St Gregory’s College
Campbelltown

CHILD PROTECTION CODE OF PROFESSIONAL
STANDARDS FOR EMPLOYEES

Confirmed November 2011
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ST. GREGORY’S COLLEGE, CAMPBELLTOWN
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1. **Preamble**

1.1 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 St. Gregory’s College, Campbelltown is to be affirmed in his dignity and worth as a person. Within our community, students develop skills in building positive relationships, skills that are modeled by the College’s employees.

1.2 It is expected that employees of the College 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 Employees of St. Gregory’s College, Campbelltown has been prepared. The Code will assist employees in understanding and fulfilling their legal and professional responsibilities in this critical area of their work.

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

1.4 The Code will assist to clarify the parameters of appropriate and inappropriate conduct for employees who work in child related employment at the College. It will also assist in achieving a safe and supportive school environment for students, employees and the College’s broader community.

2. **Related Policies, Procedures and Legislation**

2.1 College policies relevant to the Code are as follows:

- Child Protection Overview
- Child Protection Guidelines
- Duty of Care Expectations
- Pastoral Care Policy
- Staff Code of Professional Practice

Policies are located on the College intranet Skyblue, within the policies and procedures folder under Deputy.

3. **Professional Responsibilities of College Employees**

3.1 In performing their duties it is expected that all College employees will support the core values of the College. 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 and the spirit of Marcellin Champagnat, the founder of the Marist Brothers, in whose name they act.

3.2 Employees have a responsibility to meet the high standards of professional and ethical behaviour
required by the College, students’ families and the Catholic, College and wider communities.

3.3 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 the College.

3.4 Employees (and the College) owe a duty of care to our 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 College.

4. Professional Relationships

4.1 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.

Behaviors 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 scapegoating;
- using inappropriate locations or social isolation, outside of the College’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 the College. Employees are to seek guidance from the Principal if a personal relationship exists with the student’s family.

Examples of when employees are to seek guidance from the 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 College 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, endeavor not to drive a student in their car unless they have specific permission, and do so in accordance with college 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 college 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 College policy and procedures.

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 College’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 College policy. Administration of prescribed medications should be in accordance with College 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;
- 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 careful 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 e.g. private email addresses and mobile phone numbers

**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 (NSW). It is not the responsibility of employees to investigate allegations or suspicions of a child protection nature.

### 4.2 Grooming

Staff members must not engage in grooming behaviour. Grooming behaviour involves a pattern of
conduct that is consistent with grooming a child for sexual activity, where there is no other reasonable explanation for it.

Examples of grooming behaviours include:

- persuading a child or group of children that they have a ‘special’ relationship, for example, by spending inappropriate special time with a child, inappropriately giving gifts or showing special favours to them but not other children, inappropriately allowing the child to overstep rules, or asking the child to keep this relationship to themselves
- Testing boundaries, for example, by undressing in front of a child, encouraging inappropriate physical contact (even where it is not overtly sexual), talking about sex, or ‘accidental’ intimate touching
- Inappropriately extending a relationship outside of work (except where it may be appropriate - for example, where there was a pre-existing friendship with the child’s family or as part of normal social interactions in the community)
- Inappropriate personal communication (including emails, telephone calls, letters, text messages, social media and web forums of a sexual nature).

If there are reasons for a staff member to communicate with children or their families using electronic information and communication technology (ICT) for reasons other than work purposes, it is important to discuss this with and gain the approval of the Headmaster or Deputy Headmaster.

4.3 Sexually inappropriate behavior

Staff members must not make sexually explicit comments or engage in other sexually overt or implied behaviour towards or in the presence of children. Such behaviour may constitute sexual misconduct.

Examples of sexual behaviours include:
- inappropriate conversations of a sexual nature
- unwarranted and inappropriate touching
- exposure of children to sexual behaviour of others
- watching children undress in circumstances where supervision is not required.

Staff members must not have an intimate, romantic or sexual relationship with any child who is under their care or supervision regardless of their age. It is irrelevant whether the relationship is consensual, non-consensual, known to or condoned by parents, guardians or caregivers.

Staff members must not commit a sexual offence. This encompasses all criminal offences involving a sexual element that is committed against, with or in the presence of a child.

Extreme care must be taken in any relationship between a staff member and a former child client, even if the child is currently over 18 years of age.

A personal or sexual relationship with a former child client entered into by any staff member may be considered sexual misconduct if it is established that the staff member used his or her position to develop and/or maintain an inappropriate personal or intimate relationship with the child when they were a client of St Gregory’s College Campbeltown.
4.4 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 the 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 College policy.

5. Duty of Care

5.1 The College 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 College.

5.2 Employees are also expected to cooperate with the College 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.

5.3 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.

5.4 Employees must comply with the arrangements for student supervision put in place by the College 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.

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

5.6 Ill or injured students should be attended to by the supervising employee. Should additional assistance be required employees should contact the one of the College’s First Aid officers.
5.7 Attention to the personal care needs of a student should be done in accordance with the college policy and procedure and individual management plan, if one is in place at the time.

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

5.9 Employees with boarding school responsibilities are expected to conduct supervision before, during and after school hours in accordance with college policy for such responsibilities.

6. Risk Management

6.1 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 College, 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.

7. Student Management

7.1 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.

7.2 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 behaviors and should be developed in accordance with the college’s pastoral care, student management and discipline policy. It is the responsibility of each employee to be familiar with these policies.

7.3 As a general rule, employees will use their management strategies in their initial dealings with students. However, students who display recurrent challenging behaviors, particularly unsafe behaviors should be referred to the appropriate person in line with the College policy and procedures where a student’s behavior is unable to be managed by the implementation of the College’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.

7.4 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 instill 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.

8. Physical Contact with Students

8.1 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.
8.2 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.

8.3 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.

8.4 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.

9. Confidentiality

9.1 Employees should be aware of, respect and adhere to, the established lines of communication in the College.

9.2 Where matters arise in the College 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 Headmaster or the Headmaster’s delegate, without discussing the matter with any other employee.

10. Unacceptable Conduct

10.1 Failure to comply with the child protection responsibilities and obligations required by legislation or this document will result in disciplinary action being taken, up to and including immediate termination of employment, termination of contractor agreement, notification to external agencies and/or criminal charges.

10.3 A staff member who becomes aware of a possible breach of this document or legislation by another staff member must report this to their supervisor or Deputy Headmaster or Headmaster. Failure to do so may result in disciplinary action.

11. Victimisation

11.1 Staff members must not take detrimental action against a complainant or person who reports information as required by legislation and this document. Such action is unlawful, may be regarded
as serious misconduct and may result in disciplinary action, including termination of employment.

12. Notification and reporting

12.1 To satisfy reporting and notification requirements under the law, including:

- mandatory requirements under the Children and Young Persons Care and Protection Act 1998
- reportable conduct requirements under Part 3A of the Ombudsman Act 1974
- reporting requirements to the Office of the Children’s Guardian under the Child Protection (Working with Children) Act 2012

and in line with St Gregory’s College Campbelltown values, staff members are required to notify or report certain matters of concern, including:

- informing to the Headmaster or Headmaster’s delegate if they are charged with or convicted of an offence relevant to working in child-related employment, or if they have had any reportable conduct allegation made against them
- reporting to the Headmaster or Headmaster’s delegate any allegations or convictions of reportable conduct involving any other staff member that they are aware of, or reasonably suspect
- reporting to the Headmaster or Headmaster’s delegate any information or concerns about inappropriate behaviour by any staff member that involves a child or children
- reporting to the Headmaster or Headmaster’s delegate suspected risk of significant harm to a child.

St Gregory’s College Campbelltown will then determine if reporting or notification needs to be made to the relevant authority, including the NSW Ombudsman’s Office, Office of the Children’s Guardian, Family and Community Services and/or the Police.

13. Record Keeping

13.1 A staff member must maintain appropriate records and data in relation to their professional practice in the care and protection of children. Records may include case notes, student/client files and behaviour management plans.

13.2 A staff member must keep contemporaneous records of any disclosure, observations and discussions regarding a child protection matter, including any alleged breach of this document.

13.3 These records must be kept in a secure location as provided for by St Gregory’s College Campbelltown.

14. Investigations

14.1 Allegations of a child protection nature against a staff member will be investigated and dealt with in line with St Gregory’s College Campbelltown Managing Conduct and Performance policy.

15 Working with Children Checks
15.1 Staff members who are required to have a working with children check and do not have a current clearance, or are barred from working with children, cannot continue to be engaged in child related work. Consequently, their employment or engagement with St Gregory’s College Campbelltown may be terminated.

16. Clarification of the Code

16.1 If there is any conflict between the Code and applicable legislation, the legislation will prevail. If an employee is in doubt about the interpretation of the 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 NSW Commission for Children and Young People.

17. About the Code/Review

17.1 This Code is not a term of any contract, including any contract of employment.

17.2 The Code may be varied from time to time in the event of any information that would demonstrate the need for a review, or resulting from any legislative or organizational change that would warrant a review.

The code will be reviewed regularly and staff communicated with regarding any changes that may occur. This will form part of the professional development obligations for staff.
Definitions

Child Protection Legislation

Staff members are required to be familiar and comply with child protection legislation as varied from time to time, including but not limited to:

- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Ombudsman Act 1974;
- Commission for Children and Young People Act 1998;
- Crimes Act 1900 (NSW)
- Children and Young Persons (Care and Protection) Act 1998.

Employee

- Paid employees whether employed on a permanent, temporary or casual basis
- Religious, volunteers, contractors, subcontractors, consultants and students on tertiary practicum placements.

School

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

Principal

The Headmaster or the Headmaster’s delegate.

Student

Any person under 18 years of age, regardless of whether they are an enrolled student at the College.

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.