



Catholic Diocese of Wagga Wagga

CODE OF CONDUCT IN THE PROTECTION OF CHILDREN AND YOUNG PEOPLE



Version 1/19 Approved Signed.....

+ *C. Prowse*

..23 November 2018

Christopher Prowse

Archbishop of the Archdiocese of Canberra Goulburn

Apostolic Administrator of the Diocese of Wagga Wagga

To be reviewed by permanent Bishop of the Diocese of Wagga Wagga on appointment.

Review due annually by Bishops Child Protection Delegate and Safeguarding Committee

Contents

1. Statement of Catholic values and ethics.....	2
2. Introduction.....	3
3. Purpose	4
4. Application – to whom the Code applies.....	5
5. Expectations of workers	5
6. Breach of the Code	6
7. Reporting concerns about workers’ conduct.....	7
8. Record keeping	8
9. Duty of care	9
10. Professional relationships between workers, children and young people	10
11. Appropriate use of electronic information and communication technology (ICT)	16
12. Appropriate use of social media in schools and wider diocesan organisations	17
13. Use of alcohol, drugs and tobacco	18
14. Maintaining integrity and managing competing interests.....	19
15. Confidentiality and privacy	20

1. Statement of Catholic values and ethics

The mission of the Catholic Church unequivocally commits Catholic workplaces and communities to foster the dignity, self-esteem and integrity of every person to whom it provides a service and of every person who works in the Diocese of Wagga Wagga.

Workers uphold the mission by modelling positive relationships and acting in a manner that creates a safe and productive educational and pastoral environment.

Catholic workplaces seek to create a compassionate, life-giving and faith-filled environment where Gospel values inspire and affirm the highest standard of ethical conduct. Workers have a privileged role of service that require prudent judgement and exercise of appropriate relationships. Catholic work places actively support the development of a culture that does not condone improper conduct, violation of relationships such as through intimidation, bullying, harassment and breach of professional boundaries, or abuse of power.

The Code is founded in the person of Jesus Christ, particularly focusing on the Gospel values of:

- respect – upholding the dignity of each person, created in the image of God
- love – the gift of sincere care, concern, empathy and compassion for each person
- service– generous care for the needs of others
- justice – the proper exercise of power and authority

These values are demonstrated by:

- acting in accordance with the principles of child protection as a fundamental responsibility
- acting with integrity in all relationships and situations
- maintaining relationships that develop within the context of gospel values
- honouring the equality of women, men and children and young people
- resolving disputes respectfully
- behaving and speaking in ways that indicate a respect for the dignity of the person
- providing quality services to all Diocesan agencies and the wider community
- being consistently honest, trustworthy and accountable
- being committed to social justice by opposing prejudice, injustice and dishonesty
- maintaining and developing our professional and work practices
- working collaboratively with colleagues
- maintaining appropriate healthy relationships with:
 - students, children and young people
 - parents and carers
 - colleagues
- schools, agencies and the church community

2. Introduction

The original Guidance Code for Professional Conduct in the Protection of Children and Young People (NSW Catholic Systemic Schools) was developed collaboratively across the Dioceses of NSW and the ACT, under the direction of the Conference of Diocesan Directors of Education. That document promoted a common understanding of expected behaviour for all people working in or providing services in Catholic Systemic Schools.

Subsequently the Catholic Schools Office, now known as Catholic Education Diocese of Wagga Wagga (CEDWW) adapted that Code to suit local circumstances, producing a document for Catholic Systemic Schools in the Diocese of Wagga Wagga.

The Code of Conduct has now been adapted and adopted for use in all Diocesan organisations which come within the jurisdiction of the Bishop of Wagga Wagga as Head of Agency for matters of Child Protection, these organisations include, but may not be limited to;

1. CEDWW
2. All schools administered by CEDWW
3. Centacare South West NSW
4. Diocesan parishes
5. Diocesan organisations involved in child related work

The abbreviated term - the Code - is used hereafter in this document in reference to the Code of Conduct in the Protection of Children and Young People

The Code draws on the statement of Catholic Values and Ethics which guides our work.

The Code embrace the principles and values inherent in Integrity in Ministry¹ and Integrity in the Service of the Church². It is underpinned by relevant legislation and industrial instruments.

If there is any conflict between the Code and legislation, the provisions of legislation take precedence.

The Code should be read in conjunction with other relevant policies and procedures, including (but not limited to) the following;

Diocese of Wagga Wagga:

- Standards for a Child Safe Organisation

¹ National Committee for Professional Standards, 2004 (A Committee of the Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes)

² National Committee for Professional Standards, 2011 (A Committee of the Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes)

- Child Protection Policy
- Child Protection Procedures
- Child Protection Head of Agency Safeguarding Roles

CEDWW, related documentation accessed via Schools Web for:

- Child Protection
- Employment
- For Schools
- Wellbeing
- Work, Health and Safety

Centacare South West NSW

- Client Welfare Policy
- Child Protection Reporting
- Child Protection and Mandatory Reporting (Centacare Handbook)

3. Purpose

The purpose of the Code is to promote a common understanding and consistency in expected standards of behaviour for workers, religious and all those working and/or volunteering in child related work.

The Code is not intended to be exhaustive and do not identify every potential scenario of concern in the workplace.

The Code assists to:

- clarify the parameters of appropriate and inappropriate conduct for personnel in child related work
- create a safe and supportive environment for children and young people, workers and the wider community
- promote the mission in accordance with Catholic values and ethics.

The Code is aimed at modelling and building a contemporary Catholic workplace that is faith-filled, collaborative, consultative and lawfully compliant.

The Code requires:

- workers to take responsibility for their own conduct with children and young people, staff, the wider school, parish and diocesan community
- workers to conduct themselves in a manner that is professional, cooperative and consistent with the Code
- principals/supervisors/managers and leaders to provide workers with guidance, training, support and supervision

4. Application – to whom the Code applies

Code apply to all people engaged in, or people who provide to, Catholic Systemic Schools in the Diocese of Wagga Wagga. This includes workers in parishes, Centacare and CEDWW and any other child related services delivered in the Diocese of Wagga Wagga under Diocesan control.

For the purpose of the Code, those engaged in child related work, or providing child related services in the Diocese of Wagga Wagga are referred to as ‘workers’.

Workers include:

- Diocesan clergy, members of religious congregations, those in ministry
- Employees (whether employed on a permanent, temporary or casual basis) in Catholic parishes, schools, agencies, organisations, groups, boards, councils and committees, individuals or groups authorised to act in the diocese
- Volunteers working in Catholic parishes, schools, agencies, organisations, groups, boards, councils and committees
- Students (e.g. work experience, professional placements)
- Consultants, contractors and sub-contractors working for the Diocese and employees of Catholic Education Diocese of Wagga Wagga.

4.1 Workers are required to read and sign agreement to comply with the Code. There may be external consequences including jail, and internal consequences up to and including dismissal, for a breach of the Code.

4.2 While contractors, consultants, students on tertiary practicum placements and volunteers are not usually subject to disciplinary action, conduct that would be assessed as being a breach of the Code may result in their engagement being terminated.

5. Expectations of workers

5.1 Workers are expected to:

- i. be aware of the policies and procedures that apply to their work and in the workplace. If workers are uncertain about the scope or content of a policy with which they are required to comply, they should seek clarification from their principal/supervisor/leader
- ii. be up to date with the legislation under which they are employed, as this may specify requirements for mandatory compliance.
- iii. undertake duties in a professional, competent and conscientious manner
- iv. take up suitable opportunities to improve their knowledge and skills, including participation in relevant professional development/training
- v. be mindful of their duty to the safety of themselves and others

- vi. be aware that if their conduct has the potential to damage the reputation of the Diocese, parish and/or school, even if it is in a private capacity, this could lead to disciplinary action
- vii. act in good faith by not making unfounded complaints with malicious, frivolous or vexatious intent against another person
- viii. model effective leadership and respect in interactions with students, children and young people, colleagues and others
- ix. treat others with care. Rude or insulting behaviour, including verbal and nonverbal aggression, abusive, threatening or derogatory language and physical abuse or intimidation towards others is unacceptable

5.2 A principal/supervisor/leader, in addition to the above responsibilities, is expected to:

- i. promote collaborative and collegial workplaces
- ii. exercise leadership by working with workers to implement performance and development processes that are consistent with the worker's conditions of engagement
- iii. provide ongoing support and feedback to workers
- iv. establish systems within their area of responsibility which support effective communication
- v. consult with and involve their staff in appropriate decision-making
- vi. inform workers of the Code and all relevant policies and make the documents available to them
- vii. take appropriate action if a breach of the Code may have occurred

5.3 Whilst different arrangements for engagement may apply for religious, volunteers, contractors, consultants and students on tertiary practicum placements, these persons are expected to conduct themselves consistent with the principles underpinning the Code.

6. Breach of the Code

Workers hold a position of trust and are accountable for their actions or inactions.

- 6.1 If a worker's actions are inappropriate or appear to breach the standards of the Code, the principal/supervisor/leader has a responsibility to address any possible breach as soon as they become aware of it.
- 6.2 An alleged breach of the Code may require a report to be made internally and may need to be referred to external authorities under relevant legislation.
- 6.3 An alleged breach of the Code may be investigated.

- 6.4 In investigating an alleged breach of the Code, the rules of procedural fairness apply, consistent with the Fair Work Act and the NSW Ombudsman's Act.
- 6.5 Each case will be determined on the facts and circumstances when deciding on the appropriate action to be taken. Appropriate action is determined by considering:
- the nature and seriousness of the breach; and
 - any prior breaches; and
 - an assessment of risk
- 6.6 Appropriate actions may include:
- informal counselling
 - performance management
 - professional learning/development
 - increased supervision or monitoring
 - coaching or mentoring
 - directive counselling
 - specialist assessment
 - informal or formal disciplinary action
 - demotion
 - termination
- 6.7 If workers become aware of a possible breach of the Code by any person, they must report this to their principal/supervisor/leader.
- Workers who are concerned about an alleged breach of the Code by their principal/supervisor/leader, should report this to the next in-line leadership within the school, CEDWW, Centacare or Diocese of Wagga Wagga.
 - Workers must promptly report to the principal/manager/leader any child protection allegation they become aware of that involves a worker, the principal/manager/leader must advise Diocesan Child Protection Delegate in accordance with the Diocesan Child Protection Policy and Procedures
 - If workers become aware that a serious breach of Code is not being addressed, they should report their concern to the Diocesan Child Protection Delegate or the appropriate Sector Leader.

7. Reporting concerns about workers' conduct

- 7.1 Child protection laws require workers to report certain matters of concern, including:
- informing the employer if they are charged or convicted of an offence relevant to working in child-related employment, or if they have had any reportable allegation made against them

- reporting to the employer any allegations or convictions of reportable conduct involving any worker, as required by the Head of Agency pursuant to Part 3A *Ombudsman Act 1974*/reporting to their principal/supervisor/leader any information or concerns about inappropriate behaviour by any worker that involves a student or other child or young person
- fulfilling their legal obligation to report risk of significant harm, or to report possible criminal activity, in accordance with the local procedures
- maintaining confidentiality of all parties concerned. In any matters where workers are in doubt as to the requirements of confidentiality, they should seek advice from their principal/supervisor/manager or their delegate, without discussing the matter with others
- in special cases where a serious concern involves their principal/supervisor/leader, it is more appropriate that the worker take the matter of concern directly to a person in a higher position in the organisation

7.2 Workers must not take detrimental action against the complainant or person who reported the information. This includes any action that could reasonably be perceived to be detrimental action in reprisal. To do so may be regarded as serious misconduct and may result in disciplinary action.

8. Record keeping

All workers have an obligation to maintain appropriate records and data in relation to their professional practice in the care and protection of children and young people.

A record serves an essential administrative, legal and historical purpose. Records can include class rolls, student assessment records, emails, electronic documents, digital image and audio recordings, correspondence, statements, records of interviews or conversations, files, forms, plans, drawings, notes, photographs and films. It may also include personal contact details, sacramental records, phone call notes and notifications to FACS and police.

Workers:

- 8.1 have a responsibility to create and maintain appropriate records of their professional activities and decisions in the care and protection of children and young people, including contemporaneous records of any disclosure, observations and discussions including any breach of the Code
- 8.2 must be mindful of the need to retain such records securely and confidentially
- 8.3 must seek appropriate advice regarding the retention/destruction of such records

The principal/supervisor/leader has a responsibility to ensure that the workers reporting to them comply with their records management obligations.

9. Duty of care

Workers have a legal and moral obligation to take reasonable care for their own safety and the safety of children, young people and others with whom they come into contact as part of their employment.

9.1 These obligations will arise from the specific role and responsibilities of the worker and may include the following:

- i. providing adequate supervision
- ii. ensuring grounds, premises and equipment are safe for use
- iii. implementing strategies to prevent bullying from occurring
- iv. following procedures relating to safety, welfare and wellbeing, for example, reporting risk of significant harm
- v. providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a person who is injured or becomes sick
- vi. complying with legislative and other prescribed obligations under the Work Health and Safety Act 2011 and Regulations
- vii. complying with relevant child protection legislation and regulations

9.2 Workers have a duty to take reasonable care for the safety and welfare of the children and young people in their care. That duty is to consider and take all reasonable action to protect students from known hazards or risk of harm that can be reasonably predicted. The standard of care that is required needs to take into consideration various factors, such as a child or young person's maturity and ability.

9.3 Duty of care applies during all activities and functions conducted or arranged by Diocesan organisations where children and young people are in the care of workers. The risk associated with any activity needs to be assessed and managed before the activity is undertaken.

9.4 A single serious failure to exercise appropriate duty of care, or persistent repeated failures, may constitute neglect or negligence according to the law if actual harm is caused, or there is the potential to cause significant harm to a child or young person.

Neglect includes either an action or inaction, by a person who has care responsibilities, towards a child which may include:

- Supervisory neglect (failure to adequately supervise)
- Carer neglect (grossly inadequate care of a student)
- Failure to protect from abuse (unreasonable failure to respond to information that may result in harm to a student)
- Reckless acts or failure to act (gross breach of professional standards that may result in harm to a student)

Refer: NSW Ombudsman [Fact Sheet 11](#): Notifying and identifying reportable conduct

10. Professional relationships between workers, children and young people

All children and young people have a right to a safe physical, emotional and responsive environment.

It is expected that workers will be caring, compassionate adults who take an interest in children and young people and who set appropriate boundaries within those relationships.

Workers must be aware that their interactions with children and young people are based on a trusting relationship arising from the nature of their role in the workplace, and that those relationships are open to scrutiny.

Workers must always treat children and young people with respect.

Workers are expected always to behave in ways that promote the safety, welfare and wellbeing of children and young people.

Workers may need to consider and negotiate individual behaviour/education plans in relation to particular children and young people and comply with those plans.

While not all workers are required to manage and supervise children and young people, it is important for all workers to understand and observe child protection policies.

The following principles and practical examples reference current Code issued by:

- NSW Ombudsman – Fact Sheet 11: [Notifying and identifying reportable conduct](#)
- NSW Office of the Children’s Guardian: [Becoming a child safe organisation](#)

10.1 Workers must not:

- engage in inappropriate physical contact/force with students, a child or young person including physical/corporal punishment of a student in the course of their professional duties and/or
- act in ways which may cause a child or young person to reasonably fear that unjustified force will be used against them, even if this is not their intention.

In addition, workers must not act recklessly in this regard.

Examples of inappropriate physical contact/force include:

- intentional and unjustified use of physical force;
- using an object, such as a ruler, book, whiteboard eraser or marker to gain a child-or young person’s attention in a hostile or an inappropriate physical manner;
- restraining/holding a child or young person for any purpose other than his/her actions that may cause imminent risk of harm to self or others;
- hitting or kicking a child or young person;

- pushing, pulling, shoving, grabbing, pinching or poking a child or young person;
- shaking or throwing a child or young person;
- actions which may be perceived as a threat to engage in inappropriate physical contact/force

Examples of conduct that involves the reasonable use of physical contact/force for the purpose of exercising appropriate control over a child or young person include:

- disarming a child or young person who is seeking to harm themselves or another
- separating children or young persons who are in the act of fighting
- moving a child or young person out of harm's way
- reasonable use of physical force for the protection of self or others

10.2 **Workers must not** behave in a manner which may cause psychological harm to a child or young person. There is no place for sarcasm, derogatory remarks, offensive comments or any other inappropriate conduct that may cause distress.

Note: Psychological harm can include the exacerbation or aggravation of an existing psychological condition, such as anxiety or depression

10.3 **Workers must not** correct or discipline a child or young person 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 or young person's behaviour. Discipline can be considered inappropriate if it is unsuitable for a specific reason such as the child or young person's age, physical ability, developmental level or if the discipline violates community standards. What may be considered excessive or inappropriate is not restricted to physical punishment. Any punishment which makes excessive or unreasonable demands on a child or young person may be considered ill treatment.

Examples of ill-treatment include:

- locking a child or young person in a cupboard as punishment
- tying a child or young person to a chair
- keeping children or young persons on detention during the whole of lunch without allowing them to eat or go to the toilet
- malevolent acts towards children or young person
- inappropriate and hostile use of force against a child or young person

10.4 **Workers must not** engage in crossing professional boundaries, through behaviour that can reasonably be construed as involving an inappropriate and/or overly personal or intimate:

- relationship with;
- conduct towards; or
- focus on; a child or young person, or a group of children or young people.

A single serious 'crossing of the boundaries' by workers or persistent less serious breaches of professional conduct in this area, may constitute sexual misconduct, particularly if workers either knew, or ought to have known, that their behaviour was unacceptable.

10.5 **Workers must not** engage in grooming behaviour. Grooming behaviour involves a pattern of conduct that is consistent with grooming a child or young person for sexual activity, where there is no other reasonable explanation for it.

Examples of grooming behaviours include (but are not limited to) the following:

- Persuading a child or group of children that they have a 'special' relationship, for example by:
 - spending inappropriate special time with a child
 - inappropriately giving gifts
 - inappropriately showing special favours to them but not other children
 - inappropriately allowing the child to overstep rules
 - asking the child to keep this relationship to themselves.
- Testing boundaries, for example by:
 - undressing in front of a children
 - encouraging inappropriate physical contact (even where it is not overtly sexual)
 - talking about sex
 - 'accidental' intimate touching
- Inappropriately extending a relationship outside of work (except where it may be appropriate - for example where there was a pre-existing friendship with the child's family or as part of normal social interactions in the community).
- Inappropriate personal communication (including emails, telephone calls, text messaging, social media and web forums) that explores sexual feelings or intimate personal feelings with a child.
- Workers requesting that children/young people keep any aspect of their relationship secret or using tactics to keep any aspect of the relationship secret, would generally increase the likelihood that grooming is occurring.

- 10.6 **Workers must not** make sexually explicit comments or engage in other sexually overt behaviour towards or in the presence of a child or young person. Such behaviour may constitute sexual misconduct.

Examples of overt sexual behaviours include:

- sexualised behaviour with or towards a child (including sexual exhibitionism)
- inappropriate conversations of a sexual nature, comments that express desire to act in sexual manner
- unwarranted and inappropriate touching involving a child
- personal correspondence and communications (including emails, social media and web forums) with a child or young person in relation to the adult's romantic, intimate or sexual feelings for a child or young person
- exposure of children and young people to sexual behaviour of others including display of pornography
- watching children undress in circumstances where supervision is not required and it is clearly inappropriate
- watching children undress, e.g. in change rooms or toilets when supervision is not required or justified.

- 10.7 **Workers must not** have an intimate or romantic or sexual relationship with any child or young person regardless of their age. It is irrelevant whether the relationship is consensual or non-consensual or condoned by parents or caregivers.

- 10.8 **Workers must not** commit a sexual offence. This encompasses all criminal offences involving a sexual element that is committed against, with or in the presence of a child.

These offences include (but are not limited to) the following:

- indecent assault
- sexual assault
- aggravated sexual assault
- sexual intercourse and attempted sexual intercourse
- possession/dissemination/production of child pornography
- using children to produce pornography
- procuring children under the age of 16 years for unlawful sexual activity
- deemed non-consensual sexual activity on the basis of special care relationships

- 10.9 Where there are existing personal relationships, such as a family relationship or close friendships that involve a worker and a student(s), the worker needs to behave in appropriate ways that are transparent and prudent, and to be mindful of any perceived conflict of interest, ensuring that the worker does not breach any law, this Code or any other relevant policy.

Extreme care needs to be taken by workers in situations where such family relationships or close friendships with children may raise questions about perceived conflict of interest or other concerns about the worker or the relationships/friendships.

In circumstances where the worker or the worker's personal relationships, such as a family relationship or close friendships that involve a worker and a student(s), may appear to be questionable or inappropriate or may appear to be in breach of any law, the Guideline or other relevant policy, the worker must report such family relationships or close friendships to their principal/ supervisor /leader and any potential or perceived conflict must be managed carefully.

10.10 Workers' professional relationship may be compromised if they:

- i. invite children or young persons to join their personal electronic social networking site or accept students' invitations to join theirs
- ii. attend parties or socialise with children or young persons
- iii. invite children or young persons to their home or attend a child or young person's home without an appropriate professional reason and without the parents'/carers' consent
- iv. transport children or young persons in their car without prior approval from a supervisor and the parent or carer.

10.11 The boundaries of the professional relationship will be breached if workers:

- i. have a sexual relationship or develop an overly personal or intimate relationship with a child or young person
- ii. use sexual innuendo or inappropriate language and/or material with a child or young person
- iii. hold conversations of an intimately personal nature, where they disclose private information about themselves or encourage disclosure of such private information by the child or young person
- iv. have contact with a child or young person via written or electronic means including email, letters, telephone, text messages or chat lines, unless for matters directly related to education/school or other valid reasons approved by their principal/supervisor/leader
- v. give to, or accept from, a child or young person, gifts that may encourage the child or young person to think they have a special relationship with the worker.

10.12 Workers need to recognise the special position of trust and influence that teachers or other workers may have in respect of students, children and young people. This position of trust may continue after they have left the school/organisation. It may also continue after they have turned 18 years of age. Extreme care must be taken in any relationship between a teacher or other worker, with former students, children and young people, even if they are over 18 years of age.

Before entering into a personal, intimate or sexual relationship with any former student, child or young person, workers should consult current legal time prohibitions on relationships with past students, and consider a range of other factors, including:

- the special relationship of trust and influence which is created between workers and any student/child/young person, arising from the nature of their special role
- age and maturity of the former student/child/young person
- time elapsed since the student/child/young person left the school
- expectations that workers not act contrary to Catholic values and ethics
- community perception of such a relationship
- the potential impact on the reputation of the Diocese school, Catholic education, Centacare and related professions, because of the relationship.

A personal or sexual relationship with a former student/child/young person entered into by any worker may be considered sexual misconduct if it is established that the worker used his or her position to develop and maintain an inappropriate personal or intimate relationship with the student/child/young person before the he/she left the school.

10.13 Workers are reminded of the law:

- prohibiting sexual relations between a teacher and their student (regardless whether they directly taught such student or not, includes principals or deputy principals, school counsellors, welfare officers, year advisors, and anyone employed at a school who has care of or authority over students) under the age of 18 years, regardless of consent, jail penalty up to eight years.
[Justice Legislation Amendment Bill 2018 passed by the NSW Parliament on 7 March 2018 amending Crimes Act 1900 NSW refers. Also refer to #10.7 of this Code, where workers are prohibited from sexual relationship with all students regardless of their age]
- prohibiting child pornography and the use of unauthorised images for offensive purposes

There are a number of criminal laws that address the taking and use of unauthorised images for offensive purposes, including:

- use of surveillance devices to record a 'private activity' without consent
- filming for indecent purposes
- making an image of a child engaged in a private act for prurient purposes
- making indecent visual images of a child under the age of 16
- committing indecent or offensive acts in a public place
- child pornography offences, and
- using a telecommunications network or carriage service to facilitate certain offences

See: Australian Law Reform Commission

For Your Information: Australian Privacy Law and Practice (ALRC Report 108) /69. Particular Privacy Issues Affecting Children and Young People Taking photographs and other images

10.14 Workers are reminded of strict requirements relating to photographing or filming children or young people. Secretly taking photographs or other images of children

or young people is strictly prohibited. Workers are not to photograph/film students/children or young people, other than for approved employment purposes.

“The taking of photographs and other images of children and young people without consent has raised significant concerns in recent times. Mobile phone cameras and mobile phone video cameras appear to have heightened these concerns, due to their small size and availability. The issue of unauthorised taking of images, however, extends beyond any one type of technology. ... Most recently, the concerns about unauthorised images have exploded with the ease and accessibility of online publication.”

See: Australian Law Reform Commission

For Your Information: Australian Privacy Law and Practice (ALRC Report 108) /69. Particular Issues Affecting Children and Young People Taking photographs and other images *Privacy*

11. Appropriate use of electronic information and communication technology (ICT)

The employer provides ICT facilities for workers and school students for educational and/or administrative purposes. The employer has the right to monitor and view any data used, stored or transmitted using the employer’s ICT facilities. It is critical to remember that by its nature, electronic communication is a fast and often, informal way of communicating. However, once a document or image has been created, sent or saved, it exists forever.

11.1 Workers must comply with all relevant policies or procedures relating to the use of ICT and act consistently with Catholic Values and Ethics. Refer especially to;

- CEDWW Acceptable Use Terms & Conditions
- CEDWW policy: Responsible Use of Electronic Communications, Social Media and Digital Technologies Policy.
- Centacare policy: 7. Professionalism Section 3.10. 4 ‘Inappropriate Use’, and Centacare’s 7.01 Code of Conduct.

11.2 When using ICT and employer networks, it is expected that workers will:

- i. exercise good judgment
- ii. use appropriate language and images
- iii. communicate with children and young people in a manner consistent with their role and responsibilities and in relation to educational/school matters
- iv. not upload, download, send, circulate, display or respond to any of the following materials:
 - sexually related or pornographic messages or material containing thoughts and feelings with overly familiar or sexual connotations

- violent or hate-related messages or material
 - threatening, defamatory, obscene or harassing messages or material
 - racist or other offensive messages or material
 - subversive or other messages or material related to illegal activities
- v. report any situations where workers become aware of the inappropriate use of ICT by another worker.

Be aware that in certain circumstances electronic files or communication may be accessed for viewing or produced in Court.

If there are reasons for workers to communicate with students or their families using ICT for reasons other than educational/school purposes, it is important to discuss this with the principal/supervisor/leader.

12. Appropriate use of social media in schools and wider diocesan organisations

- 12.1 Workers should not use social media in a manner which would bring the employer, school or Catholic workplace into disrepute. Identifying the employer in personal social media may increase this risk.
- 12.2 **Workers must not** invite or accept students, children and young people into their personal social networking sites/pages/groups.
- 12.3 Workers are to use extreme care before inviting or accepting ex-students or parents of current students as friends on social media.
- 12.4 Workers are encouraged to use employer approved online learning communities with their students, children and young people in order to achieve educational outcomes. In doing so, the following is expected:
- i. the sites used are age and developmentally appropriate for the students
 - ii. students are provided training and information around appropriate use of the technology
 - iii. parent/carer permission must be obtained for students to register with online learning communities
 - iv. personal social networking sites, as opposed to approved online communities, must not be used by workers as learning tools for students

If workers feel they have become an online target of inappropriate communication from any member of the school community, alert the principal/supervisor/leader.

13. Use of alcohol, drugs and tobacco

- 13.1 Workers are responsible for ensuring their capacity to perform their duties is not impaired by the use of alcohol or drugs, and that the use of these substances does not put them or any other person's health and safety at risk.
- 13.2 Being under the influence of alcohol or drugs while the worker is 'on duty' could affect their ability to work safely and efficiently, especially when they have a responsibility to supervise children or young persons or work in close proximity to them.
- 13.3 **Workers must not** attend work under the influence of alcohol, illegal drugs or non - prescribed and/or restricted substances.
- 13.4 Workers who are required to take medication (including prescription medication) which may impair their work performance, conduct or ability to exercise duty of care, must notify their principal/supervisor/leader.
- 13.5 **Workers must not** purchase for, offer, supply, give or administer to students, children or young persons, including those over the age of 18:
- i. illegal drugs
 - ii. restricted substances
 - iii. prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy)
 - iv. alcohol
 - v. tobacco
- 13.6 **Workers must not** encourage or condone the use of or use by students, children or young persons of:
- i. illegal drugs
 - ii. restricted substances
 - iii. alcohol
 - iv. tobacco
- 13.7 **Workers must not** take to school or consume at school, school-related activities or workplace, any illegal drugs or restricted substances.
- 13.8 **Workers must not** consume tobacco on school premises or at any school or workplace related activity where students, children or young persons are present.

- 13.9 Alcohol is not to be consumed during school hours on school premises or at any school-related or work place related activity, whenever students, children or young persons are present at the school or at the activity.
- 13.10 Workers who are concerned about any person at work that may be affected by alcohol or drugs, or may have engaged in the behaviours outlined above, should consult their principal/supervisor/leader.
- 13.11 The consumption of alcohol at parish/non-school functions where children and young people are present while under parent/carer supervision must be managed within the spirit of the NSW Responsible Service of Alcohol legislation.

Children and young people have a greater vulnerability to alcohol than adults.

To provide alcohol to any person under the age of 18 years is against the law.

14. Maintaining integrity and managing competing interests

Personal views or private interests can influence, or have the potential to influence, a worker's capacity to perform their duties with integrity, and in turn, may compromise the integrity of the Diocese, CEDWW, the school, Centacare and other child related Diocesan workplaces.

- 14.1 Workers need to be mindful of the requirement to act with integrity, and consistently strive to do what is right and just. It is expected that workers will:
- i not succumb to improper pressure that may affect, or be perceived to adversely affect, their ability to fulfil their obligations and to act in accordance with Catholic values and ethics
 - ii not accept gifts, benefits or favours that could be considered inappropriate or excessive and:
 - lead to, or be perceived to lead to, compromised values, corruption, loss of impartial decision-making or impartial treatment of others, or
 - call into question the ethics and integrity of the worker, the mission and ethos of the Diocese and CEDWW.
- 14.2 It is the worker's responsibility to use sound judgement in making decisions that affect the organisation's ability to maintain its capacity and reputation for independence, fairness and justice. Workers should review the situation carefully from perspectives other than their own, and assure themselves that their conduct does not give rise to an actual, or perceived, conflict of interest.
- 14.3 As an organisation which provides education services to children and young people, it is expected that workers will:

- i. inform the principal/supervisor/leader of any conflict of interest, or perceived conflict of interest, that arises from the workplace
- ii. work in an objective and impartial manner, and be seen to do so

Examples of competing interests:

- a teacher referring their students to attend private tutoring sessions in which they or a relative or friend has a financial/ business interest
- an employee mentoring, tutoring or coaching students from their school or workplace in return for payment
- an employee running a local dance school with students from their school

15. Confidentiality and privacy

CEDWW, Diocesan schools and agencies (e.g. Centacare, parishes and seminary) collect and store confidential and personal information about students, families and workers. Any misuse of confidential or personal information, whether intentional or reckless, is inconsistent with the Diocesan mission and ethos. It may harm individuals and the reputation and credibility of our Catholic Diocese. It may also be unlawful.

15.1 It is expected that workers will:

- i. treat confidential and personal information about children and young persons, their families or other staff respectfully
- ii. exercise caution and sound judgement in discussing other people's confidential and personal information
- iii. comply with relevant laws and regulations regarding the collection, dissemination, use and security of all such information
- iv. only use such information for work-related purposes
- v. only communicate such information to those who need to know in order to perform their role

15.2 Sharing of confidential and personal information with external persons or agencies may only occur:

- i. within the established guidelines for such communication, or

- ii. in accordance with any relevant legislation relating to the provision of such information.

Acceptance

I have read this document in full, been given the opportunity to ask questions about its content, received a copy, and I understand the contents of this Code of Conduct and agree to abide by the requirements herein.

Signed _____ Signature of Witness _____

Print Name _____ Print Name _____

Date _____ Date _____