



## STAFF AND STUDENT PROFESSIONAL BOUNDARIES

This policy applies to all teaching staff, non-teaching staff, volunteers (direct and indirect), Third Party Contractors and External Education Providers (together, known as "staff" for the purposes of the policies related to Child Protection). Those areas related to teachers only are noted as such.

PVS recognises that all staff, not just teachers, hold a unique position of influence, authority, trust and power in relation to our students. As such, it is their duty, at all times, to maintain professional boundaries with students. A breach of staff-student professional boundaries may constitute sexual abuse, and a pattern of unprofessional conduct may indicate grooming behaviour.

A breach of Staff and Student Professional Boundaries may in some circumstances be a criminal offence. The Criminal Code Act Compilation Act 1913 (WA) includes certain offences for persons, including teachers, Direct Contact Volunteers and Direct Contact Contractors, whose position places them in a position of care, supervision or authority, with a student. Refer to Offences under the Criminal Code Act Compilation Act 1913 (WA).

A breach of staff-student professional boundaries may constitute sexual abuse, and a pattern of unprofessional conduct may indicate grooming behaviour. For more information, refer to the Mandatory Reporting policy and the Protection of Children Anti-Grooming policy.

The following policy and guidelines are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations. Educating staff about professional boundaries positions staff to take action to reduce or prevent child protection incidents from occurring. The practice of protective behaviours, at all times, will also reduce the possibility of vexatious claims being brought against staff.

### **The Professional Standards for Teachers in Western Australia**

This policy reflects information about professional boundaries in student-teacher relationships contained in *Teacher-Student Professional Boundaries – A Resource for WA Teachers* (the Resource), published by the Teachers Registration Board of Western Australia (TRBWA). The information in the Resource is designed to assist registered teachers to meet the Professional Standards for Teachers in Western Australia (the Professional Standards).

Standard 4 of the Professional Standards requires that teachers create and maintain supportive and safe learning environments. The following criteria under Standard 4 are particularly relevant to maintaining professional boundaries:

- 4.4 Maintain student safety
- 4.5 Use ICT safely, responsibly and ethically.

Standard 7 of the Professional Standards requires that teachers engage professionally with colleagues, parents/guardians and the community. The following criteria under Standard 7 are particularly relevant to maintaining professional boundaries:

- 7.1 Meet professional ethics and responsibilities
- 7.2 Comply with legislative, administrative and organisational requirements.

## **Policy**

PVS is committed to providing a safe physical and emotional environment where all of our students are respected and treated with dignity in an appropriate professional and caring manner. This is to minimise the risk of child abuse and ensure 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 inappropriate advances initiated by a student;
- 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 as soon as practicable;
- equal learning opportunities are given to each student without discrimination; and
- appropriate consequences will be applied to staff who breach professional boundaries.

Any objectively observable behaviour that breaches Staff and Student Professional Boundaries 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.

## **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.

Teachers and staff are in a unique position of trust, care, authority and influence with students meaning an inherent power imbalance always exists. 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 recognize, and all staff must ensure that they do not treat students as peers or friends.

The following guidelines are not exhaustive but it is expected that all staff (regardless of age or experience) use their own good judgment about the implications and potential consequences of engaging in certain behaviours with students. Always err on the side of caution.

When unsure about whether professional boundaries staff must ask themselves:

- 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/guardians or the TRBWA?
- 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 dress, availability, 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 is or can be misinterpreted as anything but a professional relationship. Any unprofessional relationship may 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 school.

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

- development of an intimate personal relationship;
- sexual relations and the use of sexual innuendo, inappropriate language and/or 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; and
- exchanging gifts of a personal nature that encourages the formation of an intimate relationship.

Staff must also be aware that developing or encouraging romantic or sexual relationships with former students (over 18 years of age) may violate professional boundaries and are strongly discouraged from doing so. Refer to the Relationships with Former Students section of this policy.

## **Personal Relationships and Grooming**

Staff 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 or guardians.

It is the **student's perception of staff behaviour** and not the intention of the staff member that is important. An established and expected professional relationship between staff and students may be compromised by staff:

- bribing a student into being silent about that staff member's behaviour;
- targeting students who are 'vulnerable';
- ingratiating themselves to the family of a student in order to spend more time with the student;
- giving a student money;
- offering advice on personal matters to a student unless it is a component of the staff member's formal role;
- not stopping conversations of a personal or sexual nature when initiated by the student;
- casually touching a student on the shoulder or head whether or not in the presence of other adults including the student's parents/guardians;
- attending parties or socialising with students outside of organised school events;
- encouraging individual students to call them by their first name;
- allowing a student to develop an emotional dependency on them;

- sharing personal details about their private lives with students; or
- meeting with students outside of school hours without permission from the principal.

It is imperative staff recognize that at all times that their role is not to be a ‘friend’ or ‘parent’ to a student.

### **Relationships with Former Students**

If a staff member engages in a romantic/sexual relationship with a student once that student has left PVS, the relationship may generate concerns that the relationship resulted from a breach of professional boundaries, including grooming behaviour while the former student was under the care of the staff member.

When it is believed that an emotional dependency arose during the student's time at school it is likely that the relationship will be considered a violation of staff-student professional boundaries, and may constitute grooming behaviour. This is because the imbalance of power and authority that exists in the staff/student relationship does not suddenly disappear after the student finishes their schooling.

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

- the nature of the relationship, including its closeness, dependence and significance;
- the length of the relationship while the former student was attending the school; and
- any conduct the staff member undertook which gives cause for concern.

By ensuring that their relationships with 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 ensuring all students receive 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;
- 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 and the school’s values; and
- interacting with students without bias.

It is expected that all staff at PVS will adhere to the following guidelines:

- all use of technology should be for educational purposes;
- all email communication between staff and students should be via a school approved platform or email system (Dojo, school email, OneNote);
- staff should not communicate with students via text message;
- staff must not give out their personal telephone numbers or email addresses;
- staff are only to use student contact details for school communications;
- staff are not to accept or request students as 'friends' on social media;
- staff may show but not exchange personal pictures with a student; and
- teachers are not to respond to concerns of parents/guardians or students on holidays, weekends or after school hours.

### **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 should adhere to the following guidelines for contact with students both in and outside of school 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); and
- 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 whilst 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 above guidelines apply as well as the following:

- 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 inappropriate behaviour, such as sitting on a student's bed, is not undertaken; and
- 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.

### **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. Where a staff member feels that a conflict of interest may exist, they should notify the Principal. If the conflict involves the Principal, 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.

### **Disclosure of Staff/Student Interactions**

Staff must declare any interactions with students outside school hours and seek permission/advice regarding the interaction. These interactions may include instances where the staff member is:

- friends with the student’s parents or family;
- related to the student;
- asked to tutor a student outside school hours.

## **Staff Responsibilities**

All staff are to:

- follow the guidelines as set out in this policy;
- immediately report any conflicts of interest; and
- 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 disciplinary action may be taken and may include (depending on the severity of the breach):

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

## **Implementation**

These guidelines are implemented through a combination of:

- staff training and development in professional conduct;
- staff code of conduct;
- effective management of conflicts of interest;
- effective communication and incident notification procedures;
- effective record keeping procedures; and
- initiation of corrective actions where necessary.

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