



## Child Safety Code of Conduct

### 1. PURPOSE

This Child Safety Code of Conduct (Code of Conduct) sets out the expected behaviour of all adults with children and young people in our school. All individuals who are working in the school environment including co-located boarding facilities are required to comply with the Code at all times. Such individuals include the school, the Board of Directors and Board committees, all school staff including teachers, administration and education support staff, temporary or casual staff, preservice teachers, volunteers, contractors, external education providers, parents/guardians and carers.

If you are a non-English speaker who needs help to understand this Code of Conduct, please contact the Deputy Principal Wellbeing: Phone 03 5572 1355 Email: [kwaldron@hamiltoncollege.vic.edu.au](mailto:kwaldron@hamiltoncollege.vic.edu.au).

The Code of Conduct sets the boundaries and expectations for appropriate behaviours between adults and students. We take into account the needs of all children and students and ensure that students also know what is acceptable and what is not acceptable so that they can be clear and confident about what to expect from adults at The Hamilton and Alexandra College. It promotes child safety and wellbeing in our school environment and provides guidelines on expected standards of behaviour in relation to child safety and wellbeing consistent with our strategies, policies and procedures.

All school staff, volunteers, contractors, service providers, College Board members and any other adult involved in child-connected work must follow the Code of Conduct.

The Code of Conduct pays particular attention to balancing the need to identify and mitigate risks in both physical and online school environments with ensuring that student rights to privacy, access to information, social connections and learning opportunities are not compromised.

This Code of Conduct also includes processes to report inappropriate behaviour and our Online Conduct and Online Safety Policy, also available at [Link to be inserted when complete](#).

This Code of Conduct is publicly available at [Link to be inserted when complete](#). Additionally, before work commencement, a copy is provided to all school staff, volunteers, contractors, service providers, College Board members, boarding premises staff members, and any other adult involved in child-connected work who must follow the Code of Conduct.

Where a staff member breaches the Code, the school may take disciplinary action, including in the case of serious breaches, summary dismissal. The school environment is any physical or virtual place made available or authorised by the school for use by a student during or outside school hours, and includes all registered campuses, co-located Boarding facilities, online school environments, including email and intranet systems, and other locations provided by the school for student use including locations used for camps, tours, sporting events, excursions, competitions and other events.

## 1.1 Scope

This policy applies to the following:

- The Hamilton and Alexandra College staff
- Students and boarders
- Parents, carers and guardians
- Visitors, volunteers and contractors
- Board of Directors and Committee Members.

The Code of Conduct applies to all physical and online environments used by students during and outside of school hours, all school and co-curricular programs, excursions, camps, interstate and overseas travel. The policy applies to all school campuses, including boarding premises.

To ensure that everyone is supported to embed the Code of Conduct into their daily behaviours, we:

- make sure all school staff, including boarding school staff, contractors and volunteers are aware of the Code of Conduct and how it applies to them
- discuss the Code of Conduct in staff inductions
- raise awareness of the Code of Conduct by:
  - discussing it at school staff meetings
  - communicating about it through school communications
  - displaying the code in common areas (such as the staff room)
- inform parents, carers and other people associated with the school of expected behaviours
- report all suspected or identified breaches of the Code of Conduct via the school's reporting procedures
- reference the Code of Conduct in school employment advertisements and service contracts
- communicate the Code of Conduct to students in an age-appropriate way.

Where school staff, volunteers and contractors at the school have codes of conduct that regulate their profession or occupation, these codes of conduct must also be complied with. Where that person considers there is a conflict between a relevant professional or occupational code of conduct and this Code of Conduct, they must seek advice from the relevant professional or occupational body and/or a Child Protection Officer, and must advise the Principal of their proposed course of action.

## 1.2 Definitions

The following terms in the Code of Conduct have specific definitions (and are consistent with Victorian law where indicated):

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| Child       | Child means a child or young person who is under the age of 18 years.<br><br>Source: <i>Child Wellbeing and Safety Act 2005 (Vic)</i>  |
| Child abuse | Child abuse includes:<br>a) any act committed against a child involving: <ol style="list-style-type: none"><li>1. a sexual offence</li><li>2. grooming offences under section 49M(1) of the <i>Crimes Act 1958</i></li></ol> b) the infliction, on a child, of: <ol style="list-style-type: none"><li>1. physical violence</li><li>2. serious emotional or psychological harm</li></ol> c) the serious neglect of a child including exposure to family violence and its effects.<br><br>Source: <i>Child Wellbeing and Safety Act 2005 (Vic)</i> |

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| Child-connected work | <p>Child-connected work means:</p> <p>a) work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present; or</p> <p>b) for the purposes of a school boarding premises, work authorised by the provider of school boarding premises in a school boarding premises environment while children are present or reasonably expected to be present.</p> <p>Source: <i>Ministerial Order 1359</i></p>   |
| Child-related work   | <p>Child-related work means:</p> <p>a) work at or for a service, body or place, or that involves a specified activity; and</p> <p>b) that usually involves direct contact with a child.</p> <p>Educational institutions are specified for the purpose of a).</p> <p>Source: <i>Worker Screening Act 2020 (Vic)</i></p>   |
| Child safety         | <p>Child safety includes matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse.</p> <p>Source: <i>Ministerial Order 1359</i></p>  |
| Direct contact       | <p>Direct contact in relation to child-related work, means any contact between a person and a child that involves-</p> <ul style="list-style-type: none"> <li>• physical contact; or</li> <li>• face to face contact; or</li> <li>• contact by post or other written communication; or</li> <li>• contact by telephone or other oral communication; or</li> <li>• contact by email or other electronic communication.</li> </ul> <p>Source: <i>Worker Screening Act 2020 (Vic)</i></p>   |
| Grooming             | <p>Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time.</p> <p>Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.</p> <p>Source: Child Safe Standards Definitions (<a href="https://www.vic.gov.au/child-safe-standards-definitions">https://www.vic.gov.au/child-safe-standards-definitions</a>)</p>   |
| School environment   | <p>School environment means any of the following physical, online or virtual places, used during or outside school hours:</p> <p>a) A campus of the school</p> <p>b) Online or virtual school environments made available or authorised by the school governing authority for use by a child or student (including email, intranet systems, software applications, collaboration tools, and online services)</p> <p>c) Other locations provided by the school or through a third-party provider for a child or student to use including, but not limited to, locations used for:</p> <ol style="list-style-type: none"> <li>1. camps</li> <li>2. approved homestay accommodation;</li> <li>3. delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or</li> <li>4. sporting events, excursions, competitions or other events.</li> </ol> <p>Source: Ministerial Order 1359</p> |

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| School governing authority | <p>School governing authority means:</p> <ol style="list-style-type: none"> <li>a) the proprietor of a school, including a person authorised to at for or on behalf of the proprietor;</li> <li>b) the governing body for a school (however described), as authorised by the proprietor of a school or the <i>Education Training and Reform Act 2006</i> (Vic); or</li> <li>c) the principal, as authorised by the proprietor of a school, the school governing body, or the <i>Education Training and Reform Act 2006</i> (Vic).</li> </ol> <p>Source: Ministerial Order 1359</p>  |
| School staff               | <p>School staff means:</p> <ol style="list-style-type: none"> <li>a) ....</li> <li>b) in a non-Government school, an individual working in a school environment who is: <ol style="list-style-type: none"> <li>1. directly engaged or employed by a school governing authority</li> <li>2. a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school governing authority to perform child-related work</li> <li>3. a minister of religion, a religious leader or an employee or officer of a religious body associated with the school.</li> </ol> </li> </ol> <p>Source: Ministerial Order 1359</p> |
| Student                    | <p>Student means a person who is enrolled at or attends the school or a student at the school boarding premises.</p> <p>Source: Ministerial Order 1359</p>  |
| Volunteer                  | <p>Volunteer means a person who performs work without remuneration or reward for the school or school boarding premises in the school environment or school boarding premises environment.</p> <p>Source: Ministerial Order 1359</p>  |

## 2. CHILD SAFETY CODE OF CONDUCT

### 2.1 Acceptable behaviours

As The Hamilton and Alexandra College, school staff, volunteers, contractors, and any other member of our school community, including boarding premises staff, involved in child-connected work, we are responsible for supporting and promoting the safety of children by:

- upholding our commitment to child safety at all times and adhering to our Child Safety and Wellbeing Policy
- treating students and families in our school community, including the co-located boarding community, with respect in our school environment and outside our school environment as part of normal social and community activities
- listening and responding to the views and concerns of students, particularly if they disclose that they or another child or student has been abused or are worried about their safety or the safety of another child or student
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students, students with culturally and/or linguistically diverse backgrounds, students with a disability, international students, students who are unable to live at home and lesbian, gay, bisexual, transgender and intersex (LGBTQIA+) students
- ensuring, as far as practicable, that adults are not alone with a student – one-to-one interactions between an adult and a student are to be in an open space or in line of sight of another adult
- reporting any allegations of child abuse or other child safety concerns to our Child Safety Champions.
  - Deputy Principal Wellbeing

- Head of Junior School
  - Director of Boarding
  - Director – Early Learning Centre
- understanding and complying with all reporting and disclosure obligations (including mandatory reporting) in line with our Child Safety Responding and Reporting Policy and Procedures, including following the [Four Critical Actions for Schools](#)
  - if child abuse is suspected, ensuring as quickly as possible that the student(s) is/are safe and protected from harm.

## 2.2 Unacceptable Behaviours

As The Hamilton and Alexandra College, school staff, volunteers, contractors and members of our school community, including school boarding premises staff, involved in child-connected work we must not:

- ignore or disregard any concerns, suspicions or disclosures of child abuse or harm
- develop a relationship with any student that could be seen as favouritism or amount to ‘grooming’ behaviour (for example, by offering gifts)
- display behaviours or engage with students in ways that are not justified by the educational or professional context
- ignore an adult’s overly familiar or inappropriate behaviour towards a student
- discuss intimate topics or use sexualised language, except when needed to deliver the school curriculum or professional guidance
- treat a child or student unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality or ethnicity
- communicate directly with a student through personal or private contact channels (including by social media, email, instant messaging, texting etc.) except where that communication is reasonable in all the circumstances, related to schoolwork or extra-curricular activities or where there is a safety concern or other urgent matter
- photograph or video a child or student in a school environment except in accordance with the [Photographing, Filming and Recording Students Policy](#) or where required for duty of care purposes
- consume alcohol against school policy or take illicit drugs in the school environment or at school events where students are present
- have contact with any student outside of school hours except when needed to deliver the school curriculum or professional guidance and parental permission has been sought. As we are a regional school there are times that you may engage outside of school due to family friendships, sporting or community associations. These should be conducted in accordance with our code of conduct and regular ongoing contact reported to the school for capture in our contact register for awareness and ongoing review by our Leadership.

The above behaviours are not exhaustive. For example, some behaviours may depend upon the student’s age, developmental stage or special needs.

The Hamilton and Alexandra College’s Child Safety Program also includes a Staff and Student Professional Boundaries Policy that provides detailed guidance for all adults on how to maintain professional boundaries between students and adults.

## 2.3 Physical contact/touching

The Hamilton and Alexandra College exercises a holistic approach to supporting the physical, educational, cultural and emotional needs of a child and young person, and considers that physical contact and touching is an important part of various cultural practices. However any physical contact with a child and young person must be lawful, appropriate (taking into consideration all relevant factors e.g. whether the physical contact is public, supervised and for a culturally appropriate purpose) and conducted in a professional manner.

All teachers are required to follow the Victorian Institute of Teaching's ("VIT") Code of Conduct. Example:

- a) Principle 1.2: Teachers treat their students with courtesy and dignity:
  - i. Work to create an environment which promotes mutual respect;
  - ii. Model and engage in respectful and impartial language;
  - iii. Protect students from intimidation, embarrassment, humiliation or harm.

Employees, volunteers, and contractors are prohibited from using physical discipline in any way for behaviour management of children and young people. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by children and young people.

Physical contact may be required in an emergency situation to remove children and young people quickly from danger or threat of danger.

Appropriate contact between employees, volunteers, contractors, children and young people is part of normal human relationships. Some considerations and guidelines include the following:

- Consider the child and young person's age, developmental level, maturity and level of care required, for example, touching a child and young person to gain their attention, guiding or comforting a distressed child and young person;
- Work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access. Exceptions apply for professions with strict confidentiality requirements;
- Be alert to cues from children and young people about how comfortable they are in your proximity and respect their need for personal space;
- Be sensitive when interacting with children and young people who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex;
- Be aware of cultural norms that may influence the interpretation of your behaviour;
- Be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance;
- Physical contact should be made in a way that makes others feel comfortable, for example, shaking hands, a congratulatory pat on the back or rub on the side of their arm for reassurance;
- The use of images of children and young people as screen savers or backgrounds on personal electronic devices is not appropriate. The collection and storage of photographs of children and young people must be for educational or professional purposes;
- Be aware that the giving and receiving of gifts, giving extra attention, accepting a different standard of behaviour from a child and young person and having 'special time' with a child and young person must be appropriate and justified as a strategy to meet teaching and learning outcomes;
- Obtain permission from the school and parents when meeting with students for activities outside of school hours;
- The provision of your personal contact details should be subject to permission from the school justified in terms and will generally be for a professional purpose approved by the appropriate line manager;
- If an employee initiates out of hours contact with a child or young person outside the context of an emergency, they must do so in accordance with the code of conduct and within professional boundaries. If the interaction is extensive, this must be declared by the staff member using the online form available on SIMON.

The school has invested in a professional wellbeing team who bring appropriate qualifications in addressing the mental, physical, spiritual and emotional needs of students.

The school's policy on anti-bullying, harassment and discrimination also addresses physical contact.

## 2.4 Transportation and off-site events

Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport children and young people without written permission of the Principal.

It is prohibited to have unnecessary and/or inappropriate physical contact with children and young people while in vehicles.

Children and young people should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops.

It is prohibited to have children and young people spend the night at the residence of an employee, volunteer or contractor without parental/guardian prior approval.

The Boarding facilities staff are responsible for safeguarding and promoting the welfare of students for whom accommodation is provided by the school. Boarding facilities staff have additional responsibilities in relation to their conduct and behaviour towards children and young people:

- Supervision of boarding house buildings or grounds for security purposes should not intrude unreasonably on the boarder's privacy
- Ensuring privacy for boarders when toileting and washing
- Protecting students from intimidation, embarrassment, humiliation and harm
- Ensuring that any permitted boarder access to staff accommodation does not involve inappropriate favouritism or inappropriate one-to-one contact between staff and boarders.

## 2.5 Confidentiality

### Disclosing Information to Employees, Volunteers and Contractors

When children and young people are having a written or verbal interaction with employees, volunteers and/or contractors of the school, that interaction is confidential to the organisation not to the individual. An employee, volunteer or contractor is able to talk with the Deputy Principal – Head of Learning and Teaching, the Head of Boarding and the Principal in a way that identifies the child and young person. That said, where possible the privacy of the child and young person should be respected at all times. When considering breaching their privacy who and how many people are told should be based on what is believed to be in the best interests of the child and young person.

### Disclosing Information to People External to the Organisation

Employees, volunteers and contractors should not discuss confidential matters about children and young people with people outside the organisation in a way that identifies that child and young person except when they have the express permission of the child and young person or it complies with the school's Child Protection and Safety Procedure. In circumstances where employees, volunteers and/or contractors believe that there is not enough knowledge within the organisation to provide the best possible assistance to a child and young person, they are able to seek expertise external to the school. In these cases the school has an MOU with health agencies that provide professional support services. When communicating with people outside the school the child and young person's identity should be protected.

### Informing Children and Young People

It is the responsibility of the [insert role] to communicate the limits of confidentiality in the school to children and young people who are likely to have an ongoing relationship with the school. These guidelines should be published in an accessible place for children and young people.

### 3. DOCUMENT COMPLIANCE

#### 3.1 Policy Breach

All The Hamilton and Alexandra College school staff, volunteers, contractors and any other member of the school community, including boarding premises staff, involved in child-connected work who breach this Code of Conduct may be subject to disciplinary procedures in accordance with their employment agreement or relevant industrial instrument, professional code or terms of engagement.

This includes (but is not limited to) the following actions depending on the nature of the relationship and the breach:

- remedial education
- counselling
- increased supervision
- restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of the employment, contract or engagement.

Breaches of this Code of Conduct may be reported in accordance with The Hamilton and Alexandra College's Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures and School Staff Performance and Discipline policy and procedures.

In instances where a 'reportable allegation' has been made in accordance with the *Child Wellbeing and Safety Act 2005* (Vic), the matter will be managed in accordance with the [Department of Education and Training [or other governing authority] Reportable Conduct Scheme Policy] and may be subject to referral to Victoria Police.

All breaches and suspected breaches of the Code of Conduct must be reported to the Principal Dr Andrew Hirst [principal@hamiltoncollege.vic.edu.au](mailto:principal@hamiltoncollege.vic.edu.au) and Ms Kristen Waldron Deputy Principal Wellbeing [kwaldron@hamiltoncollege.vic.edu.au](mailto:kwaldron@hamiltoncollege.vic.edu.au).

If the breach or suspected breach relates to the Principal, contact The Board Chairman Mrs Rosie Merrin [rosie.merrin@hamiltoncollege.vic.edu.au](mailto:rosie.merrin@hamiltoncollege.vic.edu.au).

#### 3.2 Compliance monitoring

Compliance with this policy will be monitored by the Principal and Deputy Principal Wellbeing and this may include independent audits and reviews.

#### 3.3 Child Safety and Wellbeing Review

The Hamilton and Alexandra College is committed to the continuous improvement of our Child Safety Program. We have established processes for the review and ongoing improvement of our child safe policies, procedures, and practices for overall effectiveness and to ensure compliance with all child safety related laws, regulations and standards:



- The Deputy Principal Wellbeing is responsible for reviewing and updating the Child Safety Code of Conduct at least every two years or after any significant child safety incident, including seeking input from students, parents and carers and the School community
- we record and analyse all complaints, concerns, and safety incidents to identify causes and systemic failures and inform continuous improvement
- we act with transparency and share pertinent learnings and review outcomes with school staff and our school community.

## 4. RELATED POLICIES, PROCEDURES AND LEGISLATION

### 4.1 The Hamilton and Alexandra College policy and procedure linkage

- Child Protection and Safety Policy
- Mandatory Reporting Policy
- Child Protection Training Policy
- Obligations to Report and Protect Policy
- Privacy Policy.

### 4.2 Related legislation

The following legislation, standards and regulations apply and this policy aligns with these mandated requirements:

- Ministerial Order 1359;
- Education and Training Reform Act 2006 (Vic);
- Child Wellbeing and Safety Act 2005 (Vic);
- Privacy and Data Protection Act 2014 (Vic);
- Children, Youth and Families Act 2005 (Vic);
- Crimes Act 1958 (Cth).

## 5. CODE REVIEW AND APPROVAL

### 5.1 Code review

This document is rated high risk. This document will be reviewed on an annual or more frequently, if required, to keep up-to-date with changes to laws and government policies.

This Code is to be reviewed by the Principal and Deputy Principal Wellbeing.

Any proposed changes to this Code must be approved by the Board.

### 5.2 Approval

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| <b>Created date</b> | 19 <sup>th</sup> July 2022               |
| <b>Consultation</b> | In Progress                              |
| <b>Endorsed by</b>  | The Hamilton and Alexandra College Board |

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|-------------------------|---|
| <b>Endorsed on</b>      | Draft endorsed 28 <sup>th</sup> July 2022 |
| <b>Next review date</b> | July 2023                                 |

This document was current as at 3:00pm 19<sup>th</sup> July 2022 AEST time. Updates to content may have been made since this date. Refer to your policy site for the latest version.

This content was last updated on 19<sup>th</sup> July 2022.

DRAFT