

1. Introduction

Loreto College is committed to professional practice and conduct that strives to provide educational excellence within an environment of trust and appreciation of individual differences. The College sets high expectations of personal professionalism in the educational programs delivered, and in the interactions between students and staff members of the College community. Staff conduct and performance that is perceived to detract from teaching and learning excellence and respectful relationships will be addressed promptly, effectively and within a framework of continuous improvement and a supportive learning culture.

2. Purpose

This policy seeks to ensure that where any staff conduct or performance is of concern, the staff member is treated with just consideration but with the best interests of the students remaining the paramount concern. Except in extreme circumstances, supportive processes and reasonable alternatives will be exhausted before disciplinary action is undertaken. All actions that are taken will be with the view of promoting the wellbeing of students and staff for the mutual benefit of all. (See “Annexure: Staff Member Code of Conduct”)

This Policy is not focussed upon areas of professional skills deficit or incompetence, which is addressed under the Performance Management Policy; it is focussed on unprofessional and inappropriate conduct.

3. Related Legislation and Guidelines

- Education (Accreditation Non State Schools) Act and Regulations 2001 replace
- Queensland College of Teachers Act 2005
- Code of Ethics for Teachers in Queensland - Queensland College of Teachers
- Professional Boundaries: A Guideline for Queensland Teachers – Queensland College of Teachers
- Common Law Contract and Duty of Care
- Criminal Law
- Education (General Provisions) Act 2006
- Defamation Law 2005
- Work Health & Safety Act 2011
- Child Protection Act 1999

4. Scope

This policy applies to all staff members of the College, including volunteers, and to any staff behaviours of concern to the College (as employer), specifically the conduct of staff. This policy is to be considered within the context of other College policies addressing the wellbeing of and expectations placed upon all relevant parties.

Where there is any conflict between this Policy and the Student Protection Processes & Guidelines, the latter will prevail.

5. Policy Statement

The employer, Loreto College, will in all issues of concern regarding conduct of staff members, utilise and promote constructive communication of procedures as designated in this policy to seek fair and constructive outcomes where concerns are raised but with the paramount consideration being the wellbeing of students.

The College will comply with its legal obligation under its general duty of care, student protection and Work Health & Safety legislation.

All staff members, including volunteers, must conduct themselves professionally, avoid any behaviours that may be threatening, unwelcome, illegal or contrary to Catholic teaching and requirements and act at all times in accordance with the College ethos, their employment conditions and relevant Codes of Conduct.

The College will investigate all complaints raised about staff conduct or may initiate its own investigation where there is a suspected concern.

Nothing in this policy should be construed as to limit the power of the Principal (or any person delegated from time to time to act as the Principal) to summarily dismiss a Staff member without any warning or investigation whatsoever and without affording the staff member any opportunity to respond in circumstances where there has been evidence of serious breach or risk to students. However, prior to taking such action the Principal must consult with the Leadership Team and the Chair of the Board of Directors.

6. Principles

- The best interests of the students and the wellbeing of all is the paramount consideration in all responses concerning behaviours of staff.
- Members of the College community have the right to raise genuine issues of concern regarding staff professional conduct. Complaints that are deliberately vindictive or vexatious or contravene College ethos or values are unacceptable to the College.
- The College has a commitment to resolve issues where possible and appropriate at the level closest to where the complaint arises, through processes of dialogue, mediation and conciliation, if possible. (“Informal Process” as defined in Section 7 Definitions)
- Natural Justice will be accorded to those involved in any process of enquiry into conduct, concerns or allegations.
- Any process will be handled promptly and confidentially.
- The expectations and obligations of both the College and staff members are clearly addressed at the time of employment and documented in the Enterprise Bargaining Agreement and the Contract Letter of Appointment.
- Management of issues and concerns is to interfere as little as possible with the core business of teaching and learning.
- Where possible, discipline will be used in a constructive way so as to provide an opportunity for improvement of conduct and/or behaviour in the workplace.
- Legal requirements will be complied with.
- Open communication between the staff member, the College and parents will assist in building positive relationships and desired outcomes.
- Where issues of risk to others or the well-running of the College are relevant the person whose conduct is under complaint may be stood down by the Principal after consultation with the Chair of the Board of Directors.



Professional Conduct Policy

7. Definitions

While Industrial Law contains precise definitions of 'misconduct' and 'serious misconduct', conduct for this Policy will be assessed with reference specifically to Contract Law, Duty of Care Requirements, Professional Standards, student safety legislation and Work Health & Safety legislation and all legislation referred to in Section 3 above.

Conduct of Concern includes (but is not necessarily limited to):

- Unacceptable conduct including inappropriate use of drugs and/or alcohol;
- Ethical breaches;
- Breaches of Policy or Codes of Conduct;
- Bullying;
- Adopting inappropriate authority;
- Refusing to follow reasonable directions;
- Unprofessional conduct;
- Neglect of duties;
- Inappropriate behaviour towards students or other staff members;
- Harmful behaviour;
- Behaviours contrary to Catholic teaching.

Harm – Harm, as defined in the Child Protection Act 1999, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused.

Harm can be caused by:

- Physical, psychological or emotional abuse or neglect;
- Sexual abuse or exploitation.

Harm can be caused by:

- A single act, omission or circumstance; or
- A series or combination of acts, omissions or circumstances.

Sexual Abuse – Sexual abuse is defined in the Education (General Provisions) Act 2006. Sexual abuse, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances:

- The other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- The relevant person has less power than the other person;
- There is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.
- Inappropriate Behaviour by a staff member towards a student
- Inappropriate Behaviour for the purposes of this Policy includes: Inappropriate, unwelcome behaviour by a staff member towards a student that breaches the trust implicit in a normal adult-student relationship, as defined by accepted societal values, professional and contractual obligations, current legislation and/ or legal precedent.



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Dismissal – Dismissal is termination of employment usually after a process which may include Show Cause.

Summary Dismissal – Summary Dismissal means immediate termination of employment.

Show Cause – Show Cause is an opportunity extended to a staff member to raise any exceptional circumstances that might prevent termination, usually given and replied to in writing. A fixed time e.g. one (1) week is to be given for a written reply.

Resolution Process – Resolution Process refers to a range of informal and formal processes to address or remedy issues of concern.

Standing Down – Standing Down is a direction, given by the Principal, that the staff member not attend the College for the duration of the investigation or any other set time. This will be the case where the Principal considers the presence of the alleged offender to be an unacceptable risk to the wellbeing of others or the College.

Unacceptable Risk – An Unacceptable Risk is a risk that in the reasonable opinion of the Principal requires the alleged offender to refrain from attending the College in any capacity.

Informal Process – Informal Process refers to efforts made to remedy concerns informally and at the lowest level, e.g. by an approach to the staff member personally, then with the staff member's immediate supervisor. Supervisors and managers have a duty to the staff member to be observant of lapses of conduct of those they manage and to address matters promptly.

Formal Process – Formal Process refers to a formal investigation instigated by the Principal to address the concerns.

8. Responsibilities

The Board of Directors of Loreto Coorparoo Ltd has the responsibility to ensure this Policy is in place and complied with;

The Chair of the Board of Directors is to be consulted where a dismissal of a staff member for conduct issues is under consideration or recommended by the Principal;

The Principal is responsible for:

- Ensuring that this Policy forms part of the induction process for new staff;
- Assessing the level and nature of concern and issues raised and initiating the appropriate process;
- Reviewing the Policy and resolution process on at least a biennial basis to monitor relevance and to determine whether improvements are required;
- Ensuring that all staff have a knowledge and awareness of the Policy;
- Promoting to parents, staff and students this policy and other related policies;
- Ensuring all Leadership Team, Curriculum, Pastoral and Program Leaders and Team Leaders have a knowledge and awareness of the Policy;
- Overseeing all issues of concern in relation to the conduct and performance of staff;
- Working with State Authorities as required by law.



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Leadership, Curriculum, Pastoral and Program Leader and Managers:

- Are expected to be aware of and observant of staff conduct and attitude and to advise the Leadership Team of any concerns they have in relation to unacceptable behaviours at the earliest stage;
- Have delegated authority to Exercise and Respond, at the lower levels to staff behaviours of concern in respect of specific staff coming under their leadership and to raise more serious issues with the Principal.

Staff are responsible for:

- Being familiar with this Policy and resolution processes;
- Maintaining a high standard of professional conduct as required by the Christian ethos, Codes of Conduct and any Contract of Employment;
- Modelling behaviour that promotes fairness, respect and honesty and maintaining the integrity of the Policy by adhering to the principles and resolution process;
- Undertaking professional development.

Parents and students are responsible for:

- Being familiar with the Policy as appropriate and adhering to the principles and resolution process of this Policy when raising an issue or concern;
- Adopting an approach of fairness, respect and honesty when making a complaint;
- Being familiar with related Policies such as the Student Protection Policy & Processes and the Anti-Bullying Policy (including Code of Conduct for Students).

9. Consequences / Actions

Without limiting the discretion of the Principal as to consequences or disciplinary response to any substantiated unacceptable conduct, the following may be considered as appropriate:

- Apology – oral or in writing;
- Formal Caution to include a direction to cease the conduct which is to be placed in the staff member's file;
 1. **NB:** This is **NOT** a process of **FORMAL WRITTEN WARNING** (and expected remedy of deficits) as is the case under Performance Management Policy)
- Counselling;
- A requirement of Professional Development;
- Show Cause opportunity;
- Contacting State Authorities;
- Informing the Queensland College of Teachers;
- Demotion from position of responsibility;
- Dismissal from employment if the Principal after consultation with the Chair of the Board of Directors considers the conduct of the staff member warrants dismissal;
- Summary dismissal, again, after consultation with the Chair of the Board of Directors;
- Resignation.

10. Termination

In the event that the Principal considers it is appropriate to terminate the staff member's employment he/she shall prior to terminating that employment confer with the Leadership Team and the Chair of the Board of Directors and, if considered necessary, seek external legal advice.

If in the event it is determined that dismissal from employment is the appropriate outcome, the Principal may write to the staff member inviting him/her to Show Cause why his/her employment should not be terminated.

If, after considering any response to a Show Cause notice, a decision is made to terminate the staff member's employment, the College will comply in all respects with the minimum notice period and entitlements but nothing impedes or interferes with the right which the College reserves to summarily dismiss a staff member in cases of where, in the reasonable view of the Principal, after appropriate consultation, the behaviour warrants such.

11. Documentation

The Staff Professional Conduct Reporting Form is available for documenting information or concerns about unprofessional or inappropriate conduct. (See Annexure 2) The Principal will be responsible for ensuring that all stages of the investigation and response to the report, including any disciplinary process and all oral discussions with a staff member, are accurately and contemporaneously documented and are stored appropriately.

12. Sharing of Information / State Authorities

An investigation into conduct concerns and disciplinary action (termination) taken under this policy may in some circumstances be required to be notified to the police and/or the Queensland College of Teachers. Any such notifications that are necessary in accordance with legislative requirements or the best interests of the safety and wellbeing of students should be attended as soon as possible.

13. Review

This Policy will be reviewed annually, or as necessitated by legislation.

ANNEXURE 1

Staff Member Code of Conduct

Overview of general commitments

All staff members will demonstrate, to an acceptable professional level, a commitment to:

2. Carrying out all required duties in a professional and conscientious manner;
3. Behaving honestly and with integrity in the course of their employment;
4. Acting with care, compassion and diligence in the course of their employment;
5. Complying with all applicable Australian Laws. For this purpose, Australian Law means:
 - Any Act or any instrument made under an Act; or
 - Any law of a State or Territory, including any instrument made under such a law including:
6. Mandatory reporting of sexual and physical abuse or suspected sexual abuse in accordance with the (Education (General Provisions) Act 2006 and the Child Protection Act 1999;
7. Mandatory reporting by teachers to the Queensland College of Teachers if they are charged with, or convicted of, a criminal offence. (Education (Queensland College of Teachers) Act 2005;
8. Actively engaging in appropriate and required professional development;
9. Ensuring that matters of duty of care are afforded the highest attention (including punctuality to classes, supervision and yard duty);
10. Ensuring that personal use of alcohol and prescribed drugs does not interfere with the proper performance of the staff member's duties;
11. Adhering to other relevant professional Codes of Conduct where applicable (including those published by the Queensland College of Teachers and other relevant professional bodies);
12. Avoiding any form of unlawful discrimination, for example, on grounds such as gender, race and religion.

Professional responsibilities of Staff members

It is expected that all staff members will support the core values of Loreto College Coorparoo found in the:

13. Loreto Schools of Australia Mission Statement 2010
14. Loreto Education Guidelines 2003
15. Loreto College Coorparoo Shared Vision Statement 2017 Add Loreto Compass

Further, The Statement of Principles for Employment at Loreto College Coorparoo is a core agreement signed on acceptance of a position at Loreto College Coorparoo. The principles are:

16. To recognise and accept that the Catholic School is more than an education institution as it is a key part of the Church, an integral element of the Church's mission;
17. To be qualified for the position and meet all relevant registration, accreditation and other requirements of the State and Church;
18. To be committed to participation in regular ongoing professional development;
19. To accept the terms of Awards and Industrial Agreements which govern employment at Loreto College Coorparoo;

20. To develop an understanding of the Loreto ethos of the school;
21. To develop and maintain an adequate understanding of those aspects of Catholic teaching that touch upon areas of responsibility;
22. To read, understand and apply the ideals of the Loreto Schools of Australia Mission Statement to all aspects of working life;
23. To strive by service, performance of duties and personal example to inculcate in students an appreciation and acceptance of Christian teaching and values;
24. To avoid, whether by word, or action any influence upon students that is contrary to the teaching and values of the Catholic Church community.

When staff members act in accordance with these core values and principles they will avoid, by word or action, any influence upon students that is contrary to the teachings and values expressed by the Catholic Church in whose name they act.

Staff members have a responsibility to meet high standards of professional and ethical behaviour when interacting with students, their families and the wider community.

Staff members must undertake their responsibilities within the framework of the law and must comply with legislative and industrial requirements, with this Code and any policies and procedures that are implemented by Loreto College Coorparoo.

Staff members owe a duty of care to students which requires them to take reasonable steps to protect students from any reasonably foreseeable risk of injury. This duty applies equally to College-based activities and out of College activities involving the College.

ANNEXURE 2

Staff Professional Conduct Reporting form

For reporting information or concerns about unprofessional and inappropriate conduct by staff of Loreto College Coorparoo, including volunteers. This includes instances of harm to a student caused by a staff member or volunteer other than if a person becomes aware or reasonably suspects a student has been or is likely to be sexually abused by another person or if a person forms a reasonable suspicion:

25. that a child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm caused by physical abuse or sexual abuse; and
26. there may not be a parent able and willing to protect the child from the harm.

These matters must be reported and dealt with according to the Student Protection Policy & Processes.

This form should be given to the College Principal or, in her absence, another member of the College Leadership Team. If the report concerns unprofessional or inappropriate conduct by the Principal or harm to a student caused by the Principal, this form should be given to the Chair of the Board of Directors of Loreto Coorparoo Ltd (chair@loreto.qld.edu.au).