

# Code of Conduct

September 2023



# We promote and uphold a positive, safe and inclusive culture across all services and teams.

## This Code of Conduct:

- Represents a broad framework that you must follow
- Outlines the behaviour and conduct we expect of everyone in our workplaces
- Sits alongside our values and policies and procedures in guiding you to do the right thing
- Requires your day-to-day actions and decisions to meet acceptable moral, legal and ethical standards
- Applies to anyone within an ECMS workplace, including permanent, temporary and casual employees, Board members, independent contractors, volunteers, student placement workers and others acting on behalf of ECMS
- Is not an exhaustive list of what to do in every situation.

## 1. Your role and responsibilities

- 1.1 Champion a respectful and professional workplace culture and act as a positive role model for agreed behaviours and values of ECMS
- 1.2 Understand, embrace and follow this Code of Conduct at all times
- 1.3 Reflect these expected behaviours in all interactions
- 1.4 Honour your duty of care to ensure the safety and well-being of others
- 1.5 Challenge, and if required, report any acts that counter the positive behaviours outlined.

## 2. Expected conduct

- 2.1 Act within the law with honesty and integrity
- 2.2 Maintain the highest standards of professional conduct in your attitude and behaviour towards others
- 2.3 Maintain a safe environment by following relevant legislation, including Safety, Child Safe Standards, and ECMS Policies and Procedures
- 2.4 Create and maintain healthy and inclusive environments that support children's agency and enhance learning
- 2.5 Communicate openly and without bias, maintaining positive, respectful and courteous relationships
- 2.6 Treat others fairly, ensuring you don't discriminate against anyone covered by this Code of Conduct because of personal preference or characteristic. For example, due to race, gender, disability, age, religion, sexual orientation, national origin, marital status and political beliefs.
- 2.7 Address differences of opinion using constructive processes to negotiate shared perspectives and actions.

- 2.8 Disclose and support resolving any potential conflicts of interest (personal relationships and activities, or employment activities) that could influence you performing your duties
- 2.9 Speak positively about ECMS and our operations when representing us in public forums, including on social media
- 2.10 Respect the rights to privacy and maintain confidentiality of those covered by our Privacy Policy and Confidential Information Policy
- 2.11 Routinely review and follow all ECMS policies and procedures
- 2.12 Comply with all reasonable and lawful instructions given by your direct manager or other senior managers.

### 3. Unacceptable and unethical conduct

We do not tolerate conduct that breaches the law, Child Safe Standards, ECA Code of Ethics, the Victorian Teaching Profession's Code of Conduct and Code of Ethics, or ECMS's Policies and Procedures.

#### **Breaches include but are not limited to:**

- 3.1 Bullying, harassment or discrimination
- 3.2 Violent, unsafe or threatening conduct
- 3.3 Using offensive language, threatening or engaging in demeaning or derogatory dialogue
- 3.4 Any criminal activity and acts of misconduct, such as consumption of prohibited or illegal substances, theft or abuse
- 3.5 Treating others less favourably because they make a complaint or allegation, act as a witness or provide evidence in an investigation
- 3.6 Any other unacceptable behaviour outlined in the Disciplinary Policy.

### 4. Child safe conduct

We commit to a culture where children feel valued, cared for and respected. Our values underpin the expectation for ensuring children's protection and wellbeing.

#### **You will:**

- 4.1 Promptly report any concerns or complaints of child harm or abuse as required by the Children, Youth and Families Act 2005 and ECMS policy and procedure
- 4.2 Identify and mitigate risks to children's safety and well-being and follow our risk assessment and management policies and procedures
- 4.3 Behave respectfully, courteously and ethically towards children and their families
- 4.4 Display respectful behaviour before engaging in physical activities such as personal care and physical affection with children, promoting empowerment, agency and dignity, relevant to their individual needs and development

4.5 Listen and respond with care and empathy to children's views and concerns, especially when they, verbally or non-verbally, communicate they do not feel safe or well

4.6 Promote the human rights, safety and well-being of all children at ECMS and in the community, including gender equality and modelling of respectful relationships

4.7 Consider and respect the diverse backgrounds and needs of children.

Recognising in particular:

- the cultural safety of Aboriginal children and children from culturally and linguistically diverse backgrounds
- the religious and spiritual background of children
- the safety of children with a disability
- gender diversity
- the well-being of children who have experienced trauma and or adversity

4.8 Exercise sound judgment and adhere to professional boundaries in your relationships with children and families at your centre.

Concerning conduct includes:

- undertaking paid or unpaid babysitting for families outside of hours
- giving your personal contact details to families
- connecting on social media
- attending celebrations such as birthdays or christenings

4.9 Create a welcoming, culturally safe and inclusive environment that promotes and enables participation by children and families

4.10 Whenever possible, involve children in decision-making about activities, policies and processes that concern them.

### **You will not:**

4.11 Engage in any unlawful activity with or towards a child

4.12 Physically, sexually or emotionally harm a child

4.13 Fail to respond to the needs of a child where failing has, or could have, a detrimental impact their health, development, safety or wellbeing.

4.14 Unlawfully discriminate against any child or their family members.

4.15 Be alone with a child when unnecessary

4.16 Develop overly familiar relationships with children or show favouritism

4.17 Discourage a child's independence and agency in their personal care by performing personal care actions that they can do for themselves

4.18 Arrange personal contact, including online contact, with children or their families

4.19 Share personal or sensitive information about a child, including images, unless their parent or legal guardian provides written consent or unless required for reporting or regulatory purposes

4.20 Capture, receive or store images or videos of children on a personal device

4.21 Use inappropriate language around children or show or give them access to improper images or materials

4.22 Work with children while under the influence of alcohol or prohibited drugs

4.23 Ignore or disregard any suspected or disclosed child harm or abuse within ECMS services or the community.

## 5. Escalating or reporting any concerns

You must report or escalate a concern, complaint, grievance or breach of this Code of Conduct as soon as practical to address the issue before it worsens or continues.

Raise the matter to your manager. If, for any reason, that isn't appropriate or it requires escalating, take it to any senior manager, the People team or the Risk and Compliance Team.

If you are unsure if the matter is reportable, ask the Risk and Compliance team or a senior manager. More information is in the Grievance Procedure Policy and Guidelines.

Not reporting a sexual offence against a child or failing to protect a child from sexual abuse may result in criminal charges against others or you, under Victoria's Failure to Protect and Failure to Disclose legislation.

## 6. Code of Conduct breaches

We don't tolerate bad behaviour in person or online. Misconduct may lead to disciplinary action according to your employment contract or relevant terms of engagement, and severe misconduct may lead to immediate dismissal or criminal proceedings.

Where someone makes a reportable allegation, we will follow the Department of Education Reportable Conduct Scheme and may refer it to Victoria Police.

This Code of Conduct does not replace your rights under the National Employment Standards or related Fair Work legislation.

### Associated ECMS Policies (on Thrive)

- Disciplinary Policy and Procedure
- Bullying Prevention Policy and Guidelines
- Harassment Prevention Policy and Guidelines
- Grievance Procedure Policy and Guidelines
- Confidential Information Policy
- Privacy Policy
- Reportable Conduct Policy
- Interactions with Children Policy
- Incident Reporting Policy
- Child Safe Policy
- Child Safe Culture Policy
- Child Safety Commitment Statement