

Yarm Gwanga Staff Code of Conduct

Section 1 - Overview

- (1) This Code of Conduct acknowledges the importance of ensuring Yarm Gwanga staff adhere to the highest standards of ethical conduct in accordance with [Early Childhood Australia Code of Ethics \(2016\)](#) and The [United Nations Convention on the Rights of the Child \(1991\)](#). The Code and its associated documents provide an ethical framework for the decisions, actions and conduct of all staff members including students, volunteers and visitors.
- (2) For the purposes of clause 168 (2) (i) and (ii) of the [Education and Care Services National Regulations](#), this Code is considered to be the policy and procedure.
- (3) The [Yarm Gwanga Staff Code of Conduct](#) satisfies the following [National Quality Standards](#):
- a. Quality Area 4 Staffing Arrangements
 - i. Standard 4.2 Professionalism
 - Element 4.2.1 Management, Educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
 - Element 4.2.2 Professional standards guide practice, interactions and skills.
 - b. Quality Area 5 Relationships with Children
 - c. Quality Area 7 Governance and Leadership

Section 2 - Scope

- (4) This Code applies to all UNE Representatives, children and families, and all visitors to the Yarm Gwanga Services.

Section 3 - Code of Conduct

General Requirements

- (5) This Code of Conduct supplements a number of the University's rules, policies, procedures and guidelines (including the UNE staff [Code of Conduct](#), [Conflicts of Interest Policy](#), [Gifts and Benefits Policy](#), [Social Media Policy](#), and the UNE [Child Protection Policy](#)) and their application to Yarm Gwanga.
- (6) The [Yarm Gwanga Staff Code of Conduct](#) clarifies the conduct that is reasonable for the purposes of the discipline, management and safety of children. In conjunction with the UNE [Code of Conduct](#), the [Yarm Gwanga Interactions with Children Guideline](#) and [Early Childhood Australia Code of Ethics](#), the [Yarm Gwanga Staff Code of Conduct](#) provides an ethical framework for the decisions, actions and conduct of all staff members.
- (7) Yarm Gwanga will ensure:
- a. all Educators, students and visitors maintain standards of integrity, conduct and concern in their interactions with children, families and the community;

- b. all Educators will make themselves familiar with and comply with the legislation and statutory documents and requirements that apply to their role;
- c. all Educators will make themselves familiar with and comply with the terms and conditions of their employment including their position description, UNE policies and procedures, and Yarm Gwanga Guidelines;
- d. all Educators will comply with the reasonable instructions of a person in a supervisory position;
- e. all Educators will recognise the need to act in a professional manner at all times;
- f. all Educators are respectful, positive and cooperative, and are supportive of a play-based learning environment; and
- g. all Educators maintain high standards of integrity, conduct and professionalism in their interactions with children and their families, colleagues and the community.

Alcohol

(8) It is unacceptable for staff to consume or be under the influence of alcohol while on site at Yarm Gwanga.

Appropriate language

(9) To ensure a high standard of professionalism, Yarm Gwanga staff must not use inappropriate language or words of a derogatory nature whilst working, undertaking professional development, or in the presence of other employees, parents, guardians, suppliers, contractors or children. Yarm Gwanga Educators will:

- a. use language that promotes empathy and understanding;
- b. speak to children, parents and colleagues in a warm, friendly and respectful manner;
- c. not be abrupt or aggressive to parents or colleagues;
- d. use language and a tone that displays understanding and promotes compromise and positive relationships;
- e. not swear, humiliate others, make inappropriate or suggestive comments or jokes directed toward a child, parent, colleague or member of the community;
- f. not use inappropriate name calling or labelling (eg. to call a person 'stupid' or 'whinger', is not acceptable);
- g. only use appropriate raising of their voice to gain control of a group of children or a situation to prevent injury, but preferred practice would be to change your tone or wording. It is not acceptable for an educator to raise their voice aggressively. It is better to gain children's attention in a positive manner ie clapping rhythm, using a singing voice, familiar songs or fingerplay.
- h. never shout, swear or hit back when a child hurts them physically or has them feeling angry or upset. It is ok for an educator to acknowledge their feelings; they will deal with them appropriately, eg ask another staff member to cover for you while you take a short break or remove yourself from the situation.
- i. never talk about children in front of other children or parents; and
- j. restrict use of the words, "Don't" and "No" as negative statements belittle a child.

Behaviour Guidance

(10) Our Educators will use positive language, gestures, facial expressions and tone of voice when redirecting or discussing children's behaviour with them. They will also remain calm, gentle, patient and reassuring even when children strongly express distress, frustration or anger.

Neglect

(11) Neglect of a child is reportable conduct and occurs when a child is harmed by the failure of a person to provide basic physical and emotional necessities of life, eg. adequate/proper food, medical attention etc. It can be an ongoing or a single significant incident where a staff member fails to fulfill a duty or obligation resulting in actual or potential harm to a child.

Physical contact with children

(12) The use of physical punishment is not acceptable under any circumstances.

(13) Touching a child in a certain way, or encouraging physical contact that may elicit a level of discomfort/embarrassment from the child or others observing the behaviour, is not acceptable.

(14) It is acceptable to show a child affection, ie comforting a distressed child with a cuddle, allowing a child to sit on your lap and guiding a child through physical contact by placing your hand on a child's shoulder.

(15) It is not acceptable to place a child on the floor or on a chair with undue force.

Psychological harm of children

(16) The use of isolation, humiliation, intimidation or negative labelling is not acceptable under any circumstances. Staff should identify the behaviour and not label the child (eg. telling a child they are naughty, that you do not like them or that "you're giving me a headache"). Staff can explain to a child that the child's behaviour is having a negative impact (eg. "When you hurt your friends it makes me sad" or, "When you scream it makes my ears hurt").

(17) Staff will not raise their voice at an individual child in a negative or derogative fashion that is disrespectful or humiliating to the child.

(18) Negative language and a negative attitude is not acceptable behaviour.

Restraint

(19) The use of restraint will only be used to protect a child from a risk of danger, or if it has been identified as a calming technique appropriate for a particular child in a negotiated, individual behaviour plan with colleagues and/or family members.

Child protection - mandatory reporting

(20) Section 251 (Part 3A) of the [Ombudsman Act](#) outlines reporting and disclosure provisions relating to child protection. Section 25A1 of the [Ombudsman Act](#) defines behaviour that is (and is not) considered to be mandatory "reportable conduct".

Inappropriate punishment

(21) Staff will not subject any child being educated and cared for by Yarm Gwanga Child Care Centre to any discipline that is unreasonable in the circumstances.

(22) Depriving children of food or drink will not be used as punishment. This includes not allowing a child to progress to the second course of their meal until finishing their first course. Staff will never force feed children.

(23) It is not acceptable to use bed as a punishment ie. you cannot threaten or put a child to bed because they have not undertaken/complied a specific task, however they can be put to bed if they are unable to undertake the task due to tiredness.

(24) It is not appropriate to belittle children, or to disrespect them by using a tone of language or inappropriate mannerisms to influence their behaviour when interacting with a child or group of children.

Mobile phones

(25) Personal mobile phones are to not to be used while educators are caring for and educating children. Personal mobile phones may be used only during specified breaks.

Non-compliance with this Guideline

(26) In the event of staff non-compliance with the UNE [Code of Conduct](#) or [Yarm Gwanga Staff Code of Conduct](#) and its associated documents, Yarm Gwanga staff will:

- a. approach a colleague if their actions or performance do not meet the expectations required under the [UNE Code of Conduct](#) and/or this Code, and remind them of the need to comply with those documents;
- b. ensure all Educators are aware they are required to report any aspects of a colleague's performance that does not meet the required guidelines, policies to the Nominated Supervisor; and
- c. work in conjunction with the relevant personnel from the People and Culture at the University of New England in ensuring that all relevant clauses contained within the [UNE Professional Staff Collective Agreement](#) are adhered to.

Management of Unsatisfactory Performance

(27) In accordance with the [UNE Professional Staff Collective Agreement](#), every effort will be made to resolve instances where performance could be viewed as being unsatisfactory. Only when such efforts fail to rectify the unsatisfactory performance, should a formal process be undertaken.

(28) Early efforts to address unsatisfactory performance may include a discussion between the staff member and supervisor, identifying the behaviour or event that is deemed to be unacceptable. The discussion should include opportunities for both the staff member and their supervisor to discuss and agree upon a corrective course of action. Examples of behaviour that may lead to such a discussion at Yarm Gwanga include:

- a. initial infrequent occasions where a staff member may use an incorrect tone or volume to take control of a group of children, direct a child's behaviour, or prevent injury or harm to a child; and/or
- b. not fulfilling duties as specified in the staff member's position description, ie in relation to completing the requirements of the Centre philosophy, curriculum and programming specifications.

Unsatisfactory Performance Review

(29) Should early efforts to resolve unsatisfactory performance be unsuccessful, a formal Unsatisfactory Performance Review will be undertaken, following the steps outlined in the [UNE Professional Staff Collective Agreement](#). Unsatisfactory Performance Review will be undertaken in consultation with staff from People and Culture.

Notifying the Regulator

(30) Where an account of unsatisfactory performance includes circumstances that may present a risk to the health, safety or wellbeing of a child or children attending Yarm Gwanga, notification must be made to the [Early Childhood Education Directorate](#) of the NSW Department of Education and Communities (using form NL01 Notification of Complaints and Incidents). Circumstances that may pose a risk include:

- a. any physical punishment of children;
- b. continual negativity that involves constant belittling, disrespecting and humiliating children;
- c. the use of language that is negative, forceful and loud and interactions that are consistently negative;
- d. constant negative interactions with children that include force feeding and not showing warmth and respect when interacting with children;
- e. inappropriate restraint or isolation of children;
- f. no improvement to performance (in relation to negative and disrespectful interactions with colleagues) following an informal meeting with the staff member concerned; and/or
- g. no improvement to performance (in relation to a staff member fulfilling their duties and responsibilities in

relation to their position requirements) following an informal performance review.

Authority and Compliance

(31) The Guideline Administrator, Director UNE Life, makes these Guidelines.

(32) University Representatives must observe these Guidelines in relation to University matters.

(33) These Guidelines operate as and from the Effective Date.

(34) Previous Policies/Procedures/Guidelines relating to a Code of Conduct for staff at Yarm Gwanga are replaced, and have no further operation from the Effective Date of this new Guideline.

Section 4 - Definitions

For the purposes of this Guideline the following definitions apply:

(35) Duty of care: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

(36) Ethical conduct: Always act in the best interests of children, their parents/guardians and families, and users of the service.

(37) Notifiable complaint: A complaint that alleges a breach of the Act or Regulation, or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider to the secretary of DEECD within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: <http://www.cecqa.gov.au>

(38) Respect: Value the rights, religious beliefs and practices of individuals. Refrain from actions and behaviour that constitute harassment or discrimination.

(39) Student: A person undertaking a practicum placement as part of a recognised early childhood qualification. This student will be supported by an educational institution in the completion of their placement.

(40) Visitor includes, but is not limited to, students on practical placements, volunteers, community members and persons conducting inspections/audits.

(41) Yarm Gwanga refers to both the Yarm Gwanga Preschool and Early Education Centre as well as Yarm Gwanga Vacation Care.

Status and Details

Status	Current
Effective Date	16th October 2018
Review Date	16th October 2022
Approval Authority	Director UNE Life
Approval Date	16th October 2018
Expiry Date	To Be Advised
Unit Head	David Schmude Director UNE Life 02 6773 3071
Author	Galia Urquhart 02 6773 3173
Enquiries Contact	Yarm Gwanga 02 6773 3173

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"University Representative" - University Representative means a University employee (casual, fixed term and permanent) contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.