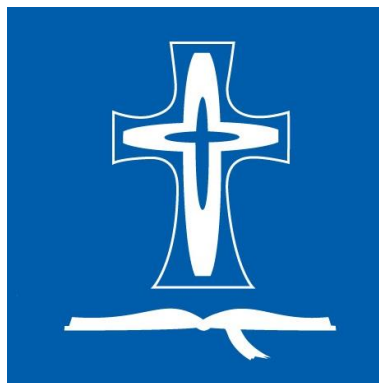


# **Code of Conduct**

## **Employees and Volunteers**



Reviewed June 2020

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# Code of Conduct

## 1. PREAMBLE

Mercy Education Limited (Mercy Education) is an incorporated ministry of the Institute of the Sisters of Mercy of Australia and Papua New Guinea (ISMAPNG). Mercy Education is responsible for providing governance supervision of the Mercy schools under its care.

In partnership with the family, the Catholic Church and the community, Mercy schools endeavour to nurture a relationship with God in Jesus Christ, celebrate and share the Catholic faith, and educate to enable all to make a positive contribution to the world.

## 2. PURPOSE

The Code of Conduct has been developed to provide a framework of appropriate and acceptable behaviours expected of all Mercy Education employees and volunteers in respect of their duties. The principles contained within the Code of Conduct promote Mercy Education's education values of *Compassion, Justice, Respect, Hospitality, Service and Courage* and are in accordance with Mercy Education's zero tolerance to child abuse.

The Code of Conduct establishes a standard by which all Mercy Education employees and volunteers:

- conduct themselves toward colleagues, children, students, parents, employee representatives, contractors, government authorities and the wider school communities
- perform their duties and obligations as directed by the Board, or by the Principal acting as the Board's delegate in each school
- fulfil the mission, ethos, goals and objectives of Mercy Education and its schools
- promote and ensure child safety and protection in the school environment
- promote and exercise fairness and equity

## 3. SCOPE

The Code of Conduct applies to all employees and volunteers of Mercy Education.

The following additional guidance is provided for employees:

- This document does not constitute part of your employment contract, but it does affect your obligations as an employee.
- As an employer with staff in three States and five Dioceses, the Mercy Education Board is conscious that several alternative standards of professional behaviour may already exist for different staff groups and that this Mercy Education Code of Conduct may overlap other documentation.
- The Board considers that it is nonetheless important that all employees of Mercy Education are clearly advised of Mercy Education's expectations in this regard. With this in mind, employees must read the Code of Conduct, as complementary to other existing guidance.

Where there is any irreconcilable conflict between the expectations of this document and any other guidance:

1. The following documents should be read as superior to this Code of Conduct:
  - Relevant State or Federal legislation
  - Any diocesan Church or Catholic Education Office Policy that specifically encompasses Religious Institute & Ministerial Public Juridic Person (RI/MPJP) schools
  - Any applicable State-based or national teaching code
  - Your contract of employment
  
2. The Code of Conduct should be read as superior to:
  - any local school policy, procedures or practice
  - other guidance

The mere provision of additional or higher standards shall not, of themselves, constitute an “irreconcilable conflict”.

## DEFINITIONS

**Conduct:** the way an employee, volunteer, parent or member of the wider school community behaves in a school-related situation.

**Employees:** teaching staff, operational staff and contractors either employed or directly engaged by Mercy Education schools (including Board Directors and non-director Committee members), all staff working at the Mercy Education office and members of a religious order or diocese.

**Volunteers:** individuals (including College Advisory Council Members) who are engaged by Mercy Education or its schools but who give their time ‘freely’ to benefit the organisation. For the purpose of this document, clergy are volunteers.

**Clergy:** any cleric, member of religious institute or other persons who are employed or engaged by a Church body, or appointed by a Church body to voluntary positions, in which they work with or are in close proximity to children or young people, or are engaged in other forms of pastoral care or chaplaincy.

NB: Whilst specifically the definition of the word ‘clergy’ is for ordained persons who are religious leaders serving the needs of their religion and its members, for the purpose of this document, it includes other professed religious personnel providing pastoral care or chaplaincy services.

**Child:** a child or a young person enrolled as a student at a Mercy Education school. A child is a person under the age of 18 years or as defined according to applicable legislation. Enrolled students over the age of 18 years are not included in the definition of a child.

## 5. STANDARDS OF BEHAVIOUR

All employees and volunteers of Mercy Education are expected to uphold appropriate and agreed standards of behaviour. Principals and those in leadership positions with Mercy Education are expected to ensure that employees and volunteers understand their obligation to observe this Code of Conduct and to uphold appropriate standards of behaviour.

These standards of behaviour include:

### 5.1 Child Safety

*Central to the mission of Mercy Education is an unequivocal commitment to fostering the dignity, self-esteem and integrity of young people and providing them with a safe, supportive and enriching environment to develop spiritually, physically, intellectually, emotionally and socially.*

All employees and volunteers are expected to:

- be aware of, and follow all relevant policies, guidelines and instructions regarding the safety of children and young people – in particular mandatory reporting obligations and Mercy Education internal reporting protocols
- maintain appropriate professional boundaries around their behaviour towards children and young people – this includes avoiding unmonitored communications or interactions with students outside regular school hours and outside the school setting including virtual environments
- hold a current police check, professional registration and/or *Working With Children Check* (WWCC) card in accordance with applicable legislation
- report to the Principal or Board inappropriate conduct or conduct which might reasonably be a breach of this Code or a breach of criminal law
- report to the Police any conduct or concerns which might reasonably be illegal - such reporting would ideally be in conjunction with the Principal or Board but this is not a requirement of this Code

Employees and volunteers are expected to actively contribute to a school culture that respects the dignity of its members and affirms the gospel values of love, care for others, compassion and justice. They are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below:

#### Acceptable behaviours

All employees and volunteers are responsible for supporting Mercy Education's zero tolerance to child abuse by:

- adhering to the school's child safe policy and upholding Mercy Education's Child Protection Policy at all times
- taking all reasonable steps to protect children from abuse
- treating everyone in the school community with respect

- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children (for example, by not questioning an Aboriginal and Torres Strait Islander child's self-identification unless there is a specific need e.g. to clarify conflicting information)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- promoting the participation and empowerment of all children by involving them in decision-making in regard to their own personal safety
- ensuring as far as practicable that adults are not alone with a child and providing risk management strategies should this situation occur
- reporting any allegations of child abuse to the Principal (or child safety officer if the school has appointed someone to this role) or to the Board
- understanding and complying with all reporting obligations as they relate to mandatory reporting, including reporting under state specific legislation e.g. the Crimes Act 1958 (Victoria)
- reporting any child safety concerns to the school's leadership (or child safety officer if the school has appointed someone to this role)
- if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe from harm
- reporting to the relevant state teacher registration authority (e.g. VIT, TRBSA or TRBWA) any charges, committals for trial or convictions in relation to a sexual offence by a registered teacher, or certain allegations or concerns about a registered teacher.

#### Unacceptable behaviours

Employees and volunteers must not:

- ignore, disregard or fail to disclose or report any suspected or disclosed child abuse
- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps). Note that physical contact for reasons such as sport, drama or dance in a class or group situation is acceptable. If physical contact is required for technical instruction (e.g. swimming, gymnastics) it must be brief and only with the consent of the child
- put children at risk of abuse (for example, by locking or blocking a door so that a student cannot exit the room)
- initiate unnecessary physical contact which children or do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than professional basis

- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability
- have contact with a child or their family outside of school without the school's leadership or child safety officer's (if the school has appointed someone to this role) knowledge and/or consent or the school governing authority's approval (for example, unauthorised after hours tutoring, private instrumental/other lessons or sport coaching). Accidental contact, such as seeing people in the street, is appropriate.
- have any online contact (including by social media, email, instant messaging etc) with a student or their family unless necessary e.g. assisting with on-line learning in a virtual classroom, providing families with e-newsletters or other school related matters pertaining to the person's role
- use any personal communication channels such as a personal email account, personal social media account, personal messaging or chat rooms when communicating with students or families
- give to students or families personal contact details such as personal phone numbers, personal social network identity or personal email addresses
- photograph or video a child without the consent of a parent or guardian, or exchange personal pictures with a student
- deliberately expose a child to the sexual behaviour of others (e.g. pornography)
- store digital images of a child except on school servers or for use in publications related to Mercy Education and with the permission of the parent and/or guardian
- seek unwarranted opportunities to be alone with a student, e.g. 1:1 help sessions
- work with, or be responsible for, children or otherwise be at work whilst under the influence of alcohol or illegal drugs
- consume alcohol or drugs at school or at school events in the presence of children or families.

Employees should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may raise doubt about previous professional conduct and they are strongly discouraged from doing so.

## **5.2 Workplace Health and Safety**

All employees and volunteers are expected to:

- present for duty in sufficient physical and mental health to be capable of complying with their duty of care to their colleagues and students – this includes being unimpaired by alcohol, medication or drugs
- take reasonable care to ensure their own health and safety at work and the health and safety of others – this includes following any established safety guidelines

- present to work in professional attire (including appropriate footwear) that is safe and appropriate to the role or functions of the employee, or wear uniform as provided by the school for a particular role
- refrain from behaviour which constitutes bullying, discrimination or any form of violence or harassment
- ensure that any offsite or remote workplace including a virtual environment is safe and appropriate for working with other colleagues, volunteers and students
- use high visibility classrooms/offices and common spaces such as the library or shared work areas with students as much as possible or practical for the activity

### 5.3 Support the Mission and Reputation of Mercy Education

All employees and volunteers are expected to:

- respect the moral values and teachings of the Catholic Church and ensure that their public conduct is consistent with that respect
- support the aims, philosophy and Mercy ethos of the school by their conduct and interactions with the school
- respect and comply with all Federal, State and local laws
- conduct themselves in a manner that will not discredit the school or Mercy Education
- act ethically and with integrity at all times

### 5.4 Professional Conduct

All employees and volunteers are expected to:

- carry out their duties in a professional, conscientious and timely manner
- communicate (personally, in writing or via electronic communications) with all persons in a manner which is respectful, honest, timely and courteous at all times
- respect the inherent dignity of all persons and maintain a proper regard for their welfare and wellbeing
- manage and declare situations that may give rise to a conflict of interest or the perception of such a conflict
- observe confidentiality in relation to the communication and secure storage and disposal of confidential information and disclose such information only to authorised persons
- respect the privacy of personal and sensitive information (except where legal or moral reporting obligations exist)
- refrain from improperly using information gained in the course of their employment for personal or commercial gain for themselves or others
- comply with any lawful and reasonable direction given by the Principal or Board of Mercy Education

## 6. LEADERS

**Leaders** includes Mercy Education Directors, Executive Office Staff, Principals, Deputy Principals, Business Managers and other employees holding positions of leadership or responsibility in schools.



In addition to the expectations of all employees and volunteers outlined in Section 4, Leaders have additional responsibilities to:

- set a good example for all persons
- make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures
- act expeditiously in response to a report or allegation of child abuse or a complaint from any person
- provide opportunities for employees, volunteers and students to participate in decisions which affect them
- ensure all persons are treated fairly and equitably
- ensure that employees and volunteers understand what is expected with regard to the Mercy Education Code of Conduct
- ensure that employees and volunteers understand how complaints will be managed by the school and by Mercy Education

## **7. NON-COMPLIANCE WITH THE CODE OF CONDUCT**

Mercy Education employees and volunteers are required to comply with this Code of Conduct.

Any person who holds a reasonable, good faith belief that this Code may not have been complied with may raise this matter with the Principal of the College in the first instance. If the matter relates to the Principal, it may be referred directly to Mercy Education. If the matter relates to a child protection concern or alleged child abuse it must be referred directly to the Chief Executive and the Board Chair.

Following appropriate investigation, non-compliance with this Code may give rise to a range of outcomes, including counselling and/or disciplinary action including suspension or dismissal where appropriate. In the case of employees, the performance management and dispute resolution procedures of the relevant industrial agreement will be honoured (subject to mandatory and professional reporting obligations).

***In some cases, non-compliance with the Code may also constitute civil or criminal offences and may result in civil action or criminal prosecution.***

All members of the College community also have access to the provisions of the Mercy Education Complaints Management Policy.

## **8. RELATED POLICIES, PROCEDURES AND RESOURCES**

This Code of Conduct is to be read in conjunction with, and is additional to, any other relevant Mercy Education Policy, Procedure or Guideline. All Mercy Education employees and volunteers are required to comply with the provisions of any such document.

## Related documents and resources:

Catholic Professional Standards Limited (CPSL)

- CPSL: <https://www.cpsltd.org.au/>

National Committee for Professional Standards, 2011, "Integrity in the Service of the Church", September 2011

- <https://www.catholic.org.au/documents/1345-integrity-in-service-of-the-church-1/file>

Catholic Education Commission of Victoria (CECV) Recommended Procedures for Catholic Secondary Principals (December 2016)

- <http://www.cecv.catholic.edu.au/Industrial-Relations/Salary-and-Conditions/Secondary-Principals>

Catholic Education Commission of Victoria (CECV): Our Schools - Child Safety

- <http://www.cecv.catholic.edu.au/Our-Schools/Child-Safety>

Catholic Education Commission of Western Australia (CECWA) Policy: Appointment of Staff in Catholic Schools

- <https://www.cewa.edu.au/policy/appointment-of-staff-in-catholic-schools/>
- <https://www.cewa.edu.au/about-us/governance/policies/>

Catholic Education South Australia (CESA)

- <http://www.cesa.catholic.edu.au/our-schools/safe-environments-for-all/policies-publications>
- <https://online.cesa.catholic.edu.au/docushare/dsweb/View/Collection-360>

Catholic Education Commission of Victoria (CECV) Guidelines on the Employment of Staff

- <http://www.cecv.catholic.edu.au/getmedia/0393d7fb-2fb9-4e48-a05e-56b703dd62eb/Employment-Guidelines.aspx>

Mercy Education Policies:

- *Mercy Education Limited Policy 6.09 - Child Protection*
- *Mercy Education Limited Policy 1.06 - Complaints Management Policy and Procedure*
- <http://www.mercy.edu.au/resources/dsp-default.cfm?loadref=52>

Legislation

- *Model Work, Health and Safety Laws (as applicable to states)*
- *Ministerial Order 870 (VIC)* <https://www.vrqa.vic.gov.au/childsafes/Pages/schools.aspx>
- *Criminal Law legislation (as applicable to states)*

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## Version Control

Version	Date	Changes	Authorised
0.3	23/03/15	Original Public Release	Eugene Lynch
0.9	22/09/15	Discussion Draft of Revised Edition	Eugene Lynch
0.91	15/01/16	FINAL Draft	Eugene Lynch
1.0	19/02/16	FINAL	Eugene Lynch
1.1	11/08/2016	Revised FINAL	Eugene Lynch
1.2	16/08/2016	Revised with Child Safety Standards	Eugene Lynch
1.3	01/02/2019	Updated links to resources and cover photo	Eugene Lynch
2.0	12/06/2020	Child Protection updates (VRQA and CPSL)	Judy Young

