



**EDMUND RICE EDUCATION
AUSTRALIA**

NORTHERN REGION

Code of Conduct for Interacting with Children and Young People

July 2009

1. Introduction

This *Code of Conduct for Interacting with Children and Young People* ("the Code") is designed to assist Edmund Rice Education Australia to meet its legal obligation to provide a Code of Conduct for interacting with children and young people for all employees under the Student Protection Risk Management Strategy as detailed in the *Commission for Children and Young People & Child Guardian Act 2005 s99G(4)*.

2. Applicability of the Code of Conduct for Interacting with Children and Young People

This *Code of Conduct for Interacting with Children and Young People* applies to all Edmund Rice Education Australia employees in the Northern Region contracted on a continuing, fixed term or casual basis. Volunteers are also required to abide by this Code.

Employees and volunteers owe a duty of care to students. This duty of care is to take appropriate action to protect students from a reasonably foreseeable risk of harm. This duty applies equally to school based activities and out of school activities involving the students. School based employees should note that the Code and the Edmund Rice Education Australia Northern Region Student Protection Policy are also to apply within residential settings and while escorting students on camps, excursions and tours within or outside Australia.

It is noted that some employees must also adhere to other Codes of Conduct, such as those published by the Queensland College of Teachers and other relevant professional bodies.

3. Definitions

Employee refers to each person working with Edmund Rice Education Australia Northern Region including staff, contractors, religious and volunteers (both paid and unpaid) involved in schools, Flexible Learning Centres and Outreaches, Nudgee International College and Indooroopilly Montessori Children's House.

Harm caused to a child is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental harm not involving negligence or misconduct. Harm to a child includes minor harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the child if allowed to continue. Harm can be caused by, amongst other things, physical or emotional abuse or neglect; or sexual abuse or exploitation. (Child Protection Act 1999; Department of Education Manual HS-17 Student Protection, p.10)

Principal refers to a person who has delegated responsibility for the day to day operations of a particular school for which Edmund Rice Education Australia is the governing authority and includes the Chief Executive Officer, Nudgee International College and the Director/Manager, Indooroopilly Montessori Children's House.

School means a school operated by Edmund Rice Education Australia and includes Flexible Learning Centres and associated outreaches, Nudgee International College and Indooroopilly Montessori Children's House.

Student is any person, regardless of age, enrolled in a school. The term also includes children enrolled at Indooroopilly Montessori Children's House and young people enrolled at Nudgee International College.

4. Context

Edmund Rice Education Australia unequivocally commits to fostering the dignity, self-esteem and integrity of every person. The provision of a safe and supportive environment is essential to ensure that all children and young people entrusted to our care are affirmed in their dignity and worth as a person.

Schools will at all times endeavour to provide a nurturing, safe, environment that meets the needs of young people in their care. Schools with residential facilities will endeavour to meet the additional needs of young people living away from home, whilst ensuring that safe practices in compliance with this Code are implemented.

5. Vision

Catholic Schools in the Edmund Rice Tradition offer a distinctive Catholic education. School Vision and Mission Statements give expression to the distinctiveness of each educational ministry as it serves the mission of the Church in today's world. The Charter for the authentic expression of Catholic Schools in the Edmund Rice Tradition articulates the cultural characteristics of Edmund Rice Education.

6. Code of Conduct for Interacting with Children and Young People

6.1 Appropriate Professional Boundaries

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 relationships of trust, and that those relationships are open to scrutiny.

Employees 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 or **psychological harm** to a student.

Some indicative behaviours that may cause psychological harm to a student includes:

- *targeted and sustained criticism, belittling or teasing;*
- *excessive or unreasonable demands;*
- *hostility, verbal abuse, rejection or "scape-goating";*
- *any form of harassment of students with disabilities or their associates;*
- *using inappropriate locations or social isolation, outside of the school's behaviour support 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.*

Employees must be conscious that their position places extra obligations on them and this requires them to model and encourage behaviours that minimise the risk of harm to students. To prevent the risk of harm to students, employees should exercise discretion and caution if and when engaging in social activities with students outside of school. It is required that employees do not engage with students in social activities outside of school including activities such as post formal and student parties. It is essential at all times that employees **maintain appropriate professional boundaries** with all students.

In schools where there are relationships between employees and students' families, each employee should be conscious of the difference between professional and personal relationships and ensure appropriate professional conduct and boundaries are maintained at all times. Where appropriate, employees may seek guidance from and/or inform their Principal when a personal relationship exists with a student's family. The Principal must give a general directive to employees at the beginning of each school year reminding staff of the need to ensure professional boundaries are maintained.

Some examples of when employees are to ensure professional boundaries are maintained and 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;*
- *giving students employee's home phone number;*
- *sending emails, sms (text) of a personal nature to students;*
- *communication of a personal nature using social networking sites.*

Employees must **avoid**, as far as reasonably possible, **situations where they are alone with a student**. The nature of the work and duty of care may require an employee to be alone with a student. If this happens the employees should exercise caution.

Some examples when an employee should exercise this caution include:

- *Transporting a student in their car. An employee should not drive a student in their car unless they have specific permission, and do so in accordance with school policy. Prior approval must be obtained from the Principal when it is necessary to escort a student to an appointment, e.g., medical, dental, tuition, etc. In the event of an emergency, employees should attempt to obtain parental consent and also report the matter to the Principal or other senior staff member, where possible prior to the journey commencing.*
- *Tutoring or coaching students outside of school hours. This should only be conducted in accordance with school policy. Employees should be aware that separate professional and student protection issues may arise in these circumstances and should continue to follow their obligations under this Code.*
- *Counselling or interviewing students. Ensure the setting is appropriate for the activity. For example, in all rooms where students are located and/or likely to be interviewed, there will be glass windows and/or glass panes in doors. At no time will doors be locked.*
- *Supervision in sleeping, dressing or bathing areas. Supervision should be in accordance with school policies and procedures*
- *Supervision of detention and chores. Ensure at least two students are involved in chores and activities rather than individual students, especially after hours, or in recess.*

For **overnight and extended activities**, a minimum of two adult supervisors will supervise students. The gender and number of supervisors should be appropriate for the composition of the student groups. Prior approval from the Principal or delegate must be obtained when camps and excursions are conducted. Appropriate risk assessment and management procedures must be prepared and followed.

6.2 Appropriate Student Behaviour Management

Student behaviour support practices in EREA schools aim to facilitate the development and experience of responsible self-discipline amongst students and to promote the wellbeing, safety and effective management of the school community.

Each person working in Edmund Rice Education Australia Northern Region is expected to abide by the school's student behaviour management/support policy and avoid any action that will threaten a student's sense of personal safety.

Employees should be aware that the following behaviour management practices are **unacceptable**:

- any form of corporal punishment
- 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;
- holding or restraining a student for any purpose other than a student's actions causing imminent harm to self or others;
- hitting, kicking, pushing, pulling, shoving, grabbing, pinching, poking, shaking or throwing a student
- intimidating, swearing at or using sarcasm to humiliate a student;
- locking a student in a confined space and/or applying painful or noxious conditions;
- refusing biological necessities as a means of punishment;
- criticising a student rather than the student's actions;
- practices which instil fear or using fear or practices which cause a student to feel alienated as a means of controlling a student;
- exposing a student to material that 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.

6.3 Appropriate 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. Employees are required to develop and exercise prudent judgment and sensitivity regarding appropriate physical interactions with students.

Examples of situations in which physical contact with a student may be appropriate include:

- 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 consent;
- 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 a distressed student;
 - guiding a student in a non threatening manner;
 - gently 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.

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. Only such force as is reasonably necessary in the circumstance is permitted.

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 and these interventions should be documented according to school procedures.

6.4 Preventing Sexual Misconduct

Employees must not, under any circumstances, engage in intimate and/or sexual relationships with a student or engage in any conduct or communication of a sexual nature with a student. The age of the student or the employee involved is irrelevant. It is also irrelevant whether the relationship is heterosexual or homosexual, consensual or non-consensual or condoned by parents or caregivers. Such circumstances may also result in criminal charges and for teachers and may be reportable to the Queensland College of Teachers.

Sexual misconduct includes:

- obscene language of a sexual nature, suggestive remarks, jokes of a sexual nature or obscene gestures;
- unwarranted and inappropriate touching;
- sexual exhibitionism or 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 materials 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 or communicating using social networking sites material which is sexually explicit, offensive or contains inappropriate jokes.

Employees in their pastoral care role must be cautious of the content and context of their discussions and interactions 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 with students personal details of the employee's or student's lifestyle;
- disclosing their personal contact details to students;
- supervising students in residential facilities, taking particular care to respect the personal space of children and young people.

Employees must not:

- discuss with a student matters of a sexual nature relating to themselves or any other person;
- supply or serve alcohol, tobacco or illicit drugs to a student;
- supply or administer medication without the express permission of a parent or guardian.

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.

7. Clarification of the Code of Conduct for Interacting with Children and Young People

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 the Principal or another appropriate senior staff member. If this matter cannot be clarified, it may be referred to the Regional Administrator, Northern Region, Edmund Rice Education Australia.

8. Breaches of the Code of Conduct for Interacting with Children and Young People

Conduct which is contrary to this Code may amount to professional misconduct which will be dealt with in accordance with relevant Edmund Rice Education Australia policies and in accordance with principles of fairness and natural justice.

Should any employee or volunteer have concerns about possible breaches of this Code, they should speak with the Principal or appropriate senior staff member.

Notification of 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 student harm of which they become aware in accordance with current legislation and Edmund Rice Education Australia Northern Region Student Protection Policy.

9. Implementation

Principals will ensure regular training is made available to employees regarding this Code. This training will be further supported by the work of each school's Student Protection Contact who will provide information to staff about staff responsibility as it applies to Student Protection. Edmund Rice Education Australia Northern Region Office will provide opportunities for Principals to ensure their understanding of the Code and their responsibilities in relation to its implementation at the school.

10. Review of the Code of Conduct for Interacting with Children and Young People

This Code will be reviewed and updated as necessary and/or as required by legislation.

(Note: Assistance in the drafting of this document from Archdiocese of Brisbane Catholic Education through the provision of a copy of that organisation's code of conduct is acknowledged and appreciated)