

Staff Conduct Policy

1. Authorisation

This policy was adopted by the DSCCC Management Committee at its meeting on 20 September 2017.

2. Review date

This policy shall be reviewed in September 2019 or earlier if required.

3. Preamble

This policy

- provides an outline of behavioural principles, expectations and ideals for desirable and appropriate behaviour expected of all DSCCC staff;
- outlines the duty of DSCCC to provide a workplace where all staff, Committee members, parents, educators, children and visitors are treated with dignity, courtesy and respect in all aspects of their involvement with DSCCC;
- sets out how DSCCC will deal with problems or concerns about the work performance or conduct of a member of staff; and
- sets out how a staff member may raise a complaint or grievance at DSCCC.

In implementing this policy, DSCCC will act in accordance with the requirements specified under relevant awards, industrial agreements or legislation, and in a fair and equitable manner.

4. Centre values

This Centre is a place of learning for young children and therefore the rights of the child will be considered first and foremost.

This Centre is committed to:

- the wellbeing of each child having fundamental importance
- providing, as far as practicable, a safe and secure environment
- providing, as far as practicable, a safe workplace for staff that is free from discrimination, bullying, sexual harassment, victimisation and workplace bullying
- providing an open, welcoming environment where everyone's contribution is valued and respected, and every person involved with the Centre is treated with dignity and courtesy.

5. Scope of policy

This policy applies to all persons, paid or unpaid who work at DSCCC, including parent volunteers and members of the Management Committee. All persons, paid and unpaid, are expected to act in accordance with the principles set down in this policy at all times.

This policy also applies to DSCCC as an employer – in particular, DSCCC management must refrain from the prohibited behaviours set out in Appendix 3.

6. Standards of Conduct - Staff

Staff must abide by the "Standards of Conduct – Staff" set out in Appendix 1.

Staff are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as outlined in Appendix 2.

Staff must refrain from the "Prohibited Behaviours" set out in Appendix 3. These standards apply to online behaviour, including social networking sites, video and photo sharing websites, blogging sites and online forums and discussions boards.

7. Duty upon DSCCC Management, including the Director and Management Committee

DSCCC Management must ensure, as far as practicable, that staff members are not subjected to the prohibited behaviours set out in Appendix 3.

8. Procedure where a complaint is made

Confidentiality is a cornerstone of this procedure. Any staff member, Committee member, parent or student who uses the Complaint Procedure is assured the strictest confidence.

Particular attention will be paid to the sensitive nature of a sexual harassment complaint and confidentiality will be maintained throughout the complaints process.

Where there is the possibility of a conflict of interest; for example, if the Director, Chairperson or other Committee members are personally involved in issues as a complainant, or in allegations of unlawful or inappropriate behaviour, they will stand aside from participation in subcommittees, or procedures relating to the investigation or management of the complaint.

DSCCC will ensure that all complaints/grievances in relation to unlawful or inappropriate behaviour, regardless of whether they are of a major or minor nature, will be treated seriously and an investigation, where appropriate, carried out fairly and efficiently.

The procedures set out in this policy will be implemented within the context of rights and obligations on both employers and employees under relevant Awards, industrial agreements or legislation.

All parties to a grievance have the right to:

- Have grievances procedures conducted in a fair, objective and unbiased manner;
- Be treated with respect;
- Be kept informed about the progress of their grievance;
- Only have relevant factors taken into account in resolving a grievance;
- Not be subjected to any form of retribution, either stated or implied;
- Defend themselves through the right of reply;
- Have a support person present at all stages of the process, but not a legal representative. A support person may be a work colleague, union representative friend or family member. A support person may offer support only. They are not there to act as an advocate or to disrupt proceedings;
- Be kept informed, orally and in writing, of the outcome of the grievance and the reasons for it; and
- A recommendation which is fair and commensurate with the findings.

All parties to the grievance are expected to:

- Respect and consider alternative views and opinions;
- Fully participate in good faith with the grievance process; and
- Respect the confidentiality of the other party.

8.1.1 Step 1: Opportunity for resolution

Issues related to staff work performance or conduct will, in the first instance, be dealt with by the Director. The Director will determine whether the matter can be resolved informally through discussion or whether a more formal procedure is required, commencing with counselling, before proceeding to a formal and structured disciplinary procedure.

The Director can choose to refer the matter to the Management Committee for consideration and action.

Staff grievance issues related to employment will initially be attempted to be resolved informally by the Director/Assistant Director and/or Management Committee Staff Liaison representative (MC representative) through discussion, proceeding to formal processes if this does not succeed, whilst adhering to all relevant legislation.

If a member of staff is offended, aggrieved or believes they are the subject of harassment; the best response is to take firm and positive action. The staff member is encouraged to make the person or persons aware that their actions and/or words are unwelcome.

If the behaviour continues or, if the staff member feels they are unable to speak to the person themselves, they should go to the Director or Team Leader, in their absence, the MC representative to:

- obtain information and clarify if the nature of the behaviour may constitute unlawful behaviour, or behaviour which would be considered a breach of this policy; and
- explore possible strategies for resolving the difficulty informally where appropriate (eg: an informal discussion with the person and a team leader leading to a resolution).

Open communication is encouraged between the DSCCC and staff members, in order to ensure that matters of concern are dealt with in an appropriate and effective manner.

Key definitions, including the definition of counselling procedure, staff grievance and unacceptable conduct are at Appendix 4.

8.1.2 Step 2: Lodgement of Complaint

If the reason for the complaint is not, or cannot be rectified by approaching the person with whom there is an issue directly, the following steps need to be taken:

- The complainant should report the complaint in writing to the Management Committee, marked for the attention of the Chairperson or, in their absence, the MC representative.
- The report should set out the nature and details of the complaint as well as any suggestions they have to resolve the complaint. Once the complaint has been made, care will be taken not to discriminate against or victimise the complainant or the respondent.
- The Chairperson advises Committee members of the receipt of the complaint by email or at the next Committee meeting.

8.1.3 Step 3: Consultation about the Complaint

The Committee must determine whether the complaint can be substantiated. This includes identifying appropriate and specific examples of those issues or concerns prior to any action being taken.

The Management Committee delegates authority to the Chair to appoint any two Committee members (one of whom may be the Chair or Director/Assistant Director) to a subcommittee (the “Complaints Subcommittee”) to consult with the parties involved to try and seek a resolution and investigate the matter if necessary.

The Management Committee may also delegate the responsibility of disciplinary meeting of staff to the Director/Assistant Director who will then liaise with the Staff Liaison Officer as required.

The consultation should be completed within seven working days of the lodgement of the formal complaint, unless the complainant agrees to an extension of this time frame.

The Complaints Subcommittee will attempt to resolve the matter to the mutual satisfaction of those involved.

The Subcommittee will initially meet with the complainant to understand how they would like to see the matter resolved.

The Complaints Subcommittee will meet with the respondent to notify him/her of the complaint. The respondent must be advised of the following:

- The right to have a support person present at all stages of the process, but not a legal representative. A support person may be a work colleague, union representative, friend or family member. A support person may offer support only. They are not there to act as an advocate or to disrupt proceedings.
- Not to contact the complainant in relation to the complaint.
- No action will be taken until the respondent has had an opportunity to be heard.
- If, after discussions with the respondent, it appears that a simple modification of behaviour on the part of the respondent will resolve the complaint to the satisfaction of the complainant, the Complaints Subcommittee should agree with the complainant that no further action should be taken. If after a period of three months there are no further complaints, the matter will be closed.
- The Complaints Subcommittee will report back on their actions and findings to the Committee on completing their consultation.

Where the Complaints Subcommittee has reasonable grounds to conclude that a breach of the standards of conduct prescribed in Appendix 1, 2 or 3 has occurred, the staff may be suspended from duty without loss of ordinary pay, pending an investigation. The Committee delegates to the Chair the authority for any decision relating to the standing down / suspension of staff with pay, pending an investigation.

8.1.4 Step 4: Complaint investigation phase

If it is not possible to resolve the complaint through discussions with relevant parties, within the timeframe set out in Step 3, the Complaints Subcommittee will investigate the complaint.

This investigation should be completed within 10 working days of the conclusion of the consultation phase, except in situations where there is a lodgement of a serious case of sexual or other forms of harassment, where the investigation phase should be completed within five working days.

All documents related to the complaint will be kept confidential and shall not be produced or made available for inspection except on instruction from a relevant authority in line with DSCCC's Privacy and Confidentiality Policy and current regulations.

The Management Committee will be kept informed of the progress of the investigation.

This investigation would take place prior to the Committee authorising any action such as work performance counselling, formal warnings or the termination of employment.

During the period of investigation of serious sexual or other harassment, wherever possible, the complainant and respondent should not be required to work with each other in the same physical area, if requested by either party. Wherever possible, alternate working arrangements should be made if requested by either party. If an alternative working arrangement is not possible, the Committee will arrange for a third person to be present whose role it will be to monitor all contact.

The Complaints Subcommittee will report their findings back to the Management Committee on completing their investigation.

8.1.5 Step 5: Committee Decision Making

No work performance counselling, or the issuing of warnings, or the termination of employment, will occur without the prior approval of the Committee. This decision will be made at a Committee meeting – or if no meeting is scheduled within the required timeframe, via email consensus – and all Committee members will respect the confidentiality of the information discussed.

The Committee will meet as soon as possible after the investigation has been completed and, based on the report received from the subcommittee, will decide action to be taken and refer this to a subcommittee for implementation. If a Committee meeting is not scheduled within the time frame set out in this policy, the resolution will be made by email.

If following investigation and resolution a complaint is deemed to have foundation, the Committee will determine an appropriate action plan, which addresses the issues of concern and will take steps to immediately prevent a

recurrence of the behaviour. Both parties will be told of the decision and the reasons for the decision. If the respondent is an employee, the complaint and resolution are to be noted on the personnel file.

Where a matter warrants disciplinary action but not dismissal (in the case of a staff member), regular checks should be undertaken to ensure the behaviour has stopped and that the solution is working satisfactorily.

Redress or compensation for the complainant could include a private or public written or verbal apology from the respondent.

If, following investigation, the complaint is found to have no foundation, the complainant may be counselled. If it is considered that the complaint was made maliciously, then disciplinary action may be taken against the complainant.

8.1.6 Step 6: Implementation and Action

After the Committee has decided what action is to be taken, a subcommittee, or Committee representatives and/or Director/Assistant Director will be appointed by the Committee to meet with the staff member/s concerned and implement the action in relation to counselling, disciplinary action or termination of employment in line with this policy. Meetings with staff will occur in accordance with the guidelines set out in Section 8.5 of this policy.

8.2 Work Performance Counselling Procedure

8.2.1 Purpose of Counselling

This counselling procedure will not apply in situations where there is conduct by the staff that justifies immediate disciplinary action, which may result in a warning or termination of employment.

The counselling procedure is intended as a positive exercise, to facilitate communication, and to assist the staff member in question to address matters related to their work performance or conduct, and for the DSCCC to clearly define what they see as the requirements of the position. It provides an opportunity for the DSCCC to discuss, and attempt to resolve, problems or concerns relating to a staff member's work performance, without needing to issue a warning.

In the event that issues relating to a staff member's work performance or conduct are not resolved within the time frame provided, the matters should be dealt with under the Discipline Procedure.

8.2.2 Counselling Procedure

The staff member must be notified of the counselling meeting in advance.

The Director and either MC Representative or Team Leader will meet with the staff member to discuss identified areas of concern related to the staff member's work performance or conduct. Discussions should identify what changes or outcomes are required in order to address the concerns raised. During the counselling meeting, DSCCC representatives and the staff member should listen to, and carefully consider, the views, reasoning and explanations provided to them by the other party.

The general content of the counselling meeting, and any specific outcomes and the timelines for these to be achieved, will normally be recorded in writing, a copy of which will be kept by the Director, and a copy given to the staff member.

8.2.3 Outcomes

The Director and/or MC Staff Representative will clearly identify and inform the staff member of particular outcomes and/or changes required, and the timelines in which they are to be achieved, so that the staff member can address issues related to work performance or conduct.

8.3 Discipline Procedure

8.3.1 Purpose of the Discipline Procedure

The Discipline Procedure is intended to address areas of concern related to a staff member's performance or conduct, through a formal structured process within reasonable timelines, using relevant strategies for conflict resolution and a process of evaluation/review.

As part of the discipline procedure, the staff member will be given a warning, issued in writing as well as verbally, after a meeting between representatives of DSCCC (whether the Director/Assistant Director or representatives of the Management Committee or both) and the staff member has been convened to discuss areas of concern relating to the staff member's work performance or conduct.

It is important for the staff member to understand that the discipline procedure normally consists of two warnings and, if necessary, will end in termination of employment where their performance or conduct fails to meet the required standard within appropriate timelines. Conduct which falls within the scope of unacceptable behaviour that justifies disciplinary action may also result in termination of employment.

8.3.2 Discipline Procedure

The staff member will be notified in writing of the date of the disciplinary meeting and the issues of concern. The staff member may request the attendance of a union representative at the disciplinary meeting, where this is consistent with a relevant Federal Award or industrial agreement. The staff member may elect to have another support person (excluding staff) of their choice present as a witness at any meetings or interviews. A support person may offer support only. They are not there to act as an advocate or to disrupt proceedings.

During the disciplinary meeting, both DSCCC representatives and the staff member should listen to and carefully consider the views, reasoning and explanations provided to them by the other party. The general content of the disciplinary meeting, and any specific outcomes, will be recorded in writing by the Director/Assistant Director and/or an Management Committee representative and a copy given to the staff member.

Records of disciplinary procedures and the issuing of warnings will be kept on the staff member's personnel file normally for a period of 12 months, after which, if there are no further warnings, they will be removed and either destroyed or returned to the staff member at the discretion of the Director and/or Management Committee.

The Director/Assistant Director and/or Management Committee will respect the right of the staff to request, in writing, a review of the decision to issue a warning in light of additional information provided by the staff member.

The Director/Assistant Director and/or Management Committee will abide by any obligations relating to disciplinary procedures, including maintaining staff entitlements, contained in any relevant industrial agreement to which DSCCC is a respondent party.

Section 8.5 of this policy contains guidelines for meetings between DSCCC and staff convened as part of this procedure.

8.4 Grievance Procedures

8.4.1 Purpose of Grievance Procedures

DSCCC Management aims to maintain a harmonious work environment but recognises that, from time to time, individual staff may have grievances which need to be resolved in the interest of good relationships.

This procedure aims to assist staff and management resolve staff grievances promptly and effectively and to the satisfaction of all concerned.

The rights of staff will be respected in the grievance process. Both DSCCC representatives and staff members will abide by their obligations under all Federal and State legislation and any relevant industrial award or agreement.

8.4.2 Grievance Procedures

DSCCC values continuous quality improvement. Grievance processes and outcomes are seen as an opportunity to learn to improve organisational performance. Confidentiality is a cornerstone of this procedure. Any staff, Committee member or student who uses the staff Grievance Procedure will be treated in the strictest confidence and no one is to discuss information about a grievance outside the grievance procedure.

A staff member who has commenced a grievance process may withdraw and stop the process at any time without penalty. However, the service must notify the Department of Education and Early Childhood Development within 24 hours after a complaint is made if the complaint alleges that the health, safety or wellbeing of any child may

have been compromised, or there may have been a contravention of relevant legislation. This must occur whether the complaint has been substantiated or not, or withdrawn.

No staff member will suffer any personal or professional disadvantage because they decide to pursue a grievance in accordance with this policy and procedures.

Staff members may elect to have an external support person of their choice as a witness at any meetings or interviews. A support person may offer support only. They are not there to act as an advocate or to disrupt proceedings.

Staff members may request attendance of a union representative at meetings when consistent with a relevant Federal Award or industrial agreement.

Until the grievance is resolved, work shall continue as normal (unless the grievance involves unsafe work practices).

Because of a possible conflict of interest, if the Director, Chairperson or other Committee members are personally involved in issues as a complainant, respondent or witness, they will stand aside from participation in subcommittees, or procedures related to the investigation or management of complaints.

DSCCC will ensure that all complaints, regardless of whether they are of a major or minor nature, will be treated seriously and an investigation carried out fairly and efficiently.

All parties to a complaint have the right to:

- have complaints conducted in a fair, objective and unbiased manner;
- be treated with respect;
- be kept informed, about the progress of their complaint;
- only have relevant factors taken into account in resolving a complaint;
- not be subjected to any form of retribution, either stated or implied;
- have a support person present at all stages of the process, but not a legal representative. A support person may be a work colleague, union representative friend or family member. A support person may offer support only. They are not there to act as an advocate or to disrupt proceedings;
- be kept informed, orally and in writing of the outcome of the complaint and the reasons for it.

All parties to the complaint are expected to:

- respect and consider alternative views and opinions;
- fully participate in the complaint process.

8.4.3 Steps in Grievance Procedure

Steps to be taken in a Grievance Procedure are consistent with the steps in the Complaints Procedure as set out in Sections 8.1.1 to 8.1.6.

8.5 Guidelines for Meeting with staff

The procedures in this policy may necessitate meetings between a subcommittee or Committee members appointed by the Committee and staff members to discuss or address issues of concern. The following are guidelines for the conduct of these meetings.

8.5.1 During a meeting with a staff member

- The subcommittee/Committee will clearly outline the complaint, performance issue or conduct, with reference to the staff member's position description.
- The subcommittee/Committee members will provide details to the staff member of specific instances where there has been failure to comply with requirements relating to work performance or conduct.

- The staff member will be given an opportunity to comment on and explain their own view of the work performance issues or conduct.
- The subcommittee/Committee members will outline outcomes that the Committee requires in relation to the particular work performance issues or conduct.
- The staff member may request the attendance of a union representative and/or support person at a warning meeting where this is consistent with a relevant Federal Award or industrial agreement.
- The subcommittee/Committee members will clearly inform the staff member of necessary requirements and/or changes so that the staff member can address issues related to work performance or conduct.
- The subcommittee/Committee members will consider any requests made by the staff member for appropriate and affordable training or support that could be of assistance to the staff member.
- Where appropriate a review date will be set to monitor and review required outcomes.

8.5.2 Record of Meetings

Where appropriate, the content of the meeting and any outcomes identified will be recorded in writing by the subcommittee/Committee members and a copy given to the staff member. This must always happen where the meeting relates to a complaint investigation.

8.5.3 Application to an External Organisations

As discrimination, sexual harassment, and victimisation are breaches of Victorian and Commonwealth legislation, the aggrieved party is also entitled to take their complaint to the appropriate Commission.

- The Victorian Equal Opportunity and Human Rights Commission can be contacted on 1300 292 153 or at www.humanrightscommission.vic.gov.au
- The Australian Human Rights Commission can be contacted on Phone: 1300 656 419 (local call) or 02 9284 9600, or complaintsinfo@humanrights.gov.au

Any suspected criminal offences can also be referred to Victoria Police.

Child care educators may from time to time consider they should report or refer a concern to either child protection or the Child FIRST intake service.

A new offence for failure to disclose child sexual abuse came into effect on 27 October 2014. The offence requires that any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) disclose that information to police. The offence applies to all adults in Victoria, not just professionals who work with children, unless they have a reasonable excuse. The Child Protection Crisis Line phone number is 13 12 78.

9. Additional responsibilities of the Management Committee

The Management Committee must:

- implement the standards of conduct as set out in this policy (refer Appendix 1 Standards of conduct – Staff and Appendix 2 – Child Safe Standards and Appendix 3 – Prohibited Behaviours)
- ensure a safe and discrimination free working environment for staff in accordance with relevant legislation
- ensure that confidentiality is maintained in accordance with this policy
- ensure that staff review the Standards of Conduct on an annual basis.

10. Related policies and legislation

See Appendix 4.

11. Evaluation

In order to assess whether the policy has achieved the values and purposes the Management Committee will:

- Monitor compliance with the expectations and procedures set out in the policy.
- Take into consideration feedback on the policy.
- Assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy.

Date Reviewed	Details of Changes (if any)	Date of Next Review
October 2017	Minor changes only	October 2019
October 2016	Inclusion of the Child Safe Standards in Appendix 2	June 2017
May 2015	Four policies combined – Code of	June 2017

	Conduct Policy – Staff; Staff Counselling, Discipline and Grievance Policy; Respect in the Workplace Policy; and Prevention Management – Harrassment and Bullying Policy	
May 2014	Minor Changes	June 2016
August 2012	Development of stand-alone Code of Conduct Policy – Staff (distinct from the Code of Conduct Policy – Parents/Guardians and Volunteers)	August 2013

STANDARDS OF CONDUCT – STAFF

- Staff must treat every person associated with the DSCCC – children, parents, guardians, other staff, and management - fairly, courteously, impartially and with respect all times.
- Staff must comply with all policies and procedures of the centre. These include the Centre's Privacy and Confidentiality Policy. Staff should respect the confidential nature of information gained, or behaviour observed, whilst working at DSCCC, in relation to children and adults.
- Staff should be aware of emergency evacuation procedures.
- Staff should always act in the best interests of children, their families and users of the centre.
- Staff should work in a cooperative and positive manner.
- DSCCC aims to be accessible to all regardless of culture, religion, background, or abilities. Staff will acknowledge (without discrimination) and respect the cultural and linguistic diversity, cultural practices and beliefs that their colleagues, parents and children bring to the DSCCC.
- Staff will provide safe quality care in a friendly environment, while fostering quality relationships, which will enhance children's development within a caring community. Staff members are to support families, while protecting and respecting their rights to care for and make decisions about their children.
- Staff must refrain from actions and behaviour that constitute discrimination, harassment, sexual harassment, bullying and victimisation.
- Staff should use courteous and acceptable verbal and non-verbal language. Staff must refrain from the use of profane, insulting, harassing, aggressive, abusive, threatening or otherwise offensive language.
- Staff should endeavour to create an environment for children in which they are treated with dignity and respect. Their basic needs must be met and they should be given opportunities to develop intellectual, social, physical and creative abilities to the fullest potential. Children should feel safe physically, emotionally and psychologically and be cared for by a responsive provider. Staff should have a commitment to meeting the needs of the individual child in the context of their family and culture and acknowledge the influences the family has on the child.
- Staff should recognise the rights of parents and guardians to have their children's needs met, to be consulted about and participate in reciprocal decision making about the care and wellbeing of their child and the management of the service. Staff should provide guidance to parents/guardians and volunteers through positive role modelling and, when appropriate, clear and respectful directions. Staff should also provide general feedback to parents and guardians on their children's development and progress, handle all complaints effectively and resolve conflict quickly without bias or discrimination.
- Staff should work with their colleagues to maintain and improve the standard of service provided at DSCCC. Staff should work to build an atmosphere of trust and respect by encouraging openness and tolerance between colleagues, accepting their right to hold different points of view, using constructive methods of conflict resolution, and maintaining appropriate confidentiality. Staff should work with colleagues, Management Committee and parents/guardians to provide an environment that encourages positive interactions and supports constructive feedback.
- Staff must 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. For example, staff members are responsible for assisting with toileting needs and nappy changing.
- Attendance at work whilst under the influence of alcohol or non-prescription drugs is unacceptable.
- Staff must not engage in unlawful activity at work.
- Staff must not engage in physical abuse of any person or corporal punishment.
- Staff must not engage in intimidatory behaviour. Staff must not treat any person, particularly children, in a frightening, threatening or demeaning manner.
- Staff must comply with all legislative obligations.
- All staff must have a valid Working with Children Check.

Appendix 2

CHILD SAFE STANDARDS

All personnel of Dawson Street Child Care Co-operative are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- adhering to Dawson Street Child Care Co-operative (DSCCC) child safe policy at all times
- taking all reasonable steps to protect children from abuse
- treating everyone with respect
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that adults are not left alone with a child
- reporting any allegations of child abuse or safety concerns to Narelle Lawton – Centre Director or a member of the leadership team, and ensure any allegation is reported to the police or child protection
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

Staff must not:

- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps. Sitting on laps could be appropriate sometime, for example while reading a storybook to a small child in an open plan area)
- put children at risk of abuse (for example, by locking doors)
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of culture, race, ethnicity or disability
- have contact with a child or their family outside of our organisation without our Directors consent (for example, no babysitting). Accidental contact, such as seeing people in the street, is appropriate)
- have any online contact with a child or their family (unless necessary, for example providing families with e-newsletters)
- ignore or disregard any suspected or disclosed child abuse.

By observing these standards you acknowledge your responsibility to immediately report any breach of this code to DSCCC Director Narelle Lawton.

If you believe a child is at immediate risk of abuse phone 000.

PROHIBITED BEHAVIOURS AT DSCCC

Discrimination

It is unlawful to discriminate against a person in employment, education or the provision of goods and services on the basis of any of the following attributes or personal characteristics:

- age
- breastfeeding
- employment activity
- gender identity
- impairment
- industrial activity
- lawful sexual activity
- marital status
- parental status or status as a carer
- physical features
- political belief or activity
- pregnancy
- race
- religious belief or activity
- sex
- sexual orientation
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Direct discrimination is treating a person with an attribute or personal characteristic unfavourably, because of that protected attribute (eg: refusing someone a promotion because they are a union member).

Indirect discrimination is the imposition of a condition, requirement or practice that disadvantages a person or people with a protected attribute, and is unreasonable (eg: a job as a cleaner requires the applicant to speak and read English fluently).

Sexual Harassment, Harassment, Bullying, Victimization and Workplace Bullying

Sexual harassment, harassment, bullying, victimisation and workplace bullying are prohibited behaviours at DSCCC.

Under the *Sex Discrimination Act 1984* and the *Equal Opportunity Act 2010*, *sexual harassment* refers to unwanted, unwelcome behaviour, which is offensive, embarrassing, intimidating or humiliating (eg: unwanted physical contact, suggestive behaviour or comments, propositioning and unnecessary and/or unwelcome familiarity).

Harassment is a form of discrimination related to a protected attribute and includes, but is not limited to, unwanted and unwelcome behaviour, which is offensive, embarrassing, intimidating or humiliating, and is because of a protected attribute. For the purpose of this policy, the word 'harassment' will be used to include sexual and other forms of harassment including bullying.

Bullying is repeated, unreasonable behaviour directed towards a staff member or group of staff that creates a risk to health or safety (eg: verbal abuse, excluding or isolating staff members, intimidation, assigning meaningless tasks unfairly, giving employees impossible assignments, deliberately changing work rosters to inconvenience particular employees).

Victimization is treating someone detrimentally because they make a complaint under this policy, or be a witness to a complaint (eg: placing an employee on a performance management plan when they make a complaint about bullying).

Workplace Bullying is repeated, unreasonable behaviour directed towards a staff member, or group of staff, that creates a risk to health or safety.

Not reasonably catering for family responsibilities

The *Equal Opportunity Act 2010* makes it unlawful for an employer to unreasonably refuse to accommodate a staff member's parental or carer responsibilities, in relation to their work arrangements either when offering employment or during the course of employment.

In considering a request from an employee and determining whether a refusal is reasonable in the circumstances the following factors should be considered:

- the employee's circumstances, including the nature of his or her responsibilities as a parent or carer; and
- the nature of the employee's role; and
- the nature of the arrangements required to accommodate those responsibilities; and
- the financial circumstances of the employer; and
- the size and nature of the workplace and its core business
- the effect on the workplace and business, of accommodating those responsibilities; and
- the consequences for the employer of making such accommodation, and
- the consequences for the employee of not making such accommodation.

Not making reasonable adjustments

The *Equal Opportunity Act 2010* provides that employers must make reasonable adjustments for anyone offered employment or any current employees with an impairment, to enable them to participate in their employment. In determining whether an adjustment is reasonable all relevant facts and circumstances must be considered.

The employer does not have to make reasonable adjustments where the employee could not perform the genuine and reasonable requirements of the job, even after the adjustments are made.

Appendix 4

KEY DEFINITIONS

Counselling procedure is a method of dealing with work performance of staff through discussion between the DSCCC and staff without recourse to the discipline procedure.

Discipline procedure is a formal procedure normally consisting of one or more warnings and, if warranted can result in termination of employment.

DSCCC is the Dawson Street Community Child Care Co-operative. The Director will be viewed as the DSCCC's representative unless a conflict of interest occurs.

Respondent is a person about whom a complaint has been made.

Staff Grievance: A staff grievance occurs where a staff member is concerned about some aspect of their employment or treatment by another person or by a management decision, and wishes some action to be taken to remedy the situation.

Unacceptable conduct of staff is behaviour that justifies disciplinary action, which may include termination of employment, including termination without notice or pay in lieu of notice.

Unreasonable behaviour means behaviour that a reasonable person, having regard to all of the circumstances, would expect to victimise, humiliate, undermine or threaten.

Warning is a formal discipline procedure issued both verbally and in writing.

RELATED POLICIES AND LEGISLATION

Centre policies

- Code of Conduct Policy – Parents/Guardians and Volunteers
- Respect in the Workplace Policy
- Complaints and Grievances Policy
- Privacy and Confidentiality Policy
- Model Rules

Relevant legislation

- *Australian Human Rights Commission Act 1986*
- *Child Wellbeing and Safety Act 2005*
- *Children, Youth and Families Act 2005*
- *Disability Discrimination Act 1992*
- *Education and Care Service National Law Act 2010.*
- *Education and Care Service National Regulations 2011 (NSW).*
- *Equal Opportunity Act 2010*
- *Fair Work Act 2009*
- *Occupational Health and Safety Act 2004*
- *Racial and Religious Tolerance Act 2001*
- *Sex Discrimination Act 1984*
- *Work Health and Safety Act 2011*

Other relevant documents:

- Relevant industrial awards and agreements
- Victorian Kindergarten Policy Procedures and Funding Criteria 2013
- Work Performance Counselling Meeting Information Kit. This is available on request from ELLA.
- ELLA Industrial Relation Advisers will provide advice and support when required. The DEECD publication Children's Services Licensing Operational Guide and Services Practice Notes – Dealing with Complaints (<http://pandora.nla.gov.au/pan/107903/20091007-1513/www.education.vic.gov.au/ecsmanagement/careankinder/csg/guide/atoz.html>) (Note these have not been updated to reflected the Children's Services Regulations 2009)
- WorkSafe Victoria Prevention of Bullying and Violence at Work. Available from local WorkSafe Victoria offices or website on www.worksafe.vic.gov.au.

CODE OF CONDUCT - Acknowledgement & Agreement

I hereby acknowledge that on [date] I received a copy of the *Staff Conduct Policy* for the Dawson Street Child Care Co-operative (DSCCC).

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

I understand that the Management Committee will deal with any breach of this policy.

I understand that a signed copy of this statement of commitment will be kept on file whilst I am employed with the Centre, and will be disposed of at the end of this time.

Name:

Signature:

Date: