



STAFF CODE OF CONDUCT POLICY

Rationale

- The *Code of Conduct for Victorian Public Sector Employees* outlines the standard of behaviour expected of public sector employees. The code is designed to help public sector employees understand their responsibilities and obligations, and to provide guidance if they are faced with an ethical dilemma or conflict of interest in their work.
- Public sector employees include employees in the Victorian Public Service and the Government Teaching Service. Copies of the code can be obtained by contacting the Conduct and Ethics Branch on (03) 9637 2595 or by email to <mailto:conduct.ethics@edumail.vic.gov.au>
- The Victorian Government Schools Agreement 2013 (known as “the Agreement”) between the State of Victoria (Department of Education), the employees covered by this agreement and the unions is made to enhance the employment interests of persons employed in Victorian government schools consistent with the Government’s commitment to a high-quality, universally accessible public education system, increased education standards and school self-management.
- The objectives of this agreement are to facilitate:
 - (1) An ethos and a culture that values excellence and high standards of achievement and ensures the highest standards of work including teacher quality.
 - (2) A working environment that encourages and rewards skilled and dedicated school staff through the development and implementation of policies and employment arrangements that best supports the delivery of high quality educational services.
 - (3) The implementation of strategies that address attraction and retention issues including the capacity to offer differential benefits to attract and retain staff in rural and regional Victoria and hard to staff schools.
 - (4) The flexibility required by schools, operating within a statewide framework and consistent with this agreement, to deliver improved education outcomes.
 - (5) The implementation of school improvement strategies that transform and improve what happens in schools and classrooms in the context of the resources available to support the desired outcomes.
 - (6) Highly effective leadership and support to principals as key educational leaders.
- Increasing the educational attainment of all Victorian children requires a commitment to support employees to fulfil their responsibilities in the professional contexts in which they work. This requires all employees to maintain the currency of their knowledge base in order to adapt continually to the dynamic nature of the external environment and the diverse nature of the student cohorts who attend government schools. Therefore the parties bound to the agreement are committed to the following:
 - (1) Building on the achievements of the Victorian government school system.
 - (2) System and school reform that leads to an improvement in the educational opportunities and outcomes for all young Victorians.
 - (3) An education system that deploys and maximises its resources to benefit all young Victorians.
 - (4) A policy and funding environment that recognises the differential needs of students and schools in order to achieve high quality outcomes for all students.
 - (5) Principals using their devolved authority to effectively manage and develop their workforce to ensure that the quality of their work continues to improve and impacts positively on the attainment of their students.

- (6) Performance and development processes that recognise and affirm high performance, address underperformance and value continuous high quality professional learning.
- The parties commit themselves to the following industrial relations principles:
 - (1) Cooperative and consultative relationships between management, employees and the union(s).
 - (2) Management, employee and union relationships based on mutual respect, trust and preparedness to consider alternative viewpoints.
 - (3) Negotiations involving a mutual problem solving approach focusing on long term gains for all parties.
 - (4) To work within a progressive industrial relations culture to create a system of highly effective schools with effective workplace practices.
 - (5) Recognition of an appropriate role for workplace representatives.

School Based Consultation

- (1) Staff morale and employee job satisfaction are enhanced where the views of all employees are taken into account before decisions are made. The aim of this agreement is to establish workplace consultative arrangements that ensure the principal's responsibility, as the Employer's representative, to make school based decisions is carried out in a framework that enables staff to have input into the decisions that affect their working life.
 - (2) The Principal, as the Employer's representative, has ultimate administrative and operational responsibility for decisions at the school, provided that these decisions are made in accordance with the consultation principles outlined below.
 - (3) The Principal, as the Employer's representative, must put in place formal staff consultative arrangements that ensure school staff have the choice and opportunity to be involved in the consultative process in the school. The consultative arrangements must allow for the representation of employees for the purposes of consultation and the input of the union sub branch, if one exists at the school.
- The following Victorian Acts and Regulations relate to the employment conditions of staff in the Department:
 - *Charter of Human Rights and Responsibilities Act 2006*
 - *Constitution Act 1975*
 - *Education and Training Reform Act 2006*
 - *Equal Opportunity Act 2010*
 - *Freedom of Information Act 1982*
 - *Government Superannuation Act 1999*
 - *Health Records Act 2001*
 - *Information Privacy Act 2000*
 - *Occupational Health and Safety Act 2004 and Regulations made under that Act*
 - *Protected Disclosures Act 2012*
 - *Public Administration Act 2004*
 - *Racial and Religious Tolerance Act 2001*
 - *State Employees Retirement Benefits (SERB) Act 1979*
 - *State Superannuation Act 1988*
 - *Working with Children Act 2005*
 - *Workplace Injury Rehabilitation and Compensation Act 2013*
 - In addition, the following Victorian Acts and Regulations also relate to the operations of workplaces in the Department:
 - *Audit Act 1994*
 - *Children, Youth and Families Act 2005*
 - *Child Wellbeing and Safety Act 2005*
 - *Children's Services Act 1996 and Regulations made under that Act*
 - *Dangerous Goods Act 1985 and various Regulations made under that Act*
 - *Drugs, Poisons and Controlled Substances Act 1981*
 - *Food Act 1984*
 - *Financial Management Act 1994*
 - *Multicultural Victoria Act 2011*
 - *Ombudsman Act 1973*
 - *Public Health and Wellbeing Act 2008*
 - *Public Records Act 1973*
 - *Wrongs Act 1958*

Purpose

- To ensure Mackellar Primary School complies with the legislative requirements of the above Acts where applicable.
- To ensure the school has an understanding of the core objectives of the Agreement.
- To ensure the school complies with the terms and conditions of the Agreement.

- To ensure staff have a clear understanding of the rights and responsibilities of teaching and Education Support staff working at Mackellar Primary School.
- To ensure staff understand the importance of the policies that direct operations at the school.

Implementation

- The school is committed to developing and implementing support structures to maximise student outcomes and staff potential in a safe and supportive environment.
- Mackellar Primary School will implement the terms and the spirit of the Agreement.
- In summary this includes:
 - Establishment of a Consultative Committee
 - Long-term planning for workforce management and the planning and organisation of the instructional program
 - Organisation of teacher work requirements
 - Organisation of ES staff
 - Support for teachers in their first twelve months
 - Organisation of classes and class sizes
 - The structure of selection and other panels for the purpose of making recommendations to the Principal
 - Grievance procedures
- In summary, teaching staff are required to
 - Undertake face-to-face teaching of 22 hours 30 minutes per week for primary school teachers
 - Be aware that ordinary hours of duty are 76 hours per fortnight for full time employees and pro-rata for part-time employees
 - Unless otherwise agreed with the Principal, be in attendance for a minimum of seven hours daily
 - Be prepared to carry out other duties for up to one hour daily
 - Undertake a range of other duties, including organisational duties, consistent with their classification level and salary range
 - Implement the school's philosophy of education
 - Be thoroughly familiar with school policies which are subject to regular briefings and specific direction e.g. *Anaphylaxis Management, Asthma Management, Child Safety, Duty of Care, Mandatory Reporting, Homework, Yard Duty/Supervision, Emergency Management.*
 - Have a knowledge and understanding of other school policies
 - Maintain personal professional learning consistent with school policy.
- In summary, teaching staff have the right to:
 - A not excessive workload
 - Have their duties defined
 - Feedback on performance
 - Class sizes P-6 of an average of 26 students provided the average of 21 for P-2 is maintained
 - Express interest in additional duties that attract a special payment
 - Have the schedule of meetings drawn up for the whole year
 - A lunch period of not less than 30 minutes free from assigned duties
 - Release from duties to attend an interview at another government school
 - Leave and return from leave as described in the Agreement and in the school's *Leave Policy*
 - Public holidays as described in the Agreement
 - Reimbursement of reasonable expenses actually and necessarily incurred in the course of authorised duties and other expenses as defined in the Agreement
 - Agreed and published dispute resolution procedures
 - An individual flexibility arrangement pursuant to the Agreement and matters permitted under the *Fair Work Act 2009*
 - Concern for each individual's wellbeing
 - A safe and secure working environment

- In summary, Education Support Class staff are required to:
 - Be in attendance for a minimum of 7.6 hours daily between 8.00 am and 6.00 pm Monday to Friday
 - Be prepared to attend for duty and/or professional development up to a maximum of six days
 - Perform the duties that form part of the role description
 - Be thoroughly familiar with school policies, which are subject to regular briefings and specific direction e.g. *Anaphylaxis Management, Asthma Management, Child Safety, Duty of Care, Mandatory Reporting, Emergency Management.*
 - Have a knowledge and understanding of other school policies
 - Maintain personal professional learning as applicable
- In summary, Education Support Class staff have a right to:
 - Have their daily starting and finishing times defined
 - Agree the time and duration of meal breaks (ESS staff cannot work for more than five hours without a meal break)
 - Agree attendance at school meetings and meetings with parents
 - Have the dimensions of their work defined in accordance with the Agreement
 - Agree flexible work arrangements
 - If a Level 1 employee is required to work in vacations, expect a responsible manager will be in attendance
 - Expect the leave purchase allowance will be paid if appropriate under the Agreement
 - Time-in-Lieu if entitled
 - Those general rights of teaching staff as above
- All staff must clearly understand the school's commitment to **zero tolerance of child abuse** and the role of each individual staff member in maintaining a safe and happy environment for children and ensuring their protection and empowerment.
- All staff can expect regular training to ensure everyone in the school feels supported in this vital role.
- Under no circumstances may any staff member communicate with student on social media.
- All staff will require a current Working with Children Check.
- All staff should be aware that unsatisfactory performance procedures may be applied as per the Agreement Schedule 5.

Evaluation

- The policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update mid July 2013 [The Agreement], late February 2016 [Child Safe Standards Toolkit]).

This policy was ratified by School Council on June 2016

References:

www.education.vic.gov.au/hrweb/employcond/Pages/certagree.aspx
www.education.vic.gov.au/hrweb/employcond/Pages/conduct.aspx
www.education.vic.gov.au/hrweb/employcond/Pages/legislat.aspx