

POLICY AIM

Sweetpeas aims to establish a common understanding of workplace standards and ethics expected of all employees of our services. We aim to ensure positive working relationships are formed between all educators and management, promoting dignity and respect by avoiding behaviour which is or may be perceived as harassing, bullying or intimidating. Educators and management will at all times conduct themselves in an ethical manner and strive to ensure that all interactions are positive and respectful and are in accordance with the Service's philosophy.

RATIONALE

Sweetpeas believes in maintaining an inclusive and welcoming environment and workplace that motivates and facilitates personal growth and development for staff and educators. The values that underpin our work ethic include equality, respect, integrity, and responsibility.

Our services are committed to adhering to the ECA *Code of Ethics* (2016) which is based on the principles of the United Nations *Convention on the Rights of the Child* (1991) and provides a framework for the reflection about the ethical responsibilities of early childhood professionals.

Our services are committed to creating and maintaining an environment that promotes the safety of all children and embeds the *National Principles for Child Safe Organisations*. All staff and volunteers are responsible for promoting a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging.

SCOPE - WHO IS AFFECTED BY THIS POLICY?

- Educators
- Staff
- Management
- Volunteers
- Students
- Children

NATIONAL QUALITY STANDARD

QUALITY AREA 2 - CHILDREN'S HEALTH AND SAFETY

- Standard 2.2 (Safety) - *Each child is protected*

QUALITY AREA 4 - STAFFING ARRANGEMENTS

- Standard 4.1 (Staffing arrangements) - *Staffing arrangements enhance children's learning and development.*
- Element 4.1.2 (Continuity of staff) - *Every effort is made for children to experience continuity of educators at the service.*
- Standard 4.2 (Professionalism) - *Management, educators and staff are collaborative, respectful and ethical.*
- Element 4.2.1 (Professional collaboration) - *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) - *Professional standards guide practice, interactions and relationships.*

QUALITY AREA 5 - RELATIONSHIPS WITH CHILDREN

- Standard 5.1 (Relationships between educators and children) - *Respectful and equitable relationships are maintained with each child.*

QUALITY AREA 7 - GOVERNANCE AND LEADERSHIP

- Element 7.1.1 (Service philosophy and purpose) - *A statement of philosophy guides all aspects of the service's operations.*
- Element 7.1.3 (Roles and responsibilities) - *Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.*

RELATED POLICIES & LEGISLATION

RELATED SWEETPEAS POLICIES:

- Babysitting Policy
- Child Protection Policy
- Child Safe Environment Policy
- Clothing Policy
- Confidentiality Policy
- CCS Governance and Management Policy
- Diversity and Equity Policy
- Handling Grievances and Complaints Policy
- Interactions with Children Policy
- Social Media Policy
- Tobacco, Drug and Alcohol Free Environment Policy
- Use of Technology Policy
- Work Health and Safety Policy

RELATED EDUCATION AND CARE SERVICES NATIONAL REGULATIONS:

- Regulation 82: Tobacco, drug and alcohol-free environment
- Regulation 84: Awareness of child protection law
- Regulation 155: Interactions with children
- Regulation 168: Education and care services must have policies and procedures

IMPLEMENTATION AND STRATEGIES

The Approved Provider, Nominated Supervisor, educators and staff, volunteers, and students will adhere to the Early Childhood Australia *Code of Ethics, Education and Care Services National Regulations* and *National Quality Standard*, and Service policies and procedures at all times, promoting positive interactions both within the Service and the local community.

RESPECT FOR PEOPLE AND THE SERVICE

- Employees and management are committed to the Service philosophy and values, inclusive of best practice in early childhood education and building positive partnership with children, families and staff.
- Employees and management adhere to our *Child Safe Environment Policy* and *Child Protection Policy* at all times and take all reasonable steps to protect children from abuse and harm.
- Employees and management understand that child safety is everyone's responsibility.
- Employees are committed to valuing and promoting the safety, health, and wellbeing of employees, volunteers, children, and families.
- Effective, open, and respectful reciprocal communication and feedback between employees, children, families, and management is conveyed.
- It is important to treat colleagues, children, and families with respect. Bullying or insulting behaviour, including verbal and non-verbal aggression, abusive, threatening, or derogatory language or intimidation towards other employees, children, visitors, or families is unacceptable and will not be tolerated.
- Employees are committed to an Equal Opportunity workplace and culture which values the knowledge, experience, and professionalism of all employees, team members, and managers, and the diverse heritage of our families and children.

EXPECTATIONS OF EMPLOYEES

Employees will:

- undergo a Working with Children Check (WWCC) which is verified by the employer to ensure it is valid and current.
- ensure their work is carried out proficiently, harmoniously, and effectively. They will act in a professional and respectful manner at all times whilst at work, giving their full attention to their responsibilities and adhering to all Service policies, procedures, *Child Safe Standards, Education and Care Services National Law* and *National Regulations*, and the *National Quality Standard*.
- act honestly and exercise attentiveness in all Service operations. They will carry out all lawful directions, retaining the right to question any direction which they consider to be unethical. If uncertain they can seek advice from the Nominated Supervisor, Approved Provider or the Ombudsman.
- uphold the rights of children and always prioritise their needs.

- treat all children and young people with respect.
- promote the wellbeing and safety of children and take all reasonable steps to protect children from abuse.
- provide adequate supervision of children at all times.
- understand their legislative responsibility as mandatory reporters to report any allegation of child abuse, neglect or possible risk of harm to management or Child Protection.
- understand their legislative responsibility to report any inappropriate action of any other employee that involves children or young people to management as part of the *Reportable Conduct Scheme*.
- participate in all mandatory training.
- report any instances of suspected corrupt conduct, mismanagement of government funds or other serious allegation to the appropriate agency (tipoffline@dese.gov.au)
- have a solid understanding of the Service's policies and procedures and the *ECA Code of Ethics*. If uncertain about the content of any policy or procedure with which they must comply, employees should seek clarification from the Nominated Supervisor or Approved Provider.
- be courteous and responsive when dealing with colleagues, students, visitors, children and families.
- work collaboratively with colleagues and recognise and value diversity.
- be mindful of their duty of care towards themselves and others.
- be positive role models for children at all times.
- respect the confidential nature of information gained about each child enrolled in our Service.
- engage in critical reflection to inform individual and collective decision making and ensure continual improvement.

Employees will NOT:

- condone or participate in illegal, unsafe or abusive behaviour towards children, including physical, sexual or psychological abuse, ill-treatment, neglect or grooming*.
- exaggerate or trivialise child abuse issues.
- fail to report information to the approved provider if they know a child has been abused.
- engage in unwarranted and inappropriate touching involving a child*.
- persistently criticise and/or denigrate a child.
- verbally assault a child or create a climate of fear.
- encourage a child to communicate with them in a private setting.
- share details of sexual experiences with a child*.
- use sexual language or gestures in the presence of children.
- discriminate against any child, because of culture, race, ethnicity or disability.
- put children at risk of abuse- refusing food/play, making threats, exposing children to inappropriate language or material (movies, internet, photos).

**Can cause instant dismissal of staff, students and volunteers. Visitors guilty of these actions will be removed from the premises immediately and reported to the relevant authorities.*

INAPPROPRIATE INTERACTIONS

The following interactions are considered by Sweetpeas to be inappropriate:

- Approaching employees directly on individual staff matters that don't concern you.
- Using centre information for personal purpose or benefit.
- Disclosing any information discussed during a confidential meeting.
- Using confidential information with the intention to improperly cause harm to another person.
- Converting any property of the centre for your own use unless properly authorised.
- Use the centre's computer resources to search for, download, access or communicate any material of an offensive, obscene, pornographic, threatening or abusive nature.

You must:

- Protect confidential information.
- Only access information needed for centre business.
- Not use confidential information for any non-official purpose.
- Only release confidential information if you have authority to do so.
- Only use confidential information for the purpose it is intended.

- Only release other information in accordance with established centre policies and procedures and in compliance with relevant legislation.

Please see *Confidentiality Policy* for more information.

RESPONSIBILITIES OF MANAGEMENT AND LEADERS:

In addition to the above responsibilities, leaders and management are expected to:

- promote a collaborative and interconnected workplace by developing a positive working environment where all employees can contribute to the ongoing continuous improvement of the Service.
- promote leadership by working with employees and providing opportunities for professional development and growth.
- provide flexible opportunities to ensure all employees can participate in staff meetings and professional development.
- provide ongoing support and feedback to employees.
- keep employees informed about essential information and any relevant changes and make all documents readily accessible to them.
- ensure copies of the ECA Code of Ethics is available to staff and families.
- model professional behaviour at all times whilst at the Service.
- implement supportive and effective communication systems, consulting employees in appropriate decision making.
- take appropriate action if a breach of the code of conduct occurs.
- share skills and knowledge with employees.
- give encouragement and constructive feedback to employees, respecting the value of different professional approaches.
- have regular discussions with staff regarding their performance, particularly with those who are new to the Service.
- conduct staff appraisals and performance reviews, including goal setting and wellness reviews.

REPORTING BREACHES OF CONDUCT:

You should report suspected breaches of the code of conduct to the Managing Director or Nominated Supervisor, preferably in writing.

You have the right to question any instruction or direction given to you which you consider to be unethical. If you are uncertain, you can seek advice from your Director/Nominated Supervisor.

Reporting breaches:

- if employees become aware of a serious crime committed by another employee, they are required to report it to management as per the Reportable Conduct Scheme.
- as mandatory reporters, all employees must report possible risk of harm to children or young persons to management and/or Child Protection (see *Child Protection Policy*).
- employees will report any concerns they may have about inappropriate actions of any other employee that involves children or young people to management as per the Reportable Conduct Scheme (see *Child Protection Policy* and *Child Safe Environment Policy*).
- management will report any allegations of child related misconduct to the Office of the Children's Guardian as per their legislative requirements (see *Child Protection Policy* and *Child Safe Environment Policy*).

BABYSITTING

Our employees are Early Childhood Educators, not babysitters. They are skilled professionals who are compensated appropriately for their work within work hours. However, we understand that our educators may, at times, wish to undertake private babysitting agreements on their own time. All staff and families should be aware of the following Sweetpeas policy on babysitting:

- Sweetpeas does not provide childcare services (including babysitting) outside normal operating hours.
- Should employees undertake private babysitting arrangements with families, our Service takes no responsibility for any private arrangements between staff members and the family. However, **we do expect staff to inform the Service** if they are babysitting or caring for a child that attends the Service.

- Should employees undertake private babysitting arrangements we require employees and families to sign a copy of the Code of Conduct and complete a 'Babysitting Agreement Waiver' which will we keep in the child and staff member's file (see *Babysitting Policy*).
- All staff are bound by contract to the Service's *Privacy and Confidentiality Policy*, where they are unable to discuss any issues regarding the Service, other staff members, parents/families, or other children.

DUTY OF CARE

- Management and employees have a responsibility to take reasonable care for the health and safety of themselves and others at the workplace to enable compliance with the work health and safety legislation outlined in the *Work Health and Safety Policy*.
- Duty of Care relates to both physical and psychological wellbeing of individuals.
- Management and employees must provide adequate supervision of children at all times and ensure the health, safety and welfare of children and young people in their care. This includes taking all reasonable action to protect children and young people from risk of harm that can be reasonably predicted.

APPROPRIATE USE OF ELECTRONIC COMMUNICATION AND SOCIAL NETWORKING SITES

Social Media

- As a Child Safe Organisation, our services have the responsibility to ensure children and educators are protected from harm when they engage in with digital technology including social media
- Strict guidelines for the use of social media are outlined in our *Social Media Policy*.
- The Service offers its current enrolled families and staff members an application available to iOS and Android called HubHello as a communication tool. The administrator of the service is the Managing Director (Janine), any other employee access is approved by Janine.
- Staff members who have a personal Facebook and Instagram accounts are not permitted to post any negative comments relating to the Service, children, colleagues, or families.
- Staff members are to use their own personal discretion when adding a family of the Service as a 'friend' on Facebook. The Service does not recommend staff to add families of the Service as they will be seen still as a representative of the Service and held to the Service's *Ethical Code of Conduct* on all posts on their private 'wall' if families have access.
- Families are asked in our *Social Media Policy* to respect that staff may have a personal policy on adding families due to their professional philosophy and that the Service does not recommend staff to have families as friends on their private account.
- Staff members are not permitted to request the 'friendship' of families from the Service.

Personal phone calls/mobile phones/smart watches

We are mindful that educators have a duty of care to ensure children are protected from potential risk of harm. It is imperative that all employees of the Service provide children with their full attention, ensuring supervision is maintained and remains on the children at all times.

- Employees are not authorised to use the Service's phones for personal reasons unless in the case of an emergency or with permission from management.
- No personal mobile phones are to be used, checked or brought on the floor during working hours
- Mobile phones are to be kept in their bags or in the Service's 'phone box' which will be placed in a designated, location for the case evacuations or emergency use.
- Employees are not permitted to use smartwatches to access emails and social media during working hours. **Smart watches are only to be used for viewing the time.**
- If it becomes apparent that educators are using their Smart watches to check and respond to messages during shifts, they will be asked to either leave them at home or place them in their bag or secure location until the end of their shift.
- Personal mobile phones and Smart watches may be used during shift breaks when employees are free from work and supervision duties. They are not to be used in general sight of children, unless a situation arises where there is an emergency.
- Personal mobile phones are not to be used to take photos of children as this is a breach of children's privacy. (Service mobile phones or iPads may be used for the purposes of 'observations' etc.).

- Children are at no time to be given access to staff mobile phones.
- No personal mail or deliveries should be directed to the Service unless prior approval has been granted by the Nominated Supervisor/management.
- Educators and staff are not to contact families or children of the Service for personal reasons.
- If, for personal reasons, a staff member needs to remain contactable from someone outside the Service they should ensure that the situation is explained to management and that the service's primary contact details are passed on to the person's/family outside the Service.

USE OF ALCOHOL, DRUGS AND TOBACCO

See *Tobacco, Drug and Alcohol-Free Environment Policy* for detailed information.

- Smoking is NOT permitted in or on surrounding areas of the Service.
- It is expected that the odour of cigarette smoke will not be detected on an employee's clothing. If an employee is found smoking on the premises, that employee's employment may be terminated. Our Service supports the *Smoke Free Environment Act 2000*. The company and its employees will follow all conditions outlined in this act.
- Our Service is bound by the *Education and Care Services National Regulations*. Alcohol, drugs, or other substance abuse by employees can have serious adverse effects on their own health and the safety of others. As such, all employees must not:
 - consume alcohol nor be under the influence of alcohol while working
 - use or possess illegal drugs at any workplace
 - bring alcohol or any illegal drugs onto the premises.
- If a co-worker suspects a colleague to be affected by drugs or alcohol, they must inform the Nominated Supervisor immediately. No employee will be allowed to work under the influence of drugs or alcohol. (See: *Tobacco, Drugs and Alcohol-Free Policy*)
- Employees undergoing prescribed medical treatment with a controlled substance that may affect the safe performance of their duties are required to report this to the Nominated Supervisor.
- All issues pertaining to these matters shall be kept strictly confidential. A breach of this policy may initiate appropriate action including the termination of employment.

GIFTS OR BENEFITS

You must not:

- Accept an offer of money, regardless of the amount.
- Seek or accept a bribe.
- By virtue of your position acquire personal profit. You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.
- If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to the Director/Nominated Supervisor.

DRESS CODE

- All employees must adhere to our uniform/dress code supplied during induction.
- Enclosed shoes must be worn at all times (no open toed shoes, e.g. thongs, are considered appropriate or safe for the work environment).
- Clothes must be suitable for free movement, active play, and messy play.
- No offensive logos or political statements are to be displayed on clothing.

PERSONAL HYGIENE

All employees are to adhere to the following standards:

- Long hair is to be clean and neatly tied back. This is a mandatory requirement for kitchen staff.
- Fingernails are to be clean and well groomed
- Employees will follow appropriate oral hygiene practices
- An appropriate deodorant/antiperspirant will be worn
- Strong perfumes will not be worn as they may cause allergic reactions in children or others.

BREACH OF THE CODE OF CONDUCT

All staff members are made fully aware that the following breaches of the *Ethical Code of Conduct* and role responsibilities may lead to termination of employment:

- reporting to work under the influence of alcohol or drugs.
- refusal to complete mandated professional training.
- possessing or selling drugs at any Sweetpeas service.
- immoral, immature, or indecent conduct while at the Service.
- inappropriate use of company equipment and/or resources.
- refusing to work as reasonably directed.
- possessing a dangerous weapon whilst at any Sweetpeas service.
- bringing disrepute to the Service.
- causing disruption or discontent in the relationship between a family and any Sweetpeas service.
- disclosure of confidential information.
- falsifying documentation.
- associating with families outside of work without disclosing this information with Management.
- stealing, abusing, defacing, or destroying company property.
- interfering with work schedules.
- falsification of reports, documents, or wages information.
- failure to report for work without notice.
- walking off the job.
- failure to follow policies and procedures.
- vulgarity or disrespectful conduct to families, management or colleagues.
- making or publishing false, vicious, or malicious statements about any employee of any Sweetpeas service, or Sweetpeas itself.
- failure to hand in lost property (this is regarded as stealing): Lost property is to be handed to the Nominated Supervisor.

DISCIPLINARY ACTION

Corrective disciplinary action will be taken if an individual's behaviour interferes with the orderly and efficient operation of the centre. The following hierarchy of disciplinary action is as follows:

- Verbal warning with an action plan for improvement,
- Written warning with a documented action plan for improvement,
- 2nd written warning which may lead to dismissal or a further plan for improvement.

It must be noted that one form of action may not necessarily precede the other. For example, instant dismissal may be implemented for severe breaches of conduct.

Any disciplinary action to be taken will not be done without the authorisation and approval of the Director and Approved Provider.

The Director and Approved Provider reserve the right to investigate any reports that may constitute disciplinary action. Upon request, the staff will provide a written report of any alleged incident or concern to the Director.

All staff members are made fully aware that continued abuse of the following may result in disciplinary action. These include, but are not limited to the following:

- unauthorised absence,
- having personal visitors whilst on shift,
- continued personal phone calls,
- unauthorised solicitation or distribution of money or materials,
- poor work standard,
- carelessness,
- low level of enthusiasm,
- lack of personal cleanliness,
- taking excessive breaks,
- failure to report health, fire or safety hazards,
- repeated tardiness.

CODE OF CONDUCT AGREEMENT

I have read and understood the Sweetpeas <i>Ethical Code of Conduct</i> and agree to abide by the provisions set out in the <i>Ethical Code of Conduct</i> at all times. Failure to do so may lead to disciplinary action or dismissal.			
NAME		SIGNATURE	
POSITION		DATE	

REFERENCES

- Anti-Discrimination Act 1997: See <https://raisingchildren.net.au/disability/disability-rights-the-law/law/anti-discrimination-laws>
- Australian Children’s Education & Care Quality Authority. (2014).
- Australian Human Rights Commission: <https://www.humanrights.gov.au/our-work/childrens-rights>
- ECA Code of Ethics (2019)
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Fair Work Act 2009 (Cth).
- Guide to National Quality Standard
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).
- Guide to the National Quality Framework. (2017) (Amended 2020).
- NSW Ombudsman: www.ombo.nsw.gov.au
- Office of the Children’s Guardian Code of Conduct- a guide to developing child safe Codes of Conduct. (2020).
- Ombudsman Act 2001 (Cth).
- Privacy and Personal Information Protection Act 1998 (Cth).
- Revised National Quality Standard. (2018).
- Smoke Free Environment Act 2000
- Sweetpeas Philosophy
- United Nations Convention on the Rights of the Child (1991)
- Work Health and Safety Act 2011

REVIEW AND AMENDMENTS

This policy will be updated regularly to ensure compliance with all relevant legal requirements. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with *Regulation 172* of the National Regulations, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

Version	Amendment(s)	Review Date	Updated By
1.	<ul style="list-style-type: none"> • Replaced the previous Sweetpeas policy on staff conduct, implementing this Ethical Conduct Policy. 	July 2017	Janine Evans (Director) Cassandra Way (Educator/Admin)
1.1.	<ul style="list-style-type: none"> • Updated NQS references 	July 2018	Janine Evans (Director) Cassandra Way (Educator/Admin)

Version	Amendment(s)	Review Date	Updated By
1.2.	<ul style="list-style-type: none"> No changes required 	August 2019	Janine Evans (Director)
1.3.	<ul style="list-style-type: none"> Minor changes after philosophy review 	July 2020	Janine Evans (Director)
1.4.	<ul style="list-style-type: none"> Hotlinks checked No major changes required at this time 	July 2021	Janine Evans (Director)
2.	<ul style="list-style-type: none"> Cosmetic changes for new formatting template and colours Merged of Code of Conduct and Ethical Conduct Policy to provide all staff clear guidelines on professional and ethical behaviour at all Sweetpeas services. 	August 2022	Cassandra Way (Assistant Manager) Janine Evans (Managing Director)
2.1.	<ul style="list-style-type: none"> Minor grammatical fixes Checked hotlinks Added reference to staff appraisals and performance reviews being management's responsibility. Fixed policy version numbering (Aug 22 previously version 4) 	January 2024	Cassandra Way (Assistant Manager) Janine Evans (Managing Director)