

Title	Guidelines for Professional Conduct When Working with Children and Young People
Description of policy	Sets out expectations for all CECG workers when working with children and young people
Required because	CECG workers have a legal duty of care to take reasonable care to protect students. This guide outlines some elements of this legal duty, supported by the CECG Code of Conduct and relevant policies.
Description of changes	Replaces and updates the Guidelines for Professional Conduct in the Protection of Children and Young People.
Applies to	<input checked="" type="checkbox"/> Organisation-wide <input type="checkbox"/> Specific (location, schools/ELCs&SACs, Service Area) <input checked="" type="checkbox"/> Staff only <input type="checkbox"/> Students only <input type="checkbox"/> Staff and students
Status	<input type="checkbox"/> New <input checked="" type="checkbox"/> Major revision of existing document <input type="checkbox"/> Minor revision of existing document

Publication location	Intranet and Public Website
Related documents	Code of Conduct Child Safety Policy School Supervision Policy ELC and SAC Supervision Policy
Intranet category	Employment; Child Protection; School Registration
Review date	December 2024
Trim reference number	R209496

Approval authority for this version:	Director
Approval date:	15/12/2022
Accountable authority	School and Family Services Area Leader
Responsible officer	Child Protection Manager

1. Summary	3
2. Guidelines for Professional Conduct When Working with Children and Young People	3
3. Duty of Care	3
4. Professional Conduct	4
5. Physical Contact	5
6. Behavioural Management.....	5
7. Medication, drugs and other substances.....	5
8. Appropriate professional relationships and boundaries	5
9. Relationships.....	6
10. Professional boundaries.....	6
11. Photography and Filming	7
12. Working with Vulnerable Persons Registration and Working with Children Checks.....	7
13. Notification and Reporting.....	7
14. Reporting Child Abuse Offences	8
15. Confidentiality.....	8
16. Protection for Reporting	8
17. Record keeping	9
18. Definitions.....	9
19. Related Documents and Legislation.....	9
20. Contact.....	9

1. Summary

- 1.1 This Guide outlines the standards of behaviour and other requirements Archdiocese of Canberra and Goulburn, Catholic Education (CECG) workers must adhere to in their work with an organisation that delivers education to children and young people.
- 1.2 Consistent with its mission and values, and in compliance with its legislative obligations, CECG is committed to keeping children and young people in its care safe and secure. These Guidelines is part of the CECG's role to build child-safe communities. These Guidelines aims to:
 - Clarify the expectations of CECG workers who work in CECG
 - Provide a safe and supportive environment for children, students and CECG workers
 - Build and maintain a contemporary Catholic workplace that is safe, respectful, professional and legally compliant
- 1.3 The Guidelines apply to all CECG workers. These Guidelines are not exhaustive and do not identify every potential scenario of concern in the workplace. It should be read together with CECG's other relevant policies and guides, some of which are identified in this document.

2. Guidelines for Professional Conduct When Working with Children and Young People

- 2.1 All CECG workers must comply with these Guidelines and other CECG policies and guidance documents.
- 2.2 Failure to comply with these responsibilities and obligations, or child protection legislation, may result in disciplinary action including immediate termination of employment, termination of contractor agreement, notification to external agencies and/or criminal charges.
- 2.3 A worker who becomes aware of a possible breach of these Guidelines or legislation by another CECG worker must report the possible breach to their Manager. Failure to do so may result in disciplinary action.
- 2.4 Allegations against any worker for breaching these Guidelines or child protection legislation will be dealt with in accordance with CECG's [Complaints Policy](#). Breaches may also require additional action under CECG Reportable Conduct, Mandatory Reporting or other relevant policies.

3. Duty of Care

- 3.1 All CECG workers have a legal obligation to take reasonable care for their own safety, and the safety of students. The obligation requires schools to take all reasonable steps to reduce the risk of foreseeable harm. In general, duty of care to students applies:
 - while students are on school grounds,
 - during any school event or activity (regardless of location or time), and
 - while students are using a school's online facilities and networks.
- 3.2 Reasonable steps include:
 - providing adequate supervision.

- following procedures relating to child and student safety, behaviour management, welfare and wellbeing (for example, conducting risk assessments prior to the activity and ensuring they are fit for purpose, preparation for the activity, equipment checks, briefings of relevant parties and reporting procedures).
 - demonstrating personal behaviours that promote the safety, welfare and wellbeing of students.
 - providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a child or student who is injured or becomes sick
 - identifying and protecting a child or student from hazards that pose a risk of harm and which can be reasonably predicted (for example weather conditions)
 - taking appropriate action to reduce or remove risks impacting on a child or student's safety, welfare or wellbeing. The standard of care that is required needs to take into consideration various factors, such as a child or student's maturity, ability and circumstances.
- 3.3 What is reasonable depends on the circumstances and the role and responsibilities of the worker. but all workers must take reasonable care for the safety of students. Many CECG policies provide additional information about specific issues within the overarching duty of care, including:
- Student safety and pastoral care
(e.g. [Child Safety Policy](#); [Pastoral Care and Student Wellbeing Policy](#); Reportable Conduct Policy – [ACT](#) and [NSW](#); and Mandatory and Voluntary Reporting Policy – [ACT](#) and [NSW](#)).
 - Student supervision
(e.g. [School Supervision Policy](#); [Sun Protection Policy](#)).
 - Risk assessment and supervision during events and activities
(e.g. [School Event and Activity Policy](#); [School Sports Policy](#); [Risk Management Policy](#)).
 - Suitable and safe premises
(e.g. School Building policies; [Work Health and Safety policy](#)).
 - Taking reasonable steps to ensure third parties keep students safe
(e.g. [Working With Vulnerable People Check Policy](#) and [Working With Children Check Policy](#)), and
 - Support for students with additional needs or medical issues
(e.g. [Medical Welfare of Students Policy](#); [Behavioural Support Policy](#); [Supporting Students with Additional Needs Policy](#)).
- 3.4 Failing to meet the duty of care can cause actual harm to a child, or potential to cause harm to a child or student, whether it is:
- a single serious failure to exercise appropriate duty of care; or
 - repeated less serious failures to exercise appropriate duty of care.

4. Professional Conduct

- 4.1 CECG workers must act professionally and appropriately when dealing with students. This includes using appropriate language and tone toward students.
- 4.2 Workers must not engage in rude or insulting behaviour, including verbal aggression; abusive, threatening, sarcastic or derogatory language or conduct; or intimidating words or actions towards students, or towards any person in the presence of students.

4.3 CECG workers should not put themselves in a position that may create a risk of an allegation of a child protection nature. For example, CECG workers must not:

- transport a child or student in a car alone, except with the prior consent of their Manager;
- otherwise be alone with a child or student, unless they are in the view of others and/or there is a reasonable requirement to do so; and
- undertake any excursion or outdoor activity without adequate preparation and any relevant training (see for example list of sports requiring specialist instructors in the [School Sports Policy](#)).

5. Physical Contact

5.1 CECG workers must not engage in inappropriate physical contact with students, or act in ways that may cause a student to reasonably fear that unjustified force will be used against them. Examples of inappropriate physical contact include:

- use of physical contact to have a child or student follow directions
- unjustified use of physical force
- throwing an object to gain a child or student's attention in a hostile way
- restraining a child or student (unless as part of an approved behaviour management plan or the inappropriate use of a restrictive practice)
- hitting, kicking, pushing, pulling, shoving, grabbing, pinching, poking, shaking or throwing a child or student.

5.2 Examples of conduct that involves the reasonable use of physical contact for exercising appropriate control over a child or student include (but are not limited to):

- disarming a child or student who is at risk of harming themselves or another person
- separating students who are fighting
- reasonable use of physical force for the protection of self or others.

6. Behavioural Management

6.1 CECG workers must not correct or intervene with a child or student in excess of what is reasonable or appropriate for the situation and the child or student's maturity, ability and circumstances. Intervention is excessive if it is a disproportionate response to a child or student's behaviour.

7. Medication, drugs and other substances

7.1 CECG workers must not purchase for or offer, supply, give or administer to students, or condone or encourage the use of, illegal drugs, restricted substances, prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy), alcohol or tobacco.

8. Appropriate professional relationships and boundaries

8.1 CECG workers must act professionally and appropriately when dealing with students. This obligation also extends to relationships CECG workers have with students outside of work.

9. Relationships

- 9.1 CECG workers must not behave in a way that could reasonably be construed as involving an inappropriate or overly personal relationship with or focus on a child, a student or a group of students.
- 9.2 CECG workers must not invite students to join their personal electronic social networking or messaging sites/apps or accept children and young people's invitations to join theirs. They must not attend parties or socialise with students, invite students to their home, or attend a student's home without the parents/carers' consent and the consent of their Manager.
- 9.3 Where there are existing personal relationships, such as a family relationship or close friendships that involve a staff member and a child or student, the staff member needs to take care to be transparent, prudent and behave appropriately and be mindful of any perceived conflict of interest.
- 9.4 A staff member who is unsure about the appropriateness of a relationship with a child or student or their family must disclose it to their Manager.
- 9.5 CECG workers must not have an intimate, romantic or sexual relationship with any student regardless of their age. It is irrelevant whether the relationship is consensual, non-consensual, known to or condoned by parents, guardians or caregivers.
- 9.6 Extreme care must be taken in any relationship between a staff member and a former student, even if the person is now over 18 years of age.
- 9.7 A personal or sexual relationship with a former student entered into by any staff member may breach these Guidelines if it is established that the staff member used his or her position to develop and/or maintain an inappropriate personal or intimate relationship with the person when they were a student of CECG.

10. Professional boundaries

- 10.1 CECG workers must not engage in high-risk behaviours that breach professional boundaries with children and young peoples. Examples of behaviours which would breach these Guidelines include:
 - persuading children and young peoples that they have a 'special' relationship, for example, by spending inappropriate special time with a child or student, inappropriately giving gifts or showing special favours to them but not other children and young peoples, inappropriately allowing the child or student to overstep rules, or asking the child or student to keep this relationship to themselves.
 - testing boundaries, for example, by undressing in front of a child or student, encouraging inappropriate physical contact (even where it is not overtly sexual), talking about sex (other than in an appropriate professional and educational context), or 'accidental' intimate touching.
 - inappropriately extending a relationship outside of work.
 - inappropriate or unnecessary personal communication (including emails, telephone calls, letters, text messages, social media and web forums) with children and young peoples.
 - exploring sexual, intimate or other personal feelings with a child or student.
 - inappropriate conversations of a sexual nature including the use of sexual innuendo.
 - unwarranted and inappropriate touching.

- exposure of children and young peoples to sexual behaviour of others.
 - watching children and young peoples undress in circumstances where supervision is not required.
 - grooming children or young persons. Grooming behaviour involves a pattern of conduct that is consistent with grooming a child or young person for sexual activity, where there is no other reasonable explanation for it.
- 10.2 If there are reasons for a staff member to communicate with children and young peoples or their families using electronic information and communication technology for reasons other than work purposes, it is important to discuss this with and gain the approval of the relevant Manager.
- 10.3 CECG workers must not make sexually explicit comments, use sexual innuendo, or engage in other sexually overt or implied behaviour towards or in the presence of children and young peoples.
- 10.4 CECG workers must not commit a sexual offence. This encompasses all criminal offences involving a sexual element that is committed against, with or in the presence of a child or student and includes indecent assault, sexual assault, possession/dissemination/production of child pornography or child abuse material.

11. Photography and Filming

- 11.1 Secretly taking photographs or other images of students or children is strictly prohibited. CECG workers are not to photograph or film students or children other than for approved educational purposes and must only use the material for approved purposes.

12. Working with Vulnerable Persons Registration and Working with Children Checks

- 12.1 CECG must ensure that verified Working with Vulnerable Person Registration and Working with Children Checks are in place for all relevant persons as required by legislation. CECG workers are responsible for the cost of obtaining a Working with Vulnerable Person Registration and the Working with Children Check.
- 12.2 A Working with Vulnerable Person Registration is valid for five years. A Working with Children Check is valid for five years. CECG workers are responsible for ensuring their Working with Vulnerable Person Registration and Working with Children Check is renewed.
- 12.3 CECG workers who are required to have a Working with Children Check and do not have a current clearance, or are barred (or have an interim bar) from working with children or conditions on their registration, cannot continue to be engaged in child related work. Consequently, their employment or engagement with CECG may be suspended without pay be terminated.

13. Notification and Reporting

- 13.1 To satisfy reporting and notification requirements under the law, including:

Australian Capital Territory

- mandatory requirements under the Children and Young People Act 2008
- reportable conduct requirements under the Ombudsman Act 1989

- reporting requirements to Access Canberra under the Working with Vulnerable People (Background Checking) Act 2011
- reporting child abuse offences under section 66A of the Crimes Act 1900

New South Wales

- mandatory requirements under the Children and Young Persons (Care and Protection) Act 1998
 - reportable conduct requirements under Part 4 of the Children’s Guardian Act 2019
 - reporting requirements to the Office of the Children’s Guardian under the Child Protection (Working with Children) Act 2012
 - reporting child abuse offences under section 316A of the Crimes Act 1900 and in line with CECG’s values, CECG workers are required to notify or report certain matters of concern as outlined in the following sections.
- 13.2 CECG workers must make reports to their Manager. The Manager must follow the CECG Safeguarding Procedures regarding reporting or notification to relevant authorities, including the ACT and NSW Police and ACT and NSW Working with Children and Child Protections Agencies.

14. Reporting Child Abuse Offences

- 14.1 There may be situations where a staff member suspects that a child abuse offence has occurred but it is not covered by the reporting obligations.
- 14.2 CECG workers must report this to their Manager where it arises in the employment context.
- 14.3 Any suspected child abuse offence that has not arisen in the employment context must be reported by CECG workers to the Police and/or a mandatory report completed if assessed to be appropriate.

15. Confidentiality

- 15.1 CECG workers must maintain confidentiality in relation to any matters of a child protection nature or which otherwise relate to these Guidelines, and only discuss the matter with those required to be notified or reported to.
- 15.2 A breach of this requirement by any staff member may result in disciplinary action being taken, including termination of employment. CECG workers who are subject to an allegation of a breach of these Guidelines or child protection legislation may discuss the matter with their advisor or support person, in which case confidentiality is similarly required of the advisor or support person.
- 15.3 Where a staff member is in doubt as to the requirements of confidentiality, they should seek advice from their Manager.

16. Protection for Reporting

- 16.1 Workers are protected if they report in good faith any information or suspected breach to appropriate authorities in line with these Guidelines or relevant policies. No detrimental action can be taken against workers for reports in made good faith where the worker has reasonable grounds to suspect a report is necessary.

17. Record keeping

- 17.1 CECG workers must maintain appropriate records and data in relation to their professional practice in the care and protection of children and young people. Records may include case notes, student/client files and behaviour management plans.
- 17.2 A staff member must keep contemporaneous records of any disclosure, observations and discussions regarding a child protection matter or any alleged breach of these Guidelines, including date, time and signature.
- 17.3 These records are personal information under the privacy policy and must be kept in a secure to prevent unauthorized or inappropriate access or use of personal information.

18. Definitions

- 18.1 **Students:** All children and young people enrolled in CECG schools, Early Learning Centres, and School Age Care.
- 18.2 **Reasonable Care:** There is no single definition of reasonable care, it depends on the circumstances and the role and responsibilities of a person. For example, the standard of care that is reasonable for a teacher is likely to be higher and more detailed than administrative staff. In general, what a reasonable person would do in a situation, given what they knew and could do about the situation, will meet the required obligation. In all circumstances, a sensible risk-based approach is paramount.

19. Related Documents and Legislation

- 19.1 Related CECG Documents:
 - [Code of Conduct](#)
 - [Child Safety Policy](#)
 - [School Supervision Policy](#)
 - [ELC and SAC Supervision Policy](#)

20. Contact

- 20.1 For support or further questions relating to this policy, contact the CECG Child Protection team.