



CODE OF CONDUCT POLICIES AND PROCEDURES

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CODE OF CONDUCT

INTENDED USE

This *Code of Conduct* is considered to be an Umbrella Document, encompassing an overview of many of The Joseph Varga School (JVS) Policies & Procedures.

This *Code of Conduct* is to be made available to the staff at The Joseph Varga School at the commencement of their employment (see *JVS Induction Policy* and *JVS Professional Development Policy*).

This *Code* is also to be available and/or provided to staff during the course of their employment or involvement with the school.

The *Code* forms comprehensive directions to these employees, or others workers, as to the expected standard of behaviour, relating to the performance of their duties. It also gives guidance in relation to ethical and personal decision-making.

This *Code* is intended to apply to the Principal/s, all employees and contractors, and volunteers in their work for and with the school.

CODE OF CONDUCT

PREFACE

Code of Conduct

The aim of this *Code* is to outline the standards of behaviour expected of all employees of JVS, including the Principal/s.

This *Code of Conduct* applies to all employees of the School whether employed on a permanent, temporary or casual basis.

This *Code* does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work.

Instead, it sets out general expectations of the standards of behaviour required.

The *Code* places an obligation on all employees to take responsibility for their own conduct and development, as well as to work with colleagues cooperatively to achieve a consultative and collaborative workplace where people are happy and proud to work.

Statement of Ethics

The values that underpin the culture of the JVS workplace include fairness, respect, integrity, transparency, open communication, responsibility, and are consistent with the *JVS Credo*.

The school and its employees demonstrate these values in its daily work by:

- being consistently honest, trustworthy and accountable
- being courteous and responsive in dealing with others

- being committed to social justice by opposing prejudice, injustice and dishonesty
- making decisions that respect equity and avoid discrimination (e.g. gender, race, religion, culture)
- promoting dignity, self-respect and mutual respect by avoiding harassing, bullying or intimidating behaviours
- maintaining professional relationships with colleagues, students, parents, carers, stakeholders
- working collaboratively with colleagues to reach JVS common goals
- maintaining and developing professional work practices.

The Joseph Varga School's Code of Conduct is consistent with the regulations in such Government legislation, as:

Anti-Discrimination Act 1977

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

Crimes Act 1900

Occupational Health and Safety Act 2000

Ombudsman Act 1974

Privacy Act 1988 & Amendment 2001

If there is any conflict between this *Code* and legislation, the provision of the legislation will take precedence.

Who has to comply with the Code of Conduct?

By accepting employment with the School, you must be aware of and comply with this *Code*.

Therefore, you must:

- (a) conduct yourself, both personally and professionally in a manner that upholds the ethos or credo of the school (see *JVS Credo*) and the reputation of the School;
- (b) comply with the School's policies and procedures;

- (c) act ethically and responsibly; and
- (d) be accountable for your actions and decisions.

Contractors and Volunteers

Contractors, consultants and volunteers working with JVS must be aware of this *Code* and conduct themselves in a manner consistent with the conduct described in it.

Conduct that is not consistent with the conduct set out in this *Code* may result in the engagement of a contractor, consultant or volunteer being terminated.

If you are engaging or managing external consultants, contractors or volunteers, it is your responsibility to make them aware of the School's expectations of conduct during the period of their engagement.

General

This *Code* is not intended to be contractual in nature and does not impose any contractual obligations on The Joseph Varga School.

The School's Principal/s, in consultation with staff, reserve/s the right to modify this *Code* at any time, as part of the School's ongoing review process.

Nothing in this *Code* should be taken to limit the circumstances in respect of which JVS, including the School's Board of Directors, may take disciplinary action in respect of an employee.

As an employee, you should be aware of the School's policies and procedures, particularly those that apply to your work. All of these are available to you through induction and training and development programs.

If you are uncertain about the scope or content of a policy, or procedures, with which you must comply, you should seek clarification from your Principal/s or a designated supervisor.

You should also be familiar with the legislation under which you are employed as this may specify requirements with which you need to comply.

1. WHAT IS EXPECTED OF YOU AS AN EMPLOYEE?

As a School employee, you are expected to:

- (a) perform your duties to the best of your ability and be accountable for your performance;
- (b) follow reasonable instructions given by your supervisor or their delegate;
- (c) comply with lawful directions;
- (d) carry out your duties in a professional, competent and conscientious manner, while seeking suitable opportunities to improve your knowledge and skills, in consultation with the Principal/s;
- (e) act honestly and in good faith in fulfilling your duties;
- (f) be courteous, and aware of your use of appropriate language in all school-related contexts, and be sensitive and responsive in dealing with your colleagues, students, parents and members of the public;
- (g) work collaboratively with your colleagues; and
- (h) ensure that your conduct, whether during, or whenever representing the school outside working hours, is

consistent with the ethos of the School and does not damage the reputation of the School.

2. WHAT HAPPENS IF I BREACH THE CODE OF CONDUCT?

As a School employee, you hold a position of trust and are accountable for your actions.

2.1 The consequences of inappropriate behaviour and breaches of this *Code* will depend on the nature of the breach.

2.2 Employees should report possible breaches by colleagues to their supervisor or the Principal/s. If the possible breach is by their supervisor then it should be reported to the Principal/s.

2.2.1 If the breach involves a Principal, the employee can report directly to the JVS Board of Directors (refer to *JVS Grievance Policy*).

2.3 Factors JVS may consider when deciding what action to take may include:

- (a) the seriousness of the breach;
- (b) the likelihood of the breach occurring again;
- (c) whether the employee has committed the breach more than once;
- (d) the risk the breach poses to employees, students or any others; and
- (e) whether the breach would be serious enough to warrant formal disciplinary action.

2.4 Actions that may be taken by JVS in respect of a breach of the *Code* include management or remedial action, training or disciplinary action ranging from a warning to termination of employment (see *JVS Performance Review Policy*). The school Principal/s, and/or the JVS

Board of Directors, will reserve the right to determine in its entirety the response to any breach of this Code, or non-performance, unless it involves a case of reportable conduct (see *JVS Child Protection Policy*).

3. REQUIRED REPORTING

Employees are required to report certain information to The Joseph Varga School.

- 3.1 All employees are required to inform the Principal/s, in writing, if they are charged with or convicted of a serious offence (those punishable by 12 months or more in jail).

You must also inform the Principal if you become the subject of an Apprehended Violence Order.

- 3.2 If, through your employment with JVS, you become aware of a serious crime committed by another person, who is associated with the school in any way whatsoever, you are required to report it, in writing, to the Principal/s, who may be required to inform the police.

- 3.3 As a JVS employee, you must report, in writing, to the Principal/s:
- (a) any concerns that you may have about the safety, welfare and well being of a child or young person;
 - (b) any concerns you may have about the inappropriate actions of any other employee, contractor or volunteer that involves children or young people;
 - (c) any concerns you may have about any other employee, contractor or volunteer engaging in 'reportable conduct' or any allegation of 'reportable conduct' that has been made to you; and
 - (d) if you become aware that an employee, contractor or volunteer has been charged with or convicted of

an offence (including a finding of guilt without the court proceeding to a conviction) involving 'reportable conduct'; and

- (e) if you become the subject of allegations of 'reportable conduct' whether or not they relate to your employment in the School.

You should refer to the *JVS Child Protection Policy* for further information about these obligations.

- 3.4 The Principal/s will keep a written record of any of the above matters. These will be kept in a secure place. The Principal/s follow mandatory procedures, as outlined in the *JVS Child Protection Policy*.
- 3.5 Please note that teachers and some other employees have mandatory reporting obligations under the *Children and Young Persons (Care and Protection) Act 1998* (NSW) where they have reasonable grounds to suspect a child under the age of 16 years is at risk of significant harm and have current concerns about the safety, welfare and wellbeing of the child.

You should refer to the *JVS Child Protection Policy* for further information about these obligations.

4. RESPECT FOR PEOPLE

The Joseph Varga School expects employees to treat each other with respect and courtesy. Our daily interaction with others reflects on the School's reputation. Therefore, all employees are expected to be approachable, courteous and prompt in dealing with other people, including students, parents, other employees and members of the community.

In dealing with other people, employees should be able to accommodate and tolerate different opinions and perspectives, and sort out disagreements by rational discussion. Such discussion assumes that there is open communication and the freedom to voice different point of

views in the workplace. Such discussion should not involve verbal abuse or physical intimidation.

The criticism of a person's ideas should not involve criticism of the person; with verbal abuse or belittling students or colleagues considered unacceptable.

Try not to be defensive when another person has an opinion, complaint or grievance that is contrary to your own opinion; instead engage in active listening.

Discrimination or harassment of colleagues, students or others on the basis of: sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment, sexual preference, political, religious, atheistic beliefs, constitutes an offence under the *Anti-Discrimination Act 1977*.

4.1 Employees who work with students have a special responsibility in presenting themselves as appropriate role models for these students. This includes personal grooming, hygiene, presentation and language.

Modelling effective leadership and respect in your interactions with students can have a profoundly positive influence on a student's personal and social development. Try not to bring your personal life to your employment at school.

Principal/s and senior staff must lead by example and must take all necessary steps to ensure that workplaces and classrooms are free from all forms of harassment, bullying and unlawful discrimination, and that their staff are informed of the principles of equal opportunity and anti-discrimination.

If a staff member believes that he or she or anyone else in the JVS workplace is being treated in a discriminatory

or harassing manner, it is their obligation to report the behaviour to their Principal/s or supervisor.

The Joseph Varga School takes reports of discrimination and harassment seriously and will take steps to prevent and correct them. Most incidents can be addressed effectively if reported early.

- 4.2 Similarly, it is important for you to treat your colleagues, other employees, contractors, students and parents with respect.

Rude or insulting behaviour, including verbal and non-verbal aggression, abusive, threatening, intimidating or derogatory language and physical abuse or intimidation towards other employees, contractors, students and parents is unacceptable.

You must not use information and communication technologies, such as email, mobile phones, text or instant messaging, blogs, social media sites and other websites to engage in this type of behaviour.

Such behaviour is considered to have a negative impact on another person, in so doing causing others harm, or making them feel unsafe.

- 4.3 JVS staff should not make personal information or photos available on social media sites that may be assessed by the general public to bring the school into disrepute.
- 4.4 You must not discriminate against, or harass for any unlawful reason, or bully for any reason any employee, contractor, student or parent. Your obligations in this regard, including the list of unlawful reasons, are set out in the *JVS Discrimination, Harassment and Bullying Policy*.

Unlawful harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977* or federal discrimination legislation. Bullying may be a breach of your obligations under work health and safety legislation or your duty of care at common law.

- 4.5 You should ensure that you are aware of the JVS *Discrimination, Harassment and Bullying Policy*.

If you believe you are being unlawfully harassed or discriminated against or bullied:

- (a) you are expected to ask the person to stop, or make it clear that you find the behaviour offensive or unwelcome.

Should this behaviour continue, speak then with your Principal/s or supervisor, to seek further guidance.

- (b) raise the issue as a grievance in accordance with the *JVS Complaints and Grievance Policy*, if there is not a resolution of the issue.

- 4.6 The School takes reports of unlawful discrimination and harassment or bullying seriously and will consider action it considers appropriate if such conduct is found to have occurred, including disciplining or dismissing offenders.

- 4.7 If you lie about or exaggerate a complaint, The Joseph Varga School will view this as a very serious matter, and you will be disciplined or possibly dismissed.

A staff member, in other words, must not make unfounded complaints with malicious, frivolous or vexatious intent against another employee or student.

5. DUTY OF CARE AND WORK HEALTH AND SAFETY

As a School employee, you have a duty of care to students in your charge to take all reasonable steps to protect students from risks of harm that can be reasonably predicted.

The duty encompasses a wide range of matters, including but not limited to:

- the provision of adequate supervision as delegated and defined in consultation with the Principal/s
- ensuring grounds, premises and equipment are safe to teachers and students' use (refer to the *JVS Work Health Safety Policy*)
- implementing strategies to prevent bullying from occurring in School, in accordance with the *JVS Anti-Bullying Policy and Procedures*, and
- providing First Aid assistance (if certificated), or seeking assistance from a medically trained person to aid a student who is injured or becomes sick at School.

Duty of care

5.1 As a School employee, you have a duty of care to students in your charge. That duty is to take all reasonable steps to protect students from risks of harm that can be reasonably predicted. For example, risks from known hazards and from foreseeable risk situations against which preventative measures can be taken.

The standard of care that is required, for example the degree of supervision, needs to be commensurate with the students' maturity and ability (refer to *JVS Work Health Safety Policy*).

- 5.2 Duty of care to students applies during all activities and functions conducted or arranged by the School. The risks associated with any activity need to be assessed and managed before, during and after the activity is undertaken (see *JVS Risk Assessment and Management Policy*).
- 5.3 In addition, you should ensure that you are aware of the School's *Management Policies*, for example, relating to *Duty of Care, Supervision, Excursions and Camps, and so on*.

Work health and safety

- 5.4 You also have a responsibility under work health and safety legislation to take care of your own health and safety at work. It is also your responsibility to ensure that your activities do not place at risk the health and safety of your co-workers, students or other persons that you may come into contact with at work.
- 5.5 Considerations of safety relate to both physical and psychological wellbeing of individuals.
- 5.6 You should ensure that you are aware of The Joseph Varga School's *Work, Health & Safety Policy*.

Supervision of students

- 5.7 You should take all reasonable steps to ensure that no student is exposed to any unnecessary risk of injury (see *JVS Risk Assessment and Management Policy*).
- 5.8 You should be familiar with and comply with the School's evacuation procedures (see *JVS Work Health Safety Policy*).
- 5.9 Students should not be left unsupervised either within or outside of class.

Teachers must not leave their class, for example, to answer a telephone, escort a child, unless routines or procedures are negotiated with the Principal/s beforehand, or they need to call for help in a crisis or emergency situation.

Teachers should be punctual to class, and attend allocated supervisions such as playground duty on time (see *JVS Staff Handbook*).

- 5.10 One staff member should remain with students until each of them has been collected by a parent, caregiver or the government taxi service.

In the event that a student is not collected you should remain with the student until collected, or seek advice from your supervisor.

- 5.11 Playground supervision is an integral part of the responsibility of staff. It must take precedence over other activities. It is unacceptable to be late. You should actively supervise your designated area, being vigilant and constantly moving around (see *JVS Staff Handbook*).

- 5.12 You should be alert to bullying or any other form of discriminatory behaviour, and report incidents (see *JVS Incident Policy*) to the appropriate staff member. Additional detail about student bullying is set out in the school's *Anti-Bullying Policy*.

- 5.13 Ill or injured students should be attended to by the supervising staff member. Should additional assistance be required you should contact the Principal/s.

- 5.14 You should ensure that you understand and comply with the School's policy in regard to the storage and administration of prescribed medication to students (see *JVS Medication Policy*).

6. PROFESSIONAL RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS

As a Joseph Varga employee, you are expected to always behave in ways that promote the safety, welfare and well-being of children and young people. You must actively seek to prevent harm to children and young people, and to support those who have been harmed.

While not all employees are required to manage and supervise students, it is important for all JVS employees to understand and observe the *JVS Child Protection Policy*.

Supervision of students

- 6.1 You should avoid situations where you are alone in an enclosed space with a student. Where you are left with the responsibility of a single student you should ensure that this is in an open space in view of others. Where this is not possible or practical, it should be discussed with your supervisor and/or the Principal.
- 6.2 You should never drive a student in your car unless you have specific permission from your supervisor and/or the Principal to do so. In the event of an emergency you should exercise discretion but then report the matter to your supervisor.
- 6.3 If you wish to conduct a private conversation with a student you should consider the time and venue carefully to avoid placing yourselves in a vulnerable situation. It is preferable to leave the door open. You should not locate yourself between the student and the door.
- 6.4 At the beginning of the school day, students are asked to hand in personal items, such as mobile phones, ipods, ipads, any portable game device, or caps, with them being returned at the end of the school day.

Should this not occur of the student's own free will, ask students to hand the items directly to you.

Only take other items directly from students in other circumstances, throughout the school day, where danger exists for the safety of the student or others, but in a way that your own safety is not jeopardised by this action.

Physical contact with students

6.5 You must not impose physical punishment on a child, nor have any form of unnecessary or unwarranted physical contact with a student that may be deemed 'abuse' or 'assault' or 'ill-treatment' (see *JVS Child Protection Policy & JVS Restraint Policy & Procedures*) in the course of your professional duties.

6.6 When physical contact with a student is a necessary part of the teaching/learning experience, you must exercise caution to ensure that the contact is appropriate and acceptable. You should seek reassurance from the student, and, if necessary, ask for a volunteer to demonstrate a particular activity.

6.7 Attention to the toileting needs of young children should be done with caution. It may be appropriate to have the door open.

For students with a disability the management of toileting needs should be included in the student's Individual Education Plan, and/or Risk Assessment, in consultation with parents, caregivers, and stakeholders.

6.8 When congratulating a student, a handshake, pat on the shoulder or brief hug are acceptable as long as the student is comfortable with this action.

6.9 Assessing a student who is injured or ill may necessitate physical contact with the student. Always advise the student of what you intend doing and seek their consent.

- 6.10 Sometimes in ensuring 'Duty of Care' you may be required to restrain a student from harming him or herself or others using reasonable force.

Any such strategy must be in keeping with the *JVS Behaviour Management Policy and Procedures* and/or *Individual Student Behaviour Management Plan*.

You should report and document any such incidents (see *JVS Incident Policy and Procedures*).

Relationships with students

- 6.11 You must not have a romantic or sexual relationship with a student. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual or condoned by parents or caregivers.

You are reminded of:

- (a) the law prohibiting sexual relations with a person under the age of consent (16 years); and
 - (b) the law prohibiting sexual relations between a teacher and their student under the age of 18 years.
- 6.12 You must not develop a relationship with any student or a student's parent, that is, or that can be interpreted as having a personal rather than a professional interest in a student.

An overly familiar relationship with any student or a student's parent that you are responsible for teaching, tutoring, advising, assessing, or for whom you provide pastoral or welfare support raises serious questions of conflict of interest, trust, confidence, dependency, and of equality of treatment.

Such relationships may also have a negative impact on the teaching and learning environment for other students and colleagues, and may carry a serious reputational risk for the School.

- 6.13 If you consider that a student is being overly familiar, seeking to establish a personal relationship with you or has developed a 'crush' on you, you should report your concerns to your supervisor and/or the Principal/s as soon as possible so that a plan can be developed to manage the situation effectively and sensitively.
- 6.14 At all times when speaking with students, care must be taken to use appropriate language. You must always treat students with respect and without favouritism. There is no place for sarcasm, derogatory remarks, inappropriate familiarity or offensive comments.
- 6.15 You may, as part of your pastoral care role, engage in discussion with students. This is entirely appropriate. However you must be cautious about making personal comments about a student or asking questions that probe your own or a student's sexuality or relationships. You must not hold conversations with a student of an intimately personal nature where you disclose information about yourself.
- 6.16 You must not:
- (a) invite students to your home;
 - (b) visit students at their home; or
 - (c) attend parties or socialise with students,
- unless you have the express permission of the Principal and their parents or care giver.
- 6.17 You must not engage in tutoring or coaching students from the School without the express permission of the Principal/s.

- 6.18 You must not invite students to join your personal electronic social networking site or accept students' invitations to join their social networking site (see *Section 7 - Appropriate use of electronic communication and social networking sites in this Code of Conduct document*).
- 6.19 You must not give gifts to students. You should also carefully consider your position before accepting any gift from a student (see *Section 10 - Declaring gifts, benefits and bribes in this Code of Conduct document*).
- 6.20 Wherever practical, you should avoid teaching or being involved in educational decisions involving family members or close friends that may attend the school. Where it is not practical to avoid such situations completely, another member of staff should make any significant decisions relating to the student's assessments and have those endorsed by a supervisor.
- 6.21 You should be aware of, and sensitive to, children with culturally diverse or indigenous backgrounds and cultural practices that may influence the interpretation of your behaviour.

Child protection

- 6.22 You must be aware of and comply with ***The Joseph Varga School's Child Protection Policy***.
- 6.23 As set out in **Section 3** you must report any concerns you may have about any other employee, contractor or volunteer engaging in 'Reportable Conduct', or any allegation of 'Reportable Conduct', that has been made to you, to the Principal/s.
- This includes self-disclosure, if the allegation involves you.

- 6.24 Broadly, 'Reportable Conduct' includes:

- (a) any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child (including a child pornography offence); or
- (b) any assault, ill-treatment or neglect of a child; or
- (c) any behaviour that causes psychological harm to a child,

whether or not the child consents.

6.25 Reportable Conduct does not extend to:

- (a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- (b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- (c) conduct that is exempted from notification by a *Class or Kind Agreement*¹.

6.26 For further information about 'Reportable Conduct' see the *JVS Child Protection Policy*.

6.27 The requirements outlined in Section 6 in relation to *Supervision, Physical Contact and Relationships with Students* set professional boundaries in relation to your behaviour. They make clear what behaviour is unacceptable and could amount to reportable conduct.

¹ A Class or Kind Agreement is an agreement between the Ombudsman and an agency (eg the Association of Independent Schools of NSW on behalf of its member schools) that allows for certain kinds of less serious reportable conduct to be exempted from notification to the Ombudsman but the Head of Agency must still conduct a workplace investigation.

7. APPROPRIATE USE OF ELECTRONIC COMMUNICATION AND SOCIAL NETWORKING SITES

The Joseph Varga School provides electronic communication facilities for its students and employees for educational or administrative purposes. It monitors and views data stored or transmitted using the School's facilities.

By its nature, electronic communication is a fast and informal way of communicating. However, once a document or image has been sent, there is no way to recall it and it can exist forever.

People sometimes respond too quickly, or express their thoughts and feelings, with undue frankness, when using electronic communication.

Avoid getting personal in electronic mail. Remember, people can't hear the tone of your voice in the electronic message and you can be easily misunderstood, particularly if your message is provided out of its original context.

- 7.1 You must therefore comply with the *JVS Internet and ICT Policy* in terms of *Information Technology, Computer, Telephone, Equipment and Social Networking*. This includes:
- (a) exercising good judgment when using electronic mail and mobile telephone text use, following the principles of ethical behaviour;
 - (b) using appropriate and professional language in electronic mail and telephone text messages;
 - (c) being aware that if an issue addressed in an email or text message becomes the subject of a legal dispute, then those emails or text messages would

be discoverable: that is, the court and all parties to the dispute would be entitled to see them;

- (d) not sending messages that are harassing, discriminatory, defamatory, threatening, abusive or obscene;
- (e) not contacting or inviting students into your personal social networking site, nor emailing them, nor texting them via telephone, nor accepting an invitation from students to have any form of contact by any of these electronic means whatsoever;
- (f) not using mobile telephones, social networking sites nor internet use of any kind to phone, text, email or contact anyone during teaching contact times, other than colleagues or outside contacts urgently requiring contact in the course of your professional duties.

You are free, however, to have mobile telephone and email contact, or make use of the internet for your own personal matters, only during your own un-rostered daily break times in the official school day, when children are present at school.

If children are no longer present at school (i.e. usually after 3.15pm each day), you are also free to have mobile telephone, email contact or make use of the internet for your own personal matters, providing it does not interfere with nor compromise your capacity to perform your professional role and duties within the school.

- (g) remembering transmission, storage, promotion or display of offensive, defamatory, or harassing material is strictly forbidden; and
- (h) reporting, in writing, to the Principal/s, any situations where you become aware of the

inappropriate use of electronic communication, telephone use and social networking sites.

Should this report involve a Principal, refer the matter directly to the Chairman of The Board of Directors for The Joseph Varga School.

- 7.2 You must never use the School's networks to view, upload, download or circulate any of the following materials:
- (a) sexually related or pornographic messages or material;
 - (b) violent or hate-related messages or material;
 - (c) racist or other offensive messages aimed at a particular group or individual;
 - (d) malicious, libellous or slanderous messages or material; or
 - (e) subversive or other messages or material related to illegal activities.

8. USE OF ALCOHOL, DRUGS AND TOBACCO

Work, Health and Safety is of fundamental importance to the School. Maintaining a safe work environment requires everyone's continuous cooperation.

- 8.1 You are responsible for ensuring your capacity to perform your duties is not impaired by the use of alcohol or drugs (illegal or prescribed) and that the use of such substances does not put at risk you or any other person's health and safety.
- 8.2 As a School employee, you must:

- (a) not attend work under the influence of alcohol, illegal drugs, or non-prescribed and/or restricted substances;
- (b) not consume alcohol, illegal drugs or non-prescribed and/or restricted substances while at work;
- (c) notify your supervisor if you are aware that your work performance or conduct could be adversely affected as a result of the effect of a prescribed drug;
- (d) take action to resolve any alcohol or other drug-related problems that you have; and
- (e) consult with your supervisor or Principal/s if you are concerned about working with other employees who may be affected by drugs or alcohol.

Drugs

8.3 As a School employee:

- (a) you must not have illegal drugs in your possession while at work.

Any illegal drugs found on School property or in the possession of any person on School property may result in disciplinary action including the termination of your employment and referral to the Police (see *JVS Child Protection Policy and Procedures* and *JVS Performance Review Policy and Procedures*);

- (b) you must not give students or other employees illegal drugs or restricted substances, or encourage or condone their use; and
- (c) you must not supply or administer prescription or non-prescription drugs to students unless authorised to do so;

- (d) you must immediately notify your supervisor or Principal/s if you are concerned about working with another employee who may be affected by drugs.

If this concern involves a Principal, immediately notify the Chairman of The Board of Directors for The Joseph Varga School.

Alcohol

- 8.4 You must not take alcohol to School nor consume it during School hours or at any School function at any time School students are present, including those events conducted outside School premises.

A School function is any occasion organised by the School and/or in the School's name, including art exhibitions, annual musicals, excursions, sporting fixtures and fund raising events.

- 8.5 You must not:
 - (a) purchase alcohol for, or give alcohol to, any School student (or to any other person under the age of 18 years); and
 - (b) encourage or condone the use of alcohol by students of any age during educational activities.
- 8.6 You must immediately notify your supervisor or Principal/s if you are concerned about working with another employee who may be affected by alcohol.

If this concern involves a Principal, immediately notify the Chairman of The Board of Directors for The Joseph Varga School.

Tobacco

- 8.7 You must not smoke nor permit smoking in any School buildings, enclosed area or on School grounds. This

includes all buildings, gardens, sports fields, cars and car parks.

- 8.8 Smoking is strictly prohibited within 100 metres of all school boundaries.
- 8.9 You must immediately notify your supervisor or Principal/s if you are concerned about working with another employee who is smoking within these designated zones.

If this concern involves a Principal, immediately notify the Chairman of The Board of Directors for The Joseph Varga School.

- 8.10 You must not purchase tobacco or tobacco products for any School student, nor give them tobacco or tobacco products.

9. IDENTIFYING AND MANAGING CONFLICTS OF INTEREST

Private interests can, or have the potential to, influence a person's capacity to perform their duties and in turn compromise their integrity and that of the School.

- 9.1 As a School employee, you must not act in conflict with the School's best interests. A conflict of interests can involve:

- (a) pecuniary interests i.e. financial gain or loss or other material benefits;
- (b) non-pecuniary interests i.e. favours, personal relationships and associations.

It may not only be about your own interests. It may include:

- (a) the interests of members of your immediate family or relatives (where these interests are known);
- (b) the interests of your own business partners or associates, or those of your workplace; or

(c) the interests of your friends.

9.2 When faced with a situation in which conflict of interests may be present, you should report any potential or real conflict to your supervisor or the Principal/s.

If this concern involves a Principal, immediately notify the Chairman of The Board of Directors for The Joseph Varga School.

9.3 You should also report situations where a superior or colleague who has an identified conflict is, or may be perceived as, unduly influencing your decision.

10. DECLARING GIFTS, BENEFITS AND BRIBES

As an employee, you may be offered a gift or benefit as an act of gratitude. There are some circumstances when to refuse a gift would be perceived as rude, insulting or hurtful. You are expected to exercise sound judgement when deciding whether to accept a gift or benefit.

10.1 If you are offered a bribe (i.e. anything given in order to persuade you to act improperly), you must refuse it, explain why it is not appropriate, and immediately report the matter to the Principal/s.

10.2 Accepting gifts and other benefits has the potential to compromise your position by creating a sense of obligation and undermining your impartiality. It may also affect the reputation of the School and its staff. You must not create the impression that any person or organisation is influencing the School or the decisions or actions of any of its employees.

10.3 If you are offered a gift or benefit, you should always consider the value and purpose of a gift or benefit before making any decision about accepting it. A gift that is more than nominal value (\$50) must not become personal property. You should either politely refuse it or

advise the contributor that you will accept it on behalf of the School.

10.4 When such a gift is accepted, you must advise your Principal/s. The school will determine how it should be treated and make a record of its receipt. Depending on the nature and value of the gift, it may be appropriate to record the gift in the *Asset Register* as a donation or other such record established for that purpose.

10.5 Sometimes employees might, in the course of their work, win a prize of significant monetary value e.g. a computer, from another organisation. Prizes are usually considered the property of the School. If you win a prize you must advise your supervisor or the Principal/s who will determine how the prize should be treated and recorded.

11. COMMUNICATION, CONFIDENTIAL INFORMATION & PRIVACY

Communication

11.1 You are required to comply with The Joseph Varga School's policy relating to *Communication*, especially with parents, caregivers, external support services and therapists, sponsors, stakeholders.

This includes written and oral communication, face to face and by telephone, with protocols for answering the telephone, and taking telephone messages (in duplicate), also constituting parts of communicating appropriately.

11.2 You should be mindful of confidentiality when in discussions with parents and/or any of these agencies. You cannot provide a guarantee of confidentiality if the matter under discussion requires mandatory reporting.

11.3 You should not disclose personal information about another staff member to students or parents, nor

discuss their work performance, except if authorised by the Principal/s in the context of a grievance resolution (see *JVS Grievance and Complaint Policy*).

- 11.4 All matters discussed in staff meetings, staff emails and staff memos are to be treated confidentially and not discussed with students, members of the school community, your spouse/partner, family, friends, or the public.
- 11.5 The media should not be given access to students or allowed entry to the School without the express permission of the Principal/s, the parent/s and/or the guardian/s of the student/s involved.

You should not make any comments to the media about the School, students or parents without the express permission of the Principal/s.

Failure to do so may result in disciplinary action including the termination of your employment (see *JVS Performance Review Policy and Procedures*).

Confidential information

- 11.6 As a School employee, you must only use confidential information for the work-related purpose it was intended.
- 11.7 Unless authorised to do so by legislation, you must not disclose nor use any confidential information without the express permission of the Principal/s.
- 11.8 You must make sure that confidential information, in any form, cannot be accessed and is not accessed by unauthorised people.

Privacy

- 11.9 Sensitive and personal information should only be provided to people, either within or outside the School, who are authorised to have access to it, in accordance

with the school's *Confidential Information Policy and Procedures*.

11.10 You should always exercise caution and sound judgment in discussing the personal information of students, parents, staff and other people with other School employees.

Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist in carrying out the School's work because of their expertise.

12. RECORD KEEPING

12.1 All employees have a responsibility:

(a) to create and maintain full, accurate and honest records of their activities, decisions and other business transactions, and

(b) to capture or store records in the School's record systems, according to *JVS Confidential Information Policy and Procedures*.

12.2 You must not destroy nor remove records without appropriate authority.

12.3 Supervisors have a responsibility to ensure that the employees reporting to them comply with their records management obligations.

12.4 Employees responsible for assessing and recording marks for students' work must do so accurately, fairly and in a manner that is consistent with the school's *Curriculum and Assessment Policies and Procedures*.

12.5 Employees must maintain the confidentiality of all official information and documents which are not publicly available or which have not been published.

13. USING RESOURCES, COPYRIGHT AND INTELLECTUAL PROPERTY

Using Resources

13.1 As an employee, it is your responsibility to use the resources of the school wisely, as they are funded from assets and income raised by the school, as a charitable organization.

Resources includes your own use of time whilst employed by the school, as well as the use of more obvious physical resources such as the use of the school telephone, stationery, photocopier, and so on.

13.2 All employees have an obligation to:

- use school resources efficiently and effectively for official purposes;
- make decisions relating to the use of school resources that are reasonable, are correctly authorised and can withstand scrutiny;
- treat school property with due care and ensure that it is secured against theft and misuse.

13.3 Employees should therefore be economical and avoid waste and extravagance in their use of resources.

13.4 Employees may only use school resources in their personal time for work- related purposes only.

If an employee wishes to use school property and facilities for personal use, he/she must obtain approval from the Principal/s.

Copyright and intellectual Property

- 13.5 When creating material you need to ensure the intellectual property rights of others are not infringed and information is recorded about any third party copyright/other rights included in materials (see *JVS Photocopying Policy and Procedures*).
- 13.6 Advice relating to sharing or licensing the School's intellectual property should be sought from the Principal/s.
- 13.7 The School cannot give away or assign its intellectual property without the approval of the Principal/s.
- 13.8 If you develop material that relates to your employment with the School, the copyright in that material will belong to the School. This may apply even if the material was developed in your own time or at home.
- 13.9 You should not use the School's intellectual property (including copyright) for private purposes without obtaining written permission from the Principal/s.

14. RECRUITMENT, PROMOTION, SECONDARY EMPLOYMENT AND OTHER MATTERS

Recruitment and Promotion

- 14.1 The recruitment and promotion of employees is conducted in line with the appropriate school's ethical, fair and effective Policies & Procedures, relevant legislation and industrial instruments, being on the basis of merit selection, and meeting specific competency guidelines.
- 14.2 In order to avoid any possible accusation of bias, staff

are not appointed, nor promoted, by Principal/s and/or the JVS Board of Directors, on the basis of 'nepotism', that is, are related to those making the appointment, or due to any employee, or prospective employee, having a close personal or business relationship, to those making the appointment.

Nor are any other decisions relating to the discipline, promotion or pay and conditions for any employee, or prospective employee, made on the basis of the foregoing.

- 14.3 Selection panel members need to declare to the panel any prior personal knowledge or interest in any of the applicants. This is to ensure that any conflicts of interest, which might unduly influence that person in the panel's deliberations is carefully managed.

Prior knowledge of the applicant does not necessarily amount to a conflict of interests or exclude participation in the selection process.

- 14.4 Where the selection panel considers a conflict of interests could prejudice the outcome of the process, it must be resolved or managed according to the 'Conflict of Interests' provisions in Section 8 of this document.

This includes the requirement to document any perceived or actual conflict and the requirement of the panel member to disclose to the convenor or other person appointing them to the panel if they have a conflict of interests arising from the work of the panel.

Private and Secondary Employment

- 14.5 It is permissible for employees to undertake paid secondary work outside The Joseph Varga School, in, or not in, related areas to their appointment, subject to

permission from the Principal/s, and providing it does not interfere with their ability to function effectively, in the role/s they have been assigned, at school.

14.6 Employees must, however, recognise that their primary commitment is to their principal employment with The Joseph Varga School, and must not have the potential to compromise, or be seen to compromise, their duties as a JVS employee.

14.7 If you are employed in a Permanent Full-Time or Temporary Full-Time position, you must seek approval from your Principal/s, prior to engaging in any secondary employment.

You can only commence the private or secondary employment once you have received approval in writing and this approval must be obtained annually.

14.8 Permanent Part-Time and Temporary Part-Time employees and Casual Employees are not required to gain approval for other employment, providing the other paid work is not undertaken during the period that the person is employed to discharge duties for The Joseph Varga School.

These employees, however, must ensure that their responsibility to the school is not adversely affected and that no conflicts of interests arise.

14.9 In cases where a real or perceived conflict of interests exists, the employee must advise the Principal/s, who will then assess the manageability of the conflict of interests and/or review the continuation of the private or secondary employment.

Special arrangements can be applied to employees who are contesting State or Federal elections, though such employees, must at all times desist from any type of influence, or lobbying, in line with the employee's vested interests, on behalf of a special interest group, as should any other employee of the school.

It is an employee's responsibility to manage their own political, community and personal activities, so that, for instance, as an elected or nominated spokesperson for a political, professional or union association, you may be entitled to make public comments in relation to education matters, as long as it is clear that these comments represent your own Association's views, and not necessarily those of The Joseph Varga School.

You, in other words, are required to clearly acknowledge the capacity in which you are expressing such views, and recognize, and in turn adequately manage, any conflict of interests that may arise.

In participating in any political, community and personal activity, you must:

- (i) not make any comment that may cast doubt on your capacity to implement the school's policies and guidelines objectively;
- (ii) not participate in private political activities in the work place environment;
- (iii) not use the school's resources to assist your political, community or personal activities;
- (iv) not use information obtained through your work at the school to assist your political, community or personal activities, or make the information known to any other person; and

(v) not attempt to represent (or misrepresent) the position of The Joseph Varga School on any issue, without written approval from the Principal/s.

Post-Separation Employment and Personal References

14.10 As a school employee, you must not use your position unfairly to improve your own prospects of future employment, nor put the integrity of the school at risk in any way.

You must return any property, on ceasing to be employed, that you have belonging to the school.

On ceasing your employment with the school, you should also not use or take advantage of any confidential information obtained in the course of your official duties.

14.11 You may request a *Personal Reference* from a Principal or member of the Senior Staff of the school, though it is at his or her discretion whether they will produce such a document for you.

A Personal Reference is a document, which provides information or makes assertions about another person's skills, conduct, performance, character, and suitability or non-suitability for employment.

You may request a *Statement of Service* from the Bursar, who will gladly supply you with such a document.

A Statement of Service provides information about the role you played at the school, and for how long you were employed by the school.

With respect to References for Students, you, on the other hand, may agree to a request from a student to

write a personal reference for him or her, in your capacity as an employee.

This can only be done, if you are given permission to do so by the Principal/s, if it is not considered your own personal opinion, but rather that of the school, and it is done so on the school letterhead, again after first obtaining permission from the Principal/s.

See *JVS Staff Handbook*.

15. SIGNATURES

15.1 As a school employee, you are accountable for any documents that you sign, on behalf of the school. Therefore, you should carefully read all documents you are asked to sign.

The employee must not sign a document, which he or she knows is not true and correct, nor be encouraged or coerced to sign a document, by any other staff member (including the Principal/s) with which the employee is not satisfied.

The employee should also immediately report such matters to the Principal/s, and/or the Chairman, Board of Directors.

The employee must only sign *his or her own* name and must never permit or encourage anyone to sign a name other than their own.

The employee should only use *his or her own* name when, for example, sending emails, and should not give the impression that he or she has the authority of another person without their permission.

Employees should never give another person his or her own Password, nor any other Password confidentially assigned to the school, to which they have confidential access.

Employees should take care to ensure that they have 'logged off' fully from their computers before leaving the computers unattended.

16. ACKNOWLEDGEMENT

I _____ have read, understood and agree to comply with the terms of *The Joseph Varga School Code of Conduct (Policies & Procedures)*.

I am aware that I am signing a Document that constantly changes, but still agree to be bound by it, until such time as the current document is reviewed and in turn adopted and endorsed by The Joseph Varga School Board of Directors, upon which I will sign the new document, which will then supersede this one, regardless of the number of times this document, and future versions of it, change.

I am further aware that other more specific Policies & Procedures have been referred to in *The Joseph Varga School Code of Conduct*, some of which are listed in the *Annexure* to this document. I am further aware that this suite of Policies & Procedures will also constantly change, but I will also, in turn, sign each of these on being adopted and endorsed by the JVS Board of Directors, regardless of the number of times such policies and procedures may change in the future.

I, in sum, agree to be bound by this document.

Signed by Employee

Dated

Signed by Principal/s

Dated

Date document last reviewed: 13th December 2013