

# POLICY

## CHILD SAFETY CODE OF CONDUCT



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### PURPOSE

Scotch College is committed to the establishment of an environment where each child or young person feels a sense of belonging and trust, and all have confidence in their immediate world, in themselves and in their relationships.

The School understands that when children and young people feel cared for by adults who set clear boundaries, who are sensitive, open and uncomplicated in their expectations, they feel safe. The School recognises that it is within such an environment of safety that children and young people are empowered to do their best.

To ensure that Scotch College establishes an environment of safety, it has developed this Child Safety Code of Conduct. This code will consistently serve to inform our commitment to prevent behaviour that may be harmful to the children and young people of the School, and all children and young people who visit our campuses.

All the personnel of Scotch College, are required to adhere to this Child Safety Code of Conduct. This includes members of School Council, teaching staff, non-teaching staff, coaches, contractors and volunteers.

Adopted by the School and authorised by the Council, this code serves to strengthen the safeguarding culture of Scotch College.

### COMMITMENT

This document should be read and understood in conjunction with:

- all individual position description statements;
- all relevant policy, procedure and guideline documents, including the *Safeguarding Children and Young People Policy* and the *Safeguarding Reporting Policy*;
- the Boarding Staff Handbook
- all applicable laws; and,
- general community expectations in relation to appropriate behaviour between adults and children.

Personnel who are registered teachers of the School must further read and understand this document in relation to:

- the Victorian Institute of Teaching Codes of Conduct and Ethics; and,
- the Associated Public Schools (APS) Code of Conduct.

Personnel who are registered nurses of the School must further read and understand this document in relation to the Code of Professional Conduct for Nurses in Australia.

Failure to observe the Child Safety Code of Conduct is considered misconduct and appropriate disciplinary action may be taken. Disciplinary action may include suspension while matters are investigated and could ultimately result in dismissal.

In addition to any internal disciplinary proceedings, the School will report to the Victorian Institute of Teaching any conduct deemed to have violated its Codes of Conduct and Ethics. The School will report all allegations of reportable conduct to the Commission for Children and Young People. The School will report to the police all instances in which a breach of the law has, or may have, occurred.

### EXCEPTIONS

Scotch College personnel may only act outside the Child Safety Code of Conduct should they feel compelled due to a reasonable belief that a child or young person's welfare is at risk. Even in such circumstances, personnel must act within the limits of the law.

It is also expected that, wherever possible, authorisation is obtained from the Principal or the Principal's delegate before taking such action.

Furthermore, when personnel have acted outside the Child Safety Code of Conduct, it is a requirement that at the earliest opportunity the incident is logged on the Safeguarding Reporting System or the Principal or the Principal's delegate is notified of the circumstances in which this code has been breached.

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### REPORTING OBLIGATIONS

All Scotch College personnel are expected to make a report immediately to the Child Protection Officer, The Vice Principal and/or The Head of Junior School through the online reporting system or directly if they become aware of a breach of the Code. If directly, the senior member of staff receiving the verbal report will ensure that the incident is formally recorded through the reporting system. An incident report must be made before the end of the person's session of work if:

- they become aware of any allegation of child abuse
- they have a concern for the safety of a child or young person in our services
- they notice any Scotch College personnel whose practice or behavior is contrary to the expectations of behavior set out in this Code of Conduct.

### PROMOTING EQUITY AND DIVERSITY

Personnel must ensure that their approach and interactions with children and young people are sensitive, respectful and inclusive of all backgrounds and abilities. Our personnel must actively anticipate children and young people's diverse circumstances and respond effectively to those with additional vulnerabilities.

Scotch College will ensure that it understands the diverse circumstances of children and young people and provides support and response to those who are vulnerable, and will pay particular attention to the needs of Aboriginal children and young people, children and young people with disability, those from culturally and linguistically diverse backgrounds, those who are unable to live at home, and those who are LGBTQI+ people.

Our organisational culture is inclusive and respectful of the different ways that families are formed and structured. Our personnel are to respect decisions that people make about their gender identity and consult and support children and young people to feel, and to be, safe.

### DISCRIMINATION

We expect personnel to treat all children and young people fairly, equally and with dignity. All actions and behaviours from our personnel must be non-discriminatory and always in the best interests of the child or young person.

Everyone has the right to feel safe and be free from discrimination. No one within our organisation will be discriminated against based on age, gender, race, colour, language, disability, religion, political or other opinion, sexual orientation, national or social origin or their ability to live at home.

Our organisation does not tolerate discriminatory behaviours, and prejudiced attitudes will be challenged. Our personnel must have working knowledge of our complaints handling processes to provide support and access to information should any child, young person or family in our service require it.

### THE CODE OF CONDUCT: ADHERING TO ROLE BOUNDARIES

In fulfilling professional or voluntary duties within the School, it is expected that individuals act within the limits of their professional expertise and/or specified roles.

Scotch College personnel:

- must not provide transportation of children or young people unless specifically sanctioned for a purpose directly linked to a School programme;
- must not engage in activities with children or young people outside authorised curricular or extra-curricular programmes;

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- should not attend social functions (not sanctioned by the School, e.g. a child or young person's private birthday celebration) involving students and parents outside of the School context, unless in the company of at least one other staff member of the School;
- must not attend a social function at the request of a child or young person if no parents or guardians are to be present.

N.B. The limits specified above do not apply when the child or young person is the child of the staff member.

If any of our personnel become aware of a situation in which a child or young person requires assistance that is beyond that person's role, or beyond the scope of the School's usual service, they should, at the earliest opportunity:

- refer the matter to an appropriate support agency, or
- refer the child or young person to an appropriate support agency, or
- contact the child or young person's parent or guardian, or
- seek advice from the Principal or the Principal's delegate.

### SUPPORTING A POSITIVE CULTURE

To promote a positive culture that builds the social, emotional and physical development of our child or young person and ensures their safety, the School has developed a set of behavioural expectations and procedures which are made available to students in the Student Record Book and displayed around the School.

If a child or young person's behavior places them in danger, or impacts negatively on the well-being of others, the School requires that action be taken.

In dealing with children and young people's difficult behaviour, the School will be respectful and sensitive to the developmental stages of those involved.

Support should be provided to all children and young people so that a positive environment is re-established and the wellbeing of children and young people is the School's first priority.

Under no circumstances are School personnel to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

Language and tone of voice used in the presence of children and young people should:

- provide clear direction, boost their confidence, encourage or affirm them;
- not be of a harmful nature to children; language should be avoided that is:
  - discriminatory, racist or sexist;
  - derogatory, belittling or negative, for example, by calling a child a 'loser' or telling him he is 'too fat';
  - intended to threaten or frighten;
  - profane or sexual.

### SUPERVISION

So that children or young people feel safe and confident at School and on any school-based trip or excursion, teaching staff are responsible as part of their duty of care for actively supervising the students of the School.

In particular, personnel on duty to the best of their ability are responsible for ensuring that the behaviour of all students remains in line with the School's expectations, as set out in the Student Record Book and that they are protected from any external threats that may place any child or young person at risk.

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### SUPERVISION continued

Supervision of children or young people must not compromise their individual right to privacy.

When supervising children and young people on trips and excursions, the primary focus of their safety should determine the School's responsibilities and decision-making processes.

The decision about the number of teachers to accompany children or young people on a trip or excursion is to be determined by the Vice Principal or Head of Junior School in consultation with the Teacher-in-Charge and Safety Officer. This should take into account factors such as age, maturity, location of the trip, specific needs of the child or young person, and anticipated behaviour and nature of the activities undertaken. There must be a sufficient number of appropriate, responsible adults present to ensure adequate supervision.

There must be a minimum of two teaching staff travelling with any interstate or overseas trip no matter the size of the group. Three teaching staff are preferred on any overseas trip, to ensure adequate supervision in the case of illness of a child or young person or staff member. If only two staff are travelling with a group, a third staff member must be on standby and able to travel to meet the group at short notice.

All personnel are advised that, one-on-one, unobserved, private conversations with children and young people should be avoided. However, should circumstances demand one-on-one private conversations, in all cases, personnel will ensure that interactions are conducted in open spaces and in the potential line of sight of other School personnel. For example, a classroom teacher, School psychologist or Chaplain may talk privately with a child or young person in a space that has an open and/or transparent door or window(s).

### PHYSICAL CONTACT WITH CHILDREN AND YOUNG PEOPLE

Under no circumstances should any School personnel have contact with children or young people that:

- involves touching:
  - of genitals;
  - of buttocks;
  - of the breast area (female children);other than as part of delivering medical or allied health services;
- would appear to a reasonable observer to have a sexual connotation;
- is intended to cause pain or distress to the child or young person - for example, corporal punishment;
- is overly physical for example, wrestling, horseplay, tickling or other rough-housing;
- is unnecessary - for example, assisting with toileting when a child does not require assistance;
- is initiated against the wishes of the child or young person, except if such contact may be necessary to prevent injury to them or to others, in which case:
  - physical restraint should be a last resort;
  - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the child or young person to prevent harm;
  - the incident must be reported through the online reporting system or to the Child Protection Officer or senior manager as soon as possible.

Any physical contact with children or young people must be appropriate to the delivery of our programmes such as assisting when fitting sporting equipment or safety equipment and based on the needs of the child or young person (such as to assist or comfort) rather than the needs of School personnel.

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All members of the School community, are required to complete a report through the online reporting system or directly to the Child Protection Officer and/or Vice Principal and/or Head of Junior School as soon as possible of any physical contact initiated by a child or young person that is sexual and/or inappropriate - for example, acts of physical aggression, - to enable the situation to be managed in the interests of the safety of the child or young person, personnel of the School and/or any other people.

### IMAGES OF CHILDREN AND YOUNG PEOPLE

Scotch students, and/or any visiting children or young people and their images, should only be photographed, videoed, livestreamed or otherwise captured by School personnel if:

- the context is directly related to participation in the academic programme, pastoral programme, sporting programme, activities programme or a school-arranged trip or excursion;
- the child is appropriately dressed and positioned;
- the image is captured in the presence of others; and,
- the image is not taken using a personal device such as a phone or iPad.

Images of children or young people should only be distributed/displayed within the School community. For example, should teachers wish to distribute images to parents of children or young people on a school trip, they may do so if they adhere to the guidelines above.

Images are not to be distributed (including as an attachment to an email or through social media) to anyone outside the School, without approval from the Principal or the Principal's delegate.

For the exclusive purpose of storing and accessing images of children or young people captured during school activities, each staff member is allocated personal space on the P-Drive of the School's computer network system. It is expected that all images that are captured of children or young people are uploaded onto this space.

### SEXUAL MISCONDUCT

Under no circumstances is any form of sexual behaviour to occur with, or in the presence of, current or former students of the School or visiting children and young people. Such behaviour is prohibited, even if the young people involved are above the legal age of consent. This prohibition endures for two years after the student has finished their final year of secondary school.

The School interprets sexual behaviour broadly to include the entire range of actions and communication that would reasonably be considered sexual in nature. These include, but are not limited to:

- any form of sexual misconduct, including behaviour, physical contact or speech or any other communication of a sexual nature, inappropriate touching or grooming behavior; and,
- non-contact behaviour, such as flirting, sexual innuendo, inappropriate text messaging, inappropriate use of social media, inappropriate photography or exposure to pornography or nudity.

### USE OF ELECTRONIC COMMUNICATIONS

While the School values electronic communication as a way to connect with children or young people and their families to facilitate online (remote) learning, appropriate pastoral contact and other educational purposes, it has put in place measures to ensure safe and clear channels of communication are maintained between all members of our community.

All teaching staff are provided with a School-owned laptop computer and mobile phone to communicate electronically with children or young people enrolled at the School.

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### USE OF ELECTRONIC COMMUNICATIONS *continued*

Electronic communication between a staff member (paid or voluntary) of the School and a child or young person enrolled at the School should only occur through the following media:

- the email system established and maintained by the School. Staff and children or young persons should not communicate using private email addresses; and
- features of the School's Learning Management System (Canvas) in particular the conferencing facility, or Zoom, and through this facility programs such as One Note and Screencastomatic.

Such communication must:

- pertain to issues directly associated with an activity (such as advising that a scheduled event is cancelled or a change of venue has been confirmed), trip, timetabled lesson, or pastoral contact;
- not be used to promote unauthorised social activity or to arrange unauthorised contact; and,
- not include a request for secrecy from the child or young person's parents or guardians.

Electronic mail messages are neither private nor secret and can be easily misconstrued by recipients or mistakenly sent to the wrong recipient. An electronic mail message is a professional communication. It carries the same legal status as a written message or memo.

Social networking sites (SNS) and group social messaging services created and authorised by the School for educational purposes are the only SNS that may be used for communication between staff, children, young people and their parents/guardians. Such communication must be related only to professional and school-related activities. Staff are advised:

- never to post images that offer personal information, including last-name, contact information, home address, phone numbers, the School's name, email address, last name of friends or relatives, instant messaging names, age or birthdate;
- that it is illegal to post or transfer obscene or pornographic images, and that the law is particularly severe in regards to images of children and young people;
- to be sure that any images posted on personal sites do not reveal any of the previously mentioned information;
- to check the background of a picture and ensure GIS location information is not embedded;
- to use only blogging provider sites with clearly stated terms of use, and to make sure they can protect the actual blogs, not just the user accounts, with passwords;
- to be aware of copyright and privacy issues, and the requirement to seek appropriate permission when recording and/or uploading video content; and,
- not to engage in bullying, spamming, illegal behaviour, malicious blogging or similar antisocial behaviour.

All School staff members, including permanent, part-time and casual staff, as well as student teachers and contractors are required to sign an annual acknowledgement of our *Information and Communications Technology Resource Policy* as a condition of their employment.

All personnel are required to provide appropriate monitoring of each child or young person's use of the School's electronic communication equipment to mitigate against a child or young person inadvertently placing themselves at risk of abuse or exploitation via social networking sites, gaming sites or web searches.

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### OVERNIGHT ARRANGEMENTS FOR CAMPS AND TOURS

During camps, overnight excursions and trips, the practices and behaviour of School personnel and volunteers must remain consistent with the expectations of the School. Volunteers assisting on camps and tours must have a current Working With Children Check (WWCC) and would be expected to complete the Australian Childhood Foundation (ACF) safeguarding course.

Parents are provided with emergency contact details, including the names of staff directly responsible for the management and welfare of their son(s). Contact by parents is discouraged unless warranted by emergency or difficult family circumstance.

Standards of conduct that must be observed by all School personnel, volunteers and any other adult involved in the care of children or young people include:

- providing children and young people with privacy when bathing and dressing;
- observing appropriate dress standards when children or young people are present, e.g. child or young persons should not be exposed to adult nudity;
- not allowing children or young people to be exposed to pornographic material of any nature, including but not limited to movies, television, the internet or magazines;
- not leaving children or young people under the supervision or protection of unauthorised persons, e.g. hotel staff or friends without parental authorisation;
- not allowing sleeping arrangements that may compromise the safety of a child or young person, e.g. unsupervised sleeping arrangements, or an adult sleeping in the same room as a child or young person; and,
- the right of children and young people to contact their parents, or other suitable person, if they feel unsafe, uncomfortable or distressed during the stay.

### BILLETING

Child protection is a critical issue for education authorities worldwide. In organising an overseas excursion, teachers must discuss with the host school its requirements for child protection.

Children and young people should be briefed about their right to be safe and protected, and about positive strategies and avenues for support should concerns arise. Organising teachers should take the time to work with children and young people to consider unexpected situations and risks that might occur during the trip, and to discuss strategies for eliminating or controlling risks (e.g. developing a risk management plan). The teacher in charge of the program must gain assurance from schools visited that parents offering billet accommodation for Scotch children and young people meet safeguarding requirements similar to those expected of Scotch parents.

During a trip, if the well-being or safety of any child or young person is at risk, or there is suspicion that this could arise, the child or young person should be relocated to alternative approved accommodation.

Where possible children or young people should be billeted in pairs.

Scotch parents offering billet accommodation to visiting children or young people are required to have a current WWCC, sign an agreement to abide by the Safeguarding Code of Conduct and receive a child abuse fact sheet approved by ACF regarding the nature and impact of child abuse.

The legislative requirements relating to mandatory reporting of children and young people who may be at risk of harm will need to be considered and procedures set up to ensure compliance for both teachers and volunteer helpers. The Child Protection Officer must ensure that volunteers accompanying the trip, including any parents of the children and young people or partners of staff members, have completed their online training in safeguarding.

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### CHANGING ROOM / BATHROOM ARRANGEMENTS

When a child or young person is required to change clothing, e.g. for sports practice or an after school activity, the child or young person must do so in a changing room. The only exception to this is in the Junior School, where a classroom may be used. When Junior School children are required to change for physical activity, this is to be completed within the classroom as a group, under the general supervision of at least one teacher. In the Junior School environment, the supervised classroom is considered the safest place for children to change.

As required, the School provides safe and accessible spaces for children and young people to use.

Off campus, it is the responsibility of personnel in charge to direct children and young people to safe and accessible changing rooms.

In changing rooms that are accessible to the public as well as the children and young people, staff members should, as far as possible, provide a level of supervision that will prevent abuse from occurring by members of the public and/or their peers, while respecting the privacy of children and young people.

No adult in a supervisory role of a child or young person should be placed in a position where there is potential for allegations of improper conduct to be made. In addition:

- School personnel must avoid one-to-one situations with children or young people in changing room areas; and,
- personnel are not permitted to use the changing room/bathroom area specified for children or young people for personal reasons when children or young people are present.

### UNIFORM OR IDENTITY CARD / PASS / BADGE

All personnel who have been issued with an identity card must wear their identity card when working at the School.

Scotch College identity cards must be used for Scotch purposes only, and must not be worn in the delivery of any other programme.

Those School personnel who are required to wear a uniform must do so in accordance with their particular guidelines.

### GIVING AND RECEIVING GIFTS

Items which would commonly be viewed as reward items within a classroom context such as stickers or small foodstuffs may be given to children or young people without seeking authorisation, however only during class time and in the presence of other children or young people.

Any other gifts should only be given to children or young people of the School with authorisation from the Principal or the Principal's delegate.

In addition, gifts offered to School personnel by anyone including parents directly or via children or young people can be accepted, provided such gifts:

- do not exceed a value of \$100;
- cannot be construed as an attempt to win favour, or gain an advantage for anyone including themselves, their relative or their child, including preference in leadership selection processes for positions such as prefect, sport captain etc.
- are offered at appropriate times, for example at the end of the School year or the end of a sporting season; and,
- are not solicited by a member of staff.

Gifts that do not meet these criteria should be politely refused, centrally recorded and reported to the Risk Committee.

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### USE, POSSESSION OR SUPPLY OF ALCOHOL OR DRUGS

While on duty, School personnel must not:

- smoke or vape;
- use or be under the influence of alcohol or any drug considered illicit under Australian law,
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs; or
- supply alcohol or drugs (including tobacco) to any child or young person.

Should a student be in a location where the licensing laws for alcohol of that country permit the young person to consume alcohol, including for example an overseas trip where the drinking age is lowered to 16, such young people are not permitted to consume alcohol or to be served alcohol.

The only exception to this policy is that alcohol may be supplied to, and consumed by, personnel and young people who have attained the age of 18 as part of a meal at a school activity/function, when it has been authorised by the Principal and the young person's parent or guardian is present.

Use of medically prescribed drugs other than alcohol is permitted, provided such use does not interfere with School personnel's ability to care for children and young people.

### TRANSPORTING CHILDREN AND YOUNG PEOPLE

The transportation of children or young people must be directly linked to one of the School's programmes, such as a camp, excursion, sporting trip or activity. It is not acceptable under any circumstances for School personnel to offer casual lifts to children or young people.

In most instances, the transportation of children and young people is contracted out to transport companies. Such companies are subject to appropriate checks ensuring the suitability of their drivers. When this is not the case, and a member of School personnel is responsible for transporting a child or young person (eg. If required to transport a child or young person to obtain medical attention), the action can proceed with the following guidelines in mind:

- the parent/guardian of the child or young person must be advised of the purpose of the trip/excursion, the details of who the child or young person will be travelling with, and when they will be travelling.
- the parent/guardian must accordingly give permission for their child or young person to travel.
- permission must be sought and gained from the Principal or the Principal's delegate.

Once permission has been given, the member of School personnel must:

- avoid the use of private vehicles whenever possible;
- be medically and legally fit to drive, and not be taking medication that could impair driving ability;
- hold the appropriate and current licence;
- comply with all relevant legislation and regulations on the use of vehicles; and
- ensure there is no smoking in the vehicle.

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### APPLICATION OF THE CHILD SAFETY CODE OF CONDUCT IN ONLINE SETTINGS

#### In online learning environments, the School confirms that:

- the safety and welfare of children and young people continues to be our priority;
- children and young people will be protected when online;
- all policies, procedures and guidelines of the School apply in the remote learning environment; in particular, requirements of all staff contained within the *Child Safety Code of Conduct*, *Safeguarding Reporting Policy*, and the *ICT Resources – Staff Use* policies;
- teaching staff continue to ensure their practice is informed by the *Child Safety Code of Conduct*;
- any staff concerns regarding the safety and well-being of a child or young person will continue to be reported through the online form accessed through the incident-reporting icon on staff computers and/or verbally through the Vice Principal, Deputy Head of Junior School, Child Protection Officer or School Psychologist who will then complete a report;
- reports will be responded to in accordance with the *Safeguarding Reporting Policy*, the *Reportable Conduct Scheme Policy* and mandatory reporting legislation;
- children, young people and parents will be kept informed about safeguarding measures, teaching methods and online platforms to be employed;
- children, young people and parents will be informed of expected participation and behaviours in the online environment and actions that will be taken where these expectations are not met; and
- children and young people are aware of reporting avenues if concerns (including academic, pastoral or bullying from peers) arise in the online environment.
- communication with children and young people must only occur through the School email system, features of the School's Learning Management System (Canvas) or a commercial platform appropriately investigated and approved by the School;
- staff communication with children or young people should only be through School-owned devices;
- conference style communication between staff and children or young people through approved platforms should only occur between 8:30am and 3:45pm, Monday to Friday;
- as a general principle, there should be no 1:1 interaction between a staff member and a child or young person via video conferencing, a social messaging service or mobile phone without explicit parental consent. Where this is impractical e.g., for counselling or reporting a concern, the communication should be recorded and/or detailed file notes should be taken and kept;
- video conferencing sessions and live classes will be recorded and stored by the School;
- devices used by staff and children or young people for video communication should be set up in appropriate areas and where possible against a neutral background;
- participants in a video conference and any persons who may be in the background, should wear appropriate clothing; and,
- language used by participants and any in the background, must be respectful, professional and appropriate to the context.

**AUTHORISED BY SCHOOL COUNCIL  
(APRIL 2022)**