

Catholic Education Diocese of Cairns Code of Conduct – STAFF



**Catholic
Education**
Diocese of Cairns

Learning with Faith and Vision

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Introduction

1 Commitment

- 1.1 Catholic schools are an integral part of the Church and are Christ-centred communities based on gospel values. Catholic Education strives to make a difference in the lives of individuals and in the wider community by challenging young people, who are made in the image of God, to find meaning and value in their lives and reach their full potential as compassionate, contributing, life-giving members of society who are highly skilled, informed, tolerant, open and just.
- 1.2 Catholic schools seek to provide a high-quality academic and vocational education for all their students, giving due emphasis to the fundamental literacy and numeracy skills required for both learning and life.
- 1.3 Catholic schools emphasise personal and social development as fundamental enduring values and requirements in an ever-changing world. This holistic approach provides an educational foundation for life to the full, meaning the full development of the person – intellectually, spiritually, socially, emotionally and physically.
- 1.4 Catholic Education occurs in welcoming, inclusive, and connected communities. Our schools seek to provide a genuine, safe and caring experience of community, to encourage students to appreciate the intrinsic worth of who they are, to value diversity and treat each student with dignity, enabling them in turn to promote and respect the dignity of all.
- 1.5 Catholic schools are welcoming to all who seek to share their life and wish to entrust their children's future to Catholic schools because of their explicit goals and acknowledged educational quality.
- 1.6 Catholic Education requires all staff members to maintain a high standard of personal and professional conduct and to comply with all policies and procedures, including this Code of Conduct.

2 Mission

Catholic Education in the Diocese of Cairns and its staff are guided by the strategic intent of the motto *Learning with Faith and Vision* – an evolving, quality, Christ-based education with a vision to the future and life-long needs of our students, couched in the faith of our Christianity and our commitment to our educational purpose.

- * *Be people of mission and witness inspired by what is best for all students in our schools;*
- * *Embrace the gifts and talents of all through commitment to Subsidiarity and Co-responsibility;*
- * *Be courageous – encountering possibilities and engaging in Dialogue to achieve excellence in all we do;*
- * *Move forward together – strengthening relationships between Families, Staff, School & System leaders, Clergy and the Diocese;*
- * *Be accountable for student learning through continuous improvement.*

3 Principles

- 3.1 Principles of our work are incorporated in the above Mission Statement
- 3.2 In the performance of their duties, every staff member must act in accordance with the Catholic ethos and the core beliefs of the Catholic Church as set out in the Statement of Principles for Employment in Catholic Education which forms part of every staff member's employment contract.

In accordance with the Statement of Principles, each staff member has an indispensable role to play in contributing to Catholic education, in that they:
 - * *Recognise and accept that the Catholic school is more than an educative institution as it is a key part of the Church, an integral element of the Church's mission;*
 - * *Be qualified for the position and meet all registration, accreditation and other requirements of the State and Church;*
 - * *Be committed to participation in regular on-going professional development;*
 - * *Accept and support the Catholic educational philosophy, policy and practices of the school;*
 - * *Develop and maintain an adequate understanding of those aspects of Catholic teaching that touch upon their areas of responsibility;*
 - * *Strive by their service, performance of duties and personal example to instil in students an appreciation and acceptance of Christian teaching and values;*
 - * *Avoid, whether by word, action or known lifestyle, any influence upon students that is contrary to the teaching and values of the Church community in whose name they act.*
- 3.3 Staff should demonstrate conduct which is consistent with the educational, religious and social beliefs and teachings of the Catholic Church.
- 3.4 This Code does not replace the need for staff to familiarise themselves with Catholic Education and school based policies and guidelines referenced in this Code and/or relevant to their position in Catholic Education.

4 Purpose of the Code

- 4.1 This Code sets out the responsibilities and standards of behaviour required of all staff members of Catholic Education whether they work at a Catholic School or within Catholic Education Services.
- 4.2 The Code does not provide an exhaustive list of these responsibilities and standards, but rather provides a broad framework to assist employees, including Principals/Managers, to make appropriate and ethical decisions about their conduct.
- 4.3 This Code also satisfies Catholic Education obligations under the *Working with Children (Risk Management and Screening) Act 2000 (QLD)* to have a Code of Conduct for interacting with children as part of the Child and Youth Risk Management Strategy.

5 Definitions

- 5.1 The following are relevant definitions for terms used in Catholic schools.

CES means Catholic Education Services – an executive arm of the Diocese of Cairns, that assists the Bishop in directing pastoral action through educational administration and support and is delegated to undertake responsibilities which serve, support and advocate for all Catholic Educational ministries

CE means Catholic Education – the collective of CES and all Catholic schools in the Diocese of Cairns

Child Protection Legislation includes the *Child Protection Act 1999 (QLD)*, *Child Protection Regulation 2011 (QLD)*, *Education (General Provisions) Act 2017 (QLD)*, *Education (General Provisions) Regulation 2006 (QLD)*, *Education (Accreditation of Non-State Schools) Act 2017 (QLD)*, *Education (Accreditation of Non-State Schools) Regulation 2017 (QLD)* and *Working with Children (Risk Management and Screening) Act 2000 (QLD)*

Code in this document refers to this Code of Conduct for Staff

Confidential Information means all information concerning the affairs of Catholic Education that has been made available to staff members during their employment with Catholic Education, but does not include information in the public domain (other than the result of a breach of any duty of confidentiality)

Intellectual Property refers to the ownership of intangible goods that are created or produced by CE. It includes logos, artwork, training modules, documents, publications and designs, as well as digital products including software. It includes items protected by copyright or trademarks.

Principal means a staff member appointed to be the religious and educational leader of a Catholic school within the Diocese of Cairns; or a person who has the delegated authority to act in the position of Principal

Electronic Communications and Social Media includes any form of online publication or presence that allows interactive communications, including social media networking sites (e.g. Facebook, Twitter, LinkedIn, Snapchat etc.), internal intranet portals, video and photo sharing websites (e.g. Flickr, YouTube, Instagram, Pinterest etc.), email, instant messaging (e.g. SMS, WhatsApp, Viber etc.), geospatial tagging (e.g. Yelp etc.), location based dating apps, blogs, micro-blogging, podcasts, gaming platforms, wikis and online collaborations and forums, discussion boards and groups

Student is any person enrolled as such at a Catholic school in the Diocese of Cairns

Staff is any person who is employed by Catholic Education – Diocese of Cairns on a casual, fixed term, or continuing basis, either pursuant to a contract of employment or appointed to a role at the school pursuant to an agreement with a religious order

Union means the Independent Education Union – Queensland and Northern Territory Branch

6 When does the Code of Conduct apply?

- 6.1 This Code applies to all Catholic Education – Diocese of Cairns staff who work in Catholic Education schools and/or for CES.
- 6.2 In some cases, the Code of Conduct will apply to the conduct of staff members away from the workplace and at activities outside work hours, including but not limited to:
- * *While performing work for Catholic Education including outside normal working hours, for example, while supervising students on camps, excursions and extracurricular activities approved by the school;*
 - * *In connection with work, for example when communicating or interacting with students, staff, the school community or public, including communications via media, social media, electronic communications and phones; and*
 - * *At activities away from the workplace which are supported or approved by CES, including excursions, training courses, social functions and other functions.*
- 6.3 Compliance with this Code of Conduct by all staff members is mandatory. Staff must complete all training in relation to the Code of Conduct that is required by CES.

7 What happens if there is a breach of the Code of Conduct?

- 7.1 Staff are accountable for their actions. Failure to comply with this Code of Conduct may constitute a breach of employment or contractual obligations. CES may take appropriate action, including action under the:
- * *Student Protection Reporting Processes and Guidelines*
 - * *Workplace Bullying Policy*
 - * *Discrimination and Sexual Harassment Policy*
- 7.2 Action may include, but is not limited to those defined in the following processes and procedures:
- * *Employee Unsatisfactory Performance*
 - * *Employee Misconduct and Investigations*
 - * *Grievance Procedures*
- 7.3 In taking any action under these processes and procedures, the staff member will be provided the fundamental principles of natural justice and procedural fairness, unless doing so compromises a criminal investigation and/or other legislative application.
- 7.4 Staff members should report potential breaches of this Code of Conduct by other staff members to their Principal/Line Manager, or by contacting CES at professionalstandards@cns.catholic.edu.au, or by contacting the whistleblower service on 1300 304 550.

- 7.5** When information is received by Professional Standards that relate to breaches of this Code of Conduct, the most appropriate response will be determined depending on the seriousness of the breach. This may include, but is not limited to:
- * *where appropriate, referring the matter back to the school to be handled by the Principal*
 - * *referring the matter to the relevant Director of School Effectiveness*
 - * *engaging an internal or external investigator to review the breach*
- 7.6** Under the Student Protection Reporting Processes and Guidelines staff must report to the Principal or other school Student Protection Contact, matters of inappropriate behaviour by a staff member towards a student.

8 Questions

- 8.1** Questions, concerns or clarifications in relation to any issue in this Code of Conduct may be addressed by staff by consulting with their Principal/Line Manager, or by contacting the Professional Standards Unit.
professionalstandards@cns.catholic.edu.au
07 4050 9765

Duties and Responsibilities of Staff

9 Compliance with Laws, Standards and CE Policies and Procedures

- 9.1 Staff must comply with all Catholic Education policies and procedures as they are revised, reviewed or amended from time to time.
- 9.2 Staff must complete training and attend all briefings as required or requested in relation to directives, policies, guidelines and procedures.
- 9.3 Directives, policies, guidelines and procedures are available to all staff members on the Governance site of the CE staff portal and some are provided to staff through induction and training programs. The Governance site of the portal displays the up-to-date approved documents for Catholic Education in Cairns. When other versions of these documents exist on other portals or websites or in print form, the document on the Governance site takes precedence.
- 9.4 All applicable laws, regulations, industrial awards and agreements must be complied with by staff. If there is any conflict between the Code of Conduct and legislation, the legislation will take precedence.
- 9.5 If there is any change in the criminal history of a staff member which would impact on the staff member's ability to perform his/her role, the staff member must immediately give all required notifications to the Principal/Line Manager. This includes notifications that are required by law to the employer and professional registrations.
 - * *Registered teachers must notify the Queensland College of Teachers when they have been charged or convicted of an offence.*
 - * *School Officers, other support staff and holders of Blue Cards must notify Blue Card Services of a change in their Police information.*
- 9.6 Staff must comply with the professional standards of relevant professional bodies, for example:
 - * *Australian Professional Standards for Teachers*
 - * *The Australian Psychological Society Code of Ethics*
- 9.7 Teachers are required to abide by the Code of Ethics and Professional Boundaries: A Guideline for Queensland Teachers published by the Queensland College of Teachers.
- 9.8 Staff must complete, as required, professional development and obtain and maintain all relevant registration and accreditation.

10 Professional Responsibilities

- 10.1 Catholic Education requires staff to carry out their duties in a professional, competent and conscientious manner. Staff are responsible for maintaining and developing their professional work practices and seeking appropriate opportunities to improve their knowledge and skills.
- 10.2 Staff must always conduct and present themselves appropriately to enhance their professional reputation and the reputation of Catholic Education.
- 10.3 Staff must be honest, trustworthy and accountable. Staff must not engage in illegal, disreputable or scandalous activities that may negatively impact on their personal reputation or the reputation of a Catholic school, CES, or the Catholic Church.
- 10.4 Staff must comply with the lawful and reasonable directions of CES and their Principal/Line Manager.
- 10.5 In representing their qualifications and competencies, staff must be truthful. When responding to a CES request for information or making any application to Catholic Education, staff must promptly provide Catholic Education with all relevant information and supporting documentation.
- 10.6 If a staff member is in a supervisory role, they must exercise responsible management, leadership and supervision.
- 10.7 It is expected that all staff act professionally and be courteous and respectful to:
 - * *Students;*
 - * *Other staff members;*
 - * *Parents/carers;*
 - * *School community;*
 - * *Parish personnel;*
 - * *External agencies;*
 - * *Members of a religious order appointed to a role at a Catholic school or CES; and*
 - * *Consultant and contractors who perform work at a Catholic school or CES.*
- 10.8 Principals and Managers are expected to:
 - * *Comply with all Catholic Education policies and procedures*
 - * *Promote a collegial and collaborative workplace;*
 - * *Provide ongoing support and feedback to staff;*
 - * *Ensure staff whom they supervise have a clear understanding of their duties and how they are expected to perform their duties;*
 - * *Exercise appropriate leadership in managing performance and development processes; and*
 - * *Take appropriate action if a staff member breaches the Code of Conduct.*

11 Duty of Care and Risk Management

- 11.1 Staff have a duty to take reasonable care for the safety and welfare of students in their care.
- 11.2 Staff must take all reasonable action to protect students from reasonably foreseeable risks of harm.
- 11.3 Staff must take all reasonable steps to eliminate or minimise any risks to health and safety in the workplace and to ensure the safety of themselves and others in the workplace.
- 11.4 Staff must follow safe work practices, comply with reasonable instructions and comply with Catholic Education policies and procedures for health and safety.
- 11.5 Any hazards or unsafe work practices in the work environment must be reported by staff to their Principal/Line Manager.
- 11.6 Staff may only assist students to take approved medicine in accordance with Catholic Education Medication Administration (routine and emergency) and Management of Health Guideline/Procedure.
- 11.7 Each school has a Child and Youth Risk Management Strategy which outlines the policies and procedures that are in place to create a safe and supportive environment for students.
- 11.8 Staff are required to comply with the relevant Child and Youth Risk Management Strategy and the reasonable directions of CES and their Principal/ Line Manager to ensure that reasonably foreseeable risks to students are identified and minimised.
- 11.9 Staff's duty of care includes:
- * *providing adequate supervision of students and complying with arrangements for student supervision in the school;*
 - * *taking all reasonable steps to ensure the school grounds, premises and equipment are safe for students to use;*
 - * *reporting any bullying, harassment or discriminatory behaviour of students in accordance with the school's policies;*
 - * *assessing the risks of any activity and taking preventative measures to remove or minimise reasonably foreseeable risks;*
 - * *in performing playground duty, actively supervising designated areas in a vigilant, mobile and punctual manner;*
 - * *providing appropriate medical assistance to students or seeking assistance from a medically trained person to care for a student who is injured or ill at school;*
 - * *addressing the personal care needs of a student in accordance with the school's requirements and procedures and the student's management plan; and*
 - * *complying with the school's requirements in relation to after school activities.*

12 Use of Social Media, Electronic Communications and Phones

General Responsibilities

- 12.1 Staff are personally responsible for the content that they publish on social media, electronic communications and phones. As a result, staff must exercise professional discretion and sound judgement in their use of social media, electronic communications and phones, even for personal communication.
- 12.2 Comments and posts on social media, electronic communications and phones can leave a permanent record. Staff should recognise the potential for negative consequences for themselves, Catholic Education, colleagues, students, parents/carers and the school community through their personal use of social media, electronic communications and phones.
- 12.3 Staff must be familiar with and comply with Catholic Education policies in relation to the use of social media, electronic communications and phones.

Professional Boundaries with Students

- 12.4 Staff must respect appropriate professional boundaries with students in their use of social media, electronic communications and phones (see further details on professional boundaries in section 17).
- 12.5 Any social media, electronic communications (including email) or phone communication by staff with students must form part of an approved school-based process for communication. It should never be used for social or personal communication. Any official or school social media site or presence must have the prior approval of the Principal/ Line Manager.
- 12.6 Staff must not interact with, respond to "friend requests", "like" a post or image or "follow" students on social media. Staff must take all reasonable steps to adjust their privacy settings to prevent or "block" students interacting with them on social media.
- 12.7 Staff must notify their Principal/ Line Manager if a student attempts to interact with them on social media, personal email, personal mobile phone or home telephone. Staff must notify their Principal/Line Manager if they mistakenly communicate or interact with a student on social media, personal email, personal mobile or home telephone.
- 12.8 Staff must use professional discretion before communicating or accepting a "friend" request on social media with a past student or parents/carers of current students.
- 12.9 Staff must always use the employee's and students' Catholic Education email address for email communication with students and communication must only be for an appropriate educational reason.
- 12.10 Staff must not communicate with students using either the staff member's personal email address or the student's personal email address.
- 12.11 Staff must not provide their personal mobile or home telephone number to students.

- 12.12** Communications by staff with students using the student's personal mobile or home telephone may only occur in very limited circumstances, where there is a justifiable context and with the prior approval of the employee's Principal/ Line Manager.
- 12.13** Records of approvals must be kept by the Principal/Line Manager and parents/carers must be advised by the Principal/Line Manager of the approval, as appropriate.
- 12.14** When using social media, electronic communications and phones, including outside normal working hours, staff are required to:
- * *comply with their responsibilities under the law, this Code of Conduct and CE policies and procedures;*
 - * *obtain the express permission of their Principal/Line Manager before posting any school/office information, material, photographs or video;*
 - * *take care not to damage the reputation of CES, a CE school, the Catholic Church, students, colleagues or the school community;*
 - * *respect the privacy and confidentiality of others and not disclose or use the private, personal or confidential information of students (including students' academic work, records or results), colleagues or parents/carers;*
 - * *not use their personal camera, personal mobile phone or personal video recorder to photograph or record images of students unless they have obtained the prior approval of the parents/carers and there is a justifiable and appropriate context;*
 - * *never post or comment on any material, images or comments in relation to students, including photographs and video;*
 - * *not disclose or use CE Confidential Information;*
 - * *not infringe intellectual property rights and not disclose or use CE Intellectual Property (including the CE, CES or a school's logo); unless authorised to do so as part of their role or with the permission of their Principal/Line Manager;*
 - * *take care to be polite and respectful and never use obscene or offensive language;*
 - * *not imply that they are authorised to speak as a representative of CE or the Catholic Church or give the impression that their views are those of Catholic Education or the Catholic Church; and*
 - * *not post, "like" or respond to material or images that are offensive, obscene, pornographic, defamatory, derogatory, fraudulent, threatening, intimidating, harassing, bullying, discriminatory, hateful, racist, sexist or which incite violence against others.*

13 Smoking, Alcohol and Drugs

- 13.1** Staff are responsible for ensuring that their capacity to perform their duties is not affected by alcohol, drugs or any other substance. Staff must not put themselves or any other person's health and safety at risk.
- 13.2** If staff have concerns about the health, safety or welfare of themselves, students or other employees, they must report these concerns to their Principal/Line Manager. Principals/ Line Managers must immediately report incidents involving illegal or restricted drug use by staff to the Manager of Professional Standards. Staff must comply with the CE Drug and Alcohol Policies.

Smoking

- 13.3** Staff must comply with all laws in relation to the use and supply of tobacco and smoking products, including the *Tobacco and Other Smoking Products Act 1998 (QLD)*.
- 13.4** Staff are legally banned from smoking on a school facility and on land within a five-metre boundary of the school facility. A school facility includes any land on which the school provides educational instruction or activities (for example, sporting facilities located away from the school). These laws apply at all times, including during and after school hours, on weekends and during school holidays. Staff are also legally banned from smoking at or near an underage sporting event or at an outdoor swimming area.
- 13.5** CES staff working in the office of CES may only smoke in areas outside the office designated for smoking.
- 13.6** Staff must never purchase or provide students with smoking products or encourage or condone the use of smoking products by students.

Alcohol

- 13.7** Staff must never consume alcohol or be under the influence of alcohol when employees are performing their work duties or in any other circumstances where they are responsible for the care or supervision of students, including at school, school functions, dances, sporting fixtures, fund raising and other events, camps, excursions or study tours. A staff member would be considered to be "under the influence of alcohol" where the staff member's ability to exercise appropriate behaviour, judgement or discretion is impaired by his/her consumption of alcohol.
- 13.8** Staff must never purchase or provide students with alcohol or encourage or condone the use of alcohol by students.
- 13.9** Alcohol that is present on school grounds for approved purposes must be contained in a secure location which is not accessible by students.
- 13.10** The Principal/Line Manager must approve the provision of alcohol at school or work events or social functions.

Drugs

- 13.11** Staff must comply with the law and must not take, be under the influence of, or be in the possession of illegal drugs.
- 13.12** Staff must never be under the influence of prescription drugs that might cause an impairment while they are at work or in any circumstances where they are responsible for the care and supervision of students. If a staff member is using medication that may affect his/her performance at work, the staff member must notify the Principal/Line Manager.
- 13.13** Staff must never purchase or provide students or other staff members with illegal drugs. Staff must not encourage or condone the use of illegal drugs by students or other staff members.

14 Privacy and Confidentiality

- 14.1 Private and confidential information (including students' personal details), which employees obtain through their employment with CE, must always be handled confidentially and in accordance with the CE Privacy Policy Statement. Such information must not be disclosed, unless permitted to be disclosed under this document. This obligation continues after a staff member ceases to be employed by CE.
- 14.2 Staff must only use confidential information for work related purposes. Confidential information must not be disclosed by employees, unless permitted by law. Staff should exercise sound judgement and confidential information should never be a topic of gossip or spoken about freely with others.
- 14.3 Staff should ensure that confidential information is not stored, accessed or transmitted in a manner that makes it accessible to those not authorised to have access to it.
- 14.4 Any information obtained by staff through their employment must not be used for financial gain or other advantage.
- 14.5 If staff have any questions or concerns about whether information is confidential or private and whether it can be disclosed, they should discuss this with their Principal/Line Manager.
- 14.6 Actual or possible data breaches must be immediately reported to the Principal/Line Manager.

15 Managing Conflicts of Interest - Conflict of Interest Declaration

- 15.1 Staff must be impartial and objective and ensure that their private interests or personal views do not conflict or interfere (or be seen to conflict or interfere) with their obligations to CE and the proper performance of their duties.
- 15.2 Staff must ensure that they do not use their position as employees of CE or use CE's resources, equipment, information, confidential information and intellectual property to promote or benefit their private interests. A conflict can include benefitting the private business of the staff member or the family and friends of the staff member.
- 15.3 If a staff member has an actual or potential conflict of interest the staff member must declare it to his/her Principal/Line Manager by using the CE Conflict of Interest Declaration Procedure.
- 15.4 Principals/Line Managers must appropriately assess and manage actual or potential conflicts of interest for staff and provide guidance to staff members to resolve issues.
- 15.5 In some cases, staff may be able to engage in other employment while they are employed with CE. However, staff must ensure that they continue to meet all their obligations under this Code, including Professional Behaviour with Students (section 17), Privacy and Confidentiality (section 14) and Use of CE Resources (section 16). In many cases, staff members engaged in other employment may have a real or perceived conflict of interest which they must declare to their Principal/Line Manager by using the CE Conflict of Interest Declaration Procedure.

Examples of potential or actual conflicts of interest:

- * a staff member takes part in recruitment for CE where a potential candidate is a relative or close friend; or
 - * a staff member accepts a large personal gift from a parent/carer.
 - * a staff member uses information gained at work, such as students' names, email addresses or academic results, for personal use (for example, emailing students to offer private tuition);
 - * a staff member tutors or coaches students from his/her class in return for payment;
 - * a staff member refers students to attend a private tutorial or coaching sessions in which a relative or close friend has a financial interest in the business.
 - * a staff member supervises a relative or close friend and/or is responsible for determining his/her promotions or salary increases;
 - * a staff member takes part in the selection or appointment process for a supplier or contractor who is a relative or close friend or who owns a company in which the employee has a financial interest;
 - * a staff member has private part-time employment which conflicts with or compromises the staff member's employment with CE.
- 15.6 As a sign of gratitude, staff members may be offered small gifts, for example, suppliers, parents/carers or students may give a small gift of thanks. However, in some circumstances receiving a gift may create a conflict of interest, a sense of obligation, undermine a staff member's (or another staff member's) impartiality or affect the reputation of CE. Staff must ensure that the acceptance of a gift does not influence, or be seen to influence, their decision making. If a staff member is unsure about accepting a gift, they should email CES on professionalstandards@cns.catholic.edu.au
- 15.7 Staff must never ask for money, gifts or benefits. If a staff member is offered money or a bribe, the staff member must immediately refuse the money or bribe, explain that it is not appropriate and inform his/her Principal/Line Manager.

16 Use of CE Resources

- 16.1 Staff must use all CE resources, information and equipment responsibly and with due care, for legitimate, work related purposes and in accordance with the law and CE policies and procedures (including but not limited to the CE School Purchasing Policy, CE Motor Vehicle Policy and CE School Credit Cards Policy). Waste and extravagance must be avoided. The purchase and disposal of CE resources and equipment must be done in accordance with CE policies and procedures.
- 16.2 All CE property and resources must be returned to CE or the school before the staff member ceases employment with CE.
- 16.3 Staff must use CE ICT resources in accordance with CE policies and procedures, including the CE Conditions of Use of ICT Resources Statement and CE Acceptable Use of ICT including Social Media policies. CE may carry out monitoring and surveillance on CE ICT resources to monitor usage of these resources. This monitoring and surveillance includes investigating alleged breaches of the law, compliance with this Code, compliance with CE policies and procedures or misconduct.

Professional Behaviour of Staff

17 Professional Behaviour with Students

- 17.1** CE is committed to providing a positive learning environment that minimises the risk of harm and which supports students' wellbeing.
- 17.2** Staff must act appropriately and professionally at all times in their interactions with students, including outside school hours, to ensure that they maintain professional boundaries and are a positive role model for students.
- 17.3** CE expects staff to establish and maintain professional, positive relationships with students and show respect, courtesy and consideration to students.
- 17.4** Staff must use and develop effective, consistent and appropriate management strategies for their interactions with students as a preventative system of behaviour support. The strategies must be in accordance with the school's Student Behaviour Support Policy. Where an individual behaviour support plan has been developed for a student, staff are required to act in accordance with that plan.
- 17.5** If a staff member, after first complying with Section 15 Managing Conflicts of Interest - Conflict of Interest Declaration, provides any services to a student outside school hours (for example, coaching, tutoring, counselling, training), the staff member's obligations in this Code will continue to apply to the staff members conduct with students in providing these services.
- 17.6** Staff working with students in CE schools hold a special position of trust, care and authority with students. Staff must set clear professional boundaries in their interactions with students and ensure that they maintain appropriate physical, emotional and behavioural boundaries with students.
- 17.7** Where a staff member has a close personal relationship with the parents/carers of a student or his/her family, the staff member must report that conflict of interest (Section 15) to the Principal, who will manage this conflict.

The following self-assessment may assist staff in assessing and managing their professional boundaries:

- * *Am I dealing with a particular student in a different manner than with others?*
- * *Would I do or say this if a colleague or parent/carer was present?*
- * *Is my dress/availability/language different with a particular student?*
- * *Are the consequences of my actions likely to have negative outcomes?*
- * *Are my personal feelings translating into inappropriate actions?*

Similar considerations will apply to situations where staff have children attending their school as students. Principals, in being aware of this relationship, should ensure that these students are managed in the same manner as other students at the school.

Physical Boundaries with Students

- 17.8** Corporal punishment is prohibited in CE schools. Corporal punishment involves the application of physical force to punish or correct a student.
- 17.9** Staff may only make physical contact with a student if the physical contact is appropriate and reasonable for the behaviour, teaching, support, management or care of the student. The contact must also be appropriate given the age, maturity, health or other characteristics of the student. Where physical contact with a student is a necessary part of the learning or teaching experience, staff must exercise caution to ensure that the contact is appropriate and acceptable for the duty to be performed.
- 17.10** Physical interventions by a staff member with a student (including restraint or removal of a student) are only appropriate as a measure of last resort to ensure safety and protection. Acceptable instances of physical intervention are restricted to occasions when the student or other persons are being harmed or at risk of imminent harm (harm to property is not a relevant consideration for employees). The physical intervention and force used must be reasonable in the circumstances.
- 17.11** Staff must respect physical boundaries with students.

Examples of situations in which physical contact with a student may be appropriate include:

- * *assessing a student who is injured or ill where some touching may be required (employees should advise the student of what they intend to do and, where possible, seek the student's consent).*
- * *teaching sport, music and other activities where touching a student may be required to demonstrate a particular action or skill;*
- * *guiding a student in a non-threatening manner; and*
- * *comforting a distressed student in an appropriate manner, for example, by a pat on the arm or shoulder.*

The following are examples of physical boundary violations with students;

- * *using force to manage or direct a student's behaviour (pushing, pulling, grabbing, pulling, shoving, throwing);*
- * *using force to correct or punish a student (hitting with an object, punching, kicking, pinching, shaking);*
- * *refusing a student's biological necessities (disregarding or refusing a student's reasonable request to access food, drink or use a toilet);*
- * *inappropriately touching or massaging a student (patting a student on his/her bottom, stroking a student's hair) and;*
- * *applying painful or noxious conditions to a student (exposing a student to protracted physical management techniques such as standing still for an unreasonable length of time, enduring exposure to extreme weather conditions).*

Emotional Boundaries with Students

- 17.12** Staff must respect the emotional needs and well-being of students and ensure that they do not violate appropriate emotional boundaries with students.

The following are examples of emotional boundary violations with students:

- * *shaming, embarrassing or humiliating students (teasing, sarcasm, belittling, derogatory remarks);*
- * *using unprofessional criticism (comments that target the student rather than the behaviour);*
- * *making overly familiar or personal commentary (comments about a student's personal appearance); and*
- * *intimidating behaviours (shouting at or in the presence of students, use of threats and fear).*

Behavioural Boundaries with Students

- 17.13** Staff must respect behavioural boundaries with students. Staff must not develop a relationship with a student that is, or that could be seen to be, a personal rather than professional relationship. Staff must ensure that they treat all students consistently without inappropriate familiarity or spending 'special time' with a student.

- 17.14** Where a personal relationship exists between a staff member and a student (such as a family relationship), the staff member must declare that relationship to the Principal/Manager by using the CE Conflict of Interest Declaration Procedure, at the earliest opportunity.

- 17.15** CE procedures in relation to transporting students must be complied with by staff. Staff must not drive a student in their vehicle alone unless they have first obtained the specific written permission of the parents/carers and the Principal.

Staff must ensure that they do not violate appropriate behavioural boundaries with students.

The following are examples of behavioural boundary violations with students:

- * *inappropriate use of social media in relation to a student e.g. accepting a "friend" request, "liking" a post or image, "following" or contacting students on or through social media;*
- * *personal emails, texts, phone calls or other forms of personal communication with a student;*
- * *gift giving or showing special favours;*
- * *disclosing inappropriate personal information to a student;*
- * *sharing secrets with a student;*
- * *inappropriate questioning of a student about personal and private matters;*
- * *overly familiar social interactions with students including in staff offices or classrooms;*
- * *providing a personal mobile or home telephone number to students;*
- * *engaging in social activities with students (where there is no declared personal relationship) outside school;*
- * *driving students without appropriate authority or visiting students at home;*
- * *using unprofessional language such as swearing at or in the presence of a student or making inappropriate comments to or in the presence of a student.*

- * *failing to follow Student Behaviour Support Policy and Procedures;*
- * *using unreasonable, unfair and/or unjust disciplinary measures;*
- * *imposing manifestly unreasonable expectations or excessive demands on a student;*
- * *using inappropriate locations or social isolation outside of the school's behaviour support guidelines as punishment.*
- * *using a personal device or private email address to contact a student (unless there is an appropriate authority).*
- * *photographing or videoing a student other than for an appropriate professional reason.*
- * *supplying substances to a student (e.g. unauthorised medication, tobacco, alcohol, illicit drugs);*
- * *exposing students to material that contains adult content or themes that are offensive or inappropriate for the age and/or maturity of the student.*

18 Sexual Misconduct and Inappropriate Relationships with Students

- 18.1** Staff must not engage in sexual misconduct or inappropriate relationships.

- 18.2** Staff must not have a romantic or sexual relationship with a student. It is irrelevant whether the relationship is lawful, consensual or condoned by parents/carers. Staff must immediately discourage and reject any romantic or sexual advances by a student and immediately report the matter to his/her Principal/Line Manager.

- 18.3** Only a professional relationship between staff and students is acceptable. As a result of the relationship of trust between a staff member and student, any reasonable suspicions or allegations of a sexual relationship between a staff member and a student will be considered by CES to be sexual abuse of a student. Allegations or reasonable suspicions of grooming behaviour between a staff member and a student will be considered by CES to be likely sexual abuse. Sexual abuse or likely sexual abuse of a student will be reported by CES to the Queensland Police Service in accordance with the CE Student Protection Reporting Processes.

The obligation of staff not to engage in a sexual relationship or inappropriate relationship with a student, does not cease when the student reaches the age of consent (16yrs) or reaches the age of adulthood (18yrs). It also does not cease when the student leaves school or the staff member ceases employment with CE. The obligation continues to apply to a staff member for a significant time after the staff/student relationship ceases. Staff should be very wary about entering into a romantic or sexual relationship with a former student, especially in the first few years after the cessation of the staff/student relationship.

Staff should seek assistance or further clarification of their obligations by emailing CES at professionalstandards@cns.catholic.edu.au or telephoning the Manager of Professional Standards and Student Protection on 4050 9765.

Staff must not engage in the following conduct with students:

- * *jokes of an inappropriate or sexual nature;*
- * *inappropriate touching;*
- * *undressing in front of students;*
- * *inappropriately communicating to students, the sexual behaviour of others;*
- * *sexual exhibitionism;*
- * *communications that are sexually explicit or offensive;*
- * *personal communications about the employee's romantic or sexual feelings for the student or others;*
- * *holding conversations of a personal nature with a student where disclosures of private or personal information about themselves are made;*
- * *flirting with a student; or*
- * *using obscene language or gestures of a sexual nature.*

- 18.4** If a staff member has a lawful sexual or romantic relationship with a student which existed before the staff member commenced employment with CE or any work in a school, the staff member must immediately declare that relationship to his/her Principal/Line Manager by using the CE Conflict of Interest Declaration Procedure. If an existing staff member has a lawful relationship with a person who is not a student at a CE school and then that person becomes a student at a CE school, the staff member must immediately declare that change in circumstance to his/her Principal/Line Manager by using the CE Conflict of Interest Declaration Procedure.

19 Student Protection Processes

- 19.1** CE is committed to the safety and wellbeing of all students and the protection of students from harm and abuse. Staff must seek to prevent abuse and harm to students and respond appropriately to students who have been abused or harmed or are at risk of being abused or harmed.
- 19.2** The CE Student Protection Reporting Processes and Guidelines provides a process for responding to and reporting allegations of suspicions of sexual abuse or likely sexual abuse of students and harm or risk of harm from other causes to students. The CE Student Protection Reporting Processes and Guidelines have been formulated in accordance with the requirements of child protection legislation.
- 19.3** The CE Student Protection Reporting Processes and Guidelines also provides a process for responding to allegations of inappropriate behaviour of a staff member towards a student (including breach of a physical, emotional or behavioural boundary with a student by a staff member).
- 19.4** Staff must comply with the CE Student Protection Reporting Processes and Guidelines and make all reports required under those processes. All required training on the CE Student Protection Reporting Processes and Guidelines must be completed by employees. If a staff member requires any assistance or has any concerns, the staff member should contact the Manager of Professional Standards or the Student Protection Officer on 4050 9765 or by email at professionalstandards@cns.catholic.edu.au

20 Professional Behaviour with Parents/Carers

- 20.1** Staff must endeavour to establish a relationship with students' parents/carers that is based on mutual trust and open communication.
- 20.2** CE expects staff to respect parents'/carers' rights of enquiry, consultation and information in relation to their child. The characteristics and uniqueness of each student's family background and the values and perspectives of each student's family must be respected by staff.
- 20.3** Where there is any disagreement or conflict with parents'/carers, staff must use their best endeavours to resolve the issues and employees must ensure that their behaviour is not derogatory, belittling, intimidating, rude or abusive.

Staff must, in their behaviour with parents/carers:

- * *be approachable, prompt and responsive;*
- * *treat parent/carers with consideration, respect and dignity;*
- * *respect cultural diversity;*
- * *be aware of and respect different family structures;*
- * *be tolerant of different opinions and perspectives; and*
- * *exercise sound judgement and patience.*

Staff can demonstrate their professional behaviour with parents/carers by:

- * *working collaboratively with parents/carers;*
- * *ensuring they are responsive to requests by parents/carers in relation to their child's education;*
- * *engaging parents/carers through developing effective partnerships;*
- * *using professional honesty and discretion with parents/carers in discussing the educational development of their child;*
- * *explaining to parents/carers the relevant rules, policies and procedures of the school which affect their child, as well as the school's expectations and aspirations for their child;*
- * *not disclosing sensitive information from families unless it is for a legitimate purpose;*
- * *considering parents'/carers' perspectives regarding the education of their child; and*
- * *negotiating constructively with parents/carers to achieve the best educational outcomes for their child.*

21 Professional Behaviour Between Staff Members

- 21.1** All staff contribute to a workplace that is respectful, tolerant and co-operative. High standards of conduct by staff can have a positive influence on the culture and atmosphere of the work environment.
- 21.2** Staff must ensure that their behaviour towards other staff members is not derogatory, rude, aggressive, threatening, abusive, belittling or intimidating.
- 21.3** Where there is any disagreement or conflict between staff members, staff should use their best efforts to resolve the issues through the appropriate processes for managing grievances. Information can be found in the CE Guiding Principles - Managing Unacceptable Workplace Behaviour or staff can talk to their Principal/Line Manager.
- 21.4** Staff must, in their conduct with other staff members:
- * *work collaboratively and consultatively;*
 - * *be approachable, prompt, responsive and courteous;*
 - * *treat others with considerations, respect and dignity;*
 - * *respect cultural diversity;*
 - * *be tolerant of different opinions and perspectives;*
 - * *recognise the potential, talents and skills of others, irrespective of race, gender, age or religion; and*
 - * *exercise sound judgement and patience.*

22 Workplace Bullying, Sexual Harassment and Discrimination

- 22.1** All staff must promote dignity, courtesy and respect at work and avoid behaviour which is or might reasonably be perceived to amount to workplace bullying, sexual harassment, abuse or discrimination. Staff who believe that anyone in the workplace is being bullied, sexually harassed or discriminated against, should report the behaviour to their Principal/Line Manager or the supervisor of the Principal/Line Manager.
- 22.2** Staff must adhere to behavioural expectations as defined within the CE Workplace Bullying Policy, Workplace Equity Policy and the Discrimination and Sexual Harassment Policy. Staff may seek assistance or further information by emailing Professional Standards at professionalstandards@cns.catholic.edu.au or telephoning the Manager of Professional Standards on 4050 9765.
- 22.3** Sexual harassment is unlawful under the *Anti-Discrimination Act 1991 (QLD)*. Physical assault, threats of physical assault, sexual assault, indecent exposure and stalking are all criminal offences which should be reported by staff to the Queensland Police Service and their Principal/Line Manager.
- 22.4** CES will take appropriate action if a staff member is found to have bullied or sexually harassed another person as described in the CE Guiding Principles - Managing Unacceptable Workplace Behaviour.
- 22.5** Staff must not unlawfully discriminate against any person, as described in the *Anti-Discrimination Act 1991 (QLD)*.

- 22.6** Except where exempted by law, it is unlawful to directly or indirectly discriminate against a person on the basis of the following attributes:
- * *gender;*
 - * *relationship status;*
 - * *pregnancy;*
 - * *parental status;*
 - * *breastfeeding;*
 - * *age;*
 - * *race;*
 - * *impairment;*
 - * *religious belief or religious activity;*
 - * *political belief or activity;*
 - * *trade union activity;*
 - * *lawful sexual activity;*
 - * *gender identity;*
 - * *sexuality;*
 - * *family responsibilities; or*
 - * *association with, or relation to, a person identified on the basis of any of the above attributes.*

General

23 Copyright and Intellectual Property

- 23.1** Staff may use CE intellectual property during their employment with CE.
- 23.2** All material created by staff during their employment with CE is wholly owned by CE, unless a mutual agreement is reached between the author of the material and CES.
- 23.3** Staff must ensure that the intellectual property rights of others are not infringed and any third-party copyright or other intellectual property rights in the materials are appropriately acknowledged.
- 23.4** Staff cannot use CE intellectual property for any private purposes either during or after the staff member's employment with CE (for example, conducting a private business) without obtaining the written permission of CES.

Examples of material which staff may create during their employment:

- * *work programs;*
- * *teaching materials;*
- * *units of work;*
- * *assessment items;*
- * *precedent documents and forms;*
- * *music;*
- * *artwork;*
- * *websites or online digital resources;*
- * *multi-media presentations;*
- * *camp and excursion programs; and*
- * *risk assessment resources.*

24 Records, Notices and Approvals

- 24.1** Records of consents and approvals and declarations given to or by a Principal/Line Manager (for example, a Conflict of Interest Declaration or approval to transport students) must be kept on file by the Principal/Line Manager and the staff member.
- 24.2** Where a Principal/ Line Manager is required to notify or seek consent, the Principal/ Line Manager is required to notify or seek the consent of his/her supervisor.
- 24.3** Staff must keep all CE records in accordance with the CES and schools' records management systems and not destroy any records without the appropriate authority.

25 Employee Assistance Program

- 25.1** CES provides an Employee Assistance Program to give free and confidential counselling to CE staff and their immediate families who require support or would like to discuss any work or personal issues. Staff are encouraged at any time to access the Employee Assistance Program or seek other counselling support. Staff may access information about the Employee Assistance Program by contacting CES Human Resources on 4050 9700 or by email hr@cns.catholic.edu.au

26 Historical Abuse Matters

- 26.1** Where a disclosure of historical abuse of a past student is made against a current or past staff member, current student protection reporting processes will be followed.
- 26.2** Where a disclosure of historical abuse not involving a student is brought to the attention of CES involving an allegation against a current staff member, current student protection reporting processes will be followed, including but not limited to:
- * *notifying relevant statutory authorities;*
 - * *making an assessment of the risks to current students.*
- 26.3** Where a statutory authority investigation outcome into alleged abuse is substantiated, CES will take the necessary action to ensure the safety of students.
- 26.4** Where a CES (as the employing authority) investigation outcome into alleged abuse is substantiated or is deemed more probable than not to have occurred, CES will take the necessary action to ensure the safety of students.

27 No Cause of Action

- 27.1** This Code of Conduct does not contractually or in any other way create or contribute to a legal cause of action against CES.

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