Protective practices for staff in their interactions with children and young people

This guideline is a recommended course of action under the operational policy framework. Any edits to this guideline must follow the process outlined on the creating, updating and deleting operational policies page.

Overview

The intent of this document is to safeguard the emotional, physical, and sexual wellbeing of children and young people by guiding staff on setting appropriate boundaries in their professional roles and interactions with children and young people.

Following these guidelines will help staff understand their responsibilities to act according to their professional ethics and conduct obligations.

Scope

Protective practices are for staff in their interactions with children and young people. These guidelines provide advice to staff to establish positive, safe and respectful relationships with children and young people in education and care settings.

For the purpose of this document, 'staff' refers to employees, non-education professional service providers, volunteers, third-party providers, contractors, tertiary students on placements, and any other adults who work with children and young people in all education and care settings.

Adherence to these guidelines is mandatory.

Government of South Australia
Department for Education

PROTECTIVE PRACTICES

for staff in their interactions with children and young people

Association of Independent Schools of South Australia

catholic education south australia

Government of South Australia
Department for Education

Acknowledgment

Grateful acknowledgment is made of material provided by the Catholic Education Office Diocese of Parramatta for Protective practices for staff in their relationships with students, 2004, as well as to the Teachers Registration Board Tasmania (Professional Boundaries: Guidelines for Tasmanian Teachers, 2021), the Teachers Registration Board of Western Australia (Teacher-Student Professional Boundaries, 2019) and the Teachers Registration Board of South Australia (Code of Conduct and Guidelines to Support the Code of Conduct, 2024) for their published resources used to strengthen content on breach of professional boundaries.

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Foreword

These guidelines form part of the safeguarding children policies and procedures developed through collaboration between the South Australian Department for Education, Catholic Education South Australia and the Association of Independent Schools of South Australia.

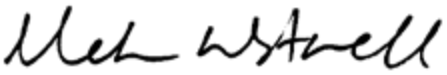
Both government and non-government education sectors are committed to consistent safeguarding standards across all South Australian education and care environments.

Protective practices for staff provide advice on how to maintain positive, caring and respectful relationships with children and young people in education and care settings.

The intent of this document is to safeguard the emotional, physical and sexual wellbeing of children and young people by helping staff to understand appropriate boundaries in relation to their professional role and all interactions with children and young people. By following these guidelines, staff can feel confident about meeting their responsibilities to children and young people as well as their professional ethics and conduct obligations.

Since their release in 2005, these guidelines have been positively received and used by education and care leaders across the government and non-government sectors. This fifth edition has been informed through stakeholder feedback, research and legislative updates as well as reforms at the state and national levels to make the guidelines more responsive to the evolving needs of education and care settings.

Following these guidelines is mandatory. They are critical to the creation of child-safe and protective environments in all education sites and services.



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Glossary

Staff

Employees, non-education professional service providers, employees and volunteers of third-party providers (eg pastoral care worker/chaplain, support workers), anyone undertaking practical training (eg tertiary students on placements) and volunteers (eg mentors, sports coaches) and any other adults who work with or provide a service to children or young people in education or care settings

Site

All schools and preschools and associated boarding facilities, alternative education centres or off-site learning programs, out of school hours care and vacation care services, rural care, occasional care and long day care, the home of family day care educators, respite care providers, homestay providers, children's centres and corporate sites where education and care services are provided

Site leader

The individual who has responsibility for the welfare of children and young people on that site eg the principal, director (eg preschool or OSHC), manager or family day care educator supported by their coordinator or a delegate

Children and young people

All children and young people enrolled and attending education and care sites or services, including people who are aged 18 years of age and older. While these guidelines apply to all students, there are situations where legislation only applies to those under 18 years of age.

Children and young people in care

A child or young person who is placed under the guardianship or in the custody of the Chief Executive, Department for Child Protection (DCP)

Parent / carer

Adults who have the parenting responsibility for children and young people, including biological parents, stepparents, guardians, grandparents and other relative or other person caring for the child

Note for: Family day care programs, homestay providers and boarding houses

When appropriate, family day care educators, respite carers, homestay providers and boarding house staff should use the discussions applying to 'staff' in this document to guide their actions and behaviour. References to 'site leader' should be understood to mean those circumstances where the family day care educator, respite carer, homestay provider and/or boarding house staff would consult with or report to and take direction from the relevant Department for Education staff or the lead program coordinator or line manager of the relevant sector office.

References to 'volunteers' should also be understood to mean other adults residing in the home of the family day care educator, respite carer, homestay provider or boarding house.

Relevant convention, law and policy

United Nations Convention on the Rights of the Child

The convention enshrines the entitlement of all children, regardless of race, colour, sex, religion or nationality to be protected from sexual abuse and violence, to receive special help if they are abused, to have their opinions heard about matters that affect them, to receive and share information for their basic health and safety needs to be met, access to education and to be treated with dignity in supporting their behaviour. Australia is signatory to the United Nations Convention on the Rights of the Child, United Nations Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples.

Law

Relevant legislation includes:

- *Children and Young People (Safety) Act 2017 (SA)*, which maintains that the safety of children is paramount, increases the voice of children in decision making and builds a more collaborative approach to child protection. The Act provides greater recognition of harm and risk factors that children may experience including persistent absenteeism from education and the likely cumulative effect of harm on the child or young person. It recognises the scope of behaviours that can put a child or young person at risk and cause them harm. The Act also requires mandatory notifiers to report any suspicion that a child or young person under the age of 18 may be at risk, to the Child Abuse Report Line.
- *Criminal Law Consolidation Act 1935* (SA) which defines illegal criminal behaviour, particularly the failure to report suspected sexual abuse of a child or young person under the age of 18, and failure to protect a child or young person under the age of 18 from sexual abuse, in relation to prescribed persons, including employees of institutions.
- *Education and Children's Services Act 2019 (SA)* and *Education and Children's Services Regulations 2020 (SA)* which establish the legal regime for sharing information between certain persons and bodies where the provision of that information would assist the recipient to perform official functions relating to the education, health, safety, welfare or wellbeing of a child, or to manage any risk to a child or class of children that might arise in the recipient's capacity as an employer or provider of services; outlines provisions regarding disciplinary action for Government school employees who are officers of the teaching service in cases of misconduct.
- *Equal Opportunity Act 1984 (SA)*, which defines sexual harassment, prohibits it and other forms of unlawful discrimination including on the ground of disability and provides a complaint process through the Equal Opportunity Commission of South Australia
- *Sex Discrimination Act 1984* (Cth) as amended by the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* (Cth), which defines sexual harassment and provides a complaint process through the Australian Human Rights Commission
- *Teachers Registration and Standards Act 2004 (SA)* which establishes and maintains a teacher registration system and professional standards for teachers to safeguard the public interest in there being a teaching profession whose members are competent educators and fit and proper persons to have the care of children
- *Disability Discrimination Act (DDA) 1992 (Cth) and Disability Standards for Education (DSE) 2005 (Cth),* which provide legal protection against disability discrimination in specified areas. The DSE states the legal obligations of service providers within the DDA and the rights of the learners with disability
- *Education and Early Childhood Services (Registration and Standards) Act 2011* provides for the regulation of the provision of education and early childhood services in a manner that maintains high standards of competence and conduct by providers.

Information Sharing Guidelines

South Australia's operational framework for the sharing of information across government and relevant non-government organisations to promote the safety and wellbeing of children, young people and their families

Managing Allegations of Sexual Misconduct in SA Education and Care Settings

Describes actions to be taken by site leaders, their parent community and their respective sector offices when there is an allegation of adult sexual misconduct

Interagency Code of Practice (SA)

Describes how agencies and organisations work together to investigate suspected harm to children and young people

Keeping Safe: Child Protection Curriculum (KS:CPC)

Child safety and respectful relationships curriculum for children and young people from birth to year 12. The KS:CPC empowers children and young people to develop the essential knowledge, skills and understanding to recognise abuse and unsafe situations, develop and apply strategies to be safe and seek support and report to a trusted source (this is optional in Independent Schools).

Sexual behaviour in children and young people

A procedure and guideline to help staff promote safety and wellbeing, prevent sexual harm and respond effectively to the continuum of children and young people's sexual behaviour

Responding to Risks of Harm, Abuse and Neglect - Education and Care training

A child protection training course in South Australia for staff working in education and care settings focusing on their role in identifying, reporting and responding to suspicion of risks of harm to a child or young person

Australian Student Wellbeing framework

Supports Australian schools to promote positive relationships and the wellbeing of students and educators within safe, inclusive and connected learning environments

National Quality Framework (NQF)

National agenda that describes and regulates the quality of early childhood education and school-age care through the National Quality Framework for Early Childhood, Education and Care. It operates under an applied law system, comprising the Education and Care Services National Law and Regulations.

NQF Safety Guides

Designed for education and care providers, leaders, educators, staff and volunteers who work in early childhood education and care services.

These include:

- NQF Child Safe Culture Guide
- NQF Online Safety Guide

National Model Code for Early Childhood Education and Care

Promotes a child safe culture when it comes to taking, sharing and storing images or videos of children in early childhood education and care

Education Standards Board

Regulates the provision of education and care services in South Australia, ensuring quality education services and maintaining high standards of competence and conduct by providers

Australian Professional Standards for Teachers/ Principals

The standards define the work of teachers and principals and make explicit the elements of high-quality, effective teaching, safe environments and professional standards that result in improved and educational outcomes for students.

National Principles for Child Safe Organisations

The Council of Australian Governments (COAG) endorsed National Principles for Child Safe Organisations in line with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. In South Australia, organisations providing services to children and young people must lodge child safe environments compliance statements that demonstrate their policies and procedures align to these principles.

Teachers Registration Board of SA

The Teachers Registration and Standards Act 2004 underscores the impact of teachers' conduct on the profession's reputation, holding them to high accountability standards for the safety and wellbeing of children. The Code of Conduct, developed using international best practices and extensive consultations, outlines teachers' duties and expectations, guiding their professional integrity and interactions with students, families, and colleagues.

Note: The Protective Practices Guidelines are considered complementary to employee Codes of Conduct that all staff must uphold (for example in the Department for Education sites/services this is the Public Sector Code of Ethics). Other staff are bound by additional occupation specific or professional codes of conduct. All codes that are applicable to the employee's profession must be upheld in education and care settings.

Where an educational and care service is regulated under the National Law, as defined on the Australian Children's Education & Care Quality (ACECQA) website, there would be additional requirements to:

- adhere to obligations regarding child safety and wellbeing under the NQF, What is the NQF? | ACECQA
- report notified serious incidents to the ESB as the regulator (Section 174 of the National Law). National Law and Regulations | ACECQA.

1. Maintaining professional boundaries when working or volunteering with children or young people

1.1 Duty of care

In the education and care context, 'duty of care' is a Common Law concept that refers to the responsibility of staff to provide children and young people with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect children and young people from all reasonably foreseeable risk of injury.

The question of what constitutes reasonable care in any given case will be determined objectively by a court and will depend on the individual circumstances of each case. The courts have found that the standard of care owed by education and care providers to children and young people is very high.

In their relationships with children and young people, staff must ensure that the emotional, physical and sexual wellbeing of children and young people is safeguarded, and that their own behaviour is guided by this duty of care both within and outside their specific education and care setting.

Within the protective practices, this duty of care particularly relates to staff:

- expectations about their own conduct
- intervening in the inappropriate conduct of other staff as it relates to their interactions with and behaviours around children and young people
- reporting unprofessional behaviour of other staff if they observe or are informed of such behaviour
- complying with legislation in respect of mandatory reporting, and legislation in relation to reporting and protecting children from sexual abuse by another person who is an employee in an institution (see page 30).

1.2 Guiding principles for maintaining professional and role boundaries

Education and care settings are places where all staff have significant influence in the lives of children and young people because the relationships involve regular contact over prolonged periods. Staff are also in a position of authority over children and young people which creates power imbalance. This makes it essential for staff to maintain professional and role boundaries in their interactions with children and young people.

Professional and role boundaries (henceforth referred to as professional boundaries) define the appropriate limits of relationships with, and behaviours towards, children and young people. This is crucial in building child safe and protective environments.

Maintaining professional boundaries ensures that children and young people's safety and wellbeing are held paramount in any interaction. To achieve this, all staff interactions and site activities must be undertaken publicly, be authorised, timely and purposeful:

MAKE IT PUBLIC

- Other persons in the site community are aware and interactions are visible
- Activities should not be done in an isolated place
- The more visible, public and accessible the location, the better

MAKE IT AUTHORISED

- Approved by the site leader or part of an official site activity and a legitimate part of your role
- Parents/carers should be informed and give consent as appropriate
- Only use site's authorised ICT equipment and digital platforms for approved activities such as communicating with children and young people and only use devices issued by the site or service for taking, sharing and storing their images or videos.

MAKE IT TIMELY

- As far as possible, undertake activity or provide support within the site's or program's official hours of operation
- Ensure activities undertaken outside of official hours are preapproved and authorised by site leadership

MAKE IT PURPOSEFUL

- The interaction should be linked to a learning activity or curriculum area, support plan or program that relates to a child's learning, safety, health or wellbeing

These guiding principles are designed to provide a framework for safe and respectful interactions. However, they should be applied with consideration to the specific context of each activity or interaction. Recognise that not all situations are the same. Adapt these principles to fit the unique needs and circumstances of each scenario, while always prioritising the safety and wellbeing of children and young people.

Staff are at risk of crossing professional boundaries when interactions or activities are undertaken outside these guiding principles. Adhering to these principles are in the best interests of all staff, children and young people.

1.3 Breach of professional boundaries

When a staff member crosses professional boundaries, they breach their duty of care towards a child or young person and fail to adhere to employers' and other relevant codes of conduct. They also risk:

- serious and harmful consequences for the child or young person
- breaking the trust of the site community
- seriously undermining the learning process, their professional reputation and the confidence of the education or care community in their suitability to work with children and young people
- formal directions or other disciplinary action from their employer or the registering or regulating authority
- termination of employment
- criminal charges.

The professional boundaries and example breaches outlined in these guidelines universally apply across all settings not just within the staff's education or care site. For example, where staff are in interschool sport events or combined school trips or camps, they must respect professional boundaries with all the children and young people involved in those activities.

The following are the types of professional boundaries in staff interactions with children and young people. Each type has a key principle that staff must adhere to, along with examples of potential breaches to avoid. Note that the examples of breaches provided are not exhaustive.

Communication

Staff communication and interaction with children and young people are respectful, transparent and mainly related to the learning or wellbeing needs of children and young people.

Examples of breaches

- Communication or correspondence of a personal nature using any medium (eg phone, text message, letters, email, social media, internet postings). This does not include class cards or bereavement cards.
- Discussing personal lifestyle details or opinions of self, other staff or children and young people unless directly relevant to the learning topic and with the individual's consent (eg details about personal or romantic relationships, personal problems, financial struggles, personal use of alcohol or substance abuse)
- Manipulation (including secrets, bribes, threats, jokes or innuendo of a sexual nature)
- Obscene gestures and/or language
- Flirtatious or suggestive gestures and comments
- Inappropriate conversations or enquiries of a sexual nature (eg questions about a child or young person's sexuality or their sexual relationship with others)
- Concealing and/or restricting access from the site leader, any communication or correspondence with children or young people that indicates a breach of professional boundaries

Physical

Any staff physical contact with children and young people must be appropriate – that is, has a valid context and purpose, is age appropriate and only allowed in certain circumstances.

Examples of breaches

- Touching children and young people without a valid and authorised reason or context. Examples of valid reasons include responding to personal care needs such as nappy changing or feeding infants, removing a child or young person from danger where physical contact is the only way to protect the child or young person from imminent danger, consoling an upset child, or providing first aid (see page 16 regarding appropriate physical contact).
- Unsafe, unwarranted or unwanted touching of a child or young person personally or with objects (eg pencil or ruler)
- Corporal punishment (eg physical discipline or smacking)
- Inappropriate use of physical restraint/restrictive practices – may constitute assault (page 23)
- Using coercion, restraint or physical force to make a child comply to routine tasks such as taking a nap or rest especially in early years settings
- Initiating, permitting or requesting inappropriate or unnecessary physical contact with a child or young person (eg massage, kisses, tickling games) or facilitating situations that unnecessarily result in close physical contact with a child or young person
- Entering and/or using toilet facilities specifically allocated to children and young people
- Using change rooms set aside for children or young people without the site leader's authority, or entering change rooms set aside for children or young people when supervision is not required or necessary

Power

Staff exercise their position of authority to ensure that children and young people thrive in their learning and are supported in their wellbeing needs. Staff must not abuse this power to cause harm.

Examples of breaches

- Tutoring or mentoring (outside education sector's directions or knowledge)
- Giving personal gifts or special favours
- Singling the same children and young people out for special duties or responsibilities (unless this is part of a negotiated adjustment with parents/carers and approved by a site leader in a documented plan)
- Offering, overnight/weekend/holiday care/before and after school care of children and young people as respite for parents or carers (unless a family day care educator, or employed by a respite organisation, and with the site leader's approval)
- Giving money and/or gifts to individual children or young people
- Rewarding, punishing, bribing or coercing a child or young person into silence about a staff member's inappropriate conduct
- Failing to intervene in sexual harassment of children and young people
- Adopting an ongoing welfare role that is beyond the scope of their position or that is the responsibility of another staff member (eg student wellbeing leader) or an external professional and that occurs without the permission of senior staff

Emotional

Staff engage in emotional self-regulation to model respectful behaviours in their interactions with children and young people.

Examples of breaches

- Inappropriate comments about a child or young person's appearance, including excessive flattering comments
- Use of inappropriate nicknames
- Vilification or humiliation
- Disrespectful or discriminatory treatment of, or manner towards, young people based on their perceived or actual sexual orientation
- Showing preferential treatment to certain children or young people without legitimate reason
- Grooming behaviour (page 14)

Relationships

Staff relationships with children and young people are strictly professional for the purpose of supporting their learning and wellbeing needs. Staff must not act as 'friends' or 'peers' of children and young people in the same way other children and young people are.

Examples of breaches

- Engaging in intimate, romantic, or sexual relationships with a child or young person (current or former students) (see relationships with former students, page 14)
- Transporting a child or young person unaccompanied unless authorised to do so with an approved plan of action and parent/carer consent
- Inviting/allowing/encouraging children and young people to attend the staff member's home or any other private location
- Attending children and young people's homes or their social gatherings
- Being alone with a child or young person outside of a staff member's responsibilities
- Meeting children or young people alone outside of the site or service without a legitimate reason

Note: There may be circumstances when staff may unavoidably interact with a child or young person outside of their role such as in community or cultural events. Please see guidance on page 15 when an interaction has a risk of breaching professional boundaries and page 20 for at-risk situations.

Technology/digital space

Activities that require the use of technology must only use the site's official equipment and/or digital platform and must be related to the educational and wellbeing needs of children and young people.

Examples of breaches

- Using personal rather than site or service issued device unless authorised by the site leader under exceptional circumstances such as during emergency
- Using personal rather than site or service issued devices when taking images or videos of children for approved activities
- Possession of personal mobile devices when working with children in centre-based early childhood settings (ie long daycare and preschools) without the site leader's written approval
- Corresponding or communicating using a personal device rather than school equipment (via any medium eg phone, letter, SMS, social media etc) to or from children and young people
- Photographing, filming or audio recordings of children and young people without site leader approval and required parental/carer consent
- Taking any photos of children that do not uphold their privacy, right and dignity (such as those that may be deemed sexualised, during toileting, nappy change or in a state of undress, when distressed or dysregulated or injured and first aid has not yet been administered)
- Still/moving images or audio recordings of children and young people kept or stored in personal devices including in mobile phones, laptops, hard drives, SD cards, tablets, USBs, cloud storage or personal locations such as car or home.
- Using personal email, social media and internet postings to interact with children and young people
- Uploading or publishing still/moving images or audio recordings of children and young people to any location, without parental/carer and site leader's consent
- Communication related to the role but carried out via private personal devices
- Allowing children and young people access to a staff member's personal internet locations (eg social networking sites)
- Creating or using private or other online chat rooms to communicate with children and young people
- Facilitating or permitting access to sexually explicit material that is not part of an endorsed curriculum
- Facilitating or permitting access to pornographic material or adult sites
- Requesting and/or adding children and young people as friends or contacts on social media platforms
- Accepting friend requests and/or follow requests from children and/or young people on social media platforms

1.3.1 Grooming behaviour

The term 'grooming' refers to actions deliberately undertaken with the aim of befriending and influencing a child, and in some circumstances members of the child's family, for the purpose of sexual activity with the child.

These actions are designed to establish an emotional connection to lower the child's inhibitions and gain access to the child. In this respect, grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated (Victorian Parliamentary Inquiry into the Handling of Child Sexual Abuse by Religious and Other Non-Government Organisations, 2013).

Grooming can be conducted in person by phone or online, for example, via interaction through social networking sites, text messages, chat rooms, digital forums or emails. Perpetrators gain trust by watching and gathering information about a child or young person, getting to know their needs and how to exploit them. They may also mix effortlessly with parents and carers because they seem warm, understanding and caring.

Vulnerable children or young people are most often targeted as they are seen as easy to manipulate. For example:

- age (too young to tell)
- disability (maybe unable to tell or unable to stand as a witness)
- emotionally vulnerable (previous experiences of trauma, neglect or abuse, low self-confidence, limited circle of friends)
- isolation and disadvantage (children in care, refugees, new arrivals, non-English speaking, in a remote community, international exchange students).

Opportunistic or situational grooming may occur:

- when there are ambiguities over boundaries and roles
- where there is a lack of supervision or other adults present which allows opportunities for inappropriate behaviour eg working one-to-one
- where the seriousness of the activity or potential harm is discounted or underestimated
- where a person has gained other people's unconditional trust (including a child or young person) without any suspicion.

If a suspicion on reasonable grounds is formed regarding inappropriate adult behaviour, then staff members are legally required to take action and report the inappropriate behaviour. Refer to page 15 regarding inappropriate behaviour by other staff and page 30 regarding suspected risk of harm to a child or young person.

1.3.2 Relationships with former students

Staff should be aware that if a relationship (eg sexual, personal, intimate) develops with an ex-student, their employer is authorised to consider if their actions suggest an abuse of their position as a staff member or involves grooming behaviour. If there is a reasonable belief that the emotional intimacy developed while the student-staff relationship existed, this will likely be considered an abuse of position and/or that grooming has occurred.

The differences in authority and power held by the staff member and levels of trust held by the student in staff-student relationships are significant and do not suddenly disappear. They are likely to continue which may adversely impact their decision-making capacity.

Consequently, staff cannot assume they will be protected from disciplinary action taken by their employer or registering/regulating authority because a relationship is claimed to have begun after the school term concluded or after exams finished or after the staff member left the school. Any relationship (eg sexual, personal, intimate) should not be commenced unless the student has graduated from school, is of legal age of consent and at least several years have passed after the student-relationship has concluded.

The length of time between the conclusion of the staff-student relationship and the beginning of an intimate relationship is only one of the critical factors employers or registering/regulating authorities will take into consideration when investigating the appropriateness of a staff member's conduct. Other significant factors include:

- the age difference between the staff member and the ex-student
- the developmental capacity of the ex-student
- the vulnerability of the ex-student
- evidence of the nature of the relationship while the staff-student relationship existed
- other concerns or allegations about the staff member's conduct.

Staff must be aware that it is against the law for a person who is in a position of authority (for example, a teacher) to have sexual intercourse with a person under 18 years old.

1.4 Responding to concerns about potential breach of professional boundaries

1.4.1 When staff identify that their interaction has a risk of breaching professional boundaries

In general, interactions with children or young people that fall outside of the guiding principles (ie public, authorised, timely and purposeful) carry a risk of breaching professional boundaries and must not be undertaken.

Any concern that a situation at a site may compromise or may have compromised or breached professional boundaries must be discussed with the site leader (or delegate). The site leader must ensure that an action plan is developed to adequately mitigate any risk of breaching professional boundaries.

At times, staff may have a role or activity unrelated to their official role (eg community events, clubs, associations) which may involve interactions with children or young people from their site of employment. In this instance:

- staff must inform the site leader about their concerns
- staff and/or the site leader develop an action plan to address concerns regarding maintaining professional boundaries
- site leader must ensure that the action plan is adequate to mitigate any risk.

Any interactions or activities that carry a risk of breaching professional boundaries must be approved by the site leader. Such approval and any action plan must be documented.

Appendix 1 has a template approval form in considering potential concerns regarding breach of professional boundaries. It is strongly recommended that sites use this form and retain it on file in line with their sector's record keeping requirements.

The following questions may help staff to recognise when professional and/or legal boundaries are at risk of being breached:

- Am I placing my own needs first rather than the child or young person's safety and wellbeing?
- Am I dealing in a different manner with a particular child or young person than with others under the same circumstances?
- Is my dress/availability/language/demeanour different from the normal with a particular child or young person?
- Would I modify my behaviour with a child or young person if a colleague were present?
- Would I judge my conduct negatively if I observed it in another adult?
- Is it possible that the consequences of my actions will have negative outcomes for children and young people?
- Is it possible that the consequences of my actions will negatively affect people's confidence in my suitability to work with children and young people?

If an honest answer to any of the above questions is 'yes' then a staff member must alter their behaviour immediately and consider seeking professional support or counsel or speaking with the site leader.

Also see page 20 regarding at-risk situations.

1.4.2 Inappropriate behaviour by other staff

Staff may also observe behaviours in other staff that they view to be inappropriate rather than abusive or that sit on the border of violating a professional boundary.

Staff must inform their site leader, who then needs to make sure that the staff concerned understands how their actions might harm children and young people, and themselves. This guidance is especially important for young or newly hired staff.

The site leader should document what is discussed (in accordance with sector record keeping advice) and reserve the right to take appropriate disciplinary action.

All staff must take action if children and young people disclose information about inappropriate behaviours of other staff on the site. It is unacceptable to minimise, ignore or delay responding to such information. The site leader must be informed as a matter of urgency but staff must not delay taking action if the site leader is unavailable. If this involves a reasonable suspicion of risk of harm to a child or young person under the age of 18, staff must report to the Child Abuse Report Line (13 14 78). Police must also be contacted to report any sexual harm to a child or a young person.

See also reporting suspected risk of harm to a child or young person for further information (page 30).

Failure to report to the site leader any suspected breaches of professional boundaries may be subject to disciplinary action.

1.5 Appropriate physical contact

1.5.1 Appropriate physical contact with a child or young person

Physical contact between staff and children must be:

- **responsive to an identified need**
- **timely**
- **consensual**
- **respectful**
- **developmentally appropriate**
- **gender inclusive and culturally responsive.**

At times, staff will be required to give practical assistance to a child or young person who is hurt or needs assistance or encouragement. Examples of appropriate physical contact could include:

- providing first aid
- supporting children and young people who have hurt themselves
- assisting with the toileting and personal care needs of children and young people (an individual care plan for children and young people with these needs must have been negotiated with parents and documented according to site/sector based procedures, noting that care plans for toileting assistance in Early Years may not be required as this is generally provided)
- non-intrusive gestures to comfort a child or young person who is experiencing grief and loss or distress, such as a hand on the upper arm or upper back
- non-intrusive touch (eg congratulating a child or young person by shaking hands or 'high five')
- any routine physical touch that is included in learning plans and approved by a parent or carer such as touch necessary for co-regulation.

1.5.2 Good practice with school-age children and young people

- Ask children and young people's permission to make physical contact, for example, when providing first aid or minimal comforting gestures. Keep in mind that a highly distressed child or young person may be incapable of expressing their wishes.
- Avoid being with a child or young person in a one-to-one, out of sight situation, and never touch a child or young person in such a situation unless authorised and documented in a learning plan.
- Do not presume that physical contact is acceptable to a particular child or young person. What you believe to be non-intrusive touch may be inappropriate if a child or young person indicates they do not wish to be touched.
- Respect and respond to signs that a child or young person is uncomfortable with touch.
- Use verbal and/or visual directions rather than touch (eg ask a child or young person to move in a particular way, rather than physically place the child or young person in the required position).
- Use the above approach for demonstrations in dance, sport, music and drama. Where touch is essential for safety reasons (eg with aquatic or gymnastic instruction), always explain why and ask the child or young person's permission first.
- In some circumstances, staff may need to discourage younger children from inappropriate expectations of hugs or cuddles. This should be done respectfully and without embarrassment or offence to the child and offer a replacement gesture (eg 'high five').

1.5.3 Good practice with children, birth to school age

Staff working in preschools and care settings are often involved in providing toileting assistance, help changing wet/soiled clothing and comforting children for a range of needs that are developmentally and age appropriate. In providing such care, staff should be aware of the following good practice:

- When children indicate they want comfort, ensure that it is provided in a public setting and that it is in keeping with the guidelines provided above.
- Signs of discomfort in children such as stiffening, pulling away or walking away must be respected. In these situations, the child must continue to be observed/monitored until their distress is managed.
- Children must not be left in states of high distress for long periods. Parents need to be contacted under these circumstances to assist with co-regulation or take the child home as appropriate. Option to take the child home should be part of a mutually agreed plan, based on the child's distress and not solely due to behavioural concerns. Such incidents must be discussed and documented including future strategies agreed with parents.
- Staff should follow the site's toileting and nappy changing policy and individual toileting and personal care plans where these have been documented with parents.
- In single-staff and two-staff settings, it is important that plans for responding to emergency toileting situations and behaviours of concern are understood by staff, parents/carers and children.

1.6 Working with children and young people with additional and complex needs

The category of 'additional and complex needs' can include children or young people with:

- a disability
- intergenerational disadvantage
- trauma (including abuse and neglect)
- mental health
- learning difficulties
- different cultural expectations or practices.

Children and young people with additional needs and complex needs require further consideration when applying the Protective Practices Guidelines. For example, they may have poor sense of personal safety which increases their vulnerability and risk of exploitation. Children and young people with intellectual disabilities may also not understand the social rules or expectations regarding appropriate sexual behaviour and relationships when interacting with staff and other children and young people. The individual needs of some children and young people may require more physical contact and touch from staff. For example, specific types of touch may be an agreed form of communication between a child or young person, their parent/carer and staff if the child or young person has a communication disability.

Children and young people with complex behaviours that may be unpredictable or aggressive may require formalised plans with proactive strategies and early interventions agreed to by staff and parents and carers. All children and young people who require specific support and assistance, for example, toileting assistance or processes for changing clothes must have an approved documented plan in place.

Because of these differences, staff need to be more considerate and thoughtful in their physical interactions with children and young people with additional needs and complex needs.

Children and young people with disability have an increased reliance on the adults providing care to protect them from harm, and an increased risk of exploitation due to their reliance and vulnerability.

Staff must immediately report any inappropriate behaviour towards children and young people (page 15). This is a critical obligation which must not be delayed, minimised or delegated.

When working with children and young people with additional and complex needs, staff must follow the individual plan that has been codeveloped and authorised by the site leader and parents/carers and other stakeholders as appropriate (eg allied health professionals). Individual plans should be shared with relevant staff who provide care and should be reviewed regularly. Any related training and development must be undertaken by the appropriate staff and only those trained and accredited staff may undertake those programs and procedures. Individual plans should include:

- background information
- learner's strengths, interests
- services provided
- targeted goals and notes
- adjustments and supports (including behavioural, physical, personal care, transport etc)
- endorsement and agreed actions.

Different approaches are likely to be needed from staff in their interactions with children and young people with additional and complex needs. For this reason, site behaviour codes or behaviour support policies need regular review to ensure they reflect the needs of the children and young people accessing the site.

Nevertheless, the basic principles outlined elsewhere in this document remain applicable to all children and young people. Staff members have a duty of care to protect all children and young people from physical, sexual and emotional harm and, while the ways of meeting the duty may differ for different groups, the duty itself remains unqualified. Staff are expected to meet this duty in a manner that respects the dignity of all children and young people as well as their vulnerabilities.

Refer to each sector's website for additional information:

- Department for Education - Student health and disability support (education.sa.gov.au)
- AISSA - Inclusive Education (ais.sa.edu.au)
- CESA - Students with Disability (cesa.catholic.edu.au)

1.7 Working with Aboriginal children and young people

The Department for Education's Culturally Responsive Framework outlines how all staff and volunteers can contribute to creating environments where Aboriginal people can work, learn and thrive.

Cultural responsiveness is the willingness and ability to learn from and relate respectfully to Aboriginal people, particularly with children and young people, from different communities and language groups to develop meaningful and purposeful relationships.

Aboriginal groups, language, cultural values and practices are diverse. Staff can build on their capability to become culturally responsive under four domains.

Respect

Examples of capability areas

- expanding knowledge and respect for the diversity of Aboriginal cultures
- awareness of how personal values and biases impact work practice and outcomes
- valuing the unique cultural lens that the Aboriginal workforce brings to the workplace

Collaboration

Examples of capability areas

- embedding respectful communication and collaborative practices
- developing respectful communication and engagement strategies that are a cultural match with specific communities

Leadership

Examples of capability areas

- role modelling culturally responsive thinking and action
- leadership as a practice for all staff, regardless of role
- leading by example to inspire and influence cultural responsiveness
- challenging biases and long held assumptions

Accountability

Examples of capability areas

- ongoing review and development of skills, knowledge and behaviours
- setting and achieving shared goals and targets in cultural responsiveness
- embedding cultural responsiveness in individual and organisational goals

Being culturally responsive creates culturally safe sites where the environment, structures, policies and processes enable Aboriginal children and young people to feel safe, fully participate, feel valued and supported to thrive.

1.8 Cultural considerations

Different cultures have different attitudes and traditions about touch and body language. Staff have a responsibility to become as familiar as possible with the values of the various cultural groups enrolled in an education or care site.

Many cultural organisations are keen to address staff about the values of their culture to establish optimum understanding and respect between parents/carers, their children and staff at the site. It is critical that staff appreciate culturally specific expectations about touch and body language so that embarrassment, shame or offence can be avoided for everyone, and particularly for children and young people.

Many children and young people in education and care sites are recent arrivals in Australia or are under guardianship or kinship care who may have experienced severe trauma or witnessed extreme physical violence and abuse. The impact of this trauma means it is essential to find out what is considered appropriate and helpful touch for these children and young people and their families.

Staff need to demonstrate empathy, culturally respectful knowledge and understanding in their interactions with the children and young people and families that are known or suspected to have escaped traumatic circumstances, including experiences of intergenerational/historical trauma.

Having awareness of diverse cultures sits within a continuum and has no end destination. As such, staff should continuously assess their learning and development needs to ensure that all their interactions are always respectful and culturally appropriate.

2. Managing professional boundaries in at risk situations

2.1 Community interactions with children and young people

Staff working in regional, remote and rural communities face additional challenges in managing professional boundaries. They are more likely to have social relationships with the families/parents of the children and young people who attend their education and care sites and are more likely to share social and sporting events or membership at various community clubs or associations.

This means they will have legitimate reasons, on occasion, to attend social/cultural/community events with the children and young people with whom they work, to visit their homes or to be visited by them in the company of their parents/carers.

These social/cultural/community engagements are an important part of community life and a positive contribution to the wellbeing of staff working in regional, remote and rural communities.

Aboriginal employees across remote, regional and metropolitan settings may have family and social connections to the children and families that they are working with. They may also have cultural, community or family obligations that may present additional challenges and require support from site leaders to establish professional boundaries when working with some children and young people and their families. The site leader should support and work closely with Aboriginal and Torres Strait Islander staff to understand any cultural considerations or responsibilities that may impact on working relationships at the site/service.

2.1.1 Guiding principles

Certain behaviour may not initially breach the boundaries of a professional relationship but these behaviours may progress incrementally in ways that could result in a breach of professional boundaries. The guiding principles for staff in managing these situations are that:

- social contact should be generated via the relationship the staff member has with the parents/carers of children and young people or by an event (such as a sporting event)
- staff should avoid being alone with children and young people in these situations
- staff should not act in a way that would cause questions regarding their suitability to work with or create discomfort for children and young people. Consuming alcohol in these situations may lessen the capacity of a staff member to judge when a professional boundary is at risk
- staff should politely refuse to discuss matters relating to the workplace and should not discuss the learning or social progress of children and young people other than at times specifically set aside for that purpose
- staff should not transport children and young people unaccompanied, unless authorised to do so by the site leader with an approved plan of action and parent/carer consent.

These guidelines are not intended to prohibit staff from engaging in broader community activities, but staff are required to abide by these guidelines in these settings.

2.1.2 Staff who are also parents in the site community

Sometimes staff might have their own child attending their work site. This can lead to situations where they interact with other children or young people, especially during social events such as birthday parties, either as a guest or a host, possibly at their own home.

When planning or attending these events, staff should follow the guiding principles mentioned earlier (2.1.1). They should also inform the site leader to discuss any support needed to make sure professional boundaries are maintained.

In summary

Staff working in regional, remote, rural or metropolitan communities who may unavoidably interact with children or young people outside their site or service in either a personal or professional capacity (eg a child or young person's sports coach or instructor outside of their site or service), must always act professionally and maintain professional boundaries with all children and young people in every setting.

Situations which may present risk should be undertaken as transparently as possible by the staff member and with the knowledge and consent of the staff member's site leader.

Appendix 1 has an action plan template for documenting potential concerns regarding breach of professional boundaries. It is strongly recommended that sites use this form and retain it on file in line with their sector's record keeping requirements.

2.2 Behaviour of children and young people towards staff

2.2.1 Concerning or harmful sexual behaviour towards staff

If a child or young person engages in concerning or harmful sexual behaviour towards staff (including sexual harassment), immediate respectful steps must be taken to stop the behaviour. Information about intervening in sexual behaviour incidents can be found in the Sexual behaviour in children and young people procedure and guideline.

The procedure and guideline also help staff to:

- determine if sexual behaviour is likely to be developmentally appropriate, concerning or harmful
- know when and how to report sexual behaviour:
    - to the site leader
    - to the Child Abuse Report Line (13 14 78)
    - to police
    - as a critical incident.
- know when and how to communicate with parents/carers
- provide behaviour support to children and young people who have engaged in concerning or harmful sexual behaviour
- support adults and any witnesses impacted by the sexual behaviour
- document the sexual behaviour.

Some children and young people may actively seek a relationship with a staff member that would constitute an inappropriate relationship. In such circumstances, staff are advised to immediately report the information to the site leader and seek assistance from a senior staff member. Leadership staff are best placed to actively manage the situation in a way that respects the emotional wellbeing of the child or young person and provide support to the staff member who raised the concern.

Examples of children and young people's behaviours that should be reported to the site leader and addressed include but are not limited to:

- giving gifts of an inappropriate nature, persistently or at inappropriate times (eg not as part of end of the year gift that some children and families follow)
- flirtatious or suggestive gestures and comments
- social invitations
- inappropriate touching or invasion of personal space
- inappropriate postings using any medium
- correspondence or communication that suggests or invites an inappropriate relationship.

The staff member and site leader should document the incident that initially prompted the concern, understand the function of the behaviour and plan to teach more appropriate and respectful interactions. Contact with parents/carers is required unless there are reasonable grounds to believe that this will create risk of harm for the child or young person. Early intervention, at the first sign of inappropriate behaviour that breaches boundaries, can prevent a child or young person's behaviour from escalating into concerning or harmful sexual behaviour.

2.2.2 Responding to behaviours of concern

A behaviour support plan or a personalised learning plan should be developed for children and young people who display behaviours of concern. The plan should outline the goals and actions that will support safe and positive behaviour. The plan should be completed in consultation with the child or young person, parents/carers, staff and other relevant professionals including from government departments, non-government organisations and private providers (for example health, youth justice, child protection, disability or cultural organisations). Site leaders should consider whole site training for staff to understand student behaviour such as sexual behaviour in children and young people, trauma-informed practice or positive behaviour for learning.

2.2.2.1 Non-physical intervention

Non-physical intervention is the most appropriate way to respond to behaviours of concern that do not pose a serious or imminent risk of harm to the child or young person or others. Non-physical interventions can include:

- talking with the individual child or young person (describing the behaviour, asking the child or young person to stop the behaviour, telling the child or young person what will happen if they don't stop, reminding of the behaviour expectations, empathic listening)
- providing clear direction or instruction while remaining supportive (use short simple phrases the student can follow, give simple and reasonable choices that help the student consider positive behaviours and outcomes)
- directing the child or young person to a safe place or remove triggers, if possible
- directing other children and young people to a safe place
- following the site's emergency management plan and/or local response procedure (eg shelter in place or lockdown) commensurate to the situation and location based on risk

- sending for assistance from other staff, or in extreme cases, the police.

When there is no serious and imminent risk of harm, physical intervention is not permitted in response to behaviour. It is not appropriate to make physical contact with a child or young person (eg pushing, grabbing, poking, pulling, blocking) to make them follow instructions. Staff must not hold children and young people (eg on their laps, between their legs or on the floor) to get or keep their attention.

2.2.2.2 Physical intervention when behaviour poses serious and imminent risk of harm

Physical restrictive practice is defined as any intervention that restricts a child or young person's rights and ability to move freely, for the purpose of ensuring their safety or others' safety in the learning or care environment.

The use of a restrictive practice must always maximise safety and minimise harm and be:

- reasonable and proportionate to the risk
- least restrictive
- implemented for the shortest time possible
- a last resort.

Physical restrictive practice does not include the use of disengagement techniques or a hands-on technique in a reflexive way to guide or redirect a child or young person away from potential harm or injury, consistent with what could reasonably be considered the exercise of care towards a child or young person.

Disengagements and restrictive practices must be a last resort response to keep yourself and others safe from injury when you are responding to unsafe behaviour.

The use of disengagements and restrictive practices are not risk free and may compound the effects of past trauma including experiences of abuse and neglect, family violence and intergenerational trauma and can be associated with feelings of stigma and shame by the child or young person (SA Department for Human Services Restrictive Practices Guidelines, 2022; CPI Safety Interventions, 3rd edition workbook). Restrictive practices do not address the underlying factors that cause the behaviours of concern and may introduce new risks (LeBel, Nunno, Mohr, & O'Halloran, 2012, Regulated Restrictive Practice Guide, NDIS Quality and Safeguards Commission).

Any type of restrictive practice must not:

- be unsafe for the child or young person being restricted or those responding to the behaviour
- exceed the proportion of risk of harm posed by the behaviour
- be performed when non-restrictive supports are available and yet to be exhausted.

Staff can check with their relevant sector office about any available resources or training regarding this.

Physical restrictive practices are not permitted for:

- discipline, threat or punishment
- coercing behaviour change
- response to property destruction where there is no serious risk of harm
- convenience.

Use of appropriate physical intervention, such as a reflexive action to guide or redirect a child or young person away from harm or injury, may be permitted if consistent with what could reasonably be considered duty of care towards a child or young person.

Common law allows individuals to protect themselves, or others, provided any actions are reasonable, necessary and proportionate to the perceived threat and for a defensive purpose for example, disengagement techniques. Staff should always guide other children and young people away from danger.

When choosing a course of action in response to unsafe behaviour, staff must make a judgement about the level of risk and consider what harm is likely to occur as a consequence. Based on this judgement, staff should choose the response that is defendable as last resort, reasonable and proportionate.

Staff may assess that it would be unsafe to use physical intervention in a situation involving several children and young people or with a physically larger child or young person. In such cases, staff should seek immediate help from other staff or police.

Staff are not expected to place their own safety at risk when responding to violence or aggression in others and are supported by workplace health and safety legislation in making this judgement.

2.2.2.3 After a physical restrictive practice is used

Restrictive practices should only be used when there is a serious or imminent risk to the safety of a child or young person or others and, no other options are available to prevent harm.

Restrictive practices must be reported to the site leader and a record in the sector's critical incident reporting system completed. The record should include the following details:

- names of children, young people and staff involved in the incident
- names of witnesses (staff and/or children and young people)
- date, time and location of incident
- what happened before the restrictive practice was used, what the child or young person's behaviour was, and how it posed serious and imminent risk of harm
- description of the restrictive practice used
- the child or young person's response
- what happened after the restrictive practice stopped
- what supports were provided or will be provided
- any external involvement of emergency services (for example, SA Ambulance Service, SA Police).

Documentation must follow sector specific requirements for example, critical incident reporting.

Parents or carers should be notified as soon as possible within 24 hours of any restrictive practice used on their child, including the practice used, what happened before and after, where it was used, who was involved and any next steps.

Site staff may review and change existing child or young person support plans after an incident, but if this happens, they should speak with the child or young person and their parents or carers about any changes. If there are no current support plans, this should be considered to provide alternative support strategies and early intervention options for the child or young person.

All staff involved in incidents involving restrictive practices should be provided with/offered confidential debriefing, counselling support and Workplace Health and Safety documentation. The following are recommended:

- CESA/AISSA: ACCESS—Confidential counselling 1300 667 700 or the site's employee assistance provider
- Department for Education: Confidential counselling contact 1800 870 147 or 1300 360 364 or 1800 816 152 (First Nations Support Line). See Employee Assistance Program (staff login required) for other options.

2.2.2.4 Safe practices (Do):

- promote, model and support productive and positive behaviour
- explicitly teach positive behaviour and expectations about behaviour
- intervene by using the least exclusionary methods to prevent, reduce or redirect behaviours of concern
- work with children or young people, their families, professionals and other key adults to understand the environmental, social and family context of a child or young person's behaviours of concern, and use the capacity of these parties to support positive behaviour change
- provide visible, fair and equitable behavioural responses that foster confidence and trust
- repair and restore relationships that have been harmed by behaviours of concern
- establish safety and wellbeing for people involved in behavioural incidents, and others.

2.2.2.5 Prohibited practices (Don't):

The following restrictive practices are prohibited and must not be used in education and care settings:

Life threatening physical restraints, including those that restrict a child or young person's breathing or harm them by:

- covering their mouth or nose, or in any way restricting breathing
- taking the child or young person to the ground into the prone (face down) or supine (face up) position
- causing hyperextension or hyperflexion of joints
- applying pressure to the neck, back, chest or joints
- deliberately applying pain to gain compliance
- causing the child or young person to fall
- having a person sit or kneel on the child or young person.

Clinical holding:

- as a behaviour support strategy
- to enforce the compliance of a child or young person in undertaking personal care that is non-urgent and does not present a risk to them
- to punish a child or young person.

The use of prohibited restrictive practice:

- may constitute a physical assault on a child or young person
- must be reported as a critical incident
- may constitute misconduct.

3. Managing professional boundaries in other situations

3.1 Using digital forums/social networking sites

If a site or service has an authorised and monitored platform set up (for example learning management systems such as EMS, SEQTA etc), staff should use these methods of communicating with children and young people, rather than any other social media platform. There needs to be a clear distinction between professional and private use of social media, which by its nature, creates risks in maintaining professional boundaries that may potentially compromise the safety and wellbeing of children and young people.

Sites must ensure that the use of social media complies with relevant legislation including any applicable age restrictions.

When there is no authorised platform and a legitimate learning opportunity exists via social media spaces that can be used effectively as part of teaching and learning programs, the digital forum needs to be separate from staff personal virtual spaces. Staff should consider the following questions before using them:

- how can I use these social media tools appropriately and are they approved?
- what are the risks?
- what will be the benefits?
- what protocols or permissions need to be obtained or considered?
- are there other ways I can achieve the objectives without using social media?
- have parents been informed, and do they have oversight?
- have I provided one or more site leaders with access so that the interaction is aways able to be monitored by senior staff?

Staff in education and care settings are expected to model responsible and respectful conduct in online environments in line with employer expectations.

This includes caution in use of social media in a private capacity even when not communicating directly with children. The internet does not provide the privacy or control assumed by many. Staff need to ensure that only intended and appropriate persons can view their pages. Staff must know that regardless of the protections they place around their personal sites, their digital postings are always at risk of reaching an unintended audience which could be used in ways that could complicate or threaten their employment.

3.2 Protective practices for online learning

The guiding principles must be applied when undertaking online learning or support. This must be undertaken:

- **publicly** – others within the site community are aware of the online learning activity
- **authorised** – approved by the site leader and by parents/carers; only approved site digital equipment or platforms should be used
- **timely** – undertaken during the site's official hours
- **purposeful** – linked to the child or young person's wellbeing or learning needs.

Staff should be cognisant of the boundary breaches mentioned on page 10, especially those that relate to the use of technology or digital platforms such as:

- using personal rather than school equipment
- correspondence or communication using personal device (via any medium such as phone, email, SMS, social media etc) to or from children and young people
- photographing, filming or audio recordings of children and young people without site leader approval and required parental/carer consent
- uploading or publishing still/moving images or audio recordings of children and young people to any location, without parental/carer and site leader's consents
- creating or using private online chat rooms to communicate with children and young people
- facilitating or permitting access to pornographic material or adult sites.

The list above is not exhaustive. Online safety best practice such as recommendations from the e-Safety Commissioner should also be considered. Staff should consider passing this information to parents or carers when online learning or support is being arranged. Generally, it is recommended that:

- parents supervise the online activity of children and young people
- conversations occur about safe and respectful behaviour online
- computers and devices are in an area of the home that can be easily supervised and an 'open door' approach for teenagers if they use devices in their rooms.

Responding to online safety incidents in South Australian schools also provides guidance to inform responses to online safety incidents.

Staff in early childhood education and care services can also refer to the NQF Online Safety Guide which is designed to help keep children safe when using online and digital technologies.

3.3 Working one-to-one with children and young people

One-to-one support or activity with children and young people must be undertaken following the guiding principles of:

- **public** – others within the site or school community are aware of the activity or support provided
- **authorised** – approved by the site leader and by parents/carers
- **timely** – undertaken during site or relevant program's official hours of operation
- **purposeful** – linked to the child or young person's wellbeing or learning needs and within the scope of staff's role.

This applies to all situations where staff members are providing one-to-one support such as:

- learning assistance or feedback
- behaviour support
- wellbeing support
- testing or assessment
- toileting assistance.

Health/physical care should be provided with respect for the child or young person's dignity and in a manner approved by the child or young person and their parents/carers.

3.3.1 Wellbeing services

While parental consent may not be applicable for some wellbeing support situations, it is best practice for schools to provide all parents/carers with written information about the school's wellbeing and pastoral care services which outlines confidentiality and privacy issues.

Whenever a wellbeing service is provided to a student, there needs to be appropriate documentation in accordance with sector record keeping advice. Wellbeing services should be:

- provided in unlocked rooms with part-glass doors (where possible) that are located near staff traffic areas
- avoided out of school hours.

3.3.2 Managing privacy expectations

Wellbeing leaders, pastoral care workers/chaplains, health providers and various professional service providers should always consider ways of ensuring that a degree of privacy is provided to children and young people when working one-to-one with them. This is to protect the child or young person's dignity, to provide an environment conducive to the service or assessment being provided or to respect the child or young person's desire for confidentiality.

Children and young people will often assume a high level of confidentiality in situations such as disclosing serious issues of a personal nature or reporting harassment or bullying. In these instances, sites need to find a careful balance between respecting the sensitive and private nature of service provision and the professional's duty of care obligations for the safety and wellbeing of the child or young person (see suspected risk of harm to a child or young person, page 30).

3.3.3 Transport

Staff should not transport children and young people unaccompanied unless authorised to do so by the site leader with an approved plan of action and parent/carer consent.

3.3.4 Supporting children and students with toileting, nappy changing or continence care needs

Physical contact with children during toileting or nappy changing must be limited to what is necessary, appropriate and respectful to support the child's health, hygiene and dignity. While physical assistance may be required for young children or students with continence care needs, any contact must be consistent with the child's needs, undertaken with consent and follow approved procedures to ensure safety and prevent any risk of harm or misunderstanding.

Early childhood and care services can refer to the ACECQA Toileting and Nappy Changing Principles and Practices. Where possible, staff are to practice line of sight supervision of educators who are changing nappies or assisting with toileting.

SA Government services can find more information on the Department for Education website or can contact the relevant sector office. For Catholic sites, further information is available from Catholic Education South Australia. For independent schools, follow the individual site's policies and seek guidance from the Association of Independent Schools of South Australia, if required.

3.4 Conducting home visits

Staff must ensure they follow the specific home visiting protocols that apply to their site, sector or service. The key principle is that a home visit should place no one at unreasonable risk and that risks are managed. A summary of general expectations is provided below.

Inform

- home visits or transport arrangements must be authorised and documented by the site leadership and the site must have information about when and where visits are being undertaken, the expected outcomes and return times

Prepare

- all available information about the safety of the proposed visit must be considered and risks managed
- mobile phones must be taken, ID should be visible
- inform parents/carers of intended visit, where appropriate

Protect

- a colleague should accompany a staff member carrying out a home visit
- do not enter the house if parents/carers are not at home
- speak with the child or young person where the parent/carer is present or clearly visible
- document the visit

3.5 Provision of support and services in home like or residential settings

Sites that provide support or services to children and young people under this category are:

Family day care program (including respite care program and guardianship family day care program)

provided through family day care educators to deliver education and care in the educator's own home or approved premises

Boarding houses

provision of accommodation for students who are away from home

Homestay

provision of accommodation and 'family experience' by homestay providers who take the role of 'local parent' of children and young people from overseas, who attend education and care sites

Unlike other education and care sites such as schools and preschools, these sites uniquely operate their services for children and young people in a home like and relatively informal environment. As such, the Protective Practices Guidelines are essential and critical in assisting individuals and sites to prevent situations or circumstances that may place them, their staff, other members of their own family (as may be relevant) and the children and young people they care for, at risk.

Activities or interactions with children or young people must also follow the Protective Practices' guiding principles contextualised to these sites:

- **public** – others within the site are aware of the activity or support provided, interactions are visible
- **authorised** – approved by the site leader, parents/carers and by the relevant program coordinator from the Department for Education or non-government sector (ie CESA or the individual school site for independent schools)
- **timely** – undertaken during site or relevant program's official hours of operation
- **purposeful** – linked to the child or young person's wellbeing or support needs and within the scope of staff's role in line with the relevant program parameters.

Guidance on maintaining professional boundaries (eg communication, appropriate physical contact, power, emotional, relationships and use of technology/digital space) in staff interactions with children or young people apply in these situations (acknowledging that guidance on being alone or working one-to-one may have limitation in family day care settings). This also extends to the reporting of any inappropriate behaviour of any adult towards children or young people to the relevant Department for Education or sector program coordinator and to the Child Abuse Report Line (13 14 78) as required in the case of children or young people under the age of 18. Police must also be contacted if there is sexual harm or abuse to a child or young person or if they are in immediate danger.

Staff's adherence to these guidelines will support their role in fostering respectful relationships with children and young people and will ensure their safety, wellbeing and their positive experiences while away from home.

4. Legislative matters

4.1 Legislation

Relevant legislation which may result in breach by staff includes but is not limited to:

- failure to report suspicion on reasonable grounds that a child or young person under the age of 18 is, or may be, at risk defined in the Children and Young People (Safety) Act 2017 (SA)
- alleged breaches of the Criminal Law Consolidation Act 1935 (SA) including failure to protect a child or young person under the age of 18 from sexual abuse where it is known that there is a substantial risk that another person who is also an employee of the institution will engage in this conduct; and failure to report suspected sexual abuse of a child or young person under the age of 18 by another person in the institution as introduced by the Statutes Amendment (Child Sexual Abuse) Act 2021 (SA)
- sexual harassment defined in the Equal Opportunity Act 1984 (SA) and Sex Discrimination Act 1984 and Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (Cth)
- harassment or victimisation of a student with a disability, defined in the Disability Standards in Education 2005 (Cth)
- unprofessional conduct pursuant to the Teachers Registration and Standards Act 2004 (SA).

4.2 Suspected risk of harm to a child or young person

Staff in education and care settings are mandated notifiers and are, therefore, required under the Children and Young People (Safety) Act 2017 (SA) to report suspicion of risk or harm of a child or young person under the age of 18 to the Child Abuse Report Line (CARL) on 13 14 78.

A report of suspected risk of harm must be made to CARL irrespective of who is implicated: a colleague, friend, senior staff member, volunteer, parent/carer, visitor, family member or other child or young person. Staff are strongly encouraged, but not required, to advise the site leader before making a notification.

Police must also be contacted if the suspicion relates to the sexual harm or abuse of a child or young person or if they are in immediate danger.

Immediately after notification, site documentation must be completed in consultation with the site leader who signs the site's mandatory notification record and stores it securely. Working with the site leader ensures that appropriate procedures can be followed within the site and sector office. Such procedures are designed to ensure that children and young people's wellbeing is safeguarded and that staff members' rights are respected.

If the site leader is the subject of the suspicion, observation or allegation, staff must report to the site leader's line manager, employer or appropriate central office personnel.

In early childhood education and care services, additional reporting obligations to the Education Standards Board apply. Follow your sector's reporting procedures.

The complexities of these situations are acknowledged. Nevertheless, staff must manage their sensitivities or discomforts because their duty of care to the child or young person remains their paramount legal, professional and moral responsibility.

4.3 Failure to report or protect a child from sexual abuse

Separate to the mandatory reporting processes to CARL, it is important that employees act on their personal responsibility regarding two criminal offences introduced into the Criminal Law Consolidation Act by the Statutes Amendment (Child Sexual Abuse) Act 2021:

- failure to report suspected sexual abuse of a child or young person under the age of 18 to police if they know or suspect that another employee is, has, or is likely to sexually abuse a child or young person
- failure to protect a child or young person under the age of 18 from sexual abuse if they have the power or responsibility to do so, when they know that there is a substantial risk that another employee will engage in the sexual abuse of a child or young person.

Further information can be found on: New criminal offences under Statutes Amendment (Child Sexual Abuse) Act 2021 (education.sa.gov.au).

In early childhood education and care services, there are also obligations to report sexual abuse to the Regulatory Authority under section 175 and 176 of the Education and Care Services National Regulations (2011).

Appendix 1

Protective Practices

Action plan to manage potential risk of breach of professional boundaries

This form is to be used to record:

- declarations by staff of interactions that have the potential to breach professional boundaries if not effectively managed
- action plan to mitigate risk of potential breach
- site leader's approval of the planned action to mitigate risk of potential breach

The form is to be kept in line with relevant sector's record keeping requirements.

Staff | Site

Describe the nature of interactions that may give rise to a potential breach of professional boundaries

The action plan to mitigate the potential breach should have regard to the following:

Guiding principles

Maintaining professional boundaries ensures that children and young people's safety and wellbeing are held paramount in any interaction. To achieve this, all staff interactions and site activities must follow the guiding principles below:

Make it public
site leader and others in the site community are aware, interactions are visible

Make it authorised
interaction or activity is authorised by the site leader and parents or carer as appropriate, or is part of an official site activity

Make it timely
within the site or an approved program's business hours

Make it purposeful
is linked to a child's learning, health, safety and wellbeing needs

See page 9 of Protective Practices Guidelines for details.

Questions for staff to consider

- Am I placing my own needs first rather than the child's safety and wellbeing?
- Am I dealing in a different manner with a particular child or young person than with others under the same circumstances?
- Is my dress/availability/language/demeanour different from the normal with a particular child or young person?
- Would I modify my behaviour with a child or young person if a colleague were present?
- Would I judge my conduct negatively if I observed it in another adult?
- Is it possible that the consequences of my actions will have negative outcomes for children and young people?
- Is it possible that the consequences of my actions will negatively affect people's confidence in my suitability to work with children and young people?

Seek professional support, counsel or consult with the site leader for a 'yes' response to any of the above questions.

Action plan to mitigate potential breach of professional boundaries

I confirm that I have read and understood the Protective Practices Guidelines. Breach of these guidelines may result in my disciplinary action.

For Site Leader's action

Staff signature | Date

☐ Approved
I have discussed the concerns above and the action plan is adequate to mitigate any risk of breaching the Protective Practices Guidelines for the planned activity/interaction/concerns.

☐ Not approved
There is a significant risk of breaching the Protective Practices Guidelines for the planned activity/interaction/concerns.

Signature | Date

Protective practices for staff in their interactions with children and young people provides clear advice to adults for the establishment of positive, caring and respectful relationships with children and young people in education and care settings. The intent of this document is to safeguard the emotional, physical and sexual wellbeing of children and young people by guiding staff on setting appropriate boundaries in their professional roles and interactions with children and young people.

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Association of Independent Schools of South Australia

catholic education south australia

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