EREA Code of Conduct

Preamble

Since 1872, Catholic Schools in the Edmund Rice Tradition have been educating young Australians in every Australian State and Territory. Edmund Rice Education Australia Schools aim to offer a Liberating Education, based on a Gospel Spirituality, within an Inclusive Community committed to Justice and Solidarity.

The Code of Conduct provides overarching behaviours and standards which we hold ourselves accountable to which are operationalised within the respective governing bodies.

Purpose

This Code of Conduct (the Code) details, clarifies and affirms the conduct and behaviours expected.

The Code outlines the obligations and responsibilities of those in Scope and outlines EREA's position on interactions with students and colleagues, use of Technology, Sexual Misconduct and Sexual Offences, Workplace Bullying, Discrimination and Harassment, and use of drugs and alcohol.

Principles

The Code of Conduct is underpinned by the following principles:

- zero tolerance for any form of child abuse and a commitment to creating an environment in which the safety and wellbeing of all children and young people are paramount.
- commitment to an equal opportunity workplace, free of discrimination, harassment, sexual harassment and workplace bullying.
- commitment to, and respect for the teachings and beliefs of the Catholic Church.
- values espoused in the EREA Charter and through the EREA Touchstones. Following Blessed Edmund Rice's example, the Touchstones helps set the direction and define goals as EREA seeks to make the Gospel a living reality in its communities.
- commitment to fostering the dignity, self-esteem and integrity of each and every person. The provision of a safe, supportive and enriching environment is an essential element in achieving this objective.
- employment and other instruments of appointment requirement to uphold and comply with the Code. Signing the employment contract or equivalent instruments of appointment is an acceptance of responsibility to understand the Code and comply with it. Understanding and complying with the Code includes understanding the Definitions contained within the Code.
- Failure to abide by the Code may result in disciplinary action including termination. The severity of disciplinary action will be consistent with the severity of the breach of the Code.

EREA reserves the right to vary the Code as necessary, to reflect and respond to current legislative and organisational needs. Changes will become effective when communicated to the EREA Community.

Scope

This Code of Conduct applies to employees, volunteers, contractors, Committee, Board and School Advisory Board members (EREA Community).

Definitions

These are overarching definitions, which should be read in conjunction with state and jurisdictional instruments. For the avoidance of doubt, the legislative and regulatory definitions of each state and governing body will apply.

Term	Definition
Child Safe Legislation	Child Safe legislation enacted in each Australian State and Territory in force and as amended by the relevant legislature from time to time, which bestows obligations and responsibilities on EREA.
Child Abuse	An act committed against a child involving a sexual offence or an offence under section 49B (2) of the Crimes Act 1958 (grooming). It includes the infliction, on a child of physical violence, serious emotional or psychological harm, or serious neglect of a child.
Child Safety and Safeguarding Policies	Means the EREA Child Safety and Safeguarding policies that are developed and implemented across the EREA Community: • encompassing the relevant State or Territory Child Safe legislation and other requirements • in force and as amended from time to time • as relevant to the State or Territory location of each EREA School
Child Safety	Encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures, or allegations of child abuse. In Victoria, (Ministerial Order No. 1359) applies.
Child Safety Officer(s)	The person(s) a School identifies as having responsibilities as a Child Safety Officer. Known as Student Protection Contacts.
Conflict of Interests	Circumstances where there is: • an actual conflict between a person's duties and private interests, or • a potential conflict of interest where a person has private interests that could conflict with their duties, including circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk, or • a perceived conflict of interest where the public or a third party could form the view that a person's private interests could improperly influence their decisions or actions, now or in the future.
Corporal Punishment (Students)	Any punishment in which physical force is used and intended to cause a degree of pain or discomfort, however light. Typically hitting with the hand or with an implement. Can also include forcing a Student to stay in an uncomfortable position. Does not include the use of reasonable physical restraint to protect a Student or others from Harm.
Degrading Punishment (Students)	Any punishment incompatible with respect to human dignity, including corporal punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules and may result in emotional distress or psychological Harm to a Student. Includes but is not limited to: • using an object, such as a ruler, book or whiteboard marker to gain a Student's attention in a hostile or inappropriate physical manner • restraining or holding a Student for any purpose other than when a Student's actions cause or threaten to cause imminent harm to themselves or others and is consistent with the relevant School's Restrictive Interventions Policy • hitting or kicking a Student • pushing, pulling, shoving, grabbing, pinching or poking a Student, including by their clothing • shaking or forcibly handling a Student

Term	Definition
	• targeted and sustained criticism, belittling or teasing • intimidating a Student • swearing at a Student • using sarcasm to humiliate • using names or nicknames to undermine the self-confidence of a Student • locking a Student in a confined space • forcing a Student to stay in an uncomfortable position • refusing biological needs as a means of punishment • criticising a Student rather than the Student's actions • practices which instil fear or using fear as a means of controlling a Student • practices which cause a Student to feel alienated.
Disability Standards	The Disability Standards for Education 2005 formulated under the Disability Discrimination Act 1992 (Cth) and which came into effect in August 2005. The Standards clarify the obligations of Schools and seek to ensure that Students with disabilities can access and participate in education on the same basis as other Students.
Deputy Principal	The role of Deputy Principal of a School (or equivalent role at a Flexible Learning Centre) who undertakes the duties of a Deputy Principal, including those delegated by the Principal.
Discrimination	Direct or indirect discrimination is when a person is treated, or is proposed to be treated less favourably than others because of an attribute protected by law including: • sex • relationship or parental status • race • age • impairment or disability • religious or political beliefs • union activities • gender identity • sexuality (including sexual preference, transgender status or homosexuality) • lawful sexual activity • pregnancy • breastfeeding • family or carer's responsibilities
Duty Of Care	Duties imposed by common law or by statute, to EREA Ltd, the Subsidiary Entities, EREA Schools and the EREA Community
EREA	Refers to companies that form part of the entire EREA organisation, that include the EREA Governing Bodies and EREA Schools
EREA Community	The persons and roles identified within the Scope of this Code of Conduct being employees, volunteers, contractors, Committee, Board and School Advisory Council members
EREA Governing Bodies	The companies established to govern EREA Schools, being EREA Colleges Ltd, EREA NSW Colleges Ltd, EREA Flexible Schools Ltd, EREA Victorian Schools Ltd and St Kevin's College Ltd.
Grooming (or Grooming Behaviours)	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to: Actions deliberately taken with the aim of befriending and establishing an emotional connection with a Student, to lower the Student's inhibitions in preparation for sexual activity with the Student. Grooming also extends to the grooming of family members of students for the purposes of gaining access to students. For the purposes of this document EREA applies the applicable criminal definition of grooming in each State and Territory.
Harm (Caused to a Student)	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to:

Term	Definition
	• Child Abuse, as defined in this Code and/or within the relevant EREA Ltd, Subsidiary Entity and EREA School Child Safe program • Grooming, Sexual Misconduct, Sexual Offence or Discrimination • any detrimental effect of a significant nature on the Student's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental Harm not involving negligence or misconduct • Minor Harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the Student if allowed to continue • physical abuse • emotional abuse • neglect • sexual abuse • exploitation • family violence • Student bullying • self-harm
Harassment	Harassment in the workplace may be verbal, visual or physical and includes but is not limited to: • a person's disability • disability in general • offensive behaviour based on racial hatred, defined as something done in public that offends, insults or humiliates a person or group of people because of their race, colour or national or ethnic origin • displaying racially offensive posters or screen savers • telling insulting jokes about particular racial groups • making derogatory comments or taunts about someone's race Harassment can be a single incident and can occur even if the behaviour is not intended to offend. Harassment is prohibited by federal legislation.

Illegal Drugs	Any mind altering or legally controlled substance including any drugs listed in the:
	• Drugs Misuse Act 1986 (QLD)
	• Drug Misuse and Trafficking Act 1985 (NSW)
	• Drugs of Dependence Act 1989 (ACT)
	• Drugs, Poisons and Controlled Substances Act 1981 (VIC)
	• Misuse of Drugs Act 2001 (TAS)
	• Controlled Substance Act 1984 (SA)
	• Misuse of Drugs Act 1981 (WA)
	• Misuse of Drugs Act (NT)
	• other similar State/Territory legislation in Australia that EREA Schools operate in, and any:
	  ○ drugs listed in the Australian Standards 4308:2008
	  ○ designer drugs, including, but not limited to synthetic cannabinoids, herbal highs, synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives

Natural Justice	The process of ensuring fairness is provided to all parties. Principles of natural justice include the requirement to: • promptly investigate all allegations • put allegations to the person they are made against • treat persons who allegations have been made against as innocent, unless allegations are proven to be true • provide all parties the opportunity of responding, explaining their version of events and providing all necessary information to ensure their responses are complete • ensure any disciplinary action is commensurate with the seriousness of the offence.
Policies and Procedures	Means those Policies and Procedures that are applicable to EREA, including those of the Governing Bodies, and EREA Schools.

Term	Definition
Principal	The appointed Principal of an EREA School, and equivalent role in Flexible Schools.
Procedural Fairness	Following a process that is neutral, unbiased and respectful to the rights of person(s) involved in an investigation. Principles of procedural fairness include the: • right to be heard • right to be treated without prejudice • right to be informed of allegations being made • opportunity to respond right to enquire about the status of the issue or complaint.
Professional Boundaries	Parameters that describe the limits of a relationship in circumstances where one person entrusts their welfare and safety to another person in circumstances where a power imbalance exists or could reasonably be perceived to exist. Professional boundaries may be breached when the following behaviours occur between an EREA Representative and a Student: • spending inappropriate time with a Student • inappropriately giving gifts • inappropriately giving favours to a Student • inappropriately allowing a Student to overstep School rules • asking the Student to keep the relationship to themselves • undressing in front of a Student • encouraging inappropriate physical contact (even where it is not overtly sexual) • inappropriately talking about sex • 'accidental' intimate touching • inappropriately extending a relationship outside of the School • inappropriate personal communication (including the use of Technology communication).
Safeguarding	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to: Protecting children from all forms of abuse, including sexual abuse. Safeguarding embraces the overall safety and wellbeing of the children and young people, and it is the proactive approach and commitment to the ongoing protection of children and young people. The system and associated program of work involved in the protection of students from harm, including embedding a culture of safety, prevention, detection, reporting, responding and continuous improvement.
School	Any EREA School or entity, including its Early Learning Centres.

Serious Misconduct	As defined in the Fair Work Act 2009.
	Serious Misconduct may result in immediate termination of employment or other the engagement. It includes, but is not limited to:
	• wilful or deliberate conduct that causes or has the potential to cause serious and imminent risk to:
	  ○ health and safety
	  ○ EREA reputation, viability or profitability
	  ○ EREA Technology integrity
	  ○ EREA intellectual property
	• engaging in:
	  ○ theft or fraud
	  ○ assault
	  ○ Discrimination
	  ○ Harassment or Sexual Harassment
	  ○ Workplace Bullying
	  ○ Grooming
	  ○ Sexual Misconduct
	  ○ Sexual Offences
	  ○ Harm.

Term	Definition
	• being intoxicated or under the influence of Illegal Drugs while at EREA or otherwise with a responsibility for Students • refusing to carry out a lawful and reasonable instruction consistent with the EREA Community member's duties.
Sexual Harassment	Any unwanted or unwelcome conduct of a sexual nature, which a reasonable person would find offensive, humiliating or intimidating. A single incident is sufficient to constitute Sexual Harassment. Sexual Harassment may be physical, verbal or written and includes, but is not limited to: • staring or leering • unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching • suggestive comments or jokes • insults or taunts of a sexual nature • intrusive questions or statements about a person's private life • displaying posters, magazines or screen savers of a sexual nature • sending explicit or sexually suggestive emails or text messages • inappropriate advances on social networking sites • accessing sexually explicit internet sites • requests for sex or repeated unwanted requests to go out on dates • behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications • any of the above behaviours or conduct carried out using any Technology, including social media.

Sexual Misconduct	Includes communications and acts in person or communicated via Technology, including, but not limited to:
	• inappropriate, overly personal or intimate relationship with, or conduct towards a Student or a colleague
	• sexually explicit comments to a Student or colleague and other overtly sexual behaviour such as:
	  ○ sexual exhibitionism
	  ○ inappropriate conversations of a sexual nature
	  ○ unwarranted and inappropriate touching
	  ○ personal correspondence or communications in respect of a romantic, intimate or sexual feelings
	  ○ suggestive remarks or actions of a sexual nature
	  ○ obscene gestures, language, or jokes containing sexual references
	  ○ deliberately exposing Students or colleagues to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual
	  ○ possession, distribution or display of pornography
	  ○ encouraging or failing to discourage romantic or inappropriate advances by a Student
	any form of Sexual Offence.

Sexual Offence	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to: Any criminal offence involving a sexual element including: • sexual acts of any nature involving a Student • indecent assault • sexual assault • sexual abuse • aggravated sexual assault • rape • attempted rape • possession, dissemination or production of child pornography or child abuse material • using children to produce pornography

Term	Definition
	• Grooming or Grooming Behaviours, including procuring children under the age of 16 years for unlawful sexual activity. All cases of Sexual Offence, breaches of Child Safe Policies or Child Safe Legislation constitute Serious Misconduct.
Student(s)	Any child or young person or adult enrolled in an EREA School, including an Early Learning Centre.
Technology	Without limiting its ordinary meaning, includes but is not limited to: information and communication technologies, smart phones, storage devices or applications, encompassing: radio, television, mobile phones, computers (laptops, desktops and tablets), data storage, printers, faxes network hardware and software, and all other digital communications, as well as the various associated services and applications (apps), such as web-based and mobile technologies (text, photo and video messages, email, social media platforms, file sharing, on line data storage and video conferencing).
The Charter for Schools in the Edmund Rice Tradition	The statement of Touchstones proclaimed on 11 September 2017, underpins the ministry of EREA Schools and EREA's educational endeavours. The Charter is the most contemporary expression of the charism of Blessed Edmund Rice in the Australian educational context. The Charter defines and infuses every aspect of our collective work to realise God's vision for a world made whole, exemplified in the life of Jesus, Edmund's new horizons and a liberated present and future for all.
Vexatious Complaints	Written or verbal complaints of alleged improper conduct made to an authority intending the report to be acted upon, where there is a demonstrated absence of reasonable grounds for suspecting the improper conduct, and the report is made to cause distress, embarrassment or stress.
Workplace Bullying	Repeated unreasonable behaviour directed towards a person, or a group of persons, that causes a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to the circumstances, may consider unreasonable, for example because the behaviour is victimising, humiliating, undermining or threatening. It includes but is not limited to: • initiation rituals • verbal abuse, threats, sarcasm or other forms of demeaning or intimidating language or communication • constant unwarranted negative criticism • threatening to take unjustified action against a person unless they comply with unreasonable requests • deliberately isolating a colleague by refusing to talk to or interact with them Reasonable management action carried out in a reasonable manner, such as performance management, is not Workplace Bullying.

Roles and responsibilities

Role	Responsibilities
TEREA	• Ensuring the Code of Conduct is reviewed annually • Updating the Code of Conduct as required • Reviewing compliance with and breaches of the Code of Conduct
EREA Ltd National Executive Director	• Ensuring the Code of Conduct is implemented Reporting to the respective Board on compliance with and breaches of the Code of Conduct
Governing Boards	• Adopting the Code of Conduct for implementation in their respective EREA Schools • Reviewing EREA School compliance with and breaches of the Code of Conduct
Governing Body Chief Executive Officers	• Ensuring the Code of Conduct is implemented in their respective EREA Schools • Reporting to the respective Governing Board on EREA School compliance with and breaches of the Code of Conduct
Principals	• Implementing the Code of Conduct in their School • Reporting to Governing Body Chief Executive Officer on School compliance with and breaches of the Code of Conduct
EREA Community: EREA employees, volunteers, contractors, Committee, Board and School Advisory Council members	• Understand and comply with the Code of Conduct • Understand the Definitions contained within the Code of Conduct and those within their Governing Body • Executing 'Responsibilities' detailed in the Code of Conduct

Code of Conduct Responsibilities

Execution of employment contracts and/or other instruments of appointment/engagement by EREA Community members constitutes an acceptance of the responsibility to understand the Code of Conduct (the Code) and comply with it. The following, non-exhaustive list details Code of Conduct responsibilities:

- accessing and reading the Code
- enacting provisions of the Code in good faith
- developing relationships based on mutual respect and courtesy, trust, collegiality, collaboration, and open communication, and genuine care for colleagues
- using constructive methods for resolving conflicts when they arise
- abiding by all relevant EREA Policies, including the EREA Child Safe Code of Conduct and EREA School Child Safeguarding Policies and procedures. Note that Victoria has its own EREA Child Safe Code of Conduct and EREA Child Safeguarding Policy and Procedures.
- enacting any Duty of Care applicable to the EREA Community member role held
- proactively contributing to EREA enacting their Duty of Care to Students and Employees
- demonstrating and modelling ethical and moral behaviour
- refraining from Misconduct, Sexual Misconduct, a Sexual Offence, Serious Misconduct, Assault, Theft, Fraud or other conduct that could warrant summary dismissal
- proactively complying with risk management processes, including risk assessments and application of controls
- maintaining professional qualifications and registrations appropriate to the role held
- abiding by all responsibilities and commitments set out in employment contracts or other instruments of appointment/engagement
- faithfully, diligently, with due care and skill, executing the duties detailed in the role's position description or other instrument of description applicable to the role held
- maintaining confidentiality and privacy except where:
    - disclosure is required by law (including as prescribed by Child Safe Legislation and School Child Safeguarding Policies), or
    - disclosure is required by a professional standard applicable to the role held, or

    - unless there is risk of Harm or the personal safety of a Student, member of the EREA community or a third party
- respecting and applying the principles of natural justice and procedural fairness in dealing with any external or workplace complaints
- avoiding behaviours which are or might objectively be perceived as Workplace Bullying, Harassment or Sexual Harassment
- avoiding behaviours which are or might objectively be perceived as inappropriate internet, social media or technology use
- being truthful when making statements about qualifications, experience and competencies
- enacting obligations to a standard commensurate with professional skills and qualifications
- using EREA resources only as required for the role held
- declaring and avoiding where appropriate, actual, potential or perceived Conflicts of Interest and refraining from acting or giving the appearance of acting contrary to the interests of EREA
- declaring and recording all related party transactions.

Child Safe Code of Conduct

Victorian Schools refer to EREA Child Safety Code of Conduct (Victoria) in each school's Child Safeguarding Program in place of this section.

EREA Commitment to Child Safety, Wellbeing and Participation

All children and young people have a right to feel safe and be safe.

EREA is committed to a culture where the safety, wellbeing and participation of all children and young people under our care is paramount. Particular attention is given to the needs of vulnerable children and young people, including First Nations children and young people, children and young people with disability and mental health issues, children and young people from culturally and/or linguistically diverse backgrounds, children and young people who are unable to live at home, and those who identify as lesbian, gay, bisexual, transgender or intersex. We are committed to acting in the best interests of children and young people at all times.

EREA has zero tolerance of child abuse. Allegations and safety concerns are taken very seriously and treated in accordance with EREA's Child Safeguarding policies and procedures.

EREA is committed to nurturing the wellbeing of all children and young people, respecting their dignity, ensuring their safety and protecting them from abuse and other Harm.

When concerned about a child or young person's safety, EREA and the EREA Community have a legal and moral obligation to respond swiftly to protect the child or young person from Harm and report to the relevant State/Territory Child Safe authorities as required under relevant State/Territory Child Safe legislation and EREA's Child Safeguarding policies and procedures.

EREA demonstrates our commitment to the safety and wellbeing of children and young people by incorporating the following expected EREA Community behaviours and practices into our Child Safe Code of Conduct:

- ensuring that EREA has strategies in place to embed and enhance a culture of child safety and wellbeing through the leadership, governance and culture of the organisation
- implementing specific Child Safe policies, procedures, training, a Child Safe Code of Conduct and Child Safeguarding Standards to support the achievement of a child safe culture
- applying robust recruitment and selection practices for all EREA staff, volunteers, contractors, Committee, Board and School Advisory Council members (the EREA Community)
- providing EREA Community members with induction, regular training and education on recognising the nature and indicators of child abuse and other Harm, responding to safeguarding risks and how to build culturally safe environments for children and young people

- ensuring that the EREA Community understands the important and specific role they play individually and collectively to ensure that the safety and wellbeing of all children and young people is at the forefront of all they do and every decision they make
- taking proactive steps to prevent child abuse and identifying risks early so that such risks may be removed or reduced
- continuously reviewing and improving our systems and practices to protect children and young people from abuse
- providing children and young people with the knowledge and skills to understand and maintain their own personal safety
- involving families, carers and relevant communities in decision making processes that support the development of a child safe culture
- responding swiftly to any child safety concerns and implementing clear procedures for managing and reporting child safety concerns, and
- acknowledging the cultural diversity of families, and being sensitive to how this may impact on child safety
- listening to concerns about the safety of children, and suggestions to improve the child safety processes in place
- recognising and acknowledging those unique needs of victims and survivors of child abuse, both historical and current, by providing them with genuine care and pastoral support
- taking into consideration the views of children and young people about decisions that affect their safety and wellbeing
- empowering children and young people by taking their views seriously and addressing any concerns they may have.

Specific elements of EREA's Child Safe Code of Conduct are detailed below. The Child Safe Code of Conduct applies to EREA staff, volunteers, contractors, Committee, Board and School Advisory Council members (the EREA Community).

Student Interaction

The EREA Community holds a unique position of influence, authority, trust and power in relation to Students. By their very nature, Student interactions are open to scrutiny. All members of the EREA Community must:

- treat all Students with respect
- abide by Professional Boundaries at all times
- avoid placing themselves or a Student in a compromising position
- avoid actual, potential or perceived breaches of the Child Safe Code of Conduct
- have a firm understanding of EREA Ltd, the relevant Subsidiary Entity and relevant EREA School's Child Safeguarding Program
- apply and act in accordance with the EREA Ltd, the relevant Subsidiary Entity and relevant EREA School's Child Safeguarding Program
- be vigilant and proactive in taking all reasonable steps to protect children from Harm.

Professional Boundaries

All members of the EREA Community must:

- maintain Professional Boundaries at all times when interacting with Students, including interactions that extend beyond the School setting, School hours, School grounds, in person and by any Technology, including social media
- ensure that social interactions with Students do not give grounds for allegations against them
- not initiate or develop a relationship with any Student that is or could be perceived or misinterpreted as having a personal element rather than a professional element

- not engage in open discussions of an adult nature in the presence of a Student, or which may be overheard by Students
- avoid, as far as possible, situations where they are alone with a Student. In such situations, the relevant EREA School Policy with specific reference to working alone with Students must be applied
- not drive a Student in their car unless they have written parental permission to do so, and in accordance with their relevant EREA School Policy with specific reference to driving students
- only engage in paid tutoring or coaching Students outside of School hours in accordance with their relevant EREA School Policy with specific reference to paid tutoring or coaching outside of School hours.

Professional Boundaries between an EREA Community member and a Student may, or may be seen to be compromised by:

- treating a Student with favouritism, or perceived favouritism (e.g., by offering gifts or special treatment to specific Students)
- attending parties or socialising with Students outside of organised School events
- sharing personal details with Students
- meeting Students outside of school hours without permission from the School.

The EREA Child Safe Code of Conduct applies regardless of:

- the location of where a Student interaction occurs, whether on or outside of School grounds
- the time of when a Student interaction occurs, whether during or outside School hours
- the Student's age
- the Student's consent
- the consent of the Student's parents, guardians or family
- instances where the Student attempts to or initiates an interaction or relationship with an EREA Community member.

Grooming

All members of the EREA Community must not engage in Student related:

- Grooming or Grooming Behaviours
- sexual interaction
- Sexual Misconduct
- Sexual Offences.

These actions and behaviours are unlawful, whether consensual, non-consensual or condoned by parents, guardians or families.

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

Personal Relationships with Students

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

Where there is a pre-existing personal relationship with a Student, EREA Community is expected to:

- be diligent in maintaining Professional Boundaries at all times both within and outside of School hours and on or outside of School grounds
- take steps to ensure actual, potential or perceived Conflicts of Interest are avoided
- comply with their relevant EREA School's Policy with specific reference to pre-existing personal relationships with Students and make any required disclosures to the School's Child Safety Officer and/or the Principal.

Student Behaviour Education

Student behaviour education practices in EREA Schools aims to facilitate the development and experience of responsible self-discipline amongst Students and to promote the well-being, safety and effective management of EREA School Student communities.

All members of the EREA Community must:

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

Physical Contact with Students

Members of the EREA Community are required to develop and exercise prudent judgment and sensitivity regarding appropriate physical contact with Students.

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

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

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

- assisting Students with special needs, e.g., allowing a Student to engage with a teaching/learning experience or the curriculum in general, in accordance with the relevant EREA School's Policies and Disability Standards.
- assessing an injured or ill Student. The Student should be advised of what physical contact is intended and where practicable, seek the Student's consent and have a colleague present
- teaching sport, music or other activities where physical contact of a Student is required to demonstrate a particular action or skill
- restraining a Student, consistent with the relevant EREA School's Restrictive Interventions Policy when the Student, other Students, a member of the EREA Community or a third party is in danger of Harm or is in imminent danger of Harm
- offering a Student a congratulatory handshake.

Physical contact referred to in the above examples:

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

Student Physical Intervention: Risk Assessment and Response

Any physical intervention involves some risk of injury. This risk must be considered against the risks involved in failing to physically intervene when it may be warranted. Intervention may be warranted when a Student, other Students, a member of the EREA Community a third party is in danger of Harm or in imminent danger of Harm. Such interventions may be employed as a measure of last resort to ensure safety and protection in instances of:

- a Student attacking a member of the EREA Community or a third party
- a Student attacking another Student.
- Students physically fighting
- a Student causing, or at risk of causing an injury to themselves or others
- a Student misusing dangerous materials, substances or objects likely to cause Harm
- a Student placing themselves, deliberately or inadvertently, in a dangerous situation
- a Student being attacked by a third party.

Members of the EREA Community using physical interventions on Students:

- are responsible and accountable for the manner in which they exercise that authority
- must report all physical interventions to the Principal. Instances involving Principals are to be reported to the governing Subsidiary Entity Chief Executive Officer
- must be aware that physical intervention guidelines apply during off-campus excursions and camps as well as during School hours on School grounds. EREA School Excursion Policies may also reference additional applications, e.g., dormitory/Boarding supervision.

Use of Technology

EREA Community member electronic communications with Students is required to reflect Professional Boundaries that comply with the following:

- all use of Technology is to be for educational purposes or for School approved co-curricular activities
- all online contact is to be via the relevant EREA School's email system
- personal telephone numbers are not to be provided to Students
- personal social media and instant messaging accounts are to remain in 'Private' mode setting and not to be provided to Students
- friend or follow requests from Students are not to be accepted
- Student contact via social media or instant messaging is not permitted
- personal pictures are not to be exchanged or shared with Students
- photos, videos or recordings of a Student are not to be taken, physically published or published online without School authority and written parental/guardian consent
- Student personal contact numbers and other personal contact details made available to the EREA School is to be used only for School communications.

Inclusivity

All members of the EREA Community are required to promote the safety, participation and empowerment of Students and particularly promote the cultural safety, participation and empowerment of:

- First Nations Students
- Students with culturally and/or linguistically diverse backgrounds
- Students with a disability
- Students who are otherwise vulnerable

and must not express personal views or discriminate against any Student based on culture, race, ethnicity, disability or sexuality.

Child Safe Code of Conduct Breaches and Reporting

All members of the EREA Community must ensure that their mandatory reporting obligations are met in accordance with legal compliance requirements and in accordance with the EREA Ltd, Subsidiary Entity and relevant EREA School's Policy and procedures for Responding to and Reporting Allegations of Child Abuse within the EREA Ltd, Subsidiary Entity or relevant EREA School's Child Safeguarding Program.

EREA Community Members with concerns about conduct which falls below the standards of the Child Safe Code of Conduct:

- are to ensure, as quickly as possible, that the Student involved is safe from Harm
- are to call the Police (phone 000) if there are immediate concerns for the Student's safety
- must report any allegations of child abuse and concerns about child safety, including actual or perceived breaches of this Child Safe Code of Conduct to the EREA Ltd, Subsidiary Entity or relevant School's Child Safety Officer, as applicable to the circumstance, and to the relevant State or Territory Child Safeguarding Authority.

The above requirement includes any concerns that Grooming, Sexual Misconduct or a Sexual Offence may have been, or has been committed against a Student, or that a Student has been the subject of Harm.

General Code of Conduct

Care for Colleagues

In the spirit of nurturing individual and collective wellbeing, all members of the EREA Community are required to:

- proactively contribute to an atmosphere of respect, courtesy, trust, collegiality, collaboration, and open communication
- recognise and respect the individual potential, professional practice and skills of colleagues
- encourage openness and tolerance amongst colleagues
- use constructive methods for resolving any conflicts that arise with colleagues
- respect the principles of natural justice and procedural fairness when dealing with complaints against colleagues
- not engage in behaviours against colleagues which are, or might objectively be perceived to be Discrimination, Workplace Bullying or Sexual Harassment.

Use of Technology

All members of the EREA Community are required to comply with their relevant entity Technology Policies, in particular:

- refraining from inappropriate use of Technology
- observing copyright regulations
- observing licensing terms and conditions relevant to the Technology
- observing confidentiality of information when using Technology
- proactively guarding against online fraud, scams, phishing and other viral attacks when using Technology
- securely protecting user names, passwords, software and hardware
- respecting Student privacy and not posting online information about a Student that may identify them (such as their name, age, contact details) without appropriate School approval and written parental/guardian consent
- not engaging in Sexual Misconduct, Grooming, Sexual Harassment, Sexual Offences, Workplace Bullying or Discrimination using Technology
- not bringing themselves or EREA into disrepute by inappropriate online behaviours.

Drugs, Alcohol and Tobacco

EREA Community member lifestyle and personal conduct may have an adverse effect on their personal, professional, EREA's reputation.

All members of the EREA Community must consciously act to maintain their personal and professional integrity on occasions when alcohol, legal drugs, Illegal Drugs and tobacco may be present.

If EREA Ltd, a Subsidiary Entity or an EREA School suspects, on reasonable grounds, that a member of the EREA Community is performing duties under the influence of Illegal Drugs or alcohol they may be required to undergo a drug and alcohol test to monitor compliance with this Code and with work health and safety legislation.

Reasonable grounds for testing can be established if the behaviour, actions or conduct (whether observed by or reported to EREA) suggests that the EREA Community member is under the influence of Illegal Drugs or alcohol.

EREA Community members experiencing difficulties with use of Illegal Drugs, alcohol or tobacco are encouraged to seek assistance via:

- the EREA Employee Assistance Program (ACCESS)
- the Principal or Deputy Principal for EREA School Community members
- the EREA Ltd Chief Executive Officer for EREA Ltd Community members
- the Subsidiary Chief Executive Officer for Subsidiary Entity Community members.

Legal and Illegal Drugs

EREA Community Members must:

- not grow, obtain, use, hold, sell or distribute Illegal Drugs
- not illegally sell or distribute legal drugs (i.e., medication)
- not condone use of Illegal Drugs
- not condone misuse of legal drugs
- only distribute medication to Students in accordance with the relevant EREA School Policies, with written parent/guardian approval and as set out in a medical plan for the Student
- not be under the influence of Illegal Drugs during business hours or during times where they have a responsibility for Students and/or colleagues or is otherwise fulfilling workplace responsibilities.

Discrimination, Harassment, Sexual Harassment and Workplace Bullying

Discrimination, Harassment, Sexual Harassment and Workplace Bullying are unlawful under the legislation detailed below and are never condoned by EREA.

Federal	State / Territory
Sex Discrimination Act 1984 (Cth)	Anti-discrimination Act 1991 (Qld)
Racial Discrimination Act 1975 (Cth)	Anti-discrimination Act 1977 (NSW
Age Discrimination Act 2004 (Cth)	Equal Opportunity Act 2010 (Vic)
Australian Human Rights Commission Act 1986 (Cth)	Equal Opportunity Act 1984 (SA)
Fair Work Act 2009 (Cth)	Discrimination Act 1991 (ACT)
Fair Work Amendment Act 2013	Discrimination Act 1998 (Tas)
	Anti-Discrimination Act 1996 (NT)
	Equal Opportunity Act 1984 (WA)

Perpetrators of proven Discrimination, Harassment, Sexual Harassment or Workplace Bullying will be subject to legal and criminal proceedings. EREA Ltd, the Subsidiary Entities and EREA Schools will not indemnify an EREA Community Member acting in breach of anti-discrimination or human rights legislation.

EREA Ltd, the Governing Bodies and EREA Schools and their respective Responsible Persons:

- can be held to be vicariously liable (i.e., be held responsible) for Discrimination, Harassment, Sexual Harassment and Bullying in the workplace
- must take proactive steps to prevent and address Discrimination, Harassment, Sexual Harassment and Bullying from occurring in the workplace
- must respond appropriately to resolve incidents of Discrimination, Harassment, Sexual Harassment and Bullying in the workplace.

Fraud, Theft and Corruption

EREA has a zero tolerance approach to fraud, theft and corruption, including but not limited to EREA Community Member acts of:

- theft of cash, consumables or assets
- false or misleading timesheets (i.e., dishonestly claiming payment for time not worked)
- false or misleading expense claims (i.e., dishonestly claiming a business expense)
- false invoicing (i.e., dishonestly invoicing for goods or services)
- false accounting (i.e., dishonest reporting of incorrect or misleading financial results)
- falsifying accounting records for personal or financial gain
- colluding in falsifying accounting records for personal or financial gain
- misuse of position or authority for personal or financial gain.

EREA Community Members are to promptly report suspected instances of fraud, theft or corruption to:

- the Principal or Deputy Principal for EREA School Community members
- the EREA Ltd Chief Executive Officer for EREA Ltd Community members
- the Subsidiary Chief Executive Officer for Subsidiary Entity Community members.

Alcohol

Members of the EREA Community must not during or outside of work or school hours:

- distribute alcohol to Students
- condone use of alcohol by Students
- be under the influence of alcohol during business hours or during times where they have a responsibility for Students and/or colleagues or is otherwise fulfilling workplace responsibilities.

Tobacco and Vaping

All EREA workplaces, School grounds and events are smoke and vape free areas. Smoking or vaping is not permitted on any EREA or School premises, or during times where an EREA Community Member has a responsibility for Students and/or colleagues or is otherwise fulfilling workplace responsibilities.

EREA Community members must not:

- procure, obtain or distribute tobacco, vaping or tobacco products to Students or Young Person who may be visiting a School or EREA workplace
- condone use of tobacco or vaping by Students
- smoke or vape on EREA workplace, School grounds and events or around the entrances thereof.

Implementation

EREA Ltd, the Governing Bodies and EREA Schools are required to implement the Code of Conduct.

The Code of Conduct is to be implemented through a combination of:

- induction, ongoing professional development and training for all members of the EREA Community
- development of EREA Ltd, Subsidiary Entity and EREA School child safety standards
- development of EREA Ltd, Subsidiary Entity and EREA School Policies and procedures
- education and information for Students and parents/guardians
- effective communication of incident management notification procedures
- effective record keeping procedures
- an ongoing process of review and improvement.

Code of Conduct Breaches

EREA Ltd, the Subsidiary Entities and EREA Schools are required to monitor breaches of the Code of Conduct.

Perceived or actual breaches of the Code of Conduct have the potential to cause harm to children and others as well as disrespect the dignity and wellbeing of individuals. They also expose EREA to legal action, significant reputational damage as well as education regulator and public scrutiny.

Breaches of the Code may be:

- a disciplinary matter for EREA Ltd, a Governing Body or an EREA School which may result in performance management, formal warning, suspension, demotion or termination in accordance with industrial processes, depending on the nature of the misconduct or serious misconduct
- a contractual matter which may be a breach of contract resulting in contract termination
- professional misconduct referred to relevant State/Territory authorities
- Reportable Conduct reported to relevant State/Territory authorities
- a Notifiable Incident, reported to the relevant State/Territory statutory authorities
- a regulatory matter referred to relevant State/Territory statutory authorities
- a breach of statute referred to relevant State/Territory statutory authorities
- a criminal matter referred to the Police
- a civil matter referred for legal advice and remedy.

Investigatory and disciplinary processes in relation to breaches of the Code of Conduct will be executed with procedural fairness and in keeping with the principles of natural justice.

Reporting and Complaints

Accountability is a key aspect of the Code of Conduct. The Code requires EREA Community Members to report certain acts, omissions and/or control failures under the applicable policies and procedures to:

- the Principal or Deputy Principal for EREA School Community members
- the Governing Body Chief Executive Officer for Governing Body Community members
- the EREA Ltd Chief Executive Officer for EREA Ltd Community members
- the relevant State/Territory statutory authority where mandatory reporting is required under legislation.

Formal complaints, including breaches of the Code, must be made in accordance with the:

- EREA Complaints Policy that are applicable to each Governing Body for complaints made by external parties
- Applicable policies and procedures relating to the nature of the complaint, including the EREA Workplace Complaints Policy, for complaints made by EREA Community Members.

Vexatious complaints will not be entertained. Members of the EREA Community who make vexatious complaints may face disciplinary action.

Procedures for Addressing Complaints

The EREA Complaints Policy applicable to EREA Ltd and each Governing Body details the procedure for addressing complaints made by external parties.

The applicable policies and procedures relevant to the complaint detail the procedure for addressing complaints made by EREA Community Members.

Queries

Questions, comments or concerns about the Code of Conduct or its application should be addressed to:

- the Principal or Deputy Principal for EREA School Community members
- the Governing Body Chief Executive Officer for their respective Community members
- the EREA Ltd National Executive Director for EREA Ltd Community members.

Review

A review of the Code of Conduct will be conducted annually or earlier if required, such as due to changes in legislation. The EREA Ltd Board is responsible for ensuring the Code of Conduct is reviewed and updated as needed. The review of the Code of Conduct must be undertaken collaboratively with representations from Governing Bodies to ensure that it remains fit for purpose.

Related Documents and Resources

Related Policies and Documents:

The Code of Conduct is to be read in conjunction with all applicable EREA policies and procedures, including, but not limited to the relevant Delegation Instruments.

Resource List

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

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

The following resources may provide further context to provisions within the Code of Conduct, as relevant in each State and Territory:

Region	Government Department	Catholic Education Commissions / Councils
ACT	Education Directorate	Catholic Education Commission Canberra and Goulburn
NSW	Department of Education	Catholic Schools NSW
NT	Department of Education	Catholic Education Northern Territory
QLD	Department of Education	Queensland Catholic Education Commission
SA	Department for Education	South Australian Commission for Catholic Schools
TAS	Department for Education, Children and Young People	The Catholic Education Commission Tasmania
WA	Department of Education	Catholic Education Commission of Western Australia

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