

CODE OF CONDUCT POLICY

Mandatory – Quality Area 4

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This policy was adapted from:
ELAA (2013), Policy Works Manual – National Quality Framework, Code of Conduct Policy

1. PURPOSE

This policy will provide guidelines to:

- establish a standard of behaviour for the Approved Provider (if an individual), Nominated Supervisor, Certified Supervisor, educators and all staff at Eltham Woods Preschool that reflects the philosophy, beliefs, objectives and values of the service
- promote desirable and appropriate behaviour
- ensure that all staff interaction at the service with both children and adults is respectful, honest, courteous, sensitive, tactful and considerate.

2. POLICY STATEMENTS

VALUES

Eltham Woods Preschool is committed to:

- considering the wellbeing of each child at the service as paramount
- maintaining a duty of care (refer to *Definitions*) towards all children at the service
- providing a safe and secure environment for all at the service
- respecting the rights of the child
- providing an open, welcoming environment in which everyone's contribution is valued and respected
- encouraging parents/guardians, volunteers, students and community members to support and participate in the program and activities of the service.

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians and all adults involved in the programs and activities of Eltham Woods Preschool.

OUR PHILOSOPHY

At Eltham Woods Preschool, we **respect** each child as a unique, competent learner. We believe that every child brings to our centre their individual knowledge, skills and integrity. Educators and families work together to provide many opportunities for children to pursue their own ideas and interests to develop autonomy and independence. Children at Eltham Woods Preschool have a voice in planning their program. This encourages a sense of ownership and a developing sense of agency. We are guided by the values that underpin the National Early Years Learning Framework, where children's lives are characterised by the ideals of belonging, being and becoming. We acknowledge the International Rights for children, ensuring that our children have a right to an opinion, to rest, to play and to be safe.

Our experienced **educators** create a safe and engaging environment that encourages the exploration and development of each child's abilities, building a growing sense of autonomy and independence.

Children have the opportunity to gain knowledge and skills, acquiring important dispositions for lifelong learning. We acknowledge that young children learn best through their senses using a diverse range of creative arts opportunities. Our educators remain lifelong learners and their knowledge grows with new evidence and experience. They are part of a larger community of learners and collaborate across the early childhood sector with primary schools and with early intervention services.

Learning is a two-way opportunity between our children and our educators. Our educational programs and practices are responsive to children's evolving capacities as learners, are play-based and enjoyable for all. Our beautiful natural surrounds provide many opportunities for nature-based play, to encourage a healthy understanding and respect for our **environment**, to nurture an interest in biodiversity and a commitment to sustainability.

Eltham Woods Preschool aims to foster **community** spirit as we work together to facilitate our children's learning. Children, families and educators come from a diverse range of cultures and we believe that all families are welcome and respected, feeling included and valued. We value each stage of children's development and allow them time to be able to practice the skills they are learning. All children learn at different rates and through different mediums. We value each child's individuality and work to provide a warm, safe and stimulating environment for all children, including those with additional needs. We proudly acknowledge and respect the Wurundjeri as the Traditional Owners of the land on which we meet to learn and play.

We acknowledge **parents** as first teachers of their children. We value and respect their contribution to the centre and programs, and we aim to provide information to support them in this important role. Our families value the down to earth approach taken in children's programs and appreciate the friendships that develop in their time here.

Our service is committed to a process of continual **review and quality improvement** and this is reflected in the quality early childhood education we provide.

3. PROCEDURES

The Approved Provider is responsible for:

- developing professional standards for staff (refer to Attachment 1) in collaboration with the Nominated Supervisor, Certified Supervisor, educators, staff, parents/guardians and others involved with the service
- ensuring that all educators, staff, volunteers, students, parents/guardians and visitors are provided with a copy of this policy on employment, enrolment or arrival at the service
- ensuring that all staff complete and sign the *Code of Conduct Acknowledgement* (refer to Attachment 2) and that these are filed with individual staff records
- ensuring that the professional standards for staff (refer to Attachment 1) are adhered to at all times
- ensuring that all children being educated and cared for at Eltham Woods Preschool are protected from harm and any hazard likely to cause injury (National Law: Section 167)
- activating the *Complaints and Grievances Policy* on notification of a breach of the *Code of Conduct Policy*
- notifying DEECD 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))
- referring notifiable complaints (refer to *Definitions*), grievances (refer to *Definitions*) 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*)
- taking appropriate disciplinary or legal action, or reviewing the terms of engagement 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 (e.g. when violence has been threatened or perpetrated)

- working with the Nominated Supervisor, educators, staff, students, volunteers, parents/guardians and others at the service to provide an environment that encourages positive interactions and supports constructive feedback
- ensuring that parents/guardians of a child attending the service can enter the service 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 the Approved Provider, Nominated Supervisor or educators under the Law (Regulation 157)
- ensuring that parents/guardians on duty, or other adults participating in the program, are not placed in a situation where they are left alone with a child
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal.

The Nominated Supervisor is responsible for:

- assisting the Approved Provider to develop professional standards for staff (refer to Attachment 1)
- ensuring that all educators, staff, volunteers, students, parents/guardians and visitors are provided with a copy of this policy on employment, enrolment or arrival at the service
- ensuring that the children educated and cared for at Eltham Woods Preschool are protected from harm and from any hazard likely to cause injury (National Law: Section 167)
- completing and signing the *Code of Conduct Acknowledgement* (refer to Attachment 2)
- adhering to the professional standards for staff (refer to Attachment 1) 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 situation where it is believed that there is an immediate risk (e.g. when violence has been threatened or perpetrated)
- working with the Approved Provider, educators, staff, students, volunteers, parents/guardians and others at the service to provide an environment that encourages positive interactions and supports constructive feedback
- ensuring that parents/guardians of a child attending the service can enter the service 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 where the parent is prohibited by a court order from having contact with a child (Regulation 157)
- developing practices and procedures to ensure that parents/guardians on duty, or other adults participating in the program, are not placed in a situation where they are left alone with a child
- 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 engagement.

Certified Supervisors and other educators are responsible for:

- assisting the Approved Provider to develop professional standards for staff (refer to Attachment 1)
- completing and signing the *Code of Conduct Acknowledgement* (refer to Attachment 2)
- adhering to the professional standards for staff (refer to Attachment 1) at all times
- providing guidance to parents/guardians and volunteers through positive role modelling and, when appropriate, clear and respectful directions
- working with the Approved Provider, Nominated Supervisor, educators, staff, students, volunteers, parents/guardians and others at the service to provide an environment that encourages positive interactions and supports constructive feedback
- ensuring that parents/guardians on duty, or other adults participating in the program, 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 (e.g. when violence has been threatened or perpetrated)
- 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 engagement.

Parents/guardians are responsible for:

- reading the *Code of Conduct Policy*
- abiding by the law
- abiding by the standards of conduct, as set out in this policy, while at the service
- complying with all policies of the service.

Volunteers and students, while at the service, are responsible for following this policy and its procedures.

4. BACKGROUND AND LEGISLATION

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 service and must ensure ‘that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury’ (National Law: Section 167).

The *National Quality Standard* requires that staff are respectful and ethical and that ‘professional standards guide practice, interactions and relationships’ (*National Quality Standard: 4.2 and 4.2.1*).

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 Standard 3 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 should be informed by the service’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 [Service Name] adhere to the expectations outlined in the Code of Conduct when communicating to and interacting with:

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

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *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)
- *Education and Care Services National Law Act 2010*: Sections 166, 167, 174
- *Education and Care Services National Regulations 2011*: Regulations 155, 156, 157, 175
- *Equal Opportunity Act 2010* (Vic)
- *Fair Work Act 2009* (Cth)
- Fair Work Regulations 2009 (Cth)
- National Quality Standard, Quality Area 4: Staffing Arrangements
 - Standard 4.2: Educators, coordinators and staff members are respectful and ethical
 - Element 4.2.1: Professional standards guide practice, interactions and relationships
- *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: <http://www.legislation.vic.gov.au>
- Commonwealth Legislation – Federal Register of Legislation: <https://www.legislation.gov.au/>

5. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

Assault: An incident where a person causes injury, pain, discomfort or damage to another person. It also includes insult or deprivation of liberty. Assault can be physical or verbal.

Duty of care: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

Ethical conduct: Always act in the best interests of children, their parents/guardians and families, and users of the service.

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.

Notifiable complaint: A complaint that alleges a breach of the Act or Regulation, or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider to the secretary of DEECD within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). If the Approved Provider is unsure

whether the matter is a notifiable complaint, it is good practice to contact DEECD for confirmation. Written reports to DEECD must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee/investigator
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au

Respect: Value the rights, religious beliefs and practices of individuals. Refrain from actions and behaviour that constitute harassment or discrimination.

Serious incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the service in contravention of the Regulations or is mistakenly locked in/out of the service premises (Regulation 12). A serious incident should be documented in an *Incident, Injury, Trauma and Illness Record* (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority (DEECD) must be notified within 24 hours of a serious incident occurring at the service (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

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

6. SOURCES AND RELATED POLICIES

Sources

- Early Childhood Australia, *Code of Ethics*: www.earlychildhoodaustralia.org.au
- The Universal Declaration of Human Rights: www.un.org/en/documents/udhr/
- Victoria Legal Aid: www.legalaid.vic.gov.au
- United Nations, *Convention on The Rights of the Child*: www2.ohchr.org/english/law/crc.htm

Service policies

- *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*

7. 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
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

8. ATTACHMENTS

- Attachment 1: Professional standards for staff
- Attachment 2: *Code of Conduct Acknowledgement*
- Attachment 3: Standards & Acknowledgment for Parents/Guardians

9. AUTHORISATION

This policy was adopted by the Approved Provider of Eltham Woods Preschool in 2018 and reviewed in 2020.

10. POLICY CHANGE RECORD

Date	Revision Description	Authority
2020	Review – Changes made were updating the Eltham Woods Pre-School Philosophy	EWPS Committee

ATTACHMENT 1

Professional standards for staff

1. RELATIONSHIPS

Relationships with Children

In their relationships with children, the Approved Provider (if an individual), Nominated Supervisor, Certified Supervisor, educators and all staff will demonstrate their commitment to high-quality education and care for children by:

- 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
- respecting the rights of all children
- contributing to a service environment that is free from discrimination, bullying and harassment
- speaking to children in an encouraging and positive manner
- listening actively to children and offering empathy and support
- giving each child positive guidance and encouraging appropriate behaviour
- regarding all children equally, and with respect and dignity
- having regard to the cultural values, age, physical and intellectual development, and abilities of each child at the service
- 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
- informing children if physical contact is required for any purpose, and asking them if they are comfortable with this interaction
- ensuring all interactions with children are undertaken in full view of other adults
- encouraging and assisting children to undertake activities of a personal nature for themselves e.g. toileting and changing clothes
- respecting the confidential nature of information gained about each child while participating in the program.

Relationships with parents/guardians and families

In their relationships with parents/guardians and families, the Approved Provider (if an individual), Nominated Supervisor, Certified Supervisor, educators and all staff will demonstrate their commitment to collaboration by:

- being respectful of, and courteous towards, parents/guardians and families at all times
- 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
- respecting the cultural context of each child and their family
- working collaboratively with parents/guardians and families
- respecting the privacy of information provided by parents/guardians and families, and keeping this information confidential, as required under the *Privacy and Confidentiality Policy*.

Relationships with colleagues at the service

In their relationships with colleagues, the Approved Provider (if an individual), Nominated Supervisor, Certified Supervisor, educators and all staff will demonstrate collegiality by:

- developing relationships based on mutual respect, equity and fairness
- working in partnership in a courteous, respectful and encouraging manner
- valuing the input of their peers
- 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.

2. RESPONSIBILITIES

Professional responsibilities

The Approved Provider (if an individual), Nominated Supervisor, Certified Supervisor, educators and all staff will demonstrate commitment to their professional responsibilities by:

- undertaking their duties in a competent, timely and responsible way
- ensuring their knowledge and expertise is up to date and relevant to their role
- understanding and complying with legal obligations in relation to:
 - discrimination, harassment and vilification
 - negligence
 - mandatory reporting
 - privacy and confidentiality
 - occupational health and safety
- raising any complaints or grievances in accordance with the *Complaints and Grievances Policy*.

ATTACHMENT 2
Code of Conduct Acknowledgement

1. ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy of the *Code of Conduct Policy* for Eltham Woods Preschool.

I have read this policy, I understand its contents and I agree to abide by the principles, practices and consequences set out within.

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

I understand that a signed copy of this acknowledgement will be kept on my staff record while I am working at the service, and will be disposed of when my employment has ceased.

Signature

Name (please print)

Date

Witness signature

Name (please print)

Date

ATTACHMENT 3

Standards for Parents/Guardians

1. RELATIONSHIPS

Relationships with Children

In their relationships with children at Eltham Woods Preschool, parents/guardians will demonstrate their commitment to care for children by:

- remembering that whilst on duty parents/guardians are working with Eltham Woods Preschool staff to provide maximum educational outcomes for children
- being a positive role model to children at all times and respecting the rights of all children
- monitoring children's play to ensure the safety of all children
- monitoring children's behaviour and alerting staff to ensure the safety of children, as staff use a variety of strategies with children to improve skills
- maintaining children's confidentiality whilst participating in the program and respecting the children's right to privacy

Relationships with staff / other parents/guardians / committee members

In their relationships with staff / committee members / parents/guardians will demonstrate their commitment to collaboration by:

- being respectful of, and courteous towards, all adults at all times
- considering the perspective of staff / parents/guardians and families when making decisions that impact on the education and care of their child
- communicating with staff / parents/guardians and families in a timely and sensitive manner
- responding to concerns expressed by staff / parents/guardians and families in a timely and appropriate manner
- respecting the cultural context of each child and their family
- working collaboratively with staff / parents/guardians and families
- respecting the privacy of information provided by staff / parents/guardians and families, and keeping this information confidential, as required under the *Privacy and Confidentiality Policy*.

2. RESPONSIBILITIES

Parents/guardians will demonstrate their commitment to their responsibilities by:

- reading and accepting the policies and procedures of Eltham Woods Preschool and agreeing to adhere to these policies

3. ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy of the *Code of Conduct Policy* for Eltham Woods Preschool.

I have read this policy, I understand its contents and I agree to abide by the principles, practices and consequences set out within.

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

I understand that a signed copy of this acknowledgement will be kept on record whilst my child(ren) are enrolled at Eltham Woods Preschool, or whilst I am involved with the preschool, and will be disposed of at the end of this time.

Signature

Name (please print)

Date

Signature

Name (please print)

Date

Acknowledged by the Eltham Woods Staff on behalf of the Preschool Committee of Management