



1.3 CODE OF CONDUCT POLICY

Mandatory – Quality Area 4

PURPOSE

This policy will provide guidelines to:

- establish a standard of behaviour for the Approved Provider Nominated Supervisor, Certified Supervisor, educators and all staff at Balnarring preschool that reflects the philosophy, beliefs, objectives and values of the service
- promote desirable and appropriate behaviour
- 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

Balnarring preschool is committed to:

- considering the wellbeing of each child at the service as paramount
- 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
- respecting the rights of the child
- providing an open, welcoming environment in which everyone's contribution is valued and respected
- 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, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians and all adults involved in the programs and activities of [Service Name].

3. BACKGROUND AND LEGISLATION

Background

A Code of Conduct establishes a standard of behaviour to be followed by the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement and volunteers at the service. The Code of Conduct defines 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 “educators, coordinators and staff members 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 child abuse, 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:



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

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

The Approved Provider must ensure the Nominated Supervisor, staff, students, volunteers, caregivers and others attending the programs and activities of Balnarring preschool adhere to the expectations outlined in the Code of conduct when communicating to and interacting with

- children at the service, and their caregivers 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)
- *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
 - Standard 4.2: Educators, coordinators and staff members are respectful and ethical
 - Element 4.2.1: Professional standards guide practice, interactions and relationships
- *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)
- *Child Safe Standards 2018*

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* section of this manual.



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Assault: An incident where a person causes injury, pain, discomfort or damage to another person. It also includes insult or deprivation of liberty. Assault can be physical or verbal.

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: Always act in the best interests of children, their parents/guardians and families, and users of the service.

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.

Notifiable complaint: A complaint that alleges a breach of the Education and Care Service 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 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 notifiable complaint, it is good practice to contact DET for confirmation.

Respect: Value the rights, religious beliefs and practices of individuals. Refrain from actions and behaviour that constitute harassment or discrimination.

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, trauma or illness of, a child while being cared for by an education and care service
 - which a reasonable person would consider required urgent medical attention from a registered medical practitioner (e.g broken limbs, anaphylaxis reaction) 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 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 services premises or any part of the premises.



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The Regulatory Authority (DET) must be notified of a serious incident occurring at the service (Regulation 176(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 a time that the person becomes aware of the death
- Any other serious incident, within 24 hour of the incident or the time the person becomes aware of the incident

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

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

5. SOURCES AND RELATED POLICIES

Sources

- Early Childhood Australia, *Code of Ethics*: www.earlychildhoodaustralia.org.au
- United Nations, The Universal Declaration of Human Rights: <http://un.org/en/universal-declaration-human-rights/>
- United Nations Convention of The Rights of the Child: <http://www.unicef.org/crc/>
- Victoria Legal Aid: www.legalaid.vic.gov.au
- Victorian Institute of Teaching – <http://www.vit.vic.edu.au>

Service policies

- *Child Safe 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*

PROCEDURES

The Approved Provider is responsible for:

- Providing a safe environment for staff, contractors, volunteer, students on placement, parents/care givers, children and others attending the programs and activities of Balnarring Preschool
- Providing guidance through leadership and by being a positive role model
- Developing and updating codes of conduct for Balnarring preschool
- ensuring that all educators, staff, volunteers, students, parents/guardians and visitors are provided with a copy of this policy on employment, enrolment or arrival at the service
- ensuring that all staff complete and sign the *Code of Conduct Acknowledgement* (refer to Attachment 1) and that these are filed with individual staff records upon engagement in the service and repeated when any changes have been made to the policy.
- 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 that the professional standards for staff (refer to Attachment 2) are adhered to at all times



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- ensuring that all children being educated and cared for at Balnarring preschool 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 their concerns are followed up.
- Working with the nominated supervisor, staff, students, volunteers, care givers 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 the care givers of a child attending the service can enter the services 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 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, paying particular attention to the needs of ATSI and CALD children and those with additional needs
- 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 NQAITS
- referring notifiable complaints (refer to *Definitions*), grievances (refer to *Definitions*) 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 outlines in the Child Safe Policy.

The Nominated Supervisor is responsible for:

- ensuring that all educators, staff, volunteers, students, parents/guardians and visitors are provided with a copy of this policy on employment, enrolment or arrival at the service
- ensuring that the children educated and cared for at Balnarring Preschool 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.
- completing and signing the *Code of Conduct* (refer to Attachment 1)
- adhering to the Code of Conduct for staff at all times
- adhering to the professional standards for staff (refer to Attachment 2) 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, such as when violence had been threatened or perpetrated, or where sexual abuse or grooming is suspected as outlined in the Child Safe Policy
- working with the Approved Provider, educators, staff, students, volunteers, parents/guardians and others 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 caregivers, students and volunteer sign the code of conduct (refer attachment 1)
- ensuring that caregivers 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



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children or staff, or where the parent is prohibited by a court order from having contact with a child (Regulation 157)

- developing practices and procedures to ensure that caregivers 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.

All staff are responsible for:

- assisting the Approved Provider to develop professional standards for staff (refer to Attachment 2)
- completing and signing the *Code of Conduct* (refer to Attachment 1)
- adhering to the professional standards for staff (refer to Attachment 2) at all times
- providing guidance to caregivers, students, volunteers and visitors through positive role modelling and, when appropriate, clear and respectful directions
- working with the Approved Provider, Nominated Supervisor, educators, staff, students, volunteers, caregivers and others at the service to provide an environment that encourages positive interactions and supports constructive feedback and holds one another to the code of conducts
- ensuring that caregivers 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 such as when violence had been threatened or perpetrated, or where sexual abuse or grooming is suspected as outlined in the Child Safe Policy
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal paying particular attention to the needs of ATSI and CALD children and those with additional needs
- 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 caregivers (Attachment 3)
- abiding by the code of conduct for caregivers
- complying with all policies of the service.
- Taking into account the guidance provided by staff on how to interact appropriately with children at the centre
- working with the Approved Provider, Nominated Supervisor, educators, staff, students, volunteers, caregivers and others at the service to provide an environment that encourages positive interactions and supports constructive feedback and holds one another to the code of conducts
- ensuring that they are not at any time whilst at the service placed in a situation where they are left alone with a child.
- Informing the approved provider or a staff member in the event of a serious incident (refer to definitions), of a notifiable complaint (refer to definitions) or a breach of the Code of conduct.
- contacting Police in an emergency situation where it is believed that there is an immediate risk such as when violence had been threatened or perpetrated, or where sexual abuse or grooming is suspected as outlined in the Child Safe Policy



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- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal paying particular attention to the needs of ATSI and CALD children and those with additional needs
- understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action
- notifying staff promptly of any changes of circumstances in relation to my child.
- Maintaining privacy and confidentiality of all persons involved in Balnarring preschool as outlined in the Privacy and Confidentiality policy.
- Demonstrate respect for children's privacy when taking photos or videos. No photos or videos to be shared on social media that contain other children

Students, contractors, volunteers and visitors while at the service, are responsible for

- reading and abiding by the *Code of Conduct Policy*
- complying with all policies of the service
- completing and signing the Code of conduct (Attachment 1)
- Taking into account the guidance provided by staff on how to interact appropriately with children at the centre and providing positive role modelling
- working with the Approved Provider, Nominated Supervisor, educators, staff, students, volunteers, caregivers and others at the service to provide an environment that encourages positive interactions and supports constructive feedback and holds one another to the code of conducts
- ensuring that they are not at any time whilst at the service placed in a situation where they are left alone with a child.
- Informing the approved provider or a staff member in the event of a serious incident (refer to definitions), of a notifiable complaint (refer to definitions) or a breach of the Code of conduct.
- contacting Police in an emergency situation where it is believed that there is an immediate risk such as when violence had been threatened or perpetrated, or where sexual abuse or grooming is suspected as outlined in the Child Safe Policy
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal paying particular attention to the needs of ATSI and CALD children and those with additional needs
- understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action
- Maintaining privacy and confidentiality of all persons involved in Balnarring preschool as outlined in the Privacy and Confidentiality policy.
- Demonstrate respect for children's privacy when taking photos or videos. No photos or videos to be shared on social media that contain children

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.



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ATTACHMENTS

Attachment 1: Code of Conduct Approved providers, Nominated Supervisor, and all staff in relation to standards of behaviour

Attachment 2: Behavioural practices to follow

Attachment 3: Code of conduct for caregivers

AUTHORISATION

This policy was adopted by the Approved Provider of Balnarring preschool in 2019.

REVIEW DATE



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ATTACHMENT 1

Professional standards for staff

This attachment was developed using the Victorian Institute of Teaching's Code of Conduct as a guide (refer to *Sources*).

Relationships with children

In their relationships with children, the Approved Provider (if an individual), Nominated Supervisor, Certified Supervisor, educators and all staff will demonstrate their commitment to high-quality education and care for children by:

- being a positive role model at all times
- encouraging children to express themselves and their opinions
- allowing children to undertake experiences that develop self-reliance and self-esteem
- maintaining a safe environment for children
- respecting the rights of all children
- contributing to a service environment that is free from discrimination, bullying and harassment
- speaking to children in an encouraging and positive manner
- listening actively to children and offering empathy and support
- giving each child positive guidance and encouraging appropriate behaviour
- regarding all children equally, and with respect and dignity
- having regard to the cultural values, age, physical and intellectual development, and abilities of each child at the service
- providing opportunities for children to interact and develop respectful and positive relationships with each other, and with other staff members and volunteers at the service
- informing children if physical contact is required for any purpose, and asking them if they are comfortable with this interaction
- ensuring all interactions with children are undertaken in full view of other adults
- encouraging and assisting children to undertake activities of a personal nature for themselves e.g. toileting and changing clothes
- respecting the confidential nature of information gained about each child while participating in the program.

Relationships with parents/guardians and families

In their relationships with parents/guardians and families, the Approved Provider (if an individual), Nominated Supervisor, Certified Supervisor, educators and all staff will demonstrate their commitment to collaboration by:

- being respectful of, and courteous towards, parents/guardians and families at all times
- considering the perspective of parents/guardians and families when making decisions that impact on the education and care of their child
- communicating with parents/guardians and families in a timely and sensitive manner
- responding to concerns expressed by parents/guardians and families in a timely and appropriate manner
- respecting the cultural context of each child and their family
- working collaboratively with parents/guardians and families
- respecting the privacy of information provided by parents/guardians and families, and keeping this information confidential, as required under the *Privacy and Confidentiality Policy*.



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Relationships with colleagues at the service

In their relationships with colleagues, the Approved Provider (if an individual), Nominated Supervisor, Certified Supervisor, educators and all staff will demonstrate collegiality by:

- developing relationships based on mutual respect, equity and fairness
- working in partnership in a courteous, respectful and encouraging manner
- valuing the input of their peers
- sharing expertise and knowledge in appropriate forums, and in a considered manner
- respecting the rights of others as individuals
- giving encouraging and constructive feedback, and respecting the value of different professional approaches.

Professional responsibilities

The Approved Provider (if an individual), Nominated Supervisor, Certified Supervisor, educators and all staff will demonstrate commitment to their professional responsibilities by:

- undertaking their duties in a competent, timely and responsible way
- ensuring their knowledge and expertise is up to date and relevant to their role
- understanding and complying with legal obligations in relation to:
 - discrimination, harassment and vilification
 - negligence
 - mandatory reporting
 - privacy and confidentiality
 - occupational health and safety
- raising any complaints or grievances in accordance with the *Complaints and Grievances Policy*.