

Mercy<sup>†</sup>  
Limited  
Education  
AOM 88 104 031 876

# CODE OF CONDUCT

FOR



AUGUST 2016



# CONTENTS

1. PREAMBLE .....	3
2. PURPOSE .....	3
3. SCOPE .....	3
4. GUIDING PRINCIPLES .....	4
5. STANDARDS OF BEHAVIOUR .....	4
5.1 Child Safety	
5.2 Workplace Health and Safety	
5.3 Support the Mission and Reputation of Mercy Education	
5.4 Professional Conduct	
6. LEADERS .....	6
7. NON-COMPLIANCE WITH THE CODE OF CONDUCT.....	6
8. RELATED POLICIES, PROCEDURES AND RESOURCES .....	7

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# Code of Conduct

## 1. Preamble

Mercy Education Limited (MEL) is an incorporated ministry of the Institute of the Sisters of Mercy of Australia and Papua New Guinea (ISMAPNG). MEL is responsible for providing governance supervision of the Mercy colleges under its care.

In partnership with the family, the Catholic Church and the community, Mercy colleges endeavour to nurture a relationship with God in Jesus Christ, celebrate and share the Catholic faith, and educate to enable all to make a positive contribution to the world.

## 2. Purpose

The Code of Conduct has been developed to provide a framework of appropriate and acceptable behaviour expected of all MEL employees and volunteers in respect of their duties. The principles contained within the Code of Conduct promote MEL's education values of *Compassion, Justice, Respect, Hospitality, Service and Courage*.

The Code of Conduct establishes a standard by which all MEL employees and volunteers:

- conduct themselves toward colleagues, students, parents, employee representatives, contractors, government authorities and the wider college communities
- perform their duties and obligations as directed by the Board, or by the Principal acting as the Board's delegate in each college
- fulfil the mission, ethos, goals and objectives of MEL and its colleges
- promote child safety in the school environment
- promote and exercise fairness and equity

## 3. Scope

The Code of Conduct applies to all employees and volunteers of MEL.

The following additional guidance is provided for employees:

This document does not constitute part of your employment contract, but it does affect your obligations as an employee.

As an employer with staff in three States and five Dioceses the MEL Board is conscious that a number of alternative standards of professional behaviour may already exist for different staff groups, and that this MEL Code of Conduct may overlap other documentation.

The Board considers that it is nonetheless important that each and all of the 1,900 staff members of Mercy Education are clearly advised of Mercy Education's expectations in this regard. With this in mind, staff are requested to read the Code of Conduct, as much as possible, as complementary to other existing guidance.

Where there is any irreconcilable conflict between the expectations of this document and any other guidance:

1. The following documents should be read as superior to this code of conduct:
  - Relevant State or Federal legislation
  - Any diocesan Church or Catholic Education Office Policy that specifically encompasses congregational schools
  - Any applicable State-based or national teaching code
  - Your contract of employment
2. The Code of Conduct should be read as superior to:
  - any local school policy, procedures or practice
  - other guidance

The mere provision of additional or higher standards shall not, of themselves, constitute an “irreconcilable conflict”.

#### **4. Guiding Principles**

The Code of Conduct has been developed to promote the principles laid out in the *Integrity in the Service of the Church*, a document produced by the National Committee for Professional Standards, 2011. A full explanation of the Guiding Principles is contained in the publication: *National Committee for Professional Standards, 2011, “Integrity in the Service of the Church”, September 2011.*

The five Guiding Principles are:

- ***Commitment to Justice and Equity***
- ***Upholding the dignity of all people and their right to respect***
- ***Commitment to safe and supportive relationships***
- ***Reaching out to those who are poor, alienated or marginalised***
- ***Striving for excellence in the performance of their work***

## 5. Standards of Behaviour

All employees and volunteers of Mercy Education are expected to uphold appropriate standards of behaviour. Principals and those in leadership positions are expected to ensure that employees and volunteers understand their obligation to observe this Code of Conduct and to uphold appropriate standards of behaviour.

These standards of behaviour include:

### 5.1. Child Safety

*Central to the mission of Mercy Education is an unequivocal commitment to fostering the dignity, self-esteem and integrity of young people and providing them with a safe, supportive and enriching environment to develop spiritually, physically, intellectually, emotionally and socially.*

All employees, volunteers, contractors, clergy and college advisory council members are expected to:

- be aware of, and follow, all relevant policies, guidelines and instructions with regard to the safety of children and young people – in particular mandatory reporting obligations
- maintain appropriate professional boundaries around their behaviour towards children and young people – this includes avoiding unmonitored communications or interactions with students outside the school setting
- hold a current police check, professional registration and/or Working With Children Check (WWCC) card in accordance with applicable legislation
- report to the Principal or Board inappropriate conduct or conduct which might reasonably be considered to be a breach of this Code or a breach of criminal law
- report to the Police any conduct or concerns which might reasonably be considered to be illegal - such reporting would ideally be in conjunction with the Principal or Board but this is not a requirement of this Code

Staff and volunteers are expected to actively contribute to a school culture that respects the dignity of its members and affirms the gospel values of love, care for others, compassion and justice. They are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below:

#### **Acceptable behaviours**

All staff, volunteers, contractors, clergy and college advisory council members are responsible for supporting the safety of children by:

- adhering to the school's child safe policy and upholding the school's statement of commitment to child safety at all times
- taking all reasonable steps to protect children from abuse
- treating everyone in the school community with respect

- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children (for example, by not questioning an Aboriginal and Torres Strait Islander child's self-identification unless there is a specific need eg to clarify conflicting information)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that adults are not alone with a child
- reporting any allegations of child abuse to the school's leadership (or child safety officer if the school has appointed someone to this role)
- understanding and complying with all reporting obligations as they relate to mandatory reporting, including reporting under state specific legislation eg the Crimes Act 1958 (Victoria)
- reporting any child safety concerns to the school's leadership (or child safety officer if the school has appointed someone to this role)
- if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe
- reporting to the relevant state teacher registration authority (eg VIT, TRBSA or TRBWA) any charges, committals for trial or convictions in relation to a sexual offence by a registered teacher, or certain allegations or concerns about a registered teacher.

### **Unacceptable behaviours**

Staff and volunteers must not:

- ignore or disregard any suspected or disclosed child abuse
- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps)
- put children at risk of abuse (for example, by locking or blocking a door so that a student cannot exit the room)
- initiate unnecessary physical contact which children or do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability

- have contact with a child or their family outside of school without the school's leadership or child safety officer's (if the school has appointed someone to this role) knowledge and/or consent or the school governing authority's approval (for example, unauthorised after hours tutoring, private instrumental/other lessons or sport coaching). Accidental contact, such as seeing people in the street, is appropriate.
- have any online contact (including by social media, email, instant messaging etc) with a student or their family unless necessary eg providing families with e-newsletters or assisting students with their school work or other school related matters pertaining to the person's role
- use any personal communication channels such as a personal email account or personal social media account when communicating with students or families
- giving to students or families personal contact details such as personal phone numbers, personal social network identity or personal email addresses
- photograph or video a child without the consent of a parent or guardian
- work with, or be responsible for, children or otherwise be at work whilst under the influence of alcohol or illegal drugs. The only exception to drinking alcohol at a school event is when the Principal has given explicit permission for staff to drink moderately
- consume drugs at school or at school events in the presence of children or families.
- consume alcohol at school or at school events in the presence of children, other than at functions authorised by the Principal.

[Adapted from Source: VRQA]

## **5.2 Workplace Health and Safety**

All employees and volunteers are expected to:

- present for duty in sufficient physical and mental health to be capable of complying with their duty of care to their colleagues and students – this includes being unimpaired by alcohol, medication or drugs
- take reasonable care to ensure their own health and safety at work and avoid adversely affecting the health and safety of others – this includes following any established safety guidelines
- present to work in professional attire that is safe and appropriate to the role or functions of the staff member
- refrain from behaviour which constitutes bullying, discrimination or any form of harassment

### **5.3 Support the Mission and Reputation of Mercy Education**

All employees and volunteers are expected to:

- respect the moral values and teachings of the Catholic Church and ensure that their public conduct is consistent with that respect
- support the aims, philosophy and Mercy ethos of the school by their conduct and interactions with the school
- respect and comply with all Federal, State and local laws
- conduct themselves in a manner that will not discredit the school or Mercy Education
- act ethically and with integrity at all times

### **5.4 Professional Conduct**

All employees and volunteers are expected to:

- carry out their duties in a professional, conscientious and timely manner
- communicate (personally, in writing or via electronic communications) with all persons in a manner which is respectful, honest and courteous at all times
- respect the inherent dignity of all persons and maintain a proper regard for their welfare
- manage and declare situations that may give rise to a conflict of interest or the perception of such a conflict
- observe confidentiality in relation to confidential information and disclose such information only to authorised persons
- respect the privacy of personal and sensitive information (except where legal or moral reporting obligations exist)
- refrain from improperly using information gained in the course of their employment for personal or commercial gain for themselves or others
- comply with any lawful and reasonable direction given by the Principal or Board of MEL



## 6. Leaders

**Leaders** includes MEL Directors, Executive Office Staff, Principals, Deputy Principals, Business Managers and other staff holding positions of leadership or responsibility in schools.

In addition to the expectations of all MEL staff and volunteers outlined in Section 5, **Leaders** have additional responsibilities to:

- set a good example for all persons
- make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures
- act expeditiously in response to a complaint from any person
- provide opportunities for employees and volunteers to participate in decisions which affect them
- ensure all persons are treated fairly and equitably
- ensure that employees and volunteers understand what is expected with regard to the Code of Conduct and how complaints will be managed

## 7. Non-compliance with the Code of Conduct

MEL employees and volunteers are required to comply with this Code of Conduct.

Any person who holds a reasonable, good faith belief that this Code may not have been complied with may raise this matter with the Principal of the College in the first instance. If the matter relates to the Principal it may be referred directly to Mercy Education.

Following appropriate investigation, non-compliance with this Code may give rise to a range of outcomes, including counselling and/or disciplinary action including suspension or dismissal where appropriate. In the case of staff members, the performance management and dispute resolution procedures of the relevant industrial agreement will be honoured (subject to mandatory and professional reporting obligations).

***In some cases, non-compliance with the Code may also constitute civil or criminal offences and may result in civil action or criminal prosecution.***

All members of the College community also have access to the provisions of the Mercy Education Complaints Management Policy.

## 8. Related Policies, Procedures and Resources

This Code of Conduct is to be read in conjunction with, and is additional to, any other relevant MEL Policy, Procedure or Guideline. All MEL employees and volunteers are required to comply with the provisions of any such document.

Related documents and resources:

- National Committee for Professional Standards, 2011, *“Integrity in the Service of the Church”*, September 2011

<http://www.sydneycatholic.org/justice/royalcommission/pdf/Integrity%20in%20Service%20of%20the%20Church%20final%2027032013-v2013.pdf>

- Catholic Education Commission of Victoria (CECV) Procedures: Lay Principals In Catholic Secondary Colleges (March 2006)

<http://www.cecv.catholic.edu.au/vcsa/secondary/secindex.htm>

- Catholic Education Commission of Victoria (CECV): Our Schools - Child Safety

<http://www.cecv.catholic.edu.au/Our-Schools/Child-Safety>

- Catholic Education Commission of Western Australia (CECWA) Policy 2-C6: Appointment of Staff in Catholic Schools

<http://www.ceo.wa.edu.au/AboutUs/Governance/Policies/Pages/Stewardship.aspx>

<http://www.ceo.wa.edu.au/AboutUs/Governance/Policies/Pages/Community.aspx>

- Catholic Education South Australia (CESA)

<http://www.cesa.catholic.edu.au/our-schools/safety-security/policies-publications>

<https://online.cesa.catholic.edu.au/docushare/dsweb/View/Collection-360>

- Catholic Education Melbourne (CEM) Policy 2.2: Guidelines Relating to the Employment of Staff

<http://www.cem.edu.au/publications-policies/>

- Mercy Education Limited Policy 1.06 - Complaints Management Policy and Procedure

<http://www.mercy.edu.au/resources/dsp-default.cfm?loadref=112>

- Victorian Registration and Qualifications Authority

[http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjy76\\_pmbjOAhWGOJQKHeP\\_AV4QFggBMAA&url=http%3A%2F%2Fwww.vrqa.vic.gov.au%2Fchildsafe%2FPages%2Fdocuments%2FCode%2520of%2520Conduct%2520Acceptable%2520and%2520Unacceptable%2520Behaviour.docx&usg=AFQjCNEsc54BGKFr-2oJqIFRQK5DwNzfHw&sig2=ID4d7BAbLcX\\_gXaA70tutA&bvm=bv.129422649,d.dGo](http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjy76_pmbjOAhWGOJQKHeP_AV4QFggBMAA&url=http%3A%2F%2Fwww.vrqa.vic.gov.au%2Fchildsafe%2FPages%2Fdocuments%2FCode%2520of%2520Conduct%2520Acceptable%2520and%2520Unacceptable%2520Behaviour.docx&usg=AFQjCNEsc54BGKFr-2oJqIFRQK5DwNzfHw&sig2=ID4d7BAbLcX_gXaA70tutA&bvm=bv.129422649,d.dGo)

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