

PROTECTIVE PRACTICES FOR STAFF IN THEIR INTERACTIONS WITH STUDENTS



GUIDELINES FOR SCHOOLS, PRESCHOOLS AND OUT OF SCHOOL HOURS CARE

Updated April 2009



Government of South Australia
Department of Education and
Children's Services



Protective practices for staff in their interactions with students

Grateful acknowledgement is made of material provided by:
Catholic Education Office Diocese of Parramatta
Protective Practices for Staff in Their Relationships with Students
2004

June 2005

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Foreword

These guidelines form part of a set of child protection policies that have been developed in collaboration with Catholic Education South Australia and the Association of Independent Schools of South Australia. The government and non government school sectors are committed to establishing child protection standards that are consistent across all South Australian schools.

Protective practices for staff in their interactions with students provides clear advice to all adult members of preschool, school and out of school hours care communities for the establishment of positive, caring and respectful relationships with children and young people. The main intent of this document is to safeguard the emotional and physical wellbeing of children and young people by promoting in adults an enhanced understanding of appropriate relationship boundaries. In achieving this it is hoped that staff can feel confident about meeting their responsibilities to students and about providing leadership with co-workers to do the same.

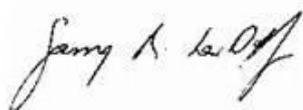
Each of these desired outcomes will contribute to safer, more successful preschool, school and out of school hours care environments for all of the people who learn and work in them.



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Glossary

For the purposes of this document the following definitions apply.

Staff	employees, paid workplace participants and volunteers
Pre/school	preschools, kindergartens, out of school hours care and vacation care services, junior primary, primary, secondary, senior secondary schools and any associated boarding facilities
Students	all children and young people enrolled at or attending the sites defined under <i>pre/school</i>

Introduction

The South Australian education sectors, represented by the Department of Education and Children's Services, Catholic Education South Australia, and the Association of Independent Schools of South Australia, are committed to fostering mutual trust and respect between the children, young people and adults who make up their educational communities.

This document provides advice to staff about the requirements made of them in their interactions with students. Caring, protective and encouraging forms of touch are healthy and important elements of human interaction. The intent of these guidelines is to encourage staff to continue relating to students with warmth, honesty and respect. They are also intended to provide clarity about when, and in what ways, interactions with students can cause harm. (*For definitions of the terms 'staff', 'students' and 'pre/school', see Glossary on page 4.*)

The need for this document is supported by the following guiding principles of the *National Safe Schools Framework* (Australian Government Department of Education, Science and Training, 2003).

Australian schools

- *ensure that roles and responsibilities of all members of the school community in promoting a safe and supportive environment are explicit, clearly understood and disseminated*
- *take action to protect children from all forms of abuse and neglect*
- *affirm the right of all school community members to feel safe at school.*

The guidelines set out below require a commitment from all staff:

- to ensure that student safety and wellbeing are paramount within our pre/schools
- to contribute to a culture of staff safety and wellbeing.

Key duty of care requirements of staff in their relationships with students

Duty of care

In the pre/school context, *Duty of Care* is a common law concept that refers to the responsibility of pre/school staff to provide students with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect students from all reasonably foreseeable risk of injury. The question of what constitutes *reasonable care* in any given case will be determined objectively by a court and will depend on the individual circumstances of each case. The courts have found that the duty of care owed by teachers to students is extremely high. In their relationships with students, staff are required to ensure that the physical and emotional welfare of students is safeguarded, and that their own behaviour with students is always regulated by this duty of care both within and beyond the pre/school setting.

*Protective practices for staff in their interactions with students***Maintaining professional boundaries with students**

Teaching and care professions are predicated on positive relationships and pre/schools are places where all staff can have significant influence in students' lives. The relationship of an adult staff member and student is characterised by differing roles and an imbalance of power based on a number of factors including age, authority and gender.

The staff member is responsible for maintaining a professional role with the student. This means establishing clear professional boundaries with students that serve to protect everyone from misunderstandings or a violation of the professional relationship.

The following examples will assist staff in establishing and maintaining appropriate boundaries.

Boundary	Example of violation
Communication	<ul style="list-style-type: none"> • Inappropriate comments about a student's appearance including excessive flattering comments • Inappropriate conversation or enquiries of a sexual nature (eg questions about a student's sexuality) • Use of inappropriate pet names • Vilification or humiliation • Jokes or innuendo of a sexual nature • Obscene gestures and language • Facilitating access to pornographic or overtly sexual material • Failing to stop sexual harassment between students • Correspondence of a personal nature including letters, email, phone, SMS text (not including class postcards/ bereavement cards, etc)
Personal disclosure	<ul style="list-style-type: none"> • Discussing personal details of lifestyle of self or others. It may be appropriate and necessary at times, however, to draw on relevant personal life experiences when teaching • Sharing of personal information about other staff or students
Physical contact	<ul style="list-style-type: none"> • Unwarranted, unwanted and/or inappropriate touching of a student personally or with objects (eg pencil or ruler) • Initiating or permitting inappropriate physical contact by a student, eg massage, tickling games

*Protective practices for staff in their interactions with students**(continued)*

Boundary	Example of violation
Place (without pre/school's authority)	<ul style="list-style-type: none"> • Inviting/allowing/encouraging students home • Attending students' homes or social gatherings for personal reasons • Being alone with a student outside of a staff member's responsibilities • Watching students in a change room when not in a supervisory role • Driving a student unaccompanied
Targeting individual students	<ul style="list-style-type: none"> • Tutoring (outside education sectors' directives) • Personal gifts and special favours • Adopting a welfare role that is the responsibility of another staff member eg counsellor, or doing so without the knowledge of key staff members

Professional boundary violations by a staff member represent a breach of trust and a failure to meet a duty of care to students. When staff violate boundaries they risk:

- harmful consequences for the student
- seriously undermining the learning process
- seriously undermining the professional reputation of the staff member
- disciplinary action for the staff member.

Staff members may also fail to maintain professional boundaries by operating beyond the responsibilities of their role, and beyond their expertise. Students who raise significant personal problems with a staff member they trust need to be referred, preferably with their knowledge, to a person on staff with specialised skills, for example, a school counsellor or pastoral care co-ordinator. The staff member can continue to play a supportive role with the student in collaboration with specialist staff.

Staff must not, under any circumstances, engage in an intimate, overly familiar or sexual relationship with a student. Improper conduct of a sexual nature by a staff member against a student includes all forms of sexual activity, including kissing, and any other form of child abuse as well as but not limited to the following.

- Obscene language or gestures of a sexual nature.
- Suggestive remarks or actions.
- Jokes of a sexual nature.
- Unwarranted and inappropriate touching.
- Undressing in front of students.
- Correspondence (spoken or text) with students in respect of the staff member's sexual or personal feelings for the student.
- Deliberate exposure of students to sexual behaviour of others, other than in prescribed curriculum in which sexual and relationship themes are contextual.

*Protective practices for staff in their interactions with students***Good practice in managing professional boundaries**

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

- Am I dealing in a different manner with a particular student than with others under the same circumstances?
- Is my dress/availability/language different from the normal with a particular student?
- Would I do or say this if a colleague were present?
- Would I condone my conduct if I observed it in another adult?
- Are the consequences of my actions likely to have negative outcomes for students?
- If I were a parent would I want an adult behaving this way towards my own children?

Professional conduct and social networking websites

Staff in education and care settings are expected to model responsible and respectful conduct to the children and young people with whom they work. Most staff feel confident about their ability to do this in the work place and in the general community they may share with children, young people and parents.

However, staff in education and care environments also need to consider the electronic social environments they utilise. It is important they consider what information about them or images of them could be accessed by others and whether they believe these represent them in a light acceptable to their role in working with children and young people. Would they be happy for the children, young people, other staff and parents of the community in which they work to access that material? What judgements could be made about their suitability to have responsibility for children and young people? What misuse of the material could children or young people make?

Responding to inappropriate/sexual behaviour of staff towards students

Staff in pre/schools are mandated notifiers and are therefore required under the Children's Protection Act to report suspected child abuse to the Child Abuse Report Line (CARL) on 131478. A report to CARL must be made irrespective of who is implicated: a colleague, friend, senior staff member, volunteer, parent, visitor or other student. The report is made in consultation with the principal/director who signs the site's mandatory notification record and stores it securely. Working with the principal/director ensures that appropriate procedures can be followed within the pre/school. Such procedures are designed to ensure that students' wellbeing is safeguarded and that staff members' rights are respected.

If the principal/director is the subject of the suspicion, observation or allegation, staff must report to the principal's/director's line manager, employer or appropriate central office personnel.

The complexities of these situations are acknowledged. Nevertheless, staff must be supported in managing their sensitivities or discomforts because their duty of care to the student remains their paramount responsibility. Staff are encouraged to discuss these issues and procedures as part of their Responding to Abuse and Neglect Education and Care training.

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Staff may also observe behaviours in colleagues that they view to be inappropriate rather than abusive or that sit on the border of violating a professional boundary. Staff must ensure, through their principal or a senior staff member, that the adult concerned is made aware of the potential of their actions to impact negatively on students, and on themselves. Professional advice of this kind may be particularly valuable to young or newly appointed staff. The principal or senior staff member should document what is discussed.

All staff must take action if students disclose information about inappropriate behaviours of other adults on the site. It is not acceptable to minimise, ignore or delay responding to such information. For the wellbeing of all members of the pre/school community the principal/director or senior staff member must be informed as a matter of urgency.

Responding to inappropriate/sexual behaviour of students towards staff

Should a student engage in inappropriate behaviour of a sexual nature then immediate respectful steps must be taken to discourage the student. The matter should be reported and documented promptly with appropriate personnel in the pre/school and a plan of action developed to support the student and relevant staff member. Depending on the age/ability of the student and contextual information this plan of support may involve:

- communication with parents
- referral to and liaison with specialist counselling
- formalised support within the pre/school which may include closer monitoring or supervision
- referral to and liaison with appropriate agency with disability specific expertise.

Inappropriate sexual behaviour towards staff, in younger children, can elicit a suspicion that a child has been sexually abused him/herself. In these situations staff must:

- make a mandatory notification to the Child Abuse Report Line on 131478
- consider the safety of other students with whom the student has contact
- develop and document a plan of action and communication with all relevant parties (including other agencies)
- seek advice, if required, from Child Protection Services at the Women's and Children's Hospital on 8161 7346 or Flinders Medical Centre on 8204 5485.

It is recognised that at times students may actively seek a relationship with a staff member that would constitute an inappropriate relationship. In such circumstances, staff members are advised to immediately report the information to the principal/director and seek assistance from a senior staff member, school counsellor or pastoral care coordinator to actively manage the situation in a way that respects the emotional wellbeing of the student and provides support to the staff member. Examples of behaviours that should be reported and addressed are receiving gifts of an inappropriate nature or at inappropriate times, flirtatious gestures and comments, inappropriate social invitations, and correspondence that suggests or invites an inappropriate relationship. The staff member should document the incident that initially prompted their concern and the plan of action agreed to by the principal/director.

Serious sexual harassment or assault of a staff member by a student should be dealt with following normal behaviour management protocols with the involvement of parents and police. Along with this response, consideration must also be given to the most

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appropriate counselling and support that can be provided to the student and family. It is important to use these incidents as opportunities to organise meaningful interventions that address early sexual offending behaviours.

Managing boundaries for staff in specialist roles

In some situations in performing their professional role with students, staff may be required to work in a one-to-one situation with a student. Examples are counselling, conducting educational/physical assessments, conducting home visits, providing health care, mentoring, coaching or tutoring. All work of this kind must occur as an authorised pre/school activity so that arrangements can be put in place that minimise risk. The main considerations to be made of one to one work are location, time and parental consent/knowledge.

- *Location:* The more visible, public and busy the location the better. Where home visiting *cannot be avoided* parents should be present, or staff should visit in pairs.
- *Time:* Using normal pre/school hours is preferable to out of pre/school hours. Length of one to one contact should not generally exceed an hour and a half.
- *Consent/knowledge:* Other than the areas discussed below, it is essential that parents be informed/consent to activities that involve their son/daughter in one to one unsupervised contact with staff.

NB: Volunteers are subject to the supervision policies of the individual sector.

Counsellors/pastoral care coordinators/health providers

These school positions rely in different ways on providing privacy for students. Adolescents in particular will often seek as much privacy as possible when they access adult advice or intervention. Students reporting harassment or bullying or disclosing serious issues of a personal nature often expect and assume a high level of confidentiality. For these reasons schools need to find a careful balance between, on the one hand respecting the sensitive and private nature of counselling and, on the other hand, the counsellor's duty of care obligations for the safety and wellbeing of the student. Very generally, unlocked rooms with part-glass doors that are located near staff traffic areas will help minimise risk. Staff in these positions should avoid out of hours contact. While parental consent is not applicable in these situations, good practice for schools is to provide all parents with information about their counselling and pastoral care staff and the service they provide to students.

Appropriate physical contact, non-physical intervention and physical restraint

Appropriate physical contact by a staff member to assist or encourage a student

At times, staff members will be required to give practical assistance to a student who is hurt or needs particular assistance or encouragement. The following examples of physical contact that are acceptable are:

- administration of first aid
- helping a child who has fallen

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- assisting with the toileting and personal care needs of a disabled student (NB An individual plan for students with these needs must have been negotiated with parents/carers.)
- non-intrusive gestures to comfort a student who is experiencing grief and loss
- non-intrusive touch, eg congratulating a student by shaking hands. Staff should remember the importance of accompanying such touch with positive and encouraging words.

Good practice with school age children

- Seeking students' permission to touch (keeping in mind that a highly distressed student may be incapable of expressing their wishes).
- Avoiding touching a student anywhere other than the hand, arm, shoulder, or upper back.
- Avoiding being with a student in a one-on-one, out of sight situation, and never touching a student in such a situation.
- Not presuming that a hug or a touch is acceptable to a particular student. Even non-intrusive touch may be inappropriate if a student indicates they do not wish to be touched.
- Respecting and responding to signs that a student is uncomfortable with touch.
- Using verbal directions rather than touching, eg asking a student to turn this way, rather than physically placing the child in the required position. Using this approach for demonstrations in dance, sport, music and drama. Where touch is essential for safety reasons, eg with aquatic or gymnastic instruction, always telling the student that you need to hold them in a particular way and seeking their permission to do so.
- In some circumstances, staff may need to discourage younger children from unnecessary reliance on touching such as holding hands or wanting to have hugs or cuddles. This should be done gently and without embarrassment or offence to the child.

Good practice with preschool children

Staff working in preschools are often involved in toileting children, changing their clothes and comforting them for a range of distresses normal in the preschool age group. In providing such care staff should be aware of the following good practice:

- When children indicate they want comfort, ensure that it is provided in a public setting and that it is in keeping with the guidelines provided above.
- Signs of discomfort in children such as stiffening, pulling away or walking away must be respected. In these situations the child must continue to be observed/monitored until their distress is managed.
- Children must not be left in states of high distress for long periods. Parents need to be contacted under these circumstances.
- Staff should follow the preschool's toileting and changing policy.

Using non-physical intervention in a student management situation

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

- directing other students to move away from the situation

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- talking with the individual student (asking the student to stop the behaviour, and telling the student what will happen if they do not stop)
- directing the student to a safe place
- directing other students to a safe place
- sending for assistance from other staff, or in extreme cases, the police.

Use of verbal directions is always preferred to physical intervention. It is not appropriate to make physical contact with a student (eg pushing, grabbing, poking, pulling, blocking etc) in order to ensure they comply with directions. Under no circumstances should staff engage in any form of conduct which might cause physical or emotional harm to students.

Using physical restraint where a student's safety is threatened

Physical intervention can involve coming between children, blocking a child's path, leading a child by the hand or arm, shepherding a child away by placing a hand in the centre of the upper back, removing potentially dangerous objects, and in extreme circumstances, using more forceful restraint.

Staff may make legitimate use of physical restraint, if all non-physical interventions have been exhausted and a student is:

- attacking another student or staff member
- posing an immediate danger to themselves or others.

Staff are to use physical interventions only as a last resort. Maintaining good order is never a reasonable justification for using force or restraint.

Physical restraint is not to be used as a response to:

- property destruction
- pre/school disruption
- refusal to comply
- verbal threats
- leaving a classroom or the school,

unless student safety is clearly threatened.

Appropriate physical force may be permitted to ensure that the employer's duty of care to protect students and staff from foreseeable risks of injury is met. Common law defences such as self defence, and defence of others remain legitimate reasons for the use of physical contact. Everyone has the right to defend himself or herself against an attack provided they do not use a disproportionate degree of force to do so.

Safe practice guidelines when using physical restraint

The use of restraint with a student in situations where the safety of others is threatened is to prevent injury. The restraint must be reasonable in the particular circumstances, and must be in proportion to the circumstances of the incident. It must always be the minimum force needed to achieve the desired result, and take into account the age, stature, disability, understanding and gender of the student. For example, if restraining a near-adolescent or adolescent female, care should be taken to avoid contact with breasts.

It may be a valid decision staff members not to use physical force in a situation involving several students, or a physically larger student, where staff believe that doing so would

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increase the likelihood of injury to themselves. In such cases, the staff member should remove other students who may be at risk and seek help from another staff member, or in extreme cases the police.

Parents should be informed at enrolment of the pre/school's policy on physical contact with students.

Do

- Continue talking with the student throughout the incident. Make clear that physical restraint will stop when it ceases to be necessary to protect the student or others.
- Grip clothing rather than the body, whenever possible.
- Document incidents promptly and keep these records with the principal/director. The record should include
 - the name of child/children involved
 - location of incident
 - name of witnesses (staff and/or children)
 - incident outline (including child's behaviour, what was said, steps taken, degree of force applied, and how applied)
 - child's response and outcome
 - details of any injury or damage to property.
- Inform parents promptly and fully of any incident involving the physical restraint of their child and provide them with opportunity to discuss the matter at the time they are informed.
- Ensure sector specific guidelines regarding other forms of documentation are followed, for example critical incident forms.
- Provide/offer confidential debriefing, counselling support and OHSW documentation to all staff involved in incidents of restraint.

Don't

Use restraint that involves:

- force applied to the head or neck
- restrictions to breathing
- punching
- kicking
- holding by the hair or ear
- confining a student in a locked room or limited space without access to staff.

Working with students with special needs

All sections of this document require careful interpretation when applied to students with special needs. For example, students with intellectual disabilities may engage in a much wider range of physical and overtly sexual behaviours towards staff and other students as a result of their disability. Similarly, staff will need to engage more often in physical contact and touch with these students as a means of meeting their duty of care to them. In fact touch itself may be an agreed form of communication between a student, their parent and staff members where the student has a communication disability. Students with disorders causing violent and unpredictable behaviours are likely to have formalised

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restraint procedures agreed to by staff and parents/carers. Toileting assistance or processes for changing clothes will be necessities for some students.

Because of these differences staff need to be more vigilant and thoughtful in their physical interactions with students with special needs. Children and young people with disabilities are over represented in the child protection system. Their vulnerabilities mean they have an increased reliance on the adults providing their care to protect them from harm. Immediately reporting any inappropriate behaviour towards students from other adults is a critical obligation of staff and one that must not be delayed, minimized or delegated. See section – ‘Responding to inappropriate/sexual behaviour of staff towards students’.

Pre/schools support students with disabilities through various forms of individual student plans. The common features of these plans are that they involve all people who deal with the student on a regular basis, including other service providers, and they document the agreed strategies that are to be used in supporting the student. These plans are particularly important when challenging behaviours, personal care and hygiene and special physical considerations are an issue at the pre/school (eg toileting, transport within and beyond the pre/school environment, situations where physical restraint is occasionally required etc). The possibility of restraint and the nature of that restraint for students with special needs should be addressed in the individual plan as should alternative strategies for preventing harm to others. The plan process should involve the student as far as possible.

It is appropriate that different approaches are likely to be needed from staff in their interactions with students with special needs. However, the basic principles outlined elsewhere in this document remain applicable to all students. Staff have a duty of care to protect students from physical and emotional harm and while the ways of meeting the duty may differ for different groups, the duty itself remains unqualified. Staff are expected to meet this duty in a manner that respects the dignity of all children and young people as well as their vulnerabilities.

Cultural considerations

Different cultures have different attitudes and traditions surrounding the concept of appropriate touch. Staff have a responsibility to become as familiar as possible with the values of the various cultural groups enrolled in a pre/school. Many culturally based community organisations are very keen to address staff about the values of their culture so as to establish optimum understanding and respect between parents, their children and the pre/school. It is critical that staff appreciate culturally specific expectations regarding touch so that embarrassment or offence can be avoided for everyone, and particularly for students.

Many children and young people attending our pre/schools are recently arrived in Australia. Some have backgrounds of severe trauma, ranging from the observation of extreme physical violence and abuse to being victims of such violence and abuse themselves. The needs of these children and their families are acute and the issue of establishing what will be received as appropriate, helpful touch is therefore all the more essential. Staff need to employ considerable diplomacy, care and effort in their early interactions with the children and families that are known or suspected to have escaped traumatic circumstances.