

CATHOLIC SCHOOLS OFFICE
Diocese of Broken Bay



PROFESSIONAL GUIDELINES FOR SCHOOL STAFF
IN THEIR RELATIONSHIPS WITH STUDENTS

Understanding acceptable standards of behaviour

April 2008
Catholic Schools Office Diocese of Broken Bay
PO Box 067 Pennant Hills NSW 1715
tel: 9847 0000 fax: 9847 0001
website: www.cso.brokenbay.catholic.edu.au

© Catholic Schools Office Diocese of Broken Bay 2008



Licensed under NEALS

Foreword

One characteristic of our Catholic schools is the pastoral care and commitment of staff and volunteers working in our schools. Within this context of developing a safe and supportive environment for our students, we have developed these guidelines entitled, *'Professional Guidelines for School Staff in their Relationships with Students'*, for both teaching and support staff, to assist you in defining professional boundaries and acceptable practices in your interactions with students.

The document provides information on appropriate and inappropriate behaviour in key areas of professional practice including communication with students, physical contact with students, student management and care and maintaining professional boundaries. It is hoped that awareness of the principles and the practical information contained in the guidelines will give you confidence in managing your interactions with students without undue concern about potential negative consequences arising from such interactions.

The guidelines are not intended to be overly prescriptive. The purpose of the guidelines is to affirm what you are already doing well, to encourage you to think about areas of concern or situations that may place you at risk and to take appropriate action to manage those risks. The guidelines are not intended to cover every possible situation. Recognising this, you are encouraged to discuss any emerging issues with your Principal or other colleagues.

The professional guidelines were developed following consultation with all schools and a number of staff. The majority of staff surveyed indicated such a document is both necessary and helpful. It is hoped that the professional guidelines will promote the professional standing of all staff, enhance your teaching practice and provide you with peace of mind so that you can get on with the core business of teaching and learning.

I commend these guidelines to you and encourage you to use them as a practical reference guide.

A handwritten signature in black ink, reading "Br. Tony Whelan", followed by a large checkmark.

Br Tony Whelan cfc
Director of Schools

Professional Guidelines for School Staff in their Relationships with Students

7.1	Introduction
7.2	Guiding principles for providing a safe work environment for staff
7.3	Key expectations of staff in their relationships with students
7.3.1	Duty of care
7.3.2	Maintaining professional boundaries with students
7.4	Sexual misconduct.....
7.4.1	Improper conduct of a sexual nature
7.4.2	Sexual grooming
7.4.3	Good practice to prevent sexual misconduct concerns
7.5	Physical contact with students
7.5.1	Appropriate physical contact to assist or encourage a student
7.5.2	Physical contact initiated by students
7.5.3	Using non-physical intervention in a student management situation
7.5.4	Appropriate use of physical restraint
7.5.5	Factors to consider when using physical restraint upon a student
7.6	Neglect of students
7.7	Discipline and management of students.....
7.8	Psychological harm of students.....
7.9	Working with students with special needs
7.10	School-based protocols.....
7.11	Reporting obligations
7.11.1	Concerns relating to suspected risk of harm.....
7.11.2	Concerns involving reportable conduct.....
7.11.3	Concerns involving criminal conduct.....
7.11.4	Reporting to the Commission for Children and Young People

Appendix 1

Developing Professional Relationships with Students.....
--

7.1 INTRODUCTION

The Diocese of Broken Bay is committed to developing an educational and organisational culture based on mutual trust and respect.

All staff working in Diocesan schools are expected to act professionally and in accordance with system requirements in the exercise of their roles and responsibilities. This document is intended to provide particular assistance to staff in the fulfilment of their professional duties in their interaction with students and to give clarity to acceptable and unacceptable forms of conduct.

This document is not intended to cover all situations in which staff are expected to act professionally. Staff are trusted to exercise professional judgement and if in doubt are expected to consult with a more senior member of staff or member of the school executive.

The term staff is used generically throughout the document. Some examples, practices and responsibilities outlined in this document may be more applicable to particular staff groups, for example, primary school staff as opposed to high school staff or teaching staff as opposed to support staff. However, the general principles contained within the document apply to all staff engaged directly or indirectly within Broken Bay Diocesan systemic schools including teachers, support staff, Catholic Schools Office (CSO) staff, volunteers and contractors.

Due diligence is required by all staff to:

- ensure that student safety is paramount within our schools
- be aware of these guidelines and to implement the principles in their daily interactions with students
- review their professional practice on an ongoing basis
- maintain the integrity of their career through appropriate professional practice
- ensure that staff of the Broken Bay Diocese act appropriately in all areas of child protection
- avoid the personal and financial costs associated with complaint processes or litigation flowing from inappropriate staff : student relationships.

7.2 GUIDING PRINCIPLES FOR PROVIDING A SAFE WORK ENVIRONMENT FOR STAFF

All staff and students have the right to a safe and supportive environment free from any form of abuse or harm.

The relationships between staff and students are governed by trust, the ethical values of the teaching profession and the specific values of Catholic education.

Staff and student interactions take place within a working relationship that involves specific and mutual rights and responsibilities.

All of these relationships take place within a legal context that supports the rights of all concerned.

7.3 KEY EXPECTATIONS OF STAFF IN THEIR RELATIONSHIPS WITH STUDENTS

7.3.1 Duty of care

All staff have a duty of care to ensure no student is exposed to any reasonably foreseeable risk of harm. The standard of care owed to students by teachers is that of a caring professional. The standard of care also needs to take account of the age, maturity and level of dependence of students. In their relationships with students, staff are always expected to act in accordance with their professional status, ensuring that the physical, emotional, spiritual and psychological welfare of the student is safeguarded, and that their behaviour with students is always regulated by this professional relationship, both within and beyond the school setting.

The duty of care obligation encompasses but is not limited to the following:

- minimising risks to students through school activities by undertaking an assessment of possible risks prior to the activity and taking action to minimise identified risks
- ensuring staff responsible for supervising students have appropriate training and experience
- providing adequate supervision for students
- ensuring that clear school procedures and policies are available and applied in the school in all matters affecting students including but not limited to student discipline, serious incidents and reporting risk of harm
- treating students with respect, sensitivity, fairness and consistency.

Staff cannot delegate the responsibility for exercising their duty of care.

7.3.2 Maintaining professional boundaries with students

The relationship of staff member and student is a professional relationship. There is an inherent imbalance of power in the relationship by virtue of the adult: child dynamic, the staff member's expertise, and the authority the staff member is able to exercise over the student.

The staff member must not take advantage of their position and power by mistreating the student or violating the student's trust.

While it is recognised that teaching is a nurturing profession and that staff play a significant role in students' lives, staff are responsible for establishing and maintaining a professional role with students and clear professional boundaries.

Staff members may fail to maintain professional boundaries by operating beyond the responsibilities of their teaching role or beyond their expertise. Students who raise significant personal problems with a trusted teacher should be referred to a person on staff with specialised skills, for example, a school counsellor or pastoral care coordinator.

Staff must not develop a relationship with a student which may be misinterpreted as a personal rather than a professional interest in the student. Blurring of the professional boundaries may have harmful consequences for the student and staff member concerned. The whole learning process may be undermined and the staff member's professional reputation affected.

Failure to maintain appropriate professional boundaries may lead to misunderstandings and possible complaints of reportable conduct or professional misconduct.

Deliberate or intentional violations of professional boundaries may result in disciplinary action for the staff member.

It is recognised that at times students may misconstrue a staff member's actions or actively seek to engage with a staff member in a manner that may cross professional boundaries. In such circumstances, staff members are advised to actively manage the situation and to seek assistance from a senior staff member in doing so.

Practical measures for staff members in managing students who seek to 'push the boundaries' include but are not limited to:

- being aware of any cues from the student
- ensuring a staff member is never alone in an isolated environment with the student
- staff members taking steps to distance themselves from the student, for example, the staff member changing their mobile phone number if the student has it, limiting communication to what is necessary to maintain the professional relationship, and actively discouraging further communication
- keeping notes of any interactions which do occur even if apparently insignificant – this may assist if the student later makes a complaint
- telling someone, preferably the principal, about any concerns as soon as practicable.

If a staff member is ever in any doubt about his or her relationship with a student, or about the inappropriate action of a colleague, he or she should discuss the situation with the principal, principal's delegate or seek advice from the CSO. If the concern is about the principal then a staff member should seek advice from the schools consultant.

The principles outlined above apply regardless of the age of the student involved.

The following self-assessment may assist staff members in assessing their application of professional boundaries:

- am I dealing in a different manner with a particular student than with others under the same circumstances?
- would I not be doing or saying this if a colleague was present?
- is my dress/availability/language different from the norm with a particular student?
- have I engaged in electronic communication (email, sms, and chatrooms) with students for purposes unrelated to education?
- is my conduct towards any student demeaning or belittling?
- are the consequences of my actions likely to have negative outcomes for myself or the student?
- are my personal feelings translating into inappropriate actions?
- have I accessed personal or sensitive information held by the school about a student or his or her family for purposes unrelated to education or professional interest?
- am I withholding information about my relationship with the student from the student's parents or other person in authority?
- am I encouraging a particular student or group of students to disrespect or breach school rules, for example in relation to attendance, uniform, use of electronic equipment?
- am I meeting my own personal needs through my relationship with a particular students or group of students?

If the answer to any of these questions is yes then it is likely a professional boundary is being crossed.

The following table may assist staff in identifying areas of possible poor professional practice which could also constitute professional misconduct or reportable conduct:

Table 1

Area of practice	Example of poor practice
Communication with students	<ul style="list-style-type: none">• inappropriate comments about a student's appearance (sexual or demeaning)• inappropriate conversation of a sexual nature• use of inappropriate pet names• jokes of a sexual nature• obscene gestures and language• personal correspondence including email, phone, SMS text (see below*)• teasing a student• making threatening comments to a student• shouting at a student to intimidate• publicly humiliating a student in front of others• bullying or harassing a student• gossiping with students about other students or staff, particularly within earshot of students

	<ul style="list-style-type: none">• making comments to a student of a discriminatory nature on the basis of gender, race, sexuality or disability
Self disclosure to students	<ul style="list-style-type: none">• engaging in discussions regarding personal life of self or others (see below**)• sharing of personal information about other staff or students with other students
Physical contact with students (see also 7.5)	<ul style="list-style-type: none">• initiating or permitting unwarranted and/or inappropriate physical contact with a student for example:<ul style="list-style-type: none">○ unnecessarily putting arms around a student when instructing them on a computer or using machinery○ massaging a student when they are stressed○ allowing a student to sit on a staff member's lap○ corporal punishment eg. hitting smacking, caning physically preventing a student from entering or leaving a classroom○ throwing objects at students to get their attention
Conduct which may be construed as a personal interest in a student (see also 7.4.2)	<ul style="list-style-type: none">• inviting students home• being alone with a student after hours• being alone with a student behind closed doors• watching students in a change room• driving a student unaccompanied without prior approval from principal and without permission from the student's parents• giving gifts (eg. CDs, DVDs, clothing, ice creams, sweets or more expensive items) and special favours (eg. relaxing the rules, allowing extensions not permitted to other students)• socialising with students• tutoring a student without permission from parents and knowledge of principal• writing letters or notes to a student

* Inappropriate personal correspondence with a student means correspondence with a student on matters unrelated to curriculum or the students' schooling. It is not limited to correspondence of a sexual nature. It also does not include correspondence under approved protocols for electronic communication with students on matters related to curriculum or schooling (for example, homework or assignments completed via email or castnet).

** Inappropriate discussions regarding personal life of self or others does not include circumstances where it may be appropriate and necessary to draw on relevant personal life experiences when teaching. It also does not include the specific PDHPE context where conversations of a

personal nature may necessarily need to occur in order for students to participate and learn. However, generally speaking if a student initiates a conversation with a staff member regarding the staff member's personal life or that of another person it is better practice to politely disengage from the conversation.

7.4 SEXUAL MISCONDUCT

7.4.1 Improper conduct of a sexual nature

Staff must not, under any circumstances, engage in an intimate or sexual relationship with any student at any school. It is irrelevant whether the relationship is consensual or condoned by parents or caregivers. The age of the school student or staff member involved is irrelevant. Once a person becomes a staff member the moral and legal expectation is that they will not become involved in a sexual relationship with a student.

In rare circumstances it is possible that a teacher who is a young first year teacher may have been involved in a relationship with an older high school student before completing his or her training and seeking employment. The prohibition outlined above still applies. It is suggested that teachers in such a position declare the conflict of interest prior to commencing employment.

Improper conduct of a sexual nature by a staff member against a student includes sexual intercourse and any other form of sexual misconduct including but not limited to the following:

- obscene language or gestures of a sexual nature
- inappropriate conversations of a sexual nature
- dressing in a manner that may be considered revealing or provocative
- comments that express a desire to act in a sexual manner
- unwarranted and inappropriate touching
- sexual exhibitionism
- undressing in front of students
- personal correspondence (including electronic communication) with a student regarding sexual feelings
- deliberate exposure of students to sexual behaviour of others, including display of pornography
- possession of pornography in the workplace.

7.4.2 Sexual Grooming

Sexual misconduct can include *grooming behaviour*. Grooming behaviour is a process whereby an adult person may condition and build rapport with a child or young person and his or her family using tactics to establish

trust, in order to reduce resistance to and compliance with sexual assault. The grooming process may include strategies such as:

- persuading a child or young person or his or her family that a special relationship exists
- spending inappropriate special time with the student during or outside of school hours
- inviting the child or young person to social events outside of school hours
- providing drugs or alcohol to a student
- inappropriately giving gifts
- showing special favours to a particular student but not with other children or young people
- allowing the student to overstep the rules
- testing of boundaries – including but not limited to undressing in front of a child or young person, allowing a child or young person to sit on a staff member's lap, talking about sex and accidental touching of genitals.

Isolated incidents of the above behaviours may not be indicative of grooming, but if there is a pattern of behaviour that has occurred this may be indicative of grooming.

7.4.3 Good practice to prevent sexual misconduct concerns

Most of the self assessment questions at 3.2.11 and some of the examples in the table in 3.2.12 offer some guidance in identifying appropriate professional boundaries in this area. However, there are some situations peculiar to the area of sexual misconduct which require particular consideration.

In some situations in performing their professional role with students, staff may be required to work on a one-to-one basis with a student. This may include counselling and educational testing. Some safeguards for working with students in such circumstances include:

- obtaining approval of the principal
- obtaining permission from the parents especially in circumstances where the arrangement is ongoing for example, coaching or tutoring
- ensuring that the principal or another staff member is aware of the date, time and location of any meetings with the student
- in terms of the meeting location, ensuring visibility into the room and/or keeping the door open or meeting in an open or public location.

In circumstances where confidentiality is an issue for example, counselling sessions or if the student specifically requests a confidential environment in which to talk with the staff member, it is important that the staff member observes some safeguards including but not limited to:

- ensuring that the principal or another staff member is aware that the meeting will occur. If this is not possible beforehand, then telling someone immediately afterwards
- documenting the contact in a personal diary or notebook, recording the date, time and general details of the contact including any advice given. This is for the staff member's purpose only and to assist in the unlikely situation that a complaint of inappropriate conduct is made against the staff member by the student
- being aware of the reporting obligations in the area of child protection (see 7.11) and, in the event that a disclosure of a child protection nature is made by the student, explaining to the student that the staff member is required to pass on the information to the principal.

Where a pre-existing personal relationship (such as a family relationship or close friendship) exists between a staff member and a student, the staff member must advise the potential conflict of interest to the principal.

In interactions with students who do not attend the school, staff should exercise caution as the development of a close personal relationship with a student (excluding family members) can be open to misinterpretation or could be construed as grooming behaviour. Staff are expected to be aware of the range of behaviours that constitute grooming or that may be viewed as inappropriate conduct. If for some reason, a staff member has a close, personal relationship with a child or young person beyond his or her school responsibilities (excluding family members), the staff member should take appropriate action to manage the potential risks of misinterpretation. Appropriate action includes but is not limited to discussing the situation with the principal, parent, or other person in authority.

Under the legislative framework in place for protecting children and young people, staff members are required to bring to the attention of the principal or principal's delegate any concerns relating to possible sexual misconduct by another staff member towards a student. They are also required to disclose any similar concerns regarding their own conduct (see 7.11).

Should any student engage in inappropriate behaviour of a sexual nature towards a staff member then it is the responsibility of the staff member to take steps to discourage the behaviour in a calm and sensitive manner and then to report the matter to the principal immediately. The principal should then contact the senior education officer, pastoral care, or the child protection team.

Should any student engage in inappropriate behaviour of a sexual nature toward another student, staff members should report the matter to the principal immediately. It is important that staff do not try to interview the students involved. The principal must contact the senior education officer, pastoral care or the child protection team who will work collaboratively with the principal and schools consultant to handle the matter. Student sexualised behaviour is a specialised area requiring specialist intervention and risk management [see section 3.13 and section 8 of the Child

Protection Resource Manual for Diocesan Systemic Schools (Child Protection Resource Manual)].

7.5 PHYSICAL CONTACT WITH STUDENTS

A *hands off* approach with students is not always possible or appropriate. The duty of care obligation requires physical intervention or contact in certain circumstances in order to ensure the safety of students. For example, some subjects may require a level of physical contact in order for students to be appropriately instructed thereby ensuring their safety. These include but are not limited to:

- PDHPE activities such as gymnastics which may require physical contact to ensure that students are not injured in performing certain tasks
- TAS lessons where physical contact may be appropriate in instructing students, for example, in the use of machinery which may cause serious injury if not used properly.

If staff are not clear about appropriate physical contact with students they should seek guidance from a member of the school executive or relevant subject coordinator.

This issue is about balancing the duty of care (the requirement to instruct, demonstrate and ensure the safety of students) with the necessity of the physical contact in the particular situation (the nature and level of physical contact required). For example, in instructing a student how to use a cricket bat or how to shoot a hoop in basketball or netball, it is not necessary for the PDHPE teacher to make physical contact with the student as opposed to providing verbal instructions and a demonstration.

This section addresses the following:

- appropriate physical contact by a staff member to assist or encourage a student
- the use of non-physical intervention in a student management situation
- appropriate use of physical restraint.

7.5.1 Appropriate physical contact to assist or encourage a student

Besides the examples outlined above, staff members may at times be required to give practical assistance to a student who is hurt or needs particular assistance or encouragement. The following types of physical contact are considered acceptable:

- physical contact with students as a clear expression of nurturing for example, comforting a distressed child or giving a congratulatory pat on the back
- administration of first aid or assessing an injury
- helping a student who has fallen or is injured
- assisting with the toileting of a young child or disabled student provided that an individual plan for students requiring such assistance

has been discussed with the parents and implemented. If not, then school staff should alert the principal to the need for a plan to be developed

- gently touching a young child in order to attract his or her attention.

Physical contact that is established to be accidental would not be considered inappropriate.

Some examples of good practice in the area of physical contact include but are not limited to:

- in normal classroom situations avoid touching a student anywhere other than the hand, arm, shoulder, or upper back
- avoid physical contact with a student's head or neck area. This includes avoiding tapping students on the head to get their attention
- do not throw items at students other than as part of a curriculum exercise and in a manner which is safe and appropriate (this includes not throwing bags, clothing, shoes, pens, erasers and books at students whether or not to get their attention)
- avoid being alone with a student in an isolated area or behind closed doors. If through no fault of the staff member this situation occurs avoid physical contact with the student unless there is serious danger or risk to the student which may necessitate physical contact, for example, first aid
- do not presume that a hug or touch is acceptable to a particular student. What the staff member considers acceptable may not be comfortable for the student
- whenever possible use verbal directions rather than physically handling a student, for example, asking a student to turn around, rather than physically turning the student around
- when demonstrating or instructing students in circumstances in which physical contact may be necessary:
 - explain what the physical contact is for
 - if practicable, ask for volunteers to demonstrate
 - seek the student's permission before making physical contact
 - if the student does not give permission for the physical contact to occur, do not proceed.

7.5.2 Physical contact initiated by students

Staff members must not encourage students to initiate physical contact with them. However, it is recognised that in certain circumstances students may initiate contact with a staff member without any encouragement by the staff member for example, young children who climb onto a teacher's lap or reach out to hold the teacher's hand.

The physical contact initiated by the student may be uncomfortable for the staff member or it may be considered inappropriate. Either way, the staff member needs to take some action to manage the situation.

The way in which the physical contact may be viewed depends on the nature of the physical contact, the context in which the contact is occurring and the age, maturity, developmental level and other factors regarding the student which may provide a reasonable explanation for the physical contact. For example, a teacher seen with a kindergarten student on his or her lap may be viewed differently to a male high school teacher seen with a Year 11 female student sitting on his lap.

It is important that staff do not panic if a student makes physical contact with them. As noted in 7.5.1 certain physical contact is acceptable. The context will determine the action the staff member should take. If a staff member feels uncomfortable, or it is clear that the contact is inappropriate, it is okay for the staff member to redirect the student without causing unnecessary distress or embarrassment to the student. With younger children it may not be necessary to draw his or her attention to the fact. For example, a teacher with a young child on his or her lap may gently remove and distract the child without commenting on the reason for doing so. With older students it may be appropriate that in addition to redirecting the student, the staff member also provide an explanation to the student without judging, shaming or otherwise making the student feel wrong for initiating the contact.

7.5.3 Using non-physical intervention in a student management situation

Non-physical intervention is the most appropriate means of managing student behaviour. Where a problem with a student becomes apparent, non-physical interventions include:

- directing other students to move away from the situation
- talking with the individual student in a calm, non-threatening manner to diffuse the situation ("what do you want me to do")
- encouraging the student to move to a safe place
- sending for assistance from other staff, or in extreme cases, the Police.

It is important to de-escalate the situation by approaching the student in a non-confrontational manner. Although the student's behaviour needs to be addressed, it may be more appropriate to talk about issues and consequences of his or her behaviour at another time.

It is not appropriate to make physical contact with students, including their personal possessions (for example, pushing, grabbing, poking, pulling, grabbing of backpack) in order to ensure they comply with directions.

It is not appropriate to physically block students from entering or leaving a classroom or to pursue a student if he or she is trying to run away unless there is a reasonable concern for the safety of the student or others.

Under no circumstances should staff physically threaten or intimidate a student or engage in any form of conduct that might cause physical or emotional harm to students.

Under no circumstances should staff physically assault any student. Assault involves either hostile or reckless application of force or the threat of such force. Physical contact to protect students from danger or harm to themselves that is both reasonable and necessary would not amount to physical assault.

Any staff member who feels physically threatened or intimidated by any student should immediately report his or her concern to the principal so that appropriate action protective of the staff member can be taken.

7.5.4 Appropriate use of physical restraint

Staff may need to make legitimate use of physical restraint, if a student is:

- attacking another student or teacher
- posing an immediate danger to self or others.

Where physical restraint is used, a teacher should continue to talk with the student throughout the incident, and make clear that physical restraint will stop when it ceases to be necessary, and ensure that a calm and professional approach is maintained.

Staff should not use physical intervention when non-physical intervention could be used. The application of physical force or contact as a means of punishment, or as a response to property destruction, school disruption, refusal to comply, or verbal threats is not acceptable. Maintaining good order is never a reasonable justification for using force or restraint.

Appropriate physical force may be permitted to meet the duty of care obligation to protect students from foreseeable risk of injury. Common law defences such as self defence, and defence of others remain legitimate reasons for the use of physical contact. Everyone has the right to defend themselves against an attack provided that the degree of force used is reasonable in the circumstances.

7.5.5 Factors to consider when using physical restraint upon a student

Factors to consider when using physical restraint upon a student include:

- the use of force against a student in such situations is to prevent injury
- it may be a valid decision for a staff member not to use physical force in a situation involving several students, or a physically larger student, where the staff member believes that doing so would be more likely cause injury to themselves. In such cases, the teacher should remove other students who may be at risk and seek help from another staff member (or in extreme cases the Police)
- if a staff member is considering physical restraint he or she should first ask the question: What will happen if I do not restrain the student?

- the use of force must be reasonable in the circumstances taking into account the age, understanding and sex of the student
- the force used in a restraint must be the minimum needed and must not include any force applied to the head or neck of a student, or to any other part of the body as to cause harm that lasts more than a short period
- physical actions to restrain which exceed reasonable force or other actions which involve restrictions to breathing, punching, kicking or holding by the hair or ear would be deemed to be assault
- procedures for dealing with physical altercations between students should be dealt with as part of the normal school processes for supervision and student management routines, for example, obtaining assistance and routines for playground supervision
- prompt documentation of incidents is essential and records must be maintained by the principal. This should include the name of student involved, location of incident, name of witnesses (staff and/or students), incident outline (including student's behaviour, what was said, steps taken, degree of force applied, and how applied), student's response and outcome, details of any injury or damage to property
- parents should be informed promptly of any incident where it was necessary for a staff member to forcibly restrain their child and be given an opportunity to discuss the matter.
- the possibility of restraint and the nature of that restraint for students with special needs should be addressed in the overall case management planning for particular students and documented in individual education plans. Alternate strategies for preventing harm to others need to be considered in developing plans. Parents need to be part of this process and where possible, involve the student in this process.
- appropriate confidential debriefing and support needs are to be provided to staff involved in incidents of restraint.
- if a school is aware of individual students with consistently challenging behaviour, and restraint is part of case management, staff members need to be informed of such arrangements and should be trained in the appropriate procedures.
- appropriate physical intervention may include:
 - standing between students
 - gently leading or guiding a student by the hand or arm
 - shepherding a student away by placing a hand in the centre of the upper back

A student's path should not be blocked unless there is a reasonable concern that he or she poses a threat to self or others.
- if a 'time-out' strategy is used by staff in dealing with students, students must remain in view at all times. Seclusion restraint - physically confining a student alone in a room or limited space without access to school staff, is not an acceptable practice.

- whenever possible a staff member should send for another teacher or the principal to be present before physical restraint is used. It is helpful to have another adult present as a witness to the process in the event that a complaint is made.
-

7.6 NEGLECT OF STUDENTS

Staff must not neglect students who are in their care. Neglect occurs when a child or young person is harmed or there is potential for harm by a failure to attend to basic physical and emotional needs including but not limited to food, shelter and medical attention.

Generally incidents that do not impact on the long-term physical, emotional or intellectual well-being of the child are unlikely to constitute neglect.

However, there are some practices which may assist staff in developing appropriate professional practice in caring for students:

- when a student is injured it is important to ensure that medical attention is provided to the student. The appropriate level of attention will be determined by the nature of the injury. If in doubt seek assistance from a colleague or the principal. Where a student is injured they should not be asked to continue any activity which may exacerbate the injury (for example, asking a student who has sprained an ankle to continue walking on the ankle)
- developing an awareness of students' medical or health issues for example, diabetes, asthma, allergies etc and what strategies, including medication, are in place to manage the issue
- ensuring that students are appropriately protected from the sun during outdoor activities, especially young children. In circumstances where a child or young person is unable to apply sunscreen due to age injury or disability, ensuring that sunscreen is applied or other appropriate protection provided
- if a student complains of being bullied, taking steps to address the issue in accordance with the school's bullying policy. Staff should ensure that the student understands that the matter is being taken seriously and that steps are being taken to address the issue. A staff member should not ignore the situation
- ensuring that students are appropriately supervised. Avoiding leaving a class unattended or dismissing students early so that they are unattended. Similarly, avoid sending students out of the classroom and then leaving them unsupervised in corridors or elsewhere in the school grounds. If on playground duty, actively supervise students
- developing an awareness and understanding of the types of matters which, under the DoCS legislation, staff are mandated to notify.

7.7 DISCIPLINE AND MANAGEMENT OF STUDENTS

Staff should avoid correcting or disciplining a student in excess of what is reasonable or appropriate for the situation. Discipline may be considered excessive if it is a disproportionate response to a child's behaviour. Discipline can be considered inappropriate if it is unsuitable for the child for a specific reason such as the child's age, physical ability, developmental level or if the discipline violates community standards.

The following examples may be considered ill treatment. The examples are a guide only and are not an exhaustive list:

- locking a student in a cupboard as punishment for talking
- tying a student to a chair because they wandered
- making a student who is unfit run around an oval three times in the hot sun
- keeping students on detention during the whole of lunch without allowing them to eat or go to the toilet.

Disciplining students may be necessary and appropriate in certain circumstances. There are certain practices which may assist staff in developing appropriate professional practice. These include:

- being familiar with the school's pastoral care and discipline policies and adopting strategies for behaviour management in accordance with those policies
- developing a communication and management style that is non-confrontational. Responding to provocative or challenging behaviour in a calm manner and seek support from colleagues where necessary
- in confiscating personal items from students for example, mobile phones, not taking them directly from the student unless there are concerns for the safety of the student or another person. It is better practice to ask the student to hand the item to a staff member and if he or she refuses to do so then following up the matter through other appropriate disciplinary action.

7.8 PSYCHOLOGICAL HARM OF STUDENTS

Staff must not engage in behaviour that results in significant emotional harm or trauma to a child.

The types of behaviours which may cause psychological harm are usually part of a pattern of behaviour and are persistent and targeted as opposed to isolated incidents. Examples include but are not limited to:

- acts that degrade or belittle a child (for example, harsh criticism, public humiliation, derogatory comments, swearing)
- exposing a child to domestic violence (people working in child related employment can be investigated by his or her employer for allegations made against him or her outside the workplace including violence in the home)

- setting unrealistic expectations with threats of harm or loss if these expectations are not met
- isolating a child by comments or denying the child opportunities to engage in social activities, or unreasonably restricting the child's freedom of movement within the classroom or school environment

Staff must not engage in conduct to bully or harass students. Such conduct contravenes the *Anti Bullying Policy for Diocesan Systemic Schools* and the *Anti Harassment Policy for Diocesan Systemic Schools* but may also cause significant emotional harm to a child resulting in a child protection complaint.

7.9 WORKING WITH STUDENTS WITH SPECIAL NEEDS

When dealing with students with special needs the nature and extent of the special need is to be taken into account by the teachers and teacher's aides.

Liaison with the family of the student and the specialist teachers at the school (for example, learning support teacher, learning support assistant or visiting teacher), as well as the student in appropriate circumstances, is recommended when establishing strategies for intervention with such students.

A documented individual plan process, involving all people who deal with the student on a regular basis, is recommended when devising appropriate strategies for students with special needs and disabilities, especially when challenging behaviours, personal care and hygiene, and special physical considerations are an issue at the school (for example, toileting, transport within and beyond the school environment, situations where physical restraint is occasionally required).

It should be noted that students with special needs are individuals first and foremost, and that their special needs are secondary to their rights as people. Furthermore, there are a range of disabilities that impact on students in different ways, and an individualised and informed approach is required for all students in the school environment.

7.10 SCHOOL-BASED PROTOCOLS

Schools are expected to have in place school based protocols for staff to ensure that they are aware of acceptable and unacceptable practices in their relationships with students for specific functions or activities, for example:

- camps, retreats, sporting events, excursions, billeting
- after school activities
- socialising with students on weekends, evenings, parties (for example, towards end of Year 12)
- responding to student illness and injury
- working with students with disabilities or challenging behaviours.

Where necessary, these protocols should be taken into account and documented in activity-based risk management plans when preparing for these activities.

Principals should be aware that guidelines and procedures affecting school based protocols will be introduced by the CSO to assist with school based protocols. Guidelines already in place may also be amended from time to time.

7.11 REPORTING OBLIGATIONS

Child protection legislation has established various reporting obligations which must be fulfilled when incidents, allegations, complaints or concerns arise involving children and young people.

Under the legislation any agency whose employees are engaged in work that is child related employment (either directly or indirectly) must report child protection concerns to various external agencies who are responsible for protecting children and ensuring that any child protection concerns are dealt with appropriately.

Child protection concerns may be broadly categorised as follows:

- concerns relating to the suspected risk of harm to a child or young person
- concerns involving reportable conduct by a staff member towards a child or young person
- concerns involving criminal conduct towards a child or young person.

Reporting must occur as soon as possible after the incident occurs or when information regarding the concern is made available.

It is important for staff in developing their professional practice to have an awareness of the reporting obligations as failure to report certain matters may result in serious harm to a child and may lead to a complaint against the staff member. It may also have legal implications for the Diocese.

7.11.1 Concerns relating to suspected risk of harm

Concerns relating to suspected risk of harm to a child or young person must be reported to the Department of Community Services (DoCS). It does not matter who is identified as the alleged offender. If a child is suspected of being at risk of harm because of the behaviour of or failure to act by any other person, then it must be reported to DoCS. Some examples include but are not limited to:

- suspected domestic violence towards or in the presence of a child by his or her parents
- suspected neglect of a child who repeatedly attends school in an unclean state and without adequate clothing and food
- suspected risk of harm to a student as a result of sexual or physical assault by another student
- suspected risk of harm to a student as a result of ongoing bullying and harassment by a teacher.

When a staff member suspects that a student may be at risk of harm he or she must report the matter to the principal (or other executive staff member who may be responsible for managing the school at the time). The principal is then responsible for reporting the matter to the Department of Community of Services (DoCS) and to the child protection team at the CSO.

In circumstances where the principal refuses to report a matter to DoCS and the staff member still holds concerns for safety of the child or young person, then the staff member should report his or her concern directly to DoCS and to the child protection team.

Staff should refer to section 3 of the Child Protection Resource Manual for further information on reporting risk of harm to DoCS.

7.11.2 Concerns involving reportable conduct

Concerns involving reportable conduct by a staff member towards a child or young person must be reported to the principal (or other executive staff member who may be responsible for managing the school at the time) who must contact the child protection team at the CSO.

The requirement to report such matters to the principal arises from the Bishop's legal obligation as *Head of Agency* under the *Ombudsman Act NSW 1974* to report such complaints to the NSW Ombudsman (see sections 2 and 6 of the Child Protection Resource Manual).

Reportable conduct occurs when a staff member engages in the following types of conduct towards a child or young person, whether or not the child or young person consents:

- physical assault
- sexual offence or sexual misconduct
- psychological harm
- neglect
- ill treatment
- misconduct that may involve reportable conduct.

Some examples of reportable conduct are referred to throughout this document. Staff should also refer to section 6 of the Child Protection Resource Manual for further information about the handling of complaints against staff members.

Where the conduct complained of involves the principal's conduct towards a student, staff must contact the school consultant who must contact the child protection team. Alternatively the staff member may contact the child protection team directly.

Some behaviour which amounts to reportable conduct may also involve risk of harm to a child. In such cases, a report must be made to DoCS and to the child protection team.

Staff are expected to be familiar with section 6 of the Child Protection Resource Manual which outlines the procedures for managing complaints against employees in the area of child protection.

7.11.3 Concerns involving criminal conduct

Concerns involving either risk of harm or reportable conduct may also be considered criminal conduct. Examples include physical or sexual assault of a student. Staff must report such concerns to the principal who may report the matter to the Police. If it is a matter of urgency and the situation warrants it, then the staff member should contact the Police directly if the principal cannot be contacted.

7.11.4 Reporting to the Commission for Children and Young People

The Commission for Children and Young People (CCYP) is responsible for the *Working With Children Check*. When applicants participate in recruitment processes for positions in child related employment they are required to sign a form declaring that they are not a *prohibited person*, meaning they have not been convicted of specified criminal offences including a serious sex offence and other child related criminal offences. Applicants for child-related employment are also required to sign a form consenting to screening (*Working With Children background check consent*) which allows employers to conduct a background check on the applicant.

The screening process allows employers to ensure that the applicants being recruited for child related employment are appropriate people to be working with children and young people. It also ensures that an estimate of risk is conducted before a decision is made by a prospective employer about whether or not to employ a person who may pose a serious risk to children or young people.

The background check searches the applicant's background for any relevant criminal history, apprehended violence orders taken out by Police on behalf of a child, and any *relevant employment proceeding* involving the applicant. A relevant employment proceeding in the school context is an investigation into a complaint of a child protection nature against a staff member where it is found that the staff member has engaged in reportable conduct or there is some evidence of reportable conduct.



While staff do not have a responsibility to report directly to the CCYP, failing to raise concerns in accordance with these guidelines could mean that people who are not suitable for working with children are not appropriately screened when they apply for future child-related employment.





Section 6 of the Child Protection Resource Manual provides detailed information regarding reporting to the CCYP and the implications for staff members who are involved in complaints of a child protection nature. Employment screening guidelines are also being developed for schools which address this area.

DEVELOPING PROFESSIONAL RELATIONSHIPS WITH STUDENTS

The focus of the Professional Guidelines is to provide practical guidance to staff about how to maintain professional boundaries. When considering this it makes sense to think in terms of what we do or don't do and what is okay or not okay in terms of our practice. The following is a snapshot of what may be considered acceptable and unacceptable practice in four key areas of professional practice which incorporate most of themes covered in the Professional Guidelines. The four key areas are:

- communication with students
- student management and care
- physical contact with students
- maintaining professional boundaries

<div>YES</div>	STUDENT MANAGEMENT AND CARE	<div>NO</div>
<ul style="list-style-type: none">▪ DO use non-confrontational behaviour management and language to maintain rapport▪ DO seek support from colleagues and your supervisors if issues emerge with a student▪ DO develop and use individual behaviour management plans as appropriate▪ DO practise and discuss risk assessment and risk management strategies with colleagues▪ DO have strategies for managing non-compliance▪ DO develop an awareness of students health issues and medical needs and the strategies for managing these▪ DO attend to students who are injured and/or obtain appropriate support▪ DO take steps to address bullying of students by other students▪ DO have an awareness of the indicators of abuse and neglect and report concerns appropriately	<ul style="list-style-type: none">▪ DON'T use confrontational behaviour management styles, or threatening comments or gestures▪ DON'T leave a student inadequately supervised▪ DON'T inappropriately isolate a student, eg. lock in a cupboard, room or other confined space▪ DON'T allow a negative attitude to develop towards a particular student ~ seek advice▪ DON'T block students from entering or leaving a classroom unless there is a reasonable concern for their safety or that of others▪ DON'T bully, harass or publicly denigrate a student in order to ensure compliance▪ DON'T fail to attend to and/or seek assistance for a student who is injured	
<div></div>	PHYSICAL CONTACT WITH STUDENTS	<div></div>
<ul style="list-style-type: none">▪ DO use approved procedures for managing difficult behaviour and consult with the principal if you have ongoing concerns or difficulties with a particular student or group of students▪ DO use non-physical intervention strategies to de-escalate situations▪ DO promptly document and report incidents of physical restraint/ physical contact▪ DO provide medical attention in accordance with school /CSO first aid and medication policies▪ It is OK to use non-intrusive touch to congratulate a student eg. shake hands, pat on the back etc.▪ It is OK to use a non-intrusive, age appropriate gesture to comfort a student▪ It is OK to touch students to attract their attention if the touch is gentle and non-intrusive	<ul style="list-style-type: none">▪ DON'T use physical force to impose compliance▪ DON'T confiscate articles by grabbing or pulling them from a student▪ DON'T throw articles at a student in anger or frustration▪ DON'T use an intimidating, confrontational, or over-bearing physical stance▪ DON'T use physical restraint or interactions unless reasonable for protection of self or other, e.g. no punching, kicking, holding by the head, hair or neck area, slapping, grabbing, shoving, shaking, pulling, hitting, or poking etc▪ DON'T use physical touch to demonstrate an action without warning or being given permission▪ DON'T unnecessary or unwarranted displays of physical affection towards students	

	COMMUNICATION WITH STUDENTS	
<ul style="list-style-type: none">▪ DO treat students at all times with sensitivity, fairness and respect▪ DO listen and respond appropriately to students concerns▪ DO use appropriate and affirming language and gestures with students▪ DO use electronic media as per the CSO / school policies▪ DO report any concerns to your principal or supervisor or seek further advice as relevant▪ DO discuss any contact or disclosures initiated by a student not in the course of your duties with your principal	<ul style="list-style-type: none">▪ DON'T make inappropriate comments about a student's appearance▪ DON'T use derogatory, sarcastic or belittling language or comments eg. name calling▪ DON'T use inappropriate humour or sexual innuendo▪ DON'T have conversations of a sexual nature or condone sexual jokes or gestures by others▪ DON'T make threatening comments to students or otherwise intimidate them▪ DON'T discuss your own, other colleagues or students' personal information or life-style issues with students▪ DON'T engage in personal correspondence, eg. by letter, email, phone, SMS text, MySpace, other chat room etc.▪ DON'T make discriminatory comments	
	MAINTAINING PROFESSIONAL BOUNDARIES	
<ul style="list-style-type: none">▪ DO be pastoral, but within your role and ensure that all your actions are open and transparent▪ DO refer students as appropriate to their needs, eg. to the school counsellor▪ DO demonstrate professional relationships with students that cannot be misinterpreted as overly personal, intimate or inequitable▪ DO seek advice of the principal if 'grey' areas or ethical issues arise▪ DO follow procedures re. reporting 'risk of harm' or concerns of inappropriate conduct by staff to the principal▪ DO be sensitive regarding being alone with a student, eg. leave the door open▪ DO ensure that full risk assessment has been conducted re. any excursions▪ DO be sensitive in situations such as supervision of changing rooms <p>DO act in accordance with policies or school expectations</p>	<ul style="list-style-type: none">▪ DON'T engage in a sexual relationship with any student nor inappropriately pursue relationships with former students▪ DON'T engage in 'grooming behaviours' of any kind▪ DON'T facilitate student access to pornographic materials▪ DON'T provide drugs or alcohol to students▪ DON'T give personal gifts or provide special favours to individual students including spending 'special time'▪ DON'T engage in private tuition of students from your own school or forget to discuss any proposed private tuition of other students with your principal (as per any other form of proposed secondary employment)▪ DON'T invite a student to your home or visit their home except in an emergency or as discussed with your principal▪ DON'T drive a student unaccompanied without prior approval or without contacting parent /principal except in emergency situations <p>DON'T have social contact with a student outside of normal duties unless discussed beforehand with principal and parental permission obtained.</p>	

