



## Marist Schools Australia Ltd

### Child Safe Code of Conduct

#### 1. Function and Purpose

The Marist Schools Australia Ltd (“MSA Ltd”) Child Safe Code of Conduct outlines appropriate standards of behaviour for all directors, members and staff of MSA Ltd towards students, children and young people. The Child Safe Code of Conduct is applicable to Directors in their roles as Responsible Persons (as defined in the Responsible Persons Policy), including in particular, when Directors are required or invited to attend Colleges, fundraising events and the like where students, children and young people are present.

The MSA Ltd Child Safe Code of Conduct serves to protect students, children and young people and to reduce any opportunities for abuse or harm to occur, and promote child safety in the MSA Ltd environments. It provides guidance on how to best support students, children and young people and how to avoid or better manage difficult situations.

It is MSA Ltd’s policy that any breach of the MSA Ltd Child Safe Code of Conduct is a child safety incident which must be recorded and managed as such. The Board of MSA Ltd have approved the MSA Ltd Child Safe Code of Conduct.

#### 2. Scope of the MSA Ltd Child Safe Code of Conduct

The MSA Ltd Child Safe Code of Conduct applies to:

- (a) Each Director, the Secretary and the company member/s of MSA Ltd;
- (b) Board Committees and their sub-committees;
- (c) Regional Boards and Finance Sub-Committees;
- (d) All MSA Ltd Executive staff members;
- (e) All MSA Ltd volunteers; and
- (f) All contractors providing goods or services to MSA Ltd.

*(Collectively referred to as “the MSA Ltd Community”)*

The MSA Ltd Child Safe Code of Conduct applies in all MSA Ltd and College, including Boarding Premises, environments (**MSA Ltd environments**).

MSA Ltd environments include both physical and online environments, as well as any environment (including Boarding Premises and those outside a College's grounds) where College related activities are occurring.

### 3. Child Safe Code of Conduct

Each member of the MSA Ltd Community is responsible for ensuring and promoting the safety and wellbeing of students, children and young people by, strictly and at all times, adhering to the following standards of behaviour:

**DO:**

- (a) Uphold MSA Ltd's commitment to child safety, including a zero tolerance for child abuse, at all times.
- (b) Comply with applicable guidelines published by MSA Ltd and individual Colleges with respect to child safety, such as a College's Professional Boundaries Policy or Child Safeguarding Policy.
- (c) Abide by all relevant child protection legislation and principles established in Australian legislation.
- (d) Refrain from language and behaviour that is harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- (e) Behave as a positive role model to students, children and young people.
- (f) Promote the safety, welfare and wellbeing of students, children and young people.
- (g) Be vigilant and proactive with regard to child safety and protection issues.
- (h) Where required, provide age appropriate supervision for students, children and young people.
- (i) Treat all students, children and young people with respect regardless of national, regional, ethnic or socio-economic origin, sexual orientation, gender, language, religion, political or other opinion, disability, or other status.
- (j) Promote the safety, participation and empowerment of students, children and young people with a disability.
- (k) Promote the cultural safety, participation and empowerment of linguistically and/or culturally diverse students, children and young people and Aboriginal and Torres Strait Islander students, children and young people.
- (l) Respect cultural, religious and political differences.
- (m) Specifically abide by the principles of equal opportunity and anti-discrimination and to support and promote diversity and inclusion in a caring and respectful manner.
- (n) Use positive and affirming language towards students, children and young people.
- (o) Encourage students, children and young people to 'have a say' and then listen to them with respect.

- (p) Help provide an open, safe and supportive environment for all students, children and young people to interact, and socialise.
- (q) Ensure that students, children and young people are not given or do not consume alcohol, tobacco or drugs (except for medicinal purposes authorised by their parent/carer).
- (r) Intervene (and escalate to the appropriate person pursuant to this Code) situations when students, children and young people are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way.
- (s) Immediately upon becoming aware, report any conduct which is not consistent with this Child Safe Code of Conduct including general concerns about child safety to one of MSA Ltd's or Colleges' Child Safeguarding Officers so as to ensure that all moral and legal obligations to report child abuse or other harm externally are met.
- (t) Where you have concerns about a child's safety or an allegation (whether perceived or actual) of child abuse or other harm is made, ensure as quickly as possible that the student, child or young person involved is safe.
- (u) Call the Police on 000 if you have immediate concerns for a student, child or young person's safety.
- (v) Respect the privacy of students, children and young people and their families and only disclose information to people who have a need to know. Specifically, it is not a breach of the Privacy Law by MSA Ltd if you personally must report to the Police an actual or a suspected case of child abuse as MSA Ltd is subject to a statutory requirement to report certain matters to an agency or enforcement body, such as suspected cases of child abuse.

**DO NOT:**

- (a) Engage in any form of inappropriate behaviour, including behaviour which is not consistent with the behaviour required of you in the previous section, towards students, children and young people or expose students, children or young people to such behaviour.
- (b) Engage in prejudicial or oppressive behaviour, or use inappropriate language with students, children or young people.
- (c) Express personal views on cultures, race or sexuality in the presence of students, children or young people or discriminate against any student, child or young person based on culture, race, ethnicity or disability.
- (d) Engage in open discussions of an adult nature in the presence of students, children or young people.
- (e) Engage in any form of sexual conduct with a student including making sexually suggestive comments and sharing sexually suggestive material.
- (f) Engage in inappropriate or unnecessary physical conduct or behaviours including doing things of a personal nature that a student, child and young person can do for themselves, such as toileting or changing clothes.

- (g) Engage in any form of physical violence (including coercion or a threat of physical violence) towards a student, child or young person including inappropriately rough physical play.
- (h) Punish a student, child or young person in any way including using any physical means or any corporal punishment to discipline or control.
- (i) Engage in any form of behaviour that has the potential to cause a student, child or young person (including a child which is witnessing the behaviour) emotional or psychological harm.
- (j) Develop 'special' relationships with students, children or young people that could be seen as favouritism (for example, the offering of gifts or special treatment), other than with family members.
- (k) Engage in undisclosed or unauthorised (by a parent/guardians or carer) private meetings with a student, child or young person who is not your own child or provide undisclosed or unauthorised private transportation of a child.
- (l) Engage in activities with a student, child or young person who is not your own child, outside of school hours or organised activities and without permission from the student or child's parent/carer.
- (m) Engage in inappropriate personal communications with a student, child or young person through any medium, including any online contact or interactions with a student, child or young person.
- (n) Take or publish (including online) photos, movies or recordings of a student, child or young person without written parental/carer consent.
- (o) Post identifying information about a student, child or young person online unless it is necessary for a College's activities or you have informed written consent from the student, child or young person (where they have capacity to consent) and/or their parents/guardians. Identifying information includes things such as the student's: full name; age; e-mail address; ethnicity. personal characteristics (including their image); telephone number; residence; school; details of a club or group they may attend; or photo of the child in uniform or near a sign identifying the College or club and they like they attend.
- (p) Ignore, disregard and fail to report to the appropriate person internally or to any authority (including the Police) immediately upon becoming aware any actual, suspected or disclosed child or young person abuse or other harm, including ongoing abuse or past abuse.
- (q) Ignore, disregard and fail to report to the appropriate person internally or to any authority (including the Police) immediately upon becoming aware any actual, suspected or disclosed breach of this Code of Conduct and the MSA Child safeguarding Policies.

#### 4. Agreement to MSA Ltd Child Safe Code of Conduct

A copy of the MSA Ltd Child Safe Code of Conduct is provided to all members of the MSA Ltd Community, including Directors, at induction, or otherwise prior to them commencing work for MSA Ltd.

This Code is also communicated via refresher training at regular intervals for all members of the MSA Ltd Community.

All members of the MSA Ltd Community must sign an agreement to adhere to the MSA Ltd Child Safe Code of Conduct prior to commencing work with MSA Ltd in the form appearing in **Schedule 1**.

#### 5. Consequences for Breaching the MSA Ltd Child Safe Code of Conduct

##### Directors

A Director has an obligation, at all times, to comply with the spirit, as well as the letter, of the law and with the principles of this Code. Failure to do so will render them liable for disciplinary action and if appropriate, their conduct will be reported to the Police.

Any disciplinary action required will be determined by the Chair in consultation with the Company Member.

Specifically, in relation to the conduct of Directors, where a Director breaches any obligation, duty or responsibility within the MSA Ltd Child Safe Code of Conduct, the Company Member may terminate the appointment of the Director in accordance with the terms of the Constitution.

##### All Members of the MSA Ltd Community including Directors

Members of the MSA Ltd Community including Directors who breach this Code of Conduct:

- (a) May have their conduct, dependant on the nature of the conduct, reported to the Police by MSA Ltd; and
- (b) May be subject to disciplinary actions that may result in a range of measures including (depending on the severity of the breach and the nature of their role):
  - (i) Remedial education.
  - (ii) Counselling.
  - (iii) Increased supervision.
  - (iv) The restriction of duties.
  - (v) Appointment to an alternate role.
  - (vi) Suspension, or in the case of serious breaches, termination of employment or contract or engagement.

Where any member of the MSA Ltd community breaches any obligation, duty or responsibility within the MSA Ltd Child Safe Code of Conduct, the Board of MSA Ltd may take other action, as determined appropriate by them.

## 6. Review

The MSA Ltd Child Safe Code of Conduct has been approved by the Board of MSA Ltd and must be reviewed by the Board annually.

<b>Approved by</b>	Board of MSA Ltd
<b>Policy Owner</b>	National Director
<b>Approval Date</b>	16 November 2021
<b>Next Review Date</b>	16 November 2022

## Schedule 1

### MSA Ltd Child Safe Code of Conduct

I, \_\_\_\_\_, as a member of the MSA Ltd Community as defined in the MSA Ltd Child safe Code of Conduct, being a:

- Member of the Board of MSA Ltd
- Committee member
- Company Member of MSA Ltd
- Employee
- Contractor
- Volunteer
- Other stakeholder (please detail) \_\_\_\_\_

confirm I have:

(a) read the Child Safe Code of Conduct and will adhere to Child Safe Code of Conduct at all times whilst I am member of the MSA Ltd Community, and

(b) received relevant training in the Child Safeguarding Policies of MSA Ltd and am aware of my reporting obligations.

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

Dated: \_\_\_\_\_