



GREEN VALLEY ISLAMIC COLLEGE

CODE OF CONDUCT for the CARE AND PROTECTION OF CHILDREN

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Responding to Allegations: Protocols for Investigations
(To be reviewed following implementation of amendments to the legislation)
<http://portals.studentnet.edu.au/industrial>

The Working with Children Check Guidelines:
www.kids.nsw.gov.au/check/employer.html

NSW Ombudsman – Child Protection Guidelines (revised 2004)
www.nswombudsman.nsw.gov.au/publications

1. Introduction

The care and protection of children according to the parameters set out in NSW legislation is both complex and sensitive. Since the NSW Government introduced its legislation in 1998 there have been a number of significant developments which have resulted in the passing through both Houses of Parliament the 'Child Protection Legislation Amendment Act 2003'. Both the NSW Ombudsman and the Commission for Children and Young People have re-drafted their guidelines in relation to child protection as a result of these amendments.

The 2004 amendments to the child protection legislation require agencies to develop a Code of Conduct, which will apply to its employees. Such a Code should help establish parameters for employees who work in child related employment. This Code of Conduct has therefore been formulated to identify to staff of Independent Schools the type of conduct that is required of them in the way they deal with children in the performance of their duties. It is also intended to provide practical assistance for staff members if they encounter ethical problems.

The Association of Independent Schools provides this Code of Conduct to each member school for use as a resource document.

This Code may require amending over time. The Association of Independent Schools welcomes the input of its member schools in assisting to fine tune this Code in the light of your school's experience. Any concerns or questions are welcomed as they will help us to refine the Code to meet the needs of member schools.

At Green Valley Islamic College we have policies and procedures to ensure that we meet legislative obligations in relation to child protection.

These legislative obligations regarding child protection are covered through a number of acts and are known and observed by the Principal.

All staff at Green Valley Islamic College is informed of the legal responsibilities related to child protection, mandatory reporting and other relevant school experience before commencing work at the school. This is also detailed in the employment contract that the staff member is to sign. Volunteers, any parents involved in excursions, all teachers, casual staff and anyone else involved in are to be screened under the Working with the Child guidelines.

The document 'Staff Document Regarding Child Protection' is given to all staff before their commencement of work.

2. The Legislative Context

As the safety and well-being of students is fundamental to Green Valley Islamic College, community, it is essential that appropriate policies and structures exist to enable members of staff to respond effectively to instances of suspected child abuse and neglect.

Child protection is a vitally important area of responsibility for teachers as well as other school personnel and there are significant legal and professional responsibilities in this area. There is also the need for school personnel to be aware of the most appropriate responses which can be made to ensure the protection of children. At Green Valley Islamic College we ensure that all employees act in the child's best interests and take reasonable steps to ensure the children's safety.

Everyone who is concerned in a professional capacity with the care and protection of children need to have a clear understanding of the essential elements of the law as it applies to the care and protection of children.

Legislation in NSW relating to the care and protection of children is currently contained in the following Acts of Parliament:

Children and Young Persons (Care and Protection) Act 1998

Commission for Children and Young People Act 1998

Child Protection (Prohibited Employment) Act 1998

Ombudsman Act 9 (revised 2004)

Child Protection Legislation Amendment Act 2003

Definitions

Allegation: An allegation against an employee might involve behaviour that is reportable conduct or behaviour that is exempt from notification to the Ombudsman but is required to be investigated by the agency.

Child: Includes all children and young people up to the age of 18 years.

Conviction of reportable conduct: This means any conviction of a person, in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction.

Employee: An employee is any person who is employed by the agency, whether or not they are employed to work directly with children, as well as anyone from outside the agency who is engaged to provide.

Reportable conduct: In relation to both Part 3A Ombudsman Act 1974 and Part 7 Commission for Children and Young People Act 1998, an allegation of ‘reportable conduct’ is one involving:

- a) Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- b) Any assault, ill- treatment or neglect of a child, or
- c) Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Exempt conduct: An allegation of reportable conduct may be exempt from notification to the NSW Ombudsman or the NSW Commission for Children and Young People if it involves:

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

3. Duty of Care and Legal Liability

Staff can be deemed legally liable if they have been negligent in relation to their responsibilities under the legislation as it pertains to the care and protection of children.

Generally speaking, a person owes a duty not to injure another as a result of his or her own negligent act or omission. The duty does not usually extend to the taking of steps to prevent injury where one has not caused or contributed to the risk giving rise to the injury.

There exists, however, special duty relationships between some members of our society which give rise to more onerous duties of care, the relationship between teacher and pupil is one of these.

The general law of negligence provides that a person may be negligent if:

- S/he owes a duty of care to the person injured, that is, the standard judged reasonable in all of the circumstances, and
- S/he did not carry out that duty to the legal standard required, and
- The person suffered damage as a result of the failure to observe the duty of care.

With regard to care and protection the following general principles apply:

- Staff must take reasonable care to ensure that their students are not harmed. They have a duty to protect their students against foreseeable risks of personal injury or harm.

- The standard of care is that of a reasonably prudent parent. The degree of care depends on such factors as the age of the students.
- There must be an efficient system of supervision in operation in the school.

Duty of care applies while the students are under the care of the school. This applies equally to school based activities and out of school activities. The same duty of care applies to employees who volunteer their services to the school.

Employees are required to follow good standards and approved practice. An example of good standards or approved practice would be compliance with the school's Code of Conduct.

4. General Guidelines

The school is committed to the achievement of the highest standards of education in which the security, protection and comfort of students is a high priority. The following guidelines are to be adopted for the care and protection of students and staff.

4.1 Supervision of Students

1. Staff must take all reasonable care to ensure that no student is exposed to any unnecessary risk of injury. Staff are to remember that they are in *loco parentis* - the standard of care required is that of a skilled professional.
2. Staff should be familiar with and adhere strictly to the school's evacuation procedures.
3. Ill or injured students should be attended to by the supervising staff member. Should additional assistance be required contact should be made with the Administration office.
4. Students should not be left unsupervised either within or outside of class. Staff are reminded of their duty of care obligations in this regard. Staff should be punctual to class and allocated supervision.
5. Staff should remain with students at after school activities until all students have been collected. In the event that a student is not collected staff should remain with the student until collected or return to school with the student.
6. Playground supervision is an integral part of the responsibility of staff. It must take precedence over other activities. It is unacceptable to be late. Staff should actively supervise their designated area, being vigilant and constantly moving around.
7. Staff should be alert to bullying or any other form of discriminatory behaviour, and report incidences to the appropriate staff member.
8. Staff should be familiar with and adhere to the school's Student Leadership Policy.

4.2 Relationships with Students

1. Staff should avoid situations where they are alone in an enclosed space with a student. Where staff are left with the responsibility of a single student they should ensure that this is in an open space in view of others. Where this is not possible or practical it should be discussed with the immediate supervisor.
2. Staff may as part of their pastoral care role engage in discussion with students. This is entirely appropriate. However staff must be cautious of making personal comments about a student or asking questions that probe their own or a student's sexuality or relationships.
3. When staff wish to conduct a private conversation with a student they should consider the time and venue carefully to avoid placing themselves in a vulnerable situation. It is preferable to leave the door open. The staff member should not locate themselves between the student and the door.
4. Staff should never drive a student in their car unless they have specific permission from their supervisor to do so. In the event of an emergency staff should exercise discretion but then report the matter to an appropriate supervisor.
5. Staff should notify the Principal or Head of Agency immediately should they suspect a situation involving any form of reportable conduct (formerly referred to as child abuse). It is not staff responsibility to investigate. Similarly staff should report to the Principal or Head of Agency any suspected case of neglect.
6. Social relations between staff and students outside the school can cause problems. Staff should refrain from visiting students at their home unless they have the express permission of the Principal. Staff must be alert to the risk involved in social relations with students and be conscious that their position places extra obligations on them.
7. Staff should not engage in tutoring or coaching students from the school for monetary return.
8. When physical contact with a student is a necessary part of the teaching/learning experience staff must exercise caution to ensure that the contact is appropriate and acceptable. Staff should seek reassurance from the student by asking for a volunteer to demonstrate a particular activity.
9. Attention to the toileting needs of young children should be done with caution. It may be appropriate to have the door open. In respect to students with a disability the management of toileting needs should be included in the student's individual management plan.
10. Staff should not supply or condone the use of alcohol, tobacco or other drugs for themselves or any student in their care.

11. Assessing a student who is injured or ill may necessitate touching. Always advise the student of what you intend doing and seek their concurrence.
12. Staff must always treat students with respect and without favouritism. There is no place for sarcasm, derogatory remarks, inappropriate familiarity or offensive comments.
13. Staff who communicate with students electronically must abide by the terms of the school's Computer/Internet Policy. Transmissions of messages or files which are sexually explicit or offensive are totally inappropriate.
14. Sometimes during the course of your work you may be in receipt of a gift from a student. In such circumstances where the receipt of a gift could be considered outside of usual custom you are to inform your immediate supervisor.
15. Staff should ensure that they are familiar with and adhere to the school's policy in regard to the storage and administration of medical products to students.
16. Sometimes in ensuring duty of care staff may be required to restrain a student from harming him or herself or others using reasonable force. Any such strategy must be in keeping with the school's behaviour management practices.

4.3 Discipline of Students

1. All staff should be familiar with and adhere to the School's Discipline Policy.
2. Smoking is not permitted on the school premises. Furthermore smoking is not permitted at any school function or activity whether these functions/activities are on the school premises or not.
3. Alcohol is not to be consumed on the school premises or at school camps or excursions. The only exceptions will be those occasions deemed appropriate by the Principal, but in any case will not include occasions where students are in attendance.
4. No student should be allowed to leave or be sent from a class other than for personal hygiene matters. In extreme cases students can be sent to the Welfare Coordinators office.
5. At all times when speaking with students care must be taken to use appropriate language. Please refer to the School Discipline Policy.

4.4 Communication Issues

1. Staff are required to respect and adhere to the established lines of communication in the school.
2. Staff should be mindful of confidentiality when in discussion with parents. Staff can never guarantee confidentiality if the matter under discussion requires mandatory reporting.
3. Staff should not speak about another staff member to students or parents.
4. Staff should present a courteous professional manner to students, parents, visitors and other staff members. Confrontation and criticism in public is to be avoided at all times.
5. All matters discussed in staff meetings and staff memos are to be treated confidentially and not discussed with students.
6. The media should not be given access to students or allowed entry to the school without the expressed permission of the Principal.

4.5 Camps/Excursions

1. In the case of activities involving overnight accommodation of boys and girls, both genders should be represented in the group of supervisors.
2. Excursion information must be communicated to parents.
3. A school mobile phone must be taken on all excursions. The teacher in charge must always have a complete list of student contact numbers with them on the excursion.

4.6 Duty to Disclose

1. Staffs are required to report to the Principal any allegation of 'reportable conduct' (formerly referred to as child abuse).
2. Staffs who are the subject of an Apprehended Violence Order or a Reportable Conviction are required to inform the Principal immediately they are in receipt of such an Order or Conviction.

4.7 Mandatory Reporting

1. As a member of staff of this school, you are required to report to the Principal/Deputy Principal/Coordinator/Welfare Coordinator any situation where:
 - a) You suspect any form of reportable conduct (formerly referred to as child abuse).
 - b) You suspect neglect or ill treatment.
2. It is not staff responsibility to investigate. Investigations must only be carried out by investigators specifically appointed for such purposes.
3. The Investigator for the purpose of making Class or Kind Determinations has to be in accordance of Section 25CA of the Ombudsman Act 1974 and Section 33(1) of the Commission for Children and Young People Act 1998.
4. Staff are required to report any allegation of reportable conduct to the Principal/Deputy Principal/Coordinator/Welfare Coordinator. Discussion with others should be avoided.
5. Investigations will be conducted in an impartial manner in accordance with the legislative requirements. The processes of the investigation will be based on procedural fairness.
6. As a member of staff of this school, you will be regularly in-serviced and updated of changes in regards to reportable conduct and mandatory reporting.
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4.8 Employment Screening

1. All applicants seeking employment in a paid or voluntary capacity will be screened in accordance with the requirements of the commission for Children and Young People Act 1998.
2. All applicants seeking employment in a paid or voluntary capacity will need to complete the Prohibited Employment Declaration in accordance with the Child Protection (Prohibited Employment) Act 1998.
3. Successful applicants will be given copies of all relevant school policies which they must adhere to.
4. The advertisement for vacancies will have the clause “The Child Protection (Prohibited Employment) Act 1998 makes it an offence for a person convicted of a serious sex offence (a Prohibited Person) or a Registrable Person under the Child Protection (Offenders Registration) Act 2000 to apply for, undertake or remain in, child related employment.”

The *Working with Children Check* legislation and Guidelines require employers to notify the Commission for Children and Young People of ‘relevant employment proceedings’ for inclusion in the employment screening database. A ‘relevant employment proceedings’ means a disciplinary proceeding against an employee by an employer that involves ‘reportable conduct’ or an ‘act of violence committed by the employee in the course of employment and in the presence of a child’.

Green Valley Islamic College acknowledges its responsibility to establish and maintain appropriate recruitment, selection and screening processes in accordance with the aspect of the child protection legislation. Green Valley Islamic College also acknowledges its responsibility to establish and maintain appropriate procedures for responding to allegations of 'reportable' and 'exempt' conduct by an employee towards a child.

Green Valley Islamic College is committed to a proactive approach to all aspects of creating a 'safe and supportive school environment' and, with respect to the child protection legislation, will:

- develop procedures and support materials in accordance with the child protection legislation to facilitate the implementation of all child protection responsibilities in the school communities of the school
- provide information and training in best practices to members of the school communities relevant to their respective roles and responsibilities in creating safe and supportive school environments
- support and monitor relevant curriculum implementation in schools
- provide information and training in the associated areas of confidentiality, privacy, and freedom of information to relevant employees
- provide ongoing reports as to implementation of policies and procedures relevant to child protection to the school

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PRINCIPAL