

# CODE OF CONDUCT POLICY

We believe in maintaining an inclusive and welcoming environment and workplace that motivates and facilitates personal growth and development for staff and educators. The values that underpin our work ethic include equality, respect, integrity, and responsibility. Our OSHC Service is committed to adhere to the ECA Code of Ethics (2016) which is based on the principles of the United Nations Convention on the Rights of the Child (1991) and provides a framework for the reflection about the ethical responsibilities of early childhood professionals.

Our Out of School Hours Care Service is committed to creating and maintaining an environment that promotes the safety of all children and embeds the National Principles for Child Safe Organisations. All staff and volunteers are responsible for promoting a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children’s sense of security and belonging.

## NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.1	Staffing arrangements	Staffing arrangements enhance children's learning and development.
4.1.2	Continuity of staff	Every effort is made for children to experience continuity of educators at the service.
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other’s strengths and skills.
4.2.2	Professional Standards	Professional standards guide practice, interactions and relationships.

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1.1	Service philosophy and purpose	A statement of philosophy guides all aspects of the service’s operations.
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.

## EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

82	Tobacco, drug and alcohol-free environment
84	Awareness of child protection law
155	Interactions with children
168	Education and care services must have policies and procedures

**RELATED POLICIES**

Child Protection Policy Child Safe Environment Policy Dealing with Complaints Policy Interactions with Children, Family and Staff Policy Out of hours babysitting Policy Photograph Policy	Privacy and Confidentiality Policy Professional Development Policy Record Keeping and Retention Policy Respect for Children Policy Responsible Person Policy Social Media Policy Tobacco, Drug and Alcohol-Free Policy Work Health and Safety Policy
---	---

**PURPOSE**

We aim to establish a common understanding of workplace standards and ethics expected of all employees of the Service. We aim to ensure positive working relationships are formed between all educators and management, promoting dignity and respect by avoiding behaviour which is or may be perceived as harassing, bullying or intimidating. Educators and management will at all times conduct themselves in an ethical manner and strive to ensure that all interactions are positive and respectful and are in accordance with the Service’s philosophy.

Our OSHC Service takes every reasonable effort to accommodate the diversity of all children in implementing the Child Safe Standards. We are committed to the safety and wellbeing of children and young people. We recognise the importance of and responsibility for, ensuring our Service provides a safe and supportive environment which respects and fosters the rights and wellbeing of children in our care. We are dedicated in promoting cultural safety for Aboriginal children, cultural safety for children from culturally and/or linguistically diverse backgrounds and to providing a safe environment for children with a disability.

**SCOPE**

This policy applies to families, staff, management and visitors of the OSHC Service.

## IMPLEMENTATION

The Approved Provider, Nominated Supervisor, educators and staff, volunteers, and students will adhere to the Early Childhood Australian Code of Ethics, Education and Care Services National Regulations and the National Quality Standard, and Service policies and procedures at all times, promoting positive interactions both within the Service and the local community.

### Respect for people and the Service

- Employees and Management are committed to the OSHC Service philosophy and values, inclusive of best practice in school age education and care and building positive partnership with children, families and staff
- Employees and management adhere to our *Child Safe Environment Policy* and *Child Protection Policy* at all times and take all reasonable steps to protect children from abuse and harm
- Employees and management understand that *child safety is everyone's responsibility*
- Effective, open, and respectful reciprocal communication and feedback between employees, children, families, and management is conveyed.
- It is important to treat colleagues, children, and families with respect. Bullying or insulting behaviour, including verbal and non-verbal aggression, abusive, threatening, or derogatory language or intimidation towards other employees, children, visitors, or families is unacceptable and will not be tolerated.
- Employees are committed to valuing and promoting the safety, health, and wellbeing of employees, volunteers, children, and families.
- Employees are committed to an Equal Opportunity workplace and culture which values the knowledge, experience, and professionalism of all employees, team members, and managers, and the diverse heritage of our families and children
- Employees and management respect the privacy of children and their families by keeping all information about child protection concerns confidential and only share information to promote child wellbeing or safety and /or manage risk of family violence with other Information Sharing Entities (IES) as per state/territory legislation. [Child Information Sharing Scheme (CISS), Family Violence Information Sharing Scheme (FVISS) in Victoria]

### Expectations of Employees

#### Employees will:

- ensure their work is carried out proficiently, harmoniously, and effectively. They will act in a professional and respectful manner at all times whilst at work, giving their full attention to their

- responsibilities and adhering to all Service policies, procedures, Child Safe Standards, Education and Care Services National Law and National Regulations, and the National Quality Standard
- act honestly and exercise attentiveness in all Service operations. They will carry out all lawful directions, retaining the right to question any direction which they consider to be unethical. If uncertain they can seek advice from the Nominated Supervisor, Approved Provider or the Ombudsman
  - uphold the rights of children and always prioritise their needs
  - treat all children and young people with respect
  - promote the wellbeing and safety of children and take all reasonable steps to protect children from abuse
  - provide adequate supervision of children at all times
  - understand their legislative responsibility as mandatory reporters to report any allegation of child abuse, neglect or possible risk of harm to management and/or Child Protection
  - understand their legislative responsibility to report any inappropriate action of any other employee that involves children or young people to management as part of the *Reportable Conduct Scheme*
  - participate in all compulsory training
  - report any instances of suspected corrupt conduct, mismanagement of government funds or other serious allegation to the appropriate agency ([tipoffline@dese.gov.au](mailto:tipoffline@dese.gov.au))
  - have a solid understanding of the OSHC Service's policies and procedures and the ECA Code of Ethics. If uncertain about the content of any policy or procedure with which they must comply, employees should seek clarification from the Nominated Supervisor or Approved Provider.
  - be courteous and responsive when dealing with colleagues, students, visitors, children and families
  - work collaboratively with colleagues and recognise and value diversity
  - be mindful of their duty of care towards themselves and others
  - be positive role models for children at all times
  - respect the confidential nature of information gained about each child participating in the program
  - engage in critical reflection to inform individual and collective decision making and ensure continual improvement.

#### EMPLOYEES WILL NOT:

- condone or participate in illegal, unsafe or abusive behaviour towards children, including physical, sexual or psychological abuse, ill-treatment, neglect or grooming
- exaggerate or trivialise child abuse issues
- fail to report information to the approved provider if they know a child has been abused

- engage in unwarranted and inappropriate touching involving a child
- persistently criticise and/or denigrate a child
- verbally assault a child or create a climate of fear
- encourage a child to communicate with me in a private setting
- share details of sexual experiences with a child
- use sexual language or gestures in the presence of children
- discriminate against any child, because of culture, race, ethnicity or disability
- put children at risk of abuse- refusing food/play, making threats, exposing children to inappropriate language or material (movies, internet, photos)

source: NSW Children's Guardian Codes of Conduct resource (2020).

### Expectations of Leaders and Management

In addition to the above responsibilities, leaders and management are expected to:

- promote a collaborative and interconnected workplace by developing a positive working environment where all employees can contribute to the ongoing continuous improvement of the Service
- promote leadership by working with employees and providing opportunities for professional development and growth
- provide flexible opportunities to ensure all employees can participate in staff meetings and professional development
- provide ongoing support and feedback to employees
- keep employees informed about essential information and any relevant changes and make all documents readily accessible to them
- ensure copies of the ECA Code of Ethics is available to staff and families
- model professional behaviour at all times whilst at the Service
- implement supportive and effective communication systems, consulting employees in appropriate decision making
- take appropriate action if a breach of the code of conduct occurs
- share skills and knowledge with employees
- give encouragement and constructive feedback to employees, respecting the value of different professional approaches.

### Reporting a breach in the code of conduct

- all employees are required by law to undergo a Working with Children Check (WWCC) which is verified by the employer to ensure it is valid and current
- if employees become aware of a serious crime committed by another employee, they are required to report it to management as per the *Reportable Conduct Scheme*
- as mandatory reporters, all employees must report possible risk of harm to children or young persons to management
- employees will report any concerns they may have about inappropriate actions of any other employee that involves children or young people to management as per the *Reportable Conduct Scheme*
- management will report any allegations or child related misconduct as per their legislative requirements (this may include reporting the matter to the Police, DHHHS)

### Managing conflict in the workplace

#### MANAGEMENT WILL:

- remain objective and impartial when managing conflict in the workplace
- be responsive and address a possible breach of the code of conduct by any employee as soon as they are aware of the breach
- investigate all allegations which may result in remedial action, or disciplinary action ranging from a caution to dismissal
- consider all relevant facts and make decisions or take actions fairly, ethically, consistently, and with transparency. If they are uncertain about the appropriateness of a decision or action they will consider:
  - whether the decision or conduct is lawful
  - whether the decision or conduct is consistent with Service policies and objectives
  - whether there will be an actual, potential, or perceived conflict of interest involving obligations that could influence the business relationship or conflict with business duties.

### Adhering to Service confidentiality

- Unless authorised to do so by legislation, employees must not disclose or use any confidential information without appropriate approval
- Lawful sharing of information with other parties must be to promote the wellbeing or safety of children and adhere to guidelines under Child and Family Information Sharing Schemes (e.g., CISS, FVISS and MARAM in Victoria)
- All employees are to ensure that confidential information is not accessed by unauthorised people.

- Employees will adhere to the Service's *Privacy and Confidentiality Policy*.

### Record keeping

- Employees and Management will maintain full, accurate, and honest records as required by Education and Care Services National regulations.
- Managers have a responsibility to ensure that employees comply with their record keeping obligation outlined in the *Record Keeping and Retention Policy*
- Employees must not destroy records without permission from management
- Records must be retained and stored securely as per our *Record Keeping and Retention Policy*

### Duty of care

- Management and employees have a responsibility to take reasonable care for the health and safety of themselves and others at the workplace to enable compliance with the work health and safety legislation outlined in the *Work Health and Safety Policy*
- Duty of Care relates to both physical and psychological wellbeing of individuals
- Management and employees must provide adequate supervision of children at all times and ensure the health, safety and welfare of children and young people in their care. This includes taking all reasonable action to protect children and young people from risk of harm that can be reasonably predicted.

### Appropriate use of communication and social networking sites

#### Social media

- As a Child Safe Organisation, our Service has the responsibility to ensure children and educators are protected from harm when they engage in with digital technology including social media
- Strict guidelines for the use of social media are outlined in our *Social Media Policy*
- The Service offers its current families and staff members a Facebook page as a communication tool. The administrator of the account is the Service's Nominated Supervisor
- The Administrator controls the content on the page and ensures that the postings are relevant and respectful of the Service, the children, the staff, families, and greater community.
- Staff members who have a personal Facebook account are not permitted to post any negative comments relating to the Service, children, colleagues, or families. If they choose to 'like' the Service's page they have a responsibility to ensure that their profile picture is an appropriate representation of a school aged care educator. If it is not, we request that they do not 'like' the page.

- Staff members are to use their own personal discretion when adding a family of the Service as a 'friend' on Facebook. The Service does not recommend staff to add families of the Service as they will be seen still as a representative of the Service and held to the Service's Code of Conduct on all posts on their private 'wall' if families have access.
- Families are asked in our *Social Media Policy* to respect that staff may have a personal policy on adding families due to their professional philosophy and that the Service does not recommend staff to have families as friends on their private account.
- Staff members are not permitted to request the 'friendship' of families from the Service.

### Personal phone calls/mobile phones/smart watches

We are mindful that educators have a duty of care to ensure children are protected from potential risk of harm. It is imperative that all employees of the Service provide children with their full attention, ensuring supervision is maintained and remains on the children.

- employees are not authorised to use the Service's phones for personal reasons unless in the case of an emergency or with permission from management.
- no personal mobile phones are to be used, checked or brought on the floor during working hours.
- mobile phones are to be kept inside employee's bags which will be placed in a designated, secure location for safe keeping.
- employees are not permitted to use Smart watches to access emails and social media during working hours. Smart watches are only to be used for viewing the time.
- if it becomes apparent that educators are using their Smart watches to check and respond to messages during shifts, they will be asked to either leave them at home or place in a designated locker / secure location until the end of their shift.
- personal mobile phones and Smart watches may be used during shift breaks when employees are free from work and supervision duties. They are not to be used in general sight of children, unless a situation arises where there is an emergency.
- personal mobile phones are not to be used to take photos of children as this is a breach of children's privacy. (Service mobile phones or iPads may be used if it's for the purposes of 'observations' etc.)
- children are at no time to be given access to staff mobile phones
- no personal mail or deliveries should be directed to the Service unless prior approval has been granted by the Nominated Supervisor/management.
- educators and staff are not to contact families or children of the Service for personal reasons.

- if, for personal reasons a staff member needs to remain contactable from someone outside the Service they should ensure that the situation is explained to management and that the service's primary contact details are passed on to the persons/family outside the Service.

### Service email

- Email is to be used only for company usage, not for private communications
- Passwords and access privileges are strictly confidential and to be used only by the educator issued with that access, or persons delegated to know and use that access in the normal course of operation
- It is the responsibility of the authorised user to take fair and reasonable steps to ensure the passwords and other forms of access are held safe
- Employees are to be aware that their Service email account may be accessed by Management at any time.

### Use of alcohol, drugs and tobacco

- Smoking is NOT permitted in or on surrounding areas of the OSHC Service.
- It is expected that the odour of cigarette smoke will not be detected on an employee's clothing. If an employee is found smoking on the premises, that employee's employment may be terminated. Our Service supports the [Smoke Free Environment Act 2000](#). The company and its employees will follow all conditions outlined in this act.
- Our Service is bound by the Education and Care Services National Regulations. Alcohol, drugs, or other substance abuse by employees can have serious adverse effects on their own health and the safety of others. As such, all employees must not:
  - consume alcohol nor be under the influence of alcohol while working
  - use or possess illegal drugs at any workplace
  - drive a vehicle, having consumed alcohol or suffering from the effects of illegal substances, or
  - bring alcohol or any illegal drugs onto the premises.
- If a co-worker suspects a colleague to be affected by drugs or alcohol, they must inform the Nominated Supervisor immediately. No employee will be allowed to work under the influence of drugs or alcohol. (See: *Tobacco, Drugs and Alcohol-Free Policy*)
- Employees undergoing prescribed medical treatment with a controlled substance that may affect the safe performance of their duties are required to report this to the Nominated Supervisor.
- All issues pertaining to these matters shall be kept strictly confidential. A breach of this policy may initiate appropriate action including the termination of employment.

### Dress code

- Enclosed shoes must be worn at all times (strictly no high heels, thongs, or wedges).
- Clothes must be suitable for free movement, active play, and messy play.
- No offensive logos or political statements are to be displayed on clothing.

### Personal Hygiene

All employees are to adhere to the following standards:

- long hair is to be clean and neatly tied back: Ensure hair does not hang in your eyes
- makeup is to be light and natural
- fingernails are to be clean and well groomed
- employees will follow appropriate oral hygiene practices
- an appropriate deodorant/antiperspirant will be worn
- strong perfumes will not be worn as they may cause allergic reactions in children.

### Breach of the Code of Conduct

All staff members are made fully aware that the following breaches of the Code of Conduct and role responsibilities may lead to termination of employment:

- reporting to work under the influence of alcohol or drugs
- refusal to complete required additional training
- possessing or selling drugs at the Service
- immoral, immature, or indecent conduct while at the Service
- inappropriate use of company equipment and/or resources
- refusing to work as reasonable directed
- possessing a dangerous weapon whilst at the Service
- bringing disrepute to the Service
- causing disruption or discontent in the relationship between a family and the Service
- disclosure of confidential information
- falsifying documentation
- associating with families without disclosing this information with management
- stealing, abusing, defacing, or destroying company property
- interfering with work schedules
- falsification of reports, documents, or wages information
- failure to report for work without notice
- walking off the job

- failure to follow policies and procedures
- vulgarity or disrespectful conduct to families, management or colleagues
- making or publishing false, vicious, or malicious statements about any employee of the Service, or the Service itself
- failure to hand in lost property (this is regarded as stealing): Lost property is to be handed to the Nominated Supervisor.

### Disciplinary Action

All staff members are made fully aware that continued abuse of the following may result in disciplinary action. These include, but are not limited to the following:

- unauthorised absence
- consistent or ongoing late arrivals and/or unauthorised extended breaks
- having personal visitors whilst on shift
- continued personal phone calls
- carrying a personal mobile phone whilst on shift
- using a personal mobile phone or device to take photographs of the children
- unauthorised distribution of Service resources or materials
- consistent or ongoing poor work standard
- carelessness in the performance of duties
- consistent or ongoing low level of enthusiasm
- lack of personal cleanliness and hygiene
- failure to report health, fire, or safety hazards

### CODE OF CONDUCT AGREEMENT

I have read and understood the Service’s <i>Code of Conduct</i> and agree to abide by the provisions set out in the Code of Conduct at all times. Failure to do so may lead to disciplinary action or dismissal.			
NAME		SIGNATURE	
POSITION		DATE	

### SOURCE

*Anti-Discrimination Act*: See <https://raisingchildren.net.au/disability/disability-rights-the-law/law/anti-discrimination-laws> for Acts for specific Australian states and territories.

Australian Children’s Education & Care Quality Authority. (2014).  
 Australian Human Rights Commission <https://www.humanrights.gov.au/our-work/childrens-rights>  
 Early Childhood Australia Code of Ethics. (2016).  
*Fair Work Act 2009* (Cth).  
 Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).  
 Guide to the National Quality Framework. (2017) (Amended 2020).  
 NSW Government Office of the Children’s Guardian *Codes of Conduct- a guide to developing child safe Codes of Conduct*. (2020).  
*Ombudsman Act 2001* (Cth).  
*Privacy and Personal Information Protection Act 1998* (Cth).  
 Revised National Quality Standard. (2018).  
 Victoria State Government. (2021). Family Violence Multi-Agency Risk Assessment and Management Framework.  
 Victoria State Government Department of Health and Human Services *Child Safe Standards toolkit*  
*Work Health and Safety Act 2011* (Cth).  
*Workplace Relations Act 1996* (Cth).  
 Work Place Law <https://www.workplacelaw.com.au/getting-your-mobile-phone-policies-right/>

**REVIEW**

POLICY REVIEWED BY	Selena Van Riet	Nominated Supervisor	Dec 2021
POLICY REVIEWED	DECEMBER 2021	NEXT REVIEW DATE	DECEMBER 2022
MODIFICATIONS	<ul style="list-style-type: none"> <li>• Policy reviewed as part of yearly cycle (Changed from Jan to Dec)</li> <li>• Child Information Sharing Schemes (CISS) information added</li> <li>• Minor changes for Child Safe Standards – services to amend to their state/territory requirements</li> <li>• Sources checked for currency</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE
JANUARY 2021	<ul style="list-style-type: none"> <li>• Additional related regulations added</li> <li>• Addition of Child Safe Standards and Reportable Conduct Scheme</li> <li>• Additional section- Employees will NOT....</li> <li>• minor edits throughout policy- lengthy content reduced as this is covered in related policies</li> <li>• rearranged order of social media, mobile phones</li> </ul>		DECEMBER 2021
JANUARY 2020	New policy developed for Out of School Hours Care Services		JANUARY 2021