Child Protection Professional Guidelines

1. Introduction and purpose

1.1 The first administrative document of the Society of Jesus with respect to the schools’ apostolate, the Ratio Studiorum, promulgated more than four centuries ago, made reference to professional standards. From those earliest days, too, care for the individual and respect for the human person in all Jesuit ministries was the starting point. Such reverence has as its theological base, recognition of Christ in the other.

This document stands in that long tradition of prudent care and respect and the duty of care to students.

1.2 As a result of public concerns about issues of child abuse in Australia, the Victorian Government has passed legislation for the optimal protection from abuse of children and young people. The welfare of the child or young person is the paramount consideration. Schools and other agencies looking after children and young people in Victoria must comply with the legislation. Key pieces of legislation include the Children, Youth and Families Act 2005 (Vic) and the Working with Children Act 2005 (Vic).

1.3 The Child Protection Professional Guidelines (the Guidelines) are intended to benefit all members of the College by providing for the welfare and protection of staff and students and ensuring that:

• the productive rapport between staff and students is maintained;
• all staff adhere to and support College policies in dealings with students and parents;
• proper respect for confidentiality is maintained in matters concerning staff and students;
• all staff are aware of their legal and moral responsibilities.

These Guidelines are provided to assist Xavier College staff members in defining professional boundaries and acceptable practices in their interactions with students. It is hoped that they will also encourage them to think about areas of concern or situations that may place them at risk and to take appropriate action to manage those risks. The document, therefore, is not intended to cover every possible situation.

1.4 As a Jesuit work Xavier College subscribes to the principles, protocols and standards of practice embodied in the documents Towards Healing and Integrity in Ministry. These documents can be accessed at www.catholic.org.au. The College’s Guidelines are designed
to supplement the Australian Jesuit Province policy “Creating a Safe Environment in Jesuit Schools and Other Ministries – Principles, Protocols and Standards of Practice”. This policy can be accessed at www.jesuit.org.au.

1.5 The Guidelines also need to be read in conjunction with the Victorian Teaching Profession Code of Conduct. This can be accessed at http://www.vit.vic.edu.au/conduct/victorian-teaching-profession-code-of-conduct/Pages/default.aspx

2. Scope

The Guidelines apply to all staff engaged directly or indirectly by Xavier College (the College) including employees, religious, casual employees, volunteers, and contractors, so that they can meet professional and ethical standards of behaviour and act in accordance with the mission, vision and values of the College.

3. General conduct

3.1 The values of the Catholic Church are to be supported and espoused in the teaching and learning environment of the College. The Church's social doctrine constantly points out the need to respect the dignity of children.

3.2 College staff are called to be role models for students and to ensure that their relationship with them is consistent with their high calling and without any hint of impropriety.

3.3 All members of staff are expected to be courteous and considerate in their dealings with each other and to have their individual differences respected.

3.4 At all times members of staff are to use temperate and prudent language.

3.5 The College's stated procedures relating to camps, excursions, retreats etc., need to be followed as the basis for all College organised functions.

3.6 Individual interviews with students should be conducted with a clear purpose and in a non-compromising environment.

3.7 Teachers should model and encourage in their students a love of learning and a discipline of study.
3.8 The College forbids the use of corporal punishment as a means of behaviour correction and as such requires staff to seek workable alternative measures to address disciplinary issues.

3.9 The College does not tolerate bullying in any form. For any concerns about bullying please refer to the College’s Policy Against Bullying.

4. Professional responsibilities of staff

4.1 In performing their duties staff are expected to respect the teachings and values of the Catholic Church, support the philosophy, spirituality and pedagogical style of the Society of Jesus, and conduct themselves in a way which is consistent with these ideals.

4.2 They have a responsibility to meet the high standards of professional and ethical behaviour expected by the Society of Jesus (which conducts the College), students’ families and the Catholic and wider community.

4.3 Staff must undertake their responsibilities within the framework of the law and lawful instructions from the College. They must comply with legislative and industrial requirements, with these guidelines and any policies and procedures that are implemented by the College.

4.4 The College and all staff have a legal duty of care to students while they are in the care of the College. This duty of care requires staff to take reasonable steps to protect students from a reasonably foreseeable risk of harm. This duty applies equally to school-based activities and out-of-school activities involving the College.

4.5 The College and staff cannot delegate the responsibility of exercising their duty of care.

4.6 If members of staff are in any doubt about their relationship with a student, or about the inappropriate action of a colleague, they should discuss the situation with their supervisor or other relevant senior colleague as soon as practicable.

5. Supervision of students

5.1 Members of staff must take all reasonable care to ensure that no student is exposed to any foreseeable risk of harm. This duty includes minimising risk of harm to students.

5.2 Injured or ill students should be attended to by the supervising staff member. Should additional assistance be required, supervising staff should contact the appropriate colleague according to the relevant College procedures.
5.3 Students should not be left unsupervised either within or outside of class and all staff are reminded of their duty of care obligations in this regard. Teachers should be punctual to class and allocated supervision.

5.4 Supervising staff should remain with students at after-school activities until all students have been collected. In the event that a student is not collected, contact should be made with a parent/guardian of the student where possible. Supervising staff should then remain with the student until collected, giving due consideration to the age of the student, the time and the location.

5.5 Playground supervision is an integral part of teacher responsibility. It must take precedence over other activities. Teachers should actively supervise their designated area, being vigilant and constantly moving around.

5.6 Staff should be alert to bullying or any other form of discriminatory behaviour, and report incidents to the appropriate staff member according to relevant College procedures.

6. Relationships with students

6.1 A member of staff must not, under any circumstances, engage in intimate and/or sexual relationships with a student or engage in any conduct of a sexual nature with a student. It is irrelevant whether the relationship is heterosexual or homosexual, consensual or non-consensual, or condoned by parents/guardians. The age of the student or the member of staff is also irrelevant.

6.2 Improper conduct of a sexual nature with a student by a staff member includes sexual intercourse and any other form of sexual misconduct. Sexual misconduct includes:

- obscene language of a sexual nature;
- suggestive remarks or actions;
- jokes of a sexual nature;
- obscene gestures;
- unwarranted and inappropriate touching;
- sexual exhibitionism;
- personal correspondence with students in respect of sexual feelings for the student;
- deliberate exposure of students to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual;
- possession, distribution or display of pornography;
- electronic transmission of messages or files which are sexually explicit, contain sexual
innuendo, are offensive or contain inappropriate jokes;
• sending sms (text) messages which are sexually explicit, contain sexual innuendo, are offensive or contain inappropriate jokes;
• inviting students to participate in inappropriate social media activities.

6.3 Should any student engage, or attempt to engage, in inappropriate behaviour of a sexual nature with a member of staff, then they should take immediate steps to discourage the student and report the matter to the Director of the Campus or the Principal as soon as practicable.

6.4 When a member of staff wishes to conduct a private conversation with a student they should consider the time and venue carefully to avoid placing themselves in a vulnerable situation. It is important that the line of sight provided by the glass panels in office and classroom doors remain transparent during any interviews or conversations with students. They should not locate themselves between the student and the door.

6.5 A member of staff should avoid situations where they are alone in an enclosed space with a student.

6.6 As part of their pastoral care role a member of staff may engage in discussion with students. This is entirely appropriate. However, they must be cautious of making personal comments about a student or asking questions that probe their own or the student's sexuality or relationships.

6.7 Social relations between staff and students outside school can be problematic and lead to allegations against staff who should refrain from visiting students alone at their home unless they have the expressed permission of the Principal or the Director of the Campus. Members of staff are to refrain from making inappropriate phone calls, or sending inappropriate emails or text messages, to students (refer to the College’s Electronic Communication Usage Policy).

6.8 Members of staff must be alert to the risk involved in social relations with students and be conscious that their position places extra obligations on them. They are expected as a member of the Xavier College staff to remain professional and model appropriate behaviour to students at all times.

6.9 Members of staff should not engage in tutoring or coaching students from the College for monetary return.
6.10 They should not supply or condone the use of alcohol, tobacco or other drugs for any student in their care.

6.11 When congratulating a student, a handshake, or pat on the shoulder are acceptable as long as the student is comfortable with this action. Staff should remember the importance of accompanying such touch with positive and encouraging words.

6.12 Assessing a student who is injured or ill may necessitate touching. Members of staff should always advise the student of what they intend doing and seek their agreement.

6.13 Members of staff must treat students with respect and without favouritism. There is no place for inappropriate comments of a sarcastic, derogatory or offensive nature, or which display inappropriate familiarity.

6.14 Members of staff who communicate with students electronically must abide by the terms of the College’s Electronic Communication Usage Policy.

6.15 Sometimes during the course of their work, a member of staff may receive a gift from a student. In such circumstances, where receiving a gift could be considered outside of usual custom, they are to inform their supervisor.

6.16 Members of staff should ensure that they are familiar with and adhere to College procedures in regard to the storage of medical products and their administration to students.

6.17 Sometimes in exercising their duty of care, a member of staff may be required to restrain a student from harming him/herself or others using reasonable force. Any such strategy must be in keeping with the College’s behaviour management practices. Any force used in restraint must be the minimum needed and must not include any force applied to the student’s head or neck.

6.18 A member of staff should familiarise themselves with the types of behaviour which may be warning signals of harmful conduct. Examples of such behaviour include:

- Isolating an individual, giving him or her undue attention or prized gifts
- Asking a child to keep shared secrets
- Allowing a child to participate in activities that are prohibited such as drinking alcohol or using illicit drugs, and other activities which could reasonably be assumed to be prohibited by the child’s parents or guardians;
- Excessive touching; and
- Age inappropriate or emotionally inappropriate relationships.
7. Student management

7.1 Members of staff are to be familiar with and adhere to the College’s relevant procedures including the restorative practices approach underpinning the College’s student management processes.

7.2 They must not, under any circumstances, use any form of discipline which involves corporal punishment or engage in any form of inappropriate behaviour which could cause physical or emotional harm to students.

They are not to encourage parents/guardians to use corporal punishment at home in relation to disciplinary matters at school.

7.3 Whilst physical contact with students is to be minimised, it is recognised that there are times in the teaching profession when physical contact is appropriate and acceptable for the duty to be performed and is consistent with the core values of the College. Examples of this are:

- applying medical treatment,
- comforting an upset child,
- guiding a student in a non-threatening manner,
- tapping a student on the shoulder to gain his/her attention after verbal requests were unsuccessful,
- separating students who are fighting, or
- using appropriate physical contact in order to protect a student from imminent danger to him/herself or to others.

7.4 The physical contact referred to above is only acceptable if the contact was reasonably necessary for the purposes of discipline, management or care of the student. The contact must also be appropriate given the student’s age, maturity, health or other characteristics.

7.5 In the case of a student with special needs, physical contact with a student is to be consistent with the behaviour management plan that is developed for the student.

8. Communication issues

8.1 Members of staff are required to respect and adhere to the established lines of communication in the College in relation to these issues.
8.2 They should be mindful of confidentiality when in discussion with students and/or parents/guardians. They should never guarantee confidentiality if the matter under discussion requires mandatory reporting.

8.3 The media should not be given access to students or allowed entry to the College without the expressed permission of the Principal or the Director of the Campus.

9. Duty to disclose/report

9.1 Members of staff must notify the Principal or the Director of the Campus immediately should they suspect a situation involving:

- suspected risk of harm to a child or young person;
- reportable conduct by a member of staff towards a child or young person;
- criminal conduct towards a child or young person.

This reporting procedure is in accordance with the College’s Child Protection Professional Guidelines.


9.3 It is not the responsibility of staff to investigate allegations or suspicions of a child protection nature.

9.4 Appendix One provides a summary of the responsibilities of principals, teachers and nurses for the mandatory reporting of child physical and sexual abuse.

9.5 If a member of staff is the subject of an Apprehended Violence Order (where a child is named as a protected person) or a Reportable Conviction, they are required to inform the Principal or the Director of the Campus immediately they are in receipt of such an Order or Conviction.

10. Complaints Against Members of Staff

10.1 If parents wish to register a complaint of improper conduct of a sexual nature against a member of staff they have the various options including:

- Contact the College Principal (Preferred Option)
- Contact the College Rector
• Contact the Jesuit Provincial’s Delegate for Professional Standards +61 3 9810 7300
• Parents may also refer their complaint to the Victorian Police Department if they believe the behaviour is of a criminal nature.

10.2 If a student notifies the Principal or any member of staff regarding abuse as a child, the Principal or staff member must contact the Department of Human Services as per clause 9.2.
In addition the Principal must ensure that the Victorian Police Department have been informed of any allegation of abuse to a child.

10.3 If a complaint of abuse refers to a current staff member, the principal must without delay inform the allegedly offending staff member that a complaint has been made and the terms of the complaint. The staff member may be directed to step aside from current duties with students or at the discretion of the Principal take paid “special” leave while the complaint is investigated. Such action is precautionary, and must not be understood as implying guilt. Such action is intended for the protection of the staff member as well as the student, and to facilitate a prompt resolution.
A staff member in this situation would be advised to seek whatever support may be helpful to them, including counselling, legal or industrial support. Any staff member can obtain confidential counselling through the Access Programs, a service provided free of charge for all employees of the College. An appointment can be made with Access by phoning 1300 66 77 00.
All practicable measures will be taken to preserve the good name of the staff affected and to maintain his or her professional standing and self esteem until the matter is resolved.
Any investigation would be guided by advice from appropriate authorities, including the Department of Human Services and the Victorian Police Department.

10.4 If the complaint refers to the Principal, then initial contact can be made either with the College Rector, or the Jesuit Provincial’s Delegate for Professional Standards +61 3 9810 7300.
Such a complaint may also be made directly to the Victorian Police Department.

10.5 Alternatively, the parent or in some circumstances a former student of the College may wish to work through the National Committee for Professional Standards, a committee established by the Australian Catholic Bishops’ Conference and the Australian Conference of Leaders of Religious Institutes. The committee has established a set of principles and procedures for responding to complaints of abuse titled “Towards Healing”. The Victorian contact is 1800 816 030.
10.6 In such matters, the concern should not be discussed with any other person before a report is made, nor should there be anything in the nature of private enquiries made. Breaches of this principle can have serious consequences for the alleged victim or victims, for the conduct of proper enquiries and for innocent third parties.

10.7 Members of staff will be informed that the school will regard false allegations, which are not made in good faith, against members of staff as a grave wrong. However, a member of staff who in good faith makes an accusation of improper conduct of a sexual nature against a member of staff involving a student will not be prejudiced in his or her employment or in any other way and will be viewed as acting professionally, responsibly and as his or her duty requires.

11. Engagement of employees

11.1 Placement of religious within the College

Ministers of religion and members of religious institutes are required to undergo criminal record checks through obtaining a Working with Children Check card or a current valid Victorian Institute of Teaching (VIT) registration.

The referees for the purposes of child protection must include the person’s last head of ministry.

11.2 Recruiting of teaching and general staff

Applications for appointment as members of the teaching or general staff will be accompanied by provision of:

i. the names of three referees who have direct, recent experience of the applicant’s work, will be sought. They will be asked to provide references as to character and performance of the applicant. In the case of short listed applicants referee checks will be conducted by members of the interview panel; and

ii. evidence that the applicant has a current Working with Children Check or current valid VIT registration.

11.3 Recruiting of volunteers

Under the Working with Children Act 2005 all volunteers and students on placement who undertake child-related work which involves regular, direct contact with a child and where the contact is not directly supervised by another person requires a Working with Children Check card. This mandatory screening system for people who work or volunteer in child-related
work in Victoria checks a person’s criminal history of serious sexual, violence or drug offences and findings from professional disciplinary bodies.

It is an offence for prohibited persons to apply for or attempt to obtain, undertake or remain in child-related employment in any capacity, whether paid, volunteer or self-employed.

12 Engagement of sub contractors

The College has entered into a number of agreements with preferred sub-contractors who undertake certain maintenance jobs within the school. As part of these contractual arrangements the principal officer of the sub-contracting agency or firm is required to furnish the College with proof of the Working With Children Checks of their sub-contractors.

13 Induction of employees and in-service of existing employees

13.1 Applicants for appointment or assignment as members of the teaching or general staff will be provided, before taking up their appointment, with a copy of the Child Protection Professional Guidelines and the Australian Jesuit Province policy “Creating a Safe Environment in Jesuit Schools and Other Ministries – Principles, Protocols and Standards of Practice”.

Each applicant should sign an acknowledgment of having read, understood and accepted the Child Protection Professional Guidelines and accepted the Australian Jesuit Province policy “Creating a Safe Environment in Jesuit Schools and Other Ministries – Principles, Protocols and Standards of Practice”.

In service instruction of staff and volunteers will be provided from time to time on statutory obligations binding on them and on in house procedures for acting on reasonable concerns.

13.2 Other persons defined as a member of staff under relevant legislation should be provided with the appropriate statements and protocols.

14 Clarification

14.1 If a member of staff is in doubt about the interpretation of these guidelines, then they should initially discuss them with the Director of Campus or the Director of Staff Services.

15 About the Guidelines

15.1 The Guidelines are intended to be a living, working document and may be varied by the College from time to time in the event of any information coming to hand that would demonstrate the need for a review, or of any legislative or organisational change that would
warrant a review. The College welcomes any comments or suggestions for improvement. These should be forwarded to the Director of Staff Services.

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APPENDIX ONE

Mandatory Reporting of Child Physical and Sexual Abuse Responsibilities of teachers, nurses and principals

Discharge of Mandated Responsibility

To discharge their mandated responsibility a teacher, nurse or principal must either make a report personally or be satisfied that the report has been made to the Child Protection unit (DHS).

It should be noted that the duty to report:

• applies regardless of whether the alleged suspected abuse occurred in Victoria, outside the State or on the school grounds
• is not discharged when a teacher or a nurse advises the principal of his or her belief.

NOTE: If the principal declines to make a report to Child Protection, the teacher or nurse is still mandated to report.1

It is the responsibility of the individual teacher or nurse to ensure that all reasonable grounds supporting the belief have been reported. It is not a teacher’s or nurse’s role to investigate or prove that abuse has taken place.

Generally speaking, a teacher or a nurse should seek and gain consent from a child or their parents to disclose information to Child First or Child Protection wherever possible, provided that doing so does not place the child at further risk. 2 However, a teacher or a nurse does not require the consent of the child or their family to make a report.

DHS personnel are responsible for contacting the parents, guardians or caregivers at an appropriate time after a notification has been made.

Interviews with Students

It may be necessary for Child Protection to interview a child at school when a notification of abuse has been made. Such requests may be directed to the principal or the principal’s nominee. It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the principal, teacher or a nurse.
When officers of Child Protection or Victoria Police (Sexual Offences and Child Abuse Unit) seek an interview with a child, the principal should cooperate with the authorized agency. The principal should:

• arrange for the child to choose a supportive adult to be present;
• follow the recommended procedures from the DHS;
• ensure that arrangements are in order for any interview which is to take place at the school;
• observe confidentiality at all times in the management of a mandatory reporting case;
• should seek legal assistance if required.

References


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