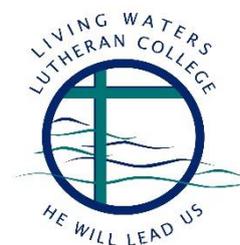


Living Waters Lutheran College

Code of Conduct



1. Preface

At Living Waters Lutheran College we share the love of Jesus as we educate those in our care, enabling them to realise their God-given potential for a life of service.

Living Waters Lutheran College strives to inspire a love of learning in its students and encourages them to lead lives of purpose and integrity. The College develops students who are lifelong learners that live with integrity and act with love and purpose. Love of learning lies at the heart of Living Waters Lutheran College. It is a place where students aspire to live lives of integrity and purpose. It is encapsulated in one simple and short phrase: Purpose with integrity.

To ensure that the College's Christian ethos is at its heart it is essential that those who operate in the College's name maintain high ethical standards and model care and respect. The College's aim is to provide an education for students, including instruction in the Christian faith, in a genuine and open learning environment where views are shared, discussed and respected.

Living Waters Lutheran College is committed to providing a child-safe environment which safe guards all students and is committed to promoting practices which provides for the safety, wellbeing and welfare of our children and young people. The College expects all school community members including staff, volunteers, students, visitors and contractors to share this commitment.

School staff are in a unique position of responsibility and authority and must make every effort to make sure that our school provides a child safe environment. Teachers in particular are of primary importance when it comes to detecting abuse and preventing abuse from occurring.

2. Introduction

This Code of Conduct details the standards of behaviour expected of all employees and representatives of the College.

This Code does not attempt to provide a rigid, detailed and exhaustive list of what to do in every aspect of your work. Instead, it sets out general expectations of the standards of behaviour required and gives some examples of the types of behaviour that are or are not acceptable.

The Code places an obligation on all employees to take responsibility for their own conduct and to work with colleagues cooperatively to achieve a consultative and collaborative workplace where children are safe and people are happy and proud to work.

It is essential to note that in all situations, and in particular regard to managing students' behaviour, the College explicitly forbids **child abuse, corporal and degrading punishment**. (see definitions at appendix)

This Code of Conduct will not only help in making our College a safer environment for children, it will also reduce the risk that staff will be unjustly accused of unprofessional or abusive conduct.

Nothing in this *Code* should be taken to limit the circumstances in which the College may take disciplinary action in respect of an employee.

This *Code* should be read in conjunction with the Child Safe Policy which can be found on Complispace Policy Plus or at the website.

3. Who has to comply with the Code of Conduct?

All employees of the College must comply with this *Code*. Volunteers, visitors and contractors are also expected to comply with this *Code*.

Staff, visitors, volunteers and contractors will be held accountable for breaches of the *Code*.

HOW TO COMPLY

1. You must:
 - (a) conduct yourself, both personally and professionally in a manner that upholds the ethos; and reputation of the College
 - (b) comply with the College's policies and procedures; and
 - (c) behave respectfully, ethically and responsibly.
2. If you are responsible for engaging or managing external consultants, contractors or volunteers, it is your responsibility to make them aware of the College's expectations of conduct consistent with the College's Code of Conduct during the period of their engagement. They should be told that any conduct that is not consistent with the Code may result in the engagement of a contractor, consultant or volunteer being terminated

4. Principles of the Code of Behaviour

As the College has a duty of care to its students, the expectation and understanding is that all staff and students will act in the best interests of the students and that the welfare and safety of students will be of paramount concern. All interactions therefore should be transparent and meet the principles of the Code of Conduct.

This Code of Conduct is intended to provide staff and community members with guidance as to the expected behaviours of all staff, visitors, volunteers and contractors engaged by Living Waters Lutheran College.

Staff are expected to behave in a manner which promotes the safeguarding role of the College, in a manner which is in accord with school expectations, professional expectations and best practice of the teaching profession, as well as the expected norms of our community. You must be fully aware that your actions will be subject to appropriate scrutiny by other staff and by the community and you must be prepared to give an account of your behaviours to leadership when requested.

Any staff member who is unsure about appropriate boundaries in a particular circumstance or must act contrary to either specific or implied boundaries, must consult as early as possible with their line manager to discuss the possible breaches. If a breach inadvertently occurs the staff member must bring it to the attention of senior management immediately.

Staff are responsible for their own actions and should avoid any conduct which might be construed by a reasonable person as inappropriate. When considering their actions, staff could consider the following:

- (a) How might this interaction be perceived by others?
- (b) Am I treating this student differently from others?
- (c) Can I achieve the same outcome through a different interaction?
- (d) Would I do this or say this if a colleague were present?
- (e) Would I condone my conduct if I observed it in another adult?
- (f) What guidance would my employer give me in this situation?

5. THE PRINCIPLES OF CONDUCT

Principle 1 Employee expectations

As an employee, you should be familiar with the College's policies and procedures, know where you can access them for checking purposes and be able and willing to comply with the College's policies and

procedures. **The policies and procedures are on Complispace Policy Plus and key policies are also publicly available on the College website.**

If you are uncertain about the scope or content of a policy with which you must comply, or any legal obligations to which you are subject, you should seek clarification from your direct supervisor or line manager or the Principal.

You should also be familiar with the legislation under which you are employed as this may specify requirements with which you need to comply.

As a College employee, you are expected to:

- (a) perform your duties to the best of your ability and be accountable for your performance;
- (b) follow reasonable instructions given by your supervisor or his/her delegate;
- (c) comply with lawful directions;
- (d) carry out your duties in a professional, competent and conscientious manner, while seeking suitable opportunities to improve your knowledge and skills, including through participation in relevant professional development;
- (e) act honestly and in good faith in fulfilling your duties;
- (f) be respectful, courteous and responsive in dealing with your colleagues, students, parents and members of the public;
- (g) work collaboratively with your colleagues; and
- (h) ensure that your conduct, whether during or outside working hours, is consistent with the ethos of the College and does not damage the reputation of the College.
- (i) dress in a professional manner that is appropriate for your role.

How to Comply

1. Inform the **Principal** if you are charged with or convicted of a serious offence.
2. Report any concerns that you may have about the safety, welfare and wellbeing of a child or young person.
4. Report any concerns you may have about the inappropriate actions of any other employee, contractor or volunteer that involves children or young people;
5. You should refer to the College's (Child Protection Policy) for further information about these obligations.
6. Staff should make themselves familiar with the procedure for handling allegations against staff and students. It is expected that staff who form a belief that the boundaries or code of conduct has been breached will inform the Principal.
7. Doctors, teachers, nurses and midwives, police officers and boarding supervisors are required by law to make a mandatory report of child sexual abuse when a belief, based on reasonable grounds, is formed that sexual abuse is occurring or has occurred. This applies if you are working in a paid or unpaid capacity as a teacher and/or boarding supervisor. **Staff who are not teachers or boarding supervisors** must report all forms of abuse to the College Principal. Reports of abuse involving the Principal must be reported to the Chair of the College's governing body. *NB: Sexual abuse that occurred before 1 January 2009 is not considered a mandatory report but must be reported to the Principal.*
8. In cases where a former student (under the age of 18), or the parent or guardian of a former student, makes an allegation about child sexual abuse at the College occurring before 2009, the Department of Communities – Child Protection Service is to be informed immediately. A matter involving a former student who is 18 or over is reportable to the Police.

Principle 2 Good teaching practice

As a professional teacher it is expected you will provide quality teaching appropriate for your students, recognising the diversity of learners in your care and making every effort to help all students equally so they have every chance of succeeding.

Good teaching also means you will work closely with your colleagues and the parents/caregivers of your students and respond appropriately and promptly to any concerns they have.

How to Comply

1. You differentiate your lessons to cater for all learners and show no favoritism, bias or prejudice in your dealing with your students.
2. You make all effort to facilitate the provision of ancillary support to a student, as is determined by their needs, to enable their equitable access to educational programmes. Examples of ancillary support include extension programs for gifted and talented students; assistive technologies, counselling.
2. You maintain a safe classroom environment.
3. As a professional you will look for and take advantage of every learning opportunity that is appropriate to your role.
4. As part of your treating all students with respect you will have high expectations of all of your students.
5. It is expected you will regularly review school policies and make every effort to comply with them.
6. You maintain regular communication with your students' parents/ guardians.
7. As a professional teacher who understands that things change and improvement is always possible you will work cooperatively with your colleagues and share ideas and experiences in a collegiate manner.

Principle 3 Respect for people

Staff should understand their responsibilities to safeguard and promote the welfare of students and other staff.

The College expects employees to treat each other with respect and courtesy. Our daily interaction with others reflects on the College's reputation and Christian values. Therefore, all employees are expected to be approachable, respectful, courteous and prompt in dealing with other people, including students, parents, other employees and members of the community.

Employees who work with students have a special responsibility in presenting themselves as appropriate role models for those students. Modelling effective leadership and respect in your interactions with students can have a profoundly positive influence on a student's personal and social development.

How to Comply

1. Model effective leadership and respect in your interactions with students.
2. Continually monitor and reflect on your own practice, so as to model appropriate behaviour and to follow the guidance in this code of conduct.
3. Do not use rude or insulting behaviour, including verbal and non-verbal aggression. Abusive, threatening, intimidating or derogatory language and physical abuse or intimidation towards other employees, contractors, students and parents is unacceptable. You must not use information and communication technologies, such as email, mobile phones, text or instant messaging, blogs, social media sites and other websites to engage in this type of behaviour.
4. You must not engage in unlawful discrimination against, harassment of, or bullying towards a fellow employee, contractor, volunteer, student or parent/guardian. Your obligations in this regard are set out in the Bullying (Staff) Policy. Unlawful harassment or discrimination may constitute an offence under the Equal Opportunity Act 1984 or federal industrial or discrimination legislation. Bullying may be a breach of your obligations under work health and safety legislation or your duty of care at common law.
5. You should ensure that you are aware of the Bullying (Staff) and Harassment Policy. If you believe you are being unlawfully harassed or discriminated against or bullied:
 - (a) where you feel comfortable ask the person to stop, or make it clear that you find the behaviour offensive or unwelcome. It may be useful to speak with your supervisor or Department Head in the first instance to seek guidance on how to do this; and/or
 - (b) raise the issue as a grievance in accordance with the Equal Employment Opportunity and Harassment policy (What to do if you feel you have been discriminated against, harassed or bullied) as soon as possible after the incident(s) have occurred.
6. Do not lie about or exaggerate a complaint.

Principle 4 Duty of Care and Occupation Health and Safety

As a College employee, you have a duty of care to students in your charge to take all reasonable steps to protect them from risks of harm that can be reasonably predicted.

The duty encompasses a wide range of matters, including (but not limited to):

- the provision of adequate supervision
- ensuring grounds, premises and equipment are safe for students' use
- implementing strategies to prevent bullying from occurring in the College, and
- providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a student who is injured or becomes sick at school.

Duty of Care

As an employee of the College, you have a duty of care to students in your charge. That duty is to take all reasonable steps to protect students from risks of harm that can be reasonably predicted. For example, preventative measures should be taken against risks from known hazards and from foreseeable risk situations. The standard of care that is required, such as the degree of supervision, needs to be commensurate with the students' maturity and ability. Duty of care to students applies during all activities and functions conducted or arranged by the College. The risks associated with any activity need to be assessed and managed before the activity is undertaken.

You should ensure that you are aware of the College's policies with regard to duty of care and management of risk. (Excursion, Camp and Excursion Risk Assessment, Outdoor Education Management)

Occupational Health and Safety

You also have a responsibility under occupational safety and health legislation to take care of your own health and safety at work. It is also your responsibility to ensure that your activities do not place your own safety at risk and that of your co-workers, students or other persons that you may come into contact with at work.

Considerations of safety relates to both physical and psychological well-being of individuals.

You should ensure that you are aware of and comply with the College's Safety and Health policies.

How to Comply

1. Do not expose students or anyone else at your workplace to any risk or hazard.
2. Read the College's evacuation and/or lock down procedures.
3. Do not leave students unsupervised either within or outside of class. You should be punctual to class and allocated supervision.
4. Remain with students at after school activities until all students have been collected. In the event that a student is not collected you should remain with the student until collected, or seek advice from your supervisor.
5. Do not be late to playground duty. Actively supervise your designated area, being vigilant and constantly moving around.
6. Look out for bullying or any other form of discriminatory behaviour, and report incidents to the appropriate staff member. Additional detail about student bullying is set out in the Statement on Bullying and Harassment.
7. Attend to ill or injured students. Should additional assistance be required you should contact the College First Aid Officer or Office staff 557/501/503 for assistance.
8. Do not store or administer medication to students unless their use complies with the Medication Administration Policy.

Principle 5 Maintain professional relationships between employees and students

Teachers need to treat their students with courtesy and respect and provide an environment that encourages their students to do the same.

As a College employee, you are expected to always behave in ways that promote the safety, welfare and well-being of children and young people. You must actively seek to prevent harm to children and young people, and to support those who have been harmed.

While not all employees are required to manage and supervise students, it is important for all College employees to understand and observe the College's child protection policies.

The detection and prevention of grooming behaviour is a vital consequence of complying with this principle.

How to Comply

Supervision of students

- 1 Do not be alone in an enclosed space with a student. Where you are left with the responsibility of a single student you should ensure that this is in an open space in view of others. Where this is not possible or practical it should be discussed with your supervisor and/or the Principal.
- 2 Do not drive a student in your car unless you have specific permission from your supervisor and/or the Principal and written permission from the parent to do so. In the event of an emergency you should exercise discretion but then report the matter to your supervisor.
- 3 If you wish to conduct a private conversation with a student you should consider the time and venue carefully to avoid placing yourselves in a vulnerable situation. It is preferable to leave the door open. You should not locate yourself between the student and the door.
- 4 When confiscating personal items, such as mobile phones or hats, ask students to hand them to you. Only take items directly from students in circumstances where concern exists for the safety of the student or others and your own safety is not jeopardised by this action

Physical contact with students

1. You must not impose any form of corporal or demeaning punishment on a student in the course of your professional duties. Refer to the College's Behaviour Management Policy.
2. When physical contact with a student is a necessary part of the teaching/learning experience you must exercise caution to ensure that the contact is appropriate and acceptable. You should seek reassurance from the student before making contact or asking for a volunteer if necessary to demonstrate a particular activity.
3. Attention to the toileting needs of young children should be done with caution. It may be appropriate to have the door open. For students with a disability the management of toileting needs should be included in the student's individual management plan.
4. When congratulating a student, a handshake as long as the student is comfortable with this action. Kissing of students is not acceptable.
5. Assessing a student who is injured or ill may necessitate touching the student. Always advise the student of what you intend doing and, if they are conscious, seek their consent.
6. Sometimes in ensuring duty of care you may be required to restrain a student from harming him or herself or others using reasonable force. Any such strategy must be in keeping with the College's behaviour management practices or individual student management plans. You should report and document any such incidents.

Relationships with students

1. You must not have a romantic or sexual relationship with a student. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual or condoned by parents or caregivers. You are reminded of:
 - a) the law prohibiting sexual relations with a person under the age of consent (16 years); and
 - b) the law prohibiting sexual relations between a teacher and his or her student under the age of 18 years.
2. You must not develop a relationship with any student that is, or that can be interpreted as having a personal rather than a professional interest in a student. An overly familiar relationship with any student (including any adult student) that you are responsible for teaching, tutoring, advising, assessing, or for whom you

provide pastoral or welfare support raises serious questions of potential grooming behaviour, conflict of interest, trust, confidence, dependency, and of equality of treatment. Such relationships may also have a negative impact on the teaching and learning environment for other students and colleagues, and may carry a serious reputational risk for the College.

3. If you consider that a student is being overly familiar, seeking to establish a personal relationship with you or has developed a 'crush' on you, you should report your concerns to your supervisor and/or the Principal as soon as possible so that a plan can be developed to manage the situation effectively and sensitively.
4. At all times when speaking with students, care must be taken to use appropriate language. You must always treat students with respect and without favouritism. There is no place for sarcasm, derogatory remarks, inappropriate familiarity or offensive comments.
5. You may, as part of your pastoral care role, engage in discussion with students. This is entirely appropriate. However, you must be cautious about making personal comments about a student or asking questions that probe your own or a student's sexuality or relationships. You must not hold conversations with a student of an intimately personal nature where you disclose information about yourself.
6. You must not:
 - a) invite students to your home;
 - b) visit students at their home; or
 - c) attend parties or socialise with students, unless you have the express permission of the Principal and the child's parents or care giver.
7. You must not engage in tutoring or coaching students from the College without the express permission of the Principal
8. You must not invite students to join your personal electronic social networking site or accept students' invitations to join their social networking site (see *Section 6 - Appropriate use of electronic communication and social networking sites*).
9. You must not give gifts to students. You should also carefully consider your position before accepting any gift from a student or a parent (see *Section 9 - Declaring gifts, benefits and bribes*).
10. Wherever practical, you should avoid teaching or being involved in educational decisions involving family members or close friends. Where it is not practical to avoid such situations completely, another member of staff should make any significant decisions relating to the student's assessments and have those endorsed by a supervisor.
11. You should be aware of, and sensitive to, children with culturally diverse or indigenous backgrounds and cultural practices that may influence the interpretation of your behaviour.

Child protection

You must be aware of and comply with the College's Child Safe Policy and Adult Code of Conduct. The policy can be found at **Complispace Policy Plus – Child Safe Program**

Principle 6 Appropriate Use of Electronic Communication and Social Networking Sites

The College provides electronic communication facilities for its students and employees for educational or administrative purposes. It may monitor and view data stored or transmitted using the College's facilities. All staff and students must abide by the College's appropriate use of technology policies. The fast and permanent nature of electronic communication requires staff to be particularly vigilant with their own communications and that of their students.

How to Comply

1. **You must comply with the College's (Information Technology, Computer, Telephone and Equipment Code of Use and Social Networking Policies). This includes:**
 - a) exercising good judgment when using electronic mail, following the principles of ethical behaviour;
 - b) using appropriate and professional language in electronic mail messages;
 - c) being aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be discoverable: that is, the court and all parties to the dispute would be entitled to see them;
 - d) not sending messages that are harassing, discriminatory, defamatory, threatening, abusive or obscene;
 - e) not inviting students into your personal social networking site or accepting an invitation to theirs;

- f) not using social networking sites to email or contact students;
- g) remembering transmission, storage, promotion or display of offensive, defamatory, or harassing material is strictly forbidden; and
- h) reporting any situations where you become aware of the inappropriate use of electronic communication and social networking sites.

2. You must never use the College's networks to view, upload, download or circulate any of the following materials:

- a) sexually related or pornographic messages or material;
- b) violent or hate-related messages or material;
- c) racist or other offensive messages aimed at a particular group or individual;
- d) malicious, libellous or slanderous messages or material; or
- e) subversive or other messages or material related to illegal activities.

Principle 7 Use of Alcohol, Drugs or Tobacco

Occupational Safety and Health is of fundamental importance to the College. Maintaining a safe work environment requires everyone's continuous cooperation.

You are responsible for ensuring your capacity to perform your duties is not impaired by the use of alcohol or drugs and that the use of such substances does not put at risk you or any other person's health and safety.

The use of illegal substances on the school property is strictly forbidden.

How to Comply

General

1. You must not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances.
2. Do not consume alcohol, illegal drugs or non-prescribed and/or restricted substances while at work;
3. You must notify your supervisor if you are aware that your work performance or conduct could be adversely affected as a result of the effect of a prescribed drug;
4. Take action to resolve any alcohol or other drug-related problems that you have; and
5. Consult with your supervisor or Principal if you are concerned about working with other employees who may be affected by drugs or alcohol.

Drugs

1. You must not have illegal drugs in your possession while at work. Any illegal drugs found on school property or in the possession of any person on school property may result in disciplinary action including the termination of your employment, referral to the Police and, in the case of a member of the teaching staff, report to the Teacher Registration Board WA;
2. You must not give students or other employees illegal drugs or restricted substances, or encourage or condone their use; and
3. You must not supply or administer prescription or non-prescription drugs to students unless authorised to do so.

Alcohol

1. You must not take alcohol to school or consume it during school hours or at any school function at any time school students are present, including those events conducted outside school premises unless expressly permitted to do so by the Principal. A school function is any occasion organised by the College and/or in the College's name, including dances, farewells, excursions, sporting fixtures and fundraising events.
2. You must not purchase alcohol for, or give alcohol to, any school student (or to any other person under the age of 18 years); and
3. encourage or condone the use of alcohol by students of any age during educational activities.

Tobacco

1. You must not smoke or permit smoking in any school buildings, enclosed area or on College grounds. This includes all buildings, gardens, sports fields, cars and car parks.
2. You must not smoke whilst at any school function even if it is not on school campus. This includes, amongst all other activities, camps, tours and excursions.
3. You must not purchase tobacco or tobacco products for any school student, or give them tobacco or tobacco products.

Principle 8 Identifying and managing conflicts of interest

Private interests can, or have the potential to, influence a person's capacity to perform their duties and in turn compromise their integrity and that of the College.

A conflict of interest can involve:

- a) pecuniary interests i.e. financial gain or loss or other material benefits;
- b) non-pecuniary interests i.e. favours, personal relationships and associations.

Conflict of interest also include:

- a) the interests of members of your immediate family or relatives (where these interests are known);
- b) the interests of your own business partners or associates, or those of your workplace; or
- c) the interests of your friends.

How to Comply

- 1 As a College employee, you must not act in conflict with the College's best interests.
- 2 When faced with a situation in which conflict of interests may be present, you should report any potential or real conflict to your supervisor or the Principal.
- 3 You should also report situations where a superior or colleague who has an identified conflict is, or may be perceived as, unduly influencing your decision.

Principle 9 Declaring gifts, benefits or bribes

As an employee, you may be offered a gift or benefit as an act of gratitude. There are some circumstances when to refuse a gift would be perceived as rude, insulting or hurtful. You are expected to exercise sound judgement when deciding whether to accept a gift or benefit.

Accepting gifts and other benefits has the potential to compromise your position by creating a sense of obligation and undermining your impartiality. It may also affect the reputation of the College and its staff. You must not create the impression that any person or organisation is influencing the College or the decisions or actions of any of its employees.

How to Comply

- 1 If you are offered a bribe (i.e. anything given in order to persuade you to act improperly), you must refuse it, explain why it is not appropriate, and immediately report the matter to the Principal.
- 2 If you are offered a gift or benefit, you should always consider the value and purpose of a gift or benefit before making any decision about accepting it. A gift that is more than of a nominal value (\$50) must not become personal property (see College Gift Policy – S drive/Whole College/Policies/20 Staff). You should either politely refuse it or advise the contributor that you will accept it on behalf of the College.
- 3 When a gift is accepted, you must advise the Principal. She/he will determine how it should be treated and make a record of its receipt. Depending on the nature and value of the gift, it may be appropriate to record the gift in the asset register as a donation or other such record established for that purpose.
- 4 Sometimes employees might, in the course of their work, win a prize of significant monetary value e.g. a computer, from another organisation. Prizes are usually considered the property of the College. If you win a prize you must advise your supervisor or the Principal who will determine how the prize should be treated and recorded.

Principle 10 Communication and protecting confidential information

You should be mindful of confidentiality when in discussions with parents. You cannot always give a guarantee of confidentiality especially if the matter under discussion is related to mandatory reporting.

College employees should maintain the confidentiality of College information (refer **Confidential Information** below).

College employees should be aware that there are strong legal requirements around the collection, release and privacy of information.

Before asking for information or disclosing information staff need to assure themselves that they are acting in a legal manner. If unsure you should discuss the matter with your line manager.

How to Comply

Communication

1. You are required to comply with the College Privacy policy and understand the Parent Involvement policy.
2. You should not disclose personal information about another staff member to students or parents or discuss their work performance, except if authorised by the Principal in the context of grievance resolution.
3. All matters discussed in staff meetings and staff memos are to be treated confidentially and not discussed with students, members of the College community, or the public.
4. The media should not be given access to students or allowed entry to the College without the express permission of the Principal. You should not make any comments to the media about the College, students or parents without the express permission of the Principal.

Confidential information

1. As a College employee, you must only use confidential information for the work-related purpose it was intended.
2. Unless authorised to do so by legislation, you must not disclose or use any confidential information without the express permission of the Principal.
3. You must make sure that confidential information, in any form, cannot be accessed by unauthorised people.

Privacy

1. Sensitive and personal information should only be provided to people who are authorised to have access to it.
2. You should always exercise caution and sound judgment in discussing the personal information of students, parents, staff and other people with other school employees. Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist in carrying out the College's work because of their expertise.
3. From February 22 February 2018 the College is legally required to report the loss, unauthorised access to, or disclosure, of personal information resulting in serious harm, to the any individuals to whom the information relates and the Office of the Australian Information Commissioner. In accordance with this requirement you are required to notify your line manager and/or the Principal in relation to any such loss, access or disclosure, including school information that may be contained on school or personal devices. For more information please refer to the College's Privacy Policy and Data Breach Response Plan.

Principle 11 Record keeping

All employees have a responsibility:

- a) to create and securely maintain full, accurate and honest records of their activities, decisions, appropriate school-based interactions and other relevant transactions;
- b) to up load or store records in the school's record systems, as required; and
- c) to not deliberately access College information to which they are not authorised to do so.

How to Comply

1. You must not destroy or remove records without appropriate authority.
2. Supervisors have a responsibility to ensure that the employees reporting to them comply with their records management obligations.
3. Employees responsible for assessing and recording marks for students' work must do so accurately, fairly and in a manner that is consistent with relevant policy and the requirements of the College.
4. Employees must maintain the confidentiality of all official information and documents which are not publicly available or which have not been published.

Principle 12 Copyright and intellectual property

When creating material you need to ensure the intellectual property rights of others are not infringed and information is recorded about any third party copyright/other rights included in materials.

If you develop material that relates to your employment with the College, the copyright in that material will belong to the College. This may apply even if the material was developed in your own time or at home.

How to Comply

1. Advice relating to sharing or licensing the College's intellectual property should be sought from the Principal.
2. Do not give away or assign the College's intellectual property without the approval of the Principal.
3. You should not use the College's intellectual property (including copyright) for private purposes without obtaining written permission from the Principal.

6. Agreement to The Child Safe Adult Code

I will:

- Uphold and act in accordance with Living Waters Lutheran College Statement of Commitment to Child Safety and Wellbeing at all times.
- Comply with applicable guidelines published by the College with respect to child safety, such as the Staff and Student Professional Boundaries policy.
- Behave as a positive role model to students.
- Promote the safety, welfare and wellbeing of students.
- Be vigilant and proactive with regard to student safety and child protection issues.
- Provide age appropriate supervision for students.
- Treat all students with respect.
- Promote the safety, participation and empowerment of students with a disability.
- Promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students and linguistically and culturally diverse students.
- Use positive and affirming language toward students.
- Encourage students to 'have a say' and participate, and then listen to them with respect.
- Respect cultural, religious and political differences.
- Help provide an open, safe and supportive environment for all students to interact, and socialise.
- Intervene when students are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way.
- Ensure as far as practicable that adults are not left alone with a child.
- Report any breaches of this Child Safe Code of Conduct.
- Report concerns about child safety to one of the College's Child Safety Contact Officers and ensure that your legal obligations to report child abuse, grooming or other harm externally are met.

- Where an allegation of child abuse, grooming or other harm is made, ensure as quickly as possible that the student involved is safe.
- Call the Police on 000 if you have immediate concerns for a student's safety.
- Respect the privacy of students and their families and only disclose information to people who have a need to know.

I will not:

- Engage in any form of inappropriate behaviour towards students or expose students to such behaviour.
- Engage in prejudicial or oppressive behaviour, or use inappropriate language with students.
- Express personal views on cultures, race or sexuality in the presence of students or discriminate against any student based on culture, race, ethnicity or disability.
- Engage in open discussions of an adult nature in the presence of students.
- Engage in any form of sexual conduct with a student including making sexually suggestive comments and sharing sexually suggestive material.
- Engage in inappropriate or unnecessary physical conduct or behaviours including doing things of a personal nature that a student can do for themselves, such as toileting or changing clothes.
- Engage in any form of physical violence towards a student including inappropriately rough physical play.
- Use physical means or any form of corporal punishment to discipline or control a student.
- Engage in any form of behaviour that has the potential to cause a student serious emotional or psychological harm.
- Develop 'special' relationships with students that could be seen as favouritism (for example the offering of gifts or special treatment for specific students).
- Engage in undisclosed private meetings with a student who is not your own child.
- Engage in activities with a student who is not your own child, outside of school hours and without permission from the student's parent/carer.
- Engage in inappropriate personal communications with a student through any medium, including any online contact or interactions with a student.
- Take or publish (including online) photos, movies or recordings of a student without parental/guardian consent.
- Post any identifying information online about a student unless it is necessary for the school's activities or you have consent from the student and/or their parent/guardian. Identifying information includes things such as the student's: full name; age; e-mail address; telephone number; residence; school; or details of a club or group they may attend.
- Ignore or disregard any suspected or disclosed child abuse, grooming or other harm.

7. BREACHES OF THE CODE

What happens if I breach the Code of Conduct?

All alleged breaches of the Staff Code of Conduct will be subject to scrutiny and if substantiated the person may be warned, suspended or have their employment terminated. If the breach involves is suspected to have involved grooming behaviour, the College is obliged to report this to the Director General of the Department of Education as a reportable incident. Please further information about this in dot points below. Any potentially illegal activity will be reported to the Police and appropriate actions will be taken by the Principal or delegate.

- *The consequences of inappropriate behaviour and breaches of this Code will depend on the nature of the breach.*
- *Employees are required to report all objectively observable behaviour, that is not permitted by the Code, other than those subject to mandatory reporting obligations, to the Principal, a designated senior staff member or the chair of the school's governing body. NB: If the prohibited behaviour is by the Principal then it should be reported to the **Chair of the College Board**.*
- *Factors the school may consider when deciding what action to take may include:*
 - a) *the seriousness of the breach;*
 - b) *the likelihood of the breach occurring again;*
 - c) *whether the employee has committed the breach more than once;*
 - d) *the risk the breach poses to employees, students or any others; and whether the breach would be serious enough to warrant formal disciplinary action.*
- *Actions that may be taken by the school in respect of a breach of the Code include management or remedial action, training or disciplinary action ranging from a warning to termination of employment. The College reserves the right to determine in its entirety the response to any breach of this Code. However, please note that circumstances where a formal warning is issued to a staff member or their employment is ceased, as a result of a breach that is suspected to have involved grooming behaviour, the matter is required to be notified to the Director General of the Department of Education, as a reportable incident.*
- *Section 42 of the Teacher Registration Act 2012 outlines the circumstances under which registered teachers are to be reported to the Teacher Registration Board of WA (TRBWA). Circumstances where a formal warning is issued to a teacher or their employment is ceased, as a result of a breach of the Code of Conduct that is suspected to have involved grooming behaviour, fits within the requirements of s.42, as well as being a reportable incident to the Director General of the Department of Education. (Please refer to section 2.2 of this document for details of s.42)*

8. What do I do if I see someone breach the Code of Conduct?

- *Act to prioritise the best interests of children;*
- *Take actions promptly to ensure that children are safe;*
- *Promptly report any concerns to the Principal or Head of School;*
- *Follow Living Waters Lutheran College's policies and procedures for receiving and responding to complaints and concerns, reports and/or allegations;*
- *Comply with legislative requirements on reporting if relevant, and with Living Waters Lutheran College's policy and procedure on internal and external reporting.*
- *Living Waters Lutheran College will not tolerate victimisation or other adverse consequences that are directed towards any person who makes such reports in good faith.*

9. Acknowledgement

You are asked to read, understand and agree to comply with the terms of this Code of Conduct including the information provided at the appendixes (Grooming and Definitions) and the Child Safe Adult Code of Conduct and Staff and Student Professional Boundaries. It is important to familiarise yourself with and consult College Policies and Procedures as required. These may be found at Complispace Policy Plus.

Acknowledgement for the code of conduct is made by each staff member via the LESNW learning platform.

A handwritten signature in blue ink, appearing to be 'A. H. Jones', written over a large, light blue oval scribble.

Principal Signature

24 January 2022

Appendix to Living Waters Lutheran College - Code of Conduct

Grooming (From Policy Plus)

Grooming is defined in the Registration Standards Guide as:

- the use of a variety of manipulative and controlling techniques
- with a vulnerable subject
- in a range of inter-personal and social settings
- in order to establish trust or normalise sexually harmful behaviour
- with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour.

It is conduct undertaken to prepare a child for sexual abuse at a later time or to conceal sexual abuse that has already commenced. Grooming behaviour can also refer to grooming of an adult associated with a child, to make it easier to procure the child for sexual abuse or to ensure that, if the child does disclose, that the adult does not believe the child.

Grooming behaviour towards children typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour. Grooming usually involves a perpetrator establishing a trusting relationship with a child and/or those associated with the child's care and wellbeing, to create an environment in which sexual abuse can occur.

Criminal Offences Involving Grooming

Grooming behaviour is, in certain circumstances, an offence under the Criminal Code and an offence under the Criminal Code Act 1995 (Cth).

Sections 320, 321, and 322 of the Criminal Code all include offences against children (aged under 13, aged between 13 and 15, and aged 16 or 17 under care, supervision or authority, respectively) that could involve grooming.

Each of these sections make it an offence to "procure, incite or encourage a child to engage in sexual behaviour". While these terms are not defined in the Criminal Code, they could include some conduct that could be considered grooming behaviour.

- In particular, the term "procure" can mean "to persuade or cause someone to do something," which may cover various forms of grooming.
- However, the terms "incite or encourage" may require that the offender explicitly suggest, request or urge the child to engage in sexual activity. Grooming behaviour that does not involve explicitly sexual communications may therefore not fall into these offences.

Section 204B of the Criminal Code makes it an offence for an adult to use electronic communication with the intent to procure a child aged under 16 to engage in sexual activity or to expose a child to any indecent matter. Under this section, the communication itself does not appear to need to involve any specific incitement or encouragement to the child to engage in sexual activity, but rather that the intent of the communication be to procure (i.e. to obtain) the child for that activity.

Under sections 474.26 and 474.27 of the Criminal Code 1995 (Cth), 'Using a carriage service to procure persons under 16 years of age', and 'Using a carriage service to groom persons under 16 years of age' are additional criminal offences.

- Carriage services include services for carrying communications, such as the post, telephone services, internet access services and 'voice over internet' services.

For both of these Commonwealth offences, it is a crime for an adult (the sender) to use a carriage services to transmit communications to a person aged (or who the sender believes to be aged) under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity with or in the presence of either the sender or another person (the participant).

Online Grooming

Online grooming is when an adult uses electronic means (including social media) in a predatory fashion to try and lower a child's inhibitions, or heighten their curiosity regarding sexual behaviour or activity, with the aim of eventually meeting them in person for the purposes of sexual activity. This can include communications through social media, online chat rooms, sexting or emails.

Both the WA and Commonwealth offences criminalise online grooming.

For the purposes of the WA grooming offences, section 240B specifically relates to electronic communication, which is defined as a communication by electronic means and includes (but is not limited to):

- email
- the Internet
- facsimile
- telephone, including mobile telephone
- radio
- television.

For the purposes of the Commonwealth grooming offences, 'carriage' services specifically include telephone and internet services.

Identifying Grooming

Grooming can be very difficult to identify. Grooming includes a range of techniques, many of which are not explicitly sexual or directly abusive in themselves. Most techniques do not appear unusual or remarkable in isolation, but instead involve many discrete acts that, on their own, are not necessarily criminal or abusive.

Possible Grooming Behaviour by Adults Associated with the College

- persuading a student or group of students that they have a special relationship
- asking a student to keep the relationship to themselves
- inappropriately allowing a student to overstep the rules
- testing boundaries, for example by undressing in front of a student
- manoeuvring to get or insisting on uninterrupted time alone with a student
- buying a student gifts
- insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it
- being overly interested in the sexual development of a student
- taking a lot of photos of a student
- engaging in inappropriate or excessive physical contact with a student
- sharing alcohol or drugs with a student
- making inappropriate comments about a student's appearance or excessive flattery
- using inappropriate pet names for a student
- making jokes or innuendo of a sexual nature with a student
- making obscene gestures or using obscene language with a student
- sending correspondence of a personal nature via any medium
- inviting, allowing, or encouraging students to attend a staff member's home without parental/carer permission

- entering change rooms or toilets occupied by students when supervision is not required or appropriate
- communicating with a child's parent/stepparent, legal guardian, teacher, religious official or spiritual leader with the intention of facilitating the child's involvement in sexual conduct
- inappropriately extending a relationship outside of work
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so.
- Possible Indicators that a Child May Be Subject to Grooming
- developing an unusually close relationship with an adult
- displaying significant mood changes, including hyperactive, sensitive, hostile, aggressive, impatient, resentful, anxious, withdrawn or depressed behaviour
- using 'street' or different language they learned from a new or older 'friend'
- having new jewellery, clothing, expensive items or large amounts of money that were gifts from a new or older 'friend'
- using a new mobile phone excessively to make calls, videos or send text messages to a new or older 'friend'
- being excessively secretive about their use of social media or online communications
- frequently staying out late or overnight with a new or older 'friend'
- being dishonest about where they have been or who they were with
- drug and alcohol use
- being picked up in a car by a new or older 'friend' from home or school or 'down the street'.

Possible Indicators that a Child May Be Subject to Online Grooming

- discovery of pornography on their computer or device
- receiving or making calls to unrecognised numbers
- increased or excessive amount of time spent online
- increased secrecy in what they are doing online and efforts to try and hide what they are doing online
- evidence of people on their 'friends' list that are unknown and they have never met offline.

What is NOT Grooming?

Certain behaviours or acts will not in isolation constitute grooming behaviour. However, where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

Similarly, not all physical contact between a student and a staff member or any person engaged by the College to provide services to children, including a volunteer, will be inappropriate and/or an indicator of possible grooming behaviour.

The following physical contact with students is not grooming behaviour:

- administration of first aid
- supporting students who have hurt themselves
- non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back
- non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.

Appendix B to Living Waters Lutheran College - Definitions

Definitions:

Child abuse

Four forms of child abuse are covered by WA law and are defined by the Department of Communities:

- (1) Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or caregiver.
- (2) Sexual abuse occurs when a child is exposed to, or involved in, sexual activity that is inappropriate to the child's age and developmental level, and includes sexual behaviour in circumstances where:
 - (a) the child is the subject of bribery, coercion, a threat, exploitation or violence;
 - (b) the child has less power than another person involved in the behaviour; or
 - (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.
- (3) Emotional abuse includes:
 - (a) psychological abuse; and
 - (b) being exposed to an act of family and domestic violence.
- (4) Neglect is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged or they are injured. Neglect may be acute, episodic or chronic.

Corporal punishment

Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; can also include, for example, forcing the child to stay in an uncomfortable position. It does not include the use of reasonable physical restraint to protect the child or others from harm. [UN Committee on the Rights of the Child, General Comment No. 8 (2006)].

Degrading punishment

Any punishment which is incompatible with respect for human dignity, including corporal punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child [UN Committee on the Rights of the Child, General Comment No. 8 (2006)].