Policy: Professional Standards Policy

Implemented by: Principal

Circulation List: All Members of the Assumption College Community

BACKGROUND

The basic Gospel values underlying this document include a strong sense of services to others, mutual respect, justice, and reconciliation. The aim of the Assumption College community is to create an environment in which each person is treated with tolerance, where openness to those holding different opinions and views is encouraged and developed, and where respect for each other is upheld.

PURPOSE

This Policy provides the scope and processes for staff at Assumption College, and most especially, the Professional Standards Committee to enact the Child Protection Policy.

Definition of staff: obligations and responsibilities on all full time, casual and relief staff, boarding, residential and administration staff, volunteers, coaches, itinerants and contractors.

PROCEDURES

Case Management:

In the event of a child or young person making a disclosure of an incident of abuse to a person they trust, it is essential that it is dealt with sensitively and professionally.

Record Keeping:

All reports of alleged abuse or harm, or risk thereof, are duly recorded. Reporting should be factual and not conjectural or interpretative. Places, times, dates, names of people, observable behaviours or evidence of harm are what is recordable. Reports need to be securely stored.

Confidentiality:

As much as is reasonably possible, an individual’s right to privacy is to be protected. Both those who are making reports and those about whom accusations are being made are entitled to due process and due privacy. Where there is suspected or alleged abuse or misconduct, staff members must not disclose or make use of the information which they hold in qualified privilege in a manner that breaches confidentiality, other than to report and act according to the principles and procedures of this policy and relevant statutory requirements.

Any person making a credible report of abuse needs to be advised that the report will be investigated and dealt with by the appropriate authorities. While an individual’s name may be protected, if that is their wish, the allegations must always be reported.

In all cases where choices have to be made, the best interests of the well-being of the child or young person should prevail.

PROFESSIONAL STANDARDS COMMITTEE

The Professional Standards Committee (PSC) are responsible for ensuring that child protection related policies are reviewed and updated as required and that staff are
adequately trained on all child protection matters. The PSC meet twice a term and consists of:

- Principal
- Deputy Principal - Wellbeing
- Deputy Principal – Learning and Teaching
- Wellbeing Services Leader
- Director of Boarding

This committee is annually reviewed at the end of the school year, to ensure the committee members and documentation is forwarded to the Marist Professional Standards Committee via the Regional Director.

**Terms of Reference**

- The PSC will respond to alleged misconduct involving a member of the Assumption College community or any person in their employ or any person appointed in a voluntary capacity.
- The PSC will act to any compliant or allegation received in a timely and appropriate manner, reporting to the Principal and governing bodies, in a written report.
- The committee’s role is child protection policy development and review
- The committee’s role is ensuring appropriate child protection training is in place
- The committee’s role is to for the provision of advice to the MSA Regional Director regarding specific issues and cases.

**CHILD PROTECTION OFFICERS**

Nominated Child Protection Officers (CPOs) are available to listen, discuss and clarify issues confronting individual teachers in relation to child physical and sexual abuse. They support the work of the Child Protection Reporting Obligations Policy. Assumption College CPOs will make reports on behalf of the College and ensure that adequate records are maintained. The College CPOs are:

- Principal
- Deputy Principal – Wellbeing
- Deputy Principal – Learning and Teaching
- Director of Boarding
- Psychologist
- Student Counsellors
- Wellbeing Services Leader

The CP Officers work with school leadership in

- Supporting young people
- Training and raising staff awareness of child protection issues
- Informing the Principal of incidents or allegations
- Monitoring the effectiveness of our child protection governance framework.

**PREVENTION:**

All staff employed by Assumption College as classroom teachers must be registered with the Victorian Institute of Teaching, which includes Working with Children Check (WCC).

Teaching staff must provide evidence of such registration before employment. They are also informed of the College’s Code of Conduct and Child Protection – Reporting Procedures Policy.

All non-teaching staff employed at Assumption College are required to have a current employee Working with Children Check (WCC). The College’s Principal’s PA records all WCC on a spreadsheet that is checked bi-annually to see who requires a renewal.

As a requirement of the Catholic Education Office the College has to annually submit a detailed report on all non-teaching staff and their WCC details.
COMMUNICATION
The College is pro-active in the responsibilities of child protection and communicates to students, parents/guardians, staff and the extended community through the following means:

<table>
<thead>
<tr>
<th>Students</th>
<th>Parents</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Conditions of Enrolment</td>
<td>• Parent Information</td>
<td>• Letter of Appointment</td>
</tr>
<tr>
<td>• Website</td>
<td>• Parent Information Evenings</td>
<td>• Staff Handbook and new Staff Induction program</td>
</tr>
<tr>
<td>• School / House Assemblies</td>
<td>• Family Handbook &amp; Principal’s Newsletter</td>
<td>• Annual Training Session (Staff Meeting)</td>
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<tr>
<td>• Pastoral Care Program</td>
<td></td>
<td>• Electronic Modular with a Certificate of completion</td>
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<td>• Retreat Programs</td>
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<td>• Inclusion in Student Handbook</td>
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Please refer to Policy No 55: Code of Conduct

CHILD PROTECTION – MISCONDUCT BY STAFF, VOLUNTEERS & OTHERS

All States and Territories make it mandatory for employees to report abuse and reasonable suspicion of abuse or neglect of children and young people.

Child Protection incidents must be notified to the Principal, the MSA Regional Director and the Province Professional Standards Officer. In the case of an allegation being made against a Brother, a member of staff or a volunteer, the Professional Standards Officer or Child Protection Officer will follow the reporting procedure as required by law and in accordance with the Code of Conduct and the Child Protection – Reporting Obligations Policy. The Marist Schools Australia Professional Standards Committee will also be informed.

In the first instance, steps must be taken to ensure that the child is safe. An initial first step may be to withdraw the accused from active duty, which could entail standing down, re-assignment to other duties that do not have direct contact with children or young people, or to work under increased supervision during the period of investigation or other measures as deemed appropriate – depending on the seriousness of the allegation.

An independent investigation is to be conducted into the allegations, if applicable, and allowed by the Police. The outcome depends on the findings of the investigation.

Where the VIT needs to be informed, the following shall apply:
<table>
<thead>
<tr>
<th>Allegations of Misconduct by Staff, Volunteers and Others</th>
<th>Schools have a duty of care to investigate and act on allegations of employee misconduct or conviction which relate to their ability to perform their functions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reportable Conduct</td>
<td>Under the Education and Training Reform Act 2006 (Victoria), the &quot;school/college* must notify the Victorian Institute of Teaching (VIT) once the School has taken action against a registered teacher. VIT then has powers to investigate and take further action.</td>
</tr>
<tr>
<td>Reportable Conduct &amp; Mandatory Reporting</td>
<td>The Reportable Conduct obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Victoria) (refer to Child Protection – Mandatory Reporting).</td>
</tr>
<tr>
<td>Internal Reporting of Allegations of Staff Misconduct</td>
<td>Any allegation of staff misconduct must be immediately reported to the <em>Principal/Headmaster/Headmistress</em>, or the Chair of the <em>Board of Directors/School Council</em> should the allegation involve the <em>Principal/Headmaster/Headmistress</em>.</td>
</tr>
<tr>
<td>Internal Investigation of Allegations of Misconduct</td>
<td>Once an allegation of misconduct has been made (which does not require reporting to DHHS Child Protection under the Mandatory Reporting obligations) an internal investigation, lead by the <em>Principal/Headmaster/Headmistress</em> will be conducted in such a manner as the particular circumstances demand.</td>
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</tbody>
</table>

It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (police or Department of Health and Human Services Child Protection).

| Reporting Obligations to VIT                            | The "school/college* must notify the VIT if the "school/college* has taken action against a registered teacher in response to:  
- allegations of serious misconduct;  
- serious incompetence;  
- fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach); or  
- a registered teacher’s ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment. |

The "school/college* must also notify the VIT if the "school/college* becomes aware that a teacher:  
- has been charged with or committed for trial for a sexual offence, including grooming and child pornography offences;  
- has been convicted or found guilty of an indictable offence (offences detailed in the Crimes Act and the Offences Act, including offences which carry prison sentences of 5 years or more or penalties over a threshold level). |

The "school/college* should also notify VIT if a teacher takes action against them in another forum such as the Fair Work Commission.

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<tr>
<th>What “Action” Must</th>
<th><em>Actions</em> which will be reported by the &quot;school/college* to VIT include (but</th>
</tr>
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PROTOCOLS
Any form of abusive, harmful, discriminatory, prejudiced or intimidating behaviour or language by adults towards children and young people, or young people towards other young people, are not acceptable. Any action that may be hurtful or risk being interpreted by a reasonable observer as grooming behaviour is unacceptable. Comments or actions that are negatively and unreasonably critical of a person’s culture, ethnicity, language, gender, disability, sexuality or age, are unacceptable.

The following list of behaviours includes examples of what is acceptable and not acceptable behaviour. (Please refer to the Staff Code of Conduct and Policy No 28: Policy Against Harassment for a more fulsome list).

1. Unacceptable behaviours
   a. Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
   b. Using, possessing, or being under the influence of alcohol while supervising minors.
   c. Providing or allowing minors to consume alcohol or illegal drugs.
   d. Swearing in the presence of minors.
   e. Yelling at a minor, except in an emergency situation where the minor’s safety may be in danger.
f. Speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
g. Dealing with a minor while the adult is angry with the minor.
h. Use of hurtful sarcasm.
i. Discussing sexual activities with minors unless it is a specific job requirement and the person is trained to discuss these matters.
j. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimately arranged instructional activity dealing with human sexuality issues. On such occasions, the lessons will convey to youth the Church’s teachings on these topics.
k. Being nude in the presence of minors.
l. Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
m. Sleeping in the same beds, sleeping bags or small tents with minors.
n. Engaging in sexual contact with minors. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person.
o. Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport minors without written permission of their parent or guardian.
p. It is prohibited to have unnecessary and/or inappropriate physical contact with minors while in vehicles.

3. Physical Contact and general guidelines
   a. All Teaching Staff are required to follow the Victorian Institute of Teaching’s (VIT) Code of Ethics.
   b. Staff members are prohibited from using physical discipline in any way for behaviour management of minors. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by minors.
   c. Physical contact may be required in an emergency situation to remove minors quickly from danger or threat of danger.
   d. Appropriate contact between staff members and minors is part of normal human relationships.

Some considerations and guidelines include the following:
   i. Consider the child’s age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child.
   ii. Work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access. Exceptions apply for professions with strict confidentiality requirements.
   iii. Be alert to cues from minors about how comfortable they are in your proximity and respect their need for personal space.
   iv. Be sensitive when interacting with minors who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex.
   v. Be aware of cultural norms that may influence the interpretation of your behaviour.
   vi. Be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance.
   vii. Physical contact should be made in a way that makes minors feel comfortable, for example, shaking hands, a congratulatory pat on the back or with young children by gently guiding them or holding their hand for reassurance. Massaging a minor or allowing a minor to massage you is inappropriate physical contact.
   viii. The use of images of minors as screen savers or backgrounds on personal electronic devices is not appropriate. The collection and storage of photographs of minors must be for educational or professional purposes.
   ix. Be aware that the giving and receiving of gifts, giving extra attention, accepting a different standard of behaviour from a child or having 'special time' with a child must be appropriate and justified as a strategy to meet teaching and learning outcomes.
x. Obtain permission from school authorities and parents when meeting with students for activities outside of school hours.

xi. The provision of your personal contact details should be justified in terms of educational or professional purpose.

**INTERNAL PROCEDURES FOR REPORTING**

Steps for Reporting – see Child Protection – Reporting Obligations

Below is the Marist Schools Australia Flow Chart on suspicions, reports and/or allegations of Abuse of Children in schools governed by MSA. If you have any questions with regards to this flow chart, please talk immediately to a PCO.

**Flow Chart for Responding to Suspicions, Reports and/or Allegations of Abuse of Children in Schools governed by the Marist Province of Australia**

- A staff member becomes aware of or has reasonable grounds for suspecting incident(s) of abuse of a student in the care of a Marist school. *(A staff member can be an employee, volunteer, or intern)*

- As soon as possible – and in not less than 12 hours – the staff member reports the incident(s) or suspicion to a Student Protection Officer (SPO) for that school. *(The staff member may alternatively report directly to the Principal if the SPO is not readily available or simply by preference)*

- The SPO makes a written record of the complaint, allegation or suspicion, and reports it without delay to the Principal, with advice on how to proceed. *(if the allegation, complaint or suspicion refers to the Principal, the SPO reports it directly to the MSA Regional Director)*

- The Principal acts in full compliance with relevant State legislation, and makes a determination as to whether the matter is to be reported. *(The Principal may seek advice from the MSA Regional Director, the Province PSO, a relevant government agency, and/or Province lawyers before making this determination)*

- If the matter is reportable, the Principal reports it (to police, ombudsman, and/or other government agency as required by law) and also informs the MSA RD who may also consult with the Province PSO. In the case of a Brother, the Provincial is also informed. If the complaint alleges that a crime has been committed by a Marist staff member, that person is immediately stood aside.

- If the matter is not reportable (or is reportable but does not involve the police) and the complaint involves a member of staff and/or allegedly happened while the minor was in Marist care then the Principal establishes a suitably independent investigation by a person qualified to do so. *(The outcome of this investigation may be that the matter is judged to be reportable, in which case it follows the flow on the left of this chart)*.

- Investigations take their course and their outcomes determine subsequent actions, as required by law and by prudent management practice. A written report of either progress or finalisation is filed and also forwarded to the MSA Regional Director who submits it to the Ministries Professional Standards Committee for review.

**IMPLEMENTATION AND REVIEW**

Review Dates of Policy: May 2014