

	<p>Thornbury Kindergarten Inc.</p> <p>Policies</p>
<p>Policy Title</p>	<p>Code of Conduct</p>
<p>Quality Area</p>	<p>4 – Staffing Arrangements</p>
<p>Category</p>	<p>Mandatory</p>

PURPOSE

This policy will provide guidelines to:

- establish the expected standards of behaviour for the Approved Provider, Nominated Supervisor, staff, contractors, volunteers, students on placement, parents/guardians and visitors
- create and maintain a child safe environment that reflects the philosophy, beliefs, objectives and values of Thornbury Kindergarten
- promote desirable and appropriate behaviour
- embed an organisational culture of child safety in line with the national legislative and best practice context
- ensure that all staff interaction at the service with both children and adults is respectful, honest, courteous, sensitive, tactful and considerate.

POLICY STATEMENT

1. VALUES

Thornbury Kindergarten is committed to:

- zero tolerance to child abuse
- respecting the rights of the child and values diversity
- acknowledging the vulnerability of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability and has zero tolerance of discrimination
- the safety and wellbeing of each child at the service
- the safety and wellbeing of all staff at the service
- providing a safe and secure environment for all at the service
- maintaining a duty of care (refer to *Definitions*) towards all children at the service
- providing a safe and secure environment for all at the service
- providing an open, welcoming environment in which everyone's contribution is valued and respected
- communicating openly and honestly
- continually learning how to be inclusive and respectful of cultural needs
- encouraging parents/guardians, volunteers, students and community members to support and participate in the program and activities of the service.

2. SCOPE

This policy applies to the Approved Provider, Persons with Management or Control, Nominated Supervisor, Person in Day to Day Charge, staff, contractors, volunteers, students on placement, parents/guardians and visitors attending the programs and activities of Thornbury Kindergarten.

3. BACKGROUND AND LEGISLATION

Background

Codes of Conduct establish standards of behaviour to be followed by Involved Adults and define how individuals should behave towards each other, towards the children in their care, and towards other organisations and individuals in the community.

The Approved Provider, Nominated Supervisor and staff have a duty of care to the children attending the service and must ensure “that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury” (National Law: Section 167).

The *National Quality Standard* requires that staff are respectful and ethical and that “professional standards guide practice, interactions and relationships” (*National Quality Standard*: 4.2 and 4.2.1).

Employers also have a legal responsibility to provide, as far as is practicable, a safe workplace that is free from discrimination, bullying and harassment.

Child Safe Standard 3 requires services to develop and review codes of conduct that establish clear expectations for appropriate behaviour with children including:

- how to respond to risks adults may pose to children or that children may pose to each other
- how to ensure the cultural safety of Aboriginal children and culturally and linguistically diverse children
- how to be inclusive of all children, including children with a disability.

A Code of Conduct should be informed by the service’s philosophy, beliefs and values, and based on ethical principles of mutual respect, equity and fairness. Consideration should be given to the Victorian Teaching Profession *Code of Conduct and the Code of Ethics* and to Early Childhood Australia’s *Code of Ethics* in developing the Code of Conduct.

While a Code of Ethics focuses on values and attitudes, or guiding principles, a Code of Conduct has a more specific focus on behaviour and action. The Code of Conduct puts the guiding principles into action by clarifying standards of behaviour expected of individuals in the performance of their duties or involvement at the service, and by giving guidance in areas where individuals are required to make professional, personal and ethical decisions.

The Approved Provider must ensure that all Involved Adults at Thornbury Kindergarten adhere to the expectations outlined in the Code of Conduct when communicating to and interacting with:

- children at the service and their parents and family members
- each other
- others in the community.

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- Child Safe Standards (Vic)
- *Children, Youth and Families Act 2005* (Vic)
- *Child Wellbeing and Safety Act 2005* (Vic)
- *Disability Discrimination Act 1992* (Cth)
- *Education and Care Services National Law Act 2010*: Sections 166, 167, 174
- *Education and Care Services National Regulations 2011*: Regulations 155, 156, 157, 175

- *Equal Opportunity Act 2010* (Vic)
- *Fair Work Act 2009* (Cth)
- Fair Work Regulations 2009 (Cth)
- National Quality Standard, Quality Area 4: Staffing Arrangements
- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2007*
- *Racial Discrimination Act 1975*
- *Racial and Religious Tolerance Act 2001* (Vic)
- *Sex Discrimination Act 1984* (Cth)
- Victorian Institute of Teaching The Victorian Teaching Profession Code of Conduct
- Victorian Institute of Teaching The Victorian Teaching Profession Code of Ethics

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au>
- Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au>

4. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* of the PolicyWorks manual provided in each foyer.

Bullying: Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.

Duty of care: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

Ethical conduct: Behavior which reflects values or a code of conduct.

Harassment: When someone is demeaning, derogatory or intimidating towards another person. Harassment includes:

- racial taunts
- taunts about sexual orientation or gender identity
- sexual harassment: unwelcome physical, verbal or written behaviour of a sexual nature
- repeated insulting remarks.

Investigator: A person/staff member assigned or organization engaged with the responsibility of investigating suspected breaches of the Code of Conduct by the Approved Provider.

Involved adult: Collectively the Approved Provider, Persons with Management or Control, Nominated Supervisor, Person in Day to Day Charge, staff, contractors, volunteers, students on placement, parents/guardians and visitors attending the programs and activities of Thornbury Kindergarten

Notifiable complaint: A complaint that alleges a breach of the Education and Care Services National Act or Regulation, or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider to the secretary of Department of Education and Training (DET) within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). Written reports to DET must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)

- contact details of a nominated member of the Grievances Subcommittee/investigator
- any other relevant information.

Written notification of complaints must be submitted via the National Quality Agenda IT system (NQAITs): <http://www.acecqa.gov.au/national-quality-agenda-it-system>. If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation.

Reportable Conduct Scheme: The Reportable Conduct Scheme requires some organisations, such as Thornbury Kindergarten, to respond to and investigate allegations of child abuse (and other child-related misconduct) made against its workers and volunteers and to notify the Commission for Children Young People of any allegations and investigations. The Scheme facilitates information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Regulation's Working with Children Check Unit and the Commission for Children Young People.

Respect: Demonstrating regard for the rights of individuals, for different values and points of views.

Serious incident: A serious incident is defined as (regulation 12):

- the death of a child -
 - while being cared for by an education and care service; or
 - following an incident while being educated and cared for by an education and care service
- any incident involving serious injury or trauma to, or illness of, a child while being educated and cared for by an education and care service -
 - which a reasonable person would consider required urgent medical attention from a registered medical practitioner (examples include broken limbs or anaphylaxis reaction) attention of a registered medical practitioner; or
 - for which the child attended, or ought reasonably to have attended a hospital.
- any incident where the attendance by emergency services at the education and care service premises was sought, or ought reasonably to have been sought
- any circumstances where a child being educated and cared for by an education and care service appears to be missing or cannot be accounted for;
 - appears to have been taken or removed from the education and care services premises in a manner that contravenes National Regulations;
 - is mistakenly locked in or locked out of the education and care service premises or any part of the premises.

The Regulatory Authority must be notified of a serious incident (section 174(2)(a)) **in writing in the case of:**

- the death of a child, as soon as practicable but within 24 hours of the death, or the time that the person becomes aware of the death
- any other serious incident, within 24 hours of the incident or the time that the person becomes aware of the incident

Written notification of serious incidents must be submitted via the ACECQA portal using the appropriate forms at <https://www.acecqa.gov.au/resources/applications>.

Support: Work in a co-operative and positive manner.

5. SOURCES AND RELATED POLICIES

Sources

- Early Childhood Australia, *Code of Ethics*: <http://www.earlychildhoodaustralia.org.au/our-publications/eca-code-ethics/>
- United Nations, *The Universal Declaration of Human Rights*: <http://www.un.org/en/universal-declaration-human-rights/>
- United Nations, *Convention on The Rights of the Child*: <http://www.unicef.org/crc/>
- Victoria Legal Aid: www.legalaid.vic.gov.au

- Victorian Institute of Teaching – The Victorian Teaching Profession Code of Conduct and Code of Ethics: <http://www.vit.vic.edu.au/SiteCollectionDocuments/PDF/Code-of-Conduct-June-2008.pdf>

Service policies

- *Child Safe (formerly Child Protection) Policy*
- *Complaints and Grievances Policy*
- *Delivery and Collection of Children Policy*
- *Interactions with Children Policy*
- *Occupational Health and Safety Policy*
- *Privacy and Confidentiality Policy*
- *Relaxation and Sleep Policy*
- *Staffing Policy*

RESPONSIBILITIES

The Approved Provider or Persons with Management and Control is responsible for:

- providing a safe environment for staff, contractors, volunteers, students on placement, parents/guardians, children and others attending the programs and activities of Thornbury Kindergarten
- providing guidance through leadership and by being a positive role model to promote child safe practices across Thornbury Kindergarten
- developing and updating/ reviewing codes of conduct for Thornbury Kindergarten in collaboration with the Nominated Supervisor, staff, parents/guardians, children and others involved with the service (refer to Attachments 1 and 2)
- ensuring that staff, volunteers, students and parents/guardians are provided with a copy of this policy on employment, engagement or enrolment at the service and that the current codes of conduct are publicly displayed and promoted to everyone including contractors and visitors
- ensuring that staff complete and sign the Code of Conduct for Involved Adults (refer to Attachment 1) and that these are filed with individual staff records upon engagement in the service
- ensuring that the codes of conduct are regularly discussed at staff meetings to reinforce expectations
- developing a culture of accountability within the service for complying with the code(s) of conduct and being prepared to respond when behavioural expectations are not adhered to
- ensuring adequate human and financial resources are allocated to child safety
- ensuring that all children being educated and cared for at Thornbury Kindergarten are protected from harm and any hazard likely to cause injury (National Law: Section 167) and that the children know who to speak to about any concerns and that their concerns are followed-up
- working with the Nominated Supervisor, staff, students, volunteers, parents/guardians and others at the service to provide an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct
- ensuring that parents/guardians of a child attending the service can enter the service premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or conflict with any duty of care of the Approved Provider, Nominated Supervisor or educators under the Law (Regulation 157)
- ensuring that contractors, volunteers, parent/guardians, students or visitors at the service are not placed in a situation where they are left alone with a child
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal
- notifying DET in writing within 24 hours of a serious incident (refer to *Definitions*) or of a notifiable complaint (refer to *Definitions*) at the service (National Law: Sections 174(2)(b) and 174(4), National Regulations: Regulations 175(2)(c) and 176(2)(b)) via the NQAITS

- referring notifiable complaints (refer to *Definitions*), grievances or complaints that are unable to be resolved appropriately and in a timely manner to the Grievances Subcommittee/investigator (refer to *Complaints and Grievances Policy*)
- activating the Complaints and Grievances Policy on notification of a breach of the Code of Conduct Policy
- taking appropriate disciplinary or legal action, or reviewing the terms of employment in the event of misconduct or a serious breach of the *Code of Conduct Policy*
- contacting Police in an emergency situation where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated or where sexual abuse or grooming is suspected as outlined in the *Child Safe (formerly Child Protection) Policy*.
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal.

The Nominated Supervisor and Persons in Day to Day Charge is responsible for:

- ensuring that the children educated and cared for at Thornbury Kindergarten are protected from harm and from any hazard likely to cause injury (National Law: Section 167)
- providing guidance through their leadership and by being a positive role model to promote child safe practices across Thornbury Kindergarten
- assisting the Approved Provider to develop standards for Involved Adults (refer to Attachment 1)
- completing and signing the Code of Conduct for Involved Adults (refer to Attachment 2)
- adhering to the Code of Conduct for Involved Adults at all times
- informing the Approved Provider in the event of a serious incident (refer to *Definitions*), of a notifiable complaint (refer to *Definitions*) or of a breach of the *Code of Conduct Policy*
- contacting Police in an emergency situation where it is believed that there is an immediate risk (e.g. when violence has been threatened or perpetrated), or where sexual abuse or grooming is suspected as outlined in the *Child Safe (formerly Child Protection) Policy*
- working with Involved Adults and children at the service to provide an environment that encourages positive interactions and supports constructive feedback and holds one another to the codes of conduct
- ensuring that parents/guardians, students and volunteers sign the Code of Conduct for Involved Adults or Visitors as appropriate (refer to Attachments 1 and 2)
- ensuring that parents/guardians of a child attending the service can enter the service premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or conflict with any duty of care of the Approved Provider, Nominated Supervisor or educators under the Law (Regulation 157)
- developing practices and procedures to ensure that parents/guardians on duty, or other adults participating in the program, are not placed in a situation where they are left alone with a child
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal
- understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their employment.

Child Safety Support Office is responsible for:

- Championing child safe practices across Thornbury Kindergarten
- Supporting staff who are responsible for child safety
- Demonstrating effective leadership by engaging, participating and valuing child safe practices
- Presenting new ideas, best practice options, or up-to-date information on sector wide research and initiatives

All staff are responsible for:

- assisting the Approved Provider to develop standards for Involved Adults (refer to Attachment 1)
- adhering to the Code of Conduct for Involved Adults (refer to Attachment 1) at all times
- providing guidance to parents/guardians and volunteers through positive role modelling and, when appropriate, clear and respectful directions
- working with Involved Adults and children at the service to provide an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct
- understanding the signs of child abuse and how to respond to these
- ensuring that parents/guardians on duty, or other adults participating in the program, are not placed in a situation where they are left alone with a child
- informing the Approved Provider in the event of a serious incident (refer to *Definitions*), of a notifiable complaint (refer to *Definitions*) or of a breach of the *Code of Conduct Policy*
- contacting Police in an emergency situation where it is believed that there is an immediate risk (e.g. when violence has been threatened or perpetrated) or where sexual abuse or grooming is suspected as outlined in the *Child Safe (formerly Child Protection) Policy*.
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal
- understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their employment.

Parents/guardians are responsible for:

- reading the *Code of Conduct Policy*
- completing and signing the Code of Conduct for Visitors or Involved Adults as appropriate (refer to Attachment 2)
- abiding by the Code of Conduct for Visitors or Involved Adults as appropriate
- complying with all policies of the service
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

ATTACHMENTS

- Attachment 1: Code of Conduct for Involved Adults
- Attachment 2: Visitors Code of Conduct

AUTHORISATION

This policy was adopted by the Approved Provider of Thornbury Kindergarten on 12 November 2019.

REVIEW DATE: NOVEMBER 2022