

# Privacy and Confidentiality Policy



## RATIONALE

Privacy is acknowledged as a fundamental human right. The Farmhouse Montessori School has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in the Early Childhood Code of Ethics, National Education and Care Regulations, NESAs and the Privacy Act 1988. The right to privacy of all children, their families, and educators and staff of the School will be upheld and respected, whilst ensuring that all children have access to high quality early years care and primary education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

## NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality School
7.1.1	School philosophy and purposes	A statement of philosophy guides all aspects of the School's operations.
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality School.
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the School.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

EDUCATION AND CARE SCHOOLS NATIONAL REGULATIONS	
168	Education and care Schools must have policies and procedures
181	Confidentiality of records kept by approved provider
181-184	Confidentiality and storage of records

## PURPOSE

To ensure that the confidentiality of information and files relating to the children, families, staff, and visitors using the School is upheld at all times. We aim to protect the privacy and confidentiality of all information and records about individual children, families, educators, staff and management by ensuring continuous review and improvement on our current systems, storage, and methods of disposal of records.

We will ensure that all records and information are held in a secure place and are only retrieved by or released to people who have a legal right to access this information. Our School takes data integrity very seriously, we strive to assure all records and data is protected from unauthorised access and that it is available to authorised persons when needed.

This policy along with the school database policy provides procedures to ensure data is stored, used and accessed in accordance with relevant policies and procedures.

## SCOPE

This policy applies to children, families, staff, management and visitors to the school.

## IMPLEMENTATION

Early Childhood Schools are required to comply with Australian privacy law which includes the Privacy Act 1988 (the Act) which was amended in February 2017, with the changes due to take effect on February 22<sup>nd</sup> 2018.

The new law introduces a Notifiable Data Breaches (NDB) scheme that requires Early Childhood Schools, Family Day Care Schools and Out of School Hours Care Schools to provide notice to the Office of the Australian Information Commissioner (formerly known as the Privacy Commissioner) and affected individuals of any data breaches that are “likely” to result in “serious harm.”

Businesses that suspect an eligible data breach may have occurred, must undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected.

A failure to notify that is found to constitute a serious interference with privacy under the Privacy Act may result in a fine.

In order to comply with the Privacy Act, Schools are required to follow the Australian Privacy Principles (APPs), which are contained in Schedule 1 of the Privacy Act 1988 (Privacy Act).

In particular, the principles cover how personal information can be used and disclosed (including overseas), keeping personal information secure, and the open and transparent management of personal information including having a privacy policy.

The Farmhouse Montessori take the Privacy of both the students and parents very seriously and we follow the guidelines at both campuses in these matters.

### The Approved Provider/Management will:

- Provide Staff and Educators with relevant changes
- Make sure all relevant staff understand the requirements under Australia's privacy law
- Keep up to date with the Australian Privacy Principles (this may include delegating a staff member to oversee all privacy-related activities to ensure compliance).
- Ensure personal information is protected in accordance with our obligations under the Privacy Act 1988 (Cth) and Privacy amendments (Enhancing Privacy Protection) Act 2012 (Cth)
- Ensure all records and documents are maintained and stored in accordance with Education and Care School National Regulations
- Ensure the School acts in accordance with the requirements of the Privacy Principles and Privacy Act 1988 by developing, reviewing and implementing procedures and practices that identify
  - the name and contact details of the School;
  - what information the School collects and the source of information
  - why the information is collected;
  - who will have access to the information
  - Collection, storage, use, disclosure and disposal of personal information collected by the School
  - any law that requires the particular information to be collected;
  - adequate and appropriate storage for personal information collect by the School
  - protection of personal information from unauthorised access
- Ensure the appropriate use of images of children
- Ensure all employees, students volunteers and families are provided with a copy of this policy

- Deal with privacy complaints promptly and in a consistent manner, following the School's Grievance Procedures. Where the aggrieved person is dissatisfied after going through the grievance process
- Ensure families only have access to the files and records of their own children
- Ensure information given to Educators will be treated with respect and in a professional manner
- Children and staff files are stored in a locked and secure cabinet
- Ensure Information relating to staff employment will remain confidential to the people directly involved with making personnel decisions.
- Information shared with us by the family will be treated as confidential unless told otherwise.

#### Nominated Supervisor will:

- Adhere to centre policies and procedures, supporting management
- Ensure educators, staff, volunteers and families are aware of the privacy and confidentiality policy
- Ensure the School obtains consent from parents and/or guardian of children who will be photographed or videoed by the School
- Ensure families only have access to the files and records of their own children
- Information given to Educators will be treated with respect and in a professional manner
- Ensure only necessary information regarding the children's day to day health and wellbeing is given to non-primary contact educators – for example food allergies
- Will not discuss individual children with people other than the family of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand.
- Information shared with us by the family will be treated as confidential unless told otherwise.

#### Certified Supervisors and Staff will:

- Read and adhere to the privacy and confidentiality policy at all times
- Ensure recording information and photographs of children are kept secure and may be requires at any time by the child's parents or guardian
- Ensure families only have access to the files and records of their own children
- Treat private and confidential information with respect in a professional manner
- Will not discuss individual children with people other than the family of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand.
- Information shared with us by the family will be treated as confidential unless told otherwise.
- Maintain individual and School information and store documentation according to this policy at all times.
- Not to share information about the individual or School, management information, or other staff as per legislative authority.

**Personal information our School may request in regards to children:**

- Parent contact details
- Emergency contact details and persons authorised to collect individual children
- Children's health requirements
- Immunisation records
- Developmental records and summaries
- External agency information
- Custodial arrangements
- Incident reports
- Medication reports
- Child care benefit and child care rebate information
- Medical records
- Permission forms

**Personal information our School may request in regards to staff**

- Personal details
- Tax information
- Working contract
- Emergency contact details
- Medical details
- Immunisation details
- Working with children check
- Qualifications
- Medical history
- Resume
- Superannuation details
- Child Protection qualifications
- First Aid, Asthma and Anaphylaxis certificates

Each staff member shall sign a Staff Code of Conduct which will cover all aspects of confidentiality & Ethic Please see Appendix 2. an forward to the school PA. These will be kept in the staff personal files in the office at Nth Head..

**How we protect your personal information**

To protect your personal and sensitive information, we maintain physical, technical and administrative safeguards.

All hard copies of information are stored in children's individual files or staff individual files in a locked cupboard.

All computers used to store personal information are password protected. Each staff member will be provided with a unique username and password for access to CCS software and program software. Staff will be advised not to share usernames and passwords.

Access to personal and sensitive information is restricted to key personal only.

Security software is installed on all computers and updated automatically when patches are released

Data is regularly backed up on external drive and/or through a cloud storage solution

Any notifiable breach to data is reported

All staff are aware of the importance of confidentiality and maintaining the privacy and security of all your information.

Procedures are in place to ensure information is communicated to intended recipients only, example invoices and payment enquiries

**Access to personal and sensitive information**

Personal and sensitive information about staff, families and children will be stored securely at all times. Families who have access to enrolment or program information online will be provided with a unique username and password. Families will be advised not to share username and passwords.

The Approved Provider will ensure that information kept in a child's record is not divulged or communicated through direct or indirect means to another person other than:

- the extent necessary for the education and care or medical treatment of the child to whom the information relates
- a parent of the child to whom the information relates, except in the case of information kept in a staff record
- the Regulatory Authority or an authorised officer
- as expressly authorised, permitted or required to be given by or under any Act or law
- with the written consent of the person who provided the information.

### Disclosing personal and sensitive information

Our School will only disclose personal or sensitive information to:

- a third-party provider with parent permission (for example CCS software provider)
- Child Protection Agency- Office of the Children's Guardian and Regulatory Authority as per our *Child Protection and Child Safe Environment Policies*
- as part of the purchase of our business asset with parental permission

### Complaints and Grievances

If a parent, employee or volunteer has a complaint or concern about our School, or they believe there has been a data breach of the Australian Privacy Principles, they are requested to contact the Approved Provider so reasonable steps to investigate the complaint can be made and a response provided.

If there are further concerns about how the matter has been handled, please contact the Office of Australian Information Commissioner on 1300 363 992.

## Appendix 1

### The Australian Privacy Principles (APPs) outline:

- the open and transparent management of personal information including having a privacy policy
- an individual having the option of transacting anonymously or using a pseudonym where practicable
- the collection of solicited personal information and receipt of unsolicited personal information including giving notice about collection.
- how personal information can be used and disclosed (including overseas)
- maintaining the quality of personal information
- keeping personal information secure
- right for individuals to access and correct their personal information

*The APPs place more stringent obligations on APP entities when they handle 'sensitive information'. Sensitive information is a type of personal information and includes information about an individual's:*

- health (including predictive genetic information)
- racial or ethnic origin
- political opinions
- membership of a political association, professional or trade association or trade union
- religious beliefs or affiliations
- philosophical beliefs
- sexual orientation or practices
- criminal record
- biometric information that is to be used for certain purposes
- Biometric templates.

### Australian Privacy Principles (APPs)

**APP 1 – Open and transparent management of personal information** Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

#### **APP 2 – Anonymity and Pseudonymity**

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply

#### **APP 3 – Collection of solicited personal information**

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

#### **APP 4 – Dealing with unsolicited personal information**

Outlines how APP entities must deal with unsolicited personal information.

#### **APP 5 – Notification of the collection of personal information**

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

#### **APP 6 – Use or disclosure of personal information**

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds

#### **APP 7 – Direct marketing**

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

#### **APP 8 – Cross-order disclosure of personal information**

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas

#### **APP 9 – Adoption, use or disclosure of government related identifiers**

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

#### **APP 10 – Quality of personal information**

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

**APP 11 – Security of personal information**

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

**APP 12 – Access to personal information**

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

**APP 13 – Correction of personal information**

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals

## Appendix 2

### CODE OF CONDUCT-STAFF



#### PURPOSE

The Farmhouse Montessori School Code of Conduct is intended to be made available to the school's staff at the commencement of their employment (e.g. preferably around induction and training) and it is to be available and/or provided to staff during the course of their employment or involvement with the school. The Code forms comprehensive directions to these employees or other workers as to the expected standard of behaviour. This Code is intended to apply to all employees and contractors and volunteers in their work with the school.

#### AIM

***The aim of this Code is to outline the standards of behaviour expected of all employees of the Farmhouse Montessori School. This Code of Conduct applies to all employees of Manly Warringah Montessori Society t/a The Farmhouse Montessori School whether employed on a permanent, temporary or casual basis***

This *Code* does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it sets out general expectations of the standards of behaviour required.

The *Code* places an obligation on all employees to take responsibility for their own conduct and to work with colleagues cooperatively to achieve a consultative and collaborative workplace where people are happy and proud to work.

#### WHO HAS TO COMPLY WITH THE CODE OF CONDUCT?

By accepting employment with the Farmhouse Montessori School, you must be aware of and comply with this *Code*.

Therefore, you must:

- (a) Conduct yourself, both personally and professionally in a manner that upholds the ethos and reputation of the School
- (b) Comply with the School's policies and procedures;
- (c) Act ethically and responsibly; and
- (d) Be accountable for your actions and decisions.

#### Contractors And Volunteers

Contractors, consultants and volunteers working with the School must be aware of this *Code* and conduct themselves in a manner consistent with the conduct described in it. Conduct that is not consistent with the conduct set out in this *Code* may result in the engagement of a contractor, consultant or volunteer being terminated. If you are engaging or managing external consultants, contractors or volunteers, it is your responsibility to make them aware of the School's expectations of conduct during the period of their engagement.

#### General

This *Code* is not intended to be contractual in nature and does not impose any contractual obligations on the School. The School reserves the right at its sole discretion to vary or cancel this Code at any time.

Nothing in this Code should be taken to limit the circumstances in respect of which the School may take disciplinary action in respect of an employee. As an employee, you should be aware of the Farmhouse Montessori School's policies and procedures, particularly those that apply to your work. Many of these are available online; at the school in the reception area at Nth Balgowlah and in the office at Nth Head. Others may be made available to you through induction and training and development programs. If you are uncertain about the scope or content of a policy with which you must comply, you should seek clarification from the Principal/Head of School. You should also be familiar with the legislation under which you are employed as this may specify requirements with which you need to comply. A copy of this legislation will be provided to you on request via email- This is the Independent Schools NSW (Support & Operational Staff Multi Enterprise Agreement 2017 Award or The Independent School NSW Hybrid Model (Teachers) Multi Enterprise Agreement 2017 with Undertaking.

## 1. WHAT IS EXPECTED OF YOU AS AN EMPLOYEE?

As a School employee, you are expected to:

- (a) perform your duties to the best of your ability and be accountable for your performance;
- (b) follow reasonable instructions given by your supervisor or their delegate;
- (c) comply with lawful directions;
- (d) carry out your duties in a professional, competent and conscientious manner, while seeking suitable opportunities to improve your knowledge and skills, including through participation in relevant professional development;
- (e) act honestly and in good faith in fulfilling your duties;
- (f) be courteous and responsive in dealing with your colleagues, students, parents and members of the public;
- (g) work collaboratively with your colleagues; and
- (h) ensure that your conduct, whether during or outside working hours, is consistent with the ethos of the School and does not damage the reputation of the School.

## 2. WHAT HAPPENS IF I BREACH THE CODE OF CONDUCT?

As a School employee, you hold a position of trust and are accountable for your actions.

The consequences of inappropriate behaviour and breaches of this *Code* will depend on the nature of the breach.

Employees should report possible breaches by colleagues to their Principal. If the possible breach is by their Principal then it should be reported to the Chairman of the Board.

Factors the School may consider when deciding what action to take may include:

- (a) the seriousness of the breach;
- (b) the likelihood of the breach occurring again;
- (c) whether the employee has committed the breach more than once;
- (d) the risk the breach poses to employees, students or any others; and
- (e) whether the breach would be serious enough to warrant formal disciplinary action.

Actions that may be taken by the School in respect of a breach of the Code include management or remedial action, training or disciplinary action ranging from a warning to termination of employment. The school will reserve the right to determine in its entirety the response to any breach of this Code.

### 3. REQUIRED REPORTING

Employees are required to report certain information to the School. All employees are required to inform the Principal if they are charged with or convicted of a serious offence that may affect their employment with children. You must also inform the Principal if you become the subject of an Apprehended Violence Order.

- a) the school will also be notified by the NSW Office of the Children's Guardian of any change to your Working with Children Check clearance. It is an offence to work with Children without the proper clearance or to keep this any change of criminal history from your employer.

If, through your employment with the School, you become aware of a serious crime committed by another person, you are required to report it to the Principal, who may be required to inform the police.

As a School employee, you must report to the Principal:

- a) any concerns that you may have about the safety, welfare and wellbeing of a child or young person;
- b) any concerns you may have about the inappropriate actions of any other employee, contractor or volunteer that involves children or young people;
- c) any concerns you may have about any other employee, contractor or volunteer engaging in 'reportable conduct' or any allegation of 'reportable conduct' that has been made to you; and
- d) if you become aware that an employee, contractor or volunteer has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving 'reportable conduct'; and
- e) if you become the subject of allegations of 'reportable conduct' whether or not they relate to your employment in the School.
- f) if you're Working With Children Check clearance is cancelled or if you are or become a *disqualified*<sup>1</sup> person from working or volunteering with children.

You should refer to the School's *Child Protection Policy* for further information about these obligations.

Please note that teachers and some other employees have mandatory reporting obligations under the *Children and Young Persons (Care and Protection) Act 1998* (NSW) where they have reasonable grounds to suspect a child under the age of 16 years is at risk of significant harm and have current concerns about the safety, welfare and wellbeing of the child. You should refer to the School's *Child Protection Policy* for further information about these obligations.

### 4. RESPECT FOR PEOPLE

The School expects employees to treat each other with respect and courtesy. Our daily interaction with others reflects on the School's reputation. Therefore, all employees are expected to be approachable, courteous and prompt in dealing with other people, including students, parents, other employees and members of the community.

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<sup>1</sup> As defined in the *NSW Child Protection (Working With Children) Act 2012* Section 18

Employees who work with students have a special responsibility in presenting themselves as appropriate role models for those students. Modelling effective leadership and respect in your interactions with students can have a profoundly positive influence on a student's personal and social development.

Similarly, it is important for you to treat your colleagues, other employees, contractors, students and parents with respect. Rude or insulting behaviour, including verbal and non-verbal aggression, abusive, threatening, intimidating or derogatory language and physical abuse or intimidation towards other employees, contractors, students and parents is unacceptable. You must not use information and communication technologies, such as email, mobile phones, text or instant messaging, blogs, social media sites and other websites to engage in this type of behaviour.

You must not discriminate against, or harass for any unlawful reason, or bully for any reason any employee, contractor, student or parent. Your obligations in this regard, including the list of unlawful reasons, are set out in the School's Anti-Bias Policy as well as the Anti Bullying Policy. Unlawful harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977* or federal discrimination legislation. Bullying may be a breach of your obligations under work health and safety legislation or your duty of care at common law.

You should ensure that you are aware of the School's *Grievance & Anti-Bias Policies*. If you believe you are being unlawfully harassed or discriminated against or bullied:

- a) Where you feel comfortable ask the person to stop, or make it clear that you find the behaviour offensive or unwelcome. It may be useful to speak with your supervisor or Department Head in the first instance to seek guidance on how to do this; and/or
- b) Raise the issue as a grievance in accordance with the School's as soon as possible after the incident(s) have occurred.

The School takes reports of unlawful discrimination and harassment or bullying seriously and will consider action it considers appropriate if such conduct is found to have occurred including disciplining or dismissing offenders. Many incidents can be addressed effectively if reported early.

If you lie about or exaggerate a complaint, the School will view this as a very serious matter, and you may be disciplined or dismissed.

## **5. DUTY OF CARE AND WORK HEALTH AND SAFETY**

As a School employee, you have a duty of care to students in your charge to take all reasonable steps to protect students from risks of harm that can be reasonably predicted.

The duty encompasses a wide range of matters, including (but not limited to):

- a) The provision of adequate supervision
- b) Ensuring grounds, premises and equipment are safe for students' use
- c) Implementing strategies to prevent bullying from occurring in School, and providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a student who is injured or becomes sick at School.

**Duty of care**

As a School employee, you have a duty of care to students in your charge. That duty is to take all reasonable steps to protect students from risks of harm that can be reasonably predicted. For example, risks from known hazards and from foreseeable risk situations against which preventative measures can be taken. The standard of care that is required, for example the degree of supervision, needs to be commensurate with the students' maturity and ability.

Duty of care to students applies during all activities and functions conducted or arranged by the School. The risks associated with any activity need to be assessed and managed before the activity is undertaken.

You should ensure that you are aware of the School's policies on *Duty of Care, and Excursions*.

**Work health and safety**

You also have a responsibility under work health and safety legislation to take care of your own health and safety at work. It is also your responsibility to ensure that your activities do not place at risk the health and safety of your co-workers, students or other persons that you may come into contact with at work.

Considerations of safety relate to both physical and psychological wellbeing of individuals.

You should ensure that you are aware of and the School's *Workplace Health & Safety Policy*.

**Supervision of students**

You should take all reasonable steps to ensure that no student is exposed to any unnecessary risk of injury.

You should be familiar with and comply with the School's evacuation procedures.

Students should not be left unsupervised either within or outside of class. You should be punctual to class and allocated supervision.

You should remain with students at after school activities until all students have been collected. In the event that a student is not collected you should remain with the student until collected, or seek advice from your supervisor.

Playground supervision is an integral part of the responsibility of staff. It must take precedence over other activities. It is unacceptable to be late. You should actively supervise your designated area, being vigilant and constantly moving around.

You should be alert to bullying or any other form of discriminatory behaviour, and report incidents to the appropriate staff member. Additional detail about student bullying is set out in the *Anti-Bullying Policy*.

Ill or injured students should be attended to by the supervising staff member. Should additional assistance be required you should contact the parents of the child and or if advised by the authorised supervisor an ambulance.

You should ensure that you understand and comply with the School's policy in regard to the storage and administration of prescribed medication to students (see *Medication Policy*).

**6. PROFESSIONAL RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS**

As a School employee, you are expected to always behave in ways that promote the safety, welfare and well-being of children and young people. You must actively seek to prevent harm to children and young people, and to support those who have been harmed.

While not all employees are required to manage and supervise students, it is important for all School employees to understand and observe the School's child protection policies

**Supervision of students**

You should avoid situations where you are alone in an enclosed space with a student. Where you are left with the responsibility of a single student you should ensure that this is in an open space in view of others. Where this is not possible or practical it should be discussed with your supervisor and/or the Principal.

You should never drive a student in your car unless you have specific permission from your supervisor and/or the Principal to do so. In the event of an emergency you should exercise discretion but then report the matter to your supervisor.

If you wish to conduct a private conversation with a student you should consider the time and venue carefully to avoid placing yourselves in a vulnerable situation. It is preferable to leave the door open. You should not locate yourself between the student and the door.

When confiscating personal items, such as mobile phones or hats, ask students to hand them to you. Only take items directly from students in circumstances where concern exists for the safety of the student or others and your own safety is not jeopardised by this action

**Physical contact with students**

You must not impose physical punishment on a student in the course of your professional duties.

When physical contact with a student is a necessary part of the teaching/learning experience you must exercise caution to ensure that the contact is appropriate and acceptable. You should seek reassurance from the student by asking for a volunteer if necessary to demonstrate a particular activity.

Attention to the toileting needs of young children should be done with caution. It may be appropriate to have the door open. For students with a disability the management of toileting needs should be included in the student's individual management plan.

When congratulating a student, a handshake, pat on the shoulder or brief hug are acceptable as long as the student is comfortable with this action. Kissing of students is not acceptable.

Assessing a student who is injured or ill may necessitate touching the student. Always advise the student of what you intend doing and seek their consent.

Sometimes in ensuring duty of care you may be required to restrain a student from harming him or herself or others using reasonable force. Any such strategy must be in keeping with the School's behaviour management practices or individual student management plans. You should report and document any such incidents.

**Relationships with students**

You must not have a romantic or sexual relationship with a student. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual or condoned by parents or caregivers. You are reminded of:

- (a) the law prohibiting sexual relations with a person under the age of consent (16 years); and

(b) the law prohibiting sexual relations between a teacher and their student under the age of 18 years.

You must not develop a relationship with any student that is, or that can be interpreted as having a personal rather than a professional interest in a student. An overly familiar relationship with any student (including any adult student) that you are responsible for teaching, tutoring, advising, assessing, or for whom you provide pastoral or welfare support raises serious questions of conflict of interest, trust, confidence, dependency, and of equality of treatment. Such relationships may also have a negative impact on the teaching and learning environment for other students and colleagues, and may carry a serious reputational risk for the School.

If you consider that a student is being overly familiar, seeking to establish a personal relationship with you or has developed a 'crush' on you, you should report your concerns to your supervisor and/or the Principal as soon as possible so that a plan can be developed to manage the situation effectively and sensitively.

At all times when speaking with students care must be taken to use appropriate language. You must always treat students with respect and without favoritism. There is no place for sarcasm, derogatory remarks, inappropriate familiarity or offensive comments.

You may, as part of your pastoral care role, engage in discussion with students. This is entirely appropriate. However you must be cautious about making personal comments about a student or asking questions that probe your own or a student's sexuality or relationships. You must not hold conversations with a student of an intimately personal nature where you disclose information about yourself.

You must not:

- a) invite students to your home;
- b) visit students at their home; or
- c) attend parties or socialise with students, unless you have the express permission of the Principal and their parents or care giver.

You must not engage in tutoring or babysitting students from the School without the express permission of the Principal.

You must not invite students to join your personal electronic social networking site or accept students' invitations to join their social networking site (see Section 7 - **Appropriate use of electronic communication and social networking sites**).

You must not give gifts to students. You should also carefully consider your position before accepting any gift from a student (see Section 10 - Declaring gifts, benefits and bribes)

Wherever practical, you should avoid teaching or being involved in educational decisions involving family members or close friends. Where it is not practical to avoid such situations completely, another member of staff should make any significant decisions relating to the student's assessments and have those endorsed by a supervisor.

You should be aware of, and sensitive to, children with culturally diverse or indigenous backgrounds and cultural practices that may influence the interpretation of your behaviour.

### **Child protection**

You must be aware of and comply with the School's *Child Protection Policy*.

As set out in Chapter 3 you must report any concerns you may have about any other employee, contractor or volunteer engaging in 'reportable conduct' or any allegation of 'reportable conduct' that has been made to you to the Principal. This includes self disclosure if the allegation involves you.

Broadly, 'reportable conduct' includes:

- a) any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child (including a child pornography offence); or
- b) any assault, ill-treatment or neglect of a child; or
- c) any behaviour that causes psychological harm to a child,
- d) whether or not the child consents.

Reportable conduct does not extend to:

- a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- c) conduct that is exempted from notification by a Class or Kind Agreement<sup>2</sup>.

For further information about 'reportable conduct' see the School's *Child Protection Policy*.

The requirements outlined in Chapter 6 in relation Supervision, Physical Contact and Relationships with Students set professional boundaries in relation to your behaviour. They make clear what behaviour is unacceptable and could amount to reportable conduct.

### **The Working with Children Check**

The Working with Children Check is a prerequisite for paid and unpaid child-related work. Under Part 2, section 6 of the *Child Protection (Working With Children) Act 2012*, child-related work is defined as work in a specific child-related role or face-to-face contact with children in a child-related sector<sup>3</sup>.

You must have a Working With Children Check clearance which will be valid for a period of five years. You are responsible for renewing your Working With Children Check every five years.

## **7. APPROPRIATE USE OF ELECTRONIC COMMUNICATION AND SOCIAL NETWORKING SITES**

The School provides electronic communication facilities for its students and employees for educational or administrative purposes. It monitors and views data stored or transmitted using the School's facilities. By its nature, electronic

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<sup>2</sup> A Class or Kind Agreement is an agreement between the Ombudsman and an agency (eg the Association of Independent Schools of NSW on behalf of its member schools) that allows for certain kinds of less serious reportable conduct to be exempted from notification to the Ombudsman but the Head of Agency must still conduct a workplace investigation.

<sup>3</sup> If you are already in paid child-related work, or you are a volunteer, you will be phased in over a five year period commencing 15 June 2013, according to schedule provided by the Office of the Children's Guardian.

communication is a fast and informal way of communicating. However, once a document or image has been sent there is no way to recall it and it exists forever.

You must comply with the School's Information Technology Use Policy. This includes:

- (a) exercising good judgment when using electronic mail, following the principles of ethical behaviour;
- (b) using appropriate and professional language in electronic mail messages;
- a) being aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be discoverable: that is, the court and all parties to the dispute would be entitled to see them;
- b) not sending messages that are harassing, discriminatory, defamatory, threatening, abusive or obscene;
- c) not inviting students into your personal social networking site or accept an invitation to theirs;
- d) not using social networking sites to email or contact students;
- e) remembering transmission, storage, promotion or display of offensive, defamatory, or harassing material is strictly forbidden; and
- f) reporting any situations where you become aware of the inappropriate use of electronic communication and social networking sites.

You must never use the School's networks to view, upload, download or circulate any of the following materials:

- a) sexually related or pornographic messages or material;
- b) violent or hate-related messages or material;
- c) racist or other offensive messages aimed at a particular group or individual;
- d) malicious, libelous or slanderous messages or material; or
- e) subversive or other messages or material related to illegal activities.

## **8. USE OF ALCOHOL, DRUGS AND TOBACCO**

Work Health and Safety is of fundamental importance to the School. Maintaining a safe work environment requires everyone's continuous cooperation

You are responsible for ensuring your capacity to perform your duties is not impaired by the use of alcohol or drugs and that the use of such substances does not put at risk you or any other person's health and safety.

As a School employee, you must:

- a) not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances;
- b) not consume alcohol, illegal drugs or non-prescribed and/or restricted substances while at work;
- c) notify your supervisor if you are aware that your work performance or conduct could be adversely affected as a result of the effect of a prescribed drug;
- d) take action to resolve any alcohol or other drug-related problems that you have; and
- e) consult with your supervisor or Principal if you are concerned about working with other employees who may be affected by drugs or alcohol.

**Drugs**

As a School employee, you must not:

- a) have illegal drugs in your possession while at work. Any illegal drugs found on School property or in the possession of any person on School property may result in disciplinary action including the termination of your employment and referral to the Police;
- b) give students or other employees illegal drugs or restricted substances, or encourage or condone their use; and
- c) supply or administer prescription or non-prescription drugs to students unless authorised to do so.

**Alcohol**

You must not take alcohol to School or consume it during School hours or at any School function at any time School students are present, including those events conducted outside School premises unless expressly permitted to do so by the Principal. A School function is any occasion organised by the School and/or in the School's name, including dances, farewells, excursions, sporting fixtures and fund raising events.

You must not:

- a) purchase alcohol for, or give alcohol to, any School student (or to any other person under the age of 18 years); and
- b) encourage or condone the use of alcohol by students of any age during educational activities.

**Tobacco**

You must not smoke or permit smoking in any School buildings, enclosed area or on School grounds. This includes all buildings, gardens, sports fields, cars and car parks.

You must not purchase tobacco or tobacco products for any School student, or give them tobacco or tobacco products.

**9. IDENTIFYING AND MANAGING CONFLICTS OF INTEREST**

Private interests can, or have the potential to, influence a person's capacity to perform their duties and in turn compromise their integrity and that of the School

As a School employee, you must not act in conflict with the School's best interests. A conflict of interests can involve:

- a) pecuniary interests i.e. financial gain or loss or other material benefits;
- b) non-pecuniary interests i.e. favours, personal relationships and associations.

It may not only be about your own interests. It may include:

- a) the interests of members of your immediate family or relatives (where these interests are known);
- b) the interests of your own business partners or associates, or those of your workplace; or
- c) the interests of your friends.

When faced with a situation in which conflict of interests may be present, you should report any potential or real conflict to your supervisor or the Principal.

You should also report situations where a superior or colleague who has an identified conflict is, or may be perceived as, unduly influencing your decision.

## 10. DECLARING GIFTS, BENEFITS AND BRIBES

As an employee, you may be offered a gift or benefit as an act of gratitude. There are some circumstances when to refuse a gift would be perceived as rude, insulting or hurtful. You are expected to exercise sound judgment when deciding whether to accept a gift or benefit.

If you are offered a bribe (i.e. anything given in order to persuade you to act improperly), you must refuse it, explain why it is not appropriate, and immediately report the matter to the Principal/Head of School.

Accepting gifts and other benefits has the potential to compromise your position by creating a sense of obligation and undermining your impartiality. It may also affect the reputation of the School and its staff. You must not create the impression that any person or organisation is influencing the School or the decisions or actions of any of its employees.

If you are offered a gift or benefit, you should always consider the value and purpose of a gift or benefit before making any decision about accepting it. A gift that is more than nominal value (\$50) must not become personal property. You should either politely refuse it or advise the contributor that you will accept it on behalf of the School.

When such a gift is accepted, you must advise your Principal. They will determine how it should be treated and make a record of its receipt. Depending on the nature and value of the gift, it may be appropriate to record the gift in the asset register as a donation or other such record established for that purpose.

Sometimes employees might, in the course of their work, win a prize of significant monetary value e.g. a computer, from another organisation. Prizes are usually considered the property of the School. If you win a prize you must advise your supervisor or the Principal who will determine how the prize should be treated and recorded.

## 11. COMMUNICATION AND PROTECTING CONFIDENTIAL INFORMATION

### Communication

You are required to comply with *Staff & Parent communication & Confidentiality Policy*.

You should be mindful of confidentiality when in discussions with parents. You cannot provide a guarantee of confidentiality if the matter under discussion requires mandatory reporting.

You should not disclose personal information about another staff member to students or parents or discuss their work performance, except if authorised by the Principal in the context of grievance resolution.

All matters discussed in staff meetings and staff memos are to be treated confidentially and not discussed with students, members of the school community, or the public.

The media should not be given access to students or allowed entry to the School without the express permission of the Principal. You should not make any comments to the media about the School, students or parents without the express permission of the Principal.

### Confidential Information

As a School employee, you must only use confidential information for the work-related purpose it was intended.

Unless authorised to do so by legislation, you must not disclose or use any confidential information without the express permission of the Principal.

You must make sure that confidential information, in any form, cannot be accessed by unauthorised people.

For full details on the confidentiality details for staff please refer to the Confidentiality Policy.

### **Privacy**

Sensitive and personal information should only be provided to people, either within or outside the School, who are authorised to have access to it.

You should always exercise caution and sound judgment in discussing the personal information of students, parents, staff and other people with other School employees. Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist in carrying out the School's work because of their expertise.

## **12. RECORD KEEPING**

### **All employees have a responsibility:**

- a) to create and maintain full, accurate and honest records of their activities, decisions and other business transactions, and
- b) to capture or store records in the School's record systems.

You must not destroy or remove records without appropriate authority.

Supervisors have a responsibility to ensure that the employees reporting to them comply with their records management obligations.

Employees responsible for assessing and recording marks for students' work must do so accurately, fairly and in a manner that is consistent with relevant policy and the requirements of the School.

Employees must maintain the confidentiality of all official information and documents which are not publicly available or which have not been published.

## **13. COPYRIGHT AND INTELLECTUAL PROPERTY**

When creating material you need to ensure the intellectual property rights of others are not infringed and information is recorded about any third party copyright/other rights included in materials.

Advice relating to sharing or licensing the School's intellectual property should be sought from the Principal.

The School cannot give away or assign its intellectual property without the approval of the Principal.

If you develop material that relates to your employment with the School, the copyright in that material will belong to the School. This may apply even if the material was developed in your own time or at home.

You should not use the School's intellectual property (including copyright) for private purposes without obtaining written permission from the Principal.

## **14. ACKNOWLEDGEMENT**

I \_\_\_\_\_ have read, understood and agree to comply with the terms of this Code of Conduct Policy.

**(Full Name-Printed)**

Signed :

Date:

## Source

- Australian Childcare Alliance. (2019). Changes to Australia's privacy law: What ECEC Schools need to know: <https://childcarealliance.org.au/blog/115-changes-to-australia-s-privacy-law-what-ecec-Schools-need-to-know>
- Australian Children's Education & Care Quality Authority. (2014)
- Australian Government Office of the Australian Information Commission – Australian Privacy Principles: <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>
- Early Childhood Australia Code of Ethics. (2016).
- Education and Care Schools National Law Act 2010. (Amended 2018).
- [Education and Care Schools National Regulations](#). (2011).
- Guide to the Education and Care Schools National Law and the Education and Care Schools National Regulations. (2017).
- Guide to the National Quality Framework. (2017). (Amended 2020).
- *Privacy Act 1988*.
- Revised National Quality Standard. (2018).
- UN General Assembly (1989) United Nations Convention of the Rights of a child

Policy Review Date	Modification	Next review date
May 2017	Created	2018
2018	Changes made to comply with changes to the Australian Privacy Act 1988, including the replacement of the National Privacy principles with the Australian Privacy Principles Updated references to comply with the revised National Quality Standard	2019
2019	<ul style="list-style-type: none"> <li>• Grammar and punctuation edited.</li> <li>• Additional information added to points.</li> <li>• Sources checked for currency.</li> </ul> Sources/references corrected, updated, and alphabetised	2020
2020	<ul style="list-style-type: none"> <li>• major re-write and update of the policy that includes information from the Office of the Australian Information Commissioner and Australian Privacy Principles</li> <li>• Rearranged some content and added Appendix1.</li> <li>• Sources updated and checked for currency</li> </ul>	2022
2021	<ul style="list-style-type: none"> <li>• Minor additions to include information related to data integrity.</li> <li>• minor adjustments regarding inclusion of staff information</li> <li>• Policy reviewed to align with 2021 review schedule.</li> <li>• Privacy and Confidentiality Procedure added to policy.</li> <li>• sources checked for currency.</li> <li>• Renumbered appendixes and added new Appendix (APP).</li> </ul>	2024



# PRIVACY AND CONFIDENTIALITY PROCEDURE

Privacy is acknowledged as a fundamental human right. Our Service has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in Early Childhood Code of Ethics, National Education and Care Regulations and the Privacy Act 1988 (Cth). The right to privacy of all children, their families, and educators and staff of the Service will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

## NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service
7.1.1	Service philosophy and purposes	A statement of philosophy guides all aspects of the service's operations.
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the service.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

## STEP 1 – COLLECTION OF DATA

The Manly Warringah Montessori Society T/A The Farmhouse Montessori School is committed to protecting personal information in accordance with our obligations under the *Privacy Act 1988* and *Privacy Amendments (Enhancing Privacy Protection) Act 2012*.

Personal information includes a broad range of information, or an opinion, that could identify an individual.

Sensitive information is personal information that includes information or an opinion about a range of personal information that has a higher level of privacy protection than other personal information.

Source: OAI-Australian Privacy Laws, Privacy Act 1988

1) Personal information our School may request regarding enrolled children:

- Child's name
- Gender
- Date of birth
- Birth Certificate
- Address
- Religion
- Language spoken at home
- Emergency contact details and persons authorised to collect individual children
- Children's health requirements
- Immunisation records- (Immunisation History Statement)
- Developmental records and summaries
- External agency information
- Custodial arrangements or parenting orders
- Incident reports
- Medication reports

- Child Care Subsidy information (if applicable)
- Medical records
- Permission forms – including permission to take and publish photographs, video, work samples
- Doctor's contact information
- Centrelink Customer Reference number (CRN)
- Dietary requirements

2) Personal information our School may request regarding parents and caregivers

- Parent/s full name
- Address
- Phone number (mobile & work)
- Email address
- Bank account or credit card detail for payments
- Centrelink Customer Reference number (CRN)
- Family court documentation- custody arrangements or parental agreement
- Any other information related to Family Assistance Law

3) Personal information our School may request regarding staff and volunteers

- Personal details
- Tax information
- Banking details
- Working contract
- Emergency contact details
- Medical details
- Immunisation details
- Working With Children Check verification
- Educational Qualifications
- Medical history
- Resume
- Superannuation details
- Child Protection qualifications
- First Aid, Asthma and Anaphylaxis certificates
- Professional Development certificates

## STEP 2 - METHOD OF COLLECTION OF INFORMATION

- 1) Information is generally collected using standard forms at the time of enrolment or employment.
- 2) Additional information may be provided to the School through email, surveys, telephone calls or other written communication.

## STEP 3 - STORAGE OF PERSONAL INFORMATION

To protect personal and sensitive information, our Schools maintains physical, technical and administrative safeguards. All personnel records, personal records related to children and families and other records related to School's provision of education and care will be stored securely and only accessed by authorised personnel.

- 1) All hard copies of information will be stored in children's individual files or staff individual files in a locked cupboard or filing cabinet and now also on the School Database.
- 2) All computers used to store personal information are password protected. Each staff member will be provided with a unique username and password for access to software and program software. Staff are not permitted to share usernames and passwords. Please see Database Policy for more information.
- 3) Access to personal and sensitive information is restricted to key personal only.
- 4) Security software is installed on all computers and updated automatically when patches are released. This is done by the school IT section.
- 5) Data is regularly backed up on external drive and/or through a cloud storage solution.
- 6) Any notifiable breach to data is reported.

- 7) All staff are bound to respect the privacy rights of children, families, other personnel of the School. All staff must sign a *Confidentiality Agreement* to maintain the privacy and security of information and agree to delete any confidential information from personal devices, surrender documentation, software and any other materials related to the School upon ceasing employment with the School.
- 8) Procedures are in place to ensure information is communicated to intended recipients only.

#### **STEP 4 - ACCESS TO PERSONAL AND SENSITIVE INFORMATION**

Personal and sensitive information about staff, families and children will be stored securely at all times. Families who have access to enrolment or program information online will be provided with a unique username and password. Families will be advised not to share username and passwords.

The Approved Provider will ensure that information kept in a child's record is not divulged or communicated through direct or indirect means to another person other than:

- the extent necessary for the education and care or medical treatment of the child to whom the information relates
- a parent of the child to whom the information relates, except in the case of information kept in a staff record
- the Regulatory Authority or an authorised officer
- as expressly authorised, permitted or required to be given by or under any Act or law
- with the written consent of the person who provided the information.

#### **STEP 5 - DISCLOSING PERSONAL AND SENSITIVE INFORMATION**

Our School will only disclose personal or sensitive information to:

- a third-party provider with parent permission (for example CCS software provider)
- Child Protection Agency- Office of the Children's Guardian and Regulatory Authority as per our *Child Protection and Child Safe Environment Policies*
- as part of the purchase of our business asset with parental permission.

#### **STEP 6 - COMPLAINTS AND GRIEVANCES**

- 1) If a parent, employee or volunteer has a complaint or concern about our School, or they believe there has been a data breach of the Australian Privacy Principles, they are requested to contact the Approved Provider/Principal so reasonable steps to investigate the complaint can be made and a response provided.
- 2) If there are further concerns about how the matter has been handled, please contact the Office of Australian Information Commissioner on 1300 363 992 or:  
[https://forms.business.gov.au/smartforms/landing.htm?formCode=APC\\_PC](https://forms.business.gov.au/smartforms/landing.htm?formCode=APC_PC)
- 3) For any other general concerns, parents and families are requested to contact the Approved Provider or the school principal directly on 99776790.