

# **ST EUPHEMIA COLLEGE**

**K-12**



**CODE OF CONDUCT**

**2014**

## **St Euphemia College Staff Code of Conduct**

### **Introduction**

This Code of Conduct applies to all School staff, contractors and volunteers involved with St Euphemia College. The Code contains comprehensive directions as to the expected standards of behaviour within the School community. It is available to staff, contractors and volunteers whether employed as permanent, temporary or casual, during the course of their employment or involvement with the School.

While the Code outlines standards of behaviour expected of all employees of the School, it does not attempt to provide detailed and exhaustive directions dealing with every aspect of work. By setting general expectations of the standards of behaviour, the Code places an obligation on all employees to take responsibility for their own conduct and to work with colleagues cooperatively to achieve a consultative and collaborative workplace where people are happy and proud to work.

This Code is not intended to be contractual in nature and does not impose any contractual obligations on the School. The School 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 School may take disciplinary action in respect of an employee.

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

Acceptance of employment or involvement with the School, entails compliance with this Code.

### **School Staff**

School staff must:

- conduct yourself, both personally and professionally in a manner that upholds the ethos and reputation of the School
- comply with the School's policies and procedures
- act ethically and responsibly
- be accountable for your actions and decisions.

### **Contractors and Volunteers**

Contractors, consultants and volunteers working with the School must be aware of this Code and conduct themselves in a manner consistent with the conduct described in it. Conduct that is not consistent with the conduct set out in this Code may result in the engagement of a contractor, consultant or volunteer being terminated.

## 1. EXPECTATIONS AND BREACHES

### What is expected of you as an employee?

Employees, are expected to be aware of the School's policies and procedures. Many of these are available online, others may be made available through induction and training and development programs.

Clarification relating to the scope or content of a policy can be sought from the Principal, Delegated Authority or Supervisor.

Employees should also be familiar with legislation under which they are employed as this may have specific requirements which they must comply with.

As a School employee, you are expected to:

- perform your duties to the best of your ability and be accountable for your performance
- follow reasonable instructions given by your Principal, Delegated Authority, Supervisor or their delegates
- comply with lawful directions
- carry out your duties in a professional, competent and conscientious manner, while seeking suitable opportunities to improve your knowledge and skills, through participation in relevant professional development
- act honestly and in good faith in fulfilling your duties
- be courteous and responsive in dealing with your colleagues, students, parents, caregivers and members of the public
- work collaboratively with your colleagues
- dress, behave and communicate in ways which demonstrate professionalism. The employees must observe the School's dress code as determined by the Principal
- ensure that your conduct, whether during or outside working hours, is consistent with the ethos of the School and does not damage the reputation of the School.

### What happens if I breach the Code of Conduct?

School employees, should recognise that they hold positions of trust and are accountable for their actions.

- The consequences of inappropriate behaviour and breaches of this Code will depend on the nature of the breach.
- Employees should report possible breaches by colleagues to their Principal, Delegated Authority or Supervisor. If the possible breach is by their Delegated Authority or Supervisor then it should be reported to the Principal.
- Factors the School may consider when deciding what action to take may include:
  - the seriousness of the breach
  - the likelihood of the breach occurring again
  - whether the employee has committed the breach more than once
  - the risk the breach poses to employees, students or any others
  - whether the breach would be serious enough to warrant formal disciplinary action.
- Actions that may be taken by the School in respect of a breach of the Code include management or remedial action, training or disciplinary action ranging from a warning to termination of employment. The School will reserve the right to determine in its entirety the response to any breach of this Code.

## 2. REQUIRED REPORTING

Employees are required to report certain information to the School.

- All employees are required to inform the Principal if they are charged with, or convicted of a serious offence (those punishable by 12 months or more in jail). You must also inform the Principal if you become the subject of an Apprehended Violence Order.
- If, through your employment with the School, you become aware of a serious crime committed by another person, you are required to report it to the Principal, who may be required to inform the police.
- As a School employee, you must report to the Principal:
  - any concerns that you may have about the safety, welfare and well being of a child or young person
  - any concerns you may have about the inappropriate actions of any other employee, contractor or volunteer that involves children or young people
  - any concerns you may have about any other employee, contractor or volunteer engaging in 'reportable conduct' or any allegation of 'reportable conduct' that has been made to you
  - if you become aware that an employee, contractor or volunteer has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving 'reportable conduct'
  - if you become the subject of allegations of 'reportable conduct' whether or not they relate to your employment in the School
  - if your Working With Children Check clearance is cancelled or if you are or become a disqualified<sup>1</sup> person from working or volunteering with children.

You should refer to the School's Child Protection Policy for further information about these obligations.

- Teachers and some other employees have mandatory reporting obligations under the *Children and Young Persons (Care and Protection) Act 1998* (NSW) where they have reasonable grounds to suspect a child under the age of 16 years is at risk of significant harm and have current concerns about the safety, welfare and wellbeing of the child. You should refer to the School's Child Protection Policy for further information about these obligations.

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<sup>1</sup> As defined in the *NSW Child Protection (Working With Children) Act 2012* Section 18

### 3. RESPECT FOR PEOPLE

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

- Employees who work with students have a special responsibility to present themselves as appropriate role models for those students. Modelling effective leadership and respect in interactions with students can have a profoundly positive influence on students' personal and social development.
- Similarly, it is important that you treat your colleagues, other employees, contractors, students, parents and caregivers with respect. Rude or insulting behaviour, including verbal and non-verbal aggression, abusive, threatening, intimidating or derogatory language and physical abuse or intimidation towards other employees, contractors, students and parents is unacceptable. You must not use information and communication technologies, such as email, mobile phones, text or instant messaging, blogs, social media sites and other websites to engage in this type of behaviour.
- You must not discriminate against, harass or bully any employee, contractor, student, parent or caregiver for any reason. Your obligations in this regard are contained in the School's Complaints Handling, Discrimination and Harassment Policies. Unlawful harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977* or federal discrimination legislation. Bullying may be a breach of your obligations under work health and safety legislation or your duty of care at common law.
- You should ensure that you are aware of the School's Complaints Handling, Discrimination and Harassment Policies. If you believe you are being harassed or discriminated against or bullied:
  - where you feel comfortable ask the person to stop, or make it clear that you find the behaviour offensive or unwelcome. It may be useful to speak with your supervisor or Coordinator in the first instance to seek guidance on how to do this
  - raise the issue as a grievance in accordance with the School's Complaints Handling, Discrimination and Harassment Policies as soon as possible after the incident(s) has occurred.
- The School takes reports of unlawful discrimination and harassment or bullying seriously and will take action it considers appropriate if such conduct is found to have occurred, including disciplining or dismissing offenders. Many incidents can be addressed effectively if reported early.
- Victimisation and repercussions of ill treatment as a result of making a complaint will not be tolerated.
- If you lie about or exaggerate a complaint, the School will view this as a very serious matter, and you may be disciplined or dismissed.

#### **4. DUTY OF CARE AND WORK HEALTH AND SAFETY**

As a School 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 School
- 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 School.

##### **Duty of care**

- As a School 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 School. The risks associated with any activity needs to be assessed and managed before the activity is undertaken.
- Duty of care applies to all School activities eg sport, excursions, classroom management etc

##### **Work health and safety**

- You also have a responsibility under work 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 wellbeing of individuals.
- You should ensure that you are aware of the School's Work Health & Safety Policy.

##### **Supervision of students**

- You should take all reasonable steps to ensure that no student is exposed to any unnecessary risk of injury.
- You should not leave students unsupervised either within or outside the classroom. You should be punctual to class and allocated supervision. You should be familiar with and comply with the School's evacuation procedures.
- Playground supervision is an integral part of the responsibility of staff. It must take precedence over other activities. It is unacceptable to be late. You should actively supervise your designated area, being vigilant and constantly moving around.
- Students should not be left unsupervised either within or outside of class. You should remain with students at after school activities until all students have been collected. In the event that a student is not collected, you should remain with the student until he/she is collected, or seek advice from the Principal or Delegated Authority.
- You should be alert to bullying or any other form of discriminatory behaviour and report incidents to the appropriate staff member. Additional detail about student bullying is set out in the School's Welfare Policy.

- Ill or injured students should be attended to by the supervising staff member. Should additional assistance be required, you should contact the Administration Staff or other staff members.
- You should ensure that you understand and comply with the School's policy, Student Medical Needs and First Aid in regard to the storage and administration of prescribed medication to students.

## • 5. PROFESSIONAL RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS

As a School employee, you are expected to always behave in ways that promote the safety, welfare and wellbeing 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 School employees to understand and observe the School's child protection policies.

### **Supervision of students**

- You should avoid situations where you are alone in an enclosed space with a student. Where you are left with the responsibility of a single student you should ensure that this is in an open space in view of others. Where this is not possible or practical, it should be discussed with the Principal, Delegated Authority or Supervisor.
- You should never drive a student in your car unless you have specific permission from the Principal or Delegated Authority. In the event of an emergency you should exercise discretion but then report the matter to the Principal, Delegated Authority or Supervisor.
- If you wish to conduct a private conversation with a student you should consider the time and venue carefully to avoid placing yourself in a vulnerable situation. It is preferable to leave the door open. You should not locate yourself between the student and the door.
- When confiscating personal items, such as mobile phones or hats, ask students to hand them to you. Only take items directly from students in circumstances where concern exists for the safety of the student or others and your own safety is not jeopardised by this action.

### **Physical contact with students**

- You must not impose physical punishment on a student in the course of your professional duties.
- When physical contact with a student is a necessary part of the teaching/learning experience you must exercise caution to ensure that the contact is appropriate and acceptable. You should seek reassurance from the student by asking for a volunteer if necessary to demonstrate a particular activity.
- Attention to the toileting needs of young children should be done with caution. It may be appropriate to have the door open. For students with a disability the management of toileting needs should be included in the student's individual management plan.
- When congratulating a student, a handshake, pat on the shoulder or brief hug are acceptable as long as the student is comfortable with this action. Kissing of students is not acceptable.
- Assessing a student who is injured or ill may necessitate touching the student. Always advise the student of what you intend doing and seek their consent and have another staff member present where possible.
- Sometimes your duty of care may require you to restrain a student from harming him or herself or others using reasonable force. Any such strategy must be in keeping with the School's student welfare practices or individual student management plans. You should report and document any such incidents.

## Relationships with students

- You must not have a romantic or sexual relationship with a student. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual or condoned by parents or caregivers. You are reminded of:
  - the law prohibiting sexual relations with a person under the age of consent (16 years)
  - the law prohibiting sexual relations between a teacher and their student under the age of 18 years.
- You must not develop a relationship with any student that is, or that can be interpreted as having a personal rather than a professional interest in a student. An overly familiar relationship with any student (including any adult student) that you are responsible for teaching, tutoring, advising, assessing, or for whom you provide pastoral or welfare support raises serious questions of conflict of interest, trust, confidence, dependency and of equality of treatment. Such relationships may also have a negative impact on the teaching and learning environment for other students and colleagues and may cause a serious risk to the reputation of the School.
- If you consider that a student is being overly familiar, seeking to establish a personal relationship with you or has developed a 'crush' on you, you should report your concerns to the Principal or Delegated Authority as soon as possible so that a plan can be developed to manage the situation effectively and sensitively.
- At all times when speaking with students, care must be taken to use appropriate language. You must always treat students with respect and without favouritism. There is no place for sarcasm, derogatory remarks, inappropriate familiarity or offensive comments.
- You may, as part of your pastoral care role, engage in discussion with students. This is entirely appropriate. However you must be cautious about making personal comments about a student or asking questions that probe your own or a student's sexuality or relationships. You must not hold conversations with a student of an intimately personal nature where you disclose information about yourself.
- You must not:
  - invite students to your home
  - visit students at their home
  - attend parties or socialise with students unless you have the express permission of the Principal/Delegated Authority and their parents or caregivers.
- You must not engage in tutoring or coaching students from the School without the express permission of the Principal or Delegated Authority.
- You must not invite students to join your personal electronic social networking site or accept students' invitations to join their social networking site (see Section 6 - Appropriate use of electronic communication and social networking sites).
- You must not give gifts to students. You should also carefully consider your position before accepting any gift from a student. (see Section 9 - Declaring gifts, benefits and bribes)
- Wherever practical, you should avoid teaching or being involved in educational decisions involving family members or close friends. Where it is not practical to avoid such situations completely, another member of staff should make any significant decisions relating to the student's assessments and have those endorsed by the Principal/Delegated Authority.
- You should be aware of and sensitive to multicultural perspectives and practices that will influence interpretations of your behaviours.

## Child protection

- You must be aware of and comply with the School's Child Protection Policy.
- As set out in Section 2 of this document, you must report any concerns you may have about any other employee, contractor or volunteer engaging in 'reportable conduct' or any allegation of 'reportable conduct' that has been made to you, to the Principal. This includes self disclosure if the allegation involves you.
- Broadly, 'reportable conduct' includes:
  - any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child (including a child pornography offence)
  - any assault, ill-treatment or neglect of a child
  - any behaviour that causes psychological harm to a child, whether or not the child consents to the behaviour.
- Reportable conduct does not extend to:
  - 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
  - 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
  - conduct that is exempted from notification by a Class or Kind Agreement<sup>2</sup>.
- For further information about 'reportable conduct' see the School's Child Protection Policy.
- The requirements outlined in this section in relation to Supervision, Physical Contact and Relationships with Students sets professional boundaries for your behaviour. They make clear what behaviour is unacceptable and could amount to reportable conduct.

## The Working With Children Check

- The Working With Children Check is a prerequisite for paid and unpaid child related work. Under Part 2, section 6 of the *Child Protection (Working With Children) Act 2012*, child related work is defined as work in a specific child-related role or face to face contact with children in a child related sector<sup>3</sup>.
- You must have a Working With Children Check clearance which will be valid for a period of five years. You are responsible for renewing your Working With Children Check every five years.

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<sup>2</sup> A Class or Kind Agreement is an agreement between the Ombudsman and an agency (eg the Association of Independent Schools of NSW on behalf of its member schools) that allows for certain kinds of less serious reportable conduct to be exempted from notification to the Ombudsman but the Head of Agency must still conduct a workplace investigation.

<sup>3</sup> If you are already in paid child-related work, or you are a volunteer, you will be phased in over a five year period commencing 15 June 2013, according to schedule provided by the Office of the Children's Guardian.

## 6. APPROPRIATE USE OF ELECTRONIC COMMUNICATION AND SOCIAL NETWORKING SITES

The School provides electronic communication facilities for its students and employees for educational or administrative purposes. It monitors and views data stored or transmitted using the School'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.

- You must comply with the School's Communication, Communication Technology and Social Networking Policies.

This includes:

- exercising good judgment when using electronic mail, following the principles of ethical behaviour
  - using appropriate and professional language in electronic mail messages
  - being aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be discoverable: that is, the court and all parties to the dispute would be entitled to see them
  - not sending messages that are harassing, discriminatory, defamatory, threatening, abusive or obscene
  - not inviting students into your personal social networking site or accepting an invitation to theirs
  - not using social networking sites to email or contact students
  - remembering transmission, storage, promotion or display of offensive, defamatory, or harassment material is strictly forbidden
  - reporting any situations where you become aware of the inappropriate use of electronic communication and social networking sites.
- You must never use the School's networks to view, upload, download or circulate any of the following materials:
    - sexually related or pornographic messages or material
    - violent or hate-related messages or material
    - racist or other offensive messages aimed at a particular group or individual
    - malicious, libellous or slanderous messages or material
    - subversive or other messages or material related to illegal activities.

## 7. USE OF ALCOHOL, DRUGS AND TOBACCO

Work Health and Safety is of fundamental importance to the School. Maintaining a safe work environment requires everyone's continuous cooperation.

- You are responsible for ensuring that your capacity to perform your duties is not impaired by the use of alcohol or drugs and that the use of such substances does not put at risk you or any other person's health and safety.
- As a School employee, you must:
  - not attend work under the influence of alcohol, illegal drugs or non prescribed and/or restricted substances
  - not consume alcohol, illegal drugs or non prescribed and/or restricted substances while at work
  - notify your supervisor if you are aware that your work performance or conduct could be adversely affected as a result of the effect of a prescribed drug
  - take action to resolve any alcohol or other drug related problems that you have
  - consult with the Principal, Delegated Authority or Supervisor if you are concerned about working with other employees who may be affected by drugs or alcohol.

### Drugs

- As a School employee, you must not:
  - have illegal drugs in your possession while at work. Any illegal drugs found on School property or in the possession of any person on School property may result in disciplinary action including the termination of your employment and referral to the Police
  - give students or other employees illegal drugs or restricted substances, or encourage or condone their use
  - supply or administer prescription or non prescription drugs to students unless authorised to do so.

### Alcohol

- You must not take alcohol to School or consume it during School hours or at any School function at any time school students are present, including those events conducted outside School premises, unless expressly permitted to do so by the Principal. A School function is any occasion organised by the School and/or in the School's name, including dances, farewells, excursions, sporting fixtures and fund raising events.
- You must not:
  - purchase alcohol for, or give alcohol to, any School student (or to any other person under the age of 18 years)
  - encourage or condone the use of alcohol by students of any age during educational activities.

### Tobacco

- You must not smoke or permit smoking in any School buildings, enclosed area or on School grounds. This includes all buildings, gardens, sports fields, cars and car parks.
- You must not purchase tobacco or tobacco products for any School student or give them tobacco or tobacco products.

## 8. IDENTIFYING AND MANAGING CONFLICTS OF INTEREST

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

- As a School employee, you must not act in conflict with the School's best interests. A conflict of interests can involve:
  - pecuniary interests i.e. financial gain or loss or other material benefits
  - non pecuniary interests i.e. favours, personal relationships and associations.

It may not only be about your own interests. It may include:

- the interests of members of your immediate family or relatives (where these interests are known)
  - the interests of your own business partners or associates, or those of your workplace
  - the interest of your friends.
- When faced with a situation in which a conflict of interest may be present, you should report any potential or real conflict to the Principal, Delegated Authority or supervisor.
  - You should also report situations where a superior or colleague who has an identified conflict, is, or may be perceived as, unduly influencing your decision.

## 9. DECLARING GIFTS, BENEFITS AND BRIBES

As an employee, you may be offered a gift or benefit as an act of gratitude. There are some circumstances when 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.

- If you are offered a bribe (i.e. anything given in order to persuade you to act improperly), you must refuse it, explain why it is not appropriate and immediately report the matter to the Principal or Delegated Authority.
- Accepting gifts and other benefits has the potential to compromise your position by creating a sense of obligation and undermining your impartiality. It may also affect the reputation of the School and its staff. You must not create the impression that any person or organisation is influencing the School or the decisions or actions of any of its employees.
- If you are offered a gift or benefit, you should always consider the value and purpose of a gift or benefit before making any decision about accepting it. An acceptance of a substantial gift (as defined by the Principal or Delegated Authority) must not be accepted without consulting the Principal or Delegated Authority.

## **10. COMMUNICATION AND PROTECTING CONFIDENTIAL INFORMATION**

### **Communication**

- You are required to comply with the School's Communication Policy and Privacy Policy.
- You should be mindful of confidentiality when involved in discussions with parents or caregivers. You cannot provide a guarantee of confidentiality if the matter under discussion requires mandatory reporting.
- You should not disclose personal information about another staff member to students, parents or caregivers or discuss their work performance, except if authorised by the Principal or the Delegated Authority in the context of complaints handling.
- All matters discussed in staff meetings and staff memos are to be treated confidentially and not discussed with students, members of the School community, or the public.
- The media should not be given access to students or allowed entry to the School without the express permission of the Principal. You should not make any comments to the media about the School, students, parents or caregivers without the express permission of the Principal. For more information see the School's Media Relations and Critical Incidents Policy.

### **Confidential information**

- As a School employee, you must only use confidential information for the work related purpose it was intended.
- Unless authorised to do so by legislation, you must not disclose or use any confidential information without the express permission of the Principal or Delegated Authority.
- You must make sure that confidential information, in any form, cannot be accessed by unauthorised people.

### **Privacy**

- Sensitive and personal information should only be provided to people, either within or outside the School, who are authorised to have access to it.
- You should always exercise caution and sound judgment in discussing the personal information of students, parents, staff and other people with other School employees. Normally, information should be limited to those who need to know in order to conduct their duties, or to those who can assist in carrying out the School's work because of their expertise. See also the School's Privacy Policy.

## **11. RECORD KEEPING**

- All employees have a responsibility:
  - to create and maintain full, accurate and honest records of their activities and decisions
  - to appropriately store records on the School's record system.
  
- You must not destroy or remove records without appropriate authority.
  
- Supervisors have a responsibility to ensure that the employees reporting to them comply with their records management obligations.
  
- Employees responsible for assessing and recording outcomes and marks for students' work must do so accurately, fairly and in a manner that is consistent with relevant policy and the requirements of the School.
  
- Employees must maintain the confidentiality of all official information and documents which are not publicly available or which have not been published.

## 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.
- Advice relating to sharing or licensing the School's intellectual property should be sought from the Principal.
- The School cannot give away or assign its intellectual property without the approval of the Principal.
- If you develop material that relates to your employment with the School, the copyright in that material will belong to the School. This may apply even if the material was developed in your own time or at home.
- You should not use the School's intellectual property (including copyright) for private purposes without obtaining written permission from the Principal.

## 13. ACKNOWLEDGEMENT

I \_\_\_\_\_ have read, understood and agree to comply with the terms of this Code of Conduct.

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**Signed**

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**Dated**