



**KILDARE**  
**COLLEGE**

# Kildare College

## Staff and Student Professional Boundaries Policy

### Purpose

This Policy applies to all Staff, (including the Principal, the College Leadership Team and teaching and non-teaching Staff), Volunteers, Contractors and External Education Providers (together, known as "Staff" for the purposes of this Policy only).

Staff hold a unique position of influence, authority, trust, and power in relation to students at the College. As such, it is their duty, at all times, to maintain professional boundaries with students.

A breach of the Staff and Student Professional Boundaries Policy may in some circumstances be a criminal offence. The Criminal Law Consolidation Act 1935 (SA) includes grooming offences as well as certain offences for persons, including teachers, Direct Contact Volunteers and Direct Contact Contractors, whose are in a position of authority, with a student. For more information, refer to Offences under the Criminal Law Consolidation Act 1935 (SA).

This Policy and its guidelines are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations.

The practice of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against Staff.

### Protective Practices for Staff in Education and Care Settings

This Policy reflects information about professional boundaries in student-staff relationships set out in Protective Practices for Staff in their interactions with children and young people: Guidelines for staff working or volunteering in education and care settings 2017 (the Guidelines), developed through collaboration between the Department for Education, Catholic Education SA, and the Association of Independent Schools SA.

The Guidelines provide clear advice on how to build positive, caring, and respectful relationships with children and young people in education and care settings. Staff who do not follow the Guidelines may be subject to disciplinary action and/or an adverse finding about their suitability and fitness to work in an education setting.

## College's Policy

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

It is our policy that:

- Staff exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times
- Staff identify, discourage and reject any advances of a sexual nature initiated by a student and report these internally to a Child Safeguarding Officer
- Staff interaction with students is professional at all times, including inside and outside of school hours
- conflict of interest issues must be reported to the Principal, or the Executive Officer of Kildare Education Ministries, as soon as practicable
- equal learning opportunities are given to each student without discrimination
- appropriate consequences will be applied to Staff who breach professional boundaries.

It is the College's policy that any breach of the Staff and Student Professional Boundaries Policy or of the Guidelines is a child safety incident that must be reported internally. Any breach that meets the threshold for external reporting must also be reported to the relevant external authority. For more information, refer to our procedures for Responding to and Reporting Child Safety Incidents or Concerns.

## What are Professional Boundaries?

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

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

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

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

When unsure about whether professional boundaries are being, or have been, breached, ask yourself:

- Would I modify my behaviour if a colleague was present?
- Should I discuss this matter with another colleague?
- How would I feel about explaining my actions at a staff meeting, to the Principal, to parents/carers or the Teachers Registration Board?
- Am I sharing information for the student's benefit, or for my benefit?
- Am I dealing with this student differently from others in similar circumstances?
- Is my language or demeanour different from normal when dealing with this particular student?

## Intimate Relationships

Staff must not initiate or develop a relationship with any student that has, or can be interpreted as having, a romantic or sexual, rather than professional, basis. It is not relevant that the relationship may be consensual or condoned by parents/carers.

Such relationships have a negative impact on the teaching and learning of students and colleagues and may carry a serious reputational risk for the staff member and, in turn, the College.

The professional relationship of Staff and students may be breached by:

- flirtatious behaviour or dating
- development of an intimate personal relationship
- sexual relations
- the use of sexual innuendo, inappropriate language, or the sharing of inappropriate material with students
- unwarranted and inappropriate touching
- unwarranted and inappropriate filming or photography
- deliberate exposure to sexual behaviour of others (e.g., pornography)
- having intimate contact without a valid context via written or electronic means (e.g., email, letters, telephone, text messages, social media sites or chatrooms)
- going out, whether alone or in company, to social events such as the movies or dinner with a student
- exchanging gifts of a personal nature.

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may violate professional boundaries and are therefore strongly discouraged from doing so.

## Personal Relationships and Grooming

Staff must not initiate or develop a relationship with any student that has, or can be interpreted as having, a personal rather than professional basis. This is regardless of whether the relationship is consensual, non-consensual, or condoned by parents or carers.

It is the student's perception of staff behaviour and not the intention of the staff member that is important.

In addition, Staff must refrain from conduct which could be considered as or perceived to be grooming.

An established and expected professional relationship between Staff and students may be compromised by Staff:

- attending parties or socialising with students outside of organised College events (without parental/carer permission)
- sharing personal details about their private lives with students
- meeting with a student (or students) alone outside of school hours without a valid context and without permission from the College and/or the parents/carers. For more information, refer to the Disclosure of Staff/Student Interactions section of this Policy.
- using intimate gestures or physical contact with particular students, such as hugging one or two particular students after an awards program
- encouraging students to call them by their first name (especially if the staff member is a teacher) when it is not the College's norm to do so
- gaining the trust of a student's family and friends as a way of integrating into the student's life, such as inviting the student and their family to attend the staff member's holiday home (other than in the context of Staff/Student Interactions in Local and Country Communities outlined in this Policy)
- privately giving a student money, credit for a mobile phone or a meal, unless it is for an emergency such as a lost bus fare or having no food. Staff should notify their supervisor or the Principal and keep a record of such an emergency action
- using a student to gain a personal benefit - such as using a student's expertise or connections to obtain monetary gain, goods or services
- attempting to bribe a student into silence about any staff member's inappropriate conduct
- offering advice to a student on personal matters other than in an authorised situation such as authorised pastoral care
- asking a student questions about personal/sexual matters or not immediately stopping (respectfully) discussions of a personal/sexual nature that are not in keeping with the staff member's pastoral role
- speaking about a particular student constantly without a valid educational or pastoral reason
- hovering near a particular student at inappropriate times
- focusing inappropriate or excessive attention on a student who is 'vulnerable' - such as a student having problems with their parents, or who is new to the school and hasn't yet established a circle of friends.

Staff must recognise at all times that their role is not to be a 'friend' or 'parent' to a student.

## Staff/Student Interactions in Local and Country Communities

Staff members involved in social or sporting groups or working in local or country communities face additional challenges in managing professional boundaries with students and their families. They are more likely to interact with students out of school hours in social or sporting settings, at community clubs or at associations, or may be more likely to have social relationships with parents/carers or other family members of the students at the College. Situations therefore may arise where there is unavoidable interaction between students and Staff outside of the College relationship.

The Guidelines provide some principles for managing these situations, to help Staff to enjoy these social engagements and being involved in their community without compromising professional boundaries:

- Social contact should be generated via the relationship the staff member has with the event organisers (such as a social or sporting event), the parents/carers or the adult family member of the student rather than through the student.
- Staff should avoid being alone with unrelated College students in community situations. Where this is unavoidable, it should only occur with the informed consent of parents. For more information, refer to the Disclosure of Staff/Student Interactions section of this Policy.
- Staff should conduct themselves in a way that will not give others reason to question their fitness/suitability to teach (in the case of teaching staff) and that will not create discomfort for their students.
- Consuming alcohol in these situations may lessen a staff member's capacity to judge when a professional boundary is at risk, so alcohol consumption should be avoided or limited.
- Staff should politely avoid discussing matters relating to their workplace and should not discuss any student's learning or progress at social or sporting occasions.
- Any concern a staff member has about whether or not a situation may be compromising or may breach professional boundaries should be disclosed to a senior/supervising colleague or the Principal in advance, and an approved plan of action prepared and followed. For more information, refer to the Disclosure of Staff/Student Interactions section of this Policy.

## Relationships with Former Students

If a staff member engages in a romantic/sexual relationship with a person who was previously a student at the College, this may generate concerns that the staff member previously crossed professional boundaries while the former student was under the care of the staff member. Concerns may arise that the staff member engaged in grooming behaviour while the person was still a student.

Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the College, as there may be a reasonable belief that the emotional intimacy of that relationship developed while the person was still a The College student and under the care of the staff member.

The College will investigate any complaint that a staff member has abused their position and acted unprofessionally by engaging in a relationship with a former student. In considering whether there has been a breach of professional boundaries, the College may take the following factors into account:

- the length of time that has passed between when the person was a student at the College and the commencement of the relationship
- 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.

By ensuring that their relationships with The College students do not breach Staff and Student Professional Boundaries, a staff member who subsequently forms a relationship with a former student will be less likely to be considered to have breached professional boundaries in relation to that former student, provided that considerable time has passed between the time when the student was at school and the commencement of the relationship.

## Fair Learning Opportunities

The main focus of teaching is effective student learning and as such teachers are expected to support their students with their professional expertise so as to offer them the best education in their individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning by:

- maintaining a safe and challenging learning environment that promotes mutual respect
- recognising and developing each student's abilities, skills, and talents by catering to their individual abilities and respecting their individual differences
- encouraging students to develop and reflect on their own values
- interacting with students without bias
- not engaging in preferential treatment
- not discriminating against any student on the basis of race, sex, sexuality, disability or religious or political conviction
- always making decisions in students' best interests.

## Electronic Communications between staff and students

It is expected that all Staff at the College will adhere to the following guidelines:

- all use of technology should be for educational purposes or for the organisation of co-curricular activities
- all email communication between Staff and students should be via the College email system and reflect a professional Staff/student relationship
- Staff should not communicate with students via text message where it is not in a professional context
- Staff should not give out their personal telephone numbers or social media contact details
- Staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the College

- if the College asks a staff member to interact with students on social media, the staff member must use a professional account specifically for the purposes of student communication
- Staff should not exchange personal pictures with a student
- teachers are not expected or encouraged to respond to concerns of parents/carers or students on holidays, weekends or in the evening
- any student personal contact numbers or other personal contact details made available to the College should only be used for College communications.

## Physical Contact with Students

All Staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all Staff at the College should adhere to the following guidelines for contact with students both in and outside of College grounds:

- Staff should avoid unnecessary physical contact with students
- minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g., congratulatory pat on the back or handshake)
- contact for sport, drama and dance instruction is acceptable in a class situation but not in a 1:1 situation. If physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and Staff must remain vigilant while engaging in necessary contact situations. Once consent has been withdrawn no further contact can be or should be made.

## Off-Campus Excursions and Camps

During off-campus excursions or camps, the same physical contact guidelines apply as well as the following:

- checking of sleeping arrangements or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space
- always knock and advise of presence prior to entering a bedroom or dormitory
- ensure that while in a bedroom or dormitory a strict Staff/student relationship is upheld and that Staff do not engage in inappropriate behaviour, such as sitting on a student's bed.

## Managing Conflicts of Interest



Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interest may arise.

This may be more prevalent in small or country communities where professional boundaries may be tested due to the nature and size of the community. In these circumstances, Staff need to be far more diligent in developing and maintaining these boundaries.

Where a staff member feels that a conflict of interest may exist, they should notify the Principal, or the Executive Officer of Kildare Education Ministries if the conflict involves the Principal, and arrangements should be implemented to avoid the conflict situation if possible. For example, the teaching of students by a staff member with a conflict should be avoided.

Any significant decisions relating to these students in the College (such as the appointment of classes or selection in sports teams) should be referred to another staff member and endorsed by a supervisor.

## Disclosure of Staff/ Student Interactions

To enable the College to be aware of appropriate and inappropriate interactions between Staff and students, it is College's policy that all Staff are encouraged to declare any interactions with students outside the College context. These interactions may situations instances where the staff member is:

- related to the student
- friends with the student's parents or family
- given parental consent to interact with the student for academic purposes outside of school hours and the parent/carer has notified the College.

Declarations by Staff about a relationship with students and their families outside of the College context or about interactions that occur with the consent of the parent/carer must be verified by the parent/carer of the student.

The College maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside the College context. These records are made available to the parents/guardians of a student on request.

These records are kept in accordance with our Child Safeguarding Record Keeping and Human Resources policies.

## Staff Responsibilities

All Staff must:

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

## Consequences for Breaching the Staff and Student Professional Boundaries Policy



Where a staff member breaches this Policy, The College may take disciplinary action that may include (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract, or engagement.

For more information, refer to Child Safeguarding Program Breach Management.

## Implementation

These guidelines are implemented through a combination of:

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

## Report Any Concerns

**Any person, including Staff, Volunteers, Contractors, parents/carers and students, can at any time report a reasonable suspicion about harm or risk of harm to a child or young person directly to the Department for Child Protection (DCP) using the Child Abuse Report Line (CARL) on 13 14 78 or online.**

**Whenever there are concerns that a child or young person is in immediate danger, the Police should be contacted on 000.**

All Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors who witness, or reasonably suspect, a breach of professional boundaries that rises to the level of a reasonable suspicion about harm or risk of harm to students **must** report their concern to CARL.

They **must** also report externally to Police if required.

It is the College's policy that all breaches of this Policy are considered a child safety incident. Therefore, all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors who witness, or suspect, **any** breach of professional boundaries **must** also report this internally to one of the College's Child Safeguarding Officers.

Our Child Safeguarding Program includes information for Staff, Volunteers and Contractors as to how to identify key indicators of the different forms of harm to children and young people, on how

to report harm and risk of harm to relevant external authorities, and how to report child safety concerns internally. For more information, refer to procedures for Responding to and Reporting Child Safety Incidents or Concerns.

**Students** are provided with information about, and encouraged to use, multiple pathways to raise child safety concerns about or at the College, including breaches of this Policy. These include by contacting CARL and/or by reporting internally to the College via informal and formal ways, an 'anonymous' way, and external child advocacy or child safety organisations. For more information, refer to Child Safeguarding Complaints Management.

**Parents/carers, family members or other community members** who witness or suspect that there has been a breach of Professional Boundaries, or have concerns that a child or young person associated with the College may be subject to harm from a member of Staff, a Volunteer, or a Contractor, can contact CARL and/or:

- the College's Senior Child Safeguarding Officer (the Deputy Principal), by phoning 08 8369 9999 or emailing [mcamilleri@kildare.catholic.edu.au](mailto:mcamilleri@kildare.catholic.edu.au) or the Principal;
- or if the concern relates to the Principal, the Executive Officer of Kildare Education Ministries.

Communications will be treated confidentially on a 'need to know basis'.

Whenever there are concerns that a child or young person is in immediate danger, the Police should be contacted on 000.

## Document Control

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