



DIVINE MERCY COLLEGE

STAFF CODE OF CONDUCT

Background

The Minister for Education in accordance with section 159 of the School Education Act 1999 has made changes to the Registration Standards for non-government schools; these changes take effect from 1st January 2017. These changes consist of all schools having a Code of Conduct.

Aim of this Code

The Code aims to promote positive work practices and establishes expectations for personal and professional boundaries concerning appropriate and inappropriate behaviour in relation to staff, students, volunteers, parents and guardians at Divine Mercy College. These principles are designed to give guidance to employees when making both professional and personal decisions the consequences are clearly stated and where appropriate the scale of consequences in place.

The Code of Conduct is to be read in conjunction with other relevant school policy and procedural obligations as set out by Divine Mercy College, including but not limited to

- Bullying Policy
- Child Protection Policy including Mandatory Reporting Obligations
- Behaviour Management Policy
- ICT Policy
- Dress Standards (Teachers)

Please refer to Staff Handbook and DMC Policy File for all policies.

If any employee does **not** following the Code of Conduct, has concerns about **grooming, child abuse or other behaviour which is not permitted by the Code of Conduct** then the Complaints and Disputes Policy will be implemented and therefore referred to the Principal and/or School Board.

Applicability of the Code

The requirements of the Code apply to employees in the daily performance of their work duties. However, employees need to be aware that inappropriate or improper conduct outside of the work environment or outside of normal working hours may still be regarded as misconduct and may bring their professional suitability into question.

It is the duty of all Staff to ensure that all employees of Divine Mercy College are abiding by the Code of Conduct. If any staff witness or suspect a breach of the Code then it is their duty to report this breach or suspected breach to the Principal or the Chairperson of the Governing Body. Please note this does not apply to those subject to Mandatory Reporting obligations.



Professional Learning for all staff on the Code of Conduct

The Code of Conduct forms part of the induction policy, this is to ensure that all new Employees at Divine Mercy College are aware of the Code and consequences of breaching the code.

Professional Learning in regards to this Code of Conduct will be annually as part of the Policy and Procedure review process which is undertaken by all staff members during staff meetings and staff development days and in line with the Professional Learning Policy. See Policy Review Schedule.

For those staff that miss the face to face Professional Learning, the course will be offered online.

General Principles of the Code of Conduct

1. Personal Behaviour

As employees we behave with integrity in all personal conduct and treat all others with due consideration. Employees are expected at all times to behave ethically and act with integrity. In practice, this means employees:

- treat others with respect, dignity, courtesy, honesty and fairness and with proper regard for their rights, safety, culture and welfare;
- make decisions fairly, impartially and promptly, and according to all relevant information, legislation, policies and procedures;
- contribute to a workplace that is free of harassment, bullying or discrimination against colleagues, students or members of the public;
- focus on positive behaviour management and provide positive guidance and encourage acceptable behaviours and opportunities for positive and respectful relationships with each other, students and volunteers;
- encourage positive work habits, behaviour and personal and professional workplace relationships and boundaries; this includes having classroom arrangements that deter inappropriate interactions i.e. keeping windows clear of view, doors open and not being alone in a classroom with a student
- do not engage in behaviour that may bring your own reputation or that school ensuring that you do not mention or discuss the school, staff, student or community in a negative or defamatory way, and
- do not tolerate or participate in behaviour that is inconsistent with these principles.
- If any staff suspect or witness a breach of the code including suspected grooming behaviour, then this be reported to the Principal or the Chair of the Board who will report to the Director General by way of a Critical Incident
- must understand and comply with Mandatory reporting obligations
- do not store photos of students on personal mobile phones or similar devices
- must not use corporal and other degrading punishments and follow the Behaviour Management Policy



- Use appropriate physical contact and behaviours for specific examples refer to appendix 1 - Appropriate Physical Contact and Behaviours as well as the TRB Publication on 'Student-Teacher Professional Boundaries' which can be found on the TRB WA website
- Any form of child abuse is forbidden – see Appendix 1 – Inappropriate actions Causing harm for definitions
- Teachers driving students in their personal vehicles is forbidden
- Teachers are not to give students any passwords to anything ie sites or wifi
- Teachers to seek out any Professional Learning required to be able to successfully perform in their profession as a teacher.

Whereby a staff member is suspected of grooming the, Principal will report to the Director General by way of a Critical Incident.

2. Communication and Official Information

Teachers and staff are expected to interact civilly with other staff, students and parents always. Written and spoken communication should be courteous and respectful. Abusive language, raising your voice, insulting or violent behaviour to anyone is not appropriate. Staff also need to respect the other staffs' private lives and only call at appropriate times (ie between the hours of 7.30am and 5.00pm weekdays) unless deemed urgent and ensure that contact is not of a harassing nature.

Teachers and staff are expected to ensure that relationships with students are strictly in accordance with appropriate roles and that favouritism and special treatment are avoided.

3. Fraudulent and Corrupt Behaviour

Divine Mercy College employees will act ethically and avoid engaging in any behaviour which may be considered fraudulent and/or corrupt.

This means employees:

- do not engage in conduct which is dishonest and that causes actual or potential benefit or detriment to any person or entity; and
- do not misuse their position to the advantage of themselves or others.

4. Record Keeping and Use of Information

As teachers and employees we ensure that all information is properly recorded, managed and maintained. In practice this means employees:

- properly record actions and decisions to ensure transparency and accuracy;
- securely store records and confidential information; and
- comply with the relevant policies and procedures including Privacy Policy
- only disclose official information or documents as required by law or where proper authorisation is given; and
- do not misuse official information or documents for personal or commercial gain for themselves and/or others
- complete attendance records in Accerlerus during homeroom and period 6 - daily



5. Conflicts of Interest

As employees we ensure that our private interests and affiliations do not conflict, or appear to conflict, with our public and professional duties.

In practice this means employees:

- verify that personal, financial or political interests of themselves or those of their family and/or associates do not conflict with, or influence, their professional obligations;
- make appropriate declarations of all actual, potential or perceived conflicts of interest; and
- properly manage any actual, potential or perceived conflict of interest

6. Social Media

Social media can be defined as how we use technology to communicate and connect with others. Despite the range of positive uses for social media, there are also several ethical and legal issues associated with its use. Many people may hold the mistaken belief that anything published online will be without legal consequence. However, teachers should be aware that there are several potential legal liabilities that may arise, particularly in relation to issues pertaining to reputational damage, and defamation. Teachers need to ensure they abide by the laws and the School's expectations, by complying with the following:

- The School, its staff and members of its community should not be mentioned or discussed in a negative or defamatory way.
- Photographs of students in school uniform represent the School and its students and should not be posted if they have the potential to bring negative connotations towards the Schools or its staff and students.
- Photographs containing other students should not be posted without the express consent of the other child/children's parents.
- Email addresses of parents, staff and students should not be given to other people without their express consent.
- Teachers are not permitted to contact students via any form of social media without the express consent of the student's parents.

7. Grooming behaviour

All staff are expected to report any suspected grooming. Grooming behaviour with children may include, but is not limited to:

- Selecting and befriending a child and gaining his or her trust and then exploiting the child's vulnerabilities.
- Testing a child's boundaries through telling inappropriate jokes, roughhousing, backrubs, tickling, or sexual games.
- Moving from non-sexual touching to "accidental" sexual touching. This typically happens during play so the child may not even identify it as purposeful, inappropriate touching. It is often done slowly so the child is gradually desensitised to the touch.
- Manipulating the child to not tell anyone about what is happening. The abuser may use a child's fear, embarrassment, or guilt about what has happened. Sometimes, the abuser uses bribery, threats, or coercion.



- Causing the child to feel responsible for the abuse. Children may not notice or may become confused as the contact becomes increasingly intimate and sexual.

Grooming behaviour with adolescents may include additional strategies, such as:

- Identifying with the adolescent. The abuser may appear to be the only one who understands him/her.
- Displaying common interests in sports, music, movies, video games, television shows, etc.
- Recognising and filling the adolescent's need for affection and attention.
- Giving gifts or special privileges to the adolescent.
- Allowing or encouraging the adolescent to break rules (e.g., smoking, drinking, using drugs, viewing pornography).
- Communicating with the adolescent outside of the person's role (e.g., teacher, or coach). This could include, for example, texting or emailing the teen without the parents' knowledge.

In addition to grooming the child, the groomer will use deflection strategies to remain unchallenged. Some of these strategies may include where the perpetrator:

- Promoting self and creates a reputation as caring, child-loving, competent, available, trustworthy, truthful
- Raising doubts about the motives, mental health, reliability of the child or anyone else who might approach support services with allegations
- Fostering dependency as someone the family can rely on
- Positively representing child to others so as to be perceived as someone who would never harm the child

8. **Compliance with School Policies and Procedure** – all staff are to adhere to school ALL policies and procedures, in the following areas;

- Student Learning, Assessment and Reporting
- Curriculum
- Student Care
- School Registration Requirements and Legal Compliance
- Risk Management
- Enrolment and Attendance
- Governance
- Complaints
- Financial Management
- Strategic Planning

Guidelines on How to Comply with the Code of Conduct

Official Complaints by staff, parents, students



If another staff member, parent or student has a complaint about an employee **not** following the Code of Conduct, have concerns about **grooming, child abuse or other behaviour which is not permitted by the Code of Conduct** then the Complaints and Disputes Policy will be implemented and therefore referred to the Principal and/or School Board. Victimisation of staff, students, visitors, parents or guardians for making an allegation in accordance with the schools policy, is forbidden, including where the allegation is unfounded.

Enforcement of the Code of Conduct

It is the duty of the school community to ensure the Principles of the Code of Conduct are followed and enforced. It is the duty of all Staff to ensure that all employees of Divine Mercy College are abiding by the Principles of the Code of Conduct. If any staff witness or suspect a breach of the Code then it is their duty to report this breach or suspected breach to the Principal or the Chairperson of the Governing Body. Primarily it is the Principal's responsibility to enforce the Code of Conduct, action on complaints and to following the consequences of breaches to the Code. The Principal must report all breaches of the Code of Conduct to the Governing Body

Please note this does not apply to those subject to Mandatory Reporting obligations. Staff who are mandatory reporters must understand and comply with their mandatory reporting obligations in addition to following the Code of Conduct.

Breach of the Code of Conduct

If the Principal deems an employee has breached the Code of Conduct then the following process will take place;

1. First Breach – Principal will give a verbal warning to the employee, and in doing so will clearly state the breach so the employee can avoid the action again. Discussion is held so staff member can re-set personal professional boundaries in accordance with Code of Conduct
2. Second Breach – Principal will give a written warning, clearly stating the breach and will also indicate when the verbal warning took place. This letter will state that if the breach happens again employment will be revoked immediately.
3. Third Breach – Principal will issue a written letter stating a third breach has occurred, this letter must state when the previous verbal and written warnings were given and that employment has been revoked immediately.

Please note that in certain circumstances where a criminal offence has been committed or the nature of the breach is deemed serious, then there will be immediate dismissal and the action will be taken where the offence is reported to appropriate authorities - school Board, Teachers Registration Board and the Department (Director General) with a Critical Incident Report and if it is a criminal matter then the police also.

Governing Body

It is the responsibility of the Governing Body that actual breaches of the Staff Code of Conduct, where there are reasonable grounds to suspect grooming, are reported to the Director General by way of Critical Incident.



Appendix 1 –

APPROPRIATE PHYSICAL CONTACT and BEHAVIOURS

This addresses the following situations:

- appropriate physical contact by a staff member to assist a student
- appropriate physical contact by a staff member to encourage a student
- using non-physical intervention in a student management situation
- using physical restraint where a student's safety is threatened

Appropriate Physical Contact by a Staff Member to Assist a Student

At times, Divine Mercy College staff members will be required to give practical assistance to a student who is hurt or who needs particular assistance or encouragement. Physical contact with students as a clear expression of nurturing is appropriate where consent is given by the student. The following examples of physical contact that are acceptable are:

- administration of first aid
- helping a child who has fallen
- assisting with the toileting of a disabled student*
- demonstrating for example in sport, music, and dance. In this case, teachers may implement alternate strategies of demonstration e.g. asking students to demonstrate non-intrusive gesture to comfort a child for the loss of a family member

(* An individual plan for students with these needs must be implemented for such situations)

Appropriate Physical Contact by a Staff member to Encourage a Student

- Non-intrusive touch e.g. congratulating a student by shaking hands for efforts well done

Good Practice Regarding Physical Contact to Encourage a Student

- Avoid touching a student anywhere other than the hand, arm, shoulder, or upper back.
- Avoid being with a student in a one-on-one, out of sight situation, and never touch a student in such a situation.
- Do not presume that a hug or touch is acceptable to a particular student.
- Keep an acceptable distance between staff and students at all times
- Do not touch a student in a way that may be uncomfortable for the student.
- Use verbal directions rather than touching e.g. ask a student to turn this way, rather than physically placing child in the required position.
- In some circumstances, a young child may require appropriate deflection of physical contact from the teacher without embarrassing the child about this contact (e.g. minimising of unnecessary physical contact with teacher by removing child's hand from teacher).



Using Non-Physical Intervention in a Student Management Situation

Non-physical intervention is the recognised means of managing student conduct. Where a problem with a student becomes apparent, non-physical interventions include:

- directing other students to move away from the situation
- talking with the individual student (telling the student to stop the behaviour, and telling the student what will happen if they do not stop)
- directing the student to a safe place
- sending for assistance from other staff, or in extreme cases, the police

Use of verbal directions is always preferred to physical intervention. It is not appropriate to make (unwanted) physical contact with a student (e.g. pushing, grabbing, poking, pulling etc) in order to ensure they comply with directions. Under no circumstances should staff use corporal punishment or engage in any form of conduct which might cause physical or emotional harm to students

Using Physical Restraint Where a Student's Safety is Threatened

Staff may need to make legitimate use of physical restraint, if a student is:

- attacking another student or teacher using the correct and appropriate method for physical restraint
- posing an immediate danger to self or others

Where physical restraint is used, a teacher should continue to talk with the child throughout the incident, and make clear that physical restraint will stop when it ceases to be necessary, and ensure that a calm and professional approach is maintained.

Staff at Divine Mercy College is not to use physical intervention when non-physical interventions could be used, as a means of punishment, or as a response to property destruction, school disruption, refusal to comply, or verbal threats.

Maintaining good order is never a reasonable justification for using force or restraint. Appropriate physical force may be permitted to ensure that the employer's duty of care to protect students from foreseeable risks of injury is met. Common law defenses such as self-defense and defense of others remain legitimate reasons for the use of physical contact. Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so.

Good Practice When Using Physical Restraint

- The use of force against a student in such situations is to prevent injury.
- It may be a valid decision for a teacher not to use physical force in a situation involving several students, or a physically larger student, where the teacher believes that doing so would make injury to him/her more likely. In such cases, the teacher should remove



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other students who may be at risk and seek help from another staff member (or in extreme cases the police).

- If a staff member is considering physical restraint they must first ask the question: *What will happen if I do not restrain the child?*
- The use of force must be reasonable in the particular circumstances, and must be in proportion to the circumstances of the incident, always be the minimum needed to achieve the desired result, and take into account the age, understanding and sex of the child.
- The force used must be the minimum needed and will not include any force applied to the head or neck of a child, or to any other part of the body as to cause harm that lasts more than a short period.
- Physical actions to restrain which exceed reasonable force or other actions which involve restrictions to breathing, punching, kicking or holding by the hair or ear would be deemed assault.
- Procedures for dealing with physical incidents are part of the normal supervision/student management routines, for example, obtaining assistance, routines for playground supervision.
- Prompt documentation of incidents is essential and records must be maintained by the principal. This must include name of child/children involved, location of incident, name of witnesses (staff and/or children), incident outline (including child's behaviour, what was said, steps taken, degree of force applied, and how applied), child's response and outcome, details of any injury or damage to property.
- Parents will be informed promptly of any incident involving their child and given an opportunity to discuss the matter.
- Parents will be informed by the school, at enrolment, of the Divine Mercy College policy on physical contact with students.
- The possibility of restraint and the nature of that restraint for students with special needs will be addressed in the overall case management education plans for particular students. Alternate strategies for preventing harm to others need to be considered in developing plans. Parents need to be part of this process that will also involve the student as far as possible.
- Appropriate confidential debriefing and support needs to be arranged for staff involved in incidents of restraint.
- If a school is aware of individual students with consistent problem behaviour, and restraint is part of case management, Divine Mercy College staff members will be trained in the appropriate procedures.
- Physical intervention can involve coming between children, blocking a child's path, leading a child by the hand or arm, shepherding a child away by placing a hand in the centre of the upper back, and in extreme circumstances, using more restrictive holds.
- Seclusion restraint – physically confining a student alone in a room or limited space without access to school staff is not an acceptable practice. If a "time – out" strategy is used by staff in dealing with students, staff must remain accessible at all times.

Inappropriate Actions Causing Harm



The result of action or inaction on the part of the person who has responsibility to care for a child those results in harm or injury to the child. The harm may include delayed physical harm, mental illness and/or intellectual development. The maltreatment may include one or all of:

1. *Emotional / Psychological Abuse*: an attitude or behaviour by a person towards a child that causes emotional harm. It can include rejection or refusal to accept a child, terrorism, bullying, isolation, grooming, continual belittlement and exposure to an act of family or domestic violence. Emotional abuse may be evidenced through disturbed behaviour or the impairment of the child's emotional, intellectual or social development.
2. *Physical Abuse*: Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or caregiver. It includes injuries such as cuts, bruises, burns and fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation or excessive discipline.
3. *Sexual Abuse*: Sexual abuse occurs when a child is exposed to, or involved in, sexual activity that is inappropriate to the child's age and developmental level, and includes sexual behaviour in circumstances where:
 - (a) the child is the subject of bribery, coercion, a threat, exploitation or violence;
 - (b) the child has less power than another person involved in the behaviour; or
 - (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour
4. *Neglect*: Neglect is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged or they are injured. Neglect may be acute, episodic or chronic.
5. *Bullying students by staff*: Bullying: is a repeated behaviour that may be physical, verbal, written and/or psychological; where there is intent to cause fear, distress or harm to another; that is conducted by a more powerful individual or group; against a less powerful individual or group of individuals who is /are unable to stop this from happening.
6. *Grooming*: prepare or train (someone) for a particular purpose or activity (especially in grooming the person to accept any of the above behaviour in particular sexual abuse). Child grooming is befriending and establishing an emotional connection with a child, and sometimes the family, to lower the child's inhibitions for child sexual abuse. To establish a good relationship with a child and the child's family, child groomers might do several things:

Grooming behaviour with children may include, but is not limited to:

- Selecting and befriending a child and gaining his or her trust and then exploiting the child's vulnerabilities.
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- Communicating with the adolescent outside of the person's role (e.g., teacher, or coach). This could include, for example, texting or emailing the teen without the parents' knowledge.

In addition to grooming the child, the groomer will use deflection strategies to remain unchallenged. Some of these strategies may include where the perpetrator:

- Promoting self and creates a reputation as caring, child-loving, competent, available, trustworthy, truthful
- Raising doubts about the motives, mental health, reliability of the child or anyone else who might approach support services with allegations
- Fostering dependency as someone the family can rely on
- Positively representing child to others so as to be perceived as someone who would never harm the child

Definitions

Corporal punishment: any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; Guide to the Registration Standards and Other Requirements for Non-Government Schools 4 can also include, for example, forcing the child to stay in an uncomfortable position. It does not include the use of reasonable physical restraint to protect the child or others from harm [from UN Committee on the Rights of the Child, General Comment No. 8 (2006), paragraphs 11 and 15: CRC/C/GC/8, 2 March 2007].

Degrading punishment: any punishment which is incompatible with respect for human dignity, including corporal punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child [from UN Committee on the Rights of the Child, General Comment No. 8 (2006), paragraphs 11 and 16: CRC/C/GC/8, 2 March 2007].