



IMMACULATE HEART COLLEGE

Through Mary to Jesus: "The Way, the Truth and the Life"

John 14:6

STAFF CODE OF CONDUCT

MISSION STATEMENT

The College's mission is to help students to understand how to obtain "salvation in Christ."¹

The College will encourage students to grow in holiness and aspire to become saints through:

- A tender devotion to Our Lady
- A special devotion to the Blessed Sacrament and love for the Mass
- Regular reception of the Sacraments
- Love for the Pope and obedience to the Magisterium
- Learning the virtues
- Bearing witness to Jesus Christ through their words and actions

As Pope Benedict says:

*A good school provides a rounded education for the whole person and a good Catholic school, over and above this, should help all its students to become saints.*²

The College strives for excellence in academic and religious studies, as well as in social development and physical fitness programmes. In this way, it will enable its students to become fine Catholic citizens and leaders in Australian society. Parents will also be closely involved in the College by their participation in regular talks on academic matters, aspects of the faith, and parenting skills.

A personalised education will be fostered using the Tutorial System. The College's staff will keep in close contact with parents and will mentor individual students throughout their education so that the students will be given the best possible means to develop holistically.

IHC is committed to providing a child safe environment which safeguards all students and is committed to promoting practices which provides for the safety, wellbeing and welfare of our children and young people. IHC expects all College community members including staff, volunteers, students, visitors and contractors to share this commitment.

Staff Code of Conduct

Purpose

Immaculate Heart College's (IHC) values are defined by the context of its position as an Independent School which teaches the Catholic faith and member of the Association of Independent Schools of Western Australia (AISWA).

The IHC Staff Code of Conduct details, clarifies and affirms the standards of behaviour expected by teaching and non-teaching staff within a Catholic school community.

Central to the mission of a Catholic community is an unequivocal commitment to fostering the dignity, self-esteem and integrity of each and every person present within the school community. The provision of a safe, supportive and enriching environment is an essential

¹ Congregation for Catholic Education, *The Catholic School, 1977, p.12, n7*

² Op.cit Pope Benedict XVI, *Address to the Catholic School Children in England, 2010*

element in achieving this objective.

Responsibilities of Employees and Volunteers

Employees and volunteers are expected to comply with expectations in the employer-employee relationship, including:

- accessing and reading the IHC Code of Conduct
- enacting the provisions of the IHC Code of Conduct in good faith;
- developing relationships based on mutual courtesy, trust, respect for the dignity of the human person, collegiality and open communication;
- using constructive methods for resolving any conflict which may arise;
- abiding by all relevant policies, including Child Protection policy;
- enacting any duty of care towards an employee, student past or present or volunteer;
- contributing to IHC and its enacting a duty of care;
- refraining from conduct which may amount to both misconduct or serious misconduct;
- demonstrating and modelling ethical and moral behaviours both in and out of school
- complying with any risk management processes in place, including any risk assessment processes;
- maintaining appropriate professional qualifications and registrations;
- abiding by all responsibilities, commitments and duties set out in contracts of employment;
- maintaining confidentiality of information and privacy obligations unless disclosure is required by law (including as prescribed by the Child Protection Legislation and Child Protection Policy), by a professional standard applicable to the employee or volunteer, or unless there is risk of harm to a student or the personal safety of a member of the community;
- declaring, or avoiding where appropriate, all conflicts of interest (actual or perceived) and otherwise refraining from acting or giving the appearance of acting contrary to IHC policies and ethics

- serving IHC faithfully, diligently and with due care and skill;
- ensuring personal appearance and presentation is clean, tidy, modest, role-appropriate and in accordance with policies;
- observing the principles of natural justice and procedural fairness in dealing with any complaints against colleagues;
- avoiding behaviours which are or might reasonably be perceived as Workplace Harassment or Sexual Harassment in accordance with policies;
- being truthful when making statements about qualifications, experience and competencies;
- enacting obligations to a standard commensurate with professional skills and qualifications;
- refraining from conduct which may amount to serious misconduct or otherwise warrant summary dismissal from employment;
- using the resources at IHC only as prescribed in policies or his/her contract of employment.

Disciplinary Process

Any disciplinary process in relation to a breach of the IHC Code of Conduct will be managed with procedural fairness and in keeping with the principles of natural justice. The Principal retains discretion in responding to breaches of the IHC Code of Conduct.

Absences

Staff members who are unable to attend work are required to follow the following process:

Teaching Staff

In the case of unforeseen absences, e.g.–illness, teaching staff are asked to telephone the Principal no later than **7:15 am** on 0401 294 942.

Non-Teaching Staff Non-teaching staff members are required to notify the Principal by phone or email as early as practicable, preferably prior to the expected commencement time.

All staff are required to complete a ‘Leave Form’ and have the Principal sign and date.

Staff Induction

New staff must undergo an induction process. An induction requires the provision of a copy of

the Code of Conduct and oral explanation and an inviting and responding to questions from the new staff member. A record of the induction and dates are to be provided and signed by the inductor and the inductee. The Code of Conduct must also be signed by all staff.

Professional Attire

Staff members are expected to adopt professional grooming and attire in keeping with the College's professional environment.

Staff members are required to present a professional image at all times.

Additionally, staff members are required to wear allocated name badges when on the College campus.

Formal Functions

At formal functions, staff members are required to wear formal attire such as a jacket and tie (for men) and professional formal attire (for women).

Sports Functions

Staff members are required to wear allocated College sportswear on all sporting occasions.

Uniform

Where College uniform or personal protective equipment (PPE) has been allocated, it is required to be worn, where applicable whilst working on the College campus.

Unacceptable Attire

The following are considered unacceptable professional attire:

- Shorts, jeans, denim or corduroy clothing, cargo style pants;
- Street casual, t-shirts, sweat shirts, muscle or mesh shirts, collarless shirts (for men)
- Sheer tops, tank tops, indiscreet neck lines, or shoestring or backless tops (for women)
- Clothing that is tight fitting, revealing or has distasteful or offensive images, slogans or words
- Casual footwear, sports shoes (trainers) or thongs

Alcohol

- In accordance with the IHC Code of Conduct, staff members are not to be under the influence of alcohol during business hours or during times where they have responsibility for students or are otherwise fulfilling responsibilities. Additionally, alcohol may not be brought onto the College grounds or consumed at the College without the verbal or written consent of the Principal.

Smoking

- In accordance with the College's Smoke Free College Policy, Immaculate Heart College is a smoke free campus. Smoking is not permitted on the IHC premises during times where an employee or volunteer has responsibility for students.

Drugs

- In accordance with the IHC Code of Conduct, staff members are not to be under the influence of illegal drugs during business hours or during times where they have responsibility for students or are otherwise fulfilling responsibilities to IHC.

Fitness for Work

- To be fit for work means that you are in a state (physically, mentally and emotionally) that enables you to perform your duties in a manner that does not compromise your safety or the safety of your colleagues or those in your care.

Information Communication Technology (ICT) Usage by Staff

- ICT is primarily to be used for work or business related purposes and personal use should be kept to a minimum. Staff members are required to use email and internet systems in compliance with the College's ICT Use by Staff Policy and Procedure.

Copyright

- Australian copyright is governed by the Copyright Act 1968 (Cth) so all members of the IHC Community must be aware of and adhere to, their copyright obligations including those pertaining to Moral Rights.
- All questions regarding Copyright can be answered by visiting: The Official Guide to Copyright Issues for Australian Schools and TAFE
<http://www.smartcopying.edu.au/information-sheets/schools>

College Equipment

- The College expects staff members to use College equipment safely as per its specific purpose and as instructed, complying with applicable College policies, procedures and guidelines. Additionally, it is expected that staff members will utilise appropriate personal protective equipment (PPE) and ensure equipment is available as needed to meet schedule requirements.

Record keeping

All employees at Immaculate Heart College have a responsibility:

- a) to create and securely maintain full, accurate and honest records of their activities, decisions and other business transactions, and
 - b) to capture or store records in the school's record systems.
1. You must not destroy or remove records without appropriate authority.
 2. The Principal has a responsibility to ensure that the employees reporting to him/her comply with their records management obligations.
 3. Employees are responsible for assessing and recording marks for students' work must do so accurately, fairly and in a manner that is consistent with relevant School Standard and Curriculum policy and the requirements of Immaculate Heart College. These are to be filed in a place as indicated by the Principal and kept safe until the student turns the age of 25 as a matter of course.
 4. Employees must maintain the confidentiality of all official information and documents which are not publicly available or which have not been published.

Exit Process

- Prior to a staff member's completion of employment with the College, the Principal will liaise with the departing staff member to complete the departure process to ensure all College property has been returned, such as, laptops, keys, security passes etc.
- Additionally, departing staff members will be invited to attend an exit interview. This voluntary and confidential interview is conducted by the Principal, and information gathered is used for reporting and continual improvement purposes.

Staff Performance Review and Development

- As part of our commitment to your ongoing development, the College requires you to participate in a formal performance review and development process and be in

accordance with the Professional Standards for Teachers in WA conducted at least once annually. This will usually occur in either Term 3 or 4, concluding by the end of the school year.

- This two-way communication process is an opportunity for staff members to reflect and self- evaluate their performance and gain feedback from the Principal. At this time, performance and development objectives are agreed upon and set for the next year.

Child Protection

Rational

Immaculate Heart College acknowledges that a common goal shared by all Independent Catholic schools, is that students should learn about their value as human persons from the time they enter the College community. This principle influences every level of the College's life so that students learn about their own dignity and value as a human person. The care and attention they receive from all within the College should help them realise this fundamental principle.

Moreover, there is an acceptance at the College of a shared responsibility for the pastoral care of students. In terms of the staff at the College there is also acceptance that the role of an educator encompasses the duty of one who helps to develop the student holistically. The Principal has the ultimate responsibility for this care and he is supported by a pastoral care system that requires the full support and commitment from all staff.

Within this structure the College, in partnership with parents who are the primary educators of their children, there is an aspiration to promote the total education of the student. This ideal acknowledges that school staff has a duty of care to students during school hours and at other times when a staff/ student relationship exists. This duty of care falls under the area of common law that is established by the courts on the basis of precedent. The concept of duty of care requires that a staff member must take reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to injure the student and take steps to remove those dangers.

Within this policy statement the College accepts its responsibilities for the duty of care of all students.

Scope

This Policy encompasses all Immaculate Heart College staff.

Definitions

Child Abuse in this policy refers to the long term and/or short term maltreatment of all Immaculate Heart College students including those who are over 18 years of age. It is the result of action or inaction which results in harm or injury to a child. Child abuse may be categorised as follows:

- physical abuse
- sexual abuse
- emotional abuse and/or psychological abuse
- neglect

Child Protection

‘Child protection’ refers to the prevention and response to abuse against children. This includes the policies, preventative measures and procedures to protect children from both intentional and unintentional harm. Historic allegations, refers to any information alleging child abuse where the child is a former student of the College.

Principles

In the best interests of the child, the child protection strategies and procedures to be followed are based on the following principles:

- All College staff have a responsibility to care for children and to promote their safety and wellbeing.
- All children have the right to a thorough and systematic education in all aspects of personal safety. This should be done in partnership with their parents/guardians/caregivers.
- The dignity of the person shall be maintained and respected in all dealings regarding allegations of child abuse.
- The Principal is required to ensure that all staff are aware of and comply with legislation and policies with respect to child protection.
- The confidentiality of all concerned in relation to an allegation of child abuse should be respected subject to the disclosures required to be made in accordance with the Child

Protection Procedures for Independent Schools in Western Australia.

Procedures

Immaculate Heart College Staff identify concerns regarding the sexual, physical, psychological and emotional abuse or neglect of a child must respond according to the Child Protection Procedures for Independent Schools in Western Australia.

The Principal shall ensure that staff receive an induction, in relation to the Child Protection Procedures for Independent Schools in Western Australia and undertake Professional Development in Mandatory Reporting every 12 months.

The Principal shall ensure the school's pastoral care structures reflect the Child Protection Procedures for Independent Schools in Western Australia.

The Principal as an approved “class of persons” in accordance with the Act and is able to take mandatory reports regarding child sexual abuse. The Principal has a legal obligation upon receiving mandatory reports regarding child sexual abuse to forward these unaltered to the approved agency (currently the Department for Child Protection and Family Support - DCPFS) as soon as possible (usually within 24 hours). Staff also have the option by law to report directly to DCPFS. In the case of a student who is over the age of 18 years the Principal has an obligation to report the matter to the Police.

Immaculate Heart College Staff shall act in accordance with the relevant section of Child Protection Procedures for Independent Schools in Western Australia in regard to any historic allegations of child abuse.

Maintain Professional Relationships Between Employees and Students

Teachers at Immaculate Heart College need to treat their students with courtesy and respect and provide an environment that encourages their students to do the same.

All staff are expected to always behave in ways that promote the safety, welfare and well-being of children and young people. You must actively seek to prevent harm to children and young people, and to support those who have been harmed.

While not all employees are required to manage and supervise students, it is important for all school employees to understand and observe the school’s child protection policies.

Supervision of students at Immaculate Heart College

- 1 Do not be alone in an enclosed space with a student. Where you are left with the responsibility of a single student you should ensure that this is in an open space in view of others. Where this is not possible or practical it should be discussed with the Principal. Teaching staff are asked not to cover their classroom windows with any material that may obscure the view inside
- 2 Do not drive a student in your car unless you have specific permission from your supervisor and/or the Principal and written permission from the parent to do so. In the event of an emergency you should exercise discretion but then report the matter to the Principal.
- 3 When staff members conduct a private conversation with a student, you should consider the time and venue carefully to avoid placing yourselves in a vulnerable situation. It is preferable to leave the door open. You should not locate yourself between the student and the door.
- 4 When confiscating personal items, such as mobile phones or hats, ask students to hand them to you this should ONLY be done if there is a school policy that allows for the confiscation of student property. Only take items directly from students in circumstances where concern exists for the safety of the student or others and your own safety is not jeopardised by this action.

Physical contact with students at Immaculate Heart College

1. Teachers must not impose any form of corporal or demeaning punishment on a student in the course of your professional duties. Refer to the school's Student Management Policy.
2. When physical contact with a student is a necessary part of the teaching/learning experience you must exercise caution to ensure that the contact is appropriate and acceptable. You should seek reassurance from the student before making contact or asking for a volunteer if necessary to demonstrate a particular activity.
3. Attention to the toileting needs of young children should be done with caution. It may be appropriate to have the door open. For students with a disability the management of toileting needs should be included in the student's individual management plan.
4. When congratulating a student, a handshake, pat on the shoulder or brief hug are acceptable as long as the student is comfortable with this action. Kissing of students is not acceptable.
5. Assessing a student who is injured or ill may necessitate touching the student. Always advise the student of what you intend doing and, if they are conscious, seek their consent.

6. Sometimes in ensuring duty of care you may be required to restrain a student from harming him or herself or others using reasonable force. Any such strategy must be in keeping with the school's behaviour management practices or individual student management plans. You should report and document any such incidents.

Relationships with students at Immaculate Heart College

1. You must not have a romantic or sexual relationship with a student. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual or condoned by parents or caregivers. You are reminded of:
 - a) the law prohibiting sexual relations with a person under the age of consent (16 years); and
 - b) the law prohibiting sexual relations between a teacher and his or her student under the age of 18 years.
2. You must not develop a relationship with any student that is, or that can be interpreted as having a personal rather than a professional interest in a student. An overly familiar relationship with any student (including any adult student) that you are responsible for teaching, tutoring, advising, assessing, or for whom you provide pastoral or welfare support raises serious questions of conflict of interest, trust, confidence, dependency, and of equality of treatment. Such relationships may also have a negative impact on the teaching and learning environment for other students and colleagues, and may carry a serious reputational risk for the school.
3. If you consider that a student is being overly familiar, seeking to establish a personal relationship with you or has developed a 'crush' on you, you should report your concerns to the Principal as soon as possible so that a plan can be developed to manage the situation effectively and sensitively.
4. At all times when speaking with student's, care must be taken to use appropriate language. You must always treat students with respect and without favouritism. There is no place for sarcasm, derogatory remarks, inappropriate familiarity or offensive comments.
5. You may, as part of your pastoral care role, engage in discussion with students. This is entirely appropriate. However, you must be cautious about making personal comments about a student or asking questions that probe your own or a student's sexuality or relationships. You must not hold conversations with a student of an intimately personal nature where you disclose information about yourself.
6. You must not:
 - a) invite students to your home;
 - b) visit students at their home; or

- c) attend parties or socialise with students, unless you have the express permission of the Principal and the child's parents or care giver.
- 7. You must not engage in tutoring or coaching students from the school without the expressed permission of the Principal
- 8. You must not invite students to join your personal electronic social networking site or accept students' invitations to join their social networking site.
- 9. You must not give gifts to students. You should also carefully consider your position before accepting any gift from a student or a parent.
- 10. Wherever practical, you should avoid teaching or being involved in educational decisions involving family members or close friends. Where it is not practical to avoid such situations completely, another member of staff should make any significant decisions relating to the student's assessments and have those endorsed by the Principal.
- 11. You should be aware of, and sensitive to, children with culturally diverse or indigenous backgrounds and cultural practices that may influence the interpretation of your behaviour.

Grooming Behaviours

Definitions

Grooming in a child protection context refers to deliberate actions undertaken to engage in sexual activity with a child. It differs from sexual abuse in that it is primarily a preparatory activity occurring before abuse occurs, but is continued during and after the abuse to ensure the safety of the groomer.

Grooming is a subtle, gradual, and escalating process of building trust with a child and those around the child, both children and adults, with the express purpose of the sexual gratification of the perpetrator. This generally involves engaging in sexual activity with the child. It is deliberate and purposeful and occurs both before and after the abuse. Abusers may groom children and supporting adults for weeks, months, or even years before any sexual abuse actually takes place. The grooming may occur in person, via cyber media and/or other forms of communication.

A committed offender will employ grooming behaviour from an early stage and because it is so subtle and gradual the child may not even be aware that the actual abuse when it occurs, is wrong or harmful. The grooming occurs with the child but also with those supporting networks around the child which might normally act as a deterrent or protective element. The perpetrator will invest significant energy and patience to minimise the risk of detection and exposure.

The groomer will employ manipulation, guilt, shame, bribery, coercion or exploit low self-esteem to psychologically manipulate the child. As a result, the child becomes increasingly

dependent on the groomer and increasingly alienated from protective elements including possible sources of help. This is a deliberate strategy employed to maintain the secrecy of the abuse and to ensure the silence of the child.

Immaculate Heart College's Commitment

While distinguishing between appropriate intent and inappropriate intent is often difficult, particularly for a child. Consequently, Immaculate Heart College has very clear expectations and boundaries around staff behaviours, in order to maintain a collectively rigorous accountability and commitment to ensure students are kept at all times from the grooming behaviours outlined above.

All staff at Immaculate Heart College must continue to work to improve their knowledge and understanding in this area, so they are able to challenge existing practice, recognise unprofessional behaviour and commit to ensuring that the following behaviour is never perpetrated against a student.

Grooming behaviour with children may include, but is not limited to:

- Selecting and befriending a child and gaining his or her trust and then exploiting the child's vulnerabilities.
- Testing a child's boundaries through telling inappropriate jokes, roughhousing, backrubs, tickling, or sexual games.
- Moving from non-sexual touching to "accidental" sexual touching. This typically happens during play so the child may not even identify it as purposeful, inappropriate touching. It is often done slowly so the child is gradually desensitised to the touch.
- Manipulating the child to not tell anyone about what is happening. The abuser may use a child's fear, embarrassment, or guilt about what has happened. Sometimes, the abuser uses bribery, threats, or coercion.
- Causing the child to feel responsible for the abuse. Children may not notice or may become confused as the contact becomes increasingly intimate and sexual.

Grooming behaviour with adolescents may include additional strategies, such as:

- Identifying with the adolescent. The abuser may appear to be the only one who understands him/her.
- Displaying common interests in sports, music, movies, video games, television shows, etc.
- Recognising and filling the adolescent's need for affection and attention.
- Giving gifts or special privileges to the adolescent.
- Allowing or encouraging the adolescent to break rules (e.g., smoking, drinking, using drugs, viewing pornography).
- Communicating with the adolescent outside of the person's role (e.g., teacher, or coach). This could include, for example, texting or emailing the teen without the parents' knowledge.

In addition to grooming the child, the groomer will use deflection strategies to remain unchallenged. Some of these strategies may include where the perpetrator:

- promotes self and creates a reputation as caring, child-loving, competent, available, trustworthy, truthful
- raises doubts about the motives, mental health, reliability of the child or anyone else who might approach support services with allegations
- fosters dependency as someone the family can rely on
- positively represents child to others so as to be perceived as someone who would never harm the child

Workplace Bullying, Harassment and Unlawful Discrimination

Rational

Central to the mission of Immaculate Heart College is an unequivocal commitment to fostering a safe workplace culture that is characterised by an atmosphere of charity, mutual respect and dignity.

Immaculate Heart College is committed to providing a harmonious work environment that is free from unlawful discrimination, harassment, bullying and victimisation. Furthermore, the College seeks to embrace diversity within a values and Catholic faith-based workplace.

Purpose

It is unlawful to harass, unlawfully discriminate against, victimise or bully a person within a workplace. Where a person experiences such behaviours in the workplace, the employer may be legally responsible. Furthermore, all those involved in a workplace share a responsibility to promote an environment that is free from harassment, unlawful discrimination, victimisation and bullying.

Scope

It is expected that all College staff members will conduct themselves in accordance with this policy.

Definitions

Workplace Bullying

Workplace bullying is the repeated, unreasonable or inappropriate behaviour directed towards a staff member, or a group of staff members, that creates a risk or hazard to health and safety.

Workplace bullying may also involve the misuse of power, be it actual or perceived and may include subtle or obvious behaviours. A workplace situation can be identified as workplace bullying if a staff member or staff members are harmed, intimidated, threatened, victimized, undermined, offended, degraded or humiliated. In accordance with the *Occupational Safety and Health Act 1984 (WA)*, workplace bullying can be treated as a hazard to health and safety of a staff member in the workplace.

What is Workplace Bullying?

Workplace bullying can range from very obvious overt behaviours to very subtle covert behaviours. These behaviours may include:

- the use of abusive, insulting or offensive language
- behaviour or language that frightens, humiliates, belittles or degrades, including criticism;
- derogatory comments about a person's appearance, lifestyle or their family
- teasing or repeatedly making a person the brunt of pranks or practical jokes
- deliberate attempts to isolate a worker(s) from others
- spreading destructive gossip and rumours about a person(s)
- physical assault or threats
- setting unreasonable timelines for task completion or constantly changing deadlines
- constantly setting tasks that are below or beyond a person's skill level
- ignoring or isolating a person
- deliberately denying access to information, consultation or resources required for task completion

What is not Workplace Bullying?

Employers have a legal right to direct and control how work is done and managers have a responsibility to monitor workflow and give feedback on performance. Workplace bullying is not the provision of reasonable direction of tasks, monitoring of workflow or giving feedback on performance by a manager or supervisor.

Harassment

Harassment is the unwelcome and unwanted treatment that discriminates against, humiliates, offends or intimidates a person on the basis of personal characteristics identified as grounds for discrimination under Federal or State law, which include gender, age, race, disability, sexual preference and religion.

Sexual Harassment

Sexual harassment is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

A person is taken to have sexually harassed another if they have made an unwelcome request for sexual favours or have engaged in other unwelcome conduct of a sexual nature; and

- The object of the advance has been disadvantaged in some manner regarding his/her employment or work; Or
- The object of the advance believes that rejection or refusal of the advance/proposal/request/suggestion would disadvantage him/her in any way in connection with his/her employment or work. Sexual harassment can take many different forms and includes physical contact, verbal comments, jokes, propositions, the display of obscene or pornographic materials, general sexual banter, crude conversations or innuendo and offensive jokes or other behaviour which creates a sexually hostile working environment. If the interaction is based on mutual attraction and is consensual, welcomed and reciprocated, it cannot be construed as sexual harassment.

What is sexual harassment in the workplace?

Sexual harassment in the workplace can take various forms. Examples may include but are not limited to:

1. unwelcome touching;
2. staring or leering;
3. sexually explicit pictures or posters;
4. unwanted invitation to go out on dates;
5. requests for sex;
6. intrusive questions about a person's private life or body;

7. unnecessary familiarity, such as deliberately brushing up against a person;
8. insults or taunts based on sex;
9. sexually explicit physical contact; and
10. sexually explicit emails, SMS text messages or materials displayed in other technical forums.

Unlawful Discrimination

There are various federal and state laws in place that detail the grounds of unlawful discrimination. Under federal legislation, the *Human Rights and Equal Opportunity Commission Act 1986 (Cth)* and the *Human Rights and Equal Opportunity Regulations 1989 (Cth)* defines unlawful discrimination as meaning any acts, omissions or practices that are unlawful on the grounds of:

- Race;
- Colour;
- National extraction;
- Social origin;
- Age;
- Sex;
- Marital status;
- Sexual preference;
- Impairment;
- Religion;
- Political opinion; or
- Trade union activity.

Under Western Australia legislation, the *Equal Opportunity Act 1984* states the grounds for unlawful discrimination are:

- Age;
- Pregnancy and Breastfeeding;
- Family responsibility;
- Family status;
- Gender history;
- Impairment;
- Marital status;
- Political Conviction;
- Race;
- Religious conviction;
- Sex; or
- Sexual orientation.

Direct discrimination;

Direct discrimination takes place when a person is treated less favourably than another person, in the same or similar circumstances, on one or more of the grounds covered by the *Equal Opportunity Act 1984*.

Indirect discrimination;

Indirect discrimination happens when an apparently neutral rule has a negative effect on a substantially higher proportion of people based on a particular ground, or protected attribute or characteristic, and the rule is unreasonable in the circumstances.

Within the *Equal Opportunity Act 1984* there are exceptions for education institutions established for religious purposes in connection with the employment of a staff member, where such '*discrimination occurs in good faith to avoid injury to the religious susceptibilities of adherents of that religion or creed.*'

Victimisation

Includes threatening, harassing or punishing a person in any way because they have objected about the discriminatory manner in which they have been treated. Victimisation applies to anyone who has made a complaint; anyone intending to make a complaint; and anyone giving evidence about a complaint.

Workplace

The workplace is the environment in which a staff member is required to carry out their work. The legal responsibility extends beyond the College campus, to include working at a client's premises, work related trips, seminars, training and work related social functions.

Contact and Support Officer

The Principal is the primary Contact and Support Officer for staff experiencing bullying, harassment or discrimination. Their role is not to resolve or investigate issues but to provide staff members with the opportunity to talk informally about the issue, provide information about the options available to resolve the issue and support them as they decide what course of action to take.

Principles

- 1 The College is committed to ensuring that the working environment is free from harassment, discrimination and bullying. These behaviours will not be tolerated under any circumstances and disciplinary action up to and including dismissal, may be taken

against any staff member who has been found to have breached this policy.

- 2 The College aims to: Create a working environment which is free from harassment and where all staff members are treated with dignity, courtesy and respect;
- 3 Implement awareness programs to ensure that staff members know their rights and responsibilities; Provide an effective procedural fairness grievance resolution process to manage complaints;
- 4 Treat all complaints in a sensitive, fair, timely and confidential manner; Ensure investigations are conducted in an impartial, fair, unbiased and transparent manner; Ensure protection from any victimisation or reprisals;
- 5 Encourage the reporting of behaviour that breaches this policy; Promote appropriate standards of conduct at all times.
- 6 College staff members are required to: Comply with the College's Workplace Bullying, Harassment and Unlawful Discrimination Policy; Encourage the reporting of behaviour that may be in breach of this policy; and Maintain confidentiality should you be privy to information pertaining to an investigation.

Accountability

The Principal has the overarching responsibility for the direction and conduct of the College's Workplace Bullying, Harassment and Unlawful Discrimination Policy.

All College Staff Members are accountable for ensuring that their own conduct and work are conducted in an environment that is based on the principles of this policy; mutual respect, dignity, free from unlawful discrimination, harassment and bullying behaviour.

Grievance Resolution Procedures

A staff member who believes he/she has experienced workplace bullying, harassment or unlawful discrimination of any nature, may seek to have the matter resolved through pursuing an informal or formal approach.

Informal Grievance Procedures

Informal grievance procedures are the most common avenue for managing individual grievances they aim to deliver an expedient resolution and are used at the discretion of the complainant(s).

Formal Grievance Procedures

If informal discussions have not resolved the matter, then a formal grievance procedure will be followed and this focuses on proving whether a grievance is substantiated.

To facilitate the management of grievances, a series of procedural steps are defined which are required to be adhered to, by all relevant parties in order to bring the grievance to a speedy and appropriate conclusion.

Procedure Objectives

The objectives of this procedure are to ensure:

- that grievances are resolved promptly and as close to the point of origin as possible;
- confidentiality and protection of rights of all parties involved;
- that a staff member will have the opportunity for a grievance to be heard through the appropriate levels adopted by the College;
- that the process will be conducted in an impartial manner where outcomes are not prejudged, no assumptions made and no actions taken until the relevant information has been collected and considered;
- that the process is free from repercussions and victimisation; and
- that staff members are treated with fairness, dignity and respect.

Informal Grievance Procedures

Informal procedures emphasise an expedient resolution and can be utilised at the discretion of the complainant(s). Every effort should be made to resolve the grievance at this stage. An informal process for dealing with a grievance may include the following actions:

- A staff member who has a grievance should try, if they are willing, to sort it out directly with the person involved.
- If they are unable to deal directly with the person involved they can elect to talk informally about the matter with the Principal and seek information regarding this policy and grievance resolution options.
- The staff member may wish to raise their grievance with the College Directors, where as much information as possible will be gathered regarding the alleged event(s) and the nature of the grievance.
- It is recommended that the discussions and outcomes are documented for future reference, should they be required.
- Should the alleged respondent admit the behaviour, an investigation is not required and the grievance can be resolved through dispute resolution.
- Dispute resolutions mechanisms such as mediation, conciliation or counselling may be considered as an option to assist with the resolution of the grievance.
- If the informal grievance has not been resolved to the satisfaction of the complainant(s) within a reasonable timeframe, then they may elect to lodge a formal grievance.
- The complainant(s) will not be required to exhaust informal attempts at resolution before a formal action commences.

Formal Grievance Procedures

Formal procedures will usually occur if informal attempts at resolution have unsuccessfully resolved the matter to the satisfaction of the complainant(s) or where the matter involves serious allegations of misconduct or an alleged serious breach of this policy.

A written formal statement detailing the grievance, ideally in dot-point format, should include:

- The name of the complainant(s);
- The name of the alleged respondent(s);
- Specific factual details of the complaint (what occurred and/or what was said, date and place of the alleged incident, names of witnesses present at the time);
- what steps have been taken to resolve the grievance;
- reasons why the steps taken previously have not satisfactorily resolved the matter; and
- resolution sought by the complainant(s). This statement that is a true and accurate reflection of events is required to be signed and dated by the complainant(s). A copy of this statement will be provided to the Principal. On receipt of a completed and signed statement from the complainant(s), the Principal will conduct an investigation process. Practical and timely steps will be taken to remove the complainant(s) from the source of the alleged unacceptable behaviour.

The following are the usual sequence of events:

- The respondent(s) will be advised of the following in writing:
 - who lodged the grievance;
 - the nature of the grievance, detailed in dot-point format;
 - their right to provide a written response;
 - the grievance resolution process; and
 - a copy of this policy
- The respondent(s) will be invited to submit a written statement in response to the alleged grievance.
- The respondent(s) will be provided with the option to have a support person present at interviews. The support person's role is to support and assist without being a spokesperson or advocate
- The respondent(s) will be interviewed in accordance with the principles and objectives set out in this procedure.
- If the grievance is of a serious concern, consideration will be given to suspend the respondent(s) on full pay pending the outcome of the investigation.
- The Investigating Officer will conduct separate interviews with all witnesses and take factual statements that include specific details, such as dates, times, persons present and objective observations.
- Statements will be reviewed so that corroborating and contradictory information can be

identified.

- On completion of the investigation, the Principal will assess if there is sufficient factual evidence to support the claim.
- The investigation details will be documented in a report, setting out all the evidence gathered, identifying consistencies and/or anomalies and recommendations.
- The Principal will meet with the complainant(s) and the respondent(s) separately, in order to present the evidence, informing them of the content only. Both parties will be given the opportunity to have a support person present.
- If the evidence is substantive, the Principal will meet with the respondent(s) to allow them the opportunity to respond.
- The Principal will consider and implement the appropriate action.
- Should a grievance be raised by a staff member against a student, the College will follow the process set out in the guidelines, *Complaints of Harassment, Discrimination or Bullying Staff Member against a Student*.
- Should a grievance be raised against the Principal, then Fr Paul Fox, the Chairman of the Board of Directors should be contacted.

Types of Evidence

The below examples of evidence could be considered relevant as part of the investigation process. This includes but is not limited to the following:

- Supporting evidence provided by a medical practitioner, counsellor, family member, or co-worker
- Manager's report and personnel records (e.g. increased absence due to sick leave)
- Factual information provided by other staff members about the respondent's behaviour
- Factual records kept by the complainant(s) to have been harassed

Decision

On completion of the investigation, the complainant(s) will be informed by the Principal of the investigation outcome and where applicable, the consequential actions. The staff member is required to consider this decision and advise the Principal, in writing, within seven days, whether or not: the decision is accepted; and the grievance is resolved. If no response is received from the complainant(s) within this period of time, the grievance will be deemed as resolved. Should the grievance not be resolved to the satisfaction of the complainant(s), the Principal may arrange for the grievance to be raised to the next level of the Grievance Resolution Process and that may include engaging an external agency.

Grievance Documentation

When a grievance is resolved, all associated documents related to the grievance and the investigation will be confidential and filed. If a resolution has not been achieved within the College's internal grievance process, then the grievance documentation will be marked 'Unresolved' and a copy will be submitted the next level in Grievance Resolution Process. The College will retain all original documents relevant to the unresolved grievance for confidential filing. On completion of the resolution process, all further documentation will be combined and filed accordingly.

False Complaints

There is a difference between an unsubstantiated complaint and a false complaint. A frivolous or false complaint is entirely against the spirit of this policy. Accordingly, false complaints will be treated with the utmost seriousness. If following the grievance resolution investigation, a complaint is found to be false, action against the person making the false complaint may result in the disciplinary action listed in this document.

Disciplinary Action

If the grievance complaint has been substantiated, then the following consequential actions may apply:

- An apology
- Awareness training
- Conciliation/mediation facilitated by an impartial third party
- Counselling/coaching
- Official warning
- Written notation placed on personnel file
- Demotion
- Dismissal

References

The following should be read in conjunction with this policy and procedure:

- Equal Opportunity Act 1984 (WA)
- Disability Discrimination Act 1992 (Cth)
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Human Rights and Equal Opportunity Commission Regulations 1989 (Cth)
- Occupational Safety & Health Act 1984 (WA)
- Racial Discrimination Act 1975 (Cth)

- Sex Discrimination Act 1984 (Cth)
- Industrial Relations Act 1979 (WA)
- Fair Work Act 2009 (Cth)
- The Roman Catholic Archbishop of Perth Teachers Enterprise Bargaining Agreement 2012
- The Roman Catholic Archbishop of Perth Non-Teaching Staff Enterprise Bargaining Agreement 2012

Dispute and Complaint Resolution

Rationale

On occasions there may be disagreement with a decision and a dispute or complaint may arise within Immaculate Heart College.

Immaculate Heart College is committed to ensuring that disputes and complaints are dealt with fairly, objectively and in a timely manner, and that processes reflect the principles of participation, co-responsibility and subsidiarity.

Scope

This policy applies to all members of the Immaculate Heart College community.

Definitions

Complaint means an expression of dissatisfaction with Immaculate Heart College policies, procedures, decisions, omissions, quality of service, staff or student behaviour.

Complainant is the person or each of the persons by whom a complaint is lodged. Support Person(s) is independent of any claims and their role is solely to support the individual. They may not represent or speak on behalf of the individual.

Dispute means a conflict regarding a right, claim, or demand on one side, met by contrary claims or allegations on the other.

Procedural Fairness refers to the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.

Resolution means that a matter has been resolved to the satisfaction of Immaculate Heart College with respect to the paramount importance of the student(s).

Students are defined as children and young people enrolled in schools and early learning and care services.

Principles

1. All decisions are to reflect the paramount importance of the student(s).
2. Any person may complain orally or in writing about any matter arising from the operations of Immaculate Heart College.
3. Complainants are personally responsible and liable for the content of their complaints.
4. A dispute or complaint made in accordance with this policy is a dispute or complaint about Immaculate Heart College, notwithstanding the naming of any staff member in a dispute or complaint.
5. It is preferable that the complainant is verifiable, however if a complaint or any other information of unknown origin (i.e. anonymous) provides information that would cause the Principal concern, it should be considered by the Principal so that they can determine the appropriate course of action.
6. Disputes and complaints will be managed in accordance with the Principle of Subsidiarity, which requires that nothing should be done by a higher authority, agency or level that could be done as well or better by a lower one.
7. Disputes and complaints, and the resolution of such, contribute to continuous learning and improvement so that the potential and opportunity for incidents to be repeated are minimised.
8. Any review of a dispute or complaint will be conducted in accordance with procedural fairness.
9. Information in a complaint should only be disclosed to those parties who have a need to know in order to investigate and resolve the complaint. Confidentiality is to be maintained by all relevant parties.
10. Once a decision has been made, parties may request a review of the decision in accordance with the Procedures, including escalating the dispute or complaint to AISWA who will employ an independent arbiter.

Procedures

1. Information about the process for dealing with disputes and complaints must be made readily available to parents, students and staff. This information is available via the College website.
2. A dispute or complaint can be made by any person regarding the provision of education or related matter. Depending on the nature of the complaint, all serious complaints must be made in writing. Where an immediate party cannot be identified, such as if it is anonymous or from an unverifiable source, the information should be assessed and duly considered.
3. Where there is an appropriate Immaculate Heart College policy statement that provides

a specific mechanism for addressing the dispute or complaint, that policy statement shall be followed.

4. Where there is a binding legislative or regulatory mechanism (including an Enterprise Bargaining Agreement) that addresses the issue raised in the dispute or complaint, that legislative or regulatory mechanism shall be followed.
5. When a dispute or complaint arises, the immediate parties involved should attempt to resolve the issue in the first instance.
6. Parties may involve a support person(s) to assist them in resolving the dispute or complaint.
7. Should a complainant be dissatisfied with the resolution as a result of involvement of the immediate parties, or if there are unique circumstances, the matter can be referred to the Principal.
8. The Principal is responsible for the resolution of disputes or complaints within the school referred to them by the immediate parties, in accordance with procedural fairness.
9. Where a dispute or complaint is about the Principal and there is no likelihood that it can be resolved directly with the Principal, the immediate parties may refer the dispute or complaint to Fr Paul Fox, Chairman of the Board of Directors of Immaculate Heart College.
10. The Principal must be mindful of managing the wider effects that a dispute or complaint may have on the workplace beyond its resolution.
11. The Principal may request independent external assistance and expertise (including mediation) to assist in the resolution of a dispute or complaint.
12. The Principal shall inform the complainant (unless anonymous) and relevant parties of the outcome of the College's decision.
13. The Principal shall maintain appropriate written records (complaints register) of the relevant particulars used to make a decision in response to any formal dispute or complaint. Where applicable this will include any statements made by the parties involved.
14. Any party may request a review of the Principal's decision, in writing to the Board of Director through Fr Paul Fox.
15. In the event this occurs the Board of Directors shall inform the Principal and ensure a formal examination and investigation of the complaint and/or areas of disputation.
16. The dispute or complaint shall be promptly acknowledged in writing, unless the complainant is anonymous and cannot be identified.
17. The parties to the dispute or complaint shall be notified in writing of the findings(s) of the dispute or complaint, including the basis of the finding(s). There is no duty to notify an anonymous complainant.

18. An individual has the right to make an appeal to the Minister for Education with regard to a dispute or complaint (School Education Act 1999). An appeal will only be heard on a breach in process and will not be a re-examination of the merits of the case.
19. A person may make a complaint to an external body or tribunal at any time. The relevant person (i.e. the Principal) may choose to suspend addressing the complaint until the external body or tribunal rules on the complaint, or the external complaint is directed back to the Board of Directors for resolution.

By signing this Acknowledgement, you are agreeing to abide by this Code of Conduct to the best of your ability and acknowledge that you understand that breaches of this Code of Conduct will be taken seriously and could result in termination of your employment. Staff are also required to report any breaches to this policy.

I _____ have read, understood and agree to comply with the terms of this Code of Conduct.

Employee Signature

Dated

Principal Signature

Dated

