



## Staff and Student Professional Boundaries

### **PRESHIL VISION STATEMENT**

At our core remains an unshakeable commitment to encouraging all children to set and achieve their own goals and to be respected as individuals in their own right. This is a commitment to our children to be nurtured and challenged in an atmosphere that inspires creativity and independent thinking in all areas of life and does not, overtly or subtly, use competition or punishment to motivate through the fear of failure.

As global citizens we encourage an awareness of world issues and encourage effort to make a positive difference. We believe that education should prepare students to be thoughtful, peace-loving and active citizens of the world. Preshil will remain a school that puts kindness, compassion and social relationships at the centre of its operations.

### **COMMITMENT TO CHILD SAFETY**

All children attending Preshil School have a right to feel and be safe. The welfare of the children in our care will always be our priority. Preshil is committed to the principles of cultural safety and inclusion of children from diverse backgrounds and to the safety and inclusion of children with disability, and we recognise that these principles support the safety of all children. All actions and programs will maintain high ethical standards and comply with child safety standards and child protection reporting guidelines.

We promote positive relationships between students and adults and between students and their peers. These relationships are based on trust and respect. We take proactive steps to identify and manage any risk of harm to students in our school environment. When child safety concerns are raised or identified we treat these seriously and respond promptly and thoroughly.

### **DIVERSITY AND INCLUSION AT PRESHIL**

Particular attention is given to the child safety needs of Aboriginal students, those from culturally and linguistically diverse backgrounds, international students, students with disabilities, those unable to live at home, children and young people who identify as lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+) and other students experiencing risk or vulnerability. Inappropriate or harmful behaviour targeting students based on these or other characteristics, such as racism or homophobia, are not tolerated at our school, and any instances identified will be addressed with appropriate consequences.

### **PURPOSE**

This policy applies to all teaching, administration, and support staff, Council members, volunteers, third party contractors and external education providers (together known as 'staff' for the purposes of this policy only).

Preshil staff hold a unique position of influence, authority, trust and power in relation to students at Preshil. As such, it is their duty, always, to maintain professional boundaries with students. The following policy and

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guidelines (including the attached Schedule) are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations.

It is not possible for Preshil to definitively identify all possible circumstances in which a staff member may cross professional boundaries. Accordingly, the Schedule attached to this policy:

- Clearly establishes a list of unacceptable behaviours by staff when interacting with current and former students.
- Otherwise creates awareness for and provides guidance to staff about maintaining professional boundaries with students to support personal, professional and ethical decision making.
- Serves to protect our students, reduce any opportunities for abuse or harm to occur, and promote student safety and wellbeing in our school environment.
- All staff must familiarise themselves with and comply with this policy.

This policy is not an exhaustive list of the standards that apply to the Preshil's staff in every aspect of a staff member's interactions with students. Indeed, Preshil has many codes of conduct, policies and procedures which set out Preshil's expectations regarding staff conduct and performance (which continue to apply).

The processes outlined in this policy are intended to be practical, non-adversarial and non-legal.

Preshil reserves the right to vary, replace or withdraw this policy at any time.

This policy does not form part of a staff member's contract or terms of employment.

### OUR POLICY

Preshil is committed to providing a safe physical and emotional environment where all our students are respected and treated with dignity in an appropriate professional and caring manner where the risk of child abuse is minimised, and a safe and supportive child safe environment is maintained.

It is our policy that;

- staff exercise their responsibilities in a way that always recognises professional boundaries in their relationships with students
- staff identify, discourage and reject any advances of a sexual nature initiated by a student
- staff interaction with students is always professional, including inside and outside of school hours
- conflict of interest issues must be reported to the Principal as soon as practicable
- equal learning opportunities are given to each student without discrimination and
- appropriate consequences will be applied to staff who breach professional boundaries

### SCOPE

The policy applies at all times, to all staff for the duration of their employment or engagement. The application of this policy is not limited to Preshil's grounds and operating hours. Indeed, this policy also extends to situations when staff are:

- on School grounds.
- at any school-related activities and events (including speech nights, parent-teacher interviews, camps, events held by or in connection with Preshil).
- representing Preshil, including when off-campus or in a digital environment.
- travelling to and from Preshil, as well as to and from off-site activities or events.
- wearing School logos or uniforms (including staff name badges).
- upholding Preshil's or a Teacher's legal duty of care owed to students.

- interacting with students.
- otherwise engaging in behaviour which in the reasonable opinion of Preshil may adversely affect student health and safety, student relationships, staff health and safety, staff-student relationships, perceptions regarding a staff member's professionalism, a staff member's relationships with other members of the Preshil community, or the reputation of Preshil.

In some cases, this policy will apply to staff interactions with former students.

### WHAT ARE PROFESSIONAL BOUNDARIES?

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member) in circumstances where a power imbalance exists.

The fact that Preshil staff are in a unique position of trust, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases the imbalance of power is clear, however sometimes it may be more difficult to recognise especially for younger staff members who may only be a few years older than their students.

The following guidelines are not exhaustive, and given that sometimes 'grey areas' may occur, it is expected that all staff (no matter their age or experience) use their own good judgement, think very carefully about the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution.

**A non-exhaustive list of Preshil's expectations for staff around professional boundaries can be found in the Schedule to this document.**

### QUESTIONS OR CONCERNS ABOUT THIS POLICY

If a staff member is concerned that compliance with a particular aspect of this policy is not practical, or otherwise has questions about this policy, the staff member should promptly – and before acting in a way which may be contrary to this policy - raise the concern with their supervisor or the Principal.

### STAFF RESPONSIBILITIES

All staff are to:

- follow the guidelines as set out in this policy
- immediately report any conflicts of interest; and
- remove themselves from decision making when a conflict has been identified.

Where a staff member breaches this policy Preshil may take disciplinary action, including in the case of serious breaches, summary dismissal.

### BREACH OF THIS POLICY

*"The standard you walk by is the standard you accept."*

Staff are encouraged to be upstanders, as it is no longer appropriate to be a bystander to the unacceptable behaviour of others (particularly where the safety and welfare of students may be at risk). It is expected that all staff will promptly report any concerns or information about possible breaches of this policy (whether by themselves or colleagues) to their supervisor or the Principal.

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Preshil will respond to actual or alleged breaches of this policy in accordance with Preshil's Responding to Student Safety Concerns Policy.

The School recognises that all individuals can make mistakes. However, any behaviour that has the potential to jeopardise student safety and wellbeing, or undermine the School's commitment to student safety and wellbeing, will be treated as a serious issue. Accordingly, a possible consequence for a breach of this policy may be dismissal or termination of engagement.

The School is responsible for determining when a staff member's behaviour falls short of the School's standards, and warrants consequences. The final decision regarding such matters rests with the Principal.

### IMPLEMENTATION

These guidelines are implemented through a combination of:

- staff training and development in professional conduct
- student and parent / carer education and information
- effective management of staff engaging in appropriate relationships with students
- effective management of conflicts of interest
- effective communication and incident notification procedures
- effective record keeping procedures; and
- initiation of corrective actions where necessary

### RELATED DOCUMENTS

Child Safe Standards (Vic)

Child Safety and Wellbeing Policy

Child Safety Code of Conduct

Responding to Student Safety Concerns - Reporting Obligations

VIT Code of Conduct

VIT Code of Ethics

### REVIEW

These guidelines were approved by the Management Team in July 2022, and reviewed by Russell Kennedy Lawyers in December 2022. It will be reviewed again following a critical incident and no longer than two years from the date of approval.

## SCHEDULE: PROFESSIONAL BOUNDARIES

### 1. Professional Boundaries

There is no definitive source on where professional boundaries are in relation to interactions between staff and students. Behaviour may cross professional boundaries because:

- (a) It constitutes an actual abuse of a staff member's position of trust and authority over a student (e.g. child abuse and grooming).
- (b) It involves the creation or perception of a personal or 'special' relationship between a staff member and a student (e.g. giving gifts or providing preferential treatment).
- (c) It creates a situation whereby a student is more susceptible to inappropriate behaviour by others (e.g. asking students to keep secrets).
- (d) It was unnecessary as part of a staff member's professional duties.
- (e) It was contrary to Preshil's codes of conduct, policies, procedures and rules.
- (f) It was contrary to community standards.

In this regard, staff need to understand that behaviour may cross professional boundaries even if there is no romantic or sexual element to it.

Some conduct (e.g. child abuse and grooming) is obviously unacceptable. In other cases, staff must take personal responsibility (and will be held accountable) for exercising professional judgment to ensure that appropriate boundaries are maintained with students, and that all interactions have a valid professional context. At all times, staff must err on the side of caution in deciding whether certain behaviour may cross professional boundaries.

1. This means that staff must:

- (a) exercise good judgment;
- (b) consider carefully the implications and potential consequences and risks of certain actions; and
- (c) prioritise a student's own needs (including education, safety and welfare).

2. There may be limited circumstances where behaviours discouraged in this policy may be undertaken for legitimate and laudable reasons. For example, a staff member may wish to provide money to buy groceries for a disadvantaged student. However, a key theme of professional boundaries is ensuring that any behaviour which may raise questions takes place in a manner which is as transparent as possible (eg with Principal approval).

**Questions which staff may wish to ask themselves when deciding whether certain interactions with a student are appropriate, or perhaps warrant a discussion with Preshil leadership, include:**

- Do Preshil's codes of conduct, policies, procedures and rules have anything to say about my behaviour?

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- Am I dealing with a particular student differently from the way I deal with other students under the same circumstances?
- Would I be acting primarily for the student's benefit, or my own?
- Would I engage in the same behaviour if the Principal was present?
- Is it possible that my behaviour may be perceived negatively by others?

### **Be vigilant: Staff must not:**

- (a) Engage in conduct that shows, or that can be interpreted as showing, a personal rather than a professional interest in a student.
- (b) Encourage or maintain a personal rather than professional relationship with any student.
- (c) Hold conversations with a student of an intimately personal nature, for example where they disclose information about themselves, without a valid professional context (e.g. counselling).
- (d) Engage in sensitive conversations with students. In saying this, staff may, as part of their pastoral care role, sometimes be required to engage in sensitive discussions with students. However, staff must be extremely cautious about making personal comments about a student or asking questions that probe a student's sexuality or relationships.
- (e) Give gifts or other benefits (whether monetary or non-monetary) to students.
- (f) Invite students to their home.
- (g) Visit students at their home.
- (h) Attend parties or socialise with students.
- (i) With the exception of those specifically engaged by Preshil as tutors or coaches, engage in tutoring or coaching students from Preshil.

Staff can maintain professional boundaries by:

- o Promoting the care, safety and welfare of students.
- o Not making physical contact with students without a valid professional context (e.g. to protect a student from imminent harm).
- o Ensuring all communications with students have a valid professional context, and occur via authorised School channels.
- o Not being alone with students unless it is necessary to fulfil a staff member's duty of care or professional duties.
- o Not holding conversations with a student of an unnecessarily personal nature (including those relating to sexuality or a student's relationships).
- o Not unnecessarily sharing personal information with students.

- o Not sharing food with students.
- o Not engaging in any behaviour which may pose a risk to the care, safety and welfare of students (including bullying, child abuse, discrimination, emotional or psychological harm, grooming, physical violence, sexual harassment and sexual misconduct).

### 2. Relationships with students

- (a) Staff must not encourage, engage in or maintain a romantic, sexual or overly personal relationship with a student. It is irrelevant whether the relationship is with a student over the age of 18 years, is consensual or non-consensual, or is condoned by parents or caregivers.
- (b) It is also important to note that a professional boundaries issue may arise if a staff has a romantic, sexual or overly personal relationship with a former student. Relationships formed during a student's enrolment at Preshil can create a power imbalance that may continue for a number of years. At the very least, a staff member should not have a relationship of any kind with a former student within two years after they have left Preshil (regardless of their age).
- (c) Staff are reminded that:
  - (i) the law creates a criminal offence for sexual relations with a person under the age of consent (16 years); and
  - (ii) the law may otherwise create a criminal offence for sexual relations between a teacher (or someone else in a position of trust, care, authority and influence) and a student.
- (d) Staff must also not engage in grooming or other forms of sexual abuse or misconduct.
- (e) Should staff form concerns that a student is being overly familiar, seeking to establish a relationship or has a crush on them, that staff member must report their concerns to their supervisor and/or the Principal as soon as possible so that a plan can be established to manage the situation effectively and sensitively.

### 3. Meeting with students

- (a) Staff should only meet with students for valid work-related purposes (such as counselling or meeting a student on an ad hoc basis to help them with assessments or other school-related issues), and only to the extent that it is necessary to achieve that purpose.
- (b) One-on-one meetings should generally only occur where it is not practicable for another staff member to be present (e.g. counselling sessions). Staff should otherwise avoid situations where they are alone in an enclosed space (e.g. in a room with a closed door) with a student.
- (c) If staff are meeting or having a private conversation with a single student, then staff should:
  - (i) Hold the meeting at school, during normal school hours and, wherever possible, generally only in settings where other people are also present in the general area or able to observe the meeting (unless this is not practicable due to the inherent nature of the meeting, for example, a counselling session).
  - (ii) Consider the time and venue carefully to ensure the safety of the student is not compromised, and avoid compromising the staff member and Preshil.

(iii) Ensure that the door is left open where possible.

(iv) Avoid locating themselves between the student and the door.

(d) If there are issues complying with the above, staff should notify their supervisor or the Principal (preferably before the meeting takes place).

#### 4. Transporting students

Staff must not drive a student in their private vehicle unless they have specific permission from Preshil to do so. In the event of an emergency, staff should exercise discretion (for example, by ensuring that a student sits in the back seat of the vehicle) and subsequently report the matter to their supervisor.

#### 5. Confiscation of student property

(a) Students and their belongings should only be searched in the presence of two staff members, with the knowledge of the Principal or a Deputy Principal (unless a staff member is acting urgently to address a reasonable concern about a serious risk to a student or colleague's health and safety), and in accordance with Preshil's student behaviour management policies and procedures.

(b) When confiscating personal items, such as mobile phones or hats, staff should ask the student to hand the items to them. Staff should only forcibly take items directly from students in circumstances where the staff member is reasonably concerned about a serious risk to a student or colleague's health and safety.

#### 6. Physical contact with students

(a) Staff must not impose corporal or physical punishment on a student, or engage in physical violence.

(b) Staff should minimise physical contact with students and avoid any unnecessary contact. When physical contact with a student is a necessary part of the teaching/learning experience, or to protect a student or others from imminent harm, staff must exercise caution to ensure that the contact is appropriate and acceptable.

(c) Physical contact of a limited duration and respectful nature that would generally be acceptable between acquaintances (e.g. high-fiving, shaking hands) may occur. However, staff must refrain from engaging in physical contact with students if there is a chance that it may be perceived as inappropriate by the student or other people.

(d) Under no circumstances should a staff member have physical contact with a student which:

(i) involves contact with a private part of a student's body (e.g. breast, groin, buttocks);

(ii) could be perceived as romantic or sexual (e.g. touching hair, tickling); or

(iii) could be perceived as overly physical (e.g. wrestling, horseplay).

(e) If a student withdraws consent to physical contact (either verbally or by their conduct, e.g. pushing the staff member away), then the staff member should refrain from any further contact.

(f) If a staff member is required to touch a student in the course of assessing them for injury or illness, the staff member must advise the student prior to instigating contact and seek (where practicable)

the student's consent. Staff should not perform medical assessments on students unless they are qualified and authorised by Preshil to do so.

- (g) If staff are required to restrain a student from self harm, or harm to others, any reasonable force used must be in accordance with Preshil's student behaviour management policies and procedures, or a student's individual management plan. Such incidents must be reported to the Principal.
- (h) If inadvertent physical contact occurs, and this is significant contact or may involve contact between a staff member and a private part of a student's body (e.g. breast, groin, buttocks), a Compass Chronicle entry (set to hidden) should be promptly made and a copy forwarded to the Principal.
- (i) Staff should exercise caution when attending to the toileting needs of young children or students with a disability, and ensure that the door remains open where it is appropriate. Where a student requires assistance with toileting due to disability, staff should act in accordance with the student's individual management plan (Student Support Plan).

### 7. Electronic and private communications with students

- (a) Staff must only communicate with students through School channels (i.e. using Preshil's own email addresses, systems and devices), except where Preshil has expressly approved otherwise.
- (b) Communications with students must always have a valid professional context and use appropriate and professional language and tone. Staff should be particularly careful about the use of emojis; for example, including 'eggplant' and 'loveheart' emojis in emails to students would be unacceptable.
- (c) Staff should only communicate with students during normal school hours, except where it is not practical to do so.
- (d) **For example:** Sending an email to a student's school email address at night simply attaching assessment results is acceptable. However, sending an email to a student about non-school matters outside school hours, or to a student's private email address, is not acceptable. Similarly, staff should refrain from engaging in back-and-forth emails with students outside school hours, when the discussion could wait until the following day.
- (e) Staff must not invite students to join their personal electronic social networking site or otherwise engage with students on social media except through authorised channels (e.g. on Preshil Facebook page, or where the use of social media for a valid work-related purpose has been approved by Preshil).
- (f) Teachers who have been given permission by Preshil to integrate social media into their professional practice must ensure that any personal content associated with a staff member's account is not accessible to students.
- (g) Staff must only use students' personal contact details for valid work-related purposes.
- (h) Staff must not give out their personal telephone numbers or contact details (including social media contact details) to students, except where Preshil has expressly approved otherwise.
- (i) Staff must not delete or destroy communications with students (whether such communications are through authorised School channels or otherwise).

- (j) Staff must not view a student's social media page or platform, nor should they connect, interact or correspond with students on social media (regardless of who initiated the contact).

### 8. Photography of students

School photography, including photographs of students, is only allowed with the Principal's approval. Parent permission for photographs to be taken can be collected at enrolment and at the beginning of each school year.

### 9. Staff are entitled to personal lives

- (a) Preshil recognises that many staff have children of their own, and in any case will socialise with other adults who may have children, who are enrolled as students. Such staff may have legitimate reasons for socialising around, and on occasion with, those students.
- (b) This policy is not intended to interfere with a staff member's right to a private life. However, working at Preshil requires a serious commitment to student safety. Furthermore, Teachers are always in a position of trust and authority with their students, whether they are interacting with the students in or outside Preshil's setting.
- (c) Accordingly, in all aspects staff are expected to conduct themselves in a way that is consistent with this policy, including by avoiding in private and social situations (including on social media) behaviour which could be perceived as contrary to this policy or involving a risk to student safety and wellbeing. For example:
  - (i) A staff member's interaction with a student in the course of carrying out their duties and responsibilities to Preshil should always strictly comply with this policy.
  - (ii) Staff should refrain from transporting students other than their own to and from work, or during the workday, even if they are friends with the student's parents. Where this is necessary, permission should be obtained from the Principal.
  - (iii) Social contact with a student, who is not a family member, should arise from a social relationship with the student's parents (rather than from a social relationship with the student directly). Staff should avoid being alone with a student in these situations, or communicating electronically or online with a student, without the parents' knowledge and consent.
  - (iv) Staff should conduct themselves in a way that will not give others reason to question whether they are crossing professional boundaries with a student.
  - (v) Teachers should notify the Principal if they become aware they are teaching a relative, or child of a close friend or romantic/sexual partner. This is necessary to enable Preshil to manage any conflicts of interest which may arise and is not necessarily a reflection on the staff member's professionalism.
  - (vi) Children of staff members may only be in the staff room if it is outside normal work hours (e.g. dinner time for when a function is on) with prior permission from the relevant Head of Campus. Children of staff members should not be in shared staff offices without prior permission of the relevant Head of Campus.<sup>1</sup>

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<sup>1</sup> Children at the Arlington campus are encouraged to visit staff in their office during lunch time and fruit time. These visits should be quick visits that do not interfere with the daily operations of Administration staff.

### **10. Managing a concern that your actions may have crossed professional boundaries**

- (a) Staff must report to their supervisor or the Principal any concern that their own behaviour, the behaviour of a student towards that staff member, or the behaviour of another staff member, has (or may have) crossed professional boundaries as soon as possible so that a plan can be developed to manage the situation appropriately. This includes, for example, situations where a staff member is concerned that a colleague may be too close to one student (irrespective of whether there is any 'evidence' of a romantic or sexual relationship).
- (b) If a student instigates conduct that crosses professional boundaries, staff must make clear to the student that the conduct is inappropriate. If the student continues to engage in such conduct, staff should remove themselves from the situation once they have made sure that doing so will not pose a safety risk to the student (e.g. if the student would otherwise be left unsupervised).