

1.10a

MERCY EDUCATION POLICY

1.10a CODE OF CONDUCT - EMPLOYEES AND VOLUNTEERS



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Code of Conduct

1. PREAMBLE

Mercy Education Limited (Mercy Education) is an incorporated ministry of Mercy Ministry Companions (MMC). MMC is responsible for ensuring, as faithfully as Catherine McAuley and her sisters, that the Catholic identity, charism and spirituality of schools previously under the stewardship of the Institute of Sisters of Mercy of Australia and Papua New Guinea (ISMAPNG), thrives into the future. Mercy Education is responsible for the governance of Mercy schools.

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

2. PURPOSE

This Code of Conduct (Code) has been developed to provide a framework of appropriate and acceptable behaviours expected of all Mercy Education employees and volunteers in respect of their duties. The principles contained within the Code promote Mercy Education's values of *Compassion, Justice, Respect, Hospitality, Service and Courage* and are in accordance with Mercy Education's zero tolerance to child abuse.

The Code establishes a standard by which all Mercy Education employees and volunteers:

- conduct themselves toward each other, including colleagues, children, students, parents, employee representatives, contractors, government authorities and the wider school community
- perform their duties and obligations as directed by the Board or by the Principal acting as the Board's delegate in each school
- fulfil the mission, ethos, goals and objectives of Mercy Education and its schools
- promote and ensure child and student safety and wellbeing, in a culturally safe school environment or school boarding environment
- promote and exercise fairness and equity.

3. SCOPE

The Code applies to all employees, Board Directors, non-Director Board Committee members and volunteers of Mercy Education.

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 Mercy Education Board is conscious that several alternative standards of professional behaviour may already exist for different employee groups and that this Code may duplicate, overlap or complement other professional codes or documentation

- The Board considers that it is nonetheless important that all employees of Mercy Education are clearly advised of Mercy Education’s expectations in this regard
- Employees must read and acknowledge the Code 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:
 - Relevant State or Federal legislation
 - Any applicable State-based or national teaching code
 - Your contract of employment
2. The Code should be read as superior to:
 - Any diocesan, Church or Catholic Education Office Policy that specifically encompasses Religious Institute & Ministerial Public Juridic Person (RI/MPJP) schools
 - any local school policy, procedure or practice
 - other guidance

The mere provision of additional or higher standards (such as other professional codes) shall not, of themselves, constitute an “irreconcilable conflict.”

4. DEFINITIONS

Child: A child is a person under the age of 18 years or as defined according to applicable legislation. Enrolled students over the age of 18 years are not included in the definition of a child.

Clergy: any cleric, member of religious institute or other persons who are employed or engaged by a Church body or appointed by a Church body to voluntary positions, in which they work with or are near children or young people or are engaged in other forms of pastoral care or chaplaincy.

NB: Whilst specifically the definition of the word ‘clergy’ is for ordained persons who are religious leaders serving the needs of their religion and its members, for the purpose of this document, it includes other professed religious personnel providing pastoral care or chaplaincy services.

Child abuse: includes

- a) any act committed against a child involving
 - (i) a sexual offence; or
 - (ii) an offence according to relevant State legislation
- b) the infliction, on a child, of—
 - (i) physical violence; or
 - (ii) (serious emotional or psychological harm; and
- c) the serious neglect of a child.

Child Safety: includes matters related to protecting children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse and responding to suspicions, incidents, disclosures or allegations of child abuse.

Conduct: the way an employee, volunteer, parent or member of the wider school community behaves in a school environment, school boarding environment or school-related situation.

Employee: an individual working in a school environment or school boarding environment who is:

- directly engaged or employed by a school governing authority
- a contracted service provider (whether a body corporate or any other person is an intermediary) engaged by the school governing authority to perform child-related work; or
- a minister of religion, a religious leader or an employee or officer of a religious body associated with the school (ref “Clergy”).

Learner: anyone who is enrolled at a school and is undertaking an approved curriculum.

School boarding environment: means any physical, online or virtual space made available or authorised by Mercy Education for a child or student boarding at a school boarding premises to use at any time, including:

- a) online or virtual school boarding environments (including email, intranet systems, software applications, collaboration tools, and online services);
- b) other locations provided by the provider of school boarding services or through a third-party provider for a child or student to use including, but not limited to, locations used for:
 - (i) camps
 - (ii) approved homestay accommodation
 - (iii) delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or
 - (iv) sporting events, excursions, competitions or other events.

School environment: means any of the following physical, online or virtual places, used during or outside school hours:

- a) A campus of the school
- b) Online or virtual school environments made available or authorised by the school governing authority for use by a child or student (including email, intranet systems, software applications, collaboration tools, and online services); and
- c) Other locations provided by the school or through a third-party provider for a child or student to use including, but not limited to, locations used for:
 - (i) camps
 - (ii) approved homestay accommodation
 - (iii) delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or
 - (iv) sporting events, excursions, competitions or other events.

Student means a person who is enrolled at or attends the school or a student at the school boarding premises.

Volunteers: individuals (including College Advisory Council Members and clergy) who are engaged by Mercy Education or its schools and perform work without remuneration or reward for the school or school boarding premises in the school environment or school boarding premises.

5. STANDARDS OF BEHAVIOUR

All employees and volunteers of Mercy Education are expected to uphold appropriate and agreed standards of behaviour. Principals and those in leadership positions with Mercy Education are expected to ensure that employees and volunteers understand their obligation to observe this Code 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 children and young people and providing them with a culturally safe, inclusive and enriching environment to develop spiritually, physically, intellectually, emotionally and socially.

All employees and volunteers are expected to:

- be aware of, and follow all relevant policies, guidelines and instructions regarding the safety and wellbeing of children and students, mandatory reporting obligations, school reporting protocols and Mercy Education internal reporting protocols
- maintain appropriate professional boundaries around their behaviour towards children and students – this includes avoiding unmonitored communications or interactions with children and students outside regular school hours and outside the school environment or school boarding environment and report to the Principal should any special circumstances that exist (e.g. child or student is a relative) or where there is a valid context or legitimate purpose for such interactions
- hold a current police check, professional registration and/or *Working With Children Clearance* (WWCC) in accordance with applicable legislation
- report to the Principal or Board any inappropriate conduct or conduct which may be a breach of this Code or a breach of criminal law
- report to the Police any conduct, suspicion or concern which may be illegal - such reporting would ideally be in conjunction with the Principal or Board but this is not a requirement of this Code

Teachers are also required to abide by the principles relating to relationships published by the relevant State Teacher Registration entity e.g. Victorian Institute of Teaching (VIT), Teacher Registration boards (TRBSA, TRBWA).

In their dealings with children or students, psychologists and school counsellors must also consider their professional obligations in accordance with a code of ethics or practice to which they are bound.

Employees 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 each other and in the company of children or students, as noted below:

Coaches, employees and volunteers involved in coaching, training or assisting children or students during sporting and recreation activities should adopt practices that encourage or assist children to feel safe and protected, including:

- using positive reinforcement and avoiding abusive, harassing or discriminatory language
- coaching children or students to be 'good sports'
- explaining the reason for the contact and asking for the child's or student's permission if physical contact with child or a student by a coach or other adult is necessary during a sporting or other recreational activity
- avoiding (where possible) situations where an adult may be alone with a child or student such as in a dressing or change room, first aid room, dormitory or when the child or student needs to be transported in a vehicle.

Acceptable behaviours

All employees and volunteers are responsible for supporting Mercy Education's zero tolerance to child abuse by:

- adhering to the school's child safe policy and upholding Mercy Education's Child Safety Policy at all times
- taking all reasonable steps to protect children and students from abuse
- treating everyone in the school community with respect
- taking into account the needs of all children and students
- listening and responding to the views and concerns of children and students particularly if they are telling you that they or another child or student has been abused or that they are worried about their safety/the safety of another child or student
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children and students (for example, by not questioning an Aboriginal and Torres Strait Islander child's or student's self-identification unless there is a specific need such as to clarify conflicting information)
- promoting the cultural safety, participation and empowerment of children and students with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance to discrimination)
- promoting the cultural safety, participation and empowerment of children and students with a disability (for example, during personal care activities)
- promoting the participation and empowerment of all children and students by involving them in decision-making regarding their own personal safety
- ensuring as far as practicable that adults are not alone with a child or student and implementing risk management strategies should this situation be necessary
- reporting any suspicion, incident, disclosure or allegation of child abuse to the Principal or school leadership (or child safety officer if the school has appointed someone to this role) or to the Board

- understanding and complying with all reporting obligations as they relate to mandatory reporting, including reporting under State legislation
- understanding and complying with all obligations as they relate to any State reportable conduct scheme including reporting in accordance with the school's reportable conduct policy and applicable State legislation
- reporting any child safety concerns to the school's leadership (or child safety officer)
- if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) is safe from harm
- reporting to the relevant state teacher registration authority (e.g. VIT, TRBSA or TRBWA) any charges, committals for trial or convictions in relation to a sexual offence by a registered teacher or specific allegations or concerns about a registered teacher
- ensuring that they comply with all applicable professional or occupational codes of conduct.

Unacceptable behaviours

Employees and volunteers must not:

- ignore, disregard or fail to disclose or report, any suspicion, incident, disclosure, or allegation of child abuse
- develop any 'special' relationships with children or students that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children or students which may be construed as unnecessarily physical (for example, inappropriate sitting on laps). If physical contact is required for technical instruction, it must be brief and only with the consent of the child or student
- put children or students at risk of abuse (for example, by locking or blocking a door so that a person cannot exit the room)
- initiate unnecessary physical contact with children or students or assist with things of a personal nature that a child or student can do for themselves (for example, toileting or changing clothes)
- initiate or develop a relationship with any child or student that is or can be misinterpreted as having a romantic or sexual, rather than on a professional, basis
- engage in open or overly friendly discussions of a mature or adult nature in the presence of children or students (for example, personal social activities)
- use inappropriate language in the presence of children or students
- express personal views on cultures, race, or sexuality in the presence of children or students
- discriminate against any child or student because of, but not limited to, age, gender, race, culture, vulnerability, sexuality, ethnicity, or disability

- have contact with a child, student or their family, outside of the school environment or school boarding environment without the knowledge and/or consent of the Principal (or delegate) or the approval of the school governing authority (for example, unauthorised after hours tutoring, private instrumental/other lessons or coaching). Accidental contact, such as seeing people in the street, is appropriate and where special circumstances exist (for example, child or student is a relative) or where there is a valid context or legitimate purpose for such interactions
- have any online contact (including by social media, email, digital messaging etc) with a child, student or their family unless necessary, for example, assisting with on-line learning in a virtual classroom, providing families with e-newsletters or other school related matters pertaining to the person's role
- use personal communication channels such as a personal email account, personal social media account, personal messaging or chat rooms when communicating with children, students or their families
- give to children or students or their families, personal contact details such as personal phone numbers, personal social network identity or personal email addresses
- photograph or video a child or student without the consent of a parent or guardian, or exchange personal images with a child or student
- deliberately expose a child or student to the sexual behaviour of others (for example, pornography)
- store digital images of a child or student except on school approved devices and only with the permission of the parent and/or guardian
- seek unwarranted opportunities to be alone with a child, or student, for example, 1:1 help sessions
- work with, or be responsible for a child or student whilst under the influence of alcohol or illegal drugs
- consume illegal drugs in the school environment or school boarding environment in the presence of a child, or student or their family
- consume alcohol in the school environment or school boarding environment in the presence of a child or student or their family, unless authorised by the Principal.

Employees must also be aware that a professional relationship may be compromised if a teacher has a sexualised relationship with a former learner within two years of the learner completing their senior secondary schooling or equivalent. In all circumstances, the former learner must be at least 18 before a relationship commences. See Principle 1.5 '*The Victorian Teaching Profession's Code of Conduct*' [VIT's Code of Conduct](#).

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, children and students – this includes being unimpaired by alcohol, medication, or drugs
- take reasonable care to ensure their own health and safety at work and the health and safety of others – this includes following established safety guidelines
- present to work in professional attire (including appropriate footwear) that is safe and appropriate to the role or functions of the school employee, or wear the uniform designated by the school for a particular role
- refrain from behaviour which constitutes bullying, discrimination or any form of violence or harassment
- ensure that any offsite or remote workplace, including a virtual environment is safe and appropriate for working with colleagues, volunteers, children and students
- use high visibility classrooms/offices and common spaces such as the library or shared work areas with children or students as much as possible or when practical for the activity

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 in this 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

5.4 Professional Conduct

All employees and volunteers are expected to:

- carry out their duties in a professional, conscientious, and timely manner
- communicate at all times in a manner which is respectful, honest, timely and courteous.
- respect the inherent dignity of all persons and maintain a proper regard for their safety and wellbeing
- declare and manage situations that may give rise to a conflict of interest or the perception of such a conflict
- observe confidentiality in relation to the communication, secure storage and disposal of 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 Mercy Education

6. LEADERS

Leaders include Mercy Education Directors, Executive Office Staff, Principals, Deputy Principals, Business Managers and other employees holding positions of leadership or responsibility in schools.

In addition to the expectations of all employees and volunteers outlined in Section 4, Leaders have additional responsibilities to:

- set a good example for others
- make decisions fairly, impartially and promptly, considering available information, legislation, policies and procedures
- act expeditiously in response to a suspicion, incidents, disclosure or allegation of child abuse or a complaint from any person
- provide opportunities for employees, volunteers, children and students to participate in decisions which affect them
- ensure all persons are treated fairly and equitably
- ensure that employees and volunteers understand the expectations of the Mercy Education Code of Conduct
- ensure that employees and volunteers understand how complaints are managed by the school and by Mercy Education

7. NON-COMPLIANCE WITH THE CODE OF CONDUCT

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

Any person who holds a reasonable belief in good faith, that this Code may not have been complied with, may raise this matter with the school Principal in the first instance. If the matter relates to the Principal, it may be referred directly to Mercy Education. If the matter relates to a child protection concern or alleged child abuse it must be referred directly to the Chief Executive or the Board Chair.

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

In some cases, non-compliance with the Code may constitute a civil or criminal offence and result in prosecution.

All members of the College community 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, other relevant Mercy Education Policies, Procedures or Guidelines. All Mercy Education employees and volunteers are required to comply with the provisions of such documents.

Related documents and resources:

Australian Catholic Safeguarding Ltd (ACSL)

- <https://www.acsltd.org.au/>

Catholic Education Commission of Victoria (CECV)

- [Guidelines on the Employment of Staff](#)
- [Our Schools - Child Safety](#)
- [Salary and Conditions Secondary Principals](#)
- [Recommended Procedures for Catholic Secondary Principals \(December 2016\)](#)

Catholic Education South Australia (CESA)

- <https://www.cesa.catholic.edu.au/our-schools/safe-environments-for-all>

Catholic Education Commission of Western Australia (CECWA)

- <https://policy.cewa.edu.au/executive-directive/employment/>
- <https://policy.cewa.edu.au/executive-directive/governance-risk-and-compliance/>

Legislation

- *Model Work, Health, and Safety Laws (as applicable to states)*
- *Ministerial Order 1359 (Vic) Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*
- *Criminal Law legislation (as applicable to states)*

Mercy Education Limited (MEL)

- *1.06 Policy: Complaints Management*
- *1.10 Policy Codes of Conduct*
- *1.10b Parent Code of Conduct*
- *6.09 Policy: Child Safety*

National Committee for Professional Standards, 2011, "Integrity in the Service of the Church", September 2011

- <https://www.catholic.org.au/documents/1345-integrity-in-service-of-the-church-1/file>

Statutory Authority for the Teaching Profession

Teachers Registration Board of South Australia

- *Australian Professional Standards for Teachers and Registration in South Australia*
- *Code of Ethics for the Teaching Profession in South Australia*

Teacher Registration Board of Western Australia (TRBWA)

- *Professional Standards for Teachers in Western Australia*
- *Teacher-Student Professional Boundaries - A Resource for WA Teachers*

Victorian Institute of Teaching (VIT)

- *Victorian Teaching Profession's Codes of Conduct and Ethics*

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2.1	August 2021	August 2024	Head of People & Culture	MEL Board
3.0	June 2022	June 2023	Head of People and Culture	MEL Board

I have read and I agree to the Mercy Education Code of Conduct.

Name: _____

Position: _____

Organisation: _____

Date: _____