BALWYN EAST KINDERGARTEN INC.

CODE OF CONDUCT

QUALITY AREA 4 | ELAA VERSION 1.6

Working in partnership with Cancer Council Victoria, ELAA has aligned this policy to the key policies and guidelines of the Healthy Early Childhood Services Achievement Program

PURPOSE

This policy provides a clear set of guidelines and procedures for Balwyn East Kindergarten to:

- **establish the expected standards of behaviour for the approved provider, nominated supervisor, early childhood teachers, educators, other staff, contractors, volunteers, students on placement, parents/guardians and visitors**
- **create and maintain a child safe environment that reflects the philosophy, beliefs, objectives, and values of Balwyn East Kindergarten**
- **articulate desirable and appropriate behaviour**
- **promote interactions at the service and online which are respectful, honest, courteous, sensitive, tactful, and considerate.**

POLICY STATEMENT

The safety, health, wellbeing, rights and best interests of every child are the paramount consideration and must guide all decisions, actions and practices of educators within the education and care service.

VALUES

Balwyn East Kindergarten:

- **respects the rights of the child and values diversity**
- **values the contribution of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability**
- **has zero tolerance of discrimination**
- **maintains a duty of care *(refer to Definitions)* towards all children at the service**
- **is committed to the safety and wellbeing of each child at the service**
- **is committed to the safety and wellbeing of all staff and the members of our service's community**
- **is committed to supporting staff to act cohesively and ethically as a team and provide an environment that is conducive to children's learning and development**
- **provides a safe and secure environment for all at the service**
- **provides an open, welcoming environment in which everyone's contribution is valued and respected**

- is committed to communicating openly and honestly
- is committed to continually learning how to be inclusive and respectful of cultural needs
- encourages relationships that are based on the principles of mutual respect, equity and fairness.
- encourages both adults and children to identify and raise concerns through the appropriate channels to maintain a culture of reporting and pro-actively responding to concerns
- encourages volunteers, students, parents/guardians and visitors to support and participate in the program and activities of the service.

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, other staff, students, volunteers, parents/guardians, children and others attending the programs and activities of Balwyn East Kindergarten, including during offsite excursions and activities.

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators and all other staff	Parents/guardians	Contractors, volunteers and students
R indicates legislation requirement, and should not be deleted					
Ensuring that copies of the *Code of Conduct Policy* is readily accessible and available to all staff, volunteers and families *(Child Safe Standards 2 – 2.4)*	R	√			
Providing a welcoming, inclusive, culturally responsive and safe environment for everyone attending the programs and activities of Balwyn East Kindergarten, with a strong focus on the safety and wellbeing of children *(Child Safe Standards 1 – 1.5)*	R	R	√		
Acting in accordance with Balwyn East Kindergarten child safety and wellbeing policies and procedures at all times.	R	R	R		R
Abiding by the *Safe Use of Digital Technologies and Online Environment Policy*	R	R	R		R
Behaving respectfully, courteously and ethically towards children and their families and towards other staff.	√	√	√		√
Promoting the human rights, safety and wellbeing of all children in Balwyn East Kindergarten	√	√	√		√
Taking reasonable steps to protect children from harm and abuse including by identifying child safety risks and taking steps to remove or reduce those risks *(Child Safe Standards 2 – 2.5)*	R	R	R		R

Treating allegations, disclosures, incidents and suspicions of child abuse and harm seriously and if child abuse is suspected ensuring as quickly as possible that children and young people are safe and protected from harm	**R**	**R**	**R**		**R**
Reporting alleged or suspected child abuse or other child safety concerns in accordance with the *Child Safe Environment and Wellbeing policy*	**R**	**R**	**R**		**R**
Completing the mandatory national child safety training and child protection training within the timeframes prescribed in the National Regulations. Ensuring the training remains current and provide evidence of completion when required *(Child Safe Standards 8 – 8.2, 8.3)*	**R**	**R**	**R**		**R**
Avoiding inappropriate conduct *(Refer to Definitions)* and at all times, maintaining professional boundaries, use respectful and age appropriate interaction, and act in line with the *Child Safe Environment and Wellbeing Policy* and the *Interaction with Children Policy (Attachment 5)*	**R**	**R**	**R**		**R**
Identifying, responding to and reporting inappropriate conduct *(refer to Definitions)* in accordance with the *Education and Care Services National Law* and the *Reportable Conduct Scheme*, including notifying the Social Services Regulator within required timeframes where a reportable allegation is formed *(refer to Code of Conduct Policy)*	**R**	**R**	**R**		**R**
Ensuring that all interactions between parents/guardians, families, visitors, contractors, volunteers and service staff are respectful, non-threatening and free from aggression or violence. Any behaviour that constitutes, or has the potential to escalate to, occupational violence or aggression will be managed in accordance with the *Occupational Violence and Aggression Policy*	√	√	√	√	√
Ensuring appropriate physical contact with children *(refer to Definition)* is maintained at all times *(Child Safe Standards 2 – 2.4)*	√	√	√		√
Working with children in an open and transparent way *(Child Safe Standards 2 – 2.4)*	√	√	√		√
Demonstrating appropriate personal and professional boundaries *refer to Attachment 5 (Child Safe Standards 2 – 2.4)*	√	√	√		√
Providing a workplace that is free from unlawful discrimination, harassment, victimisation and bullying where all persons attending are treated with dignity, courtesy and respect *(Child Safe Standards 2 – 2.4)*	**R**	√	√		
Ensuring racism within the service is identified, confronted and not tolerated. *(Child Safe Standards 2 – 2.4)*	**R**	√	√	√	√
Ensuing all early childhood teachers/educators/other staff, volunteers, students and parents/guardians are aware of behaviours that are considered concerning, misconduct, or criminal conduct within the service *(refer to Attachment 5) (Child Safe Standards 2 – 2.4)*	**R**	**R**	√	√	√

Ensuring that the children educated and cared for at Balwyn East Kindergarten are protected from harm and from any hazard likely to cause injury (National Law: Section 167)	R	R	√		
Identifying and mitigating risks to children's safety and wellbeing as required by Balwyn East Kindergarten risk assessment and management processes *(Child Safe Standards 2 – 2.5)*	R	R	√		√
Responding to any concerns or complaints of child harm or abuse promptly and in line with *Compliments and Complaints policy* *(Child Safe Standards 2 – 2.4)*	R	R	R		R
Providing guidance through leadership and by being a positive role model; putting children first, prioritising training and education and having a culture of continuous improvement *(Child Safe Standards 2 – 2.2, 11 – 11.4)*	R	√			
Developing, updating and reviewing Code of Conduct for Balwyn East Kindergarten in collaboration with all stakeholders within the service *(refer to Attachments 1 and 3)* *(Child Safe Standards 11 – 11.3)*	R	√	√	√	
Ensuring that early childhood teachers/educators/other staff, volunteers, students and parents/guardians are provided with a copy of this policy on employment, engagement or enrolment at the service and that the current codes of conduct are publicly displayed and promoted to everyone including contractors and visitors *(Child Safe Standards 2 – 2.1. 2.2, 11 – 11.5)*	R	√			
Ensuring that the codes of conduct are regularly discussed at staff meetings to reinforce expectations *(Child Safe Standards 11 – 11.5)*	R	√			
Developing a culture of accountability within the service for complying with the code of conduct and responding when behavioural expectations are not adhered to *(refer to Attachment 5)* *(Child Safe Standards 2 – 2.2, 2.4, 11 – 11.5)*	R	√	√	√	√
Providing an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct	√	√	√	√	√
Abiding by the *Interactions with Children policy*, **ensuring all staff maintain appropriate, respectful, and safe relationships with children** *(Child Safe Standards 1 - 1.5, 2 – 2.4)*	R	√	√		√
Ensuring that parents/guardians of a child attending the service can enter the service premises at any time that the child is being educated and cared for *(Regulation 157)*, **except where this may pose a risk to the safety of children or staff, or conflict with any duty of care of the approved provider, nominated supervisor or early childhood teachers and educators under the** *National Law: Section 167 & 171*	R	R			
Ensuring that contractors, volunteers, parent/guardians, students or visitors at the service are not placed in a situation where they are left alone with a child	R	R	√		
Promoting the cultural safety of Aboriginal children by supporting and encouraging their connection to culture, kin,	√	√	√		√

community, cultural practices and Aboriginal identity *(Child Safe Standards 1– 1.1, 1.2, 1.4)*					
Ensuring all staff and volunteers receive relevant cultural training so they have an understanding of Aboriginal culture, and an appreciation for culturally sensitive issues *(Child Safe Standards 1 – 1.2, 1.4)*	R	R			
Respecting individual abilities, needs, cultural practices and beliefs in all interactions, both verbal and non-verbal. Paying particular attention to the needs of Aboriginal and Torres strait Islander children, children with disability, children from CALD backgrounds and LGBTIQA+ children (*Child Safe Standards 5 – 5.3)*	√	√	√	√	√
Engaging in open, two-way communication with families and communities about the service's child safety approach and providing relevant and accessible information	√	√	√		
Ensuring children are supported to express their culture and enjoy their cultural rights. *(Child Safe Standards 1– 1.1)*	R	R	R		R
Listening and responding to the views and concerns of children, particularly if they communicate (verbally or non-verbally) that they do not feel safe or well. *(Child Safe Standards 3 – 3.4, 5 – 5.2)*	√	√	√		√
Ensuring children know who to approach if they feel unsafe or want to raise concerns *(refer to the Compliment and Complaints Policy) (Child Safe Standards 3 – 3.4, 5 – 5.2)*	√	√	√		√
Ensuring all staff, contractors, volunteers and students do not consume or are under the influence of alcohol or be affected by drugs *(refer to Tobacco, Alcohol and other Drugs Policy)*	R	R			
Not consuming or being under the influence of alcohol or be affected by drugs *(refer to Tobacco, Alcohol and other Drugs Policy)*	R	R	R	√	R
Notifying DE within 24 hours of a serious incident *(refer to Definitions)* or of a notifiable complaint being made *(refer to Definitions)* at the service (National Law: Sections 174(2)(b) and 174(4), National Regulations: Regulations 175(2)(c) and 176(2)(b)) via the NQAITS	R	√			
Referring notifiable complaints *(refer to Definitions)*, grievances or complaints that are unable to be resolved appropriately and in a timely manner to the Grievances Subcommittee/investigator *(refer to Compliments and Complaints Policy)*	R	√			
Notifying WorkSafe of any reportable incidences *(refer to Definitions)* that have occurred in the workplace	R	√			
Activating the *Compliments and Complaints Policy* on notification of a breach of the *Code of Conduct Policy*	R	√			
Breaches of the Code of Conduct will result in immediate and proportionate action, which may include investigation, supervision, retraining, disciplinary action, or termination of employment or engagement, and will report the matter to	R	R	√		√

relevant authorities where required ***(Child Safe Standards 2 – 2.3)***					
Understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their employment ***(Child Safe Standards 2 – 2.3)***		√	√	√	√
Contacting police in an emergency situation where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated or where sexual abuse or grooming is suspected as outlined in the ***Child Safe Environment and Wellbeing Policy*****.**	**R**	**R**	**R**	√	**R**
Reading the ***Code of Conduct Policy*** ***(refer to Attachment 1)*** **and signing the Code of Conduct Acknowledgement for staff** ***(refer to Attachment 2)*** **and that these are filed with individual staff records upon engagement in the service** ***(Child Safe Standards 2 – 2.3)***		√	√		
Adhering to the Code of Conduct at all times ***(Child Safe Standards 2 – 2.3)***	**R**	**R**	**R**	**R**	**R**
Informing the approved provider in the event of a serious incident ***(refer to Definitions)*****, of a notifiable complaint** ***(refer to Definitions)*** **or of a breach of the** ***Code of Conduct Policy*** ***(Child Safe Standards 2 – 2.3)***		**R**	√		
Providing an environment that encourages positive interactions, supports constructive feedback and holds one another to the codes of conduct	√	√	√		
Ensuring that parents/guardians, students and volunteers sign the Code of Conduct Acknowledgement ***(refer to Attachment 4)*** ***(Child Safe Standards 2 – 2.3)***	√	√		√	√
Ensuring children can access abuse prevention programs and information ***(Child Safe Standards 3 – 3.3)***	**R**	√	√		
Being attentive to signs of harm and facilitating child-friendly ways for children to communicate and raise their concerns ***(Child Safe Standards 3 – 3.4)***	**R**	**R**	**R**		**R**
Reporting and acting on any concerns or observed breaches of this ***Code of Conduct Policy*** ***(refer to Compliments and Complaints Policy)*** ***(Child Safe Standards 2 – 2.3)***		**R**	**R**	**R**	**R**
Ensuring duties are performed in a professional, safe and satisfactory manner at all times. ***(Child Safe Standards 2 – 2.3)***	√	√	√		√
Reviewing and updating the ***Code of Conduct*** **following any incidents, complaints, concerns or near misses** ***(Child Safe Standards 10 – 10.1)***	**R**	√			

BACKGROUND AND LEGISLATION

BACKGROUND

Codes of conduct establish standards of behaviour to be followed and define how individuals are expected to behave towards each other, towards the children in their care, and towards other organisations and individuals in the community.

The approved provider, nominated supervisor, early childhood teachers, educators and all other staff have a duty of care to the children attending the service and must ensure 'that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury' *(National Law: Section 167).*

The *National Quality Standard* requires that all staff be respectful and ethical and that 'professional standards guide practice, interactions and relationships' *(National Quality Standard: 4.2 and 4.2.2).*

Employers also have a legal responsibility to provide, as far as is practicable, a safe workplace that is free from discrimination, bullying and harassment.

***Child Safe Standards* requires services to ensure the Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities, and breaches to the Code of Conduct are acted upon and reported.**

A Code of Conduct should be informed by the service's philosophy, beliefs and values, and based on ethical principles of mutual respect, equity and fairness. Consideration should be given to the Victorian Teaching Profession *Code of Conduct and the Code of Ethics* and to the Early Childhood Australia's *Code of Ethics* in developing the code of conduct.

The approved provider must ensure that the nominated supervisor, early childhood teachers, educators, other staff, contractors, volunteers, students on placement, parents/guardians, children and others attending the programs and activities of Balwyn East Kindergarten adhere to the expectations outlined in the Code of Conduct when communicating to and interacting with:

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

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- **Charter of Human Rights and Responsibilities Act 2006 (Vic)**
- **Child Safe Standards (Vic)**
- **Children, Youth and Families Act 2005 (Vic)**
- **Child Wellbeing and Safety Act 2005 (Vic)**
- **Disability Discrimination Act 1992 (Cth)**
- **Early Childhood Australia's Code of Ethics (2016)**
- **Education and Care Services National Law Act 2010: Sections 166, 167, 173, 174**
- **Education and Care Services National Regulations 2011: Regulations 83, 155, 156, 157, 168, 170, 171, 174, 175, 176**
- **Equal Opportunity Act 2010 (Vic)**
- **Fair Work Act 2009 (Cth)**
- **Fair Work Regulations 2009 (Cth)**
- **National Quality Standard, Quality Area 4: Staffing Arrangements**
- **Occupational Health and Safety Act 2004**
- **Occupational Health and Safety Regulations 2017**
- **Racial Discrimination Act 1975**

- **Racial and Religious Tolerance Act 2001 (Vic)**
- **Sex Discrimination Act 1984 (Cth)**
- **Victorian Institute of Teaching the Victorian Teaching Profession Code of Conduct**
- **Victorian Institute of Teaching the Victorian Teaching Profession Code of Ethics**

The most current amendments to listed legislation can be found at:

- **Victorian Legislation – Victorian Law Today:** www.legislation.vic.gov.au
- **Commonwealth Legislation – Federal Register of Legislation:** www.legislation.gov.au

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable Complaints, Serious Incidents, Duty of Care, etc. refer to the Definitions file of the PolicyWorks catalogue.

Behaviour: the way in which one acts or conducts oneself, especially towards others.

Bullying: Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.

Ethical conduct: Behaviour which reflects values or a code of conduct.

Harassment: When someone is demeaning, derogatory or intimidating towards another person. Harassment includes:

- **racial taunts**
- **taunts about sexual orientation or gender identity**
- **sexual harassment: unwelcome physical, verbal or written behaviour of a sexual nature**
- **repeated insulting remarks.**

Inappropriate conduct: Conduct that a reasonable person would consider inappropriate in an education and care service, taking into account any of the following circumstances:

- **Whether the conduct aligns with generally accepted education and care practice**
- **The child's age and developmental stage**
- **Whether the conduct is likely to cause or result in harm (including emotional, psychological or physical harm) or injury to a child or children**
- **Whether the conduct is sexual, aggressive or violent.**

In deciding if the conduct is inappropriate, it does not matter if:

- **the child consented (agreed to the conduct, either by directly expressing their consent or implying consent through their actions)**
- **the person subjecting the child to the conduct believes the child has consented**
- **the person subjecting the child to the conduct is related to the child.**

Subjecting a child to inappropriate conduct can occur in a number of ways including, but not limited to:

- **in-person via words or behaviour, including both adult to child or between adults in the presence of a child/ren**
- **filming and capturing images or recordings**
- **as a single occasion or as part of a pattern over time**

- **either directly or indirectly (for example, exposure to inappropriate language or conversations, or leaving inappropriate material accessible to children)**
- **online**
- **as an omission (for example, deliberately excluding a child).**

Investigator: A person/staff member assigned or organisation engaged with the responsibility of investigating suspected breaches of the Code of Conduct by the Approved provider

Physical attack: the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by another person, where that application creates a risk to health and safety.

Appropriate Physical Contact: Refers to physical interactions between an educator and a child that are respectful, nurturing, and developmentally suitable. Such contact supports the child's safety, wellbeing, learning, and emotional development. Where possible, the child consents to or initiates the contact.

It includes actions such as:

- **comforting a distressed child,**
- **holding a child's hand for safety,**
- **providing assistance with personal care in a respectful and hygienic manner,**
- **giving first aid, and**
- **supporting children who have hurt themselves.**

All physical contact MUST be observable by to another staff member. It must always align with the service's policies, maintain professional boundaries, and uphold child safe standards.

Examples of appropriate physical contact include:

- **Placing a hand or gently patting a child on the back or shoulder to comfort or reassure them**
- **Holding a child's hand while crossing the yard, during group transitions and crossing a road/carpark**
- **Sitting a child on your lap if they are upset and seeking comfort; only when initiated by the child and in view of others, and until the child is no longer distressed**
- **Helping a child blow their nose, clean up, or change clothes when needed, using respectful hygiene practices**
- **Administering first aid with care and sensitivity when a child is injured**

Offering a side hug or placing a supportive hand on a child's shoulder (if welcomed by the child), and reciprocating affection from the child in an appropriate and respectful manner.

Respect: Demonstrating regard for the rights of individuals, for different values and points of views.

Sexual harassment: includes offensive gestures, leering, staring or suggestive comments about a person's physical appearance, inappropriate physical contact, unwanted invitations of a sexual manner, sexually orientated jokes, sending of obscene letters, notes, telephone texts or emails.

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

Threat: a statement or behaviour that causes a person to believe they are in danger of being physically attacked.

Unreasonable behaviour: includes actions of individuals or a group and may involve using a system of work as a means of victimising, humiliating, undermining, or threatening.

Verbal harassment: includes name-calling, offensive language, putting people down.

SOURCES AND RELATED POLICIES

SOURCES

- Early Childhood Australia, *Code of Ethics*: www.earlychildhoodaustralia.org.au/our-publications/eca-code-ethics/
- United Nations, *The Universal Declaration of Human Rights*: www.un.org/en/universal-declaration-human-rights/
- United Nations, *Convention on The Rights of the Child*: www.unicef.org/crc/
- Victoria Legal Aid: www.legalaid.vic.gov.au
- Victorian Institute of Teaching – *The Victorian Teaching Profession Code of Conduct and Code of Ethics*: www.vit.vic.edu.au
- Commission for Children and Young People: www.ccyp.vic.gov.au
- ACECQA: Child safety
- Victorian Government - Report child abuse in early childhood

RELATED POLICIES

- Child Safe Environment and Wellbeing
- Compliments and Complaints
- Delivery and Collection of Children
- Inclusion and Equity
- Information Communication Technology
- Interactions with Children
- Occupational Health and Safety
- Privacy and Confidentiality
- Rest and Sleep
- Safe Use of Digital Technologies and Online Environment
- Staffing
- Tobacco, Alcohol and other Drugs

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the approved provider will:

- **regularly seek feedback from everyone affected by the policy regarding its effectiveness**
- **monitor the implementation, compliance, complaints and incidents in relation to this policy**
- **assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy**
- **keep the policy up to date with current legislation, research, policy and best practice**
- **revise the policy and procedures as part of the service's policy review cycle, or as required**
- **notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk *(Regulation 172 (2)).***

ATTACHMENTS

- **Attachment 1: Code of Conduct for approved provider, nominated supervisor and all staff**
- **Attachment 2: Code of Conduct Acknowledgement for staff**
- **Attachment 3: Code of Conduct for parents/guardians, students, contractors and volunteers**

- **Attachment 4: Code of Conduct Acknowledgement for parents/guardians, students, contractors and volunteers**
- **Attachment 5: Defining concerning behaviour, misconduct and criminal conduct in a Code of Conduct**

AUTHORISATION

This policy was adopted by the approved provider of Balwyn East Kindergarten on 3 November 2025.

REVIEW DATE: 3 November 2027

ATTACHMENT 1. CODE OF CONDUCT FOR THE APPROVED PROVIDER, PERSONS WITH MANAGEMENT AND CONTROL, NOMINATED SUPERVISOR, PERSON IN DAY-TO-DAY CHARGE AND ALL STAFF

This attachment was informed by the Victorian Institute of Teaching's *the Victorian Teaching Profession Code of Conduct* and *A Guide for Creating a Child Safe Organisation*, available from the Commission for Children and Young People *(refer to Sources)*.

The approved provider, persons with management and control, nominated supervisor and all staff at Balwyn East Kindergarten are responsible for promoting the safety and wellbeing of children and their families by:

- **welcoming all children and their families and being inclusive**
- **treating everyone with respect, including listening to and valuing their views and taking children's views seriously and acting on them where appropriate**
- **contributing to a culture of child safety that is embedded in leadership, governance and everyday practice**
- **adhering to the *Child Safe Environment policy* and all other policies that support compliance with the Victorian Child Safe Standards**
- **taking all reasonable steps to protect children from abuse and actively identifying and managing risks of child abuse in physical and online environments**
- **respecting the privacy of children and their families, and only disclosing information to people who have a need to know as required under the *Privacy and Confidentiality policy***
- **reporting and acting on any breaches of this *Code of Conduct*, complaints or concerns promptly, in line with documented complaint handling and reporting procedures**
- **acknowledging the vulnerability of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability and having zero tolerance of discrimination**
- **recognising and respecting the cultural rights, identities and strengths of Aboriginal children and their families**
- **promoting equity and upholding the rights of children with disability and children who are unable to live at home**

Professional responsibilities

The approved provider, persons with management and control, nominated supervisor and all staff demonstrate our commitment to our professional responsibilities by:

- **undertaking duties in a competent, timely and responsible way**
- **ensuring our knowledge and expertise is up to date and relevant to our roles, including completing mandatory child safety training and ongoing professional learning**
- **being aware of the role of other professionals and agencies and working collaboratively and within the limits of our professional expertise**
- **understanding and complying with legal obligations in relation to:**
    - **discrimination, harassment and vilification**
    - **negligence**
    - **grooming**
    - **disclosure of child sexual abuse**
    - **protection of a child from child sexual abuse**
    - **mandatory reporting**
    - **privacy and confidentiality**
    - **occupational health and safety, including emergency evaluation procedures**
    - **raising any complaints or grievances in accordance with the *Compliments and Complaints policy***
    - **maintaining teacher registration and Working with Children checks as applicable.**
- **raising any complaints or grievances in accordance with the *Compliments and Complaints policy.***

Relationships with children

The approved provider, persons with management and control, nominated supervisor and all staff at Balwyn East Kindergarten demonstrate our commitment to high-quality education and care for children by:

- **encouraging children to express themselves and their opinions**

- creating safe spaces for children to raise concerns and providing clear information about how they can seek help
- allowing children to undertake experiences that develop self-reliance and self-esteem
- maintaining a safe environment for children
- being a positive role model at all times
- speaking to children in an encouraging and positive manner
- giving each child positive guidance and encouraging appropriate behaviour
- providing opportunities for children to interact and develop respectful and positive relationships with each other, and with other staff members and volunteers at the service
- regarding all children equally, and with respect and dignity
- having regard to their cultural values and supporting them to express their culture
- respecting individual difference including age, physical and intellectual development, and catering for the abilities of each child at the service
- working with children in an open and transparent way by informing other staff about the work being done with children and avoiding one to one situations that are not visible to others where possible
- encouraging and assisting children to undertake activities of a personal nature for themselves e.g. toileting and changing clothes
- informing children if physical contact is required for any purpose, asking them if they are comfortable with this interaction and complying with the *Interactions with Children policy*.
- understanding of their right to be heard and believed by providing time to express themselves, seeking their views in developmentally appropriate ways and recognising preferred communication methods.

Relationships with parents/guardians and families

In our relationships with parents/guardians and families, the approved provider, nominated supervisor and all staff demonstrate our commitment to collaboration by:

- maintain professional and ethical relationships with families attending the service
- respecting the role of parents/guardians as the child's first educator
- working collaboratively with parents/guardians and families
- considering the perspective of parents/guardians and families when making decisions that impact on the education and care of their child
- communicating with parents/guardians and families in a timely and sensitive manner
- responding to concerns expressed by parents/guardians and families in a timely and appropriate manner.
- providing accessible information about the service's child safety policies, complaint processes and reporting pathways

Relationships with employer and between colleagues

In relationships with the approved provider, persons with management and control, nominated supervisor and staff and between colleagues demonstrate collegiality by:

- encouraging others to act in accordance with this *Code of Conduct* and taking action when they observe behaviours which are outside of the *Code of Conduct*
- developing relationships based on mutual respect, equity and fairness
- working in partnership in a courteous, respectful and encouraging manner
- valuing the input of others
- sharing expertise and knowledge in appropriate forums, and in a considered manner
- respecting the rights of others as individuals
- giving encouraging and constructive feedback, and respecting the value of different professional approaches
- being prepared to have difficult conversations and use constructive processes to address differences of opinion.
- supporting a culture where staff feel safe to raise child safety concerns without fear of victimisation or reprisal.

ATTACHMENT 2. CODE OF CONDUCT POLICY ACKNOWLEDGEMENT FOR APPROVED PROVIDER, PERSONS WITH MANAGEMENT AND CONTROL, NOMINATED SUPERVISOR, PERSON IN DAY-TO-DAY CHARGE AND ALL STAFF

BALWYN EAST KINDERGARTEN INC.

I hereby acknowledge that on [Insert Date], I received a copy of the *Code of Conduct policy* for Balwyn East Kindergarten.

I have read the policy and I understand its contents.

I commit to abiding by the *Code of Conduct* and fulfilling my responsibilities as outlined in this policy whilst working at Balwyn East Kindergarten.

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

Signature	**Name (please print)**	**Date**
Witness signature	**Name (please print)**	**Date**

Thank you for your contribution to making Balwyn East Kindergarten an open, safe, welcoming, and friendly environment.

ATTACHMENT 3. CODE OF CONDUCT FOR PARENTS/GUARDIANS, STUDENTS, VOLUNTEERS, CONTRACTORS AND VISITORS

I commit to contributing to creating an environment at Balwyn East Kindergarten that:

- **respects the rights of the child and values diversity and upholds the rights of children to feel safe, be heard and be taken seriously**
- **acknowledges the vulnerability of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability and has zero tolerance of discrimination**
- **recognises and respects the cultural rights, identities and strengths of Aboriginal children and their families**
- **maintains a duty of care *(refer to Definitions)* towards all children at the service by supporting the service's child safe policies and practices**
- **is committed to the safety and wellbeing of each child at the service**
- **is committed to the safety and wellbeing of all staff at the service**
- **provides a safe and secure environment for all at the service, including physical and online environments**
- **provides an open, welcoming environment in which everyone's contribution is valued and respected**
- **is committed to communicating openly and honestly**
- **is committed to continually learning how to be inclusive and respectful of cultural needs**
- **encourages parents/guardians, volunteers, students and community members to support and participate in the program and activities of the service**
- **supports a culture where concerns about child safety can be raised without fear of blame or reprisal.**

Relationships with children

In my relationships with children, I commit to:

- **being a positive role model at all times**
- **encouraging children to express themselves and their opinions and listening and responding respectfully to their views**
- **allowing children to undertake experiences that develop self-reliance and self-esteem**
- **maintaining a safe environment for children**
- **speaking to children in an encouraging and positive manner**
- **giving each child positive guidance and encouraging appropriate behaviour**
- **regarding all children equally, and with respect and dignity**
- **having regard to each child's cultural values**
- **respecting individual difference including age, physical and intellectual development, and catering for the abilities of each child at the service.**
- **avoiding any behaviour that could be perceived as grooming, intimidating, discriminatory or unsafe**
- **understanding of their right to be heard and believed by providing time to express themselves, seeking their views in developmentally appropriate ways and recognising preferred communication methods**
- **reporting any concerns about a child's safety, wellbeing or conduct of others to the nominated supervisor or approved provider as soon as possible**

Relationships with the approved provider, persons with management and control, nominated supervisor, staff and others

In my relationships with the approved provider, nominated supervisor, staff, other parents/guardians, volunteers and visitors I commit to:

- **reading and abiding by the *Code of Conduct policy* all child safety and wellbeing policies of the service**
- **developing relationships based on mutual respect**
- **working in partnership in a courteous, respectful and encouraging manner**
- **valuing the input of others**
- **sharing our expertise and knowledge in a considered manner**
- **respecting the rights of others as individuals**
- **giving encouraging and constructive feedback, and respecting the value of different professional approaches**

- **respecting the privacy of children and their families and only disclosing information to people who have a need to know as required under the *Privacy and Confidentiality policy***
- **following the directions of staff at all times**
- **treating the early childhood environment with respect**
- **raising any concerns, including concerns about safety, as soon as possible with staff to ensure that they can be resolved efficiently and in line with the service's documented complaint handling procedures**
- **raising any complaints or grievances in accordance with the *Compliments and Complaints Policy***
- **complying with visitor sign in requirements, supervision arrangements and any risk management measures implemented to protect children**

ATTACHMENT 4. CODE OF CONDUCT POLICY ACKNOWLEDGEMENT FOR PARENTS/GUARDIANS, STUDENTS, CONTRACTORS AND VOLUNTEERS

BALWYN EAST KINDERGARTEN INC.

I hereby acknowledge that on [Insert Date][Date], I received a copy of the *Code of Conduct policy* for Balwyn East Kindergarten.

I have read this policy and understand its contents. I commit to abiding by the *Code of Conduct* and fulfilling my responsibilities as outlined in this policy whilst my child is attending Balwyn East Kindergarten.

I agree to abide by the values, principles and practices set out within.

I understand that a breach of the *Code of Conduct* may lead to limitations being placed on my attendance at the service.

Signature	Name (please print)	Date

Witness signature	Name (please print)	Date

Thank you for your contribution to making Balwyn East Kindergarten an open, safe, welcoming and friendly environment.

ATTACHMENT 5: DEFINING APPROPRIATE, CONCERNING/INAPPROPRIATE BEHAVIOUR, MISCONDUCT AND CRIMINAL CONDUCT IN A CODE OF CONDUCT

Appropriate behaviour includes, but is not limited to:

- **Treating all children and young people with respect with regard to the dignity and rights of each child regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status**
- **Listening to and valuing children and young people's ideas and opinions**
- **Creating a positive, non-confrontational communication environment where the child feels safe and comfortable to interact.**
- **Putting in place clear professional boundaries so interactions with children cannot be misinterpreted**
- **Welcoming all children and their families and carers by being inclusive**
- **Actively promoting cultural safety and inclusion**
- **Listening to children and responding to them appropriately**
- **Welcoming parents and carers to participate in decisions about their child's training schedule and any other matters about their safety**
- **Reporting any conflicts of interest (such as an outside relationship with a child)**
- **Adhering to all relevant Australian and Victorian legislation and our child safe policies and procedures**
- **Working within a team to ensure that the needs of the child (and their family) remain the paramount focus**
- **Participating in all compulsory training**
- **Raising concerns with management if risks to child safety are identified, including cultural, environmental and operational risks**
- **Reporting and acting on any concerns or observed breaches of this Code of Conduct**
- **Taking all reasonable steps to protect children from abuse**
- **Respecting the privacy of children and their families by keeping all information about child protection concerns confidential**
- **Informing parents and carers if there are situations that need to be safely managed but are outside the boundaries of this Code of Conduct**
- **Taking a child seriously if they disclose harm or abuse**
- **Ensuring breaches of this Code are reported immediately**
- **Upholding the rights of the child and always prioritise their needs.**

Concerning/inappropriate behaviours includes, but is not limited to:

- **disciplining or correcting a child or young person in an unreasonable manner**
- **making excessive and/or degrading demands of a child or young person**
- **taking photos of a child or young person who is in the care of the organisation outside of official duties**
- **creating situations to be alone with a child or young person**
- **repeatedly visiting a child/young person and/or their family at their home for no professional reason**
- **providing gifts or favours to a child/young person or their family**
- **wearing inappropriate clothing around children or young people (for example, clothing with sexually explicit images or messages or clothes that expose or accentuate the genitals or breasts)**
- **ignoring or disregarding concerns, suspicions or disclosures of child abuse, harm and family violence**
- **ignoring or disregard an adult's overly familiar behaviour, that is not justified by an educational or professional context, towards a child or young person**
- **disregarding or failing to consider the views of children, especially about their physical and emotional safety, cultural safety, or issues or decisions that are important to them**
- **initiating unnecessary physical contact with a child, or do things of a personal nature for them that they can do themselves.**

Examples of inappropriate conduct towards children and young people

- **Humiliating and threatening children and young people**
- **Using physical contact that could be construed as sexualised or intrusive**
- **Making physical threats**

- **Engaging in and using any touching that is intimate, sexualised or overly personal •**
- **Initiating, requesting or encouraging kissing**
- **Using retaliatory, insulting or humiliating remarks (which could include shouting or yelling in a hostile tone)**
- **Force-feeding**
- **Photographing and recording children in a state of undress or during toileting and hygiene care routines**
- **Engaging in one-to-one personal direct online or digital messages to children and young people**
- **Following children's and young people's accounts and tagging in a social media post, including online 'friend requests' and personal messaging (noting social media age restrictions)**

Inappropriate conduct in the presence of children and young people

- **Using disrespectful language and behaviours between adults, for example yelling and shouting in a hostile tone**
- **Using threatening or intimidating body language between adults, for example getting in someone's face or following them while continuing to yell at them**
- **Engaging in sexualised or racially charged conversations**
- **Engaging with inappropriate images, videos or written content**
- **Discussing children and young people in a derogatory manner**
- **Talking disrespectfully about children's and young people's families, culture or home environments**
- **Talking about or initiating experiences that are inappropriate for children's age and development, and may negatively shape thoughts and behaviour**

Remember, these are the issues that will be taken into consideration when deciding if practice or behaviour is inappropriate conduct:

- **Is inconsistent with professional standards or codes of conduct.**
- **Causes or is likely to cause emotional, psychological, or physical harm.**
- **Has violent, aggressive or sexual connotations.**
- **Is ill treatment of a child or young person that is not disciplinary in nature, for example, behaviour that is not in response to, or intended to address, a child's behaviour, in which case inappropriate discipline offences may instead apply.**

It is also important to note that not all of the conduct considerations listed above need to be met in order for the conduct to be deemed inappropriate by a reasonable person.

Misconduct that may be, but is not limited to:

- **condoning or participating in illegal, unsafe, abusive or harmful behaviour towards children**
- **using sexual language or gestures**
- **making written or verbal sexual advances**
- **sharing sexual photos or videos or other photos of the child or young person**
- **sharing details of one's own sexual experiences with a child or young person**
- **taking a child or young person to one's house to be alone with them**
- **sharing phone numbers with a child or young person except as allowed by the organisation's policies and procedures**
- **engaging with a child or young person via social media except as provided by the organisation's policies and procedures**
- **asking children or young people to keep a relationship secret**
- **showering or dressing or undressing with the door open (for example, on excursions and in residential situations)**
- **not respecting the privacy of children/young people when they are using the bathroom or changing (for example, on excursions and in residential situations).**

Examples of conduct, which if proven, would be criminal includes, but is not limited to:

- **intentionally or recklessly applying physical force against a child or young person**

- **obscene exposure**
- **having, attempting to have or facilitating any kind of sexual contact with a child or young person**
- **possessing, creating or exposing children to pornography**
- **giving goods, money, attention or affection in exchange for sexual activities or images**
- **sexting**
- **grooming offences (as defined by law in most jurisdictions)**
- **trafficking, possession, supply, or use of a prohibited drug**
- **manufacture or cultivation of a prohibited drug.**