

Living Waters Lutheran College

Staff and Student Professional Boundaries



This policy applies to all Staff, including the Principal and the College Executive Team, Board Members, teaching and non-teaching Staff, Volunteers, Contractors and External Education Providers (**together, known as "Staff" for the purposes of this policy only**).

Living Waters Lutheran College Staff hold a unique position of influence, authority, trust and power in relation to students at the College. As such, it is their duty, at all times, to maintain professional boundaries with students.

A breach of Staff and Student Professional Boundaries may in some circumstances be a criminal offence. The Criminal Code Act Compilation Act 1913 (WA) includes certain offences for persons, including teachers, Direct Contact Volunteers and Direct Contact Contractors, whose position places them in a position of care, supervision or authority, with a student. Refer to Offences under the Criminal Code Act Compilation Act 1913 (WA).

A breach of staff-student professional boundaries may constitute sexual abuse, and a pattern of unprofessional conduct may indicate grooming behaviour.

The following policy and guidelines are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations.

The practice of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against Staff.

Professional Standards for Teachers in Western Australia

This policy reflects information about professional boundaries in student-teacher relationships contained in Teacher-Student Professional Boundaries – A Resource for WA Teachers (the Resource), published by the Teachers Registration Board of Western Australia (TRBWA). The information in the Resource is designed to assist registered teachers to meet the Professional Standards for Teachers in Western Australia (the Professional Standards).

Standard 4 of the Professional Standards requires that teachers create and maintain supportive and safe learning environments. The following criteria under Standard 4 are particularly relevant to maintaining professional boundaries:

- 4.4 Maintain student safety
- 4.5 Use ICT safely, responsibly and ethically.

Standard 7 of the Professional Standards requires that teachers engage professionally with colleagues, parents/guardians and the community. The following criteria under Standard 7 are particularly relevant to maintaining professional boundaries:

- 7.1 Meet professional ethics and responsibilities
- 7.2 Comply with legislative, administrative and organisational requirements.

Living Waters Lutheran College Policy

Living Waters Lutheran College is committed to providing a safe physical, virtual and emotional environment where all of our students are respected and treated with dignity in an appropriate professional and caring manner, the risk of child abuse is minimised and a safe and supportive child safe environment is maintained.

It is our policy that:

- Staff exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times
- Staff identify, discourage and reject any advances of a sexual nature initiated by a student
- Staff interaction with students is professional at all times, including inside and outside of school hours
- conflict of interest issues must be reported to the Principal as soon as practicable
- equal learning opportunities are given to each student without discrimination
- appropriate consequences will be applied to Staff who breach professional boundaries.

It is the College's policy that any objectively observable behaviour that breaches Staff and Student Professional Boundaries is a child safety incident that must be reported internally. Any breach that meets the threshold for external reporting must also be reported to the relevant external authority. For more information, refer to Procedures for Responding to and Reporting Child Safety Incidents or Concerns.

What are Professional Boundaries?

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists.

The fact that Staff are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases this power imbalance is clear, however sometimes it may be more difficult to recognise especially for younger Staff who may only be a few years older than their students.

The following guidelines are not exhaustive, and, given that sometimes "grey areas" may occur, it is expected that all Staff (no matter their age or experience) use their own good judgment, think very carefully about the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution.

When unsure about whether professional boundaries are being, or have been, breached, ask yourself:

- Would I modify my behaviour if a colleague was present?
- Should I discuss this matter with another colleague?

- How would I feel about explaining my actions at a staff meeting, to the Principal, to parents/guardians or the TRBWA?
- Am I sharing information for the student's benefit, or for my benefit?
- Am I dealing with this student differently from others in similar circumstances?
- Is my dress, availability, language or demeanour different from normal when dealing with this particular student?

Intimate Relationships

Staff must not initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than professional basis. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents/guardians.

Such relationships have a negative impact on the teaching and learning of students and colleagues and may carry a serious reputational risk for the staff member and, in turn, the College.

The professional relationship of Staff and students may be breached by:

- flirtatious behaviour or dating
- development of an intimate personal relationship
- sexual relations
- the use of sexual innuendo, inappropriate language and/or material with students
- unwarranted and inappropriate touching
- unwarranted and inappropriate filming or photography
- deliberate exposure to sexual behaviour of others (e.g. pornography)
- having intimate contact without a valid context via written or electronic means (e.g. email, letters, telephone, text messages, social media sites or chatrooms)
- going out, whether alone or in company, to social events such as the movies or dinner
- exchanging gifts of a personal nature that encourages the formation of an intimate relationship.

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may violate professional boundaries and are strongly discouraged from doing so. Refer to the Relationships with Former Students section of this policy.

Personal Relationships and Grooming

Staff must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as having a personal rather than professional element. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents or guardians.

It is the **student's perception of staff behaviour** and not the intention of the staff member that is important.

In addition, Staff must refrain from conduct which could be considered as or perceived to be grooming.

An established and expected professional relationship between Staff and students may be compromised by Staff:

- attending parties or socialising with students outside of organised College events (without parental/carer permission)
- sharing personal details about their private lives with students
- meeting with a student alone outside of school hours without a valid context and without permission from the College and/or the parents/guardians. Refer to the Disclosure of Staff/Student Interactions section of this policy
- using intimate gestures or physical contact with particular students, such as hugging one or two particular students after an awards program
- encouraging students to call them by their first name (especially if the staff member is a teacher) when it is not the College's norm to do so
- gaining the trust of a student's family and friends as a way of integrating into the student's life, such as inviting the student and their family to attend the staff member's holiday home (other than in the context of Staff/Student Interactions in Community Settings and in Rural Areas)
- privately giving a student money, credit for a mobile phone or a meal, unless it is for an emergency such as a lost bus fare or having no food. Staff should notify their supervisor or the Principal and keep a record of such an emergency action
- using a student to gain a personal benefit - such as using a student's expertise or connections to obtain monetary gain, goods or services
- attempting to bribe a student into silence about that staff member's inappropriate conduct
- offering advice to a student on personal matters other than in an authorised situation such as authorised pastoral care
- asking a student questions about personal/sexual matters or not immediately stopping (respectfully) discussions of a personal/sexual nature that are not in keeping with the staff member's pastoral role
- speaking about a particular student constantly without a valid educational or pastoral reason
- hovering near a particular student at inappropriate times
- focusing inappropriate or excessive attention on a student who is 'vulnerable' - such as a student having problems with their parents, or who is new to the school and hasn't yet established a circle of friends.

Staff must recognise at all times that their role is not to be a "friend" or "parent" to a student.

Staff/Student Interactions in Community Settings and in Rural Areas

Staff members involved in social or sporting groups, or working in small towns or rural communities face additional challenges in managing professional boundaries with students and their families. They are more likely to interact with students out of school hours in social or sporting settings, at community clubs or at associations, or may be more likely to have social relationships with parents/guardians or other family members of the students at the College. Situations therefore may arise where there is unavoidable interaction between students and Staff outside of the College relationship.

The Resource provides the following guidance for Staff to help them to enjoy being involved in their community while also maintaining professional boundaries:

- Social contact should be generated via the relationship the staff member has with the event organisers (such as a social or sporting event), the parents/ carers or the adult family member of the student rather than through the student.

- Staff should avoid being alone with unrelated Living Waters Lutheran College students in community situations. Where this is unavoidable, it should only occur with the informed consent of parents. Refer to the Disclosure of Staff/Student Interactions section of this policy.
- Staff should conduct themselves in a way that will not give others reason to question their fitness/suitability to teach (in the case of teaching staff) and that will not create discomfort for their students.
- Consuming alcohol in these situations may lessen a staff member's capacity to judge when a professional boundary is at risk, so alcohol consumption should be avoided or limited.
- Staff should politely avoid discussing matters relating to their workplace and should not discuss any student's learning or progress, at social or sporting occasions.
- Any concern a staff member has about whether or not a situation may be compromising or may breach professional boundaries should be disclosed to a senior/supervising colleague or their principal in advance, and an approved plan of action prepared and followed. Refer to the Disclosure of Staff/Student Interactions section of this policy.

Relationships with Former Students

If a staff member engages in a romantic/sexual relationship with a person who was previously a student at the College, this may generate concerns that the staff member previously crossed professional boundaries whilst the former student was under the care of the staff member. In particular, concerns may arise that that the staff member engaged in grooming behaviour while the person was still a student.

Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the College, as there may be a reasonable belief that the emotional intimacy of that relationship developed while the person was still a Living Waters Lutheran College student and under the care of the staff member.

The College will investigate any complaint that a staff member has abused their position and acted unprofessionally by engaging in a relationship with a former student. In considering whether there has been a breach of professional boundaries, the College may take the following factors into account:

- the nature of the relationship, including its closeness, dependence and significance
- the length of the relationship while the former student was attending the College
- any conduct the staff member undertook which gives cause for concern.
- the length of time that has passed between when the person was a student at the College and the commencement of the relationship

By ensuring that their relationships with Living Waters Lutheran College students do not breach Staff and Student professional boundaries, a staff member who subsequently forms a relationship with a former student will be less likely to be considered to have breached professional boundaries in relation to that former student, provided that considerable time has passed between the time when the student was at school and the commencement of the relationship.

Fair Learning Opportunities

The main focus of teaching is effective student learning and as such, teachers are expected to support their students with their professional expertise so as to offer them the best education in their

individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning by:

- maintaining a safe and challenging learning environment that promotes mutual respect
- recognising and developing each student's abilities, skills and talents by catering to their individual abilities and respecting their individual differences
- encouraging students to develop and reflect on their own values
- interacting with students without bias
- not engaging in preferential treatment
- not discriminating against any student on the basis of race or ethnicity, sex, sexuality, disability or religious or political conviction
- always making decisions in students' best interests.

Electronic Communications between Staff and Students

It is expected that all Staff at the College will adhere to the following guidelines:

- all use of technology should be for educational purposes or for the organisation of co-curricular activities
- all email communication between Staff and students should be via the College email system and reflect a professional Staff/student relationship
- Staff should not communicate with students via text message where it is not in a professional context
- Staff should not give out their personal telephone numbers or social media contact details
- Staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the College
- if the College asks a staff member to interact with students on social media, the staff member must use a professional account specifically for the purposes of student communication
- Staff should not exchange personal pictures with a student
- teachers are not expected or encouraged to respond to concerns of parents/guardians or students on holidays, weekends or in the evening
- any student personal contact numbers or other personal contact details made available to the College should only be used for College communications.

Physical Contact with Students

All Staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all Staff at the College should adhere to the following guidelines for contact with students both in and outside of College grounds:

- Staff should avoid unnecessary physical contact with students
- minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g. congratulatory pat on the back or handshake)
- contact for sport, drama and dance instruction is acceptable in a class situation but not in a 1:1 situation. If physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and Staff must remain vigilant whilst engaging in

necessary contact situations. Once consent has been withdrawn no further contact can be or should be made.

Off-Campus Excursions and Camps

During off-campus excursions or camps, the same physical contact guidelines apply as well as the following:

- checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space
- always knock and advise of presence prior to entering a bedroom or dormitory
- ensure that while in a bedroom or dormitory a strict Staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken.

Managing Conflicts of Interest

Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interest may arise.

This may be more prevalent in close or rural communities where professional boundaries may be tested due to the nature and size of the community. In these circumstances, Staff need to be far more diligent in developing and maintaining these boundaries. For more information, refer to the Staff/Student Interactions in Community Settings and in Rural Areas section of this policy.

Where a staff member feels that a conflict of interest may exist, they should notify the Principal, or the Chair of the Board if the conflict involves the Principal, and arrangements should be implemented to avoid the conflict situation if possible. For example, the teaching of students by a staff member with a conflict should be avoided.

Any significant decisions relating to these students in the College (such as the appointment of classes or selection in sports teams) should be referred to another staff member and endorsed by a supervisor.

Disclosure of Staff/Student Interactions

To enable the College to be aware of appropriate and inappropriate interactions between Staff and students, it is Living Waters Lutheran College policy that all Staff are encouraged to declare any interactions with students outside of the College context. These interactions may include instances where the staff member is:

- related to the student
- friends with the student's parents or family
- given parental consent to interact with the student for academic purposes outside of school hours and the parent/carer has notified the College.

Declarations by Staff about a relationship with students and their families outside of the College context or about interactions that occur with the consent of the parent/carer must be verified by the parent/carer of the student.

Living Waters Lutheran College maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside the College context. These records are made available to the parents/guardians of a student upon request.

These records are kept in accordance with our Child Safe Record Keeping and Human Resources Management policies.

Staff Responsibilities

All Staff must:

- follow the guidelines as set out in this policy
- immediately report any conflicts of interest
- remove themselves from decision making where a conflict has been identified.

Consequences for Breaching the Staff and Student Professional Boundaries Policy

Where a staff member breaches this policy Living Waters Lutheran College may take disciplinary action that may include (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension or
- in the case of serious breaches, termination of employment, contract or engagement.

Implementation

These guidelines are implemented through a combination of:

- staff training and development in professional conduct
- student and parent/guardian education and information
- effective management of teachers engaging in inappropriate relationships with students
- effective management of conflicts of interest
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

Report Any Concerns

It is the College's policy that any breach of this Professional Boundaries Policy is a child safety incident. Therefore, all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors who witness, or suspect, objectively observable behaviour that breaches professional boundaries must report their concern internally to one of the College's Child Safety Contact Officers and, if required, also externally.

Staff who, in good faith, make an internal report alleging a breach of the Staff and Student Professional Boundaries policy will be protected from victimisation or other adverse consequences.

Our Child Safe Program includes information for Staff, Volunteers and Contractors as to how to identify key indicators of child abuse, grooming or other harm and how to report child safety concerns internally. It also contains detailed procedures with respect to the reporting of child safety incidents or concerns to relevant authorities.

Students are provided with information about and encouraged to use multiple pathways to raise child safety concerns about or at the College, including breaches of the Staff and Student Professional Boundaries. These include informal and formal ways, an 'anonymous' way, and external child advocacy or child safety organisations. See Child Safe Complaints Management.

Parents/guardians, family members or other community members who witness or suspect that there has been a breach of Professional Boundaries, or have concerns that a child or young person associated with the College may be subject to abuse, grooming or harm from a member of Staff, a Volunteer or a Contractor, should contact:

- the Principal or,
- if the concern relates to the Principal, the Chair of the Board.

You can also raise a concern through the College's Complaints Handling Policy.

Communications will be treated confidentially on a 'need to know basis'.

Whenever there are concerns that a child or young person is in immediate danger, the Police should be contacted on 000.

Child Safe Program – Staff and Student Professional Boundaries (Complispace)		
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