

# POLICY ON ETHICAL STANDARDS

## FOR STAFF AND ASSOCIATES OF KILDARE EDUCATION MINISTRIES

This policy document outlines the ethical expectations and requirements to be upheld by staff and associates of Kildare Education Ministries. The values expressed and related behaviours are consistent with the statement *Kildare Ministries Core Values for Education*, the *Australian Professional Standards for Teachers*, the *Victorian Institute of Teaching Codes of Conduct and Ethics*.

Principals are required to provide a copy of this document to all staff members as part of the employment process and to request acknowledgment of receipt of the document from new employees. Principals are also requested to annually review the policy, procedures and appendices with all staff.



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## 1. Context

This policy and attached appendices including procedural guidelines establish a vision for schooling for staff and associates<sup>1</sup> of Kildare Education Ministries that is welcoming, open and inclusive. It is a vision that is based in the invitational message of the gospels to “come and see”, to experience a style of education and quality of relationships that respects the dignity of each person within a particular faith culture. Relationships are pivotal to the wellbeing of the community and right relationships are essential for healthy and just behaviour.

## 2.Values

The statement *Kildare Ministries Core Values for Education* provides a bridge between the faith tradition of a Catholic school and its practices. Each member of staff has a position of trust that requires them to be faithful to these values.

### **In Kildare Ministries Education, we will:**

#### **Be faithful**

*to our Catholic heritage*

#### **Welcome**

*all people, especially the most vulnerable*

#### **Celebrate**

*all that is good with joy and gratitude*

#### **Engender**

*a love of learning, hope and a sense of purpose*

#### **Image and practise**

*justice and service*

## 3. What is meant by ethical standards in a school context?

Ethical standards consist of all the actions and attitudes that are designed to promote and protect a young person's physical, intellectual, spiritual and emotional health or development. It encompasses the ongoing care and concern that staff have for the young people in schools together with the responsibilities they have to do all in their power to maximise the opportunities that students have for learning and personal development. It also includes ensuring that the rights and dignity of all people in the broader school community are respected.

The key focus of policies and procedures regarding ethical standards in Kildare Education Ministries schools will be to ensure that no-one is put at risk by behaviours that are inappropriate, wrong or abusive.

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<sup>1</sup> Associates are non employed persons including Board Members of Kildare Education Ministries, Stewardship Council Members and volunteers who undertake work in the name of Kildare Ministries

#### 4. Policy statement

***Kildare Education Ministries commits itself to the promotion of ethical standards that encourage right relationships and wellbeing within all members of the school community. It further commits itself to follow all protocols and procedures contained within this document together with those stipulated by legislation and statutory regulations.***

A serious transgression of ethical standards on the part of a person employed by Kildare Education Ministries is a breach of conditions of employment in a Catholic school.

#### 5. Legislative and Statutory Obligations

Members of the Kildare Ministries Resource Team are required to regularly appraise themselves of relevant changes or amendments to legislative and statutory requirements relating to ethical standards particularly in the areas of grooming, child endangerment, and reporting to police and to incorporate such changes into this document.

#### 6. Guiding Principles of Ethical Standards

The professional conduct of staff members and associates of Kildare Education Ministries is characterised by the quality of relationships they have with students, parents (including guardians and caregivers), and their colleagues.

##### 6.1 Relationships

###### Relationships with Students

6.1.1 Teaching staff will commit themselves to student learning through diligent planning and preparation for classes, through knowing their students as individuals and catering for their individual differences, and through the establishment of high expectations for all.

6.1.2 Staff members will treat students with respect and courtesy and do all in their power to establish an environment that promotes mutual respect. They will endeavour to protect students from intimidation, harm and embarrassment and will treat personal problems or issues with sensitivity and confidentiality.

6.1.3 When dealing with student breaches of the school's code of expected behaviours, staff members will utilise processes in keeping with the principles of restorative justice and employ consequences commensurate with the nature of the offence.

6.1.4 Staff members will at all times maintain professional relationships with students, different from that of a parent or friend. They will not violate the unique position of influence and trust they hold, nor compromise their relationship with students through inappropriate conduct.<sup>2</sup>

###### Relationships With Colleagues

6.1.5 Staff members will treat colleagues with respect and courtesy. They will contribute to the development of working relationships that are mutually supportive and strive to build a positive climate of relationships and morale within the staff group as a whole.

6.1.6 Staff members will share their expertise through collaborative planning of the teaching and learning program for the common good of students and colleagues.

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<sup>2</sup> See Appendix 2 for Situations Where a Breach Of Trust Occurs

## **Relationships with Parents, Carers and Community**

6.1.7 Staff members will consider the opinions of parents and carers when addressing the educational and wellbeing needs of students.

6.1.8 Staff members will communicate in a timely and appropriate manner when responding to issues or concerns expressed by parents and carers.

6.1.9 Staff members will respect the cultural and religious backgrounds of students.

## **6.2 Personal Conduct**

6.2.1 Within the broader community, staff members will behave in a manner which contributes to the professional standing of their colleagues and the public image of their employing school. Such personal conduct will include responsible use of social media.

6.2.2 Staff members will not exploit their position for personal or financial gain nor engage in private business undertakings which impinge on their capacity to perform as an employee.

6.2.3 Within the broader community, staff members will act with discretion and maintain confidentiality with regard to workplace issues.

## **6.3 Professional Competence <sup>3</sup>**

6.3.1 Staff members will maintain high professional standards and engage in ongoing professional learning with regard to contemporary pedagogy.

6.3.2 Staff members will be aware of and enact their legal and statutory responsibilities in relation to the following :

- Duty of care
- Discrimination, harassment and vilification
- Negligence
- Mandatory reporting
- Privacy
- Occupational health and safety
- Teacher registration and criminal record check within the relevant jurisdiction
- Working With Children Police check

## **Guide to Appendices**

**Appendix 1 Guidelines For Protective Behaviours For staff Employed In Kildare Ministries Schools**

**Appendix 2 Examples Of Situations Where A Serious Breach Of Ethical Standards Occurs**

**Appendix 3 Procedures In the Event Of A Serious Breach Of Ethical Standards**

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<sup>3</sup> Refer also to <http://www.aitsl.edu.au/australian-professional-standards-for-teachers/standards/list>

## Appendix 1

# Guidelines For Protective Behaviours For Staff Employed in Kildare Education Ministries Schools.

1. Never be under the influence of, or consume alcohol or prohibited substances on school premises, at school camps or at school sponsored activities involving students when the staff are responsible for supervising students, or provide such substances to students.
2. At school sponsored activities where alcohol is served, such as senior graduation functions where parents are in attendance, ensure that sensible provision and responsible serving of alcohol occurs.
3. Not tutor for remuneration students from his/her school or in any way gain money directly from students.
4. Not engage in private business that, in the judgement of the Principal, impacts in an adverse way on the ability of a teacher to perform their normal duties.
5. Not exploit students or families in the school community by seeking discounted prices for goods purchased from them or any similar practice
6. Not engage in any sexual exploitation or abusive act with, or to a student, including
  - use of suggestive language
  - any solicitation, encouragement or physical relationship with a student, or any sexual contact with a student. This includes dating a student or otherwise being involved in an inappropriate personal or social relationship or grooming a student for a future relationship.
  - any soliciting of any unlawful sexual act, whether written, verbal or physical
  - any act of child abuse, as defined by law
  - any act of sexual harassment, as defined by law
7. Not engage in an intimate or sexual relationship with a student within a period of two years after the student has left the school or 18 years of age or older.
8. As safeguards for both staff and students, it is advisable to ensure that:
  - the place where one is alone with a student can be seen by others (this factor should be taken into account in the architectural design and construction of new areas)

- staff do not to travel alone with a student (where possible parents should be contacted if such an eventuality is essential or, if this is not possible, someone in the school should be told of the arrangement)
- touching of students is avoided, except in situations of medical necessity or adversity
- communication with students via social media, and other forms of written or electronic communication does not take place outside of teaching and learning activity.
- staff members should protect their own private lives through the use of available safeguards when using social media.
- students do not have access to the personal telephone numbers or email addresses of staff. Where appropriate, staff work email addresses may be made known to students and parents.
- permission to photograph students is obtained by the school on an annual basis.

9. Avoid any form of behaviour towards students where the intent is primarily to threaten; for example, punishing a whole class for the misbehaviour of some individual students, threatening with some severe or unreasonable punishment, using information in a way that defames students, or carrying punitive action over from year to year.

10. Avoid confiscating student property with no indication as to when it will be returned or the conditions for regaining it.

11. Refrain from smoking during school hours or at school functions when responsible for supervising students.

12. Ensure that the teaching of contentious issues is not in any way contrary to the standards endorsed by the school and the Catholic Church

13 . Avoid making public any information about a student (or about a family from the school) that is known only from one's position as a staff member

14. Be familiar with and support the policy documents of the school where the staff member or associate is employed or engaged.

## Appendix 2

### Examples Of Situations Where A Serious Breach Of Ethical Standards Occurs

A breach of trust occurs in general when there is a violation of professional boundaries. Such breaches occur when a staff member or associate's behaviour endangers the physical or emotional well-being of another person. Areas where a breach of trust occurs but not limited to include:

- situations where there is an unacceptable use of power by an individual or a group
- accessing sexually explicit or other inappropriate material using school or privately owned computers or the school operated network
- threatening language or behaviour being used by an adult to frighten or coerce a student
- situations where there is inappropriate physical contact between an adult and a student
- situations where there is sexual activity between an adult and a student or grooming for such activity
- staff harassing or bullying other staff or members of the school community
- a staff member promoting issues and beliefs contrary to the stated ethos of the school or the teachings of the Catholic Church

## Appendix 3

# Procedures In The Event Of a Serious Breach Of Ethical Standards

### Serious Breaches Of Ethical Standards

A serious breach of ethical standards is one that could lead to a criminal or civil law prosecution or one that could lead to a staff member being sanctioned by a statutory authority such as a registration authority.

When allegations of unethical behaviour are made against any existing or former employee, volunteer or associate of Kildare Education Ministries, all such instances must be acted upon. Principals of schools must respond to all allegations of serious breach of ethical standards and report such to the Executive Director of Kildare Education Ministries.

Depending on the nature of the reported behaviour, the following actions will occur, some of which may occur concurrently. The nature of investigations will be agreed upon between the relevant school Principal and the Executive Director of Kildare Ministries.

- Engagement of external assistance with investigations using the resources of the Professional Standards Resource Group
- Reporting of alleged behaviour to police authorities where a criminal act may have occurred
- Notification of alleged behaviour to other statutory bodies such as a teacher registration authority or government agency responsible for mandatory reporting
- Reporting alleged behaviour to industrial relations support agencies and professional conduct and ethical investigations personnel within Catholic Education Offices where a breach of employment conditions may have occurred.

Serious allegations, particularly those involving a staff member and student, may necessitate the standing aside of the staff member with salary from normal duties whilst the matter is investigated. Accordingly it will be necessary to seek the support of the relevant industrial relations agency to receive advice and assistance in terms of the processes to be followed once a determination is reached regarding the matter under investigation.

All steps in the investigative process (interviews, meetings, telephone calls etc) should be carefully documented.

If there is any reason to believe a crime or indiscretion has occurred and a staff member is involved, the Principal will need to ensure that there is no further opportunity for breach of responsibilities while the investigation is occurring



### **Less Serious Breaches Of Ethical standards**

Less serious breaches of ethical standards in areas such as professional performance or collegial relationships will normally be dealt with by the Principal or Co Principals of a school according to the school's own set of procedures. Again, the advice of an industrial relations agency may be required. Documentation of each instance of breach of responsibility and subsequent meetings with the staff member must also occur with separate records kept under the name of the staff member and student.

Such breaches may lead to a formal reprimand or, in the case of repeated breaches, the instigation of due process that may lead to dismissal.

### **Ultimate Decision Making In the Event Of A Serious Breach Of Ethical Standards**

As the civil authority and employer for Kildare Education Ministries Schools, the Board of Kildare Education Ministries will make the ultimate decision regarding continuing employment in situations where a serious breach of ethical standards has occurred. This decision will be informed by advice from a school Principal or Co Principals, the Executive Director of Kildare Ministries, and other professional agencies involved in an investigation.

## Appendix 4

### Resources To Assist With The Resolving Of Issues

- Kildare Ministries Resource Team
- Catholic Education Offices
- Diocesan Industrial Relations Offices
- Professional Standards Resource Group
- State Teacher Registration Bodies

### Existing Documents To Support This Policy Document

Towards Healing, Principles and Procedures in Responding to Complaints of Sexual Abuse Against Personnel Of The Catholic Church in Australia, Australian Bishops Conference, January 2010

Integrity In Ministry, A Document Of Ethical Standards For Catholic Clergy and Religious In Australia, April 2010

Integrity In The Service Of The Church A Resource Document of Principles and Standards for Lay Workers in the Catholic Church, 2011

Sexual Harassment: A Code For Practice, Human Rights and Equal Opportunity Commission, 2004

Legal Issues in Schools, Catholic Education Office, Revised Edition 2009

Victorian Institute Of Teaching Victorian Teaching Profession Code of Conduct and Standards of Professional Practice for Teachers, June 2008

Reporting Child Abuse Health and Community Services, Updated August 2013

Mandatory Reporting of Child Physical and Sexual Abuse CEOM 2011

Victorian Catholic Education Multi Employer Industrial Agreement, 2014

Resource Sheets [www.aifs.gov.au/nch/publications/resources](http://www.aifs.gov.au/nch/publications/resources)

Catholic Education SA (CESA) Information Sharing Guidelines, Draft, 2011

Data Collection, Management, Access, Use and Reporting Policy, SACCS 2002

Guidelines for the Selection of Staff in Diocesan Catholic Schools, SACCS 2010

Information and Communication Technology (ICT) Policy, SACCS 2010

Policy for the Care, Wellbeing and Protection of Children and Young People, SACCS July 2011

Policy for Responding to Concerns, Complaints, Grievances and Allegations of Misconduct, SACCS 2005

Privacy Policy, SACCS March 2014

Procedures for Dealing with Family law Related Issues, SACCS, July 2009

Procedures for Reporting Child Abuse and Neglect, SACCS October 2010

Procedure for Resolving Complaints, SACCS 2004

Procedures for Responding to Bullying and Harassment in the Workplace, SACCS March 2014

Procedures for Responding to Discrimination, SACCS 2006

Protective Practices for Staff in Their Interactions with Children and Young People, DECS, AISSA CESA, Revised 2011

Responding to Problem Sexual Behaviour in Children and Young People. Guidelines for staff in Education and Care Settings, DECS, AISSA and CESA, 2010

Signed:

Date: