

EREA NSW Colleges Ltd

Code of Conduct

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1. Purpose

- 1.1. Since 1872, Catholic Colleges in the Edmund Rice Tradition have been educating young Australians in every Australian State and Territory. Edmund Rice Education Australia NSW Colleges Ltd (EREA NSW) aims to offer a Liberating Education, based on a Gospel Spirituality, within an Inclusive Community committed to Justice and Solidarity.
- 1.2. The Code of Conduct (the Code) details, clarifies and confirms the conduct and behaviours expected of all:
 - (a) members of the EREA NSW Board;
 - (b) members of EREA NSW Colleges;
 - (c) EREA NSW Employees;
 - (d) EREA NSW Volunteers; and
 - (e) EREA NSW Contractors.collectively referred to as 'EREA NSW Persons'.

2. Principles

- 2.1. This Code is underpinned by the following principles:
 - (a) A zero tolerance of any form of child abuse and a commitment to creating an environment in which the safety and wellbeing of all Children and young people is paramount;
 - (b) A commitment to an equal opportunity workplace, free of Discrimination, Sexual Harassment and Workplace Bullying, vilification and hate speech, and to maintaining an environment that is inclusive, respectful and safe for all;
 - (c) A commitment to, and respect for, the teachings and beliefs of the Catholic Church;
 - (d) A commitment to the values espoused in the EREA Charter and through the EREA Touchstones. Following Blessed Edmund Rice's example, the Touchstones help to set the direction and define the goals as EREA NSW seeks to make the Gospel a living reality in its communities; and
 - (e) A commitment to fostering the dignity, self-esteem, and integrity of each and every person. The provision of a safe, supportive and enriching environment is an essential element to achieving this objective.

3. Scope and Application

- 3.1. This Code includes two parts. They are:
 - (a) Part 1 – Safeguarding and Student & Child Wellbeing; and
 - (b) Part 2 – Professional Conduct and Behaviour.
- 3.2. For the purposes of this Code, the term EREA NSW Person or Persons means members of the EREA NSW Board, members of EREA NSW Colleges, EREA NSW Employees, EREA NSW Volunteers and EREA NSW Contractors.
- 3.3. This Code applies:

- (a) whilst an EREA NSW Person is employed or engaged by EREA NSW; and
- (b) during work hours and outside of work hours.

4. Implementation

4.1. EREA NSW Implements this Code of Conduct through a combination of:

- (a) induction, ongoing professional development and training for all EREA NSW Persons;
- (b) compliance with the requirements of Child Safe Standards in NSW;
- (c) development of EREA NSW policies and procedures;
- (d) education and information for Students and parents/guardians;
- (e) effective communication of incident management notification procedures;
- (f) effective record keeping procedures; and
- (g) an ongoing process of review and improvement.

5. Key Responsibilities

5.1. The following, non-exhaustive list details key responsibilities under the Code:

- (a) accessing and reading the Code and enacting the provisions of the Code in good faith;
- (b) being truthful when making statements about qualifications, experience and competencies and maintaining professional qualifications and registrations appropriate to the role held;
- (c) performing duties to the standards expected by the role description and EREA NSW, commensurate with the EREA NSW Person's qualifications and skills;
- (d) abiding by all responsibilities and commitments set out in employment contracts or other instruments of appointment/engagement;
- (e) abiding by all relevant EREA NSW Policies, including Child Safeguarding Policies and Procedures;
- (f) faithfully, diligently and with due care and skill, executing the duties detailed in the role's position description or other instrument of description applicable to the role;
- (g) discharging any duty of care obligations to Students, Children and Employees applicable to the role held by an EREA NSW Person;
- (h) demonstrating and modelling ethical and moral behaviour;
- (i) developing relationships based on mutual respect and courtesy, trust, collegiality, collaboration, and open communication, and genuine care for colleagues;

- (j) using constructive methods for resolving conflicts when they arise, including applying the principles of natural justice and procedural fairness in dealing with any external or workplace complaints;
- (k) not engaging in any form of Serious Misconduct or other conduct that could warrant summary dismissal;
- (l) not engaging in behaviours which are or might be perceived to be Workplace Bullying, Discrimination or Sexual Harassment, vilification or hate speech, inappropriate personal and work-related internet, social media or broader use of technology;
- (m) actively contributing to a safe, respectful and inclusive environment, including by promoting appropriate behaviour and not tolerating or failing to appropriately respond to bullying, harassment, discrimination, vilification or hate speech;
- (n) proactively complying with risk management processes, including risk assessments and application of controls;
- (o) maintaining confidentiality and privacy except where:
 - (i) disclosure is required by law (including as prescribed by Child Safe Legislation and College Child Safeguarding Policies); or
 - (ii) disclosure is required by a professional standard applicable to the role held; or
 - (iii) unless there is risk of Harm or the personal safety of a Child or Student, EREA NSW Person or a third party; and
- (p) declaring and avoiding where appropriate, actual, potential or perceived Conflicts of Interest and refraining from acting or giving the appearance of acting contrary to the interests of EREA NSW, including EREA NSW's resources (only as required for the role held) and declaring and recording all related party transactions.

PART 1 – SAFEGUARDING AND STUDENT & CHILD WELLBEING

6. Child Safety, Wellbeing and Participation

- 6.1. All Students and Children have a right to feel safe and be safe. All EREA NSW Persons must conduct themselves in a manner that ensures the safety and wellbeing of Children and Students at all times.**
- 6.2. EREA NSW is committed to a culture where the safety, wellbeing and participation of all Children and Students under its care is paramount. Particular attention is given to the needs of vulnerable Children and Students including First Nations Children and Students, Children and Students with disability and mental health conditions, Children and Students from culturally and/or linguistically diverse backgrounds, Children and Students who are unable to live at home, and those who identify as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual or other identities. We are committed to acting in the best interests of Children and Students at all times.
- 6.3. EREA NSW has zero tolerance of Child Abuse. Allegations and safety concerns are taken very seriously and treated in accordance with EREA NSW's Child Safeguarding Policies and Procedures.

- 6.4. When concerned about a Child or Student's safety, EREA NSW Persons have a legal and moral obligation to respond swiftly to protect the Child or Student from Harm and report to the relevant NSW Child Safe authorities as required under relevant NSW Child Safe legislation and the applicable Child Safeguarding policies and procedures.
- 6.5. EREA NSW demonstrates its commitment to the safety and wellbeing of Children and Students by incorporating the following expected behaviours and practices into the Code of Conduct:
- (a) ensuring that EREA NSW has strategies in place to embed and enhance a culture of child safety and wellbeing through the leadership, governance and culture of the organisation;
 - (b) implementing specific Child Safe Policies, Procedures, and training to support the achievement of a child safe culture;
 - (c) applying robust recruitment and selection practices for all EREA NSW Persons;
 - (d) providing EREA NSW Persons with induction, regular training and education on recognising the nature and indicators of child abuse and other Harm, responding to safeguarding risks and how to build culturally safe environments for Children and Students;
 - (e) ensuring that EREA NSW Persons understand the important and specific role they play individually and collectively to ensure that the safety and wellbeing of all Children and Students is at the forefront of all they do and every decision they make;
 - (f) taking proactive steps to prevent child abuse and identifying risks early so that such risks may be removed or reduced;
 - (g) continuously reviewing and improving our systems and practices to protect Students and Children and young people from abuse;
 - (h) providing Children and Students and young people with the knowledge and skills to understand and maintain their own personal safety;
 - (i) involving families, carers and relevant communities in decision making processes that support the development of a child safe culture;
 - (j) responding swiftly to any child safety concerns and implementing clear procedures for managing and reporting child safety concerns;
 - (k) acknowledging the cultural diversity of families, and being sensitive to how this may impact on child safety;
 - (l) listening to concerns about the safety of Children and Students, and suggestions to improve the child safety processes in place;
 - (m) recognising and acknowledging those unique needs of victims and survivors of Child Abuse, both historical and current, by providing them with genuine care and pastoral support;
 - (n) taking into consideration the views of Children and Students about decisions that affect their safety and wellbeing; and
 - (o) empowering Children and Students by taking their views seriously and addressing any concerns they may have.

7. Child and Student Interaction

7.1. EREA NSW Persons hold a unique position of influence, authority, trust and power in relation to Children and Students and all interactions with Children and Students must be consistent with the standards set out in the Code and relevant Policies and Procedures.

7.2. By their very nature, Children and Student interactions are open to scrutiny. All EREA NSW Persons must:

- (a) treat all Children and Students with respect;
- (b) abide by Professional Boundaries at all times;
- (c) avoid placing themselves or a Child or Student in a compromising position;
- (d) avoid actual, potential or perceived breaches of this Code;
- (e) have a firm understanding of, and act in accordance with, the Child Safeguarding Policies and Procedures that apply in particular jurisdictions; and
- (f) be vigilant and proactive in taking all reasonable steps to protect Children and Students from harm.

8. Professional Boundaries with Children and Students

8.1. All EREA NSW Persons must maintain Professional Boundaries at all times when interacting with Children and Students, including interactions that extend beyond the EREA NSW College opening hours, EREA NSW College grounds, in person and by any Technology, including social media.

8.2. EREA NSW Persons must:

- (a) ensure that social interactions with Children and Students do not give grounds for allegations against them;
- (b) not initiate or develop a relationship with any Child or Student that is or could be perceived or misinterpreted as having a personal element rather than a professional element;
- (c) not engage in open discussions of an adult nature in the presence of a Child or Student, or which may be overheard by Children and Students;
- (d) avoid, as far as possible, situations where they are alone with a Child or Student. In such situations, the relevant College Policy with specific reference to working alone with Children or Students must be applied;
- (e) not drive a Child or Student in their car unless they have parental permission to do so, and in accordance with their relevant College Policy with specific reference to driving Children and Students;
- (f) not host events, parties or other gatherings in their home where Children or Students (who attend the College and are not family members of the EREA NSW person hosting the event, or family members of another adult attending the event) may be invited or attend, without the prior express approval of the Principal; and

Example – a teacher invites students from their class group to celebrate an end of year event at their home, and they have no familial relationship with the student(s)

- (g) only engage in paid tutoring or coaching of Children or Students outside of work hours in accordance with their relevant EREA NSW College Policy with specific reference to paid tutoring or coaching outside of work hours.

8.3. Professional Boundaries between an EREA NSW Person and a Child or Student may, or may be seen to be compromised by:

- (a) treating a Child or Student with favouritism, or perceived favouritism (e.g., by offering gifts or special treatment to specific Children or Students);
- (b) attending parties or socialising with Children and Students outside of organised EREA NSW events;
- (c) sharing personal details with Children or Students; and
- (d) agreeing, arranging or organising to meet with Children or Students outside of work hours without permission from the EREA NSW College.

8.4. EREA NSW Persons are responsible for their use of technology, including all forms of electronic communication and the content that they publish on social media, electronic communications and phones. EREA NSW Persons must ensure that:

- (a) all use of EREA NSW Colleges Ltd technology is to be for educational, administrative or approved College purposes, or for College approved co-curricular activities;
- (b) all online contact with students and families is to be via the relevant EREA NSW College's email system;
- (c) personal telephone numbers are not to be provided to Children or Students;
- (d) personal social media and instant messaging account details are not to be provided to Children or Students, and Children or Students must not be accepted or requested as 'friends', 'followers' or similar on any online platform;
- (e) friend or follow requests from Children or Students are not to be accepted;
- (f) Child or Student contact via social media or instant messaging is not permitted;
- (g) personal images are not to be exchanged or shared with Children or Students;
- (h) photos, videos or recordings of a Child or Student are not to be taken, physically published or published online without College authority and written parental/guardian consent and must be taken using an approved device; and
- (i) Child, Student or family personal contact numbers and other personal contact details made available to the EREA NSW College are to be used only for College communications.

8.5. This Code applies regardless of:

- (a) the location where a Child or Student interaction occurs, whether on or outside

of EREA NSW College grounds;

- (b) the time of when a Child or Student interaction occurs, whether during or outside work hours;
- (c) the Child or Student's age;
- (d) the Child or Student's consent;
- (e) the consent of the Child or Student's parents, guardians or family; and
- (f) instances where the Child or Student attempts to or initiates an interaction or relationship with an EREA NSW Person.

9. Grooming

9.1. All EREA NSW Persons must not engage in Child or Student related:

- (a) Grooming or Grooming Behaviours;
- (b) Sexual Interaction;
- (c) Sexual Misconduct; and
- (d) Sexual Offences.

9.2. The actions and behaviours set out in paragraph 9.1 are unlawful, whether consensual, non-consensual or condoned by parents, guardians or families.

9.3. Where a relationship develops with a former Student and an EREA NSW Person, EREA NSW will consider whether the EREA NSW Person's actions speak to an abuse of their position whilst the former Student was a Student. Where abuse of the EREA NSW Person's position is deemed to have occurred, it constitutes Serious Misconduct and will result in termination and mandatory reporting to the appropriate NSW child protection agencies.

10. Personal Relationships with Children and Student and Families

10.1. There may be instances where a pre-existing personal relationship exists with a Child or Student and/or their family, such as familial relationships or close family or other friendship networks. In these instances, actual, potential or perceived Conflicts of Interest may arise, and Professional Boundaries may be tested.

10.2. Where there is a pre-existing personal relationship with a Child, Student or family member, EREA NSW Persons are expected to:

- (a) be diligent in maintaining Professional Boundaries at all times both within and outside of work hours and on or outside of EREA NSW grounds;
- (b) take steps to ensure actual, potential or perceived Conflicts of Interest are avoided; and
- (c) declare any pre-existing personal relationships with Children, Students or families to the Principal and comply with any conflict-of-interest management requirements.

11. Child and Student Behaviour Education

11.1. Child and Student behaviour education practices in EREA NSW Colleges aim to facilitate the development and experience of responsible self-discipline amongst Children and Students and to promote the well-being, safety and effective management of EREA NSW communities.

11.2. All EREA NSW Persons must:

- (a) always use positive and affirming language when speaking to Children and Students;
- (b) create open, safe and supportive environments where Children and Students are encouraged to interact, socialise and 'have a say';
- (c) develop and use effective, consistent and appropriate behaviour education strategies in day-to-day interactions with Children and Students;
- (d) include clear, consistent and published methods of dealing with inappropriate Child and Student behaviours which reflect and apply EREA NSW values;
- (e) ensure that behaviour education strategies are developed in accordance with the relevant EREA NSW College Policies and other required standards such as Work Health and Safety and Disability Standards;
- (f) refer Children and Students who display recurring challenging behaviours, particularly unsafe behaviours, to the appropriate person in accordance with the relevant Policies;
- (g) exercise prudent judgement and intervene when Children or Students engage in bullying, humiliating, or vilifying behaviour towards others in accordance with the relevant Policies; and
- (h) understand that use of any form of Child Abuse, Corporal Punishment, or other Degrading Punishment is expressly forbidden in all circumstances.

12. Physical Contact with Children and Students

12.1. EREA NSW Persons are required to develop and exercise prudent judgment and sensitivity regarding appropriate physical contact with Children and Students.

12.2. EREA NSW Persons must not initiate unnecessary physical contact with a Child or Student or undertake tasks of a personal nature that a Child or Student can undertake themselves, such as toileting or changing clothes.

12.3. When physical contact with a Child or Student is necessary within a teaching/learning experience, caution must be exercised to ensure that the contact is appropriate and acceptable for the teaching/learning experience to be performed.

12.4. Instances where physical contact with a Child or Student may be necessary, beneficial or supportive include:

- (a) assisting Children or Students with special needs, e.g., allowing a Child to engage with a teaching/learning experience or the curriculum in general, in accordance with the relevant Policies and Disability Standards;
- (b) assessing an injured or ill Child or Student. The Child or Student should be advised of what physical contact is intended and where practicable, seek the

Child or Student's consent and have a colleague present;

- (c) teaching sport, music or other activities where physical contact of a Child or Student is required to demonstrate a particular action or skill; and
- (d) offering a Child or Student a congratulatory handshake.

12.5. Physical contact referred to in the above examples:

- (a) is only acceptable if the contact is reasonable for the management or care of the Child or Student;
- (b) must be appropriate to the age, maturity, health or other relevant characteristic of the Child or Student; and
- (c) is to be consistent with any individual behaviour education plan in place for the relevant Child or Student.

13. Child and Student Physical Intervention: Risk Assessment and Response

13.1. Any physical intervention with a Child or Student involves some risk of injury. This risk must be considered against the risks involved in failing to physically intervene when it may be warranted. Intervention may be warranted when a Child, Student or EREA NSW Person is in danger of harm or in imminent danger of harm. Such interventions must be employed as a measure of last resort to ensure safety and protection in instances of:

- (a) a Child or Student causing, or at risk of causing an injury to themselves or others;
- (b) a Child or Student misusing dangerous materials, substances or objects likely to cause harm to themselves or others;
- (c) a Child or Student placing themselves, deliberately or inadvertently, in a dangerous situation; and
- (d) a Child or Student being attacked by a third party.

13.2. EREA NSW Persons using physical interventions:

- (a) must follow any restrictive or physical interventions policy applicable at the EREA NSW College;
- (b) are responsible and accountable for the manner in which they exercise that authority;
- (c) must report all physical interventions to the Principal. Instances involving Principals are to be reported to the EREA NSW Chief Executive Officer; and
- (d) must be aware that physical intervention guidelines apply during off-campus excursions and camps as well as during work hours on EREA NSW College's grounds. Excursion Policies may also reference additional applications, e.g., dormitory/Boarding supervision.

14. Reporting Child Safeguarding Concerns

- 14.1. **All EREA NSW Persons must ensure that their mandatory reporting obligations are met in accordance with legal compliance requirements and the legislative, policy and procedural requirements that apply in NSW.**
- 14.2. EREA NSW Persons with concerns about conduct towards a Child or Student which falls below the standards of the Child Safe Code of Conduct:
- (a) are to ensure, as quickly as possible, that the Child or Student involved is safe from Harm;
 - (b) are to call the Police (phone 000) if there are immediate concerns for the Child or Student's safety; and
 - (c) must report any allegations of child abuse and concerns about child safety, including actual or perceived breaches of this Code in accordance with the legislative, policy and procedural requirements that apply in NSW.

15. Inclusivity

- 15.1. **All EREA NSW Persons are required to promote the safety, participation and empowerment of Children and Students.** This includes:
- (a) First Nations Children and Students;
 - (b) Children and Students with culturally and/or linguistically diverse backgrounds;
 - (c) Children and Students who are unable to live at home;
 - (d) Children and Students who identify as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual or other identities;
 - (e) Children and Students with a disability; and
 - (f) Children and Students who are otherwise vulnerable.
- 15.2. EREA NSW Persons must not express personal views or discriminate against any Child or Student based on culture, race, ethnicity, disability or sexuality.

PART 2 – PROFESSIONAL CONDUCT AND BEHAVIOUR

16. Professional Conduct with Colleagues

- 16.1. **All EREA NSW Persons, through their conduct, are expected to contribute to a workplace culture that is respectful, inclusive, tolerant and co-operative. This means that EREA NSW Persons are expected to conduct themselves in a manner that is at all times conducive to positive and respectful workplace relationships.**
- 16.2. In the spirit of nurturing individual and collective wellbeing, all EREA NSW Persons are required to:
- (a) proactively contribute to an atmosphere of respect, courtesy, trust, collegiality, collaboration, and open communication;
 - (b) recognise and respect the individual potential, professional practice and skills of colleagues;

- (c) encourage openness and tolerance amongst colleagues;
- (d) use constructive methods for resolving any conflicts that arise with colleagues;
- (e) respect the principles of natural justice and procedural fairness when dealing with complaints against colleagues; and
- (f) not engage in behaviours against colleagues which are, or might objectively be perceived to be Discrimination, Workplace Bullying or Sexual Harassment.

17. Conflicts of Interest

- 17.1. Conflicts of interest arise where the interests or duties of an EREA NSW Person are inconsistent with, or conflict with, the obligations or duties they owe to EREA NSW.
- 17.2. EREA NSW Persons are expected to avoid, where possible, any situation or behaviours that may give rise to a potential, perceived or actual conflict of interest.
- 17.3. All EREA NSW Persons are required to declare and manage any potential, perceived or actual conflict of interest in accordance with the EREA Conflict of Interest Policy.

18. Use of Technology

- 18.1. EREA NSW is committed to ensuring that its Colleges have access to an information technology system that allows them to deliver quality educational services to its Children and Students.
- 18.2. To deliver these services, EREA NSW from time-to-time:
- (a) supplies EREA NSW Persons with IT Technology Hardware;
 - (b) allows EREA NSW Persons to have access to EREA NSW IT Platforms; and
 - (c) provides EREA NSW Persons with access to use EREA NSW Social Media Platforms.
- 18.3. The EREA NSW Policies and Procedures relevant to this clause 18 are the EREA NSW Colleges Information Technology and Cyber Security Policy, and applicable School level ICT procedures.
- 18.4. Notwithstanding paragraphs 18.2 and 18.3 and for clarity, EREA NSW Persons must:
- (a) use any EREA NSW IT Technology Hardware supplied to them in a responsible manner and exercise professional discretion and sound judgement at all times;
 - (b) use any applicable EREA NSW IT Platform in a responsible manner and exercise professional discretion and sound judgement at all times;
 - (c) use EREA NSW Social Media Platforms in a responsible manner and exercise professional discretion and sound judgement at all times;
 - (d) when using personal IT Technology Hardware, ensure that it is used in a responsible manner and exercise professional discretion and sound judgement in circumstances where the personal use has a connection with EREA NSW (as determined by EREA NSW); and
 - (e) when using personal Social Media Platforms, ensure that they are used in a responsible manner and exercise professional discretion and sound judgement

in circumstances where their personal use has a connection with EREA NSW (as determined by EREA NSW).

19. Discrimination, Sexual Harassment and Workplace Bullying

- 19.1. EREA NSW is committed to ensuring a workplace that is safe and inclusive and that is free from discrimination, sexual harassment and workplace bullying.
- 19.2. EREA NSW must comply with State and Federal laws with respect to Discrimination, Sexual Harassment and Workplace Bullying and it takes these obligations very seriously.
- 19.3. EREA NSW Persons must also comply with State and Federal laws with respect to Discrimination, Sexual Harassment and Workplace Bullying.
- 19.4. Discrimination, Sexual Harassment and Workplace Bullying are unlawful and are never condoned by EREA NSW.
- 19.5. All EREA NSW Persons are bound by, and must follow, the Workplace Bullying, Discrimination and Harassment Policy.

20. Fraud, Theft and Corruption

- 20.1. EREA NSW is committed to maintaining an ethical workplace that is free from fraud, theft and corruption.
- 20.2. EREA NSW has a zero-tolerance with respect to fraud, theft and corruption. This includes (but is not limited to):
 - (a) theft of cash, consumables or assets;
 - (b) false or misleading timesheets (i.e., dishonestly claiming payment for time not worked);
 - (c) false or misleading expense claims (i.e., dishonestly claiming a business expense);
 - (d) false invoicing (i.e., dishonestly invoicing for goods or services);
 - (e) false accounting (i.e., dishonest reporting of incorrect or misleading financial results);
 - (f) falsifying accounting records for personal or financial gain;
 - (g) colluding in falsifying accounting records for personal or financial gain; and
 - (h) misuse of position or authority for personal or financial gain.
- 20.3. EREA NSW Persons are encouraged to report suspected instances of fraud, theft or corruption to their Principal, or to the Chief Executive Officer of EREA NSW.
- 20.4. EREA NSW Persons may also report suspected instances of fraud, theft or corruption under the provisions of the EREA Whistleblower Policy and Procedures.

21. Medicinal Drugs, Alcohol and Tobacco

- 21.1. EREA NSW Persons should be aware that personal conduct and lifestyle may have an adverse effect on EREA NSW, its Schools and their own personal or professional reputation. EREA NSW Persons must consciously act to maintain their personal and professional integrity on occasions when alcohol, legal and Illegal Drugs and tobacco may be present.
- 21.2. EREA NSW Persons experiencing difficulties in relation to Illegal Drugs, alcohol or tobacco are encouraged to access the Employee Assistance Program or the Principal or Deputy Principal for assistance.
- 21.3. During employment or engagement, EREA NSW may require an EREA NSW Person to undergo a drug and alcohol test, to monitor compliance with this Code and work health and safety legislation if Edmund Rice Education Australia or a School suspects, on reasonable grounds, that an EREA NSW person is working under the influence of Illegal Drugs or alcohol. Reasonable grounds for testing can be established if an EREA NSW Person's behaviour, actions or conduct (whether observed by or reported to Edmund Rice Education Australia or the School) suggests that the EREA NSW person is under the influence of Illegal Drugs and/or alcohol.

Legal and Illegal Drugs

- 21.4. EREA NSW Persons must:
- (a) not distribute Illegal Drugs;
 - (b) not condone use of Illegal Drugs;
 - (c) only distribute legal drugs (i.e. medication) in accord with School Policies and as directed by the Principal or Deputy Principal, and as set out in a medical plan with application to a particular Student; and
 - (d) not be under the influence of Illegal Drugs during business hours or during times where an EREA NSW person has responsibility for Children or Students and/or EREA NSW Persons or is otherwise fulfilling responsibilities to EREA NSW or its Schools.

Alcohol

- 21.5. EREA NSW Persons, during or after School hours, must not:
- (a) distribute alcohol to Children or Students;
 - (b) condone use of alcohol by Children or Students; and
 - (c) be under the influence of alcohol during business hours or during times where they have responsibility for Children or Students and/or EREA NSW Persons or are otherwise fulfilling responsibilities to EREA NSW or its Schools.

Tobacco

- 21.6. EREA NSW and its Schools are smoke free areas. Smoking is not permitted on EREA NSW premises or any School premises, or during times where an EREA NSW person has responsibility for Children or Students.
- 21.7. EREA NSW Persons must not:
- (a) distribute tobacco or tobacco products to Children or Students; and
 - (b) condone the use of tobacco by Children or Students.

22. Code of Conduct Breaches

- 22.1. Perceived or actual breaches of this Code have the potential to cause harm to Children, Students and others as well as disrespecting the dignity and wellbeing of individuals. Breaches of this Code may be:
- (a) a disciplinary matter which may result in performance management, formal warning, suspension, demotion or termination in accordance with industrial processes, depending on the nature of the misconduct or Serious Misconduct;
 - (b) a contractual matter which may be a breach of contract resulting in contract termination;
 - (c) professional misconduct referred to in relevant State/Territory authorities;
 - (d) Reportable Conduct reported to relevant State/Territory authorities;
 - (e) a Notifiable Incident, reported to the relevant State/Territory statutory authorities;
 - (f) a regulatory matter referred to relevant State/Territory statutory authorities;
 - (g) a breach of statute referred to relevant State/Territory statutory authorities;
 - (h) a criminal matter referred to the Police; or
 - (i) a civil matter referred for legal advice and remedy.
- 22.2. Investigatory and disciplinary processes in relation to breaches of this Code will be conducted in accordance with the applicable policy and/or procedure and in keeping with the principles of Procedural Fairness and Natural Justice.

23. Reporting and Complaints

- 23.1. Accountability is a key aspect of this Code. This Code requires EREA NSW Persons to report certain acts, omissions and/or control failures under the applicable Policies and Procedures to:
- (a) the Principal for EREA NSW Persons in Colleges;
 - (b) the Chief Executive Officer for EREA NSW Persons within the EREA NSW Head Office or where concerns relate to a Principal; and
 - (c) the relevant NSW statutory authority where Mandatory Reporting is required under legislation.
- 23.2. Formal complaints, including breaches of this Code, must be made in accordance with:
- (a) for external parties, the EREA NSW Complaints Handling Policy; and
 - (b) for EREA NSW Persons, the applicable EREA NSW Policy and Procedure relating to the nature of the complaint.

Vexatious Complaints

- 23.3. EREA NSW supports EREA NSW Persons who wish to make legitimate complaints in accordance with this Code or a relevant EREA NSW Policy or Procedure.
- 23.4. Notwithstanding paragraph 23.3, any EREA NSW Person who, in the reasonable view of EREA NSW, makes a Vexatious Complaint, may be subject to disciplinary action.

24. Review

- 24.1. This Code will be reviewed every three years or earlier if necessary. The EREA NSW Board is responsible for ensuring this Code of Conduct is reviewed and updated as required.

25. Definitions

- 25.1. The definitions set out below are overarching definitions which should be read in conjunction with State and jurisdictional instruments. For the avoidance of doubt, the legislative and regulatory definitions of each State and Governing Body will apply.

Term	Definition
Centre Director	The person appointed as Director of an Early Learning Centre.
Child and Children	A person under school age enrolled in an Early Learning Centre.
Child Safe Legislation	Child Safe legislation enacted in each Australian State and Territory as amended from time to time and which places obligations and responsibilities on EREA NSW.
Child Abuse	An act committed against a child involving a Sexual Offence or an offence under applicable legislation. It includes sexual, physical and emotional abuse or neglect to a child and/or significant harm to a child.
Child Safety and Safeguarding Policies	The EREA NSW Child Safety and Safeguarding Policies that are developed and implemented across EREA NSW encompassing the relevant Child Safe legislation and other requirements.
Child Safety	Encompasses matters related to protecting all Children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures, or allegations of child abuse.
Child Safety Officer(s)	The person(s) an EREA NSW College identifies as having responsibilities as a Child Safety Officer, also known as Student Protection Contacts.
College	A college of EREA NSW.
Conflict of Interest	Circumstances where there is: ▪ an actual conflict as that term is defined in the EREA NSW Colleges Ltd Conflict of Interest Policy; or ▪ a potential conflict as that term is defined in the EREA NSW Colleges Ltd Conflict of Interest Policy; or ▪ a perceived conflict of interest as that term is defined in the EREA NSW Colleges Ltd Conflict of Interest Policy.

Term	Definition
Corporal Punishment (Students)	Any punishment in which physical force is used and intended to cause a degree of pain or discomfort, however light. Typically hitting with the hand or with an implement. Can also include forcing a Child or Student to stay in an uncomfortable position. Does not include the use of reasonable physical restraint to protect a Child or Student or others from Harm.
Degrading Punishment (Students and children)	Any punishment incompatible with respect to human dignity, including Corporal Punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules and may result in emotional distress or psychological Harm to a Child or Student. Includes but is not limited to: ▪ using an object, such as a ruler, book or whiteboard marker to gain a Child's or Student's attention in a hostile or inappropriate physical manner; ▪ restraining or holding a Child or Student for any purpose other than when a Child or Student's actions cause or threaten to cause imminent harm to themselves or others and is consistent with the relevant College's Restrictive Interventions Procedure; ▪ hitting or kicking a Child or Student; ▪ pushing, pulling, shoving, grabbing, pinching or poking a Child or Student including by their clothing; ▪ shaking or forcibly handling a Child or Student; ▪ targeted and sustained criticism, belittling or teasing; ▪ intimidating a Child or Student; ▪ swearing at a Child or Student; ▪ using sarcasm to humiliate; ▪ using names or nicknames to undermine the self-confidence of a Child or Student; ▪ locking a Child or Student in a confined space; ▪ forcing a Child or Student to stay in an uncomfortable position; ▪ refusing biological needs as a means of punishment; ▪ criticising a Child or Student rather than the Child or Student's actions; ▪ practices which instill fear or using fear as a means of controlling a Child or Student; and ▪ practices which cause a Child or Student to feel alienated.
Disability Standards	The <u>Disability Standards for Education 2005 (Cth)</u> formulated under the <u>Disability Discrimination Act 1992 (Cth)</u> . The Standards clarify the obligations of EREA NSW and seek to ensure that Children and Students with disabilities can access and participate in education on the same basis as Students without disabilities.

Term	Definition
Deputy Principal	The role of Deputy Principal of a College who undertakes the duties of a Deputy Principal, including those delegated by the Principal.
Discrimination	Discrimination includes both direct and indirect discrimination and is defined in the EREA NSW Workplace Bullying, Discrimination and Harassment Policy.
Duty Of Care	Duties imposed by common law or by statute, to EREA NSW and EREA NSW Persons.
Early Learning Centre	Early Learning Centres operated by EREAC.
EREA NSW	Edmund Rice Education Australia New South Wales Colleges Ltd
EREA NSW College School Advisory Council	An EREA NSW College School Advisory Council is an advisory Council of an EREA NSW College that provides advice to the College and for clarity does not have the obligations or duties of the EREA NSW Board.
EREA NSW Contractor	An EREA NSW Contractor is a person or entity that is engaged by EREA NSW pursuant to a contract for services.
EREA NSW Employee	An EREA NSW Employee is a person who is employed by EREA NSW pursuant to a contract of service.
EREA NSW Persons	Has the meaning as set out in paragraph 3.2 of this Code.
EREA NSW Volunteer	An EREA NSW Volunteer is a person who performs work for EREA NSW on a voluntary basis.
EREA Governing Bodies	The five corporations established by EREA to govern its Colleges and Early Learning Centres being EREAC, EREA NSW Colleges Ltd, EREA Flexible Colleges Ltd, EREA Victorian Colleges Ltd and St Kevin's College Ltd.
Grooming (or Grooming Behaviours)	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures and includes but is not limited to: Actions deliberately taken with the aim of befriending and establishing an emotional connection with a Child and or Student, to lower the Child's or Student's inhibitions in preparation for sexual activity with the Child or Student. Grooming also extends to the grooming of family members of Children or Students for the purposes of gaining access to Children or Students. For the purposes of this document EREA NSW applies the applicable criminal definition of grooming in each State and Territory.

Term	Definition
Harm (Caused to a Child or Student)	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to: ▪ Child Abuse, as defined in this Code and/or within EREA NSW's Child Safeguarding policies and procedures; ▪ Grooming, Sexual Misconduct, Sexual Offence or Discrimination; ▪ any detrimental effect of a significant nature on the Child's or Student's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental Harm not involving negligence or misconduct; ▪ Minor Harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the Child or Student if allowed to continue; ▪ physical abuse; ▪ emotional abuse; ▪ neglect; ▪ sexual abuse; ▪ exploitation; ▪ family violence; ▪ Child or Student bullying; and ▪ self-harm.
Hate Speech	Hate Speech refers to conduct, including speech, writing or behaviour that could reasonably be considered to incite hatred, serious contempt, or severe ridicule towards a person or group on the basis of an attribute such as race, religion, ethnicity, sexual orientation, gender identity, or other protected characteristic, and may constitute an offence under applicable law.
Illegal Drugs	Any mind altering or legally controlled substance including but not limited to any drugs listed in: ▪ the <i>Drugs Misuse Act 1986</i> (QLD) ▪ the <i>Drugs of Dependence Act 1989</i> (ACT) ▪ the <i>Misuse of Drugs Act 2001</i> (TAS) ▪ the <i>Controlled Substance Act 1984</i> (SA) ▪ the <i>Misuse of Drugs Act 1981</i> (WA) ▪ the <i>Drug Misuse and Trafficking Act 1985</i> (NSW) ▪ other similar State/Territory legislation in Australia that EREA Colleges Ltd operates in, and any: ○ drugs listed in the Australian Standards 4308:2008; and ○ designer drugs, including, but not limited to synthetic cannabinoids, herbal highs, synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives.

Term	Definition
IT Technology Hardware	Includes but is not limited to information and communication technologies such as mobile phones, computers (laptops, desktops and tablets), radios, televisions, data storage devices, printers, faxes and all other digital communications.
IT Platforms	Includes but is not limited to the IT information platforms used by EREA NSW to operate its information technology services such as e-mail services and internet services.
Medicinal Drugs	Means medication that is able to be lawfully purchased “over the counter” or medication prescribed by a Medical Practitioner for the treatment of an ailment or injury.
Natural Justice	The process of ensuring fairness is provided to all parties. Principles of natural justice include the requirement to: ▪ promptly investigate all allegations; ▪ put allegations to the person they are made against; ▪ provide all parties the opportunity of responding, explaining their version of events and providing all necessary information to ensure their responses are complete; and ▪ ensure any disciplinary action is commensurate with the seriousness of the offence.
Notifiable Incident	Means an incident detailed in the EREA NSW Colleges Ltd Incident Notification Guidelines.
Policies and Procedures	Means those Policies and Procedures that are applicable to EREA NSW and its Colleges.
Principal	The appointed Principal of an EREA NSW College.
Procedural Fairness	Following a process that is neutral, unbiased and respectful to the rights of person(s) involved in an investigation. Principles of procedural fairness include the: ▪ right to be heard; ▪ right to be treated without prejudice; ▪ right to be informed of allegations being made; ▪ opportunity to respond; and ▪ right to enquire about the status of the issue or complaint.

Term	Definition
Professional Boundaries	Parameters that describe the limits of a relationship in circumstances where one person entrusts their welfare and safety to another person in circumstances where a power imbalance exists or could reasonably be perceived to exist. Professional boundaries may be breached when the following behaviours occur between an EREA NSW Person and a Child or Student: ▪ spending inappropriate time with a Child or Student; ▪ inappropriately giving gifts; ▪ inappropriately giving favours to a Child or Student; ▪ inappropriately allowing a Child or Student to overstep EREA NSW College rules; ▪ asking the Child or Student to keep the relationship to themselves; ▪ undressing in front of a Child or Student; ▪ encouraging inappropriate physical contact (even where it is not overtly sexual); ▪ inappropriately talking about sex; ▪ ‘accidental’ intimate touching; ▪ inappropriately extending a relationship outside of the EREA NSW College; and ▪ inappropriate personal communication (including the use of Technology communication).
Reportable Conduct	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures.
Safeguarding	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to: Protecting Children from all forms of abuse, including sexual abuse. Safeguarding embraces the overall safety and wellbeing of Children and young people, and it is the proactive approach and commitment to the ongoing protection of Children and young people. The system and associated program of work involved in the protection of Children and Students from harm, including embedding a culture of safety, prevention, detection, reporting, responding and continuous improvement.

Term	Definition
Serious Misconduct	As defined in the <i>Fair Work Regulations 2009</i> (Cth). Serious Misconduct includes, but is not limited to: ▪ wilful or deliberate conduct that causes or has the potential to cause serious and imminent risk to: ○ health and safety; ○ the EREA NSW reputation, viability or profitability; ○ EREA NSW Technology integrity; and ○ EREA NSW intellectual property. ▪ engaging in: ○ theft or fraud; ○ assault; ○ Discrimination; ○ Sexual Harassment; ○ Workplace Bullying; ○ Grooming; ○ Sexual Misconduct; ○ Sexual Offences; or ○ Harm. ▪ being intoxicated or under the influence of Illegal Drugs while at EREA NSW or otherwise with a responsibility for Children and Students; and ▪ refusing to carry out a lawful and reasonable instruction consistent with the EREA NSW Person's duties. Serious Misconduct may result in immediate termination of employment or other the engagement.
Sexual Harassment	Unwelcome conduct of a sexual nature that a reasonable person would anticipate could offend, humiliate, or intimidate another person.

Term	Definition
Sexual Misconduct	Includes communications and acts in person or communicated via Technology, including, but not limited to: • inappropriate, overly personal or intimate relationship with, or conduct towards a Child, Student or colleague • sexually explicit comments to a Child, Student, or colleague and other overtly sexual behaviour such as: ○ sexual exhibitionism; ○ inappropriate conversations of a sexual nature; ○ unwarranted and inappropriate touching; ○ personal correspondence or communications in respect of a romantic, intimate or sexual feelings; ○ suggestive remarks or actions of a sexual nature; ○ obscene gestures, language, or jokes containing sexual references; ○ deliberately exposing Children and Students or colleagues to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual; ○ possession, distribution or display of pornography; and ○ encouraging or failing to discourage romantic or inappropriate advances by a Child or Student. • any form of Sexual Offence.
Sexual Offence	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to any criminal offence involving a sexual element including: ▪ sexual acts of any nature involving a Child or Student; ▪ indecent assault; ▪ sexual assault; ▪ sexual abuse; ▪ aggravated sexual assault; ▪ rape; ▪ attempted rape; ▪ possession, dissemination or production of child pornography or child abuse material; ▪ using Children to produce pornography; and ▪ Grooming or Grooming Behaviours, including procuring Children under the age of 16 years for unlawful sexual activity. All substantiated instances of Sexual Offences, breaches of Child Safe

Term	Definition
	Policies or Child Safe Legislation constitute Serious Misconduct.
Social Media Platforms	Includes but is not limited to platforms such as Facebook, Instagram, Snapchat, TikTok, X (formerly known as Twitter) and YouTube.
Student(s)	Any person enrolled in an EREA NSW College as a student.
The Charter for Colleges in the Edmund Rice Tradition	The statement of Touchstones proclaimed on 11 September 2017, underpins the ministry of EREA NSW Colleges and EREA's educational endeavours. The Charter is the most contemporary expression of the charism of Blessed Edmund Rice in the Australian educational context. The Charter defines and infuses every aspect of our collective work to realise God's vision for a world made whole, exemplified in the life of Jesus, Edmund's new horizons and a liberated present and future for all.
Vexatious Complaints	Written or verbal complaints of alleged improper conduct made to an authority intending the report to be acted upon, where there is a demonstrated absence of reasonable grounds for suspecting the improper conduct, and the report is made to cause distress, embarrassment or stress.
Workplace Bullying	Repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

Resource List

The following resources may provide context to provisions within the Code of Conduct:

- Integrity of the Service in the Church
- The Charter for Catholic Colleges in the Edmund Rice Tradition
- United Nations Convention on The Rights Of The Child
- Alice Springs (Mparntwe) Education Declaration (2019)

Document Version Control

EREA NSW Code of Conduct	
Approving Body/Role	EREA NSW Colleges Ltd Board
Subject Matter Expert	Chief Executive Officer of EREA NSW
Date Approved	23 June, 2026
Date of Next Review	1 January 2029
Policy ID	2026-15