



Professional Boundaries Policy

1. Object

- 1.1 Part 3.6.1 of the *Registered and Accredited Individual Non-Government Schools (NSW) Manual* requires Newington College to have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.
- 1.2 The College is a child safe organisation. This policy forms part of the College's child safe practices and implements the Child Safe Standards.
- 1.3 Council members, staff, student teachers, volunteers, third party contractors, and external education providers 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.
- 1.4 This policy is designed to:
 - (a) specify the College's requirements for maintaining professional boundaries with students;
 - (b) set professional boundaries for the behaviour of responsible persons, including in respect of personal relationships, intimate relationships, physical contact, student supervision and electronic communications;
 - (c) raise awareness of situations where professional boundary violations may occur;
 - (d) make clear what behaviour is unacceptable and may amount to misconduct and/or reportable conduct; and
 - (e) identify strategies to minimise the risk of boundary violations.
- 1.5 Adopting child safeguarding behaviours at all times will also reduce the risk of misunderstandings.

2. Application

- 2.1 This policy applies to the College and its Council members, staff, student teachers, volunteers, third party contractors, and external education providers, for the welfare and benefit of the College's students.

3. Definitions

- 3.1 In this policy:

Child Safe Standards	means the NSW Child Safe Standards prescribed in the <i>Children's Guardian Act 2019 (NSW)</i> .
College	means Newington College, as represented by the authorised delegates of the Council.
Council	means the Council of Newington College, established by section 1 of the <i>Newington College Council Act 1922</i> .

Council member	means a member of the Council, elected in accordance with section 9 of the <i>Newington College Council Act 1922</i> . means third party contractors who:
direct contact third party contractor	<ul style="list-style-type: none"> • have direct contact with students during the normal course of their work; or • are in a position to establish a relationship of trust with a student, notwithstanding that access to a student would be rare (e.g. full-time maintenance personnel); and • any contractors whom the College is legally required to screen. <p>This includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, but have an agreement with the College to use the College’s facilities.</p>
direct contact volunteer	means volunteers that are involved in providing support and guidance directly to students during the normal course of the volunteer service. (e.g. volunteers involved in College camps or excursions, coaching sporting teams or assisting in learning activities.)
external education provider	means any organisation or person that the College has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.
indirect contact third party contractor	means contractors who have no contact with students as part of their role, or undertake roles where students are not reasonably expected to be present (e.g. contractors who complete work during school holidays.)
indirect contact volunteer	means volunteers who are: <ul style="list-style-type: none"> • involved in providing support and services, whilst not directly assisting a specific group of students; and • not responsible for supervising students. <p>(e.g. volunteers who assist with College functions, the College canteen and fundraising or sporting event barbeques.)</p>
parent	means one or more parents, guardians or carers of a student enrolled at the College.
reportable conduct	has the meaning given in clause 5.1 of the College’s Reportable Conduct Procedures .
responsible person	means Council members, staff members, student teachers, volunteers, third party contractors, and external education providers.
staff or staff member	means the College’s permanent, temporary and casual teaching and non-teaching staff.

student teacher	means a person who is undertaking a teaching placement at the College as part of their tertiary education, and who teaches under the supervision of a teacher.
third party contractor	means direct contact third party contractors and indirect contact third party contractors.
volunteer	means direct contact volunteers and indirect contact volunteers.

3.2 A reference in this policy to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

4. Maintaining a child safe environment

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

4.2 It is the College's policy that:

- (a) responsible persons exercise their responsibilities in a way that at all times recognises professional boundaries with regard to their relationships with students;
- (b) responsible persons identify, discourage, reject and report any advances of a sexual nature initiated by a student;
- (c) interaction with students is professional at all times, including inside and outside of school hours;
- (d) conflicts of interests must be reported in accordance with the College's **Conflict of Interests Policy**;
- (e) equal learning opportunities are given to each student without discrimination; and
- (f) appropriate consequences will be applied to staff who breach professional boundaries.

5. What are professional boundaries?

5.1 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 responsible person), in circumstances where a power imbalance exists.

5.2 The fact that responsible persons 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.

5.3 In most cases this power imbalance is clear, however sometimes it may be more difficult to recognise especially for younger staff and other people in a position of authority who may only be a few years older than their students.

5.4 The following guidelines are not exhaustive, and, given that sometimes "grey areas" may occur, it is expected that all responsible persons (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.

5.5 When unsure about whether professional boundaries are being, or have been, breached, responsible

persons should ask themselves:

- (a) Would I modify my behaviour if a colleague was present?
- (b) How would I feel about explaining my actions at a staff meeting?
- (c) Am I sharing information for the student's benefit, or for my benefit?
- (d) Am I dealing with this student differently from others in similar circumstances?
- (e) Is my language or demeanour different from normal when dealing with this particular student?

6. Intimate relationships

6.1 Responsible persons must not initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than professional, basis. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents.

6.2 Such relationships have a serious negative impact on the well-being, teaching and learning of students and colleagues and may carry a serious reputational risk for the responsible person and, in turn, the College.

Note: It is a criminal offence for any person to engage in sexual acts with a person under 16 years of age. It is also a criminal offence for a teacher to engage in sexual acts with a student under 18 years of age. (See Division 10 and section 73A of the [Crimes Act 1900](#) (NSW), respectively).

6.3 The professional relationships of responsible persons and students may be breached by:

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

6.4 Responsible persons 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 strongly discouraged from doing so.

6.5 The imbalance of power and authority that exists in the staff/student relationship (and student relationships with other people in authority) does not suddenly disappear after the student finishes their schooling. Responsible persons 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 the relationship developed while the staff/student relationship existed.

7. Personal relationships

- 7.1 Responsible persons must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as having a personal rather than professional element. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents.
- 7.2 It is the student's perception of behaviour by staff and other people in a position of authority and not the intention of the responsible person that is important. An established and expected professional relationship with a student may be compromised by responsible persons:
- (a) attending parties or socialising with students outside of organised College events (without parents' permission);
 - (b) sharing personal details about their private lives with students; or
 - (c) meeting with students outside of school hours without permission from the College.
- 7.3 Responsible persons must recognise at all times that their role is not to be a "friend" or "parent" to a student. A responsible person should refer a student to a counsellor or other appropriately trained health professional if the student requires complex pastoral support.

8. Fair learning opportunities

- 8.1 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.
- 8.2 Teachers should demonstrate their commitment to student learning by:
- (a) maintaining a safe and challenging learning environment that promotes mutual respect;
 - (b) recognising and developing each student's abilities, skills and talents by catering to their individual abilities and respecting their individual differences;
 - (c) encouraging students to develop and reflect on their own values;
 - (d) interacting with students without bias;
 - (e) not engaging in preferential treatment;
 - (f) not discriminating against any student on the basis of race, sex, sexuality, disability or religious or political conviction; and
 - (g) always making decisions in students' best interests.

9. Electronic communications

- 9.1 It is expected that all responsible persons will adhere to the following guidelines:
- (a) all use of technology should be for educational purposes or for the organisation of co-curricular activities;
 - (b) all email communication between responsible persons and students should be via the College email system, with a copy to parents as appropriate, and reflect a professional staff/student relationship;
 - (c) responsible persons should only communicate with students via text message in a professional capacity;

- (d) responsible persons should not give out their personal telephone numbers or social media contact details, unless authorised by the Deputy Headmaster or Head of Preparatory Schools and Early Learning Centre;
- (e) responsible persons 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;
- (f) responsible persons should not exchange personal pictures with a student;
- (g) teachers are not expected or encouraged to respond to concerns of parents or students on holidays, weekends or in the evening; and
- (h) any student personal contact numbers or other personal contact details made available to the College should only be used for College communications.

10. Physical contact with students

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

- (a) minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g. congratulatory pat on the back or handshake);
- (b) contact for sport, drama and dance instruction is acceptable in a class or team instructional situation but not in a one on one situation; and
- (c) 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 whilst engaging in necessary contact situations. Once consent has been withdrawn **no** further contact can be made.

11. Off-campus excursions and camps

11.1 The following additional physical contact guidelines apply to staff during off-campus excursions or camps:

- (a) 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;
- (b) Always knock and advise of presence prior to entering a bedroom or dormitory; and
- (c) Ensure that while in a bedroom or dormitory a strict staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken.

12. Managing conflicts of interests

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

12.2 Where a responsible person feels that a conflict of interests may exist, they should report it in accordance with the College's **Conflict of Interests Policy**, 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.

12.3 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 the Deputy Headmaster or Head of Preparatory Schools

and Early Learning Centre, as appropriate.

13. Disclosure of staff/student interactions

13.1 It is the College's policy that all staff are encouraged to declare any notable or significant interactions with students (other than students who are also their own children) outside school hours. Staff should use their own good judgment to determine whether an interaction is notable or significant. Examples of notable or significant interactions may include the following:

- (a) an interaction which occurred at the staff member's home or other residence;
- (b) an interaction which occurred at an event at which alcohol was served eg a party or other celebration or at a public venue;
- (c) an interaction during which the staff member observed the student engaging in illegal or improper activity; and
- (d) an interaction during which the student and the staff member were alone for a period of time.

If in doubt, staff should err on the side of caution and report the interaction.

13.2 Staff must report any interactions with students (other than students who are also their own children) outside school hours that are or may be in breach of, or inconsistent with, this policy or the College's **Child Safety Code of Conduct**. Staff must report the interaction to the Deputy Headmaster or Head of Preparatory Schools and Early Learning Centre (as relevant) as soon as possible after the interaction occurred.

13.3 Staff must not engage in inappropriate personal communications with a student through any medium, including online.

14. Disciplinary action

14.1 Where a staff member breaches this policy, the Headmaster may take disciplinary action, including in the case of serious breaches, dismissal.

14.2 Where a Council member breaches this policy, the Council may take disciplinary action.

14.3 Where any other responsible person breaches any obligation, duty or responsibility within this policy, the College will take appropriate action.

14.4 The College may report any breach of this policy to the Children's Guardian, the Department of Communities and Justice and/or the NSW Police in accordance with:

- (a) the College's **Reportable Conduct Procedures** and the [Children's Guardian Act 2019](#) (NSW);
- (b) the College's **Child Protection Incidents Procedures**; and/or
- (c) the mandatory reporting procedures under the [Children and Young Persons \(Care and Protection\) Act 1998](#) (NSW).

Notes

Professional Boundaries Policy

Date approved: 20 August 2020

Date commenced: 20 January 2021

Date amended: 3 August 2021 (non-substantive amendments)

20 October 2022

1 December 2022 (non-substantive amendments)

Related documents: [Boarder Child Protection Policy](#)

[Boarding Professional Boundaries Policy](#)

[Child Protection Incidents Procedures](#)

[Child Safety Code of Conduct](#)

[Conflict of Interests Policy](#)

[National Redress Scheme Policy](#)

[Reportable Conduct Procedures](#)

[Statement of Commitment to Child Safety](#)

