matters that threaten the fulfilment of this objective be reported to the staff member's direct supervisor.

The supervisory role of staff is aimed at enhancing a student's educational opportunities, building self-esteem, and ensuring students are safe and supported. Whilst in a supervisory role, the staff member has an obligation to fulfil duty of care requirements.

Staff must comply with the arrangements for student supervision put in place by the school for all activities where the student is under the duty of care of a staff member. Playground supervision is an integral part of this responsibility. Staff must actively supervise their designated area, be vigilant and constantly mobile. Punctuality is an essential element of this compliance.

Staff should be alert to bullying or any other form of harassment or discriminatory behaviour, act on and report incidents in accordance with the school's anti-bullying policy.

Ill or injured students should be attended to by the supervising staff member. Should additional assistance be required the first-aid officer should be contacted.

Attention to the personal care needs of a student should be done in accordance with the school's policy and procedure and individual management plan, if one exists.

Staff should remain with students at after school activities in accordance with school policy.

Staff involved in the supervision of students in boarding facilities associated with Trinity Catholic College Goulburn must carefully follow and implement agreed policies and protocols developed by the College to ensure the safety and well-being of boarding students.

4. *Risk Management*

All staff should be aware of risks that arise in the school and take steps to minimise and/or eliminate those risks. Staff also need to appreciate that the school, in exercising its duty of care for students and staff, may from time to time require a staff member to conduct a risk assessment, having regard to the welfare of all.

5. *Student Management*

Student discipline practices in Catholic schools aim to facilitate the development and experience of responsible self-discipline amongst students and to promote the well-being, safety and effective management of the school community.

It is the responsibility of each staff member to develop effective, consistent and appropriate management strategies in day to day interactions with students as a preventative system of behaviour management. These strategies should include a clear, consistent and graded method of dealing with inappropriate behaviours and should be developed in accordance with the school's Pastoral Care, Student Management and Discipline policies. It is the responsibility of each staff member to be familiar with these policies.

As a general rule, staff will use their management strategies in their initial dealings with students. However, students who display recurrent challenging behaviours, particularly unsafe behaviours should be referred to the appropriate person in line with the school's policy and procedures. Where a student's behaviour is unable to be managed by the implementation of the school's policies, an individual behaviour management plan should be developed for that student. All staff should be made aware of this individual management plan and act in accordance with the procedures documented in this plan.

All staff should be aware that corporal punishment is prohibited. Corporal punishment involves the application of physical force to punish or correct a student unless that physical contact is reasonable and necessary for the protection of any person.

The following behaviour management practices are unacceptable:

- ◆ *Using an object, such as a ruler, book, duster, chalk or whiteboard marker to gain a child's attention in a hostile or an inappropriate physical manner;*
- ◆ *Restraining a student for any purpose other than a student's actions causing imminent risk of harm to self or others;*
- ◆ *Hitting or kicking a student;*
- ◆ *Holding a student (other than for the circumstances outlined in section 5);*
- ◆ *Pushing, pulling, shoving, grabbing, pinching or poking a student;*
- ◆ *Shaking or throwing a student;*
- ◆ *Intimidating a student;*
- ◆ *Swearing at a student;*
- ◆ *Using sarcasm to humiliate;*
- ◆ *Locking a student in a confined space;*
- ◆ *Refusing biological needs as a means of punishment;*
- ◆ *Applying painful or noxious conditions;*
- ◆ *Criticising a student rather than the student's actions;*
- ◆ *Practices which instil an apprehension of harm or danger, or creating such apprehension as a means of controlling a student;*
- ◆ *Practices which cause a student to feel alienated;*
- ◆ *Exposing a student to material that contains violent or inappropriate sexual messages or themes, or contains adult concepts or themes that are inappropriate to the student's age or curriculum expectations;*
- ◆ *The use of medication to manage a student's behaviour, as opposed to treatment for a diagnosed condition.*

6. *Physical Contact with Students*

When physical contact with a student is a necessary part of the teaching/learning experience staff must exercise caution to ensure that the contact is appropriate and acceptable for the duty to be performed.

- ◆ *Assessing a student who is injured or ill may necessitate touching. A staff member should advise the student of what they intend to do and, where possible, seek the student's concurrence;*
- ◆ *Teaching sport, music and other activities may require the physical handling of a student to demonstrate a particular action or skill.*

Physical contact with students which may be appropriate includes:

- ◆ *Comforting an upset student;*
- ◆ *Guiding a student in a non threatening manner;*
- ◆ *Tapping a student on the shoulder to gain his/her attention after verbal requests were unsuccessful; and*
- ◆ *Protecting a student from imminent danger to himself/herself or to others.*

The physical contact referred to above is only acceptable if the contact was reasonable for the purpose of discipline, management or care of the student. The contact must also be appropriate given the age, maturity, health or other characteristics of the child. Physical contact with a student should be consistent with any behaviour management plan in place for that student.

Physical interventions (including physical restraints, removals or escorts) to contain and/or control the behaviour of students should only be employed as measures of last resort to ensure safety and protection. The use of physical intervention is restricted to occasions when the student, other students, staff or others are being harmed or are in imminent danger of being harmed.

Some examples of when it may be appropriate to use physical intervention as a last resort include:

- ◆ *A student attacking a staff member;*
- ◆ *A student attacking another student;*
- ◆ *Students physically fighting;*
- ◆ *A student causing, or at risk of causing, injury to self or others;*
- ◆ *A student misusing dangerous materials, substances or objects where it is likely that this will cause imminent harm.*

As any physical intervention involves some risk of injury to the student or staff member, staff must weigh this risk against the risks involved in failing to physically intervene when it may be warranted. All staff using physical interventions are responsible and accountable for the manner in which they exercise that authority.

7. Confidentiality

Staff should be aware of, respect and adhere to, the established lines of communication in the school.

Where matters arise in a school under Child Protection Legislation, staff should maintain the confidentiality of all parties concerned. In any matters where a staff member is in doubt as to the requirements of confidentiality, they should seek the advice of the Principal or the Principal's delegate, without discussing the matter with any other person.

8. Unacceptable Conduct

Conduct which is contrary to this Code may amount to a reportable conduct investigation under NSW Child Protection Legislation and/or inquiry by the Catholic Education Office in accordance with Catholic Education Office policy. Unacceptable conduct may result in disciplinary action by the employer or in some circumstances referral to Police or other agencies.

9. Clarification of the Code

If there is any conflict between this code and applicable legislation, the legislation will prevail. If a staff member is in doubt about the interpretation of this code then the matter should be discussed with the Principal or Human Resources Officer at the Catholic Education Office. If this matter cannot be clarified at a local level, the matter may be referred to the Catholic Commission for Employment Relations.

10. Review of the Code

To maintain the currency and value of this Code it will be reviewed and updated as necessary.

Review Date:

December 2005.

GLOSSARY

Catholic School Authority means the body responsible for the governance of each school such as a parish, Catholic Education Office, canonical administrator or a religious institute.

Child Protection Legislation is defined to include the following:

1. *Ombudsman Act 1974 (NSW)*
2. *Commission for Children and Young People Act 1998 (NSW)*
3. *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
4. *Children and Young People Act 1999 (ACT)*
5. *Community Advocate Act 1991 (ACT)*

Employer means the Director of Catholic Education or the Director's delegate

Principal means the Principal or the Principal's delegate.

School means services provided to children undertaken on school property or on sites external to the school and other school related activities such as school sport, excursions, camps, billeting.

Staff or Staff member means anyone employed by a school or the Catholic Education Office and any individual engaged by a school or the Catholic Education Office to provide services to children, this includes volunteers.

Student means any child under the age of 18 and includes persons over the age of 18 who are enrolled students in a school.

Reportable Conduct means:

- ◆ Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- ◆ Any assault, ill-treatment or neglect of a child, or
- ◆ Any behaviour that causes psychological harm to a child,

whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

- (a) Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- (b) The use of physical force that in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- (c) Conduct of a Class or Kind exempted from being reportable conduct by the Ombudsman under section 25CA of the *Ombudsman Act*.