



## Protective Practices and Behaviour, and Appropriate Student/Staff Relationships Policy

### Commencement Date

1<sup>st</sup> November, 2018

### Next Review Date

November 2020

### Relevant Legislation

- Child, Youth and Families Act 2005
- Australian Human Rights Commission Act 1986
- Children, Young Persons and Their Families Act 1997
- *Registration to Work with Vulnerable People Act, 2013*
- Family Law Act 1975
- The Anti-Discrimination Act 1998 or Tasmanian Anti-Discrimination Act 1998
- Workplace Relations Act 1996
- Workplace Health and Safety Act 1995

### Policy Statement

Peregrine is committed to providing a safe and respectful learning environment, where students, staff, parent/carers and visitors are encouraged to interact with each other. In this environment, close personal relationships may develop or may be pre-existing.

Peregrine has a legal, moral and ethical responsibility to ensure that students work in an environment that is free from sexual exploitation, misconduct and manipulation by those in a position of care, authority, influence and trust.

Peregrine recognises that teachers hold a special position of care and responsibility. In their respective roles, teachers exercise powers that have a significant impact on the lives of students and consequently there is an expectation that these powers will be properly and wisely used.

### Aims

The aim of this policy is to:

- ensure that the expectations for professional staff conduct is clear and that, if a close personal relationship exists or develops, it is managed in an appropriate manner
- provide procedural guidance for disclosing a personal relationship
- provide strategies to support the maintaining of appropriate student/staff relationships

## Duty of Care

Peregrine has a duty of care to its staff, other persons and children and young people. It is expected that all staff and other persons contribute toward the fulfilment of this legal duty. Such a duty includes providing and maintaining a safe and healthy work environment, ensuring safe systems of work, and providing information, instruction, training and supervision to ensure health and safety.

Staff and other persons are to exercise diligence in the duty of care that they owe to children and young people in the school. In addition, staff and other persons are expected to take all reasonable steps to protect students and children from the risk of harm. Mandatory reporting in consultation with the Principal is part of this duty of care (refer to Mandatory Reporting Policy).

## Definitions

*Student* - Any person enrolled at Peregrine

*Staff* - Any person who is employed to work at Peregrine. This definition will include volunteer staff.

*Personal Relationship* - Any association of a sexual or other intimate nature, either in person or via online social media, email or text messaging.

*Professional Relationship* – One in which a staff member has any educational, administrative or supervisory involvement with a student.

*Sexual misconduct* - Conduct towards any person that would constitute a criminal offence, and any other sexual conduct or harassment directed towards or involving a student. Further definition of sexual harassment is contained in the school's Anti-bullying, Harassment and Discrimination Policy.

## Responsibilities

### Principal

The Principal is responsible for:

- reviewing, assessing and recommending appropriate management strategies to mitigate declared conflicts of interest regarding close personal relationships from school staff
- making final decisions in relation to declared conflicts of interest and endorsing and/or directing appropriate management strategies
- providing relevant learning and development opportunities for staff
- managing reports of misconduct appropriately

### Responsibilities of Staff

Staff have a responsibility to:

- conduct themselves professionally in their dealings with all members of the school community
- not place themselves in a position of actual or apparent conflict
- protect students from harm by:
  - recognising that students have a right to a safe and secure teaching and learning environment
  - reading, understanding and complying with mandatory reporting requirements
  - reporting any reasonable suspicion of harm caused to students
  - supporting students who have been harmed
- refrain from sexual conduct, conduct that could assault, harm or cause psychological damage to a student, including:
  - flirtatious behaviour directed at a student

- dating a student
- spending significant time alone with a student other than to perform one's professional duties, or without other reasonable explanation
- expressing romantic feelings towards a student in written or other form
- live chat conversations on the Internet with students
- providing mobile telephone numbers to students, except for school business purposes e.g. excursions
- attendance at private social functions with students outside school hours, except in the context of normal rural community events, where attendance would be expected
- taking students to social events whether alone or in company
- providing students with money and/or gifts
- reject any advances of a sexual nature initiated by a student
- report any breaches of professional boundaries, unacceptable and/or criminal behaviour and conflicts of interests regarding close personal relationships

### **Rights of the Students**

Peregrine supports students' rights to:

- freedom to have a say and be heard
- privacy and confidentiality
- feel protected, safe and supported, physically and emotionally
- fair and just treatment, free of coercion and fear
- a learning environment free from abuse, including sexual abuse, harassment, bullying and discrimination

### **Risk Management Strategies**

In support of Peregrine's commitment to maintaining appropriate student/staff relationships, the school has a proactive approach to reduce the risk through prevention strategies including:

- ensuring students have a voice within their learning environment
- actively avoiding situations that could be regarded as personal, private and in breach of professional boundaries
- treating all students equally, without favourites
- providing relevant professional development opportunities
- identifying unacceptable conduct and feel confident to seek guidance and report it
- defining behaviour that is unacceptable
- promoting a culture of respect through the curriculum
- investigating all complaints
- providing suitable support in response to incidents
- consulting with school community to raise awareness and opportunity for discussion

### **Dual Roles**

This policy does not seek to restrict interactions where a staff member has a dual role. These guidelines aim to provide standards in relation to interactions with students where dual relationships occur (e.g. a staff member's child or relative attends Peregrine). Each employee should disclose to the principal details of any such dual role, and these should be recorded on the employee's Sentral staff profile.

### **Physical Intervention**

Physical interventions (including physical restraint or removal) to contain and/or control the behaviour of students should only be employed as measures of last resort to ensure safety and protection. The use of physical intervention is restricted to occasions when the student, other

students, staff or others are being harmed or are in imminent danger of being harmed. Only such force as is reasonably necessary in the circumstance is permitted.

Some examples of when it may be appropriate to use physical intervention as a last resort include:

- A student attacking a staff member or other person at the School;
- A student attacking another student;
- Students physically fighting;
- A student causing, or at risk of causing, injury to self or others; and
- A student misusing dangerous materials, substances or objects where it is likely that this will cause imminent harm.

As any physical intervention involves some risk of injury to the student, staff member or other person at the School, persons must weigh this risk against the risks involved in failing to physically intervene when it may be warranted. All staff and other persons using physical interventions are responsible and accountable for the manner in which they exercise that authority

### **Working Alone with Students**

Staff or other persons should avoid, as far as possible, situations where they are alone with a student. Additionally, interactions with students should be during normal school hours where possible.

In the conduct of their professional duties, some staff or other person may be required to work in a one to one situation with a student. In such situations, staff or other persons must follow the School's policy and procedures, including but not limited to this policy and the Safeguarding of Students and Children Policy.

When teachers are required to have a one-on-one interaction with a student, whether it be testing, tutoring, assessment or assistance of any manner, the following expectations should be adhered to:

- All interactions should be in a public place, in rooms with glass for visibility and/or doors should be kept open. The more public and the more visible the better;
- Have previously discussed arrangements with the Principal or other senior staff member
- Communicate using school authorised systems wherever possible;
- Make sure the interaction is known to the Lead Teacher or Principal, and where possible and practicable, that the parents are informed and have given consent for planned interaction prior to the activity taking place.

### **Tuition / Coaching Outside of School Hours**

Staff and other persons may only engage in tutoring or coaching students outside of school hours in accordance with School policy. Staff should be aware that student protection issues may arise in these circumstances and should continue to follow their obligations under this Policy.

### **Advice on Electronic Communications / Social Networking Sites (SNS)**

While the School values the use of electronic communications as a way to connect with students and their families for educational purposes, the School has instituted measures to ensure safe and clear channels are maintained.

Guidelines for electronic communication with students and children can be summarised as follows:

- Electronic communication is only acceptable within the School's established systems which are maintained by the School. This communication should only be in the context of school work or school activities;

- Limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature;
- Email and text messages sent to a student or child should, wherever possible, be copied to their parent or guardian;
- Do not use such communication to promote unauthorised 'social' activity or to arrange unauthorised contact;
- Do not request a student or child to keep communication a secret from their parents / guardians;
- Do not communicate with a student or child using Internet chat rooms or similar forums such as social networking sites, game sites or instant messaging; and
- Once students and children have left the School it is recommended that communicating through SMS should only occur after a period of 5 years of leaving the School and the past student should be over 18 years of age.

**Inappropriate electronic communication with students and children can be summarised as follows:**

- Is social rather than professional in nature;
- Involves the voluntary but often inadvertent 'lowering' of professional boundaries;
- Staff and other persons lose control of communications with students and children e.g. students and children having mobile number; email address or Facebook access etc., allows students and children to initiate contact with staff;
- Can expose staff and other persons to extended and irrelevant information about students and children to initiate contact with staff;
- Can expose staff and other persons to information about students and children personal lives; and
- Can expose students and children to extended and irrelevant information about the personal life of staff and other persons.

All employers, volunteers and other persons at the school are required to follow our:

- Social Media Policy; and
- Use of Electronic Facilities Policy in relation to browsing websites on our school's electronic devices.

Our staff and other persons are required to ensure appropriate monitoring of students and children when they use our school's electronic communication equipment to ensure that they do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites, or through web searches or inappropriate email communication.

## Procedures

### **Seeking Guidance from the Principal**

Any employee/s who have concerns or questions about perceived or actual contraventions of any of these boundaries as set out in any of the school's policies, whether by themselves or by colleagues, should not hesitate to speak to the Principal or other appropriate senior staff. Notification of any possible contraventions is essential given the duty of care owed to students within the School environment. In addition, all staff or other persons are to notify any allegation of student harm of which they become aware in accordance with current legislation and the school's relevant policies.

Examples of situations when staff or other persons are to seek guidance from the Principal include:

- Visiting students at their home;

- Inviting students to visit the staff or other person's home;
- Making telephone calls of a personal nature to students;
- Sending emails of a personal nature to students;
- Sending SMS (text) messages to students;
- Having a student babysit; and
- Driving a student home.

### **Disclosure, Reporting & Recording**

Peregrine will act promptly, treat all matters seriously, provide support to those involved, keep detailed records and communicate the process and outcome.

Managing reports of breaches of professional conduct will be dealt with using a process that is objective, confidential, fair and transparent.

Staff are required to disclose close personal relationships to the Principal and ensure the details are recorded on the Sentral staff profiles.

Strategies for managing the impact of a close personal relationship will be approved by the Principal, who will assess the disclosure, determining:

- if a conflict of interest either actual or perceived exists;
- whether the disclosure requires further action other than to be recorded
- strategies to manage the conflict

### **The Investigation Process**

The investigation process will be conducted in a fair, objective and timely way and will ensure communicating to those involved.

The process will involve communicating:

- Who will conduct the investigation
- Obligations of the investigator for confidentiality
- The right to seek independent advice and representation
- The expected timeframes of the investigation
- How the issue will be investigated
- Who will receive copies of statements and records of interviews (if obtained)
- Who can be present at interviews and meetings
- What support mechanisms will be in place, including any interim measures to ensure their health and safety during the investigation process

### **Outcomes**

At the end of the investigation, the investigator will submit an objective report to the Principal and/or Management Committee.

This report will include:

- the investigation process used
- all relevant evidence
- the findings and recommendations
- determine any further actions required

### **Review**

Peregrine will regularly review and monitor prevention measures and check that systems are being maintained and are effective.

Reviews will occur:

- Annually in accordance with Peregrine's Policy Review & Development Policy

- when a breach of professional boundaries between student / staff relationships occur
- when relevant new or further information or research becomes available
- By seeking feedback in team meetings and health and safety committee meetings.

#### **Related Policy & Procedure**

Code of Conduct

Safeguarding Students and Children

Behaviour Support

Work Health & Safety

Duty of Care

Conflict of Interest

Staff Induction

#### **Related Operational Documents**

See posters and fact sheets: [www.childwise.org](http://www.childwise.org)

#### **Related resources**

Teachers Registration Board Tasmania

<https://www.trb.tas.gov.au/Documents/Professional%20Boundaries%20-%20Guidelines%20for%20Tasmanian%20Teachers.pdf>

UN convention on the rights of the child

[www.unicef.org.au](http://www.unicef.org.au)

Supporting Young Children's Rights

<https://www.humanrights.gov.au/our-work/childrens-rights/publications/supporting-young-childrens-rights>