

External Provider Code of Conduct Policy

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1. Purpose

- 1.1. External service providers (including any organisation defined as a contractor, sub-contractor, supplier, consultants or third party, or other person who is not a staff member or volunteer working with CST) can be seen as representatives of Christian Schools Tasmania (CST) and should display conduct that is appropriate and will enhance a positive reputation.

CST has zero tolerance towards the abuse and neglect of children and young people. Therefore, the purpose of this Policy is to outline the responsibilities, procedures and practices required by all external service providers working within CST in relation to keeping children and young people free from abuse and neglect.

This Policy aligns with CST's Staff Code of Conduct Policy. Continued association by external providers with CST depends upon them observing and complying with this Policy.

2. Scope

- 2.1. This Policy applies to any external service provider working for CST across all our operational environments and without fail wherever children and young people are participating in our organisation's activities, programs, services or facilities.
- 2.2. This policy is aligned with the Australian Human Rights Commission National Principles for Child Safe Organisations.

3. Policy

- 3.1. **Roles and Responsibilities:** CST has systems in place to ensure that all services, including those delivered by external service organisations, are effectively monitored and evaluated to ensure that any individual engaged in these services comply with the relevant organisational and legislative requirements.

External service providers are required to read and comply with contracts (including partnership agreements and Memorandums of Understanding). These contracts must be approved by the CEO or a staff member of CST who is authorised to approve contracts. The contracts may be adapted to the nature of the relationship between CST and any external organisations, but at a minimum, clauses should include that:

- it is the external provider's responsibility to ensure that their employees and any sub-contractors engaged by them to undertake work with CST comply with current legislative requirements and CST policies and procedures where applicable.
- external providers are responsible for informing their sub-contractors and employees about CST's requirements. This includes requiring their employees to sign CST's Commitment to Safeguarding Children and Young People.

- any external provider or their employees who fail to comply at any time with CST's associated policies and procedures may face a financial penalty of/or termination of the contract. Legal action will be taken wherever necessary.

3.2. **Lawful and Reasonable Directions:** the following standards apply:

3.2.1. External providers must comply promptly, conscientiously and effectively with all lawful and reasonable decisions and directions given by a person having authority to grant such directions.

3.2.2. External providers must not knowingly or deliberately impede compliance with, or implementation of, a lawful and reasonable decision or direction.

3.2.3. When making decisions or giving directions, external providers must act within their legal and organisational responsibilities and delegations. External providers must make competent decisions and provide fair and reasonable guidance and directions.

3.3. **Safeguarding Children and Young People:** Safeguarding children and young people is a shared responsibility within our organisation, including those engaging on behalf of external organisations.

Any contracts (including Partnership Agreements and Memorandums of Understanding) should address safeguarding children and young people obligations. Where applicable, it is the responsibility of all at CST, from Executive to staff, volunteers and external providers, to:

- protect children and young people from all forms of abuse and neglect by our people;
- be alert to incidents of child abuse and neglect occurring outside the scope of our operations and services that may have an impact on the children and young people to whom we provide a service; and
- create and maintain a child-safe culture that is understood, endorsed and put into action by all the individuals who work for, volunteer, support or access our programs and services.

We expect all within our organisation, regardless of their role or level of responsibility, to act to safeguard children and young people from such harm by:

- adopting appropriate safeguarding practice and behaviour set within our policy and procedural guidelines when carrying out their roles, and
- reporting any abuse and neglect of which they become aware to our management and/or to external authorities responsible for child protection or to police, regardless of whether that abuse is being perpetrated by staff within our organisation, or by those outside our organisation including those from the child's family, extended family, their family's extended network or strangers.

We expect all within our organisation, including external providers, to promote equity and respect diversity by:

- actively anticipating children and young people's diverse circumstances and responding effectively to those with additional vulnerabilities;
- informing children and young people of their rights and giving all children and young people access to information, support and complaints processes;
- respecting the rights of children and young people to participate in decision-making.

3.4. **Professionalism and Ethical Conduct:** the following standards apply:

- 3.4.1. In the course of their engagement, external providers must act in a professional and respectful way that enhances their professional reputation and the reputation of CST. External providers should act appropriately in the presence of staff and students at all times, both within and outside school hours. At all times, external providers should conduct themselves in a manner that does not bring CST or themselves into disrepute.
- 3.4.2. External providers must treat other external providers, CST staff, students, parents and carers with respect and without harassment, victimisation or discrimination. External providers must not behave in ways that a reasonable person would consider to be offensive, intimidating, humiliating or threatening.
- 3.4.3. External providers whose work involves interacting with students have a special responsibility to comply with duty of care requirements and to not be engaged in inappropriate behaviour such as illegal, anti-social, scandalous or disreputable activities, which may negatively impact on them being seen as appropriate role models for those students.
- 3.4.4. External providers must be aware of the policies, procedures and delegations that are applicable to their actions. Principals/Managers must make relevant information available to external providers. External providers are required to read and understand policy documents issued to them or circulated to them.
- 3.4.5. External providers must uphold and comply with:
 - applicable laws, regulations, industrial awards and agreements (Commonwealth, State and local);
 - applicable professional standards and codes of practice that do not conflict with government or CST policy.
- 3.4.6. External providers must act promptly in reporting breaches of the law, CST policies, government policies and directives, as well as misconduct and maladministration under the State Service Code of Conduct and these CST Standards, to their Principal/Manager or other relevant CST staff members.
- 3.4.7. External providers are expected to always behave in ways that promote the safety, welfare and wellbeing of students and staff, in accordance with relevant work, health and safety legislation.
- 3.4.8. External providers must maintain the accuracy, integrity and appropriate confidentiality of all CST information.
- 3.4.9. All external providers are accountable for their official decisions and conduct.
- 3.4.10. Dress, personal appearance and hygiene are important elements of professional presentation. External providers must ensure their appearance and presentation is clean, tidy and appropriate for their work role. External providers must ensure that resources related to their work at CST are not misused, including financial, material, intellectual, information, system and knowledge resources.

3.5. **Duty of Care:** is essentially a duty to do everything reasonably practicable to protect others from foreseeable harm. While this applies in all aspects of a staff member's work, it is particularly important for those external providers who interact with students.

All students have a basic and expected right to a physical and emotional environment that is free from unreasonable risk of harm. 'Harm' includes any significant detrimental effect to the student's physical, psychological or emotional wellbeing by any cause and includes minor harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the student if allowed to continue.

Amongst other things, harm can be caused by:

- physical, psychological or emotional abuse or neglect; or
- sexual abuse or exploitation; or
- domestic or family violence; or
- student bullying; or
- one's actions.

The following standards apply:

3.5.1. External providers must actively seek to maintain a physically-safe environment for students in accordance with the Work Health and Safety Act 2012

3.6. **Psychological Harm to Students:** the following standards apply:

3.6.1. External providers must not engage in conduct of a bullying or harassing nature. Such conduct might include, but not be restricted to, targeting students with unfair and continued criticism, making excessive or unreasonable demands, and making any form of either or both oral and written derogatory comments. External providers should not engage in making derogatory comments in any form to staff, students, parents/carers, work colleagues or the general public.

3.7. **Physical Contact with Students:** the following standards apply:

3.7.1. External providers must not engage in conduct that could physically harm a student. There may be occasions, however, where physical intervention is appropriate in order to protect students. In these circumstances, this would be deemed reasonable action providing that the physical intervention is to prevent harm or further harm to students and that the employee seeks to avoid inflicting physical harm where possible.

3.8. **Sexual Conduct:** the following standards apply:

3.8.1. The External provider's interactions with all staff and students must be seen to be professional at all times.

3.8.2. External providers must not engage in behaviour that raises a reasonable suspicion that they have engaged in or will engage in sexual conduct with students or that the standards applying to the professional employee/student relationship has or will be breached.

3.8.3. External providers must not, unless there are specific work-related reasons, provide or exchange personal information such as telephone numbers with any student.

3.8.4. External providers must not engage in sexual conduct with a student at any time, either during or outside school hours.

3.8.5. Sexual conduct includes, but not exclusively:

- unwarranted and inappropriate touching of students;
- suggestive remarks or actions of a sexual nature;
- sexual exhibitionism;
- obscene gestures, language, jokes containing sexual references or deliberately exposing students to the sexual behaviour of others in any form, other than in the case of prescribed curriculum material in which sexual themes are contextual;
- inappropriate conversations of a sexual nature;
- comments that express a desire to act in a sexual manner;
- personal correspondence (including electronic communication) with a student in respect of the adult's sexual feelings for a student;
- deliberate exposure of students to sexual behaviour of others including the display of pornographic material;
- flirtatious behaviour directed at a student;
- dating a student;
- spending significant time alone with a student other than to perform one's professional duties, or without other reasonable explanation; or
- expressing romantic feelings towards a student in any way.

3.8.6. Sexual conduct can also include 'grooming behaviour'. Grooming behaviour is a process whereby sexual offenders' 'condition' and build rapport with children or young persons in order to reduce their resistance to and increase compliance with sexual abuse. The grooming process can include:

- misleading students by pretending to them they are special, for example, by spending inappropriate time with students, inappropriately giving gifts, showing special favours to certain students but not to other students, allowing students to overstep the accepted rules etc. Or
- breaking of accepted standards of behaviour, for example, undressing in front of students, allowing students to sit on their lap, talking about sex, 'accidental' touching etc.

3.8.7. External providers must discourage and reject any advances of a sexual nature initiated by a student. Should such a situation arise, the employee must report any such instances immediately to their supervisor/senior officer to assist in preventing repetition and avoiding subsequent allegations.

3.9. **Discrimination and Harassment:** CST commits itself to providing a workplace free of all forms of discrimination and harassment. Common types of harassment include:

- intimidatory harassment
- bullying
- sexual harassment

The following standards apply:

3.9.1. External providers must not discriminate against or harass any colleague, CST staff member, student, parent or carer, nor discriminate in how services are provided to the community. All external providers working at CST have the responsibility to act equitably towards CST staff, students and the general public in accordance with the CST policies and relevant legislation, including the Tasmanian Anti-Discrimination Act 1998, Equal Employment Opportunity Act 1987, Workplace Relations Act 1996.

3.10. **Use of Tobacco, Alcohol Other drugs and Medication:** the following standards apply:

- 3.10.1. Smoking is not permitted in CST buildings, vehicles, facilities and school grounds.
- 3.10.2. External providers have an occupational health and safety obligation, in accordance with the Work Health and Safety Act 2012, to ensure that their use of alcohol, drugs or other medications does not adversely affect their work performance or endanger the health and safety of others. This includes behaviour at official functions where alcohol is served.
- 3.10.3. External providers must not provide students with alcohol or illicit drugs and must not encourage or condone the illegal use of alcohol, including underage drinking or excessive alcohol consumption or the use of illicit drugs.
- 3.10.4. External providers should avoid social contact with students under the age of 18 years where the consumption of alcohol or drugs occurs.
- 3.10.5. External providers must not consume or be affected by alcohol and/or drugs in any circumstances where they are responsible for students.

3.11. **Conflict of Interest:** An apparent conflict of interest exists when an employee's private interests have the potential to interfere with the proper performance of their work duties. An actual conflict of interests exists when a reasonable bystander, in possession of the relevant facts, would conclude that the employee's private interests are likely to interfere with the proper performance of their work duties. An apparent or actual conflict of interest must be identified, declared and avoided or resolved in favour of the public interest. Situations that may give rise to a conflict of interest might include:

- financial interests of the employee, a friend or relative that could influence the impartiality of the performance of duties;
- personal beliefs or attitudes that may influence the impartiality of the advice given;
- party political activities or membership of politically active groups if it impedes the employee serving the government of the day;
- personal relationships with other external providers, applicants for positions, students or business customers;
- dealings with a friend, a relative or colleague who is also a student or parent;
- representative duties where an employee who is representing the interests of CST is also asked to represent the interests of a community group;
- private employment that may conflict with CST duties; or
- approval of expenditure that will benefit the employee, a friend, a relative or an organisation with which the employee identifies.

The following standards apply:

- 3.11.1. External providers must not engage another employee, or allow themselves to be separately engaged by CST, to provide goods or services that they could reasonably be expected to provide as part of their departmental employment.

3.11.2. External providers are required to:

3.11.2.1. Avoid conflicts of interest if possible, and avoid creating conflicts for others.

3.11.2.2. Disclose in writing to their supervisor any perceived or actual conflict of interest as soon as they become aware that there is or may be a conflict, and where there is a change of supervisor, to notify that person of the conflict and the means being used to manage it. Resolve or otherwise manage the conflict with their supervisor and document how this was achieved.

3.12. **Receiving and Giving Gifts and Benefits:** the following standards apply:

3.12.1. External providers should not seek or encourage favours or gifts for services performed in connection with official duties.

3.12.2. External providers may not accept a monetary gift in connection with their work duties under any circumstances.

3.13. **Confidentiality – Using and Disclosing Official Information:** as an External Provider working at CST you may be entrusted with access to information of a sensitive or confidential nature to enable you to carry out your duties. You may also be provided with information from members of the community, i.e. parents and students which may be of a similar sensitive or personal nature.

The following standards apply:

3.13.1. External providers must ensure that confidential, private and sensitive information is handled carefully and that the integrity of such information is maintained at all times.

3.13.2. External providers must only use CST's official information, proprietary knowledge and intellectual property for CST work, except where specific consent of CST has been given for another purpose. This requirement continues to apply after they have left CST's engagement. After ceasing service with CST, you must not use confidential information obtained during the course of your employment for other work or non-work-related purposes.

External providers should be aware that unauthorised disclosure of CST information is contrary to this Policy and may result in a grievance report to their manager.

3.14. **Personal Information:** external providers must be aware of and comply with the provisions of the Personal Information Protection Act 2004. The following standards apply:

3.14.1. External providers must not make private use of official information.

3.14.2. Personal information collected or held by external providers must be held securely to avoid loss, unauthorised access, unauthorised use, modification or disclosure, and all other misuse.

3.14.3. External providers may only disclose information not normally provided to the public:

- if it is required as part of their duties;
- proper authority has been given to them to do so;
- when needed or authorised to do so by law; or
- when called to give evidence in court.

3.15. **Making Public Comment:** the following standards apply:

3.15.1. External providers must comply with CST policy when making a public comment about CST's work. Public comment includes public speaking engagements, comments on radio and television, expressing views in letters to the media or in books, journals, the internet, Web 2 technologies and resources such as blogs, wikis, social networking sites or other notices that the public may view.

3.16. **Procedure for dealing with allegations and apparent breaches:** while this Policy is not binding upon external service providers working with CST, they can be seen as representatives of CST and should display conduct that will enhance a positive reputation. Continued association with CST of these persons depends upon them observing and complying with this Policy.

Any breaches of this Policy may result in a termination of the External Service Provider Contract to work in schools.

3.17. **Grievance Procedure:** if an external provider does not adhere to this Policy, staff should report possible breaches to the School Principal or their relevant manager as soon as possible or by the end of the working day.

3.18. **Monitoring, Review and Communication:** This document will be reviewed by the CST Executive at least every three years, after consultation. Some circumstances may trigger an early review; this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Chief Executive Officer.

When there are any updates or changes to this Policy, they will be communicated to all staff and stakeholders.

We retain records that document each review undertaken. Records may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

4. **References and Additional Related Documents**

- Working with External National Disability Insurance Scheme Service Providers Procedure
- CST's Safeguarding Children and Young People Policy
- CST's Safeguarding Children and Young People Commitment Statement
- CST's Staff Code of Conduct
- CST's Contractor Work Health and Safety Induction

Further information is available on the Department's website at [National Disability Insurance Scheme](#).

- [NDIS Provider – Factsheet for Principals](#)
- [NDIS Provider – Checklist for Principals](#)
- [NDIS Parent, External Provider and School Agreement](#)

5. **Record Keeping**

5.1 This Policy is to be kept for three (3) years until review, unless there is a significant legislative or organisational change requiring earlier review.

5.2 The master copy is kept in <https://www.cst.tas.edu.au/services> under Policy Documents, online in read-only in PDF form. Any printed or downloaded copies are deemed uncontrolled.

GENERAL DEFINITION OF TERMS:

Where referred to in this document:

Christian Schools Tasmania (CST) means an association of Christians who, through their Board of Directors, are legally responsible for Calvin Christian School, Channel Christian School, Emmanuel Christian School and Northern Christian School.

The School refers to the CST school to whom the Policy applies.

The Board means the Board of Directors of Christian Schools Tasmania.

Executive is a forum including the Chief Executive Officer, Principals and the Business Manager.

Chief Executive Officer (CEO) is the person appointed to the position of Chief Executive Officer of the Association, or a person acting from time to time in that position.

Principal means the person charged with responsibility for the operation of an Association school, or a person acting from time to time in that position.

Compliance Manager is the person appointed to the position of Compliance Manager of the Association, or a person acting from time to time in that position.

Business Manager is the person appointed to the position of Business Manager of the Association, or a person acting from time to time in that position.

Manager means a person appointed to a managerial position within CST.

Staff is any person either employed by CST either on a casual, part-time or permanent basis as well as volunteers, contractors and sub-contractors engaged in working at a CST School.

Parent is a person who is the legal guardian of a child enrolled at a CST school.

Child means any student enrolled at a CST school.