

GSE 3.1



*Good Samaritan Education* Mission Team

# Code of Behaviour – Child Safety

Student Formation Team

I have read and understood the Code of Behaviour - Child Safety for Staff and Volunteers. I agree to follow the processes outlined in the document.

Name:

College:

Signed:

Date:

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## Staff/Volunteers

*Good Samaritan Education (GSE)* provides opportunities for staff and students to deepen their understanding of the Good Samaritan Benedictine spirituality through a variety of experiences, including immersions to locations where Good Samaritan sisters now minister. These immersions are staffed by teachers employed by Colleges belonging to *Good Samaritan Education*.

This policy includes the disclosure of allegations pertaining to abuse, harassment and discrimination.

The policy applies to employees, volunteers, religious and contractors. For the purpose of this policy the mandatory reporter is the Principal or their nominee, of the College where a student is enrolled or staff member is employed.

**Each college is to meet the requirements of the legislation of the State where it is located.**

Staff working on a *Good Samaritan Education* immersion are required to report any concerns to the Principal or their nominee of the College where the student is enrolled and/or staff member is employed. In the case of the report involving the Immersion Coordinator, the report can be made to the Executive Director of *GSE*. Any criminal offence must be reported to the Police in the jurisdiction where the offence takes place. Such reports should be made immediately, or as soon as practically possible.

These concerns about a student include:

- A. A staff member is aware of an allegation of abuse;
- B. A staff member has formed a belief that a child is on danger of, or is, being abused; or
- C. A child is in need of care

Failure to report allegations of child sexual abuse or suspicion of child sexual abuse of a person under the age of 16, based on reasonable grounds, is an offence under all state jurisdictions.

Mandatory reporting applies in Queensland, New South Wales and Victoria if there is:

- A. Reasonable grounds to make a report
- B. A current concern about safety, welfare or wellbeing
- C. A suspicion of risk of harm.

### Reportable Conduct

*This information is based on the NSW Ombudsmans Act 1974 (amendment) and defined in Section 25A. This act defines a child as a person under the age of 18.*

Reportable Conduct is defined as:

- A. Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornographic offence) or
- B. Any assault, ill-treatment or neglect of a child; or
- C. Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of a child.

Reportable Conduct does not extend to:

- A. Conduct that is reasonable for the purposes of discipline, management or care of children having regard to age, maturity, health or other characteristics of the children and to any relevant codes of conduct and professional standards; or

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- B. The use of physical force that, in all circumstances, is trivial or negligible, but only if the matter is investigated and the result of the investigation recorded under workplace employment procedures; or
- C. Conduct of a class or kind exempted from being reportable conduct by the relevant jurisdiction eg by the NSW Ombudsman under section 25CA (which is any reportable allegation or reportable conviction against an employee of the agency of which the head of the agency becomes aware.)

**Investigation**

Any allegation of reportable conduct, or conduct that is inappropriate, or conduct that is inconsistent with *Good Samaritan Education* values or the *Good Samaritan Philosophy of Student Wellbeing 2012*, *Good Samaritan Care and Protection of Students 2002* may be subject to an investigation. The investigation is to be carried out in accordance to the policy and procedures of the College where the person is employed. It may involve the suspension of the employee with pay or other action, including termination of employment where it is deemed appropriate following an investigation.

**Screening of the Employees and Volunteers**

Each college is responsible for the employment of staff and are therefore to ensure that all staff have met the requirements of their state law. Staff members in NSW and Victoria must have a current Working With Children Check and Queensland staff must have a current Blue Card. Staff members participating in *Good Samaritan Education* immersion experiences are required to provide the number of their current WWCC or Blue Card. As the registered employer, the Colleges need to verify the staff member's WWCC or Blue Card as a 'point in time' check. Staff are reminded to make themselves **aware** of the requirements of state jurisdictions in regard to safety and wellbeing of students and staff and their legal obligations by reviewing various websites listed below.

New South Wales – <http://www.kidsguardian.nsw.gov.au>

Queensland - <http://www.bluecard.qld.gov.au/>

Victoria - <http://www.ccyp.vic.gov.au/>

Appendix 1: Complaint Record Form

Appendix 2: Code of Conduct for Student Protection GSCA 1.7

Appendix 3: Relevant State Regulations

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*Good Samaritan Education* Immersion experiences are short term experiences of between 6-18 days. It is important that at all times students feel safe and are well cared for. Staff members who are involved in these experiences *must* endeavour to create an environment where students are confident their voices are heard if they have concerns. Staff members are to be aware of their obligations and responsibilities as leaders and role models in what can sometimes be challenging circumstances.

<b>DO</b>	<b>Do Not</b>
Treat students with respect and honesty. Form appropriate relationships with all students	Treat the Immersion like it is a holiday. You are there as a teacher and must always act in a professional manner
Remember to be a positive role model to students in all your conduct	Do things of a personal nature that students can manage themselves – pack bags, make beds etc
Set clear appropriate boundaries between yourself and the students	Develop any ‘special’ relationships. Never give students gifts or special treatment.
Make yourself aware of the risk assessment for the trip and of students who have particular needs	Drink alcohol in front of students.
Always work in partnership with another staff member and never be alone with a student in a bedroom/ hotel room	Engage with students on any form of social media.
Record and act on complaints regarding inappropriate behaviour, comments by another staff member	Leave the group at any time without negotiating with other staff
Always abide by the law. Follow the road rules.	Act or speak in an offensive or culturally insensitive manner
Dress appropriately for the culture, climate and activity	Keep concerns about any aspect of the immersion to yourself – be proactive
Take care of yourself!	Forget that the safety and wellbeing of all is your primary responsibility!

*This list is not exhaustive. It is indicative of behavioural expectations of staff on GSE immersion trips.*

*Good Samaritan Education* values your participation in the Immersion programs. It is hoped that they are as enriching for you as they are for students.

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**Dealing with Complaints**

## Complaints Process

In the event that a student or staff member makes a complaint or raises a concern, follow the process outlined here.

	Outline of Steps
<b>What?</b>	All complaints should be reported including disclosure of abuse, inappropriate behaviour around students and suspicion of abuse or harm to a student. If it is a criminal offence, it must be reported immediately to the police of the jurisdiction where the offence takes place. Staff will be assisted and supported by <i>GSE</i> in this process if required
<b>Who to?</b>	Any student or staff member can make a complaint or raise a concern to the Immersion Trip Coordinator. If the complaint involves this person, the complaint should be directed to the Executive Director of <i>Good Samaritan Education</i>
<b>What steps to take?</b>	<p>The Coordinator or Executive Director listens to the complaint and makes a record using the <b><i>Complaint Record Form</i></b>. (Appendix 1)</p> <p>The Coordinator must inform the Principal or nominated representative of the College where the student is enrolled and/or staff member is employed. The Principal or their nominee will liaise with the <i>GSE</i> Executive Director throughout the process</p> <p>If the complaint is reportable under the state law of where the victim resides, this must be done and all involved in the report are informed of the need to make the report</p>

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Appendix 1

COMPLAINT RECORD FORM

Your Name	
Position	
Name of Student/Person involved	
Name of Person making the complaint	
Name of person the complaint is made against	
Nature of complaint (Include time, date, location, what happened)	
Details of any injuries   Was medical attention required? Yes No If yes, please outline:	
Description of what took place	

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Details of who else was present	
Does this complaint indicate the possibility of child abuse ie physical abuse, sexual abuse, or neglect	Yes/No
<p>If yes, provide details of your report to appropriate state body</p> <p><b>NSW:</b> Dept of Family and Community Services 132111 (24 hr service)</p> <p><b>QLD:</b> Dept of Communities, Child Safety and Disability Services, Child Safety After Hours Service Centre <b>1800 177 135</b> or (07) 3235 9999. (24 hr service)</p> <p><b>VIC:</b> Dept of Human Services, Child Protection Crisis Line 13 12 78 (24 hr service)</p>	<p style="text-align: center;">Which Department:</p> <p>Name and Position of the person who the report was made to:</p> <p style="text-align: center;">Date report was made:</p>
<p>If complaint relates to inappropriate behaviour, what action was undertaken? (make a note of any/all support/ counselling that was offered to the person against whom the complaint was made)</p>	
Any follow up required?	Yes/No
If yes, provide details	

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

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#### Appendix 2

#### **Code of Conduct for Student Protection**

#### **GSCA 1.7**

#### **Introduction**

This Code of Conduct is intended as a guide for the overall care and protection of children and young people associated with schools under the auspices of *Good Samaritan Education (GSE)*. It aims to provide direction for *Good Samaritan Education* when considering activities involving students, both within and outside of *GSE* schools.

The safety and wellbeing of students in *GSE* schools is paramount. The responsibility for the care and protection of students rests with the adults entrusted with this duty.

Adults in this context include *GSE* employees, College staff, contractors, parents and volunteers.

The most effective protection for children and young people is the proactive prevention of harm. This concept of prevention involves due diligence at all levels of activity.

The following list of positive behaviours is not exhaustive but aims to indicate the minimum standards expected of those working with and in Good Samaritan Schools.

#### **Positive Behaviours**

1. All adults, as defined above, working with students are to be appropriately credentialled if working in a professional capacity and have relevant working with children certification according to the legal requirements of each State or Territory.
2. Students are to be appropriately supervised at all times. Levels of supervision are dependent upon a number of factors including, but not limited to:
  - (i) the number of students involved in the activity
  - (ii) the degree of complexity or danger associated with the activity
  - (iii) the location of the activity
  - (iv) the age and ability levels of the students
3. All adults are to maintain appropriate adult-student relationships with children and young people. All students are to be treated equitably and perceptions of favouritism are to be avoided.
4. Students are to be encouraged to develop autonomy and independence. All adults must be cognizant of the need to discourage dependency relationships.
5. All adults need to be aware of the necessity to avoid **unnecessary** physical contact. The need for physical contact in a medical emergency or other appropriate circumstances is recognized.
6. Adults should, where practicable, be in the presence of, or have ready access to, another adult when working with or supervising students.



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7. Adults should be aware of the students need for personal space. Adults should not walk into bedrooms, hotel rooms or bathrooms. Adults should never undress in front of students.
8. All adults should be familiar with relevant *GSE* and College policies/procedures and legislative requirements for reporting concerns about the safety and wellbeing of young people to designated authorities (eg. mandatory reporting requirements)
9. All adults should foster the development of positive relationships amongst the students in their care and should have an awareness of behaviours that may indicate that a student is being bullied and/or victimised and/or abused, physically, emotionally or sexually.

### **Reporting**

An open and aware culture where adults and young people alike feel able to raise their concerns, and can see those concerns are acted upon, is the best protection for children and young people.

Any complaints from students relating to their care and protection must be taken seriously, recorded and reported according to College policies/procedures and legislative requirements relevant to the College in which the student is enrolled. This should be done in a timely manner.

All schools under the auspices of *GSE* should have in place policies, protocols and procedures for the reporting and management of complaints and allegations in accordance with relevant legislation.

### **Review History**

GSCA 1.7 version 2.0 August 2015

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**Staff/Volunteers****Appendix 3 Relevant State Regulations****New South Wales**

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)

Child Protection (Offenders Registration) Act 2000 (NSW)

Crimes Act 1900 (NSW)

Commission for Children and Young People Act 1998 (NSW)

The Ombudsman Act 1974 (NSW)

Family Law Act 1975 (Cth)

Children and Young Persons (Care and Protection) Amendment Bill 2009

**Queensland**

Child Protection Act 1999 (Qld)

Child Protection Reform Amendment Act 2014 (Qld)

Public Guardian Act 2014 (Qld)

Family Child and Commission Act 2014 (Qld)

Education (General Provisions) Act 2006 (Qld)

Public Health Act 2005 (Qld)

Commission for Children and Young People and Child Guardian Act 2000 (Qld)

Adoption of Children Act 1964 (Qld)

Family Law Act 1975 (Cth)

**Victoria**

Children, Youth and Families Act 2005 (Vic.)

Working with Children Act 2005 (Vic.)

Child Wellbeing and Safety Act 2005 (Vic.)

The Charter of Human Rights and Responsibilities Act 2006 (Vic.)

Family Law Act 1975 (Cth)

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The Commission for Children and Young People Act 2012

Pre-employment screening: Working With Children Checks and Police Checks

CFCA Resource Sheet— October 2014

<https://www3.aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-p>

*This document is provided as a guide only. Information is current at the time of publishing. Individuals are encouraged to check the currency of any information that is provided by contacting relevant departments or organisations.*

Each day, children across Australia come into contact with a variety of organisations such as schools, child care centers, hospitals, religious institutions, and sports and recreation clubs. The development and implementation of policy and legislation that provides for the pre-employment screening of adults who work or volunteer in child-related organisations is an important strategy for creating and maintaining child-safe organisations. However, it is by no means sufficient.

For other strategies to ensure organisations are child-safe see *Child Maltreatment in Organisations: Risk Factors and Strategies for Prevention* (Ireny, Bromfield, Beyer, & Higgins, 2006) and *Child-Safe Sports Environments* (Higgins, 2013).

### Overview

There is no single national framework setting out the requirements for obtaining Working With Children Checks or Police Checks. Each state and territory has their own procedures and it is necessary to fulfil the requirements in the jurisdiction(s) in which you are working.

Most states and territories have introduced legislation providing for child-related employment pre-screening, or are working towards such legislation. The legislation identifies broad categories of child-related work where employers, employees and volunteers must fulfil screening requirements. There are important differences across jurisdictions regarding the type of screening programs that are in place, what records are checked, and who is required to undergo screening.

### Police check and child safety screening programs

There are three types of screening programs operating in Australia.

The first, in South Australia, has an *employer-driven* system that makes it mandatory for employers in relevant fields to carry out background checks on prospective employees or volunteers.<sup>1</sup> This system provides a "point-in-time" background check and individuals must undergo screening each time they enter into a child-related position.

The second and most common type of screening program in operation is *individual based*. It offers certification to engage in child-related work to individuals (Qld, NSW, Vic., WA and the NT). These certifications are valid for a

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period of time (e.g., 3 years in WA) and provide for ongoing monitoring of an individual's suitability for child-related work. This means that if a relevant criminal offence is committed during the validity of the check, or if the individual is subject to relevant work-related disciplinary procedures, the administering authority may inform employers of the offence, and alter or withdraw an individual's entitlement to work with children. Individuals can also carry their certification between positions and do not have to undergo repeated screening while their Working With Children Check is valid.

The third type of screening program is the Working with Vulnerable People Background Check operating in the ACT which is a mix of the two. It provides three types of certification based on the eligibility of individual applicants. The "general certification" provides for the same conditions to engage in child-related work as found in individual screening checks discussed above, including a 3-year certification period, ongoing monitoring, and mobility between role positions. The second type of certification is role-based. Similar to the point-in-time background check, this certification restricts individuals to engaging in specified regulated activities with a stated employer. The role-based certification cannot be moved freely between regulated activities. The third type of registration is conditional, imposing specific conditions on an individual's registration.

## NSW

Child Protection (Working with Children) Act 2012 (NSW) The NSW Working With Children Check that came into effect 15 June 2013 has resulted in a move from an employer driven "point-in-time" system to a system where individuals, including volunteers, are responsible for their own application for certification. Employers operating within a child-related industry are required to register online with the NSW Office of the Children's Guardian and to subsequently conduct online verification of new paid employees clearance. Existing paid workers and all volunteers (new and current) also need to have clearance validated online as they are phased in to the new check system. The check is valid for 5 years and subject to ongoing monitoring.

The Working With Children Check is comprised of:

- A National Police Check for charges and convictions (including spent convictions) for: any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge); any assault, ill treatment, neglect of, or psychological harm to a child; any registrable offence; offences of attempting, or of conspiracy or incitement, to commit any of the above offences.
- Consideration of whether any of the above offences were committed in New South Wales and were punishable by penal servitude or imprisonment for 12 months or more; or whether any of the above offences were committed elsewhere and would have been an offence punishable by penal servitude or imprisonment for 12 months or more if the offence had been committed in New South Wales.

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Consideration of relevant matters, including all matters irrespective of whether they are considered spent or were committed as a juvenile (relevant matters include charges that may not have been heard or finalised by a court; are proven but have not led to a conviction; or have been dismissed, withdrawn or discharged by a court).

Consideration of relevant Apprehended Violence Orders.

Consideration of relevant employment proceedings, reportable conduct, any sexual offences or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence; any child-related personal violence offence; any assault, ill treatment or neglect of a child; any behaviour that causes psychological harm to a child; or an act of violence committed by an employee in the course of employment and in the presence of a child. As part of an additional risk assessment, the Children's Guardian may give consideration to a range of different factors regarding previous matters that triggered the risk assessment. The Children's Guardian may also consider any other matters deemed necessary for an assessment to be made.

*Employees and volunteers over the age of 18 engaging in child-related works are required to hold a Working With Children Check clearance.* Individuals who work face-to-face with children in one of the following child-related industry sectors need to obtain a check: child development and family welfare services, mentoring or counselling services; child protection; children's health services, including in wards of hospitals where children are treated; clubs, associations, movements or other bodies (including cultural, recreational or of a sporting nature) providing programs or services for children; respite care or other support services for children with a disability; early education and child care services, including nanny services; education services such as provided by schools and other education institutions, including private coaching or tuition of children; sporting, cultural or other entertainment venues used primarily by children and entertainment services for children; detention centres and juvenile correctional centres; any religious organisation; residential services including refuges used by children, long-term home stays, boarding houses and overnight camps; transport services for children, including school bus services and taxi services used for children with disabilities; supervision of school road crossings; and youth workers. In addition the following child-related roles are defined as child-related work: an approved provider or manager of an education and care services; a certified supervisor of education and care services; an authorised carer (foster carers and other authorised carers of children in statutory and supported out-of-home care); an assessment officer; the Principal Officer of a designated agency; and the Principal Officer of an accredited adoption service provider. Prospective adoptive parents; adults who reside at the home of an authorised carer, family day care service provider or home-based education and care service provider also require a Working with Children Check

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**QLD**

Working with Children (Risk Management and Screening) Act 2000 (Qld) Individuals are required to apply for a Working With Children Check, known as a "Blue Card" in Queensland. Valid for 3 years, Blue Cards entitle individuals to engage in child-related occupations/volunteering. Organisations providing child-related services must also have policies and procedures in place to identify and minimise risk of harm to children, which are monitored by the Public Safety Business Agency.

The Blue Card screening system is comprised of:

- A National Police Check.
- Consideration of any charge or conviction for an offence, whether or not a conviction is recorded.
- Consideration of whether a person is a respondent to or subject to an application for a child protection prohibition or disqualification order; or whether a person is subject to reporting obligations under the Child Protection (Offender Reporting) Act 2004.
- Disciplinary information from professional organisations associated with teachers, childcare service providers, foster carers, nurses, midwives and certain health practitioners.
- Information from police investigations into allegations of serious child-related offences will be taken into account even if no charges were laid because the child was unwilling or unable to proceed.

Employees and volunteers including business operators working in the following settings are required to obtain a Blue Card: residential facilities; child accommodation services funded by the Commonwealth or under the *Education (General Provisions) Act 2006*; school boarding facilities; schools; child care; education and care services; churches, clubs and associations involving children; health counselling and support services that come into contact with children; private teaching, coaching or tutoring; education programs conducted outside of school; child accommodation services including home stays; religious representatives; sport and active recreation activities directed towards or mainly involving children; emergency services cadet program; school crossing supervisors; and the care of children under the *Child Protection Act 1999* (Qld). Note that volunteers who are under 18 years of age do not require a Blue Card, however, employees under 18 years of age do require a Blue Card.

**VIC**

Working With Children Act 2005 (Vic.) Individuals are required to apply for a Working With Children Check. Valid for 5 years, the check entitles individuals to engage in child-related occupations/volunteering and practical training.

The Working With Children Check is comprised of:

- A National Police Check - offences with most significance include serious sexual offences, serious violent offences, serious drug related offences, offences against the Working With Children Act 2005 (Vic.) itself.
- A review of relevant findings from prescribed professional disciplinary bodies.

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Information sought from other bodies such as courts, the Director of Public Prosecutions and any employee within the meaning of the Public Administration Act 2004, Corrections Victoria and employers - including, where a court: made a formal finding of guilt in relation to an offence; convicted the applicant of an offence, accepted a plea of guilt from the applicant, or acquitted the applicant of an offence because of mental impairment.

Information about any spent convictions, juvenile convictions and findings of guilt, pending charges, and the circumstances surrounding any charges or convictions.

In addition, the following individuals are ineligible to apply for a Working with Children Check:

Registered sex offenders within the meaning of the Sex Offenders Registration Act 2004, or subject to an extended or interim extended supervision order under the Serious Sex Offenders Monitoring Act 2005.

Individuals subject to a detention order, including a interim detention order, or a supervision order including an interim supervision order under the Serious Sex Offenders (Detention and Supervision) Act 2009.

Employees and volunteers aged 16 and over working in child care services or other child-related services are required to apply for a Working with Children Check. Work that is classified child-related is work where the usual duties involve, or are likely to involve, contact with a child. Child-related services other than those classified child care services include: religious services; commercial services for children; coaching and tuition; clubs, associations and movements; child protection services; justice facilities for children; child education services (non-government); services to children with a disability; child accommodation services; counselling and support services for children; transport services for children; youth workers; child education services (government); teaching; vocational and training; and emergency services personnel not engaged in emergency management activities (e.g., delivering educational sessions in schools).

Some individuals may not need to apply for a Working with Children Check. For example, you would be exempt if: you are a child under the age of 16; you only have incidental contact with children; you are a close relative of the child; you are a police officer or a correctional officer; you are a registered health practitioner; or, you are an emergency management worker dealing with an emergency.