



ASPENDALE NORTH KINDERGARTEN INC.
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CODE OF CONDUCT POLICY

National Quality Standard – Quality Area 1, 4, 5, 6, 7

PURPOSE

This Code of Conduct Policy is intended to:

- establish a standard of behaviour for the Approved Provider, Nominated Supervisor, Certified Supervisor, educators and all staff at Aspendale North Kindergarten that reflects the philosophy, beliefs, objectives and values of the service;
- promote desirable and appropriate behaviour;
- ensure that all staff interactions with the children and adults is respectful, honest, courteous, sensitive, tactful and considerate; and
- assist in ensuring the safety and wellbeing of children, families and staff at Aspendale North Kindergarten.

POLICY STATEMENT

1. VALUES

Aspendale North Kindergarten is committed to:

- considering the wellbeing of each child at the service as paramount;
- maintaining a duty of care (refer to definitions) for 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; and
- encouraging parents/guardians, volunteers and community members to support and participate in the centre's program.

2. 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 Aspendale North Kindergarten.

3. BACKGROUND AND LEGISLATION

A Code of Conduct defines how individuals should behave towards each other, towards the children in their care and towards other organisations and individuals in the community.

The Approved Provider and Nominated Service Provider have a duty of care to the children attending the service to ensure that “every reasonable precaution is taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury” (Nation Law: Section 167).

The National Quality Standard requires that “educators, coordinators and staff members are respectful and ethical” and that “professional standards guide practice, interactions and relationships” (National Quality Standard: 4.2 and 4.2.1)

Legislation may include but is not limited to:

Charter of human rights and responsibilities Act 2006

Children, Youth and Families Act 2005 (VIC), as amended 2011

Child Wellbeing and Safety Act 2005, and amended 2011

Disability Discrimination Act 1992 (Cth)

Equal Opportunity Act 2010 (VIC)

Education and Care services, National regulations 2011 Regulations 166,167,174

Education and Care services, National Regulations 2011 Regulations 155,156,157,175

Fair Work Act 2009 (Cth)

National Quality Standard, Quality Area 4: Staffing Arrangements

Occupational Health and Safety Act 2004 (VIC)

Occupational Health and Safety Regulations 2007 (VIC.)

Racial Discrimination Act 1975

Racial and Religious Tolerance Act 2001 (VIC)

Sex Discrimination Act 1984 (Cth)

4. DEFINITIONS

Duty of care: A common law concept that refers to the responsibility if 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 families and users of the centre.

Harassment: when someone is demeaning, derogatory or intimidating towards another person. this 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 Regulations, or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaints of this nature must be reported to the Department of Education and Training (DET) within 24 hours

of the complaint being made. If the service provider is unsure where the matter is a notifiable complaint, it is good practice to contact DET for confirmation. Written reports must include:

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

Written notification 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 where 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. A serious incident should be documented in an Incident, Injury, Trauma and Illness Record (example on the ACECQA website) as soon as possible within 24 hours of the incident. The Regulatory Authority (DET) 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 cooperative and positive manner.

5. SOURCES AND RELATED CENTRE POLICIES

Sources:

- Department of Education and Training (DET)
- Early Childhood Australia Code of Ethics.
- Victorian Legal Aid
- The Universal Declaration of Human /Rights
- United Nations, Convention if the Rights of the Child

Aspendale North Kindergarten related policies:

- Communications
- Complaints and Grievances
- Delivery and Collection of Children
- Equal Opportunity
- Government and management
- Incidents, injury, trauma and illness
- Interactions with children
- Participation of Volunteers and Students
- Privacy and Confidentiality
- Relaxation and Sleep
- Staffing/Staff counselling and discipline, Staff grievance
- Supervision of children

PROCEDURES

The Approved Provider is responsible for:

- developing professional standards for staff in collaboration with the Nominated Service Provider, Certified Supervisor, educators, staff, parents/guardians and other involved with the service;
- ensuring that all parents/guardians, staff, volunteers, students and visitors are provided with a copy of this policy employment or enrolment or arrival at this service;
- ensuring that the children are protected from harm and from any hazard likely to cause injury;
- ensuring that all staff complete and sign the Code of Conduct Acknowledgement Form and that these are filed in their records;
- activating the Complaints and grievances policy as required;
- implementing the standards of conduct as set out in this policy (see Attachment 1);
- informing DET by phone within 24 hours of receiving a serious complaint or becoming aware of an incident regarding a child's health, safety or wellbeing and providing a written report as soon as practicable;
- referring notifiable complaints, grievances or complaints that are unable to be resolved in to the grievances committee/investigator;
- taking appropriate disciplinary or legal action or reviewing terms of engagement in the event of misconduct or serious breach of the Code of Conduct Policy;
- contacting the Police in an emergency situation where it is believed there is an immediate risk (e.g. when violence has been threatened or perpetrated);
- 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; and
- respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal).

The staff are responsible for:

- assisting the Approved Provider to develop professional standards for staff (attachment 1);
- completing and signing the Code of Conduct Acknowledgement;
- respecting the individual needs, cultural practices and beliefs of families in all interactions, both verbal and non-verbal;
- working with colleagues, committee and parents/guardians to provide an environment that encourages positive interactions and supports constructive feedback;
- providing guidance to parents/guardians and volunteers through positive role modelling and, when appropriate, clear and respectful directions;
- developing practices and procedures that will 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;
- informing the Approved Provider in the event of a serious incident, notifiable complaint or a breach of the Code of Conduct Policy;
- contacting the Police in an emergency situation where there it is believed there is an immediate risk (e.g. when violence has been threatened or perpetrated);
- ensuring that the children being cared for or educated by ANK are protected from harm and from any hazard likely to cause injury (CSA s26); and understanding and accepting that

serious breaches of this code will be deemed misconduct and may lead to disciplinary action—breaches by contractors, volunteers and others may lead to a review of their engagement; and

- notifying the licensee representative as soon as possible after receiving a complaint or becoming aware of an incident regarding a child’s health, safety or wellbeing.

The parents/guardians are responsible for:

- abiding by the standards of conduct as set out in this policy (see Attachment 1, ‘Standards of conduct’);
- reading the Code of Conduct Policy and signing the ‘Code of Conduct Acknowledgement’ Form;
- abiding by the law and standards of conduct, as set out in this policy, while at the service; and
- complying with all applicable Aspendale North Kindergarten policies.

EVALUATION

To assess whether the Code of Conduct Policy has achieved its intended purposes, the approved provider will:

- monitor compliance with the expectations and procedures set out in the policy;
- regularly seek feedback from everyone affected by the policies;
- 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 this policy up to date with current legislation, research, policy and best practice;
- revise this policy and procedures as part of the Aspendale North Kindergarten policy review cycle or as required; and
- notify parent/guardians at least 14 days before making any material changes to this policy or its procedures.

ATTACHMENTS

[Attachment 1](#): Standards of conduct

[Attachment 2](#): Procedures for dealing with potential breaches

AUTHORISATION

This policy was adopted by the Approved Provider of Aspendale North Kindergarten on 2/11/16 and reviewed in 2019.

Current version: May 2019

Attachment 1
STANDARDS OF CONDUCT

Behavioural practices to follow

In relation to children:

- Be a positive role model at all times;
- Always speak in an encouraging and positive manner;
- Listen actively to children and offer empathy, support and guidance where needed;
- Regard all children equally and with respect and dignity;
- Physical contact with children other than your own should be avoided unless directed by staff or if the safety of a child is compromised (this should be reported immediately to staff);
- Inform children if physical contact is required for an activity and ask them if they are happy to proceed;
- All interactions with children should be undertaken in full view of other adults;
- Never do things of a personal nature for a child that they can do themselves, for example, helping them go to the toilet or changing their clothes; and
- Respect the confidential nature of information gained, or behaviour observed, while participating in the program, in relation to other children and adults.

In relation to other adults (including staff):

- Use courteous, respectful, encouraging and accepting verbal and non-verbal language;
- Refrain from the use of profane, insulting, harassing, aggressive or otherwise offensive language;
- Respect the rights of others as individuals;
- Give encouraging and constructive feedback rather than negative criticism;
- Accept staff decisions and follow their directions at all times. Speak with the staff member if you have a problem complying with any directions;
- Be aware of routines and guidelines for children's play within the centre, abide by them and seek advice when unsure;
- Be aware of emergency evacuation procedures;
- Accept that discipline of children is the responsibility of staff and therefore any matters or concerns related to managing children's behaviour should be referred to staff immediately;
- Avoid approaching staff to discuss a child during a session. Seek an alternative time when staff are free from contact duties with children;
- Refrain from public criticism of children and adults at the centre;
- Raise any issues or grievances as outlined in the Complaints and grievances policy;
- Under NO circumstance should a child, parents/guardians or member of staff be approached directly in a confrontational manner; and
- Smoking is prohibited on the centre property at all times.

In general:

- The centre and staff are responsible for the children who are enrolled and signed in; that is, those children attending the children's program;

- Adults are responsible for all children who accompany them (for example, while on duty and at drop-off and pick-up times, ensuring they do not inhibit or disrupt the program in any way);
- Parents/guardians must clean up after their children or following meetings and activities that are not part of the program, such as a working bee, and leave all areas as they were found;
- Staff may ask parents/guardians to remove children not enrolled and signed into the program if they are disturbing the program; and
- Parents/guardians will also be responsible for children's behaviour when attending other activities and the child is not signed into the program, such as working bees and family nights.

Attachment 2

PROCEDURES FOR DEALING WITH A BREACH OF THE CODE OF CONDUCT

On notification of a breach of the code of conduct the committee will activate the Complaints and grievances policy. The complaints subcommittee will recommend a course of action to the committee that may include but is not limited to:

- Issuing a first and final warning letter or meeting to inform the relevant person/s of the outcome of the investigation and that another breach of the code of conduct will not be tolerated;
- Seeking an intervention order (via the legal system) against the relevant person. Success in obtaining a restraining order may prevent this person from attending the centre either to deliver or collect children or to participate in the program (refer to Attachment 3, 'Code of conduct acknowledgement'); and
- Withdrawing or suspending a child's place in the program due to the parents'/guardians' serious breach of the code of conduct. This action will only be taken if no other alternatives are deemed appropriate by the subcommittee/committee.

Emergency situations

In an emergency situation, where it is believed that staff, children or parents/guardians are at immediate risk (for example, violence has been threatened or perpetrated), the staff members and/or committee involved need to be able to act quickly and decisively. The committee, the primary nominee and all nominees are authorised to contact the local police to advise them of the current situation.

The executive committee is the delegated authority to determine suitable actions in these situations, which may include but are not be limited to:

- Suspending the relevant person/s from attending the centre until the committee has investigated and decided on an appropriate course of action. If required, notify the parents/guardians that alternate arrangements will need to be organised for the delivery and collection of their child to ensure that the suspended person does not attend the centre;
- Suspending a child's place in the program due to the suspended person still attending the centre after they have been advised not to; and
- Applying immediately for an intervention order (via the legal system).