



ST ALOYSIUS' COLLEGE, MILSONS POINT

CHILD PROTECTION PROFESSIONAL STANDARDS

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Annexure Definitions

1. **Preamble**

- 1.1 The first administrative document of the Society of Jesus (“**the Jesuits**”) with respect to the schools’ apostolate, the *Ratio Studiorum*, made reference to professional standards more than four centuries ago. From those earliest days care for the individual and respect for the human person “cura personalis” was the starting point in all Jesuit ministries. Such reverence has as its theological base a recognition of Christ in the other.

In Australia, the Jesuits ascribe to the code of behaviours presented in the document *Integrity in Ministry*, and respond at a Province level to complaints about professional behaviours in accordance with the principles of the document *Towards Healing*.

These *Child Protection Professional Standards* (“**these Standards**”) stand in long tradition of prudent care and respect.

- 1.2 Over time, a positive culture has developed at the College relating to the relationship between staff and students that blends formality and informality, and a level of familiarity as required/necessary. Therefore, when interacting with students, staff are expected to exercise discretion and judgement appropriate to the circumstances of the case always being mindful of the protection and wellbeing of the student.
- 1.3 These Standards are provided to assist you in defining professional boundaries and acceptable practices in your interactions with students. It is hoped that they will also encourage you to think about areas of concern or situations that may place you at risk and to take appropriate action to manage those risks. The document, therefore, is not intended to cover every possible situation you may encounter. You should discuss any emerging issues with your supervisor or other colleagues.
- 1.4 These Standards apply to all staff engaged directly or indirectly by the College, including paid staff, volunteers and contractors.
- 1.5 With regard to the College Manual, this document is a School Policy/Guideline/Statement (Staff), and relates to the College Council Policy/Guideline/Statement, *Child Protection Guidelines*.

2. **Professional responsibilities of staff**

- 2.1 In performing your duties it is expected that you will respect the teachings and values of the Catholic Church, support the philosophy, spirituality and pedagogical style of the Jesuits, and conduct yourself in a way which is consistent with these ideals.
- 2.2 You have a responsibility to meet the high standards of professional and ethical behaviour required by the Jesuits (your employer via the College), students’ families and the Catholic and wider community.

- 2.3 You undertake your responsibilities within the framework of the law and lawful instructions from the College. You must comply with legislative and industrial requirements, with these Standards and any policies and procedures that are implemented by the College.
- 2.4 Staff (and school authorities) owe a duty of care to students. This duty of care is to take reasonable steps to protect students from a reasonably foreseeable risk of harm. This duty applies equally to school-based activities and out of school activities involving the College.
- 2.5 *Duty to disclose:* If you are the subject of a Reportable Conviction or an Apprehended Violence Order, you are required to inform the Principal immediately you are in receipt of such a Conviction or Order.
- 2.6 You cannot delegate the responsibility of exercising your duty of care.
- 2.7 If you are in any doubt about your relationship with a student, you should initially discuss the situation with the Deputy Principal or Head of Junior School, as applicable.
- 2.8 If you are in any doubt about the inappropriate action of a colleague, you should discuss the situation with the Principal.

3. Supervision of students

- 3.1 You must take all reasonable care to ensure that no student is exposed to any unnecessary risk of harm. You are to remember that you are *in loco parentis* – the standard of care appropriate to both the person and the context.
- 3.2 Injured or ill students should be attended to by the supervising staff member. Should additional assistance be required, you should contact the appropriate staff member according to College policy or procedure – in the Junior School, this is the Junior School Sportsmaster, and in the Senior School, the Student Supervisor.
- 3.3 Students should not be left unsupervised either within or outside of class. You are reminded of your duty of care obligations in this regard. You should be punctual to class and allocated supervision.
- 3.4 You should remain with students at after-school activities until all students have been collected. In the event that a student is not collected, you should remain with the student until collected, giving due consideration to the age of the student, the time and the location. Contact should be made with the student's Parent/Guardian where possible.
- 3.5 Playground supervision is an integral part of your responsibility. It must take precedence over other activities. You should actively supervise your designated area, being vigilant and constantly moving around.

- 3.6 You should be alert to bullying or any other form of discriminatory behaviour, and report incidents to the appropriate staff member according to College policy or procedure – in the Junior School, this is the Head of the Junior School, and in the Senior School, the appropriate Year Coordinator.

4. Relationships with students

- 4.1 Relations between staff and students can at times be problematic and lead to allegations against staff. You must be alert to the risk involved in building relations with students and be conscious that your position places extra obligations on you.
- 4.2 When you wish to conduct a private conversation with a student you should consider the time and venue carefully to avoid placing yourself in a vulnerable situation. It is preferable to leave the door open. You should not locate yourself between the student and the door.
- 4.3 You should avoid situations where you are alone in an enclosed space with a student. Where you are left with the responsibility of a single student you should ensure that this is in an open space subject to the view of others. Where this is not possible or practical you should obtain the expressed permission of your supervisor.
- 4.4 In discussions with students, you must be cautious of making personal comments about a student or yourself, or asking questions that probe a student's or your own sexuality or relationships.
- 4.5 When congratulating a student, a handshake, pat on the shoulder or similar may be acceptable as long as the student is comfortable with this action. Kissing of students is not acceptable.
- 4.6 Assessing a student who is injured or ill may necessitate touching. Always advise the student of what you intend doing and seek their agreement.
- 4.7 You must treat students with respect and without favouritism. There is no place for inappropriate comments of a sarcastic, derogatory or offensive nature, or which display inappropriate familiarity.
- 4.8 Sometimes during the course of your work, you may receive a gift from a student. In such circumstances where receiving a gift could be considered outside of usual custom, you are to inform your supervisor.
- 4.9 You are not to participate in behaviour that could be construed as grooming, for example, spending inordinate time with a student, giving gifts or showing special favours, allowing the student to over step rules or sharing secrets.
- 4.10 You should never drive a student in your motor vehicle unless you have the express permission of the student's Parent/Guardian and you inform your supervisor. In the case of an emergency and when the Parent/Guardian is not able to be contacted, you should exercise discretion in allowing the student to travel with you such as having another person accompany you, and informing your supervisor.

- 4.11 In relation to students travelling home after sports training, students should travel back to school on the buses provided, except in the case where you have been notified beforehand that the Parent/Guardian will collect their son at the training venue. If the student is ever to be unsupervised, the Parent/Guardian should have advised you that they have consented to their son remaining unsupervised until he is collected.
- 4.12 Only students not associated with the College may be tutored/coached for monetary return. If you would like to conduct tutoring/coaching on the College premises, you must receive the express permission of the Deputy Principal or Head of Junior School, as applicable, prior to using the premises. You must be able to provide the Deputy Principal or Head of Junior School, as applicable, with evidence that you have the express permission of the student's Parent/Guardian to conduct the tutoring/coaching on the College premises. All tutoring/coaching is to be conducted in a location agreed with the Deputy Principal or Head of Junior School, as applicable, which meets child protection guidelines such as the College Library, and in accordance with any other College requirements that the Deputy Principal or Head of Junior School, as applicable, may advise you of from time to time for this purpose.
- 4.13 When physical contact with a student is a necessary part of the teaching/learning experience, you must exercise caution to ensure that the contact is appropriate and acceptable. You should seek reassurance from the student by asking for a volunteer to demonstrate a particular activity.
- 4.14 Whilst physical contact with students is to be minimised, it is recognised that there are times in the teaching profession when physical contact is appropriate and acceptable for the duty to be performed and is consistent with the core values of the College. For example, applying medical treatment, comforting an upset child, guiding a student in a non-threatening manner, tapping a student on the shoulder to gain his/her attention after verbal requests were unsuccessful, separating students who are fighting, or using appropriate physical contact (or force) in order to protect a student from imminent danger to him/herself or to others. Such physical contact is only acceptable if the contact was reasonable for the purposes of discipline, management or care of the student. The contact must also be appropriate given the student's age, maturity, health or other characteristics. Any such strategy must be in keeping with the College's behaviour management practices and/or consistent with the behaviour management plan that is developed for a student with special needs. Any force used in restraint must be the minimum needed and must never include any force applied to the student's head or neck.
- 4.15 Attention to the toileting needs of young students should be done with caution. It may be appropriate to have the door open. In respect to students with a disability, the management of toileting needs should be included in the student's individual management plan.
- 4.16 Staff who communicate with students electronically must abide by the terms of the College's *Use of Electronic Facilities Policy* and *Email Etiquette Guidelines*.

- 4.17 Social relations between staff and students outside school can be problematic and lead to allegations against staff. You are to refrain from inviting students to your home, visiting students at their home or socialising with students unless you have the express permission of the Principal or Rector and the student's Parent/Guardian. You are to refrain from making inappropriate phone calls, or sending inappropriate emails or text messages or other messages via social media to students. Great care must be taken in the use of internet based personal or individual social networking as a means of communication with students. Many authorities would advise against having contact with students via social media – if you chose to do so, you are under the same obligations as in all other forms of communication with students, and additionally, you must ensure that your own postings or material on any such site that operates under your name, which students may have access to, is appropriate. You must be alert to the risk involved in social relations with students.
- 4.18 You should ensure that you are familiar with and adhere to College policy or procedure in regard to the storage and administration of medical products to students.
- 4.19 You must not supply or condone the use of alcohol, tobacco or other illegal drugs or restricted substances for any student in your care.
- 4.20 You must not, under any circumstances, engage in intimate and/or sexual relationships with a student or engage in any conduct of a sexual nature with a student. It is irrelevant whether the relationship is heterosexual or homosexual, consensual or non-consensual or condoned by Parents/Guardians. The age of the student or your age is also irrelevant.
- 4.21 Improper conduct of a sexual nature by a staff member against a student includes sexual intercourse and any other form of sexual misconduct. Sexual misconduct includes, but is not limited to:
- sexual exhibitionism;
 - unwarranted and inappropriate touching;
 - personal correspondence with students in respect of your sexual feelings for the student;
 - deliberate exposure of students to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual;
 - possession, distribution or display of pornography;
 - obscene language of a sexual nature;
 - suggestive remarks or actions;
 - jokes of a sexual nature;

- obscene gestures;
 - electronic transmission of messages or files which are sexually explicit, offensive or contain inappropriate jokes;
 - sending sms (text) messages which are sexually explicit, offensive or contain inappropriate jokes.
- 4.22 Should any student engage, or attempt to engage, in inappropriate behaviour of a sexual nature with you, then you should take immediate steps to discourage the student, and you should immediately inform the Deputy Principal or Head of Junior School, as applicable.

5. Discipline of students

- 5.1 You are to be familiar with and adhere to the College's *Statement on Discipline*.
- 5.2 You must not, under any circumstances, use any form of discipline which involves corporal punishment or engage in any form of inappropriate behaviour which could cause physical or psychological harm to students.
- 5.3 You are not to encourage Parents/Guardians to use corporal punishment at home in relation to disciplinary matters at school.
- 5.4 No student is to be allowed to leave or be absent from a class as a form of discipline except in accordance with the College's *Statements on Pastoral Care and Discipline*.

6. Communication issues

- 6.1 You are required to respect and adhere to the established lines of communication in the College in relation to the issues addressed in these Standards.
- 6.2 You should be mindful of confidentiality when in discussion with students and/or Parents/Guardians. You can never guarantee confidentiality if the matter under discussion requires mandatory reporting.
- 6.3 The media should not be given access to students or allowed entry to the College without the expressed permission of the Principal.

7. Duty to report

- 7.1 You must be aware of your individual mandatory reporting requirements for situations involving potential risk of harm to a child or young person.
- 7.2 If you suspect a situation involving:

- a concern about a child or young person being physically abused, psychologically harmed, or about a carer's neglect, you should immediately inform the Deputy Principal or Head of Junior School, as applicable. If the situation appears significant, the Principal must be informed. They will, where required, report the matter to the appropriate external authority/agency and initiate any action(s) deemed appropriate by the College in the circumstances;
- a concern about a current employee's behaviour or conduct towards a child or young person – referred to as reportable conduct, you must immediately inform the Principal, who will investigate the matter and, where required, report it to the appropriate external authority/agency and initiate any action(s) deemed appropriate by the College in the circumstances;
- a concern about criminal conduct towards a child or young person, you must immediately inform the Principal, who will refer the matter to the appropriate external authority/agency where required and initiate any action(s) deemed appropriate by the College in the circumstances.

This reporting procedure is in accordance with the College's *Child Protection Guidelines*.

7.3 It is not the responsibility of staff to investigate allegations or suspicions of a child protection nature.

8. Clarification

8.1 If you are in doubt about the interpretation of these Standards, then you should initially discuss them with your supervisor.

9. About these Standards

9.1 These Standards are not a term of any contract, including any contract of employment.

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

ANNEXURE

Definitions

Grooming behaviour

Grooming is a pattern of behaviour aimed at engaging or “grooming” a child as a precursor to sexual assault. Grooming may involve a person identifying particularly vulnerable children, such as children who may be isolated, unhappy or needy and using tactics to establish trust with the child for inappropriate purposes.

The grooming process can include strategies such as:

- persuading the child that a “special” relationship exists – spending inappropriate special time with the child, inappropriately giving gifts, showing special favours to them but not other children, allowing the child to overstep rules etc, or
- testing of boundaries – undressing in front of the child, allowing the child to sit on the lap, talking about sex, ‘accidental’ touching, for example, of the genitals etc.

Such behaviours may not be indicative of grooming if occurring in isolation. However, if there is a pattern of behaviour occurring, an agency needs to consider whether that behaviour is part of a grooming process.

Reportable conduct

Reportable conduct is:

- (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,

whether or not, in any case, with the consent of the child. Reportable conduct does not extend to:

- (a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- (b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- (c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

Note:

Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child’s attention, to guide a child or to comfort a distressed child; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental.

Some conduct may fall within more than one category.

Reportable conviction

A reportable conviction is a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reporting conduct.