



Code of Conduct – Prevention of Child Abuse

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Introduction

Any form of abusive, derogatory, discriminatory, offensive or intimidating behaviour or language by adults towards children and young people, or children towards other children and young people, is not acceptable. A person must not engage in any action that is or may be perceived by a reasonable observer as being grooming behaviour. Comments or actions that are negatively and unreasonably critical of a person's culture, ethnicity, language, gender identity, disability, sexuality or age, are unacceptable. Staff and all adults at the School are required to abide by this Code.

Schools have a special responsibility to protect children when they are on school premises and also to intervene when they believe the welfare of a child is at risk outside the school. The information in this policy summarises Leaning Tree Steiner School's commitment to a child's right to feel safe in their school and community. *Please see Appendix 1 LTSS Child Abuse Reporting Process, which outlines the correct procedure for any child abuse or neglect concerns. **In each instance the Education Manager is to be informed if a report has been made. This is best put in writing via email, but you are welcome to schedule an appointment to discuss the issue.** Please note, teachers who believe that a child was sexually abused after 1 January 2009, are required to report it according to the mandatory reporting process.

Principles of the Code of Conduct

As the school has a duty of care to its students, the expectation and understanding is that all staff, adults on site, and those assisting in school activities will act in the best interests of the students and that the welfare and safety of students will be of paramount concern. All interactions therefore should be transparent and meet the principles of the Code of Conduct.

This Code of Conduct is intended to provide staff, adults on site, and those assisting in school activities with guidance as to the expected behaviours.

Staff are expected to behave in a manner which promotes the safeguarding role of the school, in a manner which is in accord with school expectations, professional expectations and best practice of the teaching profession, as well as the expected norms of our community. You must be fully aware that your actions will be subject to appropriate scrutiny by other staff and by the community and you must be prepared to give an account of your behaviours to leadership when requested.

Adults who are unsure about appropriate boundaries in a particular circumstance or who acts contrary to either specific or implied boundaries, must consult as early as possible with the education manager to discuss the possible breaches. If a breach inadvertently occurs the staff member must bring it to the attention of the education manager immediately.

Adults are responsible for their own actions and should avoid any conduct which might be construed by a reasonable person as inappropriate. When considering their actions, staff could consider the following:

- (a) How might this interaction be perceived by others?
- (b) Am I treating this student differently from others?
- (c) Can I achieve the same outcome through a different interaction?
- (d) Would I do this or say this if a colleague were present?
- (e) Would I condone my conduct if I observed it in another adult?
- (f) What guidance would my employer give me in this situation?

The following list of behaviours includes examples of what is acceptable and not acceptable behaviour from staff.

Acceptable Behaviours

All people involved in the care of children on behalf of, or in connection with, the School must:

- (a) conduct themselves in a manner consistent with their position as an employee, partner, volunteer or contractor of the School and as a role model to children and young people
- (b) treat all people with respect and be open to and accepting of diversity and difference in people's backgrounds, work style and personal preferences
- (c) promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Island children and young people (for example, by never questioning an Aboriginal and Torres Strait Island child or young person's self-identification)
- (d) promote the safety, participation and empowerment of children and young people with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- (e) promote the safety, participation and empowerment of children and young people with a disability
- (f) listen and respond to the views and concerns of children, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child
- (g) raise concerns, issues or problems about the suspected risk to a child with a Child Safety Officer

- (h) record and act upon all allegations or suspicions of abuse, discrimination or harassment
 - (i) understand and comply with mandatory reporting obligations
 - (j) respect confidentiality when sharing information about children and young people in accordance with the Child Protection Policy and their reporting obligations
 - (k) establish and maintain a child-safe environment in the course of their work;
 - (l) be professional in their actions
 - (m) maintain strict impartiality
- and (n) contact the police if a child is at immediate risk of abuse (telephone 000).

Unacceptable Behaviours

All people involved in the care of children on behalf of the School must not:

- (a) spend time alone with a child or young person where there is risk, particularly overnight
- (b) take a child or young person to their home or encourage meetings outside program activities
- (c) engage in rough physical games, hold, massage, kiss, cuddle or touch children in an inappropriate and or/culturally insensitive way
- (d) practice favouritism when building relationships with children
- (e) speak to a child or young person in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Some examples are:
 - (i) swearing in the presence of a child

- (ii) yelling at a child or young person, except in an emergency situation where a child's safety may be in danger
 - (iii) dealing with a child while the adult is angry with the child;
 - and (iv) use of hurtful sarcasm.
- (f) use, possess, or be under the influence of illegal drugs while in the presence of a child
- (g) use, possess, or be under the influence of alcohol while supervising a child
- (h) provide or allow a child to consume alcohol or illegal drugs
- (i) engage in any sexually oriented conversations with a child unless the conversations are part of a legitimately arranged instructional activity dealing with human sexuality issues
- (j) discuss sexual activities with a child unless it is a specific job requirement and the person is trained to discuss these matters
- (k) be naked in the presence of a child
- (l) possess sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.)
- (m) sleep in the same beds, sleeping bags or small tents with a child or young person;
- and/or (n) engage in sexual contact with a child.

For the purposes of this Policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person.

Physical Contact / Touching Employees: All staff adults on school site, and those assisting in school activities are prohibited from using physical discipline in any way for behaviour management of children and young people (see LTSS definition of Corporal Punishment p.5). Physical contact may be required in an emergency situation to remove children and young people quickly from danger or threat of danger. Appropriate contact between employees, volunteers, contractors, Board members and children is part of normal human relationships. Some considerations and guidelines include the following:

(a) consider the child or young person's age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child or young person

(b) work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access (NB: exceptions apply for professions with strict confidentiality requirements)

(c) be alert to cues from children about how comfortable they are in your proximity and respect their need for personal space

(d) be sensitive when interacting with children who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex

(e) be aware of cultural norms that may influence the interpretation of your behaviour

(f) be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance

(g) physical contact should be made in a way that makes children and young people feel comfortable, for example, shaking hands, a congratulatory pat on the back or rub on the side of their arm for reassurance. Massaging a child or allowing a child to massage you is inappropriate physical contact

(h) the use of images of children as screen savers or backgrounds on personal electronic devices is not appropriate. The collection and storage of photographs or images of children must be for educational or professional purposes. Use of social media and posting of student images by students, employees, contractors, volunteers or members of the Board must be consistent with the School's Social Media Policy and School Interaction on On-line Social Networks Procedures

(i) be aware that the giving and receiving of gifts, giving extra attention, accepting a different standard of behaviour from a child or young person, or having 'special time' with a child or young person must be appropriate and justified as a strategy to meet teaching and learning outcomes

(j) obtain permission from the School and parents when meeting with students for activities outside of school hours

(k) the provision of your personal contact details should be justified in terms of educational or professional purpose

(l) it is not appropriate for staff, adults on site, and those assisting in school activities to initiate out-of-hours contact with a child unless it is in the context of an emergency or where the child is unavailable during work hours

(m) all forms of physical contact should therefore be avoided where possible.

In all situations, and in particular regard to managing students' behaviour, the school explicitly forbids child abuse, corporal and degrading punishment.

Corporal punishment, as defined by LTSS is *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; can also include, for example, forcing the child to stay in an uncomfortable position. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by children and young people. It does not include the use of reasonable physical restraint to protect the child or others from harm.*

Degrading punishment, as defined by LTSS is *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.*

Transportation and off-site events site events

Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport children or young people without written permission of their parent, carer or guardian. It is prohibited to have unnecessary and/or inappropriate physical contact with children or young people while in vehicles. Children and young people should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops.

It is prohibited to have children or young people spend the night at the residence of staff and those assisting in school activities without parental/guardian prior approval. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for children and young people.

Confidentiality

Disclosing Information to Employees, Volunteers, Contractors and Board Members

When children are having a written or verbal interaction with adults involved in their school care, that interaction is confidential to the organisation, not to the individual. This means that staff, adults on site, and those assisting in school activities are able to talk with each other in a way that identifies the child or young person. That said, where possible the privacy of the child or young person should be respected at all times. When considering breaching their privacy who and how many people are told should be based on what is believed to be in the best interests of the child or young person. In all cases, the advice of a Child Safety Officer should be sought before discussing with other personnel.

Disclosing Information to People External to the Organisation

Staff, adults on site, and those assisting in school activities should not discuss confidential matters about children or young people with people outside the organisation in a way that identifies that child or young person except when they have the express permission of the child or young person, or it complies with the Child Protection Procedure. When communicating with people outside the School the child or young person's identity should be protected.

What happens if I breach the Code of Conduct?

As a School employee, you hold a position of trust and are accountable for your actions.

All alleged breaches of this Code of Conduct will be subject to scrutiny and if substantiated staff may be warned, suspended or have employment terminated.

As outlined in Section 42 of the *Teachers Registration Act 2012*, written notice will be given by the Education Manager to TRBWA about suspension, dismissal or resignation of a registered teacher due to an investigation of misconduct as outlined in this Code. The notice is to be given within 30 days of the suspension, dismissal or resignation and reported to the Department of Education as a critical incident. Any potentially illegal activity will be reported to the Police and appropriate actions will be taken by the senior management.

The consequences of inappropriate behaviour and breaches of this *Code* will depend on the nature of the breach.

Employees are required to report all objectively observable behaviour, that is not permitted by this Code, other than those subject to mandatory reporting obligations, to the Education Manager. NB: If the prohibited behaviour is by the Education Manager then it should be reported to the **Chair of the Governing Body**.

Factors the school may consider when deciding what action to take may include:

- a) the seriousness of the breach;
- b) the likelihood of the breach occurring again;
- c) whether the employee has committed the breach more than once;
- d) the risk the breach poses to employees, students or any others; and
- e) whether the breach would be serious enough to warrant formal disciplinary action.

Actions that may be taken by the school in respect of a breach of the Code include management or remedial action, training or disciplinary action ranging from a warning to

termination of employment and reporting of the matter. The school reserves the right to determine in its entirety the response to any breach of this Code.

Inappropriate conduct by adults other than staff members would result in exclusion from school site and if required. They should be also be informed that conduct that is not consistent with the expectations and requirements set out in the Code of Conduct could result in their engagement being terminated and/or relevant authorities notified.

This Code of Conduct will not only help in making our school a safer environment for children, it will also reduce the risk that staff will be unjustly accused of unprofessional or abusive conduct.

Document and Version Management

Version Number	Governing Body Approval Date	Written/ Amended by	Amendment Details	Review Date (Annually)
1.	August 2018	Education Manager		2020
2.	26 /03/ 2019	Education Manager	<p>On advice from Acting Director General, DoE: <i>-*Clearly direct staff who suspect or believe that a child is being abused, other than sexually abused, that they are required to report it and how to do so;</i></p> <p><i>-*Amended to explicitly require that all staff must report objectively observable breaches of the Code, other than those subject to mandatory reporting obligations, to the education manager, a designated senior staff member or the chair of the school's governing body, whether they suspect grooming or child abuse or not;</i></p> <p><i>-clearly direct staff who suspect or believe that a child was sexually abused before 1 January 2009, that they are required to report it and how to do so;</i></p> <p><i>-clearly direct staff who have made a mandatory report as to whether and, if so, how they would advise the Education Manager.</i></p>	2020
3.	04/05/2019	Education Manager	<p>On advice from A/Director Non-Government School Regulation; Clarity in regard to breaches of the Code pertaining to non-staff adults; correct procedure for informing TRBWA and DoE regarding investigations of teachers; amend statement regarding mandatory reporting to comply with Standard 12.2(a): "staff must understand and comply with their mandatory reporting obligations"; consistency in advising staff to advise Education Manager of any reports made concerning child protection.</p>	2020

Appendix 1

**If you have a concern for the immediate safety of a child, contact WA Police (134 444).
In the case of immediate danger or a life-threatening situation call 000.**

Staff	Mandatory reporting	Reporting other forms of abuse and concerns of sexual abuse	Reporting allegations of sexual abuse perpetrated by staff	Reporting allegations of physical or emotional abuse perpetrated by staff
Teaching	<p>Belief is formed on reasonable grounds of child sexual abuse that occurred <u>after</u> 1 January 2009 Select ONE of the below mandatory reporting processes:</p> <p>a. Report online at: www.mandatoryreporting.dcp.wa.gov.au</p> <p>b. Lodge the written mandatory report by fax on 1800 610 614, email on mrs@dcp.wa.gov.au or post to PO BOX 8146 Perth BC WA 6849</p> <p>OR</p> <p>d. If there is urgency in making the report, call the MRS on 1800 708 704 AND follow this with an online or written mandatory report to the MRS as soon as practicable</p> <p>AND ALSO</p> <ul style="list-style-type: none"> The mandatory reporter is to consult with the Education Manager that a mandatory report has been made 	<p>Concern is formed of any of the following:</p> <ul style="list-style-type: none"> physical abuse emotional abuse including psychological abuse or exposure to family violence neglect sexual abuse where a belief has not been formed but a concern is held sexual abuse that occurred <u>before</u> 1 January 2009 and is not ongoing <p>Document observations, information and disclosures and provide report to Education Manager</p> <p>Education Manager must report to CPFS</p>	<p>Belief is formed on reasonable grounds that child sexual abuse has occurred</p> <ul style="list-style-type: none"> Document observations, information and disclosures and provide report to Education Manager. Education Manager must report to Department of Education as a critical incident, and inform TRBWA <p>AND</p> <ul style="list-style-type: none"> Make a mandatory report following reporting processes <p>Concern (belief is not formed)</p> <ul style="list-style-type: none"> Document observations, 	<p>Concern is formed of physical or emotional abuse perpetrated by staff</p> <ul style="list-style-type: none"> Document observations, information and disclosures and provide report to Education Manager. Education Manager must report to Department of Education as a critical incident, and inform TRBWA <p>OR</p> <ul style="list-style-type: none"> Document observations, information and disclosures to Education Manager <p>OR</p> <ul style="list-style-type: none"> When allegation concerns the Education Manager, inform the Chairperson of the LTSS Governing Body

	<ul style="list-style-type: none"> Document receipt number received from the MRS The mandatory reporter is to inform Education Manager of MRS feedback letter advising of action to be taken by the Department of Communities, Child Protection and Family Support (CPFS) 		information and disclosures and provide to Education Manager	
Non - teaching	<p>Non-teaching staff in schools are not mandatory reporters of child sexual abuse. For concerns regarding child sexual abuse:</p> <ul style="list-style-type: none"> Document observations, information and disclosures Inform Education Manager 	<ul style="list-style-type: none"> Document observations, information and disclosures Inform Education Manager 	<ul style="list-style-type: none"> Document observations, information and disclosures Inform Education Manager 	<ul style="list-style-type: none"> Document observations, information and disclosures Inform Education Manager <p>OR</p> <ul style="list-style-type: none"> Inform Chairperson of the LTSS Governing Body when allegation concerns the Education Manager
Education Manager	<p>Belief is formed on reasonable grounds of child sexual abuse that occurred after 1 January 2009</p> <ul style="list-style-type: none"> When the Education Manager forms a belief of child sexual abuse, the above mandatory reporting process for teaching staff should be followed 	<p>Process for reporting:</p> <ul style="list-style-type: none"> Use the CPFS <u>referral form</u> when reporting concerns of: <ul style="list-style-type: none"> Physical abuse Emotional abuse, including psychological abuse and family violence Neglect Sexual abuse (where a belief has not been formed) but a concern is held Sexual abuse that occurred prior to 1 	<ul style="list-style-type: none"> Critical incident form submitted to DoE and quote MRS receipt number Make a mandatory report following mandatory reporting processes Obtain permission from WA Police and MRS, (if involved) before informing parent/carer 	<ul style="list-style-type: none"> Report Critical Incident to DoE Obtain permission from WA Police and CPFS (if involved) before informing the parent/carer

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		January 2009 and is not ongoing Email <u>referral form</u> to local CPFS office.		
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Department of Communities, Child Protection and Family Support Division, Geraldton – business hours: (08) 9965 9500 or email cpduty@cpfs.wa.gov.au

After hours call the Crisis Care Unit **T** 08 9223 1111 Country free call 1800 199 008