

CHILD PROTECTION CODE OF PROFESSIONAL STANDARDS

DIOCESE OF WAGGA WAGGA

Child Protection Code of Professional Standards for Catholic School Employees

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 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 modeled by employees.

It is expected that employees of Catholic schools 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 Employees has been prepared. This document will assist employees in understanding and fulfilling their legal and professional responsibilities in this critical area of their work.

The *Child Protection Legislation Amendment Act 2003* took effect on 23 April 2004. This Act amended *Part 3A Ombudsman Act 1974* and *Part 7 Commission for Children and Young People Act 1998* (referred to in this document as 'the Child Protection Legislation'). The amendments highlight the need for the Catholic education sector to have a *Child Protection Code of Professional Standards* that will provide guidance for its employees.

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

Related policies, procedures and publications

Occupational Health and Safety Policy

Diocesan Pastoral Policy 2007

Duty of Care Guidelines 2002

1. Professional Responsibilities of Employees

In performing their duties it is expected that all employees will support the core values of the school. 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.

Employees 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.

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

Employees (and school authorities) 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.

2. Professional Relationships

2.1 Interactions with Students

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

Employees 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.

Employees must always treat students with respect. Within this, 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 include:

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

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

Some indicative behaviours 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;*
- ◆ *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 employees and students outside of school and school related activities can be problematic and may lead to allegations against employees. Employees must be conscious that their position places extra obligations on them and should follow the policy and procedure as set by their school. Employees are to seek guidance from their Principal if a personal relationship exists with the student's family. In schools where there are many relationships between employees and students' families, the Principal may wish to give a general directive to employees at the start of each school year.

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

- ◆ *Visiting students at their home;*
- ◆ *Inviting students to visit the employee'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 practice. Employees must be conscious that their actions, particularly physical gestures may be open to scrutiny by others. Employees are required to develop and exercise prudent judgment and sensitivity regarding appropriate physical interactions with students.

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

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

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

When responsible for a single student, an employee should:

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

Employees 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. Employees must not give to students, nor are they to encourage or condone the use by students of, the abovementioned substances. Consumption of alcohol by employees 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.

Employees 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 employees involved is also irrelevant.

Improper conduct of a sexual nature by an employee 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 employee'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.*

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

Employees 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.*

Employees must not:

- ◆ *Discuss matters of a sexual nature relating to themselves.*

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

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

2.2 Maintaining Professional Boundaries

The following self-assessment may assist employees 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 was present?
- Is my dress/availability/language different from the 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?

Employees 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 employees are to notify any allegation of reportable conduct or reportable convictions 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 employees and students. It is expected that all employees contribute towards the fulfillment of this legal duty. Employees will exercise with diligence, the duty of care that they owe to the student. In addition to this, employees 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 School Authority.

Employees 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 employee has a significant role to play in achieving and maintaining this objective. It is expected that any matters that threaten the fulfillment of this objective are reported to the employee's direct supervisor.

The supervisory role of employees 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 employee has an obligation to fulfill duty of care requirements.

Employees 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 an employee. Playground supervision is an integral part of this responsibility. Employees must actively supervise their designated area, be vigilant and constantly mobile. Punctuality is an essential element of this compliance.

Employees 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 employee. Should additional assistance be required employees should contact the first aid officer.

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.

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

As well as the above considerations with regard to duty of care all Boarding School employees must comply with the arrangements that are put in place with regard to after school activities.

4. Risk Management

All employees should be aware of risks that arise in the school and take steps to minimise and/or eliminate those risks. Employees also need to appreciate that the school, in exercising its duty of care for students and employees, may from time to time require an employee 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 employee 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 employee to be familiar with these policies.

As a general rule, employees 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 employees should be made aware of this individual management plan and act in accordance with the procedures documented in this plan.

All employees 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 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 fear, or using fear 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 psychotropic 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 employees 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. An employee 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, employees 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 an employee;*
- ◆ *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 employee, employees must weigh this risk against the risks involved in failing to physically intervene when it may be warranted. All employees using physical interventions are responsible and accountable for the manner in which they exercise that authority.

7. Confidentiality

Employees 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, employees should maintain the confidentiality of all parties concerned. In any matters where an employee 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 employee.

8. Unacceptable Conduct

Conduct which is contrary to this Code may amount to reportable conduct and/or disciplinary action within the meaning of Child Protection Legislation and will be dealt with in accordance with the school's disciplinary policy.

9. Clarification of the Code

If there is any conflict between this code and applicable legislation, the legislation will prevail. If an employee is in doubt about the interpretation of this code then the matter should be discussed with a more senior employee. 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

Child Protection Legislation is defined to include the following:

1. *Ombudsman Act 1974*
2. *Commission for Children and Young People Act 1998*
3. *Children and Young Persons (Care and Protection) Act 1998*

Employee means anyone employed by a school and any individual engaged by a school to provide services to children, this includes volunteers.

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

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

Principal means the Principal or the Principal's delegate.

Student means any child under the age of 18, regardless of whether they are an enrolled student at the 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,

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