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# Code of Conduct

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## Purpose

This policy provides guidelines to enable Ewing Kindergarten to:

- establish the expected standards of behaviour for the Approved Provider, Nominated Supervisor, staff, contractors, volunteers, students on placement, parents/guardians and visitors
- create and maintain a child safe environment that reflects the philosophy, beliefs, objectives and values of Ewing Kindergarten
- promote desirable and appropriate behaviour
- promote interactions at the kindergarten which are respectful, honest, courteous, sensitive, tactful and considerate.

## Policy Statement

### Values

Ewing Kindergarten:

- respects the rights of the child and values diversity
- acknowledges the vulnerability of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability and has zero tolerance of discrimination
- maintains a duty of care (refer to Definitions) towards all children at the kindergarten
- is committed to the safety and wellbeing of each child at the kindergarten
- is committed to the safety and wellbeing of all staff and members of our service's community
- is committed to supporting staff to act cohesively and ethically as a team and provide an environment that is conducive to children's learning and development
- provides a safe and secure environment for all at the kindergarten
- provides an open, welcoming environment in which everyone's contribution is valued and respected
- is committed to communicating openly and honestly
- is committed to continually learning how to be inclusive and respectful of cultural needs
- encourages relationships that are based on the principles of mutual respect, equity and fairness.
- encourages both adults and children to identify and raise concerns through the appropriate channels to maintain a culture of reporting and proactively responding to concerns
- encourages volunteers, students, parents/guardians and visitors to support and participate in the program and activities of the kindergarten.

## Scope

This policy applies to the Approved Provider, Persons with Management and Control, Nominated Supervisor, persons in day-to-day charge, educators, staff, children, parents/guardians, students on placement, volunteers, and visitors attending the programs and activities of Ewing Kindergarten.

## Background, Legislative Requirements and Guiding Documents

### Background

Codes of conduct establish standards of behaviour to be followed and define how individuals are expected to behave towards each other, towards the children in their care, and towards other organisations and individuals in the community.

The Approved Provider, Nominated Supervisor and staff have a duty of care to the children attending the kindergarten and must ensure 'that every reasonable precaution is taken to protect children being educated and cared for by the kindergarten from harm and from any hazard likely to cause injury' (National Law: Section 167).

The National Quality Standard 4.2 and 4.22 requires that staff are respectful and ethical and that 'professional standards guide practice, interactions and relationships.

Employers also have a legal responsibility to provide, as far as is practicable, a safe workplace that is free from discrimination, bullying and harassment.

*Child Safe Standards* require kindergartens to ensure the Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities, and breaches to the Code of Conduct are acted upon and reported. It also requires services to develop and review codes of conduct that establish clear expectations for appropriate behaviour with children including:

- how to respond to risks adults may pose to children or that children may pose to each other
- how to ensure the cultural safety of Aboriginal children and culturally and linguistically diverse children
- how to be inclusive of all children, including children with a disability.

A Code of Conduct is informed by the kindergarten's philosophy, beliefs and values, and based on ethical principles of mutual respect, equity and fairness. Consideration should be given to the *Victorian Teaching Profession Code of Conduct* and *the Code of Ethics* and to *the Early Childhood Australia's Code of Ethics* in developing the code of conduct.

The Approved Provider must ensure that the Nominated Supervisor, staff, contractors, volunteers, students on placement, parents/guardians, children and others attending the programs and activities of Ewing Kindergarten adhere to the expectations outlined in the Code of Conduct when communicating to and interacting with:

- children at the kindergarten and their parents and family members
- each other
- others in the community.

## Legislative Requirements

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Child Safe Standards (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Disability Discrimination Act 1992 (Cth)
- Early Childhood Australia's Code of Ethics (2016)
- Education and Care Services National Law Act 2010: Sections 166, 167, 173, 174
- Education and Care Services National Regulations 2011: Regulations 83, 155, 156, 157, 168, 170, 171, 174, 175, 176
- Equal Opportunity Act 2010 (Vic)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- National Quality Standard, Quality Area 4: Staffing Arrangements
- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2007
- Racial Discrimination Act 1975
- Racial and Religious Tolerance Act 2001 (Vic)
- Sex Discrimination Act 1984 (Cth)
- Victorian Institute of Teaching the Victorian Teaching Profession Code of Conduct
- Victorian Institute of Teaching the Victorian Teaching Profession Code of Ethics

The most current amendments to listed legislation can be found at:

Victorian Legislation – Victorian Law Today: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

Commonwealth Legislation – Federal Register of Legislation: [www.legislation.gov.au](http://www.legislation.gov.au)

## Strategies for Policy Implementation/ Procedures

### The Approved Provider is responsible for:

- Providing a safe environment for staff, contractors, volunteers, students on placement, parents/guardians, children and others attending the programs and activities of Ewing Kindergarten
- Providing guidance through leadership and by being a positive role model
- Providing a workplace that is free from unlawful discrimination, harassment, victimisation and bullying where all persons attending are treated with dignity, courtesy and respect
- Ensuring racism within the service is identified, confronted and not tolerated.
- Developing and updating/ reviewing codes of conduct for Ewing Kindergarten in collaboration with the Nominated Supervisor, staff, parents/guardians, children and others involved with the kindergarten
- Ensuring that staff, volunteers, students and parents/guardians are provided with a copy of this policy on employment, engagement or enrolment at the kindergarten and that the current codes of conduct are publicly displayed and promoted to everyone including contractors and visitors
- Ensuring that staff complete and sign the Code of Conduct Acknowledgement and that these are filed with individual staff records upon engagement in the kindergarten

- Ensuring that the codes of conduct are regularly discussed at staff meetings to reinforce expectations
- Developing a culture of accountability within the kindergarten for complying with the code(s) of conduct and being prepared to respond when behavioural expectations are not adhered to
- Ensuring that all children being educated and cared for at Ewing Kindergarten are protected from harm and any hazard likely to cause injury (National Law: Section 167) and that the children know who to speak to about any concerns and that their concerns are followed-up
- Working with the Nominated Supervisor, staff, students, volunteers, parents/guardians and others at the kindergarten to provide an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct
- Ensuring that parents/guardians of a child attending the kindergarten can enter the kindergarten premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or conflict with any duty of care of the Approved Provider, Nominated Supervisor or educators under the Law (Regulation 157)
- Ensuring that contractors, volunteers, parent/guardians, students or visitors at the kindergarten are not placed in a situation where they are left alone with a child
- Ensuring all staff and volunteers receive relevant cultural training so they have an understanding of Aboriginal culture, and an appreciation for culturally sensitive issues
- Respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal. Paying particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability and children from CALD backgrounds
- Engaging in open, two-way communication with families and communities about the service's child safety approach and providing relevant and accessible information
- Ensuring all staff, contractors, volunteers and students do not consume or are under the influence of alcohol or be affected by drugs
- Not consuming or being under the influence of alcohol or be affected by drugs
- Notifying DET in writing within 24 hours of a serious incident (refer to Definitions) or of a notifiable complaint (refer to Definitions) at the service (National Law: Sections 174(2)(b) and 174(4), National Regulations: Regulations 175(2)(c) and 176(2)(b)) via the NQAITs
- Referring notifiable complaints (refer to Definitions), grievances or complaints that are unable to be resolved appropriately and in a timely manner to the Grievances Subcommittee/investigator (refer to Complaints and Grievances Policy)
- Activating the Complaints and Grievances Policy on notification of a breach of the Code of Conduct Policy
- Taking appropriate disciplinary or legal action, or reviewing the terms of employment in the event of misconduct or a serious breach of the Code of Conduct Policy
- Contacting Police in an emergency situation where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated or where sexual abuse or grooming is suspected as outlined in the *Child Safe Environment and Wellbeing Policy*
- Reading the *Code of Conduct Policy* and signing the Code of Conduct Acknowledgement for staff and that these are filed with individual staff records upon engagement in the service
- Notifying Worksafe of any reportable incidences (*refer to Definitions*) that have occurred in the workplace
- Ensuring children can access abuse prevention programs and information
- Being attentive to signs of harm and facilitating child-friendly ways for children to communicate and raise their concerns
- Adhering to the Code of Conduct at all times

### The Nominated Supervisor is responsible for:

- Ensuring that the children educated and cared for at Ewing Kindergarten are protected from harm and from any hazard likely to cause injury (National Law: Section 167)
- Providing a safe environment for everyone attending the programs and activities of Ewing Kindergarten
- Providing guidance through their leadership and by being a positive role model
- Ensuring that the children educated and cared for at Ewing Kindergarten are protected from harm and from any hazard likely to cause injury (*National Law: Section 167*)
- Not consuming or being under the influence of alcohol or be affected by drugs
- Assisting the Approved Provider to develop codes of conduct for staff and parents/guardians, students, contractors, volunteers and visitors
- Completing and signing the Code of Conduct Acknowledgement for staff
- Adhering to the Code of Conduct at all times
- Informing the Approved Provider in the event of a serious incident (refer to Definitions), of a notifiable complaint (refer to Definitions) or of a breach of the Code of Conduct Policy
- Contacting Police in an emergency where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated, or where sexual abuse or grooming is suspected as outlined in the *Child Safe Environment and Wellbeing Policy*
- Working with the Approved Provider, staff, students, volunteers, parents/guardians and others at the kindergarten to provide an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct
- Ensuring that parents/guardians, students and volunteers sign the code of conduct
- Ensuring that parents/guardians of a child attending the kindergarten can enter the kindergarten premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or conflict with any duty of care of the Approved Provider, Nominated Supervisor or educators under the Law (Regulation 157)
- Developing practices and procedures to ensure that parent/guardians, students, contractors, volunteers or visitors at the kindergarten, are not placed in a situation where they are left alone with a child
- Being attentive to signs of harm and facilitating child-friendly ways for children to communicate and raise their concerns
- Reporting and acting on any concerns or observed breaches of this *Code of Conduct Policy*
- Respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal
- Understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their employment

### Other educators are responsible for:

- Assisting the Approved Provider to develop a code of conduct for staff
- Completing and signing the Code of Conduct Acknowledgement
- Adhering to the code of conduct for staff at all times
- Providing guidance to students, volunteers, parents/guardians, students and visitors through positive role modelling and, when appropriate, clear and respectful directions
- Working with the Approved Provider, Nominated Supervisor, their colleagues, students, volunteers, parents/guardians and others at the kindergarten to provide an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct

- Ensuring that parents/guardians, students, contractors, volunteers and visitors at the kindergarten are not placed in a situation where they are left alone with a child
- Informing the Approved Provider in the event of a serious incident (refer to Definitions), of a notifiable complaint (refer to Definitions) or of a breach of the Code of Conduct Policy
- Contacting Police in an emergency situation where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated or where sexual abuse or grooming is suspected as outlined in the *Child Safe Environment and Wellbeing Policy*.
- Respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal
- Not consuming or being under the influence of alcohol or be affected by drugs
- Understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their employment.

### Parents/Guardians are responsible for:

- Reading the Code of Conduct Policy
- Completing and signing the Code of Conduct for parents/guardians · abiding by the Code of Conduct for parents/guardians
- Not consuming or being under the influence of alcohol or be affected by drugs
- Complying with all policies of the kindergarten.

### Students, Volunteers and Visitors are responsible for:

- Following this policy and its procedures

### Attachments

- Attachment 1: Code of Conduct for approved provider, nominated supervisor and all staff
- Attachment 2: Code of Conduct Acknowledgement for staff
- Attachment 3: Code of Conduct for parents/guardians, students, contractors and volunteers
- Attachment 4: Code of Conduct Acknowledgement for parents/guardians, students, contractors and volunteers

### Evaluation

In order to assess whether the values and purposes of the policy have been achieved, the approved provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required

- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk (Regulation 172 (2))

## Definitions

**Behaviour:** the way in which one acts or conducts oneself, especially towards others.

**Bullying:** Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.

**Ethical conduct:** Behaviour which reflects values or a code of conduct.

**Harassment:** When someone is demeaning, derogatory or intimidating towards another person. Harassment includes:

- racial taunts
- taunts about sexual orientation or gender identity
- sexual harassment: unwelcome physical, verbal or written behaviour of a sexual nature
- repeated insulting remarks.

**Investigator:** A person/staff member assigned or organisation engaged with the responsibility of investigating suspected breaches of the Code of Conduct by the Approved provider

**Physical attack:** the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by another person, where that application creates a risk to health and safety.

**Respect:** Demonstrating regard for the rights of individuals, for different values and points of views.

**Sexual harassment:** includes offensive gestures, leering, staring or suggestive comments about a person's physical appearance, inappropriate physical contact, unwanted invitations of a sexual manner, sexually orientated jokes, sending of obscene letters, notes, telephone texts or emails.

**Support:** Work in a co-operative and positive manner.

**Threat:** a statement or behaviour that causes a person to believe they are in danger of being physically attacked.

**Unreasonable behaviour:** includes actions of individuals or a group and may involve using a system of work as a means of victimising, humiliating, undermining, or threatening.

**Verbal harassment:** includes name-calling, offensive language, putting people down.

## Related Policies

- Child Safe Environment and Wellbeing Policy
- Complaints and Grievances Policy
- Delivery and Collection of Children Policy
- Interactions with Children Policy

- Occupational Health and Safety Policy
- Privacy and Confidentiality Policy
- Relaxation and Sleep Policy
- Staffing Policy
- Inclusion and Equity Policy

## References and Further Sources

- Early Childhood Australia, Code of Ethics: <http://www.earlychildhoodaustralia.org.au/our-publications/eca-code-ethics/>
- United Nations, The Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/>
- United Nations, Convention on The Rights of the Child: <http://www.unicef.org/crc/>
- Victoria Legal Aid: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)
- Victorian Institute of Teaching – The Victorian Teaching Profession Code of Conduct and Code of Ethics: <http://www.vit.vic.edu.au>

## Attachment 1. Code of conduct for the Approved provider, Persons with Management and Control, Nominated supervisor, Person in Day-to-Day Charge and all staff

This attachment was informed by the Victorian Institute of Teaching's *the Victorian Teaching Profession Code of Conduct* and *A Guide for Creating A Child Safe Organisation*, available from the Commission for Children and Young People (refer to Sources).

The approved provider, persons with management and control, nominated supervisor and all staff at Ewing Kindergarten are responsible for promoting the safety and wellbeing of children and their families by:

- welcoming all children and their families and being inclusive
- treating everyone with respect, including listening to and valuing their ideas and opinions
- contributing to a culture of child safety
- adhering to the Child Safe Environment policy and all other policies
- taking all reasonable steps to protect children from abuse
- respecting the privacy of children and their families, and only disclosing information to people who have a need to know as required under the Privacy and Confidentiality policy
- reporting and acting on any breaches of this Code of Conduct, complaints or concerns.
- acknowledging the vulnerability of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability and having zero tolerance of discrimination

### Professional responsibilities

The approved provider, persons with management and control, nominated supervisor and all staff demonstrate our commitment to our professional responsibilities by:

- undertaking duties in a competent, timely and responsible way
- ensuring our knowledge and expertise is up to date and relevant to our roles
- being aware of the role of other professionals and agencies and working collaboratively and within the limits of our professional expertise
- understanding and complying with legal obligations in relation to:
  - discrimination, harassment and vilification
  - negligence
  - grooming
  - disclosure of child sexual abuse
  - protection of a child from child sexual abuse
  - mandatory reporting
  - privacy and confidentiality
  - occupational health and safety, including emergency evaluation procedures

- raising any complaints or grievances in accordance with the Compliments and Complaints policy
- maintaining teacher registration and Working with Children checks as applicable.
- raising any complaints or grievances in accordance with the Compliments and Complaints policy.

### **Relationships with children**

The approved provider, persons with management and control, nominated supervisor and all staff at Ewing Kindergarten demonstrate our commitment to high-quality education and care for children by:

- encouraging children to express themselves and their opinions
- allowing children to undertake experiences that develop self-reliance and self-esteem
- maintaining a safe environment for children
- being a positive role model at all times
- speaking to children in an encouraging and positive manner
- giving each child positive guidance and encouraging appropriate behaviour
- providing opportunities for children to interact and develop respectful and positive relationships with each other, and with other staff members and volunteers at the service
- regarding all children equally, and with respect and dignity
- having regard to their cultural values and supporting them to express their culture
- respecting individual difference including age, physical and intellectual development, and catering for the abilities of each child at the service
- working with children in an open and transparent way by informing other staff about the work being done with children
- encouraging and assisting children to undertake activities of a personal nature for themselves e.g. toileting and changing clothes
- informing children if physical contact is required for any purpose, asking them if they are comfortable with this interaction and complying with the Interactions with Children policy.

### **Relationships with parents/guardians and families**

In our relationships with parents/guardians and families, the approved provider, nominated supervisor and all staff demonstrate our commitment to collaboration by:

- maintain professional and ethical relationships with families attending the service
- respecting the role of parents/guardians as the child's first educator
- working collaboratively with parents/guardians and families
- considering the perspective of parents/guardians and families when making decisions that impact on the education and care of their child
- communicating with parents/guardians and families in a timely and sensitive manner
- responding to concerns expressed by parents/guardians and families in a timely and appropriate manner.

### **Relationships with employer and between colleagues**

In relationships with the approved provider, persons with management and control, nominated supervisor and staff and between colleagues demonstrate collegiality by:

- encouraging others to act in accordance with this Code of Conduct and taking action when they observe behaviours which are outside of the Code of Conduct
- developing relationships based on mutual respect, equity and fairness
- working in partnership in a courteous, respectful and encouraging manner
- valuing the input of others
- sharing expertise and knowledge in appropriate forums, and in a considered manner
- respecting the rights of others as individuals
- giving encouraging and constructive feedback, and respecting the value of different professional approaches
- being prepared to have difficult conversations and use constructive processes to address differences of opinion.

## Attachment 2. Code of Conduct Policy Acknowledgement for staff

I hereby acknowledge that on (Date) \_\_\_\_\_, I received a copy of the Code of Conduct policy for Ewing Kindergarten

I have read the policy and I understand its contents.

I commit to abiding by the Code of Conduct and fulfilling my responsibilities as outlined in this policy whilst working at Ewing Kindergarten

I understand that the approved provider will address any breach of this policy, and that any serious breach could lead to disciplinary or legal action.

_____	_____	_____
Signature	Name (please print)	Date

_____	_____	_____
Witness signature	Name (please print)	Date

Thank you for your contribution to making Ewing Kindergarten an open, safe, welcoming, and friendly environment.

## **Attachment 3. Code of conduct for parents/guardians, students, volunteers, contractors and visitors**

I commit to contributing to creating an environment at Ewing Kindergarten that:

- respects the rights of the child and values diversity
- acknowledges the vulnerability of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability and has zero tolerance of discrimination
- maintains a duty of care (refer to Definitions) towards all children at the service
- is committed to the safety and wellbeing of each child at the service
- is committed to the safety and wellbeing of all staff at the service
- provides a safe and secure environment for all at the service
- provides an open, welcoming environment in which everyone's contribution is valued and respected
- is committed to communicating openly and honestly
- is committed to continually learning how to be inclusive and respectful of cultural needs
- encourages parents/guardians, volunteers, students and community members to support and participate in the program and activities of the service.

### **Relationships with children**

In my relationships with children, I commit to:

- being a positive role model at all times
- encouraging children to express themselves and their opinions
- allowing children to undertake experiences that develop self-reliance and self-esteem
- maintaining a safe environment for children
- speaking to children in an encouraging and positive manner
- giving each child positive guidance and encouraging appropriate behaviour
- regarding all children equally, and with respect and dignity
- having regard to each child's cultural values
- respecting individual difference including age, physical and intellectual development, and catering for the abilities of each child at the service.

### **Relationships with the approved provider, persons with management and control, nominated supervisor, staff and others**

In my relationships with the approved provider, nominated supervisor, staff, other parents/guardians, volunteers and visitors I commit to:

- reading and abiding by the Code of Conduct policy
- developing relationships based on mutual respect
- working in partnership in a courteous, respectful and encouraging manner
- valuing the input of others
- sharing our expertise and knowledge in a considered manner
- respecting the rights of others as individuals
- giving and encouraging constructive feedback, and respecting the value of different professional approaches

- respecting the privacy of children and their families and only disclosing information to people who have a need to know as required under the Privacy and Confidentiality policy
- following the directions of staff at all times
- treating the early childhood environment with respect
- raising any concerns, including concerns about safety, as soon as possible with staff to ensure that they can be resolved efficiently
- raising any complaints or grievances in accordance with the Compliments and Complaints Policy.