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**CODE OF CONDUCT POLICY**

The Code of Conduct Policy applies to all employees, tutors and volunteers and provides the framework of principles for conducting business, dealing with other employees, participants, and suppliers. The Code of Conduct does not replace legislation and if any part of it is in conflict, then legislation takes precedence. This policy is based on the following:

* Act and maintain a high standard of integrity and professionalism
* Be responsible and scrupulous in the proper use of Dromana Community House information, funds, equipment, and facilities
* Be considerate and respectful of the environment and others
* Exercise fairness, equality, courtesy, consideration, and sensitivity in dealing with other employees, clients and suppliers
* Avoid apparent conflict of interests, promptly disclosing to the Manager, any interest which may constitute a conflict of interest
* Promote the interests of Dromana Community House
* Perform duties with skill, honesty, care, and diligence
* Abide by policies, procedures and lawful directions that relate to your employment and/or our participants
* Avoid the perception that any business transaction may be influenced by offering or accepting gifts
* Under no circumstances may employees offer or accept money from participants or the public.
* Any employee, who in good faith, raises a complaint or discloses an alleged breach of the Code, whilst following correct reporting procedures, will not be disadvantaged or prejudiced. All reports will be dealt with in a timely and confidential manner.

Dromana Community House expects cooperation from all employees, tutors and volunteers in conducting themselves in a professional, ethical and socially acceptable manner of the highest standards.

Any employee, tutor or volunteer in breach of this policy may be subject to disciplinary action, including termination.

Should an employee, tutor or volunteer have doubts about any aspect of the Code of Conduct, they must seek clarification from the Manager.

This policy will be regularly reviewed by Dromana Community House and any necessary changes will be implemented by the Manager.

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Dromana Community House Early Learning Centre

Purpose

This policy provides guidelines to:

• establish the expected standards of behaviour for the Approved Provider, Nominated Supervisor, staff, contractors, volunteers, students on placement, parents/guardians and visitors

• create and maintain a child safe environment that reflects the philosophy, beliefs, objectives and values

• promote desirable and appropriate behaviour

• promote interactions at the service which are respectful, honest, courteous, sensitive, tactful and considerate.

1. Values:

• respects the rights of the child and values diversity

• acknowledges the vulnerability of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability and has zero tolerance of discrimination

• maintains a duty of care (refer to Definitions) towards all children at the service

• is committed to the safety and wellbeing of each child at the service

• is committed to the safety and wellbeing of all staff at the service

• provides a safe and secure environment for all at the service

• provides an open, welcoming environment in which everyone’s contribution is valued and respected

• is committed to communicating openly and honestly

• is committed to continually learning how to be inclusive and respectful of cultural needs

• encourages volunteers, students, parents/guardians and visitors to support and participate in the program and activities of the service.

1. Scope

This policy applies to the Approved Provider Dromana Community House Early Learning Centre, Persons with Management or Control, Nominated Supervisor, Persons in Day to Day Charge, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities.

1. Background and Legislation

Background

Codes of conduct establish standards of behaviour to be followed and define how individuals are expected to behave towards each other, towards the children in their care, and towards other organisations and individuals in the community. Staff have a duty of care to the children attending the service and must ensure ‘that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury’ (National Law: Section 167).

Employers also have a legal responsibility to provide, as far as is practicable, a safe workplace that is free from discrimination, bullying and harassment.

Child Safe Standard 3 requires services to develop and review codes of conduct that establish clear expectations for appropriate behaviour with children including:

•how to respond to risks adults may pose to children or that children may pose to each other

• how to ensure the cultural safety of Aboriginal and Torres Strait Islander children and culturally and linguistically diverse children

• how to be inclusive of all children, including children with a disability.

This Code of Conduct is informed by the service’s philosophy, beliefs, and values, and based on ethical principles of mutual respect, equity, and fairness.

Legislation and standards

Relevant legislation and standards include but are not limited to:

• Charter of Human Rights and Responsibilities Act 2006 (Vic)

• Child Safe Standards (Vic)

• Children, Youth and Families Act 2005 (Vic)

• Child Wellbeing and Safety Act 2005 (Vic)

• Disability Discrimination Act 1992 (Cth)

• Education and Care Services National Law Act 2010: Sections 166, 167, 174

• Education and Care Services National Regulations 2011: Regulations 155, 156, 157, 175

• Equal Opportunity Act 2010 (Vic)

• Fair Work Act 2009 (Cth)

• Fair Work Regulations 2009 (Cth)

• National Quality Standard, Quality Area 4: Staffing Arrangements

• Occupational Health and Safety Act 2004 • Occupational Health and Safety Regulations 2007

• Racial Discrimination Act 1975

• Racial and Religious Tolerance Act 2001 (Vic)

• Sex Discrimination Act 1984 (Cth)

**Definitions**

Dromana Community House Early Learning Centre delegates its responsibility for the day-to-day operation of the service to the Nominated Supervisor or Person in day to day charge

**Bullying**: Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation, or social acceptance.

**Duty of care**: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonably foreseeable risk of injury.

**Ethical conduct**: Behaviour which reflects values or a code of conduct.

**Harassment**: When someone is demeaning, derogatory or intimidating towards another person. Including: • racial taunts • taunts about sexual orientation or gender identity • sexual harassment: unwelcome physical, verbal or written behaviour of a sexual nature • repeated insulting remarks.

**Investigato**r: A person/staff member assigned, or organization engaged with the responsibility of investigating suspected breaches of the Code of Conduct by the Approved Provider.

**Notifiable complaint**: A complaint that alleges a breach of the Education and Care Services National Act or Regulation, or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider to the secretary of DET within 24 hours of the complaint being made (Section 174(2) (b), Regulation 176(2) (b)).

Written reports to DET must include:

• details of the event or incident • the name of the person who initially made the complaint • if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant) • contact details of a nominated member of the Grievances Subcommittee/investigator • any other relevant information.

If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation.

**Respect**: Demonstrating regard for the rights of individuals, for different values and points of views.

The most current amendments to listed legislation can be found at: • Victorian **Legislation** – Victorian Law Today: <http://www.legislation.vic.gov.au>

• Commonwealth Legislation – Federal Register of Legislation: https://www.legislation.gov.au/ • ComLaw: http://www.comlaw.gov.au

**Serious incident**: A serious incident is defined as (regulation 12):

The Regulatory Authority must be notified of a serious incident (section 174(2)(a)) 5. Sources and Related Policies Sources

• Early Childhood Australia, Code of Ethics: http://www.earlychildhoodaustralia.org.au/our-publications/ecacode-ethics/

• United Nations, The Universal Declaration of Human Rights: http://www.un.org/en/universaldeclaration-human-rights/

• United Nations, Convention on The Rights of the Child: http://www.unicef.org/crc/ • Victoria Legal Aid: www.legalaid.vic.gov.au

• Child Safe Policy

• Complaints and Grievances Policy

• Delivery and Collection of Children Policy

• Interactions with Children Policy

• Occupational Health and Safety Policy

• Privacy and Confidentiality

• Relaxation and Sleep Policy

• Staffing Policy

6. Policy Procedures

The Approved Provider or Persons with Management and Control is responsible for:

i. providing a safe environment for staff, contractors, volunteers, students on placement, parents/guardians, children and others attending the programs and activities

ii. providing guidance through leadership and by being a positive role model

iii. developing and updating/ reviewing codes of conduct in collaboration with the Nominated Supervisor, staff, parents/guardians, children and others involved with the service

iv. ensuring that staff, volunteers, students and parents/guardians are provided with a copy of this policy on employment, engagement or enrolment at the service and that the current codes of conduct are publicly displayed and promoted to everyone including contractors and visitors

v. ensuring that staff complete and sign the Code of Conduct Acknowledgement (refer to Attachment 2) and that these are filed with individual staff records upon engagement in the service vi. ensuring that the codes of conduct are regularly discussed at staff meetings to reinforce expectations

vii. developing a culture of accountability within the service for complying with the code(s) of conduct and being prepared to respond when behavioural expectations are not adhered to

viii. ensuring that all children being educated and cared for are protected from harm and any hazard likely to cause injury (National Law: Section 167) and that the children know who to speak to about any concerns and that their concerns are followed-up

ix. working with the Nominated Supervisor, staff, students, volunteers, parents/guardians and others at the service to provide an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct

x. ensuring that parents/guardians of a child attending the service can enter the service premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or conflict with any duty of care of the Approved Provider, Nominated Supervisor or educators under the Law (Regulation 157)

xi. ensuring that contractors, volunteers, parent/guardians, students or visitors at the service are not placed in a situation where they are left alone with a child

xii. respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal

xiii. notifying DET in writing within 24 hours of a serious incident (refer to Definitions) or of a notifiable complaint (refer to Definitions) at the service (National Law: Sections 174(2)(b) and 174(4), National Regulations: Regulations 175(2)(c) and 176(2)(b)) via the NQAITS xiv. referring notifiable complaints (refer to Definitions), grievances or complaints that are unable to be resolved appropriately and in a timely manner to the Grievances Subcommittee/investigator (refer to Complaints and Grievances Policy)

xv. activating the Complaints and Grievances Policy on notification of a breach of the Code of Conduct Policy

xvi. taking appropriate disciplinary or legal action, or reviewing the terms of employment in the event of misconduct or a serious breach of the Code of Conduct Policy

xvii. contacting Police in an emergency where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated or where sexual abuse or grooming is suspected as outlined in the Child Safe (formerly Child Protection) Policy.

The Nominated Supervisor and Persons in Day to Day Charge is responsible for:

i. ensuring that the children educated and cared for are protected from harm and from any hazard likely to cause injury (National Law: Section 167)

ii. providing guidance through their leadership and by being a positive role model

iii. assisting the Approved Provider to develop codes of conduct for staff and parents/guardians, students, contractors, volunteers and visitors (refer to Attachments 1 and 3 for samples)

iv. completing and signing the Code of Conduct Acknowledgement for staff

v. adhering to the Code of Conduct for staff always

vi. informing the Approved Provider in the event of a serious incident (refer to Definitions), of a notifiable complaint (refer to Definitions) or of a breach of the Code of Conduct Policy

vii. contacting Police in an emergency where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated, or where sexual abuse or grooming is suspected as outlined in the Child Safe (formerly Child Protection) Policy

viii. working with the Approved Provider, staff, students, volunteers, parents/guardians and others at the service to provide an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct

ix. ensuring that students and volunteers sign the code of conduct (refer to Attachment 4)

x. ensuring that parents/guardians of a child attending the service can enter the service premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or conflict with any duty of care of the Approved Provider, Nominated Supervisor or educators under the Law (Regulation 157)

xi. developing practices and procedures to ensure that parent/guardians, students, contractors, volunteers or visitors at the service, are not placed in a situation where they are left alone with a child

xii. respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal

xiii. understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their employment.

6.3 All staff are responsible for:

i. assisting the Approved Provider to develop a code of conduct for staff

ii. completing and signing the Code of Conduct Acknowledgement

iii. adhering to the code of conduct for staff at all times

iv. providing guidance to students, volunteers, parents/guardians, students and visitors through positive role modelling and, when appropriate, clear and respectful directions

v. working to provide an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct

vi. ensuring that parents/guardians, students, contractors, volunteers and visitors at the service are not placed in a situation where they are left alone with a child

vii. informing the Approved Provider in the event of a serious incident (refer to Definitions), of a notifiable complaint (refer to Definitions) or of a breach of the Code of Conduct Policy

viii. contacting Police in an emergency where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated or where sexual abuse or grooming is suspected as outlined in the Child Safe (formerly Child Protection) Policy.

ix. respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal

x. understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their employment.

6.4 Parents/guardians are responsible for:

i. reading the Code of Conduct Policy

ii. abiding by the Code of Conduct for parents/guardians

iii. complying with all policies of the service Students contractors, volunteers and visitors while at the service, are responsible for following this policy and its procedures.

6.5 The Service will regularly seek feedback from everyone affected by the policy

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Dromana Community House Early Learning Centre

CODE OF CONDUCT

Code of conduct for the Approved Provider, Persons with Management and Control, Nominated Supervisor and all staff

All staff and volunteers are responsible for promoting the safety and wellbeing of children and their families by:

• welcoming all children and their families and being inclusive

• treating everyone with respect, including listening to and valuing their ideas and opinions

• contributing to a culture of child safety

• adhering to the Child Safe (formerly Child Protection) Policy and all other policies

• taking all reasonable steps to protect children from abuse

• respecting the privacy of children and their families, and only disclosing information to people who have a need to know as required under the Privacy and Confidentiality Policy

• reporting and acting on any breaches of this Code of Conduct, complaints or concerns.

Professional responsibilities

All staff and volunteers demonstrate our commitment to our professional responsibilities by: • undertaking duties in a competent, timely and responsible way

• ensuring our knowledge and expertise is up to date and relevant to our roles

• being aware of the role of other professionals and agencies and working collaboratively and within the limits of our professional expertise

• understanding and complying with legal obligations in relation to: − discrimination, harassment and vilification − negligence − grooming − disclosure of child sexual abuse − protection of a child from child sexual abuse − mandatory reporting − privacy and confidentiality − occupational health and safety, including emergency evaluation procedures − raising any complaints or grievances in accordance with the Complaints and Grievances Policy − maintaining Working with Children checks as applicable.

• raising any complaints or grievances in accordance with the Complaints and Grievances Policy.

Relationships with children All staff and volunteers demonstrate our commitment to high-quality education and care for children by:

• encouraging children to express themselves and their opinions

• allowing children to undertake experiences that develop self-reliance and self-esteem

• maintaining a safe environment for children

• being a positive role model at all times

Speaking in an encouraging and positive manner

• giving each child positive guidance and encouraging appropriate behaviour

• providing opportunities for children to interact and develop respectful and positive relationships with each other, and with other staff members and volunteers at the service

• regarding all children equally, and with respect and dignity

• having regard to their cultural values and supporting them to express their culture

• respecting individual difference including age, physical and intellectual development, and catering for the abilities of each child at the service

• working with children in an open and transparent way by informing other staff about the work being done with children

• encouraging and assisting children to undertake activities of a personal nature for themselves e.g. toileting and changing clothes

• informing children if physical contact is required for any purpose, asking them if they are comfortable with this interaction and complying with the Interactions with Children policy.

Relationships with parents/guardians and families

In our relationships with parents/guardians and families, all staff demonstrate our commitment to collaboration by:

• working collaboratively with parents/guardians and families

• considering the perspective of parents/guardians and families when making decisions that impact on the education and care of their child

• communicating with parents/guardians and families in a timely and sensitive manner

• responding to concerns expressed by parents/guardians and families in a timely and appropriate manner.

Relationships with employer and between colleagues In relationships with the Approved Provider, Persons with Management and Control, Nominated Supervisor and between colleagues, staff demonstrate collegiality by:

• encouraging others to act in accordance with this Code of Conduct and taking action when they observe behaviours which are outside of the Code of Conduct

• developing relationships based on mutual respect, equity and fairness

• working in partnership in a courteous, respectful and encouraging manner

• valuing the input of others

• sharing expertise and knowledge in appropriate forums, and in a considered manner

• respecting the rights of others as individuals

• giving encouraging and constructive feedback, and respecting the value of different professional approaches

• being prepared to have difficult conversations and use constructive processes to address differences of opinion.

Code of Conduct Policy

Acknowledgement for staff I hereby acknowledge that I received a copy of the Code of Conduct Policy for Dromana Community House Early Learning Centre. I have read the policy and I understand its contents. I commit to abiding by the Code of Conduct and fulfilling my responsibilities as outlined in this policy whilst working at Dromana Community House Early Learning Centre. I understand that the Approved Provider will address any breach of this policy, and that any serious breach could lead to disciplinary or legal action.

Signature Name (please print)

Date Witness signature Name (please print)

Date

Thank you for your contribution to making Dromana Community House Early Learning Centre an open, safe, welcoming, and friendly environment.

Effective Date: March 2022