

APPLICABLE TO	All employees of the Catholic Schools System, Diocese of Maitland-Newcastle
DOCUMENT OWNER	Head of Employee Services
APPROVAL DATE	17 February 2017
APPROVED BY	CSO Leadership Team
SCHOOL ACTIONS	System Policy – Schools are to ensure their practices are consistent with this policy. A local policy is not required.
LAST REVIEW DATE/S	New document
NEXT REVIEW DATE	2019
RELATED DOCUMENTS	CSO policies and procedures
	All CSO employees must be aware of and abide by CSO policies and procedures that have been put in place in order to comply with legislative requirements. Employees also need to ensure they are familiar with the requirements of the policies and standards that have been set.

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Purpose

The aim of this policy is to establish a common understanding of the standards of conduct expected of all employees in the Catholic Schools System of the Diocese of Maitland-Newcastle. (For the purposes of this Code of Conduct, those working in or providing services to Catholic schools with the Diocese of Maitland-Newcastle are referred to as 'employees'.)

This Code of Conduct includes employee obligations in regards to mandatory child protection requirements.

If there is any conflict between this Code of Conduct and legislation, the provisions of legislation take precedence.

Policy Statement

This Code of Conduct assists to:

- model and build a contemporary Catholic workplace that is faith-filled, collaborative, consultative and lawfully compliant
- clarify parameters of appropriate and inappropriate conduct for employees engaged in child-related employment within the Catholic Schools System, Diocese of Maitland-Newcastle
- create a safe and supportive environment for students, employees, school communities and the CSO.

This Code of Conduct requires:

- employees to take responsibility of their conduct with students, colleagues and the wider community
- employees to conduct themselves in a manner that is professional, cooperative and consistent with this Code of Conduct
- CSO Leadership Team members and Principals to provide employees with guidance, training, support and supervision.

Scope

This policy and the associated procedures apply to all employees of the Catholic Schools System of the Diocese of Maitland-Newcastle.

Volunteers have a separate code of conduct which is contained within the Catholic Schools System, Diocese of Maitland-Newcastle's *Volunteer Induction Handbook*.

Employees in a school or the Catholic Schools Office are required to be aware of this document and ensure they comply with the conduct and obligations outlined within it. If employees are uncertain about the scope or content of a policy with which they are required to comply, they should seek clarification from their Head of Service or Principal. They are also required to be familiar with the legislation under which they are employed, as this may specify requirements for mandatory compliance; for example, working in child-related employment or NSW Education Standards Authority (NESA) accreditation.

Guiding Principles

This Code does not attempt to provide a detailed and exhaustive list of what to do in every aspect of employees' work. Instead, it sets out standards of conduct expected and provides a broad framework that will help employees decide on an appropriate course of action when faced with an ethical issue. This Code of Conduct:

- assists in the creation of a safe and supportive environment for students, employees, the CSO and the broader community.
- places an obligation on all of us to take responsibility for our own conduct and work with colleagues cooperatively to establish consultative and collaborative workplaces where people are happy, safe and proud to work.
- states that any unlawful or inappropriate conduct that has the potential to bring/ or brings the Catholic Schools System of the Diocese of Maitland-Newcastle into disrepute may result in a disciplinary review being initiated.
- ensures that any person making a protected disclosure relating to any suspected improper use, fraud, waste or abuse of resources, corrupt conduct, inadequate administration or accountability is entitled to seek and receive support and protection when making such disclosures, and to be notified of the action taken in relation to the disclosure.
- must be read in conjunction with CSO policies and procedures and the Diocese's child protection policies and procedures. This policy and associated procedures draws on the statement *the Nature and Purpose of Catholic Schools*, which guides our work in Catholic education. It is underpinned by relevant legislative and industrial instruments.

Failure to comply with the responsibilities and obligations outlined in this document may result in disciplinary action being taken.

1. Responsibilities of Employees

- 1.1 Employees must act lawfully and comply with all legislative, contractual and industrial requirements while engaged by the Catholic Schools System, Diocese of Maitland-Newcastle. Employees must also comply with the system policies and processes and follow all reasonable and lawful directions given by the CSO. When these are breached, effective responses by the appropriate individuals within the CSO may be necessary.
- 1.2 The conduct required of employees under this policy is in addition to any professional code of conduct that may apply to employees in a particular profession or arising from membership of a professional organisation.

2. Personal and Professional Conduct

- 2.1 Employees will:
 - 2.1.1 Maintain a high standard of conduct and work performance and demonstrate courtesy, equity and fairness in dealing with colleagues, students, parents/carers, contractors, visitors and members of the public. At all times the rights, duties and aspirations of others will be respected.
 - 2.1.2 Meet the requirements of the Faith Education Accreditation Policy.
 - 2.1.3 Perform their duties professionally with skill, care and diligence using authority fairly.
 - 2.1.4 Be aware that if their conduct has the potential to damage the Catholic Diocese of Maitland-Newcastle, the Catholic Schools System or school's reputation, even if it is in a private capacity, this could lead to disciplinary action.
 - 2.1.5 Respect the opinions and beliefs of others and their right to practise their beliefs.
 - 2.1.6 Comply with the Addressing Bullying and Harassment in the Workplace Policy, and treat others fairly and equitably, irrespective of race, sex, disability, religion, cultural background, sexual orientation, age and marital status, and not engage in harassing, bullying or discriminatory behaviour.

- 2.1.7 Actively promote the safety, welfare and wellbeing of all children and particularly students of the Catholic Schools System, Diocese of Maitland-Newcastle.
- 2.1.8 Actively cooperate and assist in the investigation of complaints or allegations in accordance with the Diocese's Investigations policy and procedures.
- 2.1.9 Comply with the Diocese's Reporting Concerns for Children Policy.
- 2.1.10 Ensure that they have a current Working with Children Check Clearance as issued by the NSW Office of the Children's Guardian when working with children. (Refer to Office of the Children's Guardian publication Sector Guide, Information for employers, January 2015 for information about the phase-in schedule.)
- 2.1.11 Ensure that comments made in public forums, e.g. social media posts, meetings, interviews, school communications, are in accordance with Catholic values and ethics and the Social Media Policy and associated documents. Employees need to be mindful of the requirement to act with integrity. Employees have the right to make comments in a private capacity but not use, divulge or refer to information that is confidential to the Catholic Schools System, consistent with the Privacy Policy.

CSO Leadership Team members and Principals, in addition to the above responsibilities, are expected to:

- 2.1.12 Promote collaborative and collegial workplaces.
- 2.1.13 Exercise leadership by working with employees to implement the CSO Professional Practice & Development process.
- 2.1.14 Establish systems within their area of responsibility which support effective communication processes that are consistent with employees' conditions of engagement.
- 2.1.15 Consult with and involve their employees in appropriate decision-making.
- 2.1.16 Inform employees of this Code of Conduct and all relevant policies and make the documents accessible to them.
- 2.1.17 Take appropriate action if a breach of this Code of Conduct may have occurred.
- 2.1.18 Ensure that all concerns for children are dealt with in accordance with diocesan policies and procedures, and all employees are aware of and enact their obligations to promote the safety, welfare and wellbeing of the students of the Diocese's schools.
- 2.2 Decisions on employment, promotion and reward will be made on the basis of merit and will not discriminate on the basis of particular attributes.
- 2.3 Employees in supervisory positions will provide and maintain (so far as is reasonably practicable) a working environment that is safe and without risks to health (including psychological health).
- 2.4 Employees will take reasonable care that their actions or decisions do not harm the health and safety of themselves or others. They will ensure that personal use of alcohol or any other substance does not affect their work performance or the safety and wellbeing of others. They will comply with the Diocese's Work Health and Safety Policy and associated procedures for CSO-based employees and the Work Health and Safety Policy for school-based employees.

- 2.5 Employees in supervisory positions will ensure that employees have the necessary qualifications, certifications, skills and attributes to undertake the responsibilities of the position, which will include performing necessary employment checks as outlined in the Registration for Teaching & Non-Teaching Process.
- 2.6 Employees will ensure that relationships with students, parents and colleagues are professional and respectful, and will comply with Child Protection and duty of care obligations.
- 2.7 Employees will recognise their professional and ethical responsibility to protect the interests of students and to recognise and resolve conflicts of interest, to respect the trust involved in employee–employee, employee–parent/carer, employee–student relationships and to accept the constraints and obligations inherent in these responsibilities.
- 2.8 Employees will participate in the Professional Practice & Development process and in training relevant to their position.
- 2.9 Any unlawful behaviour that has the potential to bring the Catholic Schools Office into disrepute will result in a disciplinary review being initiated. The outcome of criminal proceedings against employees may be considered as possible breaches of the Code of Conduct and action, including disciplinary action and termination of employment, may be taken. Employees will advise their Head of Service or Principal if they are charged and convicted of a criminal offence which could reasonably be considered to affect their ability to meet the inherent requirements of the work they are engaged to perform.
- 2.10 Employees will not carry out their duties under the influence of alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others.
- 2.11 Professional and ethical responsibility to support the teachings of the Church under the leadership of the Bishop.

3. Conflict of Interest

- 3.1 Personal views or private interests can influence, or have the potential to influence, an employee's capacity to perform his or her duties with integrity, and in turn, may compromise the integrity of the school and the Catholic Schools System and the Diocese of Maitland-Newcastle.

Employees need to be mindful of the requirement to act with integrity, and consistently strive to do what is right and just. It is expected that employees will:
 - 3.1.1 Not act in a way that may affect, or be perceived to adversely affect, their ability to fulfil their obligations and to act in accordance with Catholic values and ethics
 - 3.1.2 Not accept gifts, benefits or favours that could be considered inappropriate or excessive; or lead to, or be perceived to lead to, compromised values, corruption, loss of impartial decision-making or impartial treatment of others, or call into question the ethics and integrity of the employee and the Catholic Schools Office's nature and purpose.
- 3.2 It is the employee's responsibility to use sound judgement in making decisions that affect the organisation's ability to maintain its capacity and reputation for independence, fairness and justice. Employees should review the situation carefully from perspectives other than their own to ensure that they are working in an objective and impartial manner and are able to assure

themselves and others that their conduct does not give rise to an actual, perceived or potential conflict of interest.

- 3.3 As an organisation which provides education services to children, it is expected that employees will:
- 3.3.1 Act in the best interests of the Diocese when carrying out their duties as employees and must not allow their own interests or the interests of others to interfere with that obligation.
 - 3.3.2 Avoid, or disclose and manage, conflicts of interest in accordance with the Conflict of Interest Policy and Procedure and the Conflict of Interest Disclosure Statement and Responsible Persons Policy and Procedure.
 - 3.3.3 Inform the Head of Service or Principal of any conflict of interest, or perceived conflict of interest, which arises in the workplace.

4. Finances

- 4.1 Employees will observe the highest standards of integrity in financial matters and, in particular, will:
- 4.1.1 Comply with requirements of relevant financial management legislation and CSO financial management policies and procedures.
 - 4.1.2 Authorise the use of Catholic Schools Office or school funds only for Catholic Schools Office or school purposes where they have delegated authority to do so.
 - 4.1.3 Ensure, in authorising expenditure, that the Catholic Schools Office and/or school is receiving value for money.

5. Protection of Catholic Schools Office and School Resources

- 5.1 Employees will:
- 5.1.1 Use and manage Catholic Schools Office or school equipment and resources economically, efficiently and for legitimate Catholic Schools Office or school purposes.
 - 5.1.2 Secure Catholic Schools Office or school equipment and resources against theft or misuse.
 - 5.1.3 Use Catholic Schools Office and school resources in an appropriate and prudent manner, avoiding personal, extravagance or wasteful expenditure.
- 5.2 Employees will comply with the Workplace Internet, Email and Network Usage Policy and procedures governing the use of the Catholic Schools Office and school computing and network facilities, including internet, email and mobile phone usage, and avoid excessive personal use of the CSO's or school electronic communications systems for personal use that creates additional cost to the CSO.

6. Disclosure of Breaches of this Code of Conduct

The CSO is committed to the values of honesty, fairness, trust, accountability and respect. These values are enshrined in this Code of Conduct. We endeavour to maintain a high level of public trust and confidence in the integrity and professionalism of all members of the Catholic Schools System.

The CSO takes issues of misconduct seriously. If employees believe that a member of the Catholic Schools Office or a school has failed to abide by this Code of Conduct or not acted in the best

interests of the Catholic Schools Office or school they are required to make a formal notification to the Head of Service or Principal.

7. Gifts and Benefits

Employees may offer or be offered gifts for various reasons: gifts of gratitude, token or corporate gifts, ceremonial gifts. To avoid any implication that a gift could compromise or influence employees' performance in their official functions or duties, employees are not permitted to solicit gifts or benefits or to offer or provide benefits to others in exchange for gifts. Employees may accept or offer gifts only in accordance with the CSO Gifts and Benefits Policy.

8. Breach of this Code of Conduct

Employees hold a position of trust and are accountable for their actions, including in relation to child protection legislation.

- 8.1 If an employee's actions are inappropriate or appear to breach this Code of Conduct, the Head of Service or Principal has a responsibility to address any possible breach as soon as they become aware of it.
- 8.2 An alleged breach of this Code of Conduct that involves children will require a report to be made to Zimmerman Services and may need to be referred to external authorities under relevant legislation.
- 8.3 An alleged breach of this Code of Conduct may be investigated.
- 8.4 In investigating an alleged breach of this Code of Conduct, the rules of procedural fairness apply.
- 8.5 Each case will be determined on the facts and circumstances when deciding on the appropriate action to be taken. Appropriate action is determined by considering:
 - the nature and seriousness of the breach; and
 - any prior breaches; and
 - an assessment of risk
 - a breach of law
- 8.6 Appropriate actions may include:
 - informal counselling
 - performance management
 - professional learning/development
 - increased supervision or monitoring
 - coaching or mentoring
 - directive counselling
 - specialist assessment
 - informal or formal disciplinary action
 - demotion
 - termination

9. Reporting Concerns for Children and Employees' Conduct

- 9.1 Child protection laws and diocesan policy requires employees to report particular information about themselves or their colleagues. The employee must inform their Head of Service or Principal or a member of Zimmerman Services, if:
- they are charged or convicted of an offence relevant to their continued engagement in child-related work.
 - they have had any reportable allegation made against them.
 - they do not have a valid Working with Children Check Clearance as issued by the NSW Office of the Children's Guardian.
 - they become aware of any other employee or volunteer:
 - having been charged or convicted of an offence relevant to working in child-related employment
 - having had a reportable allegation made against them.
 - engaged in child-related work without having a valid Working with Children Check Clearance as issued by the NSW Office of the Children's Guardian.
- 9.2 Child protection laws and diocesan policy require employees to report concerns held for any children but particularly students of the Catholic Schools System. The employee must inform their Head of Service or Principal or a member of Zimmerman Services, if they become aware of:
- any criminal act involving a child.
 - a child at risk of significant harm or the employee has anxiety or fears for a child's safety, welfare or wellbeing.
 - concerns about inappropriate conduct by any employee that involves a student or other child.
- 9.3 Employees who become aware of concerns for children, or other employees, must protect the confidentiality of all parties concerned and discuss their concerns only with the appropriate leader or investigating officer. Employees should seek support and advice from their Head of Service or Principal to ensure they have fulfilled their reporting obligations and kept proper confidentiality.
- 9.4 Where the employee believes that their Head of Service or Principal is compromised, there is a perceived or actual conflict of interest, or the Head of Service or Principal has not responded in accordance with the law or diocesan policy and procedures, employees must report their concerns directly to a member of Zimmerman Services.
- 9.5 Employees must not take any detrimental action against any adult or child who reports concerns. This includes any action that could reasonably be perceived as being:
- bullying or threatening.
 - the withdrawal of support, friendship or care.
 - any other actions against the person's best interests that are taken as a response to that person reporting their concerns.
- 9.6 To fail to report your concerns or take any detrimental action against a person for reporting concerns for children will be regarded as serious misconduct and may result in disciplinary action. Disciplinary action may include:
- counselling
 - formal censure and warnings

- withholding of an increment.
- demotion to a lower classification or increment
- transfer to another more appropriate position
- suspension
- termination of employment.

10. Record Keeping

All employees have an obligation to maintain appropriate records and data in relation to their professional practice and in the care and protection of children. A record serves an essential administrative, legal and historical purpose. Records can include but are not limited to class rolls, student assessment records, emails, electronic documents, digital image and audio recordings, correspondence, statements, records of interviews, files, forms, plans, drawings, notes, photographs and films.

- 10.1 Employees have a responsibility to create and maintain appropriate records of their professional activities; also decisions in the care and protection of children, including contemporaneous records of any disclosure, observations and discussions.
- 10.2 Employees should be mindful of the need to retain such records securely and confidentially abiding by the Australian Privacy Principles (APPs) found in the *Privacy Act 2012 (Cth)*.
- 10.3 Employees should seek appropriate advice regarding the retention/destruction of such records
- 10.4 The CSO Leadership Team members and Principals have a responsibility to ensure that the employees reporting to them comply with their records management obligations.

11. Duty of Care

- 11.1 Employees have a responsibility to:
 - 11.1.1 Comply with the Work Health and Safety Policy and safe work procedures and instructions.
 - 11.1.2 Take reasonable care of themselves and others who may be affected by their actions.
 - 11.1.3 Ensure they have current licences, registration and competency certificates.
 - 11.1.4 Competently and safely perform required tasks and be aware of the risks and hazards associated with their work.
 - 11.1.5 Identify and report workplace hazards.
 - 11.1.6 Report incidents and near misses.
 - 11.1.7 Maintain a good standard of housekeeping.
 - 11.1.8 Work safely and responsibly with hazardous substances and dangerous goods.
 - 11.1.9 Maintain all plant and equipment in good working order and notify the Head of Service or Principal of any faulty plant/equipment immediately.

12. Child Protection – Employees Who Have a Duty of Care to Students

Employees have a legal and moral obligation to take reasonable care for their own safety and the safety, welfare and wellbeing of students and others with whom they come into contact as part of their employment.

- 12.1 These obligations will arise from the specific role and responsibilities of the employee and may include:
- Providing adequate supervision
 - Ensuring grounds, premises and equipment are safe for students, employees and visitors to the site
 - Implementing strategies to prevent bullying from occurring in the school or workplace
 - Following procedures relating to student safety, welfare and wellbeing, for example, reporting risk of significant harm
 - Providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a student who is injured or becomes sick at school
 - Complying with legislative and other prescribed obligations under the *Work Health and Safety Act 2011* and regulations
 - Complying with relevant child protection legislation and regulations
- 12.2 Employees have a duty to take reasonable care for the safety and welfare of other employees and the students in their care. That duty is to consider and take all reasonable action to protect employees and students from known hazards or risk of harm that can be reasonably predicted. The standard of care for students needs to take into consideration various factors, such as a student's maturity, and physical and developmental ability.
- 12.3 Duty of care to students applies during all activities and functions conducted or arranged by schools where students are in the care of employees. The risk associated with any activity needs to be assessed and managed before the activity is undertaken.
- 12.4 A single serious failure to exercise appropriate duty of care, or persistent repeated failures, may constitute neglect or negligence according to the law if actual harm is caused, or there is the potential to cause significant harm to a child.

Neglect includes either an action or inaction, by a person who has care responsibilities, towards a child which may include:

- Supervisory neglect (failure to adequately supervise)
- Carer neglect (grossly inadequate care of a student)
- Failure to protect from abuse (unreasonable failure to respond to information that may result in harm to a student)
- Reckless acts or failure to act (gross breach of professional standards that may result in harm to a student) See NSW Ombudsman Practice Update: Defining Reportable Conduct

Professional relationships between employees and students

All students have a right to a safe physical and emotional environment.

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 their role in the workplace, and that those relationships are open to scrutiny.

Employees must always treat students with respect.

Employees are expected always to behave in ways that promote the safety, welfare and wellbeing of children.

Employees may need to consider and negotiate individual behaviour/education plans in relation to particular children and comply with those plans.

While not all employees are required to manage and supervise students, it is important for all employees to understand and observe child protection policies.

The following principles and practical examples reference current guidelines issued by:

- NSW Ombudsman: Practice Update: Defining reportable conduct
- NSW Office of the Children's Guardian: Information for reporting bodies: Reporting certain misconduct involving children

12.5 Employees must not:

12.5.1 Engage in inappropriate physical contact/force with students including physical/corporal punishment of a student in the course of their professional duties and/or

12.5.2 Act in ways which may cause a child to reasonably fear that unjustified force will be used against them, even if this is not their intention.

Examples of ***inappropriate*** physical contact/force include:

- intentional and unjustified use of physical force;
- using an object, such as a ruler, book, whiteboard eraser or marker to gain a child's attention in a hostile or an inappropriate physical manner;
- restraining/holding a student for any purpose other than a student's actions that may cause imminent risk of harm to self or others;
- hitting or kicking a student;
- pushing, pulling, shoving, grabbing, pinching or poking a student;
- shaking or throwing a student;
- actions which may be perceived as a threat to engage in inappropriate physical contact/force.

Examples of conduct that involves the reasonable use of physical contact / force for the purpose of exercising appropriate control over a child include:

- disarming a student who is seeking to harm themselves or another
- separating students who are in the act of fighting
- moving a student out of harm's way
- reasonable use of physical force for the protection of self or others.

In addition, employees must not act recklessly in this regard.

12.6 Employees must not behave in a manner which may cause psychological harm to a student. There is no place for sarcasm, derogatory remarks, offensive comments or any other inappropriate conduct that may cause students to become distressed. Employees need to know that psychological harm can include the exacerbation or aggravation of an existing psychological condition such as anxiety or depression.

12.7 Employees must not correct or discipline a child in excess of what is reasonable or appropriate for the situation. Discipline may be considered excessive if it is a disproportionate response to a child's behaviour. Discipline can be considered inappropriate if it is unsuitable for a specific reason such as the child's age, physical ability, developmental level or if the discipline violates community standards. What may be considered excessive or inappropriate is not restricted to physical punishment.

Any punishment which makes excessive or unreasonable demands on a child may be considered ill treatment. Ill-treatment can include disciplining or correcting a child in an

unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour.

Examples of ill-treatment include:

- locking a student in a cupboard as punishment
- tying a student to a chair
- keeping students on detention during the whole of lunch without allowing them to eat or go to the toilet
- malevolent acts towards children
- inappropriate and hostile use of force against a child/towards a child.

- 12.8 Employees must not engage in crossing professional boundaries, through conduct that can reasonably be construed as involving an inappropriate and/or overly personal or intimate
- relationship with;
 - conduct towards; or
 - focus on
- a child, or a group of children.

A single serious 'crossing of the boundaries' by employees, or persistent less serious breaches of professional conduct in this area, may constitute sexual misconduct, particularly if employees either knew, or ought to have known, that their conduct was unacceptable.

- 12.9 Employees 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 (but are not limited to) the following:

- 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
 - inappropriately showing special favours to them but not other children
 - inappropriately allowing the child to overstep rules
 - 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
 - '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, text messaging, social media and web forums) that explores sexual feelings or intimate personal feelings with a child.

- Employees requesting that children keep any aspect of their relationship secret, or using tactics to keep any aspect of the relationship secret, would generally increase the likelihood that grooming is occurring.

12.10 Employees must not make sexually explicit comments or engage in other sexually overt behaviour towards or in the presence of students. Such behaviour may constitute sexual misconduct.

Examples of overt sexual behaviours include:

- sexualised behaviour with or towards a child (including sexual exhibitionism)
- inappropriate conversations of a sexual nature
- comments that express a desire to act in a sexual manner
- unwarranted and inappropriate touching involving a child
- personal correspondence and communications (including emails, social media and web forums) with a child in relation to the adult's romantic, intimate or sexual feelings for a child
- exposure of children to sexual behaviour of others including display of pornography
- watching children undress in circumstances where supervision is not required and it is clearly inappropriate.
- watching children undress, e.g. in change rooms or toilets when supervision is not required or justified.

12.11 Employees must not have an intimate or romantic or sexual relationship with any student regardless of their age. It is irrelevant whether the relationship is consensual or non-consensual or condoned by parents or caregivers.

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

12.13 Where there are existing personal relationships, such as a family relationship or close friendships that involve an employee and a student(s), the employee needs to behave in appropriate ways that are transparent and prudent, and to be mindful of any perceived conflict of interest, ensuring that the employee does not breach any law, this Code of Conduct or any other relevant policy. Extreme care needs to be taken by employees in situations where such family relationships or close friendships with children may raise questions about perceived conflict of interest or other concerns about the employee or the relationships/friendships.

In circumstances where an employee has a personal relationship, such as a family relationship or close friendship that involves an employee and a student(s), the employee must report such family relationships or close friendships to their Head of Service or Principal.

12.14 Employees' professional relationships may be compromised if they:

- invite students to join their personal electronic social networking site or accept students' invitations to join theirs
- attend parties or socialise with students
- invite the student/s to their home or attend a student's home without an appropriate professional reason and without the parents'/carers' consent
- transport students in their car without prior approval from the Principal and the parent/carer.

12.15 The boundaries of the professional relationship will be breached if employees:

- have a sexual relationship or develop an overly personal or intimate relationship with a student
- use sexual innuendo or inappropriate language and/or material with students
- hold conversations of an intimately personal nature, where they disclose private information about themselves or encourage disclosure of such private information by the student
- have contact with a student via written or electronic means including email, letters, telephone, text messages or chat lines, unless for matters directly related to education/school or other valid reasons approved by their Head of Service or Principal
- give to, or accept from, students, gifts that may encourage the student to think they have a special relationship with the employee.

12.16 Employees need to recognise the special position of trust and influence that teachers or other school employees may have in respect of students. This position of trust may continue after students have left the school. It may also continue after students have turned 18 years of age. Extreme care must be taken in any relationship between a teacher or other school employee and former students, even if the students are over 18 years of age.

Before entering into a personal, intimate or sexual relationship with any former student, employees should consider a range of factors, including:

- the special relationship of trust and influence which is created between employees and any student, arising from the nature of their special role
- age and maturity of the former student
- time elapsed since the student left the school
- expectations that employees not act contrary to Catholic values and ethics
- community perception of such a relationship
- the potential impact on the reputation of the school, Catholic education and the profession, because of the relationship

A personal or sexual relationship with a former student entered into by any employee may be considered sexual misconduct if it is established that the employee used his or her position to develop and maintain an inappropriate personal or intimate relationship with the student before the student left the school.

12.17 Employees are reminded of the law:

- prohibiting sexual relations between a teacher and their student under the age of 18 years.
- prohibiting child pornography and the use of unauthorised images for offensive purposes.

12.18 Employees are reminded of strict requirements relating to photographing or filming students. Secretly taking photographs or other images of children is strictly prohibited. Employees in schools are not to photograph/film students, other than for approved educational/school purposes.

13. Appropriate Use of Electronic Information and Communication Technology

The CSO provides ICT facilities for its students and employees for educational and/or administrative purposes. The CSO has the right to monitor and view any data used, stored or transmitted using the CSO's ICT facilities. It is critical to remember that by its nature, electronic communication is a fast and often informal way of communicating. However, once a document or image has been created, sent or saved, it exists forever.

- 13.1 Employees must comply with all relevant policies or procedures relating to the use of ICT and act consistently with Catholic Values and Ethics. Refer especially to the relevant CSO policy Workplace Internet, Email and Network Usage Policy.
- 13.2 When using ICT and employer networks, it is expected that employees will:
- exercise good judgment
 - use appropriate language and images
 - communicate with students in a manner consistent with their role and responsibilities and in relation to educational/school matters
 - not upload, download, send, circulate, display or respond to any of the following materials:
 - sexually related or pornographic messages or material containing thoughts and feelings with overly familiar or sexual connotations
 - violent or hate-related messages or material
 - threatening, defamatory, obscene or harassing messages or material
 - racist or other offensive messages or material
 - subversive or other messages or material related to illegal activities
 - report any situations where employees become aware of the inappropriate use of ICT by another employee.
- 13.3 Be aware that in certain circumstances electronic files or communication may be accessed for viewing or produced in Court.
- 13.4 If there are reasons for employees to communicate with students or their families using ICT for reasons other than educational/school purposes, it is important to discuss this with the Head of Service or Principal.

14. Appropriate Use of Social Media

- 14.1 Employees should not use social media in a manner which would bring the CSO, school or Diocese of Maitland-Newcastle into disrepute. Identifying the employer in personal social media may increase this risk. Refer to the Social Media Policy and associated documents.
- 14.2 Employees must not invite or accept students into their personal social networking sites/pages/groups unless exception has been granted in writing by the Head of Service or Principal.
- 14.3 Employees are to use extreme care before inviting or accepting ex-students or parents of current students as friends on social media.
- 14.4 Employees must not use social media platforms as a substitute for school and CSO approved learning platforms and are encouraged to use school approved online learning communities with their students in order to achieve educational outcomes. In doing so, the following is expected:
- the sites used are age and developmentally appropriate for the students
 - students are provided training and information around appropriate use of the technology
 - parent/carer permission must be obtained for students to register with online learning
 - personal social networking sites, such as Facebook, as opposed to approved online communities, must not be used by employees as learning tools for students

15. Use of Alcohol, Drugs and Tobacco

- 15.1 Employees must not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances. Employees must not consume alcohol, illegal drugs or tobacco on school premises or at any school-related activity where students are present. Employees are responsible for ensuring their capacity to perform their duties is not impaired by the use of alcohol or drugs, and that the use of these substances does not put them or any other person's health and safety at risk.
- 15.2 In any other school-related event where alcohol may be consumed, employees should be mindful of the following:
- safety of self and others
 - duty of care towards others
 - professional boundaries with colleagues and school community members
 - modelling appropriate behaviour
 - work health and safety
 - not driving under the influence of alcohol
 - reputation of the school and CSO
 - professional and personal reputation
- 15.3 Employees who are concerned about any person at work who may be affected by alcohol or drugs, or may have engaged in the behaviours outlined above, should consult their Head of Service or Principal.
- 15.4 Employees who are required to take medication (including prescription medication) which may impair their work performance, conduct or ability to exercise duty of care, must notify their Head of Service or Principal.

16. Secondary Employment

Secondary employment may result in potential conflicts of interest that could adversely impact on an employee's ability to perform their duties with the Catholic Schools System, Diocese of Maitland-Newcastle including work, health and safety concerns, or where the secondary employment may affect the CSO or school's financial position, services, clients or standing in the community.

Employees employed on a full-time, part-time and temporary basis must inform their Head of Service or Principal in writing of any secondary employment or business activity, including employment within a family company, directorship or consultancy.

17. Confidentiality and Privacy

The school and Catholic Schools Office collects and stores confidential and personal information about students, their families and employees. Any misuse of confidential or personal information, whether intentional or reckless, is inconsistent with the school and Catholic Schools Office mission and ethos. It may harm individuals and the reputation and credibility of our Catholic schools. It may also be unlawful.

- 17.1 It is expected that employees will:
- 17.1.1 Abide by the Australian Privacy Principles (APPs) found in the *Privacy Act 2012 (Cth)* in the conduct of their work.
 - 17.1.2 Treat confidential and personal information about students, their families and other employees respectfully.

- 17.1.3 Exercise caution and sound judgement in discussing other people's confidential and personal information.
- 17.1.4 Comply with relevant laws and regulations regarding the collection, dissemination, use and security of all such information.
- 17.1.5 Only use such information for work-related purposes.
- 17.1.6 Only communicate such information to those who need to know in order to perform their role.

17.2 Sharing of confidential and personal information with external persons or agencies may only occur:

- within the established guidelines for such communication, or
- in accordance with any relevant legislation relating to the provision of such information.

18. Protected Disclosures

In reporting any suspected improper use, fraud, waste or abuse of resources, corrupt conduct, inadequate administration or accountability, employees are entitled to seek support and protection when making such disclosures, and to be notified of the action taken in relation to the disclosure.

Employees are not entitled to protection for disclosures which, on investigation, are found to be vexatious or malicious allegations, and may be liable for disciplinary action as a result.

Definitions

Definitions as they relate to this Code of Conduct:

Accountability

Being answerable to decisions and having appropriate mechanisms in place to ensure the CSO and its employees adhere to all applicable policy and procedures.

Conflict of interest

A conflict of interest refers to a situation where a conflict arises between public or professional duty and self-interest. Conflicts of interest can be actual, potential or reasonably perceived. Conflicts of interest can be financial or non-financial and may involve an employee's family, friends or colleagues.

Concerns for Children

Concerns for Children is a term used to capture a wide range of possible situations or issues that may adversely affect the safety, welfare or wellbeing of a child or class of children and includes those matters that:

- involve a criminal act;
- constitute 'risk of significant harm';
- do not meet the threshold for significant harm but where a diocesan member has anxiety or fears for a child or class of children;
- constitute reportable conduct under Part 3A NSW *Ombudsman's Act 1974*;
- constitute a breach of Integrity in Ministry, when considering clerical and religious members of the Diocese; or
- constitute a breach of Integrity in the Service of the Church, when considering lay members of the Diocese.

Employee

For the purposes of this Code of Conduct, those working in (casual, part-time, full-time or temporary) or providing services to Catholic schools with the Diocese of Maitland-Newcastle are referred to as 'employees'.

Ill-treatment

Captures those circumstances where a person treats a child in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner.

Ill-treatment can include disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

Intellectual property

CSO's intellectual property exists in the form of copyright material, its logo and applications, and reputation.

Collectively, this property can include all curriculum materials, course information, promotional items, computer software and databases, training and manuals, commercial publications, non-commercial publications including reports, research, questionnaires, building plans, forms and stationery, and confidential information.

Protected disclosure

Employees who report serious wrongdoing in or by the Catholic Schools System are afforded protection.

Disclosures by employees are not protected if the allegations are known to be false or made in bad faith.

This definition does not apply to documents that may be covered by legal professional privilege.

Reportable conduct

Section 25A of the *Ombudsman Act* defines 'reportable conduct' as: a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material); or b) any assault, ill-treatment or neglect of a child, or c) any behaviour that causes psychological harm to a child.

Secondary employment

Any work or position which is in addition to an employee's Principal employment with the schools or CSO.

Sexual misconduct

Includes conduct that does not necessarily equate to a criminal offence. For sexual misconduct to constitute reportable conduct, the alleged conduct must have been committed against, with or in the presence of a child. There are three categories of sexual misconduct in addition to sexual offences: crossing professional boundaries, sexually explicit comments and other overtly sexual behaviour, and grooming behaviour.

Legislative/Professional Guidelines

The following legislation is relevant:

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Children and Young Persons (Care and Protection) Act 1998

Crimes Act 1900

Disability Discrimination Act 1992 (Cth)

Disability Inclusion Act 2014

Disability Standards for Education 2005 (Cth)

Fair Work Act 2009 (Cth)

Fringe Benefits Tax Assessment Act 1986 (Cth)

Health Practitioner Regulation National Law (NSW)

Integrity in the Service of the Church (National Commission for Professional Standards 2011)

NSW and ACT Catholic Systemic Schools Enterprise Agreement 2015

Ombudsman Act 1974 (Part 3A)

Privacy Act 1988 (Cth)

Racial Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984 (Cth)

Teacher Accreditation Act NSW 2004

The Child Protection (Working with Children) Act 2012