



Children's Services
Since 1895

CODE OF CONDUCT



FROM THE CHAIR

As Board members, employees, contractors and volunteers at KU Children's Services, we have significant influence in developing an informed, dynamic and democratic society by providing high quality education and care services that inspire and facilitate the development of a love for lifelong learning.

We do this by creating inclusive and welcoming services, communities, and workplaces, and by promoting a values-based organisational culture, underpinned by respect, equity, innovative thinking, continuous self-development, and sustainability. We recognise that everyone has their own culture, beliefs, values and strengths, contributing to our rich and diverse community.

KU is focused on delivering quality services to children and their families and this requires all of us to hold ourselves to the highest standards of personal and professional performance and behaviour.

Therefore, on behalf of the KU Board, I am delighted to endorse the KU Code of Conduct including the Child Safe Code of Conduct and NDIS Code of Conduct and in doing so, confirm our ongoing commitment to quality, best practice and engaged professional staff as the heart of our proudly not for profit organisation.



Sema Whittle | Chair, KU Board
March 2023



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OUR APPROACH

OUR VISION

To lead and inspire young children's learning for life.

OUR PURPOSE

To partner with families and communities to nurture children's learning, development and wellbeing.

OUR VALUES

- ▶ Childhood
- ▶ Integrity and Relationships
- ▶ Leadership
- ▶ Innovation
- ▶ Sustainability
- ▶ Diversity and Inclusion

We demonstrate our values in our daily work by:

- ▶ Providing quality services to all internal and external stakeholders
- ▶ Being consistently honest, trustworthy and accountable
- ▶ Being respectful and responsive in dealing with others
- ▶ Respecting confidentiality and intellectual property rights
- ▶ Being committed to social investment by delivering services to those young Australians who most need them and demonstrating inclusive practices
- ▶ Making decisions that are procedurally fair to people and that avoid discrimination, for example, on grounds such as gender, race, religion and culture
- ▶ Promoting dignity and respect by avoiding behaviour that is, or might reasonably be perceived as, harassing, bullying or intimidating

▶ Maintaining professional relationships with:

- Children in our care
 - Families and carers
 - Clients, customers and members of the public
 - Students and volunteers
 - Colleagues
 - Business partners and suppliers
 - Government departments and agencies, professional bodies and educational institutions
- ▶ Working collaboratively with colleagues to reach our common goals
- ▶ Maintaining and developing our professional work practices
- ▶ Acknowledging our stakeholders as partners in our work; and
- ▶ Behaving in ways that advance the status and standing of early childhood education in Australia as a profession



1.

INTRODUCTION

This Code of Conduct document applies to KU Board members, employees, contractors and volunteers.

The KU Children's Services Code of Conduct draws on KU's Respectful Workplace Policy and reflects KU's zero tolerance for bullying, harassment, or discrimination.

It is organised into three sections with the first section being KU's overriding Code of Conduct and two other sections that are specific to Child Safe and NDIS Codes of Conduct.

All KU Board members and staff are required to read all three Codes and complete a declaration of acknowledgment and agreement to abide by these Codes.

The Codes are based on all applicable Australian and state-based legislation and KU policies and procedures. If there is any conflict between this document and legislation, the provision of the legislation will take precedence.





LEGISLATIVE APPLICATIONS

FRAMEWORKS AND COVENANTS

- ▶ Anti-Discrimination Act (1977)
- ▶ Children (Education and Care Services) National Law No. 104a
- ▶ Crimes Act (1900)
- ▶ Education and Care Services National Regulation (2016)
- ▶ Fair Work Act (2009)
- ▶ Independent Commission Against Corruption Act (1988)
- ▶ Industrial Relations Act (1996)
- ▶ NSW Children's Guardian Act 2019
- ▶ Victorian Child Wellbeing and Safety Act 2005

- ▶ Victorian Commission for Children and Young People Act 2012
- ▶ ACT Ombudsman Act 1989
- ▶ Privacy legislation in each State and Territory and the Commonwealth Privacy Act (1998)
- ▶ Work Health and Safety Act (2011)
- ▶ Modern Slavery Act (2020)
- ▶ National Disability Insurance Scheme ACT 2013 (NDIS Act)
- ▶ National Framework for Protecting Australia's Children 2021 to 2031
- ▶ UN Convention on Rights of Child

RELATED FORMS

- ▶ G9 KU Code(s) of Conduct Acknowledgment and Agreement Form

2.

WHAT IS THE PURPOSE OF THIS CODE OF CONDUCT?

The aim of this Code is to establish a common understanding of the standards of behaviour expected of all Board members, employees, contractors and volunteers of KU Children's Services (KU).

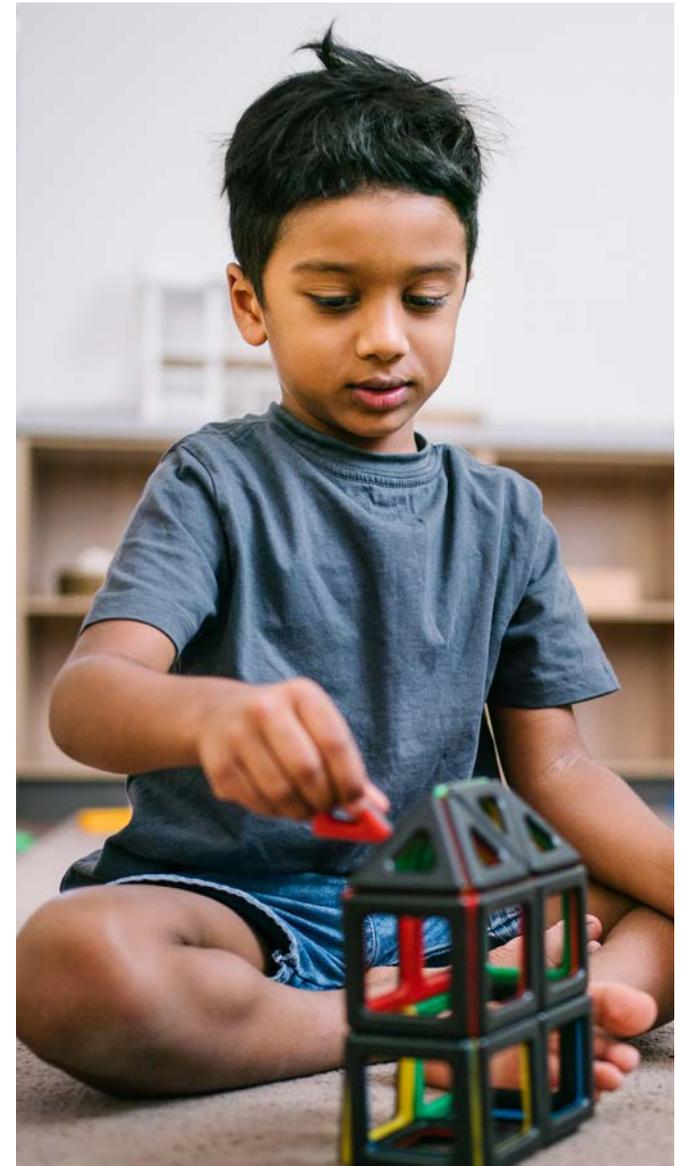
This Code does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it sets out standards of behaviour expected and provides a broad framework that will help you decide on an appropriate course of action when you are faced with an ethical issue.

While KU is often referred to as one entity responsible for decisions and outcomes, the reality is it is a large and complex organisation that achieves good outcomes when Board members, employees, contractors and volunteers exercise sound judgment in fulfilling the duties of their roles. This also requires Managers to supervise, support and provide training to staff and role model desired behaviours.

Our Code of Conduct places an obligation on all of us to take responsibility for our own conduct and work with colleagues cooperatively to establish consultative and collaborative workplaces where people are happy and proud to work and that deliver excellent services to children, families and communities.

In complying with the KU Code of Conduct, ask yourself the following questions to aid in making the right decision:

- ▶ Am I being fair and honest?
- ▶ Are my actions legal and ethical?
- ▶ Am I witnessing discrimination or harassment?
- ▶ Would I be unwilling or embarrassed to tell my family, friends or co-workers what I intend to do?
- ▶ Am I personally uncomfortable about the particular situation?
- ▶ Could someone's life, health, safety or reputation be endangered by my actions or inaction?
- ▶ Could the intended action appear inappropriate to a third party?



You **do not** have to make difficult decisions alone. You can seek help and advice from your Manager, a General Manager or the CEO at any time.

3.

WHO MUST COMPLY WITH THE CODE OF CONDUCT?

This Code of Conduct applies to all Board members, employees, contractors and volunteers of KU. In relation to employees, this Code of Conduct applies whether those persons are employed on a permanent, contract, temporary or casual basis.

KU Board members and employees

3.1 By accepting a Board position or employment with KU, you must be aware of and comply with, this Code of Conduct.

Therefore, you must:

- ▶ Engage in personal and professional conduct that upholds the reputation of KU
- ▶ Apply KU's policies and procedures
- ▶ Act ethically and responsibly, and in line with KU Values
- ▶ Be accountable for your actions and decisions

Contractors and volunteers

3.2 Contractors and volunteers working with KU must be aware of this Code and act in line with the conduct described in it.

While contractors and volunteers are not subject to disciplinary action, conduct that would be assessed as being a serious breach of the Code of Conduct may result in their contract or volunteer activity being terminated.

3.3 If you are engaging or managing external contractors or volunteers, it is your responsibility to make them aware of KU's expectations of conduct during the period of their engagement.

It is also your responsibility to take the necessary action to address any concerns about their conduct.



Why doesn't the Code of Conduct apply to parents and carers?

All parents and carers are expected to abide by the KU Standard Terms for the Enrolment of Children.

4.

RESPECT FOR PEOPLE

KU is committed to a workplace that provides dignity and respect. Our daily interaction with others reflects on KU's reputation. All KU Board members, employees, contractors and volunteers are expected to be approachable, courteous and prompt in dealing with other people, including children, families, carers, clients, members of the community, students, volunteers and other KU staff/colleagues (irrespective of their position or seniority) and members of the public.

In dealing with other people, you should be able to accommodate and tolerate different opinions and perspectives and sort out your disagreements by rational discussion.

Rational discussion presupposes that there is open communication and the freedom to voice another point of view. Such a discussion should not involve verbal abuse or physical intimidation. For example, you may test and challenge a person's ideas, but you should not challenge the person, and you should never verbally abuse, vilify or belittle anyone (including colleagues and Managers) personally or to others (in any forum).

4.1 It is important for you to treat your colleagues with respect. KU has a zero-tolerance policy for bullying or harassment including insulting behaviour, passive-aggressive behaviour, verbal and non-verbal aggression, abusive, threatening or derogatory language and physical abuse or intimidation towards others.

4.2 You must not discriminate against or harass children, families, carers, clients, members of the community, students, volunteers and other KU staff/colleagues or members of the public on a number of grounds including; sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual orientation or gender identity. Such harassment or discrimination may constitute an offence under the Anti-Discrimination Act (1977). In addition, you must not harass or discriminate on the grounds of political or religious belief.

4.3 You must not use information and communication technologies, such as email, mobile phones, text or instant messaging, social media and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm or make them feel unsafe.

4.4 You must not make unfounded complaints with malicious, frivolous or vexatious intent against children, families, carers, clients, members of the community, students, volunteers and other KU staff/colleagues and members of the public.

4.5 Board members, employees, contractors and volunteers who work with children have a special responsibility in presenting themselves as appropriate role models for children. Modelling effective leadership, conflict resolution and respect in your interactions with colleagues, children, families and carers can have a profoundly positive influence.

4.6 Managers must lead by example and must take all necessary steps to ensure that workplaces are free from all forms of harassment, bullying and unlawful discrimination, and that employees, contractors and volunteers are informed of the principles of equal opportunity and anti-discrimination.

4.7 Managers must take reports of discrimination, harassment and bullying seriously and take steps to prevent and correct the conduct. Most incidents can be addressed effectively if reported early.

4.8 If you believe you or anyone else in your workplace is being treated in a discriminatory or harassing manner, it is your obligation to speak up and report the behaviour.

4.9 KU and you have a mutual responsibility of trust, respect and loyalty towards each other. KU expects that you will speak positively of the organisation, including its work, people, and policies. If at any time you find you are concerned, speak directly to your Manager; this will enable your concern to be appropriately addressed. Do not gossip or make negative public comment (in any forum) on the situation. You can escalate matters through the KU Whistle Blower Policy where appropriate.



5.

WHAT DO WE EXPECT OF OUR BOARD MEMBERS, EMPLOYEES, CONTRACTORS AND VOLUNTEERS?

As a Board member, employee, contractor or volunteer, you are required to be aware of the KU policies, procedures and delegations, particularly those that apply to your workplace.

Many of these are available online; others may be made available to you through induction and training and development programs or via the KU Bulletin.

If you are uncertain about the scope or content of a policy or procedure with which you must comply, you should seek clarification from your Manager, supervisor or the policy owner.

Employees should also be familiar with the Enterprise Bargaining Agreement (EBA) or conditions under which you are employed as this may specify requirements with which you need to comply.

5.1 You are expected to:

- ▶ Perform your duties to the best of your ability and be accountable for your performance including carrying out your duties in a professional, competent and conscientious manner

- ▶ Follow reasonable instructions (see Definitions) given by a Manager to whom you report
- ▶ Comply with a lawful direction (see Definitions)
- ▶ Seek suitable opportunities to improve your knowledge and skills, including participation in relevant professional learning opportunities
- ▶ Attend learning opportunities or compliance training as directed by KU in accordance with the delegations of authority
- ▶ Comply with obligations under relevant legislation
- ▶ Report any child wellbeing and protection concerns in accordance with the KU Child Protection and Safeguarding Policy
- ▶ Report any allegations of reportable conduct or reportable convictions against you in accordance with KU Child Protection and Safeguarding Policy
- ▶ Be courteous and responsive in dealing with children in KU's care, families, carers, clients, members of the community, students, volunteers and other KU staff/colleagues and members of the public
- ▶ Work collaboratively with your colleagues
- ▶ Be mindful of your duty to the safety of yourself and others
- ▶ Act honestly and in good faith in providing advice or service that is honest, impartial, comprehensive, and irrespective of your personal views on a matter
- ▶ Be aware that if your conduct has the potential to damage the reputation of KU, even if it is in a private capacity, this could lead to disciplinary action
- ▶ Be aware of the implications of the Modern Slavery Act 2020 and report any concerns directly to your Manager

5.2 If your role requires you to manage or supervise staff, in addition to the above responsibilities you are also expected to:

- ▶ Promote collaborative and collegial workplaces by developing a positive working environment in which all employees can contribute to the ongoing development of KU

- ▶ Exercise leadership by working with your team to implement proactive performance and development processes that are consistent with the employee's conditions of employment
- ▶ Provide ongoing support and feedback to your staff
- ▶ Model the professional behaviour you expect from employees
- ▶ Establish systems within your area of responsibility which support effective communication and consult with and involve your staff in appropriate decision-making
- ▶ Take appropriate action if a breach of the Code of Conduct may have occurred
- ▶ Maintain your status as a "fit and proper" person for the role you hold for the duration of your employment at KU (see Definitions)

At times, you may not personally agree with all decisions made by your Manager or KU. You may also have personal views that differ from those of KU's Board and management.

However, your views should not interfere or be seen to interfere with the performance of your duties; nor can they take precedence over KU's policy, decisions and directions.

You are required to comply with reasonable instructions related to your work. If you consider an instruction unreasonable, you should say so to the person issuing the instruction in a civil manner, giving your reasons for concern and allowing the person an opportunity to respond.

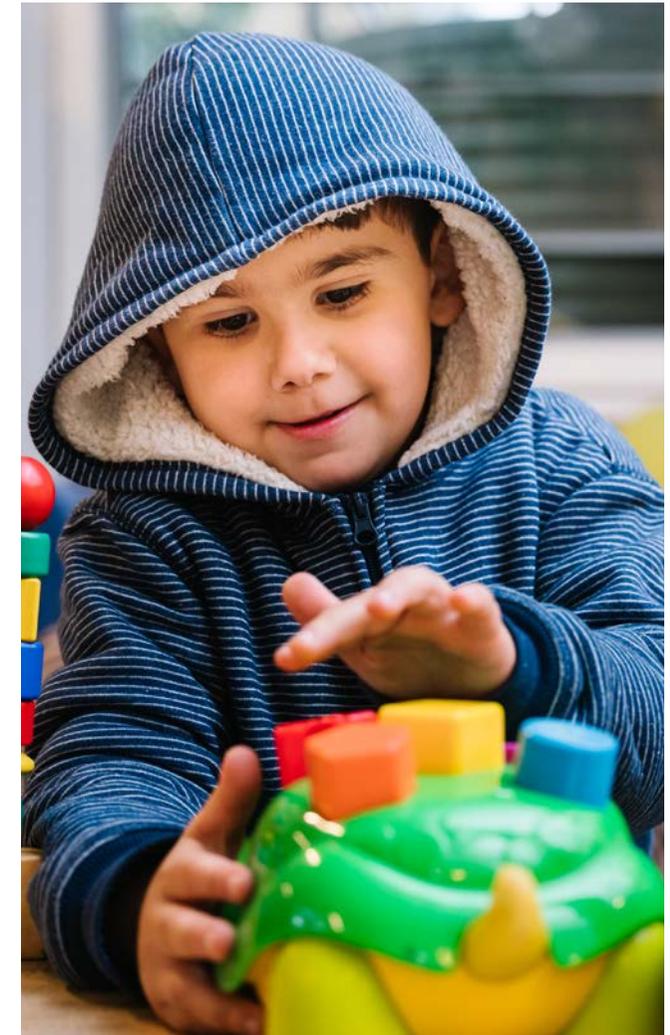
If, after the response, you are still concerned or object to the instruction, you may seek advice at the next management level or People Services.

You are not prevented from seeking the advice of your Union and/or professional association at any time.

Managers should be open to constructive questions or concerns regarding their instructions.

Managers have a responsibility to respond appropriately.

An example of good management practice is a Manager who identifies an employee's, contractor's or volunteer's skill level by observing their work and regularly provides useful, positive feedback. A good Manager deals with any issues early, provides feedback sensitively and constructively, and in consultation with the employee, contractor, or volunteer, develops strategies that address any concerns in a positive fashion.



All KU Board members, staff, volunteers and contractors will uphold the United Nations Convention on the Rights of the Child.

The behaviour you ignore or walk alongside is behaviour you accept and condone. You are expected to speak up so that inappropriate behaviours can be address.

6.

CONCERNS ABOUT THE CODE OF CONDUCT OF BOARD MEMBERS, EMPLOYEES, CONTRACTORS AND VOLUNTEERS

KU is committed to supporting Board members, employees, contractors or volunteers who report concerns about the conduct of their colleagues. Such conduct includes child protection issues, corrupt or inappropriate conduct and breaches of confidentiality.

You can be guided in this by the KU Complaints Management Framework, the KU Child Protection and Safeguarding Policy and the NDIS Code of Conduct.

6.1 All employees, contractors and volunteers are required to inform the KU General Manager, People Services & IT or their General Manager if they are charged with or convicted of an indictable offence (i.e. those punishable by more than two years' imprisonment). All Board members are required to inform the Board Chair.

6.2 All Board members, employees, contractors and volunteers are required to inform the Manager Child Safe and Wellbeing of any allegations of reportable conduct or reportable convictions made against you (see definition of reportable conduct and reportable conviction).

6.3 If you become aware of a serious crime committed by a KU Board member, employee, contractor, or volunteer during your employment, you are required to report it to the police and CEO. CEO is required to inform the Board Chair.

6.4 All Board members, employees, contractors, and volunteers are required to report instances of suspected corrupt conduct, maladministration or serious and substantial waste in accordance with the KU Whistleblower Policy.

6.5 As a Board member, employee, contractor, or volunteer, you must report possible 'risk of harm' to children or young persons in accordance with KU's Child Safe Environments Policy.

6.6 Board members, employees, contractors, and volunteers are required to report matters of suspected corrupt conduct, maladministration or serious and substantial waste in accordance with the KU Complaints Management Framework.

6.7 If you are aware that such a report has been made, it is essential that you do not take detrimental action against the complainant in reprisal for reporting it. This includes any action that could reasonably be perceived to be detrimental action in reprisal.

6.8 Anyone who takes detrimental action against a Board member, employee, contractor or volunteer in reprisal for having made a report will be subject to the KU Managing Unsatisfactory Work Performance Policy. Detrimental action will also be treated as serious misconduct by KU and would be dealt with as a disciplinary matter, which could lead to dismissal.

7.

WHAT HAPPENS IF I BREACH THE CODE OF CONDUCT?

As a Board member, employee, contractor or volunteer, you hold a position of trust, and you are accountable for your actions.

An employee, contractor or volunteer who fails to follow a reasonable direction given by their Manager will be dealt with under the KU Managing Unsatisfactory Work Performance Policy.

There will be some serious breaches of the Code of Conduct that require an immediate investigation and the Board member, employee, contractor, or volunteers' withdrawal from their workplace until the outcome is determined. Serious breaches of the Code of Conduct will constitute serious misconduct and will be dealt with accordingly.

7.1 Consequences of confirmed inappropriate behaviour and breaches of this Code are managed in accordance with the KU Managing Unsatisfactory Work Performance Policy and KU Complaints Management Framework.

7.2 If you are a Manager, you have a responsibility to address a possible breach of the Code of Conduct by any Board member, employee, contractor, or volunteer as soon as you become aware of it, including seeking advice from the relevant General Manager. Each case should be determined on the facts and circumstances when deciding on the appropriate action to take, including reporting of serious matters and those where an employee, contractor or volunteer has failed to follow a lawful direction.

7.3 Other employees, contractors or volunteers must also report possible breaches by colleagues to their Manager. If the possible breach is by their Manager, then it should be reported to the next in line of management or under the KU Whistle Blower where appropriate.

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7.5 Actions that will apply to be proven (after investigation) breaches of the Code can include management or remedial action, or disciplinary action ranging from a caution and/or warning to dismissal.

7.6 The outcome of criminal proceedings against Board members, employees, contractors or volunteers may be considered as possible breaches of the Code of Conduct and action, including disciplinary action, may be taken.

7.7 KU has a zero-tolerance approach to fraud; any instance of fraud at KU will be referred to the appropriate authorities for action.

Procedural fairness requires a decision-maker to:

- ▶ Inform you of the allegations made against you
- ▶ Give you an opportunity to respond
- ▶ Not have a personal interest in the outcome
- ▶ Allow you to have a support person present at discussions

8.

IDENTIFYING AND MANAGING A CONFLICT OF INTEREST

Personal views or private interests can, or have the potential to, influence a person's capacity to perform their duties and in turn compromise their integrity and that of KU.

8.1 As a Board member, employee, contractor or volunteer, you must be objective and impartial, and be seen to be so. A conflict of interest can involve:

- ▶ Pecuniary interests i.e. financial gain or loss or other material benefits
- ▶ Non-pecuniary interests i.e. favour, personal relationships and associations

It may not only be about your own interests.

It may include:

- ▶ The interests of members of your immediate family or relatives (where these interests are known)
- ▶ The interests of your own business partners or associates, or those of your workplace
- ▶ The interests of your friends

8.2 A conflict exists when a reasonably minded and informed person would form that view.

8.3 When faced with a situation in which a conflict of interest may be present, you must:

- ▶ Assess the situation and the surrounding circumstances that could affect any decisions or actions you may take in the matter (Ask yourself *"What is my employment duty?"* and *"What is my personal interest?"*);
- ▶ Identify whether any conflict of interest exists (*"Could my personal interest influence my performance of my employment duty?"*);
- ▶ Determine the type of conflict of interest (*"Is it actual, perceived or potential?"* *"Is it pecuniary or non-pecuniary?"*); and
- ▶ Report any conflict to your Manager

Questions you might ask yourself would be:

- ▶ *What assessment would a reasonable or fair-minded member of the public make of the circumstances? Could my involvement in this matter cast doubt on my integrity or KU's integrity?*

8.4 You should also report situations where a Board member, employee, contractor or volunteer who has an identified conflict is, or may be perceived as, attempting to unduly influence your decision.

8.5 If you are a Manager, you are required to develop appropriate management strategies to deal with any conflicts of interest and document your decisions and actions at a workplace level.

Examples of Conflict of Interest situations include:

- ▶ Taking part in the evaluation and selection of equipment or technology that were developed, written or edited by a relative or close friend, or manufactured or published by a company in which you/they have a financial interest
- ▶ Taking part in the selection and appointment of a supplier or contractor who is a relative or a close friend, or owns a company in which you or they have a financial/business interest
- ▶ Referring families or carers to a provider of services in which you have, or a relative or a close friend has, a financial/business interest

9.

RECRUITMENT AND STAFF SELECTION

The recruitment of Board members, employees, contractors, or volunteers to KU is conducted in line with the relevant legislation, industrial instruments, policies and procedures.

Recruitment and staff selection processes must meet the principles and the standards of merit selection. They must be ethical, fair, and effective and ensure participation is open and accessible.

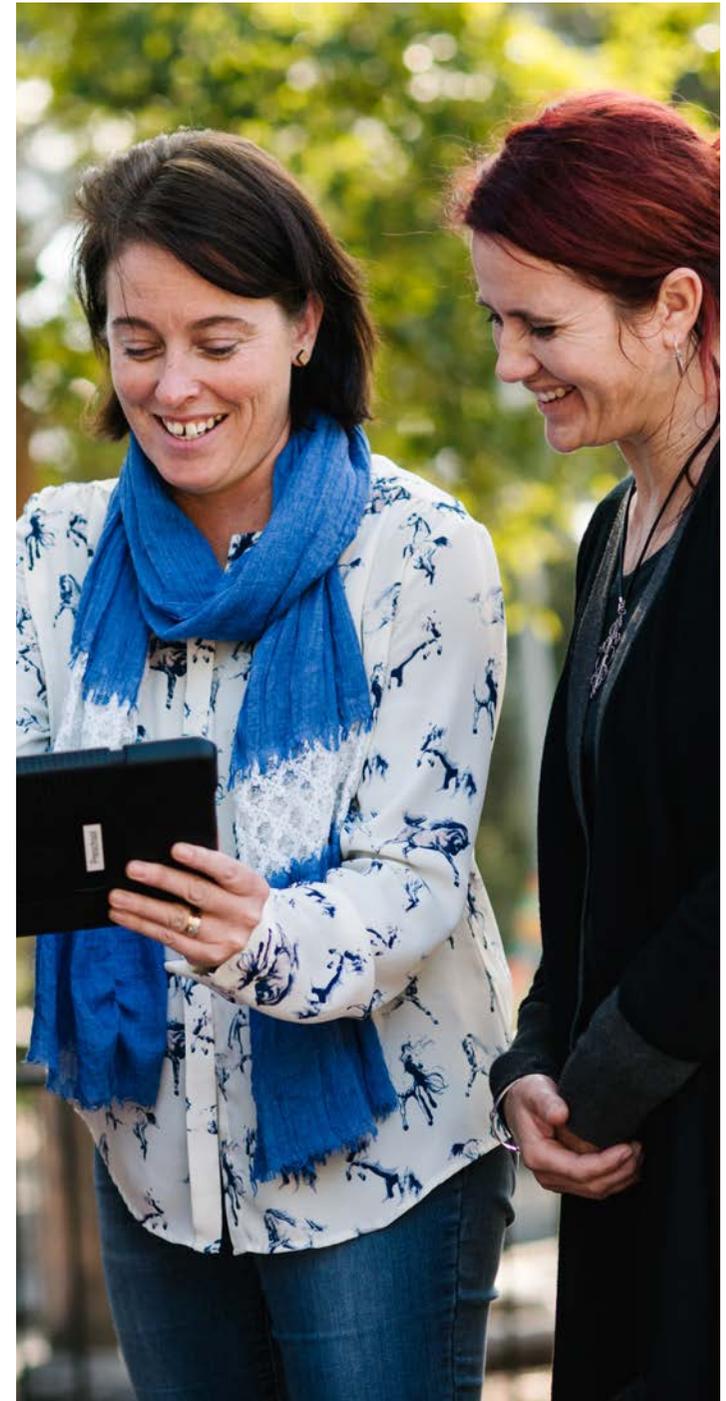
KU is committed to being a child safe organisation and will conduct rigorous scrutiny of potential employees to ensure an applicant is suitable for child related employment, including verification of identity, Working With Children Check, qualifications, professional experience and has a solid understanding and commitment to children's safety and wellbeing.

9.1 To avoid any possible accusation of bias, you must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any Board member, employee, contractor or volunteer, or prospective Board member, employee, contractor, or volunteer, to whom you are related, or with whom you have a close personal or business relationship.

9.2 Selection panel members need to declare to the panel any prior personal knowledge or interest in any of the applicants. This is to ensure that any conflict of interest, which might unduly influence that person in the panel's deliberations is carefully managed. Prior knowledge of the applicant does not necessarily amount to a conflict of interest or exclude participation in the selection process.

9.3 When the selection is by a panel, if the CEO or General Manager, People Services & IT (or in the case of Board members, the Board Chair) considers a conflict of interest could prejudice the outcome of the process, the panel member must step down from the panel.

9.4. KU will take all reasonable steps to ensure all those involved in the recruitment and selection processes at KU are aware of the potential for unconscious bias and its impact.



10.

GIFTS, BENEFITS AND BRIBES

As a Board member, employee, contractor, or volunteer, you may be offered a gift or benefit as an act of gratitude. There are some circumstances when to refuse a gift would be perceived as rude, insulting or hurtful.

You are expected to exercise sound judgement when offered a gift or benefit. It is important that the acceptance of a gift does not influence or is not seen to influence your decision-making.

You must never ask for money, gifts (see Definitions) or benefits and you must never accept any offer of money or accept a gift or benefit greater than a nominal value (see 10.3). To do so may amount to bribery, which is a crime. Any attempt to bribe a Board member, employee, contractor or volunteer, or the acceptance of a bribe by a Board member, employee, contractor, or volunteer, is an act of corrupt conduct.

Bribery is soliciting, receiving or offering any undue reward to or by a person to influence the way that person acts. A reward can encompass anything of value and is not limited to money or tangible goods. The provision of services may amount to a reward.

10.1 If you are offered a bribe (i.e. anything given to persuade you to act improperly), you must refuse it, explain why it is not appropriate and immediately report the matter to the CEO or, if you are a Board member, the Board Chair.

10.2 Accepting gifts and other benefits has the potential to compromise your position by creating a sense of obligation and undermining your impartiality. It may also affect the reputation of KU.

10.3 Always consider the value and purpose of a gift or benefit before making any decision about accepting it. A gift that is more than nominal value (\$50) must be declared to your General Manager, or if you are a Board member, the Board Chair, and it will be added to the KU gift register. It is never appropriate to accept cash payments.

Sometimes an employee, contractor or volunteer might, in the course of their work, win a prize of significant monetary value e.g. a piece of electronic equipment from another organisation. Prizes are usually considered the property of KU. If you win a prize, you must advise your General Manager who will determine how the prize should be treated and recorded.

It would be acceptable to receive gifts in the following situations:

- ▶ If, after giving a presentation at a meeting or seminar, you are presented with a small gift as thanks for your time and effort
- ▶ When a child or parents arrive with a small gift for a staff member at the end of the year
- ▶ A parent gives \$1000 dollar donation to the Director, specifically requesting that the money be donated to the service or the purchase of iPads

It would not be acceptable to receive gifts or benefits in the following situations:

- ▶ A company wanting to do business with KU offers an employee two tickets to the VIP box at the football final
- ▶ A parent gives the service \$1000 dollars for electronic equipment on condition that her son is prioritised ahead of others for attendance at the service
- ▶ At the end of Term 2, a parent gives a teacher an envelope containing \$150 and says “I hope this will help you enjoy your holiday. Have a dinner on me.”
- ▶ A parent / supplier / potential supplier gives a staff member an obviously expensive gift e.g. an item of jewellery



11.

CONFIDENTIAL INFORMATION

KU collects and stores a lot of confidential information including personal and sensitive information.

Unauthorised disclosures may cause people harm or give an individual or organisation an improper advantage or in some cases be a breach of National Law and/or the Privacy Act.

KU's integrity and credibility may be damaged if information security is compromised.

11.1 As a Board member, employee, contractor, or volunteer of KU, you must only use information for the work-related purpose it was intended.

11.2 Unless directed to do so by a government agency or court order, you must not disclose or use any confidential information without appropriate approval.

11.3 You must make sure that confidential information, in any form, cannot be accessed by unauthorised people. Sensitive information will only be provided to people, either within or outside KU who are authorised to have access to it.

11.4 You should always exercise caution and sound judgement in discussing other people's personal information with other KU Board members, employees, contractors or volunteers. Information must be limited to those who need to know to conduct their duties, or to those who can assist us in carrying out our work because of their expertise.

11.5 Former KU Board members, employees, contractors or volunteers must not retain or be given access to confidential information.

11.6 Information concerning privacy is available on KU's staff intranet.

11.7 Misuse of confidential information may be considered an act of gross misconduct and, if you are an employee, result in termination of your employment.

KU Confidentiality Statement

You must read, understand, and sign a copy of the KU Confidentiality Statement upon joining KU and from time to time as required when requested.

Examples of inappropriate release of confidential information might include:

- ▶ A Board member, employee, contractor or volunteer providing information regarding a child to a person who is not that child's parent or carer
- ▶ A Board member, employee, contractor or volunteer supplying confidential information to a company tendering for work with KU
- ▶ Board members, employees, contractors or volunteers accessing a colleague's or families' contact details or workplace records inappropriately



12.

MAINTAINING PROFESSIONAL RELATIONSHIPS WITH CHILDREN

Children's safety and wellbeing is of utmost importance. KU has a clear and strong commitment to maintaining child safe environments and ensuring that child safe practices and strategies are embedded in all that we do.

Everyone, not only those educators who work directly with children, but Board members, employees, contractors and volunteers, are expected to have the highest regard for children's safety and wellbeing at all times. Everyone has a valuable part to play in creating the ethos and culture of our organisation.

KU takes a child rights approach to all our engagements with children. Focusing on children's fundamental rights is the most effective platform for keeping children safe and promoting their wellbeing. At KU, we actively encourage children to participate in decisions that affect them, valuing and celebrating the contributions they make.

At KU we expect our services to adopt a child rights approach by creating a culture in which children feel respected and valued, their views and insights are responded to and taken seriously, and they are encouraged to speak up if they are feeling unsafe.

This helps children to become stronger, more confident and have a greater say in their lives.

12.1 As a KU Board member, employee, contractor, or volunteer, you are expected to always behave in ways that promote the best interests of children and be aware of your child safety responsibilities, including reporting obligations. You are expected to understand and observe the KU Child Protection and Safeguarding Policy.

12.2 It is essential for Board members, employees, contractors and volunteers who work with children to understand expectations regarding their professional conduct toward children. You must be familiar with and adhere to the Child Safe Code of Conduct, Child Safe Code of Conduct Practice Guide and NDIS Code of Conduct. It is a supplementary guide to this KU Code of Conduct and clearly sets out appropriate standards of behaviour expected of KU Board members, employees, contractors and volunteers in their interactions with children. It clarifies situations which may otherwise be unclear for Board members, employees, contractors and volunteers including crossing of professional boundaries and grooming behaviours.

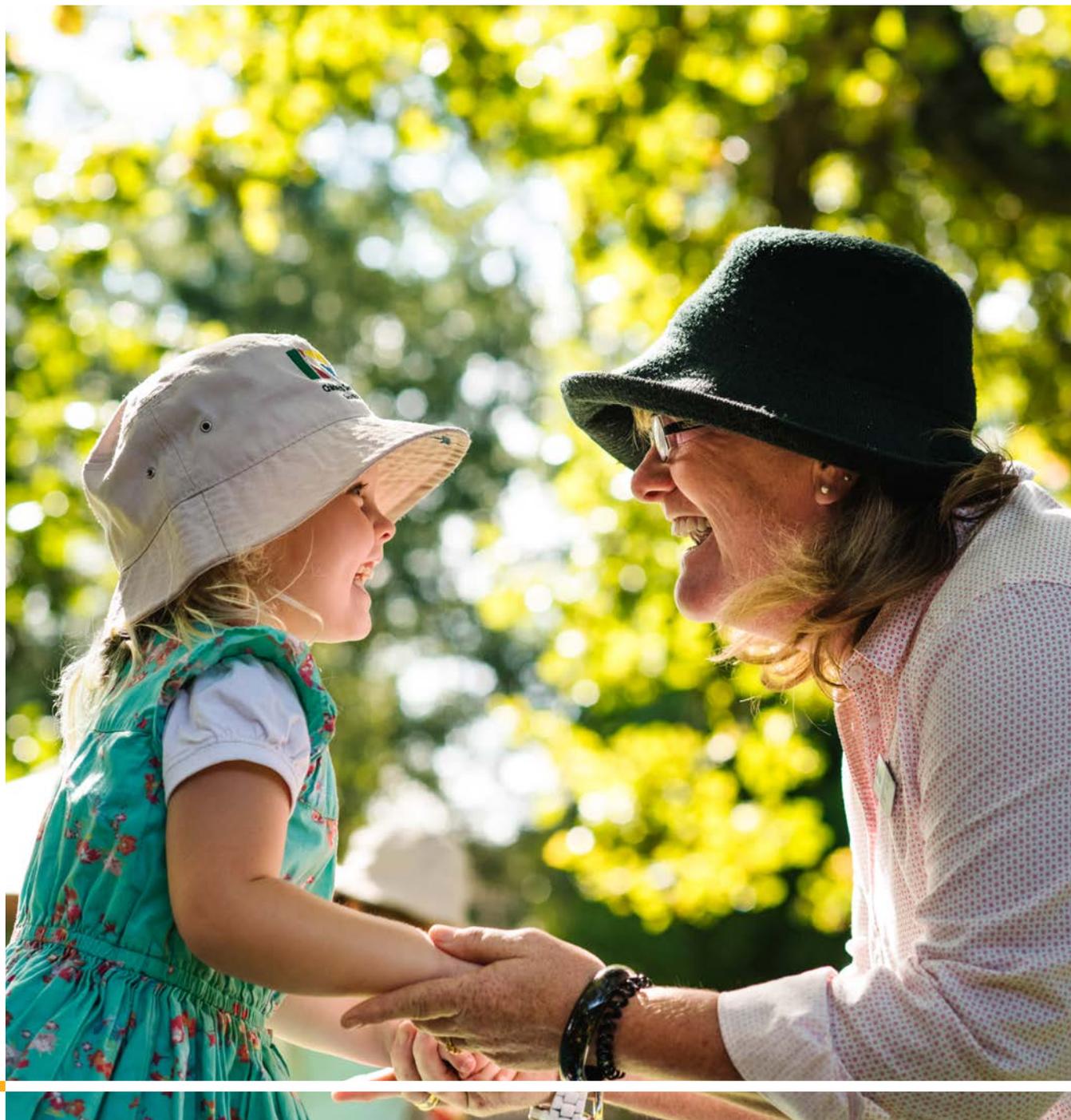
12.3 All Board members, employees, contractors and volunteers have a duty of care to identify risks and actively seek to prevent harm to children. You must report any suspicion or concern that a child's safety or wellbeing may be compromised, regardless of whether the suspicion relates to the safety of the child in the care environment or if the concerns arise in the home environment.

12.4 Employees, contractors or volunteers in services who work directly with children are mandatory reporters and are expected to know how to identify risk of harm concerns and respond to children and families who may be experiencing a crisis. You should refer to the KU Child Protection and Safeguarding Policy for further guidance in responding to abuse or neglect concerns.

12.5 You should not ignore or disregard any suspected or disclosed child abuse, if in doubt, seek advice from KU Child Safe and Wellbeing in the first instance. Failure to act to protect a child from abuse is viewed very seriously.

12.6 KU has a zero tolerance of inappropriate conduct by Board members, employees, contractors or volunteers toward children. We encourage you to be mindful of your interactions and seek advice if unsure of expectations. An allegation of child abuse by a KU Board member, employee, contractor or volunteer is a serious matter that requires immediate and careful attention. You should refer to the KU Child Protection and Safeguarding Policy for further information regarding protocols for managing complaints or concerns of a child protection nature against Board members, employees, contractors or volunteers.

12.7 KU employees must not attend non work-related social events with children and families and need to be aware that contact with children and families outside of the service maybe viewed as concerning by KU and others in the community. Contact outside the service is high risk for staff as it may blur the boundaries between staff personal and professional life. Staff are expected to inform their Manager if they have a pre-existing relationship with a family that results in contact outside the service.



13.

PRIVATE AND SECONDARY EMPLOYMENT

It is permissible for employees to undertake paid secondary work within or outside KU. However, employees must recognise their primary commitment is to their principal employment. Engaging in other employment, for example, nannying, babysitting, TAFE teaching, training or working as a consultant, may have the potential to compromise or be seen to compromise your duties as an employee of KU.

However, employees must recognise their primary commitment is to their principal employment at KU. Secondary work may:

- ▶ Be a potential conflict of interest (see the relevant section in this Code of Conduct); and/or
- ▶ Have the potential to compromise or be seen to compromise your capacity to perform your duties as an employee of KU; and/or
- ▶ Represent a risk to KU intellectual property

Therefore, private and secondary employment is subject to the following conditions:

13.1 If you are employed in a permanent full-time or temporary full-time position, you must seek approval in writing from your General Manager prior to engaging in any secondary employment.

You can only commence the private or secondary employment once you have received approval in writing. Approval must be obtained annually. Approval is not guaranteed.

13.2 If you are employed in a permanent part-time or temporary/contract part-time role in a Central Office classified position you must seek approval in writing from your General Manager prior to engaging in any secondary employment. You can only commence the private or secondary employment once you have received approval in writing. Approval must be obtained annually. Approval is not guaranteed.

13.3 Permanent part-time and temporary part-time employees (non- Central Office roles), casual employees, and temporary contract staff are not required to gain approval for other employment, providing the other paid work is not undertaken during the period that the person is employed to discharge duties for KU. However, these employees must ensure that their responsibility to KU is not adversely affected and that no conflicts of interest arise.

13.4 Permanent and temporary/contract part time staff should carefully consider whether other work will adversely affect their duties at KU or if there is a conflict of interest.

If you are unsure about a conflict of interest, please seek advice from your General Manager.

13.5 Casual employees should carefully consider whether other work will adversely affect their duties at KU or if there is a conflict of interest. If you are unsure about conflict of interest, please seek advice from the Manager HR.

13.6 In cases where a real or perceived conflict of interest exists, the employee must advise their General Manager. The General Manager must then assess the manageability of the conflict of interest and/or review the continuation of the private or secondary employment.

13.7 KU will not accept any classifications of current staff engaging in secondary employment with families and carers with a relationship, past or present, with KU. If this situation does occur, it may be considered an instance of gross misconduct.

13.8 Other than for casual staff, any work undertaken in the early education sector, a same or similar business to KU or a competitor must have the approval of the relevant General Manager.

An example of inappropriate secondary employment:

In addition to performing full-time employment for KU, an employee worked the 6:00pm to 3:00am Uber shift on three nights a week without prior approval for secondary employment.

His colleagues observed him sleeping at various times during the day. He was also falling behind in his work.

How his supervisor dealt with it:

His supervisor asked to meet with him and told him about his colleagues' reports and her concerns about his work. The employee explained that he was experiencing significant financial difficulties and needed additional income.

They reached an agreement that he would only drive an Uber on Friday and Saturday nights and written approval was granted on this basis.



14.

MANAGING YOUR POLITICAL, COMMUNITY, VOLUNTEER AND PERSONAL ACTIVITIES

14.1 As a KU Board member, employee, contractor or volunteer, you are required to:

- ▶ Implement KU policy and adhere to KU procedures
- ▶ Comply with all relevant law and regulations

14.2 As an elected or nominated spokesperson for a professional association or a union, you are entitled to make public comments in relation to early childhood education matters if those comments represent the association or union views, and not necessarily those of KU. You are required to clearly acknowledge the capacity in which you are expressing such views.

14.3 As an individual, you have the right to participate in political and community activities and to pursue personal interests, provided any conflict that arises is recognised and adequately managed.

14.4 It is your obligation to ensure that your involvement in any political party, industrial organisation, or community and personal activity is understood to represent your view or those of the organisation you represent, and not those of KU.

14.5 In participating in any political, community, volunteer and personal activity, you must:

- ▶ Not make any comment that may cast doubt on your capacity to implement KU policies and procedures
- ▶ Not participate in private political activities in the work environment
- ▶ Not claim to represent KU and make public comments that are critical of any person, organisation or government agency. This includes commentary on social media and online networking sites
- ▶ Not use KU's resources (for example – stationery, printing supplies, mail services, phone, email, internet services and motor vehicles) to assist your political, community or personal activities
- ▶ Not use information or intellectual property obtained through your work at KU to assist your political, community or personal activities, or make the information known to any other person
- ▶ Not intentionally or unintentionally misrepresent KU



15.

POST SEPARATION EMPLOYMENT

Prior to separation

15.1 As a Board member, employee, contractor or volunteer of KU, you must not use your position unfairly to improve your own prospects of future employment. If you allow your work to be improperly influenced by plans for, or offer of, employment outside KU there is a conflict of interest and your integrity and that of KU is at risk.

15.2 You must return any property you have belonging to KU.

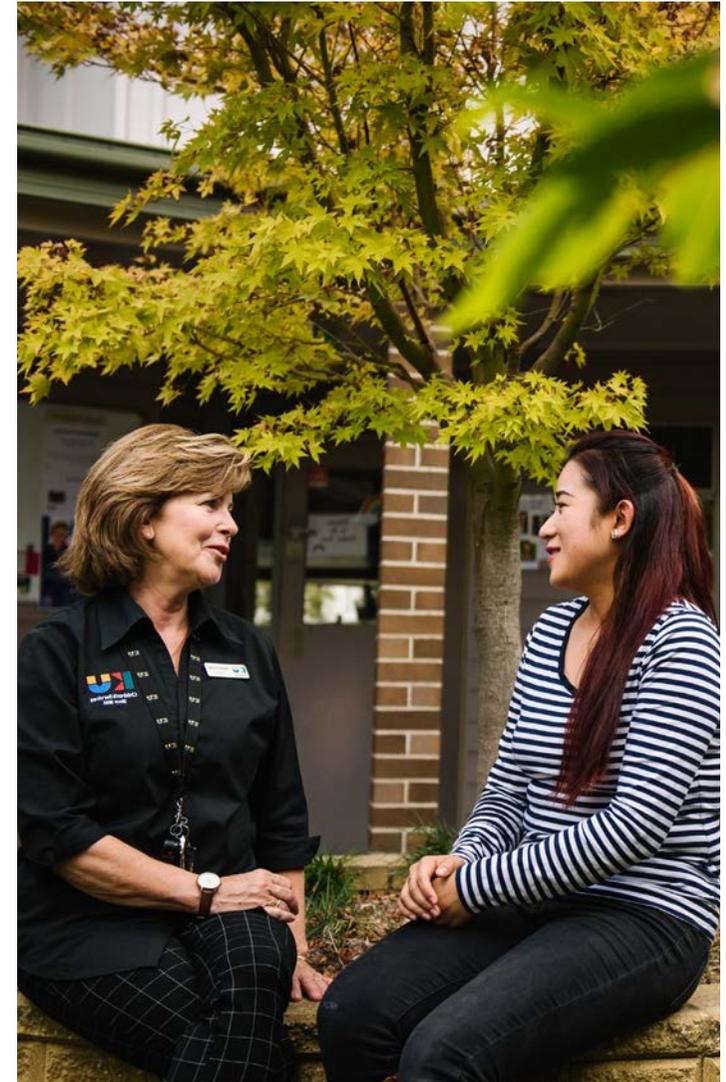
15.3 You must not retain any KU intellectual property in your personal records or systems (however it was developed).

After separation

15.4 When you cease your position as a Board member, employee, contractor or volunteer with KU, you should not use or take advantage of any confidential information obtained during your KU tenure.

15.5 As a current Board member, employee, contractor or volunteer, you must be careful in your dealings with former Board members, employees, contractors or volunteers of KU, and make sure that you do not give them, or appear to give them, favourable treatment or access to privileged information.

15.6 You must not use any of KU's intellectual property (however it was developed) in your future employment or activities.



Example of inappropriate conduct would include:

A former employee now works as an independent consultant, which competes with KU. Before leaving KU, the employee downloaded resources and used them to benefit her new consultancy.

16.

SIGNATURES AND PASSWORDS

As a Board member, employee, contractor or volunteer, you are accountable for any documents that you sign (in hard or electronic copy). Therefore, you should carefully read all documents you are asked to sign and only sign in accordance with the KU Delegations of Authority.

16.1 You must not sign a document that you know is not true and correct.

16.2 You must only sign your own name and must never permit or encourage anyone to sign a name other than their own.

16.3 You should only use your own name when, for example, sending emails, and should not give the impression that you have the authority of another person without their permission.

16.4 You should never give another person your login password(s) and you should take care to ensure that you have 'logged off' fully from your computer before leaving it unattended.



17.

REFERENCES

A reference is a document which provides information or makes claims about another person's skills, conduct, performance, character and suitability or non-suitability for employment.

You may agree to a request from a Board member, employee, contractor or volunteer for a verbal reference. You are not permitted to provide a written reference on KU letterhead/email. KU will provide a former Board member, employee, contractor or volunteer with a written statement of service.

Providing references in an official capacity

17.1 Managers may provide verbal references as part of an internal or external recruitment selection process. If asked to provide such a reference, it is your responsibility to be honest and objective, basing your feedback on evidence that can be verified. You must not make false or derogatory statements about an individual.

17.2 No KU employee is permitted to provide any form of character reference in relation to any legal proceedings.



18.

USING KU RESOURCES AND EQUIPMENT RESPECTFULLY

KU is a not-for-profit organisation and as such you must respect that the resources you use at work are funded by parent fees and government funding. This includes your time.

18.1 As a Board member, employee, contractor or volunteer, you have an obligation to:

- ▶ Use resources efficiently and effectively for KU work related purposes
- ▶ Make decisions relating to the use of KU resources that are reasonable, are correctly authorised and can withstand public scrutiny
- ▶ Treat KU property with due care and ensure it is secured against theft and misuse

18.2 You should be economical and avoid waste and extravagance in your use of resources such as office facilities and equipment, including the use of motor vehicles, travel and catering.

18.3 You may use KU resources in your personal time for work-related purposes only and/or in line with applicable reasonable usage policies. If you wish to use KU property and facilities for personal use, you must obtain approval from your Manager. To use KU equipment off-site, you must seek approval from your Manager, preferably in writing.

18.4 KU expects all staff to take good care of KU equipment allocated to them for their work including keeping equipment secure when it is in transit or being used off site.

18.5 Use of KU technology including mobile phones, iPads and laptop computers etc. must be used in line with applicable policies.



Examples of inappropriate conduct would include:

An employee uses her KU phone number on her private business card and receives regular private business calls during work time. She spends extended periods of work time responding to her private business interests to the detriment of her work.

An employee appropriately takes a 'GoGet' car to attend a scheduled meeting. However, after the meeting, the employee picks up two friends and drives into the city for dinner.

19.

COPYRIGHT AND INTELLECTUAL PROPERTY

In employing or appointing you, KU exposes you to its intellectual property. KU relies on its intellectual property to deliver its services. All Board members, employees, contractors and volunteers play an important role in ensuring this intellectual property is properly identified, protected, used and where appropriate, shared to ensure its benefit to the organisation and stakeholders.

19.1 When creating material, you need to ensure the intellectual property rights of others are not infringed and information is recorded about any third-party copyright/other rights included in materials. Advice relating to using, sharing or licensing KU's intellectual property should be sought from the CEO or in the case of Board members, the Board Chair.

19.2 If you develop material that relates to your employment at KU the copyright in that material will belong to KU. This may apply even if the material was developed in your own time or at home.

19.3 You must not use KU's intellectual property at any time (including copyright) for private purposes unless you have obtained written permission from the CEO.

19.4 To ensure that KU's intellectual property is protected, any presentation, in any format that contains KU intellectual property or references must receive the written permission of the CEO.



All KU employees are bound by the terms and conditions of their employment not to misuse KU's intellectual property.

All external presentations using KU information or referencing KU must have the approval in line with the KU Delegations of Authority.

20.

RECORD KEEPING

A record serves an essential administrative, legal and historical purpose.

Records may be hard copy documents, personnel records, emails, electronic documents, digital image and audio recordings, correspondence, files, forms, plans, drawings, notes, photographs and films.

20.1 All Board members, employees, contractors and volunteers have a responsibility:

- ▶ To create and maintain full, accurate and honest records of their activities, decisions and other business transactions, and
- ▶ To capture or store records in KU's records systems in accordance with KU policies and procedures and legislative requirements, and in accordance with the KU Records Management Policy and Procedure

20.2 You must not destroy records without appropriate authority.

20.3 Managers have a responsibility to ensure that the employees, contractors or volunteers reporting to them comply with their records management obligations.

20.4 Board members, employees, contractors and volunteers must maintain the confidentiality of all official information and documents which are not publicly available.



21.

DUTY OF CARE

All KU Board members, employees, contractors and volunteers have an individual duty of care; which is the legal obligation to provide reasonable care while performing any acts or making any omissions that could foreseeably harm others. The duty encompasses a wide range of matters, including (but not limited to):

- ▶ The provision of adequate supervision care
- ▶ Ensuring grounds, premises and equipment are safe for employees, children and families
- ▶ Implementing strategies to ensure respectful KU workplaces
- ▶ Ensuring that no acts or omissions compromise the health and safety of their colleagues and/or children and families in their care

21.1 You must take reasonable care for the health and safety of yourself and others at the workplace and cooperate with KU so far as reasonably practical, to enable compliance with the WHS legislation.

21.2 Considerations of safety relate to both physical and psychological wellbeing of individuals.

21.3 As a Board member, employee, contractor or volunteer, you have a duty to take reasonable care for the safety and welfare of the children and young people in your charge. That duty is to take all reasonable action to protect children from risks of harm that can be reasonably predicted.

21.4 Duty of care to children applies during all activities and functions conducted or arranged by KU.



22.

APPROPRIATE USE OF ELECTRONIC COMMUNICATION AND SOCIAL NETWORKING SITES

KU provides electronic communication facilities and systems for its Board members, employees, contractors, volunteers and families, for administrative purposes. It reserves the right to monitor and view any data stored or transmitted using KU provided infrastructure facilities.

By its nature, electronic communication is a fast and informal way of communicating. However, be mindful that once a document or image has been sent there is no way to recall it and it exists forever.

22.1 You must comply with KU's Employer Communication Devices Acceptable Use Guidelines and Social Media Policy and:

- ▶ Exercise good judgment when using electronic mail or online forums/apps etc., following the principles of ethical behaviour
- ▶ Use appropriate professional language in online forums including mail messages

- ▶ Be aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be discoverable: that is, the court and all parties to the dispute would be entitled to see them
- ▶ Not send messages that are harassing, defamatory, threatening, abusive or obscene
- ▶ Remove, current KU families or children from your personal social network site
- ▶ Not invite or accept families or children into your personal social network site
- ▶ There should be no communication with families and children for nonprofessional reasons including personal emails, letters, private messaging on social media
- ▶ Remember transmission, storage, promotion or display of offensive, defamatory, or harassing material is strictly forbidden

- ▶ Report any situations where you become aware of the inappropriate use of electronic communication and social networking sites
- ▶ Report any situations where you become aware of malicious, libellous or slanderous messages or material
- ▶ Report any situations where you become aware of subversive or other messages or material related to illegal activities

22.2. You must never use KU's networks to view, upload, download or circulate any of the following materials:

- ▶ Sexually related or pornographic messages or material
- ▶ Violent or hate-related messages or material
- ▶ Racist or other offensive messages aimed at a group or individual

People sometimes respond too quickly or express their thoughts and feelings with undue frankness when using electronic communication.

Avoid getting personal in electronic mail or in blogs, wikis or social networking sites.

Remember, people can't hear the tone of your voice in an electronic message and you can easily be misunderstood, particularly if your message is provided out of its original context.

22.3. In your personal use of electronic and social media, it is important to exercise good judgement. You are personally responsible for the content you publish on your social media and you are encouraged to remember that your personal and professional lives are intertwined. Never post anything that you would not be prepared to see on the cover of the daily newspaper sometime in the next 100 years.

22.4 KU staff must not take photos, videos or recordings of children on their own personal devices or store or share work related documents containing personal or sensitive information relating to children or families on your personal computer or any other personal device.



23.

USE OF ALCOHOL, DRUGS AND TOBACCO

KU is committed to providing a productive, safe and healthy workplace and enabling Board members, employees, contractors and volunteers to be the best they can be.

23.1 You are responsible for ensuring your capacity to perform your duties is not impaired by the use of alcohol, medication or drugs (prescription or illicit), and that the use of such substances does not put at risk you or any other person's health and safety.

23.2 As a Board member, employee, contractor or volunteer, you must:

- ▶ Not attend work at KU under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances or prescribed medications (which have adverse effects);
- ▶ Not endanger your own safety or the safety of any other person in the KU workplace by consuming alcohol, illegal drugs or non-prescribed and/or restricted substances or prescribed medications (which have adverse effects);
- ▶ Notify your Manager if you are aware that your work performance or conduct could be adversely affected as a result of the effect of a prescribed drug;

- ▶ Take action to resolve any alcohol or other drug-related problems that you have (remember that you have access to counselling support from Employee Assistance Program (EAP); and
- ▶ Immediately notify your Manager if you are concerned about working with other employees, contractors or volunteers who may be affected by drugs or alcohol

Drugs

23.3 As a Board member, employee, contractor or volunteer, you must not:

- ▶ Have illegal drugs in your possession while at work with KU – Any illegal drugs found at KU workplaces or in the possession of any person on KU property will be reported to the police
- ▶ Give colleagues, children or families illegal drugs or restricted substances, or encourage or condone their use
- ▶ Supply or administer prescription or non-prescription drugs to children under KU's care without the proper authority to do so

Tobacco

23.4 You must not smoke or permit smoking in any KU workplace or their surrounds. This includes all buildings, gardens, sports fields, cars and car parks.

Alcohol

23.5 You must not take alcohol to or consume any alcohol at a KU workplace or location or their surrounds, unless you have the express permission of the relevant General Manager. Alcohol must not be consumed at any time that children are present.

Drug and Alcohol Testing

KU reserves the right to undertake random drug and alcohol tests for Board members, employees, contractors or volunteers at the time and location of its choosing.

If KU suspects you to be adversely affected by drugs and/or alcohol while in the workplace or at a work function, you will be asked to leave the location immediately and you may be required to attend a suitable location for the purpose of drug and/or alcohol testing.

24.

DRESS CODE FOR EMPLOYEES

Dress and personal appearance are important elements of professional presentation.

Refer to the KU Personal Presentation Policy.

24.1 You have an obligation to dress appropriately and in a manner, that:

- ▶ Maintains respect
- ▶ Establishes credibility
- ▶ Upholds the good reputation of KU

24.2 You must ensure that your personal appearance and presentation is clean, tidy and appropriate for your work role and considers the circumstances of your workplace.

24.3 You must comply with relevant workplace health and safety regulations as they apply to apparel e.g. appropriate shoes, protective clothing, safety glasses and sun-safe attire when outdoors.

24.4. You must not wear revealing clothes such as see-through garments, those exposing bare midriffs, strapless tops/dresses or clothes that may be construed as suggestive and/or offensive. All clothing must be appropriately fitting.

24.5 You must not wear inappropriate clothes such as singlets, casual t-shirts, sports/recreation/gym wear, tracksuits or rubber thongs, ripped or dirty clothes or clothes with inappropriate slogans.

24.6 KU provided name badges must be worn at all times when in a KU service.

24.7 If you are provided with a KU Identification Card, you must carry it with you at all times when in a KU service or at a client service.



25.

PROFESSIONAL RELATIONSHIPS AT KU

Establishing strong professional relationships is important at KU as it delivers many benefits including increased job satisfaction for you, better outcomes for children and families and makes all our work more enjoyable.

You do not have to be “friends” with everyone but you are expected to have effective and genuine professional relationships.

25.1 You must demonstrate mutual respect for your colleagues; valuing their input and ideas and working together to benefit from collective wisdom and knowledge.

25.2 Trust is the foundation of good relationships. You are expected to be open and honest in your thoughts, actions and communication so that you and your colleagues do not have to waste time or energy “watching your back”. Do not play “politics” and avoid gossip in the workplace.

25.3 You are expected to be mindful in your communications – taking responsibility for your words and actions being assertive and not aggressive.

25.4 You must ensure that you keep your professional advice and guidance to families within your professional qualifications and position parameters.

25.5 Listen actively to your colleagues, families and children so that you can understand what they need of you and you can respond appropriately.

25.6 Act with honesty and integrity in your dealings with everyone.

25.7 KU values diversity in all its forms and you are expected to reflect this in the workplace.

25.8 You must understand and respect professional boundaries with colleagues, families and children. If your professional boundaries are compromised discuss this with your Manager immediately.



It is appropriate for an Early Childhood Teacher or Director to provide observational feedback to families regarding their child.

It is not appropriate to make definitive statements about “labelling” the child with a particular condition e.g. autism, as such diagnosis can only be made by a suitably qualified professional.



DEFINITIONS

CHILD SAFETY CONCERN

Concerns or complaints about the practices at the service, or the actions or inactions of an employee that may compromise children's health, safety and wellbeing and may result in unacceptable risk of harm to the child. These may include but are not limited to:

- ▶ The provision of inadequate supervision of children
- ▶ The inadequate provision of individual children's health/medical needs including allergies
- ▶ Not meeting individual children's nutritional / dietary requirements
- ▶ Ineffectively managing illness and injuries
- ▶ Inadequately maintaining adequate hygiene / toileting routines
- ▶ Inappropriate behaviour management practices
- ▶ Practices, interactions and relationships with children that do not meet professional standards

DETRIMENTAL ACTION

Treating someone differently in a negative manner in response or retribution for that person raising an issue of concern.



FIT AND PROPER PERSON

KU has rigorous screening, supervision and other human resource practices to ensure that people we engage are suitable to work in child-related employment and are fit and proper people.

In determining whether a person is suitable, we will conduct screening checks of a person's criminal records and professional conduct to assess whether a person poses an unjustifiable risk.

In determining if a person is a 'fit and proper person' we will have regard to whether the person has:

- ▶ The attributes of good character, diligence, honesty, integrity and judgement to perform properly the duties of their position
- ▶ Not been convicted of, or charged with, an offence, including an offence in relation to children, dishonesty or violence
- ▶ Engaged in a deliberate pattern of immoral or unethical behaviour

You are required to disclose (prior to employment or appointment or within a reasonable timeframe should your circumstances change) the following circumstances:

- ▶ Any matter that may adversely reflect on your character or might bring in to question your fitness to work in child-related employment
- ▶ You were the subject of disciplinary proceedings involving reportable conduct (misconduct in relation to children)
- ▶ Whether you have been charged with or convicted of a serious (i.e. an indictable) criminal offence – this does not include driving offences and minor criminal offences
- ▶ You were the subject of disciplinary proceedings or criminal offences in a foreign country



GIFT

Something that is offered to you without payment, including a ticket to an entertainment/sporting event, present, donation, contribution/handout to others on your behalf, bonus, favour, subsidy, grant or endowment.

LAWFUL AND/OR REASONABLE INSTRUCTION

An inherent component of any employment contract is the implicit duty for employees to carry out a lawful and reasonable instruction from their employer. A lawful and reasonable instruction is any direction given which is consistent with your work or KU business, or which protects safety or is urgent and important to complete in a timely manner.

MANAGER

Includes but is not limited to: Director, Supervisor, Team Leader, Education and Quality Manager and Education Support Manager.

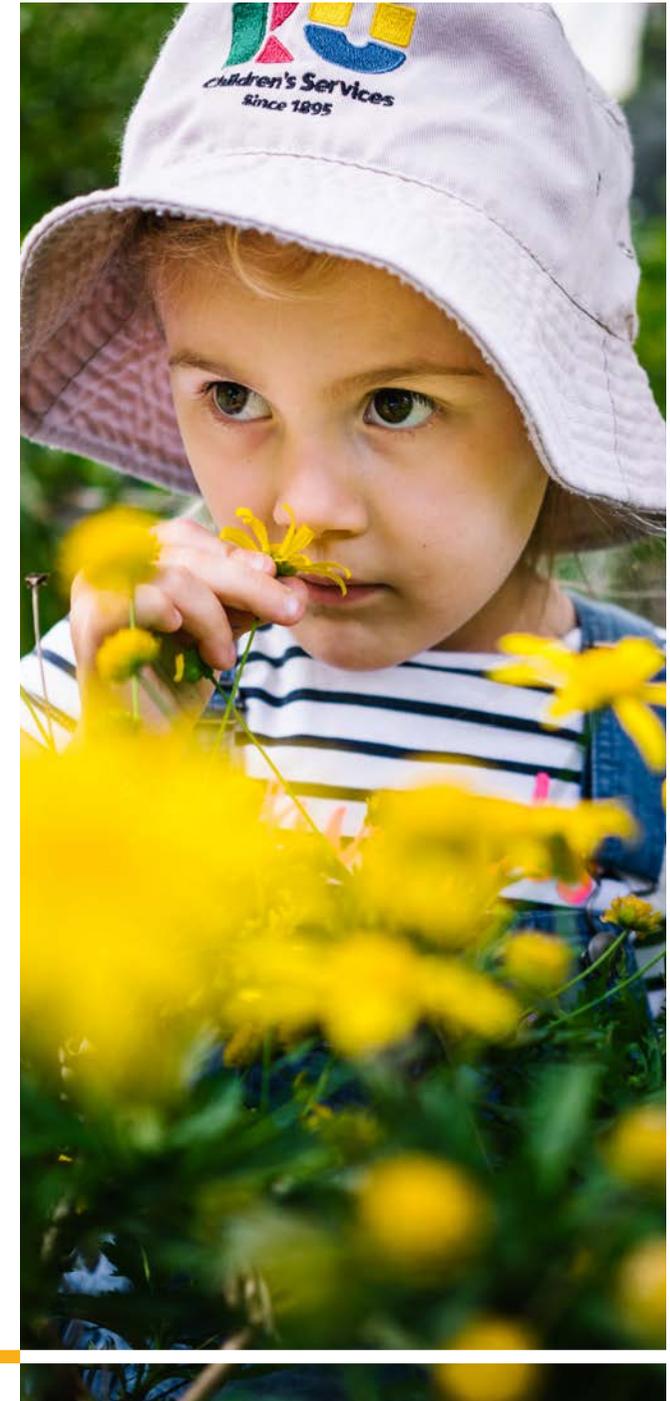
OBLIGATION TO NOTIFY REPORTABLE ALLEGATIONS OR REPORTABLE CONVICTIONS OF A CHILD PROTECTION NATURE AGAINST A KU BOARD MEMBER, EMPLOYEE, CONTRACTOR OR VOLUNTEER

You must notify to KU any allegations of reportable conduct or reportable convictions made against you.

A reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

Failure to report these matters is viewed seriously and may jeopardise your continuing employment or appointment with KU.

You have a legal obligation to report information to police if you have reasonable grounds to believe that a sexual offence has been committed by any adult toward any child either in the workplace or elsewhere. Failure to disclose information to the police is a criminal offence in some jurisdictions (Victoria).



REPORTABLE CONDUCT/CHILD PROTECTION RELATED CONCERNS AGAINST KU BOARD MEMBERS, EMPLOYEES, CONTRACTORS OR VOLUNTEERS

A child protection related concern is an allegation of child abuse or child-related misconduct made against any KU Board member, employee, contractor or volunteer toward any child which poses an unacceptable risk to a child.

Where these concerns are significant, they may constitute an allegation of 'reportable conduct'. Reportable conduct means:

- ▶ Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including child pornography and grooming offences)
- ▶ Any assault, ill-treatment or neglect of a child (including failure to protect a child from serious harm/hazard)
- ▶ Any behaviour that causes significant emotional/psychological harm to a child (i.e. exposing a child to traumatic events)

An allegation is an assertion made with or without proof.

Any child protection-related concern made against KU Board members, employees, contractors or volunteers is a serious matter that requires immediate and careful attention. An allegation will be assessed to determine if it meets the criteria of reportable conduct that is notifiable to oversight authorities in each State and Territory in accordance with reportable conduct schemes in those jurisdictions.

Serious child abuse is a crime and will not be tolerated. In some circumstances, child protection related allegations may be reportable to Police and/or a mandatory report made to statutory child protection authorities.

Reportable conduct also includes a reportable allegation or a reportable conviction against a Board member, employee, contractor or volunteer.

A reportable conviction means a conviction made by a court in NSW or elsewhere, of an offence involving reportable conduct.

Reportable conduct does not extend to conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the child and to any relevant codes of conduct or professional standards.

SERIOUS MISCONDUCT

Serious misconduct is when a Board member, employee, contractor or volunteer:

- ▶ Causes serious and imminent risk to the health and safety of another person or to the reputation or profits of their employer's business; or
- ▶ Deliberately behaves in a way that's inconsistent with continuing their employment

Examples of serious misconduct include theft, fraud, assault, being intoxicated at work and refusing to carry out work duties.





Children's Services
Since 1895

CHILD SAFE CODE OF CONDUCT



KU'S COMMITMENT TO CHILD SAFETY

Children have the right to feel safe and be safe. KU Children's Services (KU), prioritises children's safety and wellbeing and has a zero tolerance of child abuse. Child safety is an organisation-wide responsibility. Everyone at KU has a duty of care to keep children safe and protect them from harm.

All concerns, complaints and reports of harm to children at our services, or in KU programs are taken seriously and investigated.

All staff must be familiar with the types of behaviour that KU considers acceptable and unacceptable as outlined in this document. Please refer to the Child Safe Code of Conduct Practice Guide 5 for detailed explanations and examples of acceptable, concerning and unacceptable behaviour.

If you see a concerning or unacceptable interaction between a staff member and a child, you must intervene and protect the child from harm. You are then required to immediately tell your Director or Manager about the interaction or report your concern directly to KU Child Safe and Wellbeing, or any member of the KU Executive.



CONCERNING BEHAVIOUR

GENERAL

- ▶ Engaging in behaviour that is considered to be overly tactile, personal or intimate and/or is focused on a particular child (e.g. tickling a child on the torso, kissing, hugging, robust physical play)
- ▶ Any physical interaction with a child which is not in accordance with KU Policies and Procedures including Guiding Children's Behaviour and Interactions with Children or generally accepted standards of behaviour for early childhood educators
- ▶ Not respecting the privacy and dignity of children when they are using the bathroom or are toilet training
- ▶ Ignoring or disregarding information, concerns, suspicions, or disclosures of child abuse
- ▶ Exaggerating or trivialising child abuse issues
- ▶ Ridiculing the subject of child abuse, such as telling jokes that make light of children being hurt
- ▶ Using unacceptable language or telling unacceptable stories or jokes in front of children

UNACCEPTABLE BEHAVIOUR

PHYSICAL ABUSE

- ▶ Hitting, striking, biting, punching, kicking or slapping a child
- ▶ Throwing or using an object to hurt a child
- ▶ Grabbing, dragging, pulling or pushing a child
- ▶ Using hostile force towards a child and/or a pattern of unreasonable and seriously inappropriate physical conduct

EMOTIONAL ABUSE / PSYCHOLOGICAL HARM

- ▶ Intimidating, abusive or derogatory language, presenting an 'angry face' or yelling at a child
- ▶ Using belittling comments including put downs that humiliate or embarrass a child
- ▶ Criticising and undermining of a child's confidence
- ▶ Ignoring a child or rejection of, or hostility towards a child
- ▶ Depriving a child of comfort, stimulation, and responsiveness
- ▶ Making a child feel worthless, unloved, alone, or frightened
- ▶ Issuing harsh or abrupt commands
- ▶ Bullying a child
- ▶ Threatening to hurt a child through words or gestures, regardless of whether there is actual intent to harm the child

UNACCEPTABLE BEHAVIOUR

continued...

NEGLECT

- ▶ Failing to adequately supervise a child
- ▶ Depriving a child of basic necessities of life such as food and drink, clothing, critical medical care or treatment, or shelter
- ▶ Failing to protect a child from abuse (i.e. failing to report abuse or respond to information that indicates potential serious abuse)
- ▶ Exposing a child to a harmful environment (e.g. an environment where there is drug use or access to dangerous goods or weapons)

ILL-TREATMENT

- ▶ Making unreasonable or degrading demands of a child
- ▶ Disciplining or correcting a child in an unreasonable and inappropriate or improper manner
- ▶ Seclusion and other types of restrictive practices
- ▶ Locking a child in a room, storeroom, shed or unused space
- ▶ Pushing a child to continue to physically do something that is beyond their capacity
- ▶ Treatment of a child in a way that is unreasonable and seriously inappropriate, inhumane or in a cruel manner

SEXUAL OFFENCES

It is a criminal offence to engage in sexual behaviours against, with or in the presence of, a child. These behaviours are also classified as reportable conduct under Reportable Conduct schemes in each state/territory:

- ▶ Sexual assault
- ▶ Sexual touching of a child
- ▶ Intentionally exposing a child to the adult sexual behaviours, pornography or other indecent material
- ▶ Creating, possessing or distribution of sexually explicit photos of a child or other child abuse material (child pornography)
- ▶ Coercing, by pressuring or tricking, a child to engage in sexual behaviours or acts
- ▶ Using a camera to record a child while they are dressing, bathing or using the bathroom
- ▶ Giving a child gifts, food, money, attention or affection in exchange for sexual activities or images
- ▶ 'Grooming' a child in order to commit a sexual offence (see page 48)

UNACCEPTABLE BEHAVIOUR

continued...

SEXUAL MISCONDUCT

There is a broad range of conduct of a sexual nature that can pose a significant risk to children even if it falls below the threshold of a criminal sexual abuse offence.

Sexual misconduct is conduct that is of a sexual nature that occurs with, towards or in the presence of a child including, but is not limited to:

- ▶ Inappropriate conversations or communication about an area of the body or a sexual activity
- ▶ Sexual comments, conversations or communications with a child expressing a desire to act in a sexual manner with a child
- ▶ Using sexual language or gestures in the presence of children
- ▶ Showing children pictures, animations, images or websites of an inappropriate or adult nature
- ▶ Undressing in front of children
- ▶ Grooming behaviour (see below)

GROOMING

Grooming can involve a crossing of professional boundaries whereby a person tries to build a trusting relationship with a child or their family with the intention of gaining access to the child alone, so they can abuse the child. There is usually a pattern of behaviours associated with persuading a child (and their family) that they have a 'special' relationship with the child. The person gradually engages the child in sexual activity over a period of time by using inducements, bribes, rewards or threats.

Grooming behaviours include:

- ▶ Manipulating situations to be alone with a child
- ▶ Showing favouritism to a child
- ▶ Giving a child a gift
- ▶ Allowing a child to break rules
- ▶ Asking the child to keep secrets
- ▶ Initiating displays of affection with a child (e.g. asking a child for a hug or a kiss)
- ▶ Telling a child not to tell others about their special relationship
- ▶ Conversations of a sexual nature with a child
- ▶ Having contact (including online) with a child outside of the service (e.g. attending sporting events, birthday parties or other social gatherings with a child or family)
- ▶ Persistently making close physical contact with a child that is overly personal or intimate (e.g. tickling a child on their torso, 'play' wrestling, rough and tumble games, massaging a child)
- ▶ 'Accidental' yet deliberate intimate touching
- ▶ Secondary employment which enables contact with a child outside of the service (e.g. babysitting)

CHILD SAFE LEGISLATIVE RESPONSIBILITIES

CHILD PROTECTION LEGISLATION

Early childhood educators are 'mandatory reporters' under Child Protection legislation in each state/territory. It is an offence to fail to report serious or significant risk of harm to child protection agencies. KU Child Safe and Wellbeing will assist staff with mandatory reporting obligations.

It is an offence to disclose the name of a mandatory reporter to unauthorised persons unless the mandatory reporter consents.

REPORTABLE CONDUCT

Reportable conduct schemes operate in NSW, ACT and Victoria. Organisations are required to notify and investigate allegations that an employee, or contractor has abused a child.

Reportable conduct agencies oversee how organisations investigate and manage allegations of reportable conduct. For further state/territory information about reportable conduct:

- ▶ ACT: ACT Ombudsman
- ▶ NSW: Office of the Children's Guardian
- ▶ VIC: Commission for Children and Young People

NDIS LEGISLATION: REPORTABLE INCIDENT

As a registered NDIS provider, KU must notify the NDIS Quality and Safeguards Commission of all reportable incidents (including alleged reportable incidents) that occur in connection with the NDIS supports and services.

If a reportable incident occurs relating to Child Wellbeing, the incident is reported to the KU Child Safe and Wellbeing team first of all, and then the KU Child Safe Wellbeing Team notify the NDIS.

CRIMINAL OFFENCES

- ▶ Failure to Disclose: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to police. It is a criminal offence to fail to do so
- ▶ Failure to Protect: Staff members in a position of authority, who become aware that an adult associated with KU poses a risk of sexual abuse to a child who attends a KU service must take all reasonable steps to remove or reduce the risk – failure to do so may be a criminal offence
- ▶ Serious criminal behaviour should be reported to police

PRIVACY LEGISLATION

Under state and commonwealth privacy legislation, it is an offence to intentionally collect, use or disclose personal and/or sensitive information of children and families for an unauthorised purpose.

INFORMATION SHARING LEGISLATION

There are legislative provisions which allow information about a child and family to be disclosed with another service or entity where it is relevant to the safety, welfare and wellbeing of children. Information must not be shared unless it is legally permissible. Staff must not share information about a child and family without seeking advice and approval from KU Child Safe and Wellbeing.

CHILD SAFE AGREEMENT

Everyone who works for KU has a duty of care to protect children from harm. KU staff are expected to conduct themselves in a manner consistent with the Child Safe Code of Conduct.

In signing this Child Safe Agreement, you are agreeing to abide by the standards of behaviour expected of KU staff in your interactions with children.



I WILL:

- ▶ Uphold the rights of the child and always prioritise the safety of children
- ▶ Treat all children with respect
- ▶ Have meaningful and genuine conversations with children so they feel listened to, valued, and believed
- ▶ Actively seek children's views, empowering them to influence their world
- ▶ Support children when they are feeling confused, upset or having difficulty regulating their emotions or managing their own behaviour
- ▶ Guide children's behaviour positively and in accordance with the KU Guiding Children's Behaviour Policy and the Interactions with Children Policy
- ▶ Be sensitive to the needs of infants and children who are non-verbal, responding to the many ways they express themselves so that they feel heard
- ▶ Welcome all children and their families, recognising and respecting different cultures, and abilities so that everyone has a sense of belonging
- ▶ Involve families, in decisions about their child's education and care, and any matters about the child's safety
- ▶ Respect the privacy of children and their families by keeping all information about child safety concerns confidential
- ▶ Be mindful of images of children which are taken during the course of your work – ensure the images are appropriate and only used for the purpose intended
- ▶ Only use work devices to record children's activities and experiences at the service
- ▶ Actively supervise children at all times, evaluating situations and identifying and managing any potential risks to children's health, safety and wellbeing
- ▶ Stay in sight or sound of another educator at all times when working with children
- ▶ Be a trustworthy and reliable adult who will take children's concerns seriously and assist them when they are feeling unsafe
- ▶ Be alert to signs of abuse or neglect
- ▶ Act on any child safe concerns by telling my Director, Manager or KU Child Safe and Wellbeing
- ▶ Report inappropriate conduct by any KU employee, volunteer or other KU representative immediately to the Director, Manager or KU Child Safe and Wellbeing
- ▶ Report serious child abuse offences to the police unless I have already reported the matter to an appropriate authority or KU Child Safe and Wellbeing – I understand that a failure to report child sexual offences may be a criminal offence
- ▶ Take steps to avoid actual or perceived conflicts of interest in my relationships with children and families
- ▶ Participate in compulsory child safety and wellbeing training
- ▶ Understand and apply laws, policies, procedures and guidelines for safeguarding children

I WILL NOT:

- ▶ Participate in illegal, unsafe or abusive behaviour towards children which may harm a child, including physical, sexual or psychological abuse, ill-treatment, neglect or grooming behaviour
- ▶ Engage in inappropriate physical contact with a child including (but not limited to): hitting, slapping, smacking, pinching, biting, grabbing, pushing, pulling, or dragging a child
- ▶ Engage in behaviour that is intended to shame, humiliate, belittle, degrade or exploit a child
- ▶ Verbally intimidate a child or create a climate of fear
- ▶ Inappropriately restrain a child
- ▶ Exclude or isolate a child
- ▶ Discriminate against any child or their family members, or express personal views on cultures, race, sexuality that are hurtful or offensive
- ▶ Use inappropriate language in the presence of children, including sexual language or gestures, or show or provide children with access to inappropriate images
- ▶ Use my personal phone or device to record images of children while at work or show a child content from my personal phone
- ▶ Develop special relationships with children that may be seen as favouritism or behave in ways that may be viewed as too intimate and personal
- ▶ Be alone with a child unnecessarily out of view of other adults
- ▶ Arrange personal contact, including online contact, with children or families for a purpose unrelated to KU work activities
- ▶ Engage in potential grooming behaviours that may be of concern (when considered as part of a broader pattern of behaviour), such as:
 - Babysitting or having contact with a KU child out of work hours
 - Being alone with a child without being in sight of another staff member
 - Showing favour or giving a gift to one child (or group of children)
- ▶ Ignore or disregard concerns, suspicions, or disclosures of child abuse
- ▶ Exaggerate or trivialise child abuse issues
- ▶ Disclose personal or sensitive information about a child, including images of a child, unless the child and their parent/carer consent or unless I am required to do so by KU Child Protection and Safeguarding Policy

CONCERNING AND UNACCEPTABLE BEHAVIOURS THAT MAY CONSTITUTE MISCONDUCT

I understand behaviours which are concerning and unacceptable may constitute misconduct and may also be regarded as Reportable Conduct or criminal conduct.

I understand some breaches of the Child Safe Code of Conduct may need to be reported to the early childhood regulatory authority, child protection agency, police, or reportable conduct agency in the relevant state/territory jurisdiction.

INTERNAL AND EXTERNAL REPORTING OBLIGATIONS

I understand my reporting obligations to act on any concerns or information where there is reason to believe that the safety and wellbeing of children may be at risk.

I will report any breaches of this Child Safe Code of Conduct to my Director/Coordinator/Manager or KU Child Safe and Wellbeing on (02) 9268 3952, (02) 9268 3991 or (02) 9268 3942.

CONSEQUENCES FOR BREACHING THE CHILD SAFE CODE OF CONDUCT

KU aims to resolve issues with as little formality as possible. In some cases where areas of improvement are identified, the staff or volunteer involved may be offered training and support. However, persistent or serious breaches of this Code of Conduct may result in disciplinary action.

Details of how KU manages breaches of our policies and procedures are found in the KU Managing Unsatisfactory Work Performance Policy.

CRIMINAL OFFENCES

Duty to report: All adults are legally required to report information to police if they know, believe or reasonably ought to know that a serious sexual abuse offence has been committed against a child (under 18 years) either within or outside the workplace.

Duty to protect: It is a criminal offence if an adult with authority in child-related work knows another adult in the organisation poses a serious risk of sexually abusing a child, and they fail to reduce or remove the risk.





Children's Services
Since 1895

NDIS CODE OF CONDUCT



KU Children's Services is committed to promoting the health, safety and wellbeing of all children with disabilities engaged in KU's early education and care services.

As a National Disability Insurance Scheme (NDIS) provider, KU is committed to the NDIS Code of Conduct, which sets out standards for acceptable, appropriate and ethical conduct for NDIS providers and workers.

The Code is an important part of the NDIS Quality and Safeguarding Framework and promotes the health, safety and wellbeing of persons with a disability by setting out acceptable, appropriate and ethical conduct for KU as a NDIS provider and our KU workforce.

The NDIS code of conduct requires workers and providers delivering NDIS supports and services to do the following in providing those supports and services:

1.

ACT WITH RESPECT FOR INDIVIDUAL RIGHTS TO FREEDOM OF EXPRESSION, SELF-DETERMINATION AND DECISION-MAKING IN ACCORDANCE WITH APPLICABLE LAWS AND CONVENTIONS.

Each person with a disability has the right to make their own decisions to be free to live the life they choose and have the same rights and freedoms as any member of the community. For families supported in KU services, this means families have the right to make decisions about, and exercise control over who supports their child and the services that are delivered.

You will:

- ▶ Work closely with families to understand their child's strengths, interests, and needs and support them in a caring role; and
- ▶ As a child grows older, work with the family to ensure that their child is involved in the decisions that affect them in ways appropriate to their age and stage of development



2.

RESPECT THE PRIVACY OF PEOPLE WITH A DISABILITY.

Privacy is a human right. Families supporting a child with a disability have the right to privacy in relation to the collection, use and disclosure of information concerning their child and the services their child receives while utilising services provided by KU. Individuals have the right not to have personal information shared with others without their informed consent.

You will:

- ▶ Comply with all KU confidentiality and privacy policies, and protocols always; and
- ▶ Only discuss information relevant to families with their informed consent

3.

PROVIDE SUPPORTS AND SERVICES IN A SAFE AND COMPETENT MANNER, WITH CARE AND SKILL.

As a KU team member, you have the responsibility to utilise your training expertise and qualifications in a competent way to ensure that services and supports are delivered with care and skill to NDIS clients.

You will:

- ▶ Comply with the KU Code of Conduct including the KU Child Safe Code of Conduct and the NDIS Code of Conduct;
- ▶ If you are a member of a professional association, you will deliver services according to their professional Code of Conduct; and
- ▶ Maintain and fulfil any registration or accreditation requirements of your professional body



4.

ACT WITH INTEGRITY, HONESTY AND TRANSPARENCY.

Privacy is a human right. Families supporting a child with a disability have the right to privacy in relation to the collection, use and disclosure of information concerning their child and the services their child receives while utilising services provided by KU. Individuals have the right not to have personal information shared with others without their informed consent.

You will:

- ▶ Comply with all KU confidentiality and privacy policies, and protocols always; and
- ▶ Only discuss information relevant to families with their informed consent

Integrity, honesty and transparency are crucial to developing trust-based relationships between families and children. Families have the right to accurate, accessible and timely information about the cost and efficacy of supports and services provided to their child.

You will:

- ▶ Provide families with a clear quote for services and support, that gives clear advice about the full cost of services and what that support covers – these supports and services will be appropriate to the needs of each child; and
- ▶ Follow KU policies and guidelines for declaring and avoiding conflicts of interest and accepting and giving gifts

5.

PROMPTLY TAKE STEPS TO RAISE AND ACT ON CONCERNS ABOUT MATTERS THAT MAY IMPACT THE QUALITY AND SAFETY OF SUPPORTS AND SERVICES PROVIDED TO PEOPLE WITH A DISABILITY.

KU welcomes feedback and takes seriously any concerns that families may raise.

You will:

- ▶ Raise and act upon any incident, complaint, or concern that a family raises or that you become aware of, that may impact on the quality and safety of the support or services provided to a family or child with a disability; and
- ▶ Be familiar and comply with KU's systems for managing complaints and incident management



6.

TAKE ALL REASONABLE STEPS TO PREVENT AND RESPOND TO ALL FORMS OF VIOLENCE AGAINST, AND EXPLOITATION, NEGLECT AND ABUSE OF PEOPLE WITH A DISABILITY.

KU has a duty of care to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of people with a disability:

You will:

- ▶ Understand and implement KU's policies, systems, and procedures to prevent and respond to any allegations of violence, abuse, neglect and exploitation of any person with a disability (refer to KU's Child Safe Code of Conduct); and
- ▶ Contact KU's Child Safe and Wellbeing team to seek advice in the first instance; and
- ▶ As a mandatory reporter, comply with all KU policies and procedures relating to Child Safe and Wellbeing and Child Protection concerns or complaints (refer to KU's Child Safe Code of Conduct); and
- ▶ Fully cooperate with any related investigative action taken by KU's Child Safe and Wellbeing team or external agencies

7.

TAKE ALL REASONABLE STEPS TO PREVENT AND RESPOND TO SEXUAL MISCONDUCT.

People with disability are at an increased risk of all forms of sexual violence and sexual misconduct. KU supports people with disability so they feel safe to make a complaint without fear of retribution or loss of services.

You will:

- ▶ Understand and implement KU's policies, and procedures to prevent and respond to any allegations of sexual violence and sexual misconduct (refer to KU's Child Safe Code of Conduct); and
- ▶ Contact KU's Child Safe and Wellbeing team to seek advice in the first instance; and
- ▶ As a mandatory reporter, comply with all KU policies and procedures relating to Child Safe and Wellbeing and Child Protection concerns or complaints (refer to KU's Child Safe Code of Conduct); and
- ▶ Fully cooperate with any related investigative action taken by KU's Child Safe and Wellbeing team or external agencies



SIGN AND UPLOAD

All KU permanent, contract and casual staff must complete the G9 KU Code(s) of Conduct Acknowledgement and Agreement Form and upload a signed copy to their me@KU profile.

Your signed acknowledgement and agreement will be reviewed annually as part of your work appraisal process.

KU Board members must complete the G10 KU Code(s) of Conduct Acknowledgement and Agreement for the Board of Directors Form and return it to the Company Secretary.