CODE OF CONDUCT

**Background**

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

**Aim of this Code**

The Code aims to provide safe and supportive environment where the boundaries as a set of general principles to guide Divine Mercy College staff in their conduct as employees. These principles are designed to give guidance to employees when making both professional and personal decisions the consequences are clearly stated and where appropriate the scale of consequences in place.

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

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

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

**Applicability of the Code**

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

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

**Professional Learning for all staff on the Code of Conduct**

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

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

**General Principles of the Code of Conduct**

**1. Personal Behaviour**

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

* treat others with respect, dignity, courtesy, honesty and fairness and with proper

regard for their rights, safety and welfare;

* make decisions fairly, impartially and promptly, and according to all relevant

information, legislation, policies and procedures;

* contribute to a workplace that is free of harassment, bullying or discrimination against

colleagues, students or members of the public;

* encourage positive work habits, behaviour and personal and professional workplace

relationships and boundaries; this includes having classroom arrangements that deter inappropriate interactions i.e. keeping windows clear of view, doors open and not being alone in a classroom with a student

* do not engage in behaviour that may bring your own reputation or that school, and
* do not tolerate or participate in behaviour that is inconsistent with these principles.
* report all suspected grooming behaviour
* must understand and comply with Mandatory reporting obligations
* do not store photos of students on personal mobile phones or similar devices

See appendix 1 – Appropriate Physical Contact and Behaviours for specific examples on what is acceptable and what is not

**2. Communication and Official Information**

Employees only use official information for authorised purposes.

In practice this means employees:

* only disclose official information or documents as required by law or where proper

authorisation is given; and

* Comply with Privacy Policy
* do not misuse official information or documents for personal or commercial gain for

themselves and/or others

**3. Fraudulent and Corrupt Behaviour**

Divine Mercy College employees will act ethically and avoid engaging in any behaviour

which may be considered fraudulent and/or corrupt.

This means employees:

* do not engage in conduct which is dishonest and that causes actual or potential benefit

or detriment to any person or entity; and

* do not misuse their position to the advantage of themselves or others.

**4. Record Keeping and Use of Information**

As teachers and employees we ensure that all information is properly

recorded, managed and maintained.

In practice this means employees:

* properly record actions and decisions to ensure transparency and accuracy;
* securely store records and confidential information; and
* comply with the relevant policies and procedures.

**5. Conflicts of Interest**

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

In practice this means employees:

* verify that personal, financial or political interests of themselves or those of their family

and/or associates do not conflict with, or influence, their professional obligations;

* make appropriate declarations of all actual, potential or perceived conflicts of interest;

and

* properly manage any actual, potential or perceived conflict of interest

**Guidelines on How to Comply with the Code of Conduct**

**Official Complaints by staff, parents, students**

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

**Enforcement of the *Code of Conduct***

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

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

**Minor Breach of the *Code of Conduct***

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

1. First Breach – Principal will give a verbal warning to the employee, and in doing so will clearly state the breach so the employee can avoid the action again
2. Second Breach – Principal will give a written warning, clearly stating the breach and will also indicate when the verbal warning took place. This letter will state that if the breach happens again employment will be revoked immediately.
3. Third Breach – Principal will issue a written letter stating a third breach has occurred, this letter must state when the previous verbal and written warnings were given and that employment has been revoked immediately.

**Major Breach of the *Code of Conduct***

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

**Governing Body**

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

**Appendix 1 –**

APPROPRIATE PHYSICAL CONTACT and BEHAVIOURS

This addresses the following situations:

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

**Appropriate Physical Contact by a Staff Member to Assist a Student**

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

The following examples of physical contact that are acceptable are:

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

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

**Appropriate Physical Contact by a Staff member to Encourage a Student**

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

Good Practice Regarding Physical Contact to Encourage a Student

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

**Using Non-Physical Intervention in a Student Management Situation**

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

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

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

**Using Physical Restraint Where a Student’s Safety is Threatened**

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

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

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

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

Maintaining good order is never a reasonable justification for using force or restraint.

Appropriate physical force may be permitted to ensure that the employer’s duty of care to protect students from foreseeable risks of injury is met. Common law defenses such as self-defense and defense of others remain legitimate reasons for the use of physical contact.

Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so.

Good Practice When Using Physical Restraint

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

**Inappropriate Actions Causing Harm**

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

1. *Emotional Abuse*: an attitude or behaviour by a person towards a child that causes emotional harm. It can include rejection or refusal to accept a child, terrorism, bullying, isolation, grooming, continual belittlement and exposure to chronic or serious domestic violence. Emotional abuse may be evidenced through disturbed behaviour or the impairment of the child’s emotional, intellectual or social development.
2. *Physical Abuse*: physical harm caused to a child. It includes injuries such as cuts, bruises, burns and fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation or excessive discipline.
3. *Sexual Abuse*: a wide range of behaviour or activities that expose or subject a child to sexual activity that is illegal and/or inappropriate to his/her developmental level. These behavious include observation or involvement with inappropriate fondling of a child’s body, making a child touch an adult’s genitalia, showing pornographic material to a child, and sexual penetration of a child.
4. *Neglect*: failure of a parent/caregiver to provide a child with the basic necessities of life. These include adequate supervision, healthy food, suitable clothing, medical care and emotional security.
5. *Bullying students for staff*: Bullying: is a repeated behaviour that may be physical, verbal, written and/or psychological; where there is intent to cause fear, distress or harm to another; that is conducted by a more powerful individual or group; against a less powerful individual or group of individuals who is /are unable to stop this from happening.
6. *Grooming*: prepare or train (someone) for a particular purpose or activity (especially in grooming the person to accept any of the above behaviour in particular sexual abuse). Child grooming is befriending and establishing an emotional connection with a child, and sometimes the family, to lower the child's inhibitions for child sexual abuse. To establish a good relationship with a child and the child's family, child groomers might do several things:
   * They might try to gain the child's or parents' trust by befriending them, with the goal of easy access to the child.
   * A trusting relationship with the family means the child's parents are less likely to believe potential accusations.
   * Child groomers might look for opportunities to have time alone with the child, which can be done by offering to babysit;
   * The groomers may also invite the child for sleepovers, for opportunistic bed sharing.
   * They might give gifts or money to the child in exchange for sexual contact, or for no apparent reason.
   * Commonly, they show pornography to the child, or talk about sexual topics with the child, hoping to make it easy for the child to accept such acts, thus normalizing the behavior.
   * Hugging and kissing or other physical contact, even when the child does not want it, can happen.