



# PROFESSIONAL GUIDELINES FOR EMPLOYEES

Understanding acceptable standards of  
behaviour towards students

May 2022 | Version 5

## CATHOLIC SCHOOLS BROKEN BAY

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## Foreword

One characteristic of our Catholic schools is the pastoral care and commitment of employees (including staff, volunteers and contractors) working in our schools. Within this context of developing a safe and supportive environment for our students, these guidelines entitled “Professional Guidelines for Employees” have been recently updated from the first edition published in 2008 to provide a practical guide to professional conduct in interactions with students. The guidelines are available to outline professional boundaries and acceptable practices in your interactions with students.

The guidelines provide clear expectations of appropriate and inappropriate behaviour in key areas of professional practice including communication with students, physical contact with students, student management and care and maintaining professional boundaries. Use of the guidelines contributes to our commitment to safeguarding students and ensuring their rights are fulfilled. We take seriously matters that breach these guidelines and therefore it is essential that you understand and adhere to them.

The professional guidelines were initially developed following consultation with all schools and a number of staff. It is hoped that the professional guidelines will promote the professional standing of all employees, enhance your teaching practice where applicable, promote safety of students and provide you with peace of mind so that we can get on with the core business of teaching and learning.

These guidelines are required to be followed and should be read in conjunction with CSBB’s Code of Conduct. Should you have any questions about the information contained within please contact the Office for Safeguarding.

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# 1. INTRODUCTION & PURPOSE

## 1.1 Introduction

All children have the right to feel safe at all times. Every person engaged by Catholic Schools Broken Bay (CSBB) has a responsibility to do their part to keep children safe. Culture and policies are important enablers of child safety and understanding your role in how we can raise concerns and prevent child abuse and neglect must be understood by everyone.

“Families need to know that the Church is making every effort to protect their children. They should also know that they have every right to turn to the church with full confidence, for it is a safe and secure home” (Pope Francis to the Presidents of National Bishops Conference and Superiors Religious Orders across the world, 2 February 2015).

## 1.2 Commitment to Safeguarding

In the Diocese of Broken Bay we have made a public Commitment to Safeguarding:

“We the people of the Catholic Diocese of Broken Bay are committed to fostering communities of safety and care for all people, especially for children and for others in the community who are vulnerable.

Our commitment is underscored by our faith in Jesus Christ who teaches the fundamental sanctity of each human person, and by our dedication to sustained education, practice, and conversation about our moral, legal, and spiritual obligation to safeguard all those within our community.

The protection of children and vulnerable adults within our Diocese will be achieved as every member of our community strives to be a person who:

1. Wants our children to be safe, to grow and to flourish, and to have zero tolerance to any attitude and activity that makes children less than safe;
2. Acts with integrity, humility and sincerity, being truthful and open-hearted, and accountable and transparent, throughout our Diocesan community;
3. Shows rights for all people who are supported by Diocesan systems that are clear, accessible, and compliant;
4. Leads by constant commitment to raising awareness, education, professional development, and supervision;
5. Listens to others with an open heart and mind, and responds well so that concerns and risks may be identified early and addressed;
6. Reaches out with compassion to all who have experienced hurt in our community, restoring relationships and building hope through support, acknowledgement and just redress;
7. Communicates openly and honestly so there is a clear articulation and demonstration of expectations, standards, structures and processes, for Safeguarding throughout our Diocesan community;
8. Engages the knowledge and experience of the wider community so that through dialogue and collaboration we can contribute to growth in the safety and wellbeing of our communities.

Each of us can make a difference. Each of us can help to protect one another. We are called to Step Up and Speak Out for the protection of all.”

### 1.3 Purpose and scope

Catholic Schools Broken Bay (CSBB) is committed to developing an educational and organisational culture based on mutual trust and respect. All individuals engaged in work with CSBB have obligations to act and ensure children in our schools are safe, and are expected to conduct themselves with professionalism in accordance with system requirements in the exercise of their roles and responsibilities. The term employee used within these Guidelines refers to all school staff, CSBB staff, volunteers and contractors.

This document is intended to provide assistance to employees in the fulfilment of their professional duties in their interaction with students and clarity with regard to acceptable and unacceptable forms of conduct. All employees must comply with these guidelines as it sets clear behavioural standards and conduct that employees must use when engaging with children.

This document is not intended to cover all situations in which employees are expected to act professionally. Employees are trusted to exercise professional judgement and if in doubt are expected to consult with a more senior member of staff or member of the school executive.

The term employee is used generically throughout the document. Some examples, practices and responsibilities outlined in this document may be more applicable to particular staff groups, for example, primary school staff as opposed to high school staff, teaching staff as opposed to support staff, school staff as opposed to CSBB staff or teaching staff as opposed to volunteers or contractors. However, the general principles contained within the document apply to all employees engaged directly or indirectly within CSBB including teachers, support staff, CSBB staff, volunteers and contractors.

Due diligence is required by all employees to:

- ensure that student safety is paramount within our schools
- be aware of these guidelines and to implement the principles in their daily interactions with students
- review their professional practice on an ongoing basis
- maintain the integrity of their career through appropriate professional practice
- promote a culture of professionalism and ensure employees of the Broken Bay Diocese act appropriately in all areas of child protection and safeguarding to ensure the welfare and wellbeing of all students.

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## 2. GUIDING PRINCIPLES FOR PROVIDING A SAFE WORK ENVIRONMENT FOR STAFF

### 2.1 Guiding Principle

All employees and students have the right to a safe and supportive environment free from any form of abuse or harm.

The relationships between employees and students are governed by trust, the ethical values of the teaching profession and the specific values of Catholic education.

Employee and student interactions take place within a working relationship that involves specific and mutual rights and responsibilities.

All of these relationships take place within a legal context that supports the rights of all concerned.

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### 3. KEY EXPECTATIONS

#### 3.1 Responsibilities of employees

Employees are expected to:

- i. be aware of the policies and procedures that apply to the work and in the workplace. If workers are uncertain about the scope or content of a policy with which they are required to comply, they should seek clarification from their principal/supervisor/manager
- ii. be familiar with the legislation under which they are employed, as this may specify requirements for mandatory compliance
- iii. undertake duties in a professional, competent and conscientious manner
- iv. take up suitable opportunities to improve their knowledge and skills, including participation in relevant professional development/training
- v. be mindful of their duty to the safety of themselves and others
- vi. be aware that if their conduct has the potential to damage the school's reputation, even if it is in a private capacity, this could lead to disciplinary action
- vii. act in good faith by not making unfounded complaints with malicious, frivolous or vexatious intent against another person
- viii. model effective leadership and respect in interactions with students, colleagues and others
- ix. treat others with care. Rude or insulting behaviour, including verbal and non-verbal aggression, abusive, threatening or derogatory language and physical abuse or intimidation towards others is unacceptable

A principal/supervisor, in addition to the above responsibilities, is expected to:

- i. promote collaborative and collegial workplaces
- ii. exercise leadership by working with workers to implement performance and development processes that are consistent with the worker's conditions of engagement
- iii. provide ongoing support and feedback to workers
- iv. establish systems within their area of responsibility which support effective communication
- v. consult with and involve their staff in appropriate decision-making
- vi. inform workers of the Guidelines and all relevant policies and make the documents accessible to them



vii. take appropriate action if a breach of the Guidelines may have occurred

Whilst different arrangements for engagement may apply for religious, volunteers, contractors, consultants and students on tertiary practicum placements, these persons are expected to conduct themselves consistent with the principles underpinning the Guidelines.

### **3.2 Record keeping**

All employees have an obligation to maintain appropriate records and data in relation to their professional practice in the care and protection of children.

A record serves an essential administrative, legal and historical purpose. Records can include class rolls, student assessment records, emails, electronic documents, digital image and audio recordings, correspondence, statements, records of interviews, files, diary entries, forms, plans, drawings, notes, photographs and films.

Employees:

- have a responsibility to create and maintain appropriate records of their professional activities and decisions in the care and protection of children, including contemporaneous records of any disclosure, observations and discussions including any breach of the Guidelines
- should be mindful of the need to retain such records securely and confidentially
- should seek appropriate advice regarding the retention/destruction of such records

The principal/supervisor has a responsibility to ensure that the employees reporting to them comply with their records management obligations.

### **3.3 Confidentiality and privacy**

The school and CSBB collect and stores confidential and personal information about students, their families and employees. Any misuse of confidential or personal information, whether intentional or reckless, is inconsistent with the school and CSBB mission and ethos. It may harm individuals and the reputation and credibility of our Catholic schools. It may also be unlawful.

It is expected that employees will:

- i. treat confidential and personal information about students, their families or other staff respectfully
- ii. exercise caution and sound judgement in discussing other people's confidential and personal information
- iii. comply with relevant laws and regulations regarding the collection, dissemination, use and security of all such information
- iv. only use such information for work-related purposes
- v. only communicates such information to those who need to know in order to perform their role

Sharing of confidential and personal information with external persons or agencies may only occur:

- i. within the established guidelines for such communication, or
- ii. in accordance with any relevant legislation relating to the provision of such information.

### **3.4 Duty of care**

All employees have a duty of care to ensure no student is exposed to any reasonably foreseeable risk of harm. The standard of care owed to students is that of a caring professional.

The standard of care also needs to take account of the age, maturity and level of dependence of students. In their relationships with students, employees are always expected to act in accordance with their professional status, ensuring that the physical, emotional, spiritual and psychological welfare of the student is safeguarded, and that their behaviour with students is always regulated by this professional relationship, both within and beyond the school setting.

The duty of care obligation encompasses but is not limited to the following:

- minimising risks to students through school activities by undertaking an assessment of possible risks prior to the activity and taking action to minimise identified risks
- ensuring employees responsible for supervising students have appropriate training and experience
- providing adequate supervision for students in all learning environments (the school grounds, the classroom, on excursions and in online spaces)
- ensuring that clear school procedures and policies are available and applied in the school in all matters affecting students including but not limited to student discipline, serious incidents and reporting risk of significant harm
- treating all students with respect, sensitivity, fairness and consistency.

Should persons engaged to work with children in our schools observe or become aware of other individuals acting inappropriately towards children they must report their concerns to leadership.

A staff member cannot delegate their duty of care responsibility.

### **3.5 Working with Vulnerable Students**

When dealing with students with special needs the nature and extent of the special need is to be taken into account by all employees.

Liaison with the family of the student and the specialist teachers at the school (for example, learning support teacher, learning support assistant or visiting teacher), as well as the student in appropriate circumstances, is recommended when establishing strategies for intervention with such students.

A documented individual plan, involving all people who deal with the student on a regular basis, is recommended when devising appropriate strategies for students with special needs and disabilities, especially when challenging behaviours, personal care and hygiene, and special physical considerations are an issue at the school (for example, toileting, transport within and beyond the school environment, situations where physical restraint is occasionally required).

It should be noted that students with special needs are individuals first and foremost, and that their special needs are secondary to their rights as people. Furthermore, there are a range of disabilities that impact on students in different ways, and an individualised and informed approach is required for all students in the school environment.

### **3.6 Local school-based protocols**

Schools are expected to have in place school-based protocols for staff to ensure that they are aware of acceptable and unacceptable practices in their relationships with students for specific functions or activities, for example:

- camps, retreats, sporting events, excursions, homestays
- after school activities
- responding to student illness and injury
- online and home-based learning
- working with students with disabilities or challenging behaviours.

Where necessary, these protocols should be taken into account and documented in activity-based risk management plans when preparing for these activities.

Principals should be aware that policies, guidelines and procedures affecting school-based protocols must be read in conjunction with Diocesan wide policies, procedures and guidelines.

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## **4. SEXUAL MISCONDUCT AND SEXUAL OFFENCES**

### **4.1 Defining sexual misconduct**

Sexual misconduct means any conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence). The following is a non-exhaustive list of examples:

- descriptions of sexual acts without a legitimate reason to provide the descriptions;
- sexual comments, conversations or communications
- comments to a child that express a desire to act in a sexual manner towards the child, or another child
- crossing professional boundaries.

The conduct may be deemed to be reportable conduct and require investigation and reporting to the NSW Office of the Children's Guardian (Children's Guardian) and/or the NSW Education Standards Authority (NESA). Please refer to the Addressing Allegations of Inappropriate Behaviour by Staff Policy for further information.

## 4.2 Defining sexual offences

A sexual offence is an offence of a sexual nature under a law of NSW, another state/territory or the Commonwealth committed against, with or in the presence of a child such as:

- sexual touching of a child
- a child grooming offence
- production, dissemination or possession of child abuse material

Employees must not, under any circumstances, engage in an intimate or sexual relationship with any student at any school. It is irrelevant whether the relationship is consensual or condoned by parents or caregivers. The age of the school student or employee involved is irrelevant. Once a person is an employee the moral and legal expectation is that they will not become involved in a sexual relationship with any student.

In rare circumstances it is possible that a teacher who is a young first year teacher may have been involved in a relationship with an older high school student before completing his or her training and seeking employment. The prohibition outlined above still applies. Employees must declare the conflict of interest prior to commencing employment (or immediately after when the conflict of interest becomes known).

Improper conduct of a sexual nature by an employee against a student includes sexual intercourse and any other form of sexual offence.

Grooming behaviour is a process whereby an adult person may condition and build rapport with a child or young person and his or her family using tactics to establish trust, in order to reduce resistance to and compliance with sexual assault.

The grooming process may include strategies such as:

- persuading a child or young person or his or her family that a special relationship exists
- spending inappropriate special time with the student during or outside of school hours
- inviting the child or young person to social events outside of school hours
- providing drugs or alcohol to a student
- inappropriately giving gifts
- showing special favours to a particular student but not with other children or young people
- allowing the student to overstep the rules
- testing of boundaries – including but not limited to undressing in front of a child or young person, allowing a child or young person to sit on a staff member's lap, talking about sex and accidental touching of genitals.

Isolated incidents of the above behaviours may not be indicative of grooming, but if there is a pattern of behaviour that has occurred this may be indicative of grooming.

Any behaviour of this type will be referred to NSW Police for their action.

Additionally, the conduct may be deemed reportable conduct and require investigation and reporting to the NSW Children's Guardian and NESA. However an alleged sexual offence does not have to be the subject of a criminal investigation or charges for it to be raised as a reportable allegation. Refer to the Addressing Allegations of Inappropriate Behaviour by Staff Policy for further information.

### **4.3 Maintaining professional boundaries with students**

#### **4.3.1 Professional relationship**

The relationship of an employee and student is a professional relationship. There is an inherent imbalance of power in the relationship by virtue of the adult: child dynamic, the employee's expertise, and the authority the employee can exercise over the student.

The employee must not take advantage of their position and power by mistreating the student or violating the student's trust.

While it is recognised that teaching is a nurturing profession and that employees play a significant role in students' lives, employees are responsible for establishing and maintaining a professional role with students and clear professional boundaries.

It is important for employees to understand that boundary violations can occur slowly. It is the employee's responsibility to maintain and set boundaries as the adult in the relationship and because they have more control and power in the relationship with the student.

Employees may fail to maintain professional boundaries by operating beyond the responsibilities of their role or beyond their expertise. Students who raise significant personal problems with a trusted teacher or other employee (such as the office staff or teacher's aide) should be referred to a person on staff with specialised skills, for example, a school counsellor or pastoral care/wellbeing coordinator.

Employees must not develop a relationship with a student which may be misinterpreted as a personal rather than a professional interest in the student. Blurring of the professional boundaries may have harmful consequences for the student and staff member concerned. The whole learning process may be undermined and the staff member's professional reputation affected.

Failure to maintain appropriate professional boundaries may lead to misunderstandings and possible complaints of reportable conduct or professional misconduct.

Deliberate or intentional violations of professional boundaries may also result in disciplinary action and/or reporting to external agencies (such as the NSW Police or the Department of Communities & Justice - DCJ).

#### **4.3.2 Student's behaviour towards employees**

It is recognised that at times students may misconstrue an employee's actions or actively seek to engage with an employee in a manner that may cross professional boundaries. In such circumstances, employees are advised to actively manage the situation and to seek assistance from a senior staff member in doing so.

Should any student engage in inappropriate behaviour of a sexual nature towards an employee then it is the responsibility of the employee to take steps to discourage the behaviour in a calm and sensitive manner and then to report the matter to the principal immediately. The principal should then contact the Office for Safeguarding (CSBB) for guidance with regard to the next steps.

Practical measures for employees in managing students who seek to 'push the boundaries' include but are not limited to:

- being aware of any cues from the student
- ensuring an employee is never alone in an isolated environment with the student
- employees taking steps to distance themselves from the student, for example, the employee changing their mobile phone number if the student has it, limiting communication to what is necessary to maintain the professional relationship, and actively discouraging further communication
- keeping notes of any interactions which do occur even if apparently insignificant – this may assist if the student later makes a complaint
- telling someone, preferably the principal or your supervisor, about any concerns as soon as practicable.

If an employee is ever in any doubt about his or her relationship with a student, or about the inappropriate action of a colleague, he or she should discuss the situation with the principal or supervisor or seek advice from the Office for Safeguarding at CSBB. If the concern is about the principal, then a staff member should seek advice from CSBB.

The principles outlined above apply regardless of the age of the student involved.

Generally speaking, if a student initiates a conversation with a staff member regarding the staff member's personal life or that of another person it is better practice to politely disengage from a detailed conversation and steer the conversation back to educational purposes.

#### **4.3.3 Self-assessment**

The following self-assessment may assist employees in assessing their application of professional boundaries:

- am I dealing in a different manner with a particular student than with others under the same circumstances?
- would I not be doing or saying this if a colleague was present?
- is my dress/availability/language different from the norm with a particular student?
- have I engaged in electronic communication (email, sms, social media or chatrooms) with students for purposes unrelated to education?
- am I offering the student advice about what they should do outside school that is not related to their education or general wellbeing?
- am I unnecessarily talking about my own personal life, where I live, whom I live with or my external relationships regularly with students?

- is my conduct towards any student demeaning or belittling?
- am I redundantly commenting on a student’s appearance that is not appropriate in the context?
- am I complimenting a particular student about how they look or what they wear unnecessarily?
- am I using jokes including sexual innuendo or telling stories that push the boundaries encouraging rule breaking or illegal activity such as alcohol consumption or drug use?
- are the consequences of my actions likely to have negative outcomes for myself or the student?
- are my personal feelings translating into inappropriate actions?
- have I accessed personal or sensitive information held by the school about a student or his or her family for purposes unrelated to education or professional interest?
- am I withholding information about my relationship with the student from the student’s parents or other person in authority?
- am I encouraging a particular student or group of students to disrespect or breach school rules, for example in relation to attendance, uniform, use of electronic equipment?
- am I meeting my own personal needs through my relationship with a particular students or group of students?

If the answer to any of these questions is yes then it is possible a professional boundary is being crossed. The relationship between an employee and student should not be treated like a “friendship” where personal information is shared and favours are afforded. It is not appropriate to extend or treat the relationship beyond what its clear purpose is, that is as, an adult/teacher/school to a child/young person/student “professional” relationship.

#### 4.3.4 Examples of poor practice

The following table may assist staff in identifying areas of possible poor professional practice which could also constitute professional misconduct or reportable conduct. Please refer to the Developing Professional Relationships with Students Do’s and Don’ts for further guidance.

**Table 1**

Area of practice	Example of poor practice
<b>Communication with students</b>	<ul style="list-style-type: none"> <li>• inappropriate comments about a student’s appearance (complimentary, sexual or demeaning)</li> <li>• inappropriate conversation of a sexual nature</li> <li>• overly casual/friendly commentary</li> <li>• use of inappropriate pet names</li> <li>• jokes of a sexual nature</li> <li>• obscene gestures and language</li> </ul>



	<ul style="list-style-type: none"> <li>• personal correspondence including email, phone, SMS text by using personal devices (see below*)</li> <li>• teasing a student</li> <li>• making threatening comments to a student</li> <li>• shouting at a student to intimidate</li> <li>• publicly humiliating a student in front of others</li> <li>• bullying or harassing a student</li> <li>• gossiping with students about other students or staff, particularly within earshot of students</li> <li>• making comments to a student of a discriminatory nature on the basis of gender, race, sexuality or disability</li> </ul>
<b>Self-disclosure to students</b>	<ul style="list-style-type: none"> <li>• engaging in discussions regarding personal life of self or others (see below**)</li> <li>• sharing of personal information about other staff or students with other students</li> </ul>
<b>Physical contact with students</b>  (see also section 5)	<ul style="list-style-type: none"> <li>• initiating or permitting unwarranted and/or inappropriate physical contact with a student for example:</li> <li>• unnecessarily putting arms around a student when instructing them on a computer or using machinery</li> <li>• massaging a student when they are stressed</li> <li>• kissing a student on the cheek</li> <li>• allowing a student to sit on a staff member's lap</li> <li>• Corporal punishment eg. hitting smacking, caning, physically preventing a student from entering or leaving a classroom</li> <li>• throwing objects at students to get their attention</li> </ul>
<b>Conduct which may be construed as a personal interest in a student</b>  (see also section 4)	<ul style="list-style-type: none"> <li>• inviting students home</li> <li>• being alone with a student</li> <li>• being alone with a student behind closed doors</li> <li>• watching students in a change room</li> <li>• driving a student unaccompanied without prior approval from principal and without permission from the student's parents</li> <li>• giving gifts (eg. clothing, ice creams, sweets or more expensive items) and special favours (eg. relaxing the rules, allowing extensions not permitted to other students)</li> <li>• socialising with students</li> <li>• tutoring a student without permission from parents and knowledge of principal</li> <li>• writing letters or notes to a student</li> <li>• exchanging mobile numbers with students</li> <li>• friending students on social media</li> </ul>

\* Inappropriate personal correspondence with a student means correspondence with a student on matters unrelated to curriculum or the students' schooling. It is not limited to correspondence of a sexual nature. It does not include correspondence under approved protocols for electronic communication with students on matters related to curriculum or schooling (for example, homework or assignments completed via email or via the internet).



\*\* Inappropriate discussions regarding personal life of self or others does not include circumstances where it may be appropriate and necessary to draw on relevant personal life experiences when teaching, however there are limited circumstances where this would be considered necessary.

It also does not necessarily include the specific PDHPE context where conversations of a personal nature may occasionally need to occur in order for students to participate and learn. Notwithstanding it is important to note with regard to PDHPE content not to overly use personal stories as examples when discussing sensitive topics such as child abuse, neglect or suicide ideation/mental health. It is better practice to always use relevant case studies from official websites such as NAPCAN, Beyond Blue or Headspace.

## **4.4 Good practice to prevent sexual misconduct concerns**

### **4.4.1 Working one on one with students**

There are some situations specific to the area of sexual misconduct which require particular consideration.

In some situations, in performing their professional role with students, employees may be required to work on a one-to-one basis with a student. This may include counselling and educational testing. Some safeguards for working with students in such circumstances include:

- obtaining approval of the principal
- obtaining permission from the parents especially in circumstances where the arrangement is ongoing for example, coaching or tutoring
- ensuring that the principal or another staff member is aware of the date, time and location of any meetings with the student
- in terms of the meeting location, ensuring visibility into the room and/or keeping the door open or meeting in an open or public location.

In circumstances where confidentiality is an issue for example, counselling sessions or if the student specifically requests a confidential environment in which to talk with the employee, it is important that the employee observes some safeguards including but not limited to:

- ensuring that the principal or another employee is aware that the meeting will occur. If this is not possible beforehand, then telling someone immediately afterwards
- documenting the contact in a personal diary or notebook, recording the date, time and general details of the contact including any advice given. This is for the employee's purpose only and to assist in the unlikely situation that a complaint of inappropriate conduct is made against the employee by the student
- being aware of the reporting obligations in the area of child protection (see section 10) and in the event that a disclosure of a child protection nature is made by the student, explaining to the student that the employee is required to pass on the information to the principal.

#### **4.4.2 Pre-existing relationships with students**

Where a pre-existing personal relationship (such as a family relationship or close friendship) exists between an employee and a student, the employee must advise the potential conflict of interest to the principal.

In interactions with students who do not attend the school, employees should exercise caution as the development of a close personal relationship with a student (excluding family members) can be open to misinterpretation or could be construed as grooming behaviour. Employees are expected to be aware of the range of behaviours that constitute grooming or that may be viewed as inappropriate conduct. If for some reason, an employee has a close, personal relationship with a child or young person beyond his or her school responsibilities (excluding family members), the staff member should take appropriate action to manage the potential risks of misinterpretation. Appropriate action includes but is not limited to discussing the situation with the principal, parent, or other person in authority.

#### **4.4.3 Peer on peer sexualised behaviour**

Should any student engage in inappropriate behaviour of a sexual nature toward another student, staff members should report the matter to the principal immediately. It is important that staff do not try to interview the students involved. The principal must then contact the Pastoral Care and Wellbeing Team or the Office for Safeguarding (CSBB) who will work collaboratively with the principal to handle the matter. Student sexualised behaviour is a specialised area requiring intervention and risk management. There are resources to assist staff in the management of these matters. Please refer to the CSBB Guidelines for the Management of Problematic or Harmful Sexualised Behaviour.

#### **4.4.4 Photographing and filming students**

Employees are reminded of strict requirements relating to photographing or filming students. Secretly taking photographs or other images of children is strictly prohibited.

Employees in schools are not permitted to photograph/film students, other than for approved educational/school purposes. Where possible, photographs or videos should always be taken on school issued devices not personal phones or cameras belonging to staff. Storage of photos and videos should also be maintained on the school IT platform and not retained on any personal device owned by the staff member.

#### **4.4.5 Maintaining relationships with students after school**

Employees need to recognise the special position of trust and influence that teachers or other school workers may have in respect of students. This position of trust may continue after students have left the school. It may also continue after students have turned 18 years of age.

Extreme care must be taken in any relationship between a teacher or other school worker and former students, even if the students are over 18 years of age as this may constitute an offence under the *Crimes Act 1900*.

Employees must also be acutely aware of the following factors when entering into a relationship with any former student, including:

- the special relationship of trust and influence which is created between workers and any student, arising from the nature of their special role
- age and maturity of the former student
- time elapsed since the student left the school
- expectations that workers not act contrary to Catholic values and ethics
- community perception of such a relationship
- the potential impact on the reputation of the school, Catholic education and the profession, because of the relationship.

A personal or sexual relationship with a former student entered into by any employee may be considered sexual misconduct or a criminal offence if it is established that the employee used his or her position to develop and maintain an inappropriate personal or intimate relationship with the student before the student left the school and therefore they are strongly discouraged in all forms.

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## 5. PHYSICAL CONTACT WITH STUDENTS

### 5.1 Defining physical assault

Technically, any form of unwarranted touching can, depending on the context in which it occurs, constitute an assault. Generally, physical force that does not result in more than transient injury and which had no potential to result in serious injury – with consideration to the context and circumstances in which the alleged assault took place would be considered trivial and negligible.

An assault can occur when a person intentionally or recklessly (ie knows the assault is possible but ignores the risk):

- applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force) or
- causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force (apprehension of physical force).

For the purposes of the *Children’s Guardian Act 2019*. A physical assault is not serious where:

- it only involves minor force; and
- it did not, and was not ever likely to, result in serious injury.

A physical assault is serious where:

- it results in the child being injured, beyond a type of injury like a minor scratch, bruise or graze; or
- it had the potential to result in a serious injury; or

- the injury suffered may be minor, but the assault is associated with aggravating circumstances (in this regard, aggravating circumstances might include associated inhuman or demeaning behaviour by the employee, for example kicking a child, pulling a child by grabbing the child around the neck).

## 5.2 Physical contact and duty of care

A *hands-off* approach with students is not always possible or appropriate. The duty of care obligation requires physical intervention or contact in certain circumstances in order to ensure the safety of students. For example, some subjects may require a level of physical contact for students to be appropriately instructed thereby ensuring their safety. These include but are not limited to:

- PDHPE activities such as gymnastics which may require physical contact to ensure that students are not injured in performing certain tasks
- TAS lessons where physical contact may be appropriate in instructing students, for example, in the use of machinery which may cause serious injury if not used properly.

If employees are not clear about appropriate physical contact with students, they should seek guidance from a member of the school executive.

This issue is about balancing the duty of care (the requirement to instruct, demonstrate and ensure the safety of students) with the necessity of the physical contact in the situation (the nature and level of physical contact required). For example, in instructing a student how to use a cricket bat or how to shoot a hoop in basketball or netball, it is not necessary for the PDHPE teacher to make physical contact with the student as opposed to providing verbal instructions and a demonstration.

## 5.3 Appropriate physical contact to assist or encourage a student

Besides the examples outlined above, employees may at times be required to give practical assistance to a student who is hurt or needs assistance or encouragement. The following types of physical contact are considered acceptable:

- physical contact with students as a clear expression of nurturing for example, comforting a distressed child or giving a congratulatory pat on the back
- administration of first aid or assessing an injury
- helping a student who has fallen or is injured
- assisting with the toileting of a young child or disabled student provided that an individual plan for students requiring such assistance has been discussed with the parents and implemented and there are two staff members present. If not, then school staff should alert the principal to the need for a plan to be developed
- gently touching a young child in order to attract his or her attention.

Physical contact that is established to be accidental would not be considered inappropriate. Some examples of good practice in the area of physical contact include but are not limited to:

- in normal classroom situations avoid touching a student anywhere other than the hand, arm, shoulder, or upper back

- avoid physical contact with a student's head or neck area. This includes avoiding tapping students on the head to get their attention
- do not throw items at students other than as part of a curriculum exercise and in a manner, which is safe and appropriate (this includes not throwing bags, clothing, shoes, pens, erasers and books at students whether or not to get their attention)
- avoid being alone with a student in an isolated area or behind closed doors. If through no fault of the staff member this situation occurs avoid physical contact with the student unless there is serious danger or risk to the student which may necessitate physical contact, for example, applying first aid
- do not presume that touch is acceptable to a student. What the employee considers acceptable may not be comfortable for the student. It is important to remember that you may not always have an understanding or knowledge of the student's background or what their circumstances at home are like.
- whenever possible use verbal directions rather than physically handling a student, for example, asking a student to turn around, rather than physically turning the student around
- when demonstrating or instructing students in circumstances in which physical contact may be necessary:
  - explain what the physical contact is for
  - if practicable, ask for volunteers to demonstrate
  - seek the student's permission before making physical contact
  - if the student does not give permission for the physical contact to occur, do not proceed.

#### **5.4 Physical contact initiated by students**

Employees must not encourage students to initiate physical contact with them. However, it is recognised that in certain circumstances students may initiate contact with an employee without any encouragement by the employee for example, young children who climb onto a teacher's lap or reach out to hold the teacher's hand.

The physical contact initiated by the student may be uncomfortable for the employee or it may be considered inappropriate. Either way, the employee needs to take some action to manage the situation.

The way in which the physical contact may be viewed depends on the nature of the physical contact, the context in which the contact is occurring and the age, maturity, developmental level and other factors regarding the student which may provide a reasonable explanation for the physical contact. For example, a teacher seen with a kindergarten student on his or her lap may be viewed differently to a high school teacher seen with a Year 11 female student sitting on his lap.

It is important that employees do not panic if a student makes physical contact with them. The context will determine the action the employee should take. If an employee feels uncomfortable, or it is clear that the contact is inappropriate, it is okay for the staff member to redirect the student without causing unnecessary distress or embarrassment to the student. With younger children it may not be necessary to draw his or her attention to the fact. For example, a teacher with a young child on his or her lap may gently remove and distract the child without commenting on the reason for doing so.

With older students it may be appropriate that in addition to redirecting the student, the employee also provide an explanation to the student without judging, shaming or otherwise making the student feel wrong for initiating the contact.

## **5.5 Using non-physical intervention in a student management situation**

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

- directing other students to move away from the situation
- talking with the individual student in a calm, non-threatening manner to diffuse the situation ( “what do you want me to do”)
- encouraging the student to move to a safe place
- sending for assistance from other staff, or in extreme cases, the NSW Police.

It is important to de-escalate the situation by approaching the student in a non-confrontational manner. Although the student’s behaviour needs to be addressed, it may be more appropriate to talk about issues and consequences of his or her behaviour at another time.

It is not appropriate to make physical contact with students, including their personal possessions (for example, pushing, grabbing, poking, pulling, grabbing of backpack) in order to ensure they comply with directions.

It is not appropriate to physically block students from entering or leaving a classroom or to pursue a student if he or she is trying to run away unless there is a reasonable concern for the safety of the student or others.

Under no circumstances should staff physically threaten or intimidate a student or engage in any form of conduct that might cause physical or emotional harm to students.

Under no circumstances should staff physically assault any student. Assault involves either hostile or reckless application of force or the threat of such force. Physical assault is considered a crime under the NSW *Crimes Act 1900* and any conduct such as described may be reported to NSW Police. Additionally, the conduct may be deemed reportable conduct and require investigation and reporting to the NSW Children’s Guardian (refer to Addressing Allegations of Inappropriate Behaviour by Staff Policy for further information).

Physical contact to protect students from danger or harm to themselves that is both reasonable and necessary would not amount to physical assault.

Any employee who feels physically threatened or intimidated by any student should immediately report his or her concern to the principal so that appropriate action protective of the employee can be taken.

## **5.6 Appropriate use of physical restraint**

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

- attacking another student or teacher, and
- posing an immediate danger to self or others.

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

Employees should not use physical intervention when non-physical intervention could be used.

The application of physical force or contact as a means of punishment, or as a response to property destruction, school disruption, refusal to comply, or verbal threats is not acceptable. Maintaining good order is never a reasonable justification for using force or restraint.

Appropriate physical force may be permitted to meet the duty of care obligation to protect students from foreseeable risk of injury. Common law defences such as self-defence, and defence of others remain legitimate reasons for the use of physical contact. Everyone has the right to defend themselves against an attack provided that the degree of force used is reasonable in the circumstances.

However physical restraint can be misperceived as physical assault and conduct such as described may be reported to NSW Police by a student's family if they do not accept the restraint was justified. Additionally, the conduct in certain circumstances may be deemed reportable conduct and require investigation and reporting to the NSW Children's Guardian (refer to Addressing Allegations of Inappropriate Behaviour by Staff Policy for further information) so exercising a high degree of caution in this area is recommended.

## **5.7 Factors to consider when using physical restraint upon a student**

Factors to consider when using physical restraint upon a student include:

- the use of force against a student in such situations is to prevent injury
- it may be a valid decision for an employee not to use physical force in a situation involving several students, or a physically larger student, where the employee believes that doing so would be more likely cause injury to themselves. In such cases, the teacher should remove other students who may be at risk and seek help from another employee (or in extreme cases the NSW Police)
- if an employee is considering physical restraint, he or she should first ask the question: What will happen if I do not restrain the student?
- the use of force must be reasonable in the circumstances taking into account the age, understanding and gender of the student
- the force used in a restraint must be the minimum needed and must not include any force applied to the head or neck of a student, or to any other part of the body as to cause harm that lasts more than a short period
- physical actions to restrain which exceed reasonable force or other actions which involve restrictions to breathing, punching, kicking or holding by the hair or ear would be deemed to be assault
- procedures for dealing with physical altercations between students should be dealt with as part of the normal school processes for supervision and student management routines, for example, obtaining assistance and routines for playground supervision



- prompt documentation of incidents is essential, and records must be maintained by the principal. This should include the name of student involved, location of incident, name of witnesses (staff and/or students), incident outline (including student's behaviour, what was said, steps taken, degree of force applied, and how applied), student's response and outcome, details of any injury or damage to property
- parents should be informed promptly of any incident where it was necessary for an employee to forcibly restrain their child and be given an opportunity to discuss the matter
- the possibility of restraint and the nature of that restraint for students with special needs should be addressed in the overall case management planning for particular students and documented in individual education plans. Alternate strategies for preventing harm to others need to be considered in developing plans. Parents need to be part of this process and where possible, involve the student in this process
- appropriate confidential debriefing and support needs are to be provided to employees involved in incidents of restraint
- if an employee is aware of individual students with consistently challenging behaviour, and restraint is part of case management, employees need to be informed of such arrangements and should be trained in the appropriate procedures
- appropriate physical intervention may include:
  - standing between students
  - gently leading or guiding a student by the hand or arm
  - shepherding a student away by placing a hand in the centre of the upper back
  - a student's path should not be blocked unless there is a reasonable concern that he or she poses a threat to self or others.
- if a 'time-out' strategy is used by employees in dealing with students, students must remain in view at all times. Seclusion restraint - physically confining a student alone in a room or limited space without access to school staff, is not an acceptable practice.
- whenever possible an employee should send for another employee or the principal to be present before physical restraint is used. It is helpful to have another adult present as a witness to the process in the event that a complaint is made.

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## 6. NEGLECT OF STUDENTS

### 6.1 Defining neglect

Neglect is a significant failure by an employee to provide adequate and proper food, supervision, nursing, clothing medical aid or lodging for the child that causes or is likely to cause harm to the child.

Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation resulting in actual harm to a child or where there is the potential for significant harm to a child.



Employees must not neglect students who are in their care. Neglect occurs when a child or young person is harmed or there is potential for harm by a failure to attend to basic physical and emotional needs including but not limited to food, shelter and medical attention.

Generally, incidents that do not impact on the long-term physical, emotional or intellectual well-being of the child are unlikely to constitute neglect.

## **6.2 Practical measures to support students**

However, there are some practices which may assist staff in developing appropriate professional practice in caring for students:

- when a student is injured it is important to ensure that medical attention is provided to the student. The appropriate level of attention will be determined by the nature of the injury. If in doubt seek assistance from a colleague or the principal. Where a student is injured, they should not be asked to continue any activity which may exacerbate the injury (for example, asking a student who has sprained an ankle to continue walking on the ankle)
- developing an awareness of students' medical or health issues for example, diabetes, asthma, allergies etc and what strategies, including medication, are in place to manage the issue
- ensuring that students are appropriately protected from the sun during outdoor activities, especially young children. In circumstances where a child or young person is unable to apply sunscreen due to age injury or disability, ensuring that sunscreen is applied, or other appropriate protection provided
- if a student complains of being bullied, taking steps to address the issue in accordance with the school's bullying policy. Staff should ensure that the student understands that the matter is being taken seriously and that steps are being taken to address the issue. An employee should not ignore the situation
- ensuring that students are appropriately supervised. Avoiding leaving a class unattended or dismissing students early so that they are unattended. Similarly, avoid sending students out of the classroom and then leaving them unsupervised in corridors or elsewhere in the school grounds. If on playground duty, actively supervise students
- developing an awareness and understanding of the types of matters which, under the Department of Communities & Justice (DCJ) legislation, employees are mandated to notify.

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## **7. DISCIPLINE AND MANAGEMENT OF STUDENTS – ILL-TREATMENT**

### **7.1 Defining ill-treatment**

Staff should avoid correcting or disciplining a student in excess of what is reasonable or appropriate for the situation. Discipline may be considered excessive if it is a disproportionate response to a child's behaviour.

Discipline can be considered inappropriate if it is unsuitable for the child for a specific reason such as the child's age, physical ability, developmental level or if the discipline violates community standards.

The following provide examples of conduct deemed seriously inappropriate, improper, inhumane or cruel and may be considered ill treatment. The examples are a guide only and are not an exhaustive list:

- locking a student in a cupboard as punishment for talking
- tying a student to a chair because they wandered
- making a student who is unfit run around an oval three times in the hot sun
- excessive or degrading demands of a child
- a pattern of hostile or degrading comments or behaviour towards a child
- keeping students on detention during the whole of lunch without allowing them to eat or go to the toilet.

## **7.2 Appropriate management of student's behaviour**

Disciplining students may be necessary and appropriate in certain circumstances. There are certain practices which may assist staff in developing appropriate professional practice. These include:

- being familiar with the school's pastoral care and discipline policies and adopting strategies for behaviour management in accordance with those policies
- developing a communication and management style that is non-confrontational. Responding to provocative or challenging behaviour in a calm manner and seek support from colleagues where necessary
- in confiscating personal items from students for example, mobile phones, not taking them directly from the student unless there are concerns for the safety of the student or another person. It is better practice to ask the student to hand the item to an employee and if he or she refuses to do so then following up the matter through other appropriate disciplinary action.

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## **8. PSYCHOLOGICAL HARM OF STUDENTS**

### **8.1 Defining psychological and emotional harm**

Behaviour that causes significant psychological or emotional harm that is intentional or reckless (without reasonable excuse, obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.

For psychological harm to be a reportable allegation under the *Children's Guardian Act 2019*, the following elements must be present:

- an obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable, and
- evidence of psychological harm to the child that is more than transient, including displaying patterns of "out of character behaviour, regression in behaviour, distress, anxiety, physical symptoms or self-harm, and

- an alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.

## **8.2 Guidance on psychological harm**

Employees must not engage in behaviour that results in significant emotional harm or trauma to a child.

The types of behaviours which may cause psychological harm are usually part of a pattern of behaviour and are persistent and targeted as opposed to isolated incidents. Examples include but are not limited to:

- acts that degrade or belittle a child (for example, harsh criticism, public humiliation, derogatory comments, swearing)
- exposing a child to domestic violence (people working in child related employment can be investigated by his or her employer for allegations made against him or her outside the workplace including violence in the home)
- setting unrealistic expectations with threats of harm or loss if these expectations are not met
- isolating a child by comments or denying the child opportunities to engage in social activities, or unreasonably restricting the child's freedom of movement within the classroom or school environment

Employees must not engage in conduct to bully or harass students. Such conduct contravenes the *Preventing Discrimination, Harassment and Bullying Policy for the Diocesan Schools System* but may also cause significant emotional harm to a child resulting in a child protection complaint.

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## **9. CONDUCT UNDER THE CRIMES ACT 1900**

### **9.1 Failure to protect**

Section 43B – Failure to reduce or remove risk of child becoming a victim of abuse

An adult working in an organisation doing child-related work will commit an offence if they know another adult working there poses a serious risk of abusing a child (under 18 years) and they have the power to reduce or remove the risk and the negligently fail to do so.

### **9.2 Failure to report**

Section 316A – concealing child abuse offence

All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused.

A person will not be guilty of the offence if he or she has a reasonable excuse for not reporting to police. Some examples of what constitutes a reasonable excuse include:

- if the offence has already been reported under mandatory reporting obligations to the Child Protection Helpline or to the Children’s Guardian under the reportable conduct scheme, or the employee believes on reasonable grounds that another person has reported it
- if the person believes on reasonable grounds that the information is already known to police
- if the victim is now an adult and doesn’t want the offence reported
- if the person fears for their safety or another person’s safety if they report
- if the information was obtained by the person when they were under the age of 18 years

### **9.3 Avoiding reports of an offence under the Crimes Act 1900**

Employees have responsibilities to act on information and notify to the relevant authorities, situations that may involve a failure to protect a student from harm or reporting a child abuse offence. If employees fulfil their legal obligations as outlined throughout the Guidelines, it is unlikely that they will be subject to a child protection complaint relating to conduct under the *Crimes Act 1900*.

## **10. REPORTING OBLIGATIONS**

### **10.1 Legislative reporting obligations**

Child protection legislation has established various reporting obligations which must be fulfilled when incidents, allegations, complaints or concerns arise involving children and young people.

Under the legislation any agency whose employees are engaged in work that is in child related employment (either directly or indirectly) must report child protection concerns to various external agencies who are responsible for protecting children and ensuring that any child protection concerns are dealt with appropriately.

All employees are required to maintain confidentiality of all parties involved in any reporting obligations. In any matters where employees are in doubt as to the requirements of confidentiality, they should seek advice of their principal or supervisor, rather than discussing the matter with other staff.

Child protection concerns may be broadly categorised as follows:

- concerns relating to the suspected risk of significant harm to a child or young person
- concerns involving reportable conduct by a staff member towards a child or young person
- concerns involving criminal conduct towards a child or young person.

Reporting must occur as soon as possible after the incident occurs or when information regarding the concern is made available.

It is important for employees in developing their professional practice to have an awareness of the reporting obligations as failure to report certain matters may result in serious harm to a child and may lead to a complaint against the employee.

It may also have legal implications for the Diocese and is in some circumstances considered a criminal offence.

## 10.2 Concerns relating to suspected risk of significant harm

Concerns relating to suspected risk of significant harm to a child or young person must be reported to the Department of Communities & Justice (DCJ). It does not matter who is identified as the alleged offender. If a child is suspected of being at risk of significant harm because of the behaviour of or failure to act by any other person, then it must be reported to DCJ. Some examples include but are not limited to:

- suspected domestic violence towards or in the presence of a child by his or her parents
- suspected neglect of a child who repeatedly attends school in an unclean state and without adequate clothing and food
- suspected risk of significant harm to a student as a result of sexual or physical assault by another student or adult

When an employee suspects that a student may be at risk of significant harm he or she must report the matter to the principal (or other executive staff member who may be responsible for managing the school at the time). The principal is then responsible for reporting the matter to the DCJ and to the Office for Safeguarding (CSBB).

In circumstances where the principal refuses or may not agree a matter requires a report to be made to the DCJ and the employee still holds concerns for safety of the child or young person, then the employee should report his or her concern directly to DCJ and to the Office for Safeguarding (CSBB).

Employees should refer to the *Managing Risk of Significant Harm and Wellbeing Concerns Policy* for further information.

## 10.3 Concerns involving reportable conduct

Concerns involving reportable conduct by an employee towards a child or young person must be reported to the principal (or other executive staff member who may be responsible for managing the school at the time) who must contact the Office for Safeguarding (CSBB) for further advice. Employees are also required to disclose any similar concerns regarding their own conduct.

In addition, all employees must inform their employer if they are charged or convicted of an offence relevant to working in child-related employment, or if they have had any reportable allegation made against them by another agency/employer.

The requirement to report such matters to the principal arises from the Bishop's legal obligation as Head of Relevant Entity under the *NSW Children's Guardian Act 2019* to report such complaints to the NSW Office of the Children's Guardian.

Reportable conduct occurs when a staff member engages in the following types of conduct towards a child or young person:

- a sexual offence committed against, with or in the presence of a child,
- sexual misconduct with, towards or in the presence of a child,

- ill-treatment of a child,
- neglect of a child,
- an assault against a child,
- an offence under section 43B (failure to protect) or 316A (failure to report) of the Crimes Act 1900,
- behaviour that causes significant emotional or psychological harm to a child.

Examples of reportable conduct are referred to throughout this document.

Where the conduct complained of involves the principal's conduct towards a student, staff must contact the Office for Safeguarding (CSBB).

Some behaviour which amounts to reportable conduct may also involve risk of significant harm to a child or a criminal offence. In such cases, a report must be made to DCJ and/or NSW Police and to the Office for Safeguarding (CSBB).

Staff must not take detrimental action against the complainant or person who reported the information. This includes any action that could reasonably be perceived to be detrimental action in reprisal. To do so may be regarded as serious misconduct and may result in disciplinary action.

Employees should also refer to *Addressing Allegations of Inappropriate Behaviour by Staff Policy* for further information about the handling of complaints against staff members.

#### **10.4 Concerns involving criminal conduct**

Concerns involving either risk of significant harm or reportable conduct may also be considered criminal conduct. Examples include physical or sexual assault of a student. Employees must report such concerns to the principal who may report the matter to the Police. If it is a matter of urgency and the situation warrants it, then the employee should contact the Police directly if the principal cannot be contacted. The Office for Safeguarding (CSBB) should also be consulted for advice and direction.

#### **10.5 Reporting to the Office of the Children's Guardian**

The Office of the Children's Guardian is responsible for the Working With Children Check (WWCC). Applicants for child-related employment are required to apply for and obtain a WWCC number which will be verified by their employer. Please refer to the Working With Children Check policy for further information.

The screening process allows employers to ensure that the applicants being recruited for child related employment are appropriate people to be working with children and young people. It also ensures that an estimate of risk is conducted before a decision is made by a prospective employer about whether or not to employ a person who may pose a serious risk to children or young people.

The background check searches the applicant's background for any relevant criminal history and any relevant workplace findings involving the applicant. Workplace findings in the school context is an investigation into a complaint of a child protection nature against a staff member where it is found that the staff member has engaged in reportable conduct or there is some evidence of reportable conduct (in regards to sustained physical or sexual offence or misconduct only).

While employees do not have a responsibility to report directly to the Children's Guardian, failing to raise concerns in accordance with these guidelines could mean that people who are not suitable for working with children are not appropriately screened when they apply for future child-related employment. Therefore the obligation for all employees to report concerns regarding inappropriate behaviour of themselves or others is a mandatory requirement.

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## 11. BREACH OF THE GUIDELINES

Employees hold a position of trust and are accountable for their actions.

If an employee's actions are inappropriate or appear to breach the standards of the Guidelines, the principal/supervisor has a responsibility to address any possible breach as soon as they become aware of it.

An alleged breach of the Guidelines may require a report to be made internally and may need to be referred to external authorities under relevant legislation.

An alleged breach of the Guidelines may be investigated.

In investigating an alleged breach of the Guidelines, the rules of procedural fairness apply.

Each case will be determined on the facts and circumstances when deciding on the appropriate action to be taken. Appropriate action is determined by considering:

- i. the nature and seriousness of the breach; and
- ii. any prior breaches; and
- iii. an assessment of risk

Appropriate actions may include, but are not limited to:

- i. informal counselling
- ii. performance management
- iii. professional learning/development
- iv. increased supervision or monitoring
- v. coaching or mentoring
- vi. directive counselling
- vii. specialist assessment
- viii. informal or formal disciplinary action
- ix. demotion
- x. termination

If employees become aware of a possible breach of the Guidelines by any person, they must report this to their principal/supervisor. Employees who are concerned about an alleged breach of the Guidelines by their principal/supervisor should report this to the next in-line of management or as directed by the school authority.

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## 12. DEVELOPING PROFESSIONAL RELATIONSHIPS WITH STUDENTS

The focus of the Professional Guidelines is to provide practical guidance to staff about how to maintain professional boundaries. When considering this it makes sense to think in terms of what we do or don't do and what is okay or not okay in terms of our practice. The following is a snapshot of what may be considered acceptable and unacceptable practice in four key areas of professional practice which incorporate most of themes covered in the Professional Guidelines. The four key areas are:

- communication with students
- student management and care
- physical contact with students
- maintaining professional boundaries

Please familiarise yourself with the following charts to understand the clear expectations CSBB has in regards to your professional conduct towards children and young people.



# 13. APPENDIX

## Professional Guidelines for Employees

**Do's and Don't**



*This document exists to provide professional guidelines  
for all staff at Catholic Schools Broken Bay.*



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BROKEN BAY



CATHOLIC SCHOOLS  
Broken Bay

[csoddb.catholic.edu.au](http://csoddb.catholic.edu.au)

# MANAGEMENT AND CARE OF CHILDREN & YOUNG PEOPLE

Children and young people will be kept safe by adults who:

- » Use non-confrontational behaviour management and language to maintain rapport.
- » Seek support from colleagues and supervisors if issues emerge with a student.
- » Develop and use individual behaviour management plans as appropriate.
- » Practice and discuss risk assessment and risk management strategies with colleagues.
- » Have strategies for managing non-compliance.
- » Develop an awareness of students' health issues and medical needs and the strategies for managing these.
- » Attend to students who are injured and/or obtain appropriate support.
- » Take steps to address bullying of students by other students.
- » Have an awareness of the indicators of abuse and neglect and report concerns appropriately.

Adult behaviours that are **unacceptable** and may be **unlawful** between children and young people are:

- ✘ Use of confrontational behaviour management styles, or threatening comments or gestures.
  - ✘ Leaving a student inadequately supervised.
  - ✘ Inappropriately isolating a student, e.g., locking in a cupboard, room or other confined space.
  - ✘ Allowing a negative attitude to develop towards a particular student seeking advice.
  - ✘ Blocking students from entering or leaving a classroom unless there is a reasonable concern for their safety or that of others.
  - ✘ Bullying, harassing or publicly denigrating a student in order to ensure compliance
- Failing to attend to and/or seeking assistance for a student who is injured.







## PHYSICAL CONTACT WITH CHILDREN AND YOUNG PEOPLE

Children and young people will be kept safe by adults who:

- » Use approved procedures for managing difficult behaviour and consult with the principal if you have ongoing concerns or difficulties with a particular student or group of students.
- » Use non-physical intervention strategies to de-escalate situations.
- » Promptly document and report incidents of physical restraint/physical contact.
- » Provide medical attention in accordance with school/CSBB first aid and medication policies.

It is okay to:

- » Use non-intrusive touch to congratulate a student e.g. shake hands, pat on the back etc.
- » Use a non-intrusive, age-appropriate gesture to comfort a student.
- » Touch students to attract their attention if the touch is gentle and non-intrusive.

Adult behaviours that are **unacceptable** and may be **unlawful** toward children and young people are:

- ✘ Physical contact/force to impose compliance.
- ✘ Confiscating articles by grabbing or pulling them from a student.
- ✘ Throwing articles at a student in anger or frustration.
- ✘ Intimidating, confrontational, or over-bearing physical stance.
- ✘ Physically restraining or interacting unless reasonable for protection of self or other, e.g. punching, kicking, holding by the head, hair or neck area, slapping, grabbing, shoving, shaking, pulling, hitting, or poking etc.
- ✘ Physically touching to demonstrate an action without warning or being given permission.
- ✘ Unnecessary or unwarranted displays of physical affection towards students.

## COMMUNICATION WITH CHILDREN & YOUNG PEOPLE

Adult behaviours that are **unacceptable** and may be **unlawful** toward children and young people are:

- ✘ Physical contact/force to impose compliance.
- ✘ Inappropriate comments or comment about a student's appearance.
- ✘ Derogatory, sarcastic or belittling language or comments e.g. name calling
- ✘ Inappropriate humour or sexual innuendo.
- ✘ Conversations of a sexual nature or condone sexual jokes or gestures by others.
- ✘ Threatening comments to students or otherwise intimidate them.
- ✘ Discussing your own, other colleagues' or students' personal information or life-style issues with students.
- ✘ Engage in personal correspondence via the internet or by letter, phone or SMS text.
- ✘ Discriminatory comments.

Children and young people will be kept safe by adults who:

- » Always treat students with sensitivity, fairness and respect.
- » Listen and respond appropriately to students concerns.
- » Use appropriate and affirming language and gestures with students.
- » Use electronic media as per school/CSBB policies.
- » Report any concerns to your principal or supervisor or seek further advice as relevant.
- » Discuss any contact or disclosures initiated by a student not in the course of your duties with your principal.





# MAINTAINING PROFESSIONAL BOUNDARIES

- » Be pastoral, but within your role and ensure that all your actions are open and transparent.
- » Refer children & young people as appropriate to their needs, eg. to the school counsellor.
- » Demonstrate professional relationships with students that cannot be misinterpreted as overly personal, intimate or inequitable.
- » Seek advice of the principal if 'grey' areas or ethical issues arise.
- » Follow procedures re. reporting 'risk of significant harm'.
- » Follow procedures when you have concerns of inappropriate conduct by staff to the principal.
- » Be sensitive regarding being alone with a student, e.g. leave the door open
- » Ensure that full risk assessment has been conducted re. any excursions.
- » Be sensitive in situations such as supervision of changing rooms.
- » Act in accordance with policies and workplace expectations.



Adult behaviours that are **unacceptable** and may be **unlawful** towards children and young people are:

- ✘ A sexual relationship with any student in your care nor inappropriately pursue relationships with former students.
- ✘ 'Grooming behaviours' of any kind- e.g. giving personal gifts or special favours to an individual student including spending 'special time'.
- ✘ Facilitating access to pornographic materials for a student.
- ✘ Providing drugs or alcohol to a student.
- ✘ Engaging in private tuition of students from your own school or forget to discuss any proposed private tuition of other students with your principal (as per any other form of proposed secondary employment).
- ✘ Inviting a student to your home or visit their home except in an emergency or as discussed with your principal.
- ✘ Driving a student unaccompanied without prior approval.
- ✘ Social contact with a student outside normal duties unless discussed beforehand with principal and parental permission obtained.

These Professional Guidelines are to be reviewed every 3 years by the Office for Safeguarding (CSBB).

These Professional Guidelines will be provided to and signed off by employees through the formal induction process, through online compliance training, as part of performance reviews (where relevant) and will regularly be referred to during professional development sessions for employees as well as being readily available via CSBB intranet sites and the official public website.

## **CATHOLIC SCHOOLS BROKEN BAY**



## VALUES



FAITH



JOY



WITNESS



COMPASSION



COURAGE



CATHOLIC  
DIOCESE OF  
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