

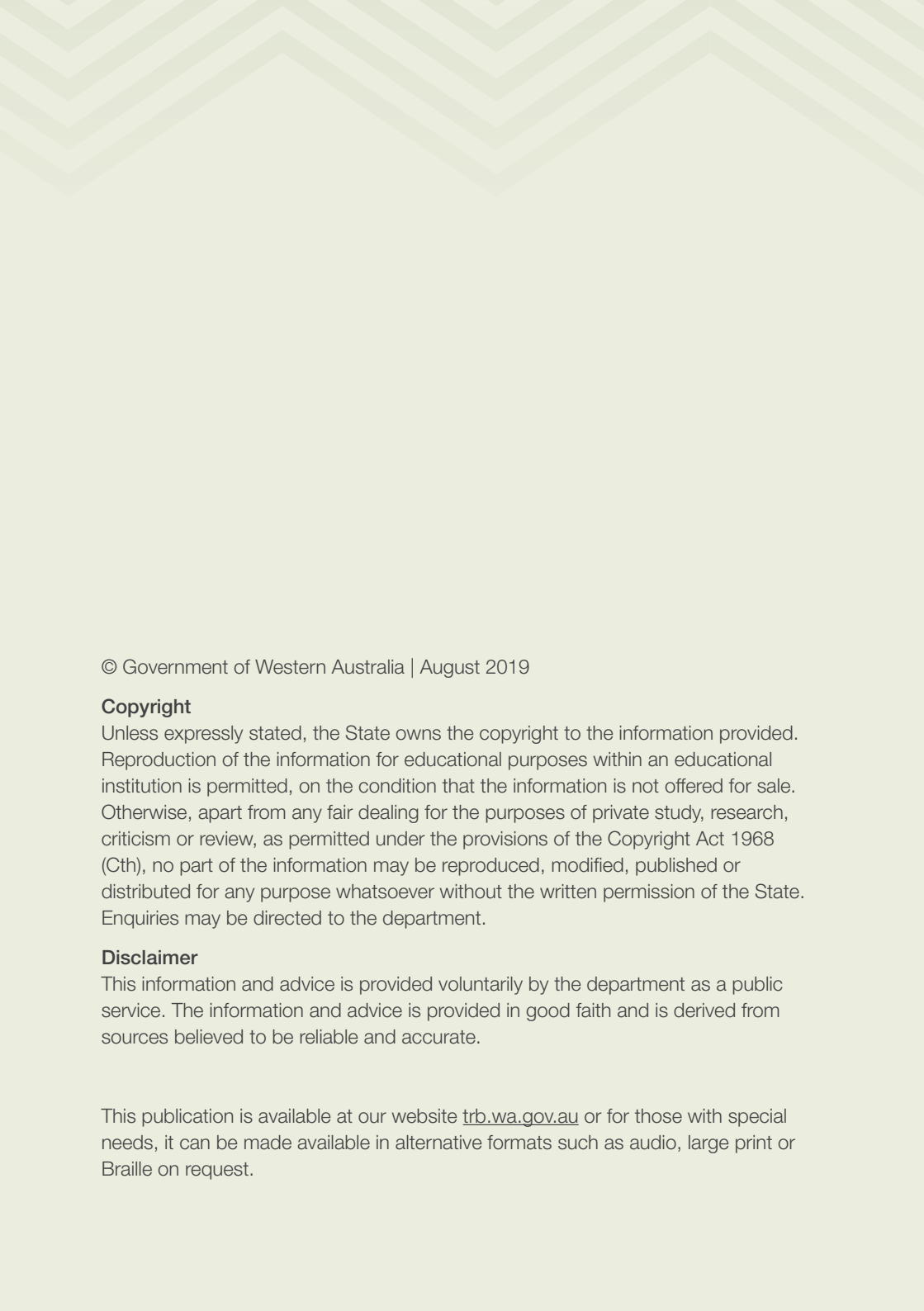


TRBWA

Teacher Registration Board
of Western Australia

Teacher-Student Professional Boundaries

A Resource for WA Teachers
Revised Edition



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Introduction

In early 2017 the Teacher Registration Board of Western Australia (**Board**) published the *Teacher-Student Professional Boundaries – A Resource for WA Teachers* (**Resource**). The Resource has been very positively received by the WA education sector. The Board considered it was timely to update the Resource as part of its commitment to being a quality and contemporary regulator of the WA teaching profession that operates in the best interests of children. This updated Resource has benefited from feedback from key stakeholders.

The Board was established under the *Teacher Registration Act 2012* (**Act**) to regulate teachers in Western Australia. The Act requires the Board to regard the best interests of children as the paramount consideration in the performance of its functions.





Effective regulation contributes to the protection of children by ensuring that only fit and proper persons are registered as teachers in Western Australia. The role of the Board in this regard is essentially twofold. The first is to make an assessment, at initial registration or renewal of registration, as to whether a person is fit and proper to be registered. The second is to monitor and investigate notifications and complaints that are made about teachers. In this regard, the most serious matters that the Board deals with relate to allegations involving the grooming of children and child sexual abuse. These behaviours are often the most difficult to prevent or detect.

It is fundamental that children have the right to be safe from harm. Teachers should not cause emotional, physical or sexual harm to any child.

In research done for the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), Professor Munro and Dr Fish state:

[T]he challenges posed by the problem of child sexual abuse are (1) that perpetrators seek to conceal their activities; (2) children and young people who are abused can be unable or slow to ask for help; and (3) many of the behavioural indicators of abuse and ‘grooming’ are ambiguous, requiring judgement or interpretation to decide if they are cause for concern. ‘Grooming’ involves actions by the perpetrator to increase their chances of abusing a child undetected.¹

**The Royal Commission provided its final report in December 2017.
Its recommendations focus on:**

- » Preventing abuse or, at the very least, identifying it as early as possible.
- » Improving the way perpetrators are investigated, prosecuted and sentenced.
- » Improving survivors' access to justice and ongoing support.²

In particular, volume 13 of the Royal Commission's report on child sexual abuse in government and non-government (Catholic or Independent) primary and secondary schools examines the nature and adequacy of institutional responses. It draws out the contributing factors to child sexual abuse in schools and makes recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.³

Educating teachers about professional boundaries between teachers and students is one way of assisting teachers to take action to reduce or prevent child grooming from occurring in schools, with a view to preventing child sexual abuse which may otherwise have occurred.

Purpose

The Resource is intended to provide information about professional boundaries in teacher-student relationships. It provides some preventive strategies which may serve to remind teachers that the student-teacher relationship has boundaries related to time, place, purpose and activity.

The Resource is produced to raise awareness of issues and situations that may arise, prompt reflective behaviour and provide some guidance. It cannot, however, possibly address all possible circumstances that teachers might find themselves in. It is not intended to provide an exhaustive list of unacceptable, unwise or 'at-risk' behaviours which may breach the boundaries associated with teacher-student relationships.

Teachers are encouraged to seek advice from their principal or a senior/ supervising colleague if they are in any doubt about the appropriateness of their proposed conduct or another teacher's conduct.

Scope

The Resource provides information to all registered teachers in Western Australia, as well as those interested in becoming registered teachers.

It may also be used by the public, including parents, carers, students and other professionals to inform and assist them when dealing with teachers and any concerns they may have about a teacher's behaviour that arises in the context of teacher-student relationships and interactions.

Status

The Resource is not a statutory code and, as noted above, is not intended as an exhaustive list of inappropriate or unacceptable behaviours or activities.

Teachers must exercise their own sound judgement and common sense in applying the material contained in the Resource to the situations in which they may find themselves.

It should be read and considered in conjunction with their employer's code of conduct (or similar document) and other resources made available by the teacher's employer. In this context, it is designed to assist employers in fulfilling their responsibilities of providing guidance and mentoring to teachers, particularly those who are new to the profession. Teachers should seek guidance from their employer if they believe there are inconsistencies between the Resource and their school's code of conduct or similar document.

That said, if a certain behaviour or activity is not specifically prohibited by an employer, it does not follow that it is ethical or will not lead to a disciplinary action by the Board or indeed to criminal prosecution. Teachers are ultimately responsible for their own actions and will be judged by them. For that reason, the Resource is available to assist teachers to become more informed about behaviours which may breach professional boundaries.

Importantly, the Resource is intended to complement rather than diminish the important role that teachers play in providing a duty of care to their students. Consistent with the Guidelines issued by the Commission for Children and Young People⁴, this Resource is also intended to contribute to the continuing goal of making all schools in Western Australia as child safe as possible. The Resource also complements the ongoing work to develop and implement child safe standards across the Western Australian education sector.

Professional boundaries⁵

Teachers must act professionally at all times, particularly in their relationships with students. Their conduct, in complying with professional boundaries, must be unambiguous.

The teacher-student relationship is not equal. Teachers are in a unique position of trust, care, authority and influence in relation to their students, which means there is always an inherent power imbalance between teachers and students.

Teachers can have a positive and important impact on children. For example, teachers who create a culture of safety within classrooms, the school and communities in which they live, are strong role models in caring and ethical behaviour. Teachers who respond firmly and judiciously to poor behaviour between students also help children to feel safe and to learn about their rights, responsibilities and positive behaviours.

Professional boundaries are breached when a teacher misuses their power in such a way that a student's safety or welfare is compromised.

As most teachers will recognise, some conduct clearly breaches those boundaries. While there may be some 'grey areas', teachers must take responsibility for establishing and maintaining appropriate professional boundaries with their students. This means exercising good judgment and recognising the potential negative consequences for students as well as teachers engaging in certain behaviours with students, or allowing inappropriate conduct to continue.

Pastoral care is the commitment of teachers to the wellbeing of each student. Effective pastoral care is achieved through promoting positive school environments that support the physical, social, intellectual and emotional development of every student. Pastoral care forms an integral part of a teacher's role. The Resource does not diminish or reduce the pastoral care role, but instead attempts to inform teachers who are providing the pastoral care function.

Teachers may use 'time, place, circumstance' as a guiding principle, by asking themselves:

- » Is this the appropriate time for my planned action?
- » Have I chosen the appropriate place for the planned action to take place?
- » Are these appropriate circumstances for me to take my planned action?

Teachers must be vigilant to ensure they don't view or treat students as peers or friends. This particularly applies to new teachers who are just a few years older than the students they teach.

As with all people, teachers have their own unique vulnerabilities. Teachers who experience difficulties in their personal lives or are socially or emotionally immature may be particularly susceptible to engaging in 'at risk' conduct/ behaviours with students. The attention, admiration and sometimes adoration bestowed by students on a teacher can be overwhelming and may be the catalyst for teachers to engage in inappropriate conduct, particularly when a teacher is emotionally vulnerable. Teachers must be alert to this risk and ensure they do not meet students in inappropriate situations which encourage inappropriate attention. They need to keep students at arm's length, maintaining a professional relationship at all times.

Examples of some vulnerabilities displayed by some teachers include:

- » Teachers regarding students as peers.
- » Teachers experiencing adult relationship issues.
- » Immature teachers.
- » Teachers feeling a need for attention.
- » Teachers who abuse alcohol, or drink inappropriately in social situations.
- » Teachers with an under-developed personal moral compass.
- » Teachers who lack personal crisis management skills.

For teachers, recognising their own vulnerabilities is a positive step towards avoiding taking actions which may lead to a breach of professional boundaries with students. As indicated earlier, it is hoped that the Resource provides a prompt for self-reflection for all teachers.

Teachers who teach students with special learning needs may need to have physical contact with students which would be inappropriate with mainstream students. School guidelines on dealing with students with special learning needs, or even a particular student, must be followed. In unusual or unexpected situations, where physical contact becomes necessary which falls outside those guidelines, it is preferable to have another adult, for example an educational assistant, present.

Teachers must consider their motivation in their interactions with students. Every action a teacher plans with respect to his or her students should be in the students' interests. If in doubt, teachers may ask themselves: "Whose needs are being met by my course of action?". There is only one acceptable answer to this question - the needs of the student.

Engaging in conduct with students to satisfy a teacher's own needs is unacceptable.⁶ It is a betrayal of the trust of students, parents, the profession and the community.

The Department of Education⁷ suggests that if people are unsure what to do in a particular situation, to ask themselves:

- » Am I doing the right thing?
- » How would others judge my actions?
- » How could my actions impact on others?
- » Should I discuss this with someone else?

The following suggestions may assist teachers in maintaining professional boundaries with students:

- » Use only appropriate authority and power in dealings with students.
- » Keep dealings with students open and available to scrutiny from appropriate authorities.
- » Treat students fairly, without treating any students as 'favourites'.
- » Use only employer-authorised means of communicating with students, including authorised IT systems, not personal email or private messages on websites or any social media.
- » Actively avoid situations which could be regarded as private or personal between a teacher and a student.
- » Teachers should not knowingly form relationships with school students who attend any school, even if the student is 18 years or over.
- » It is recognised that at times teachers may meet with students on a one to one basis out of respect for the student's privacy and/or self-esteem. That said, where practical, ensure that there is written consent from leadership within the educational venue in advance of one-to-one meetings with a student. It may be that some meetings are impromptu or part of the flow of teaching. In that case, give consideration to time, place and circumstance, as described above.
- » One-to-one meetings with students are best held during normal school hours, although it is recognised that there are some occasions this is not the case. If a teacher meets with a student after hours, it is more important that the meeting is held in an open and visible location. Sitting down in an open classroom with a student, or in a library, after hours is sometimes the only or best chance to achieve some educational goals with some students. Meeting with a student in a coffee shop or other social setting, without a valid context, even with appropriate

school/parent permissions in advance, is rarely an appropriate course of action.

- » Keep good records of one-to-one meetings with students, including the reasons for the meetings and records of which senior staff member authorised them or were made aware of them.
- » Keep the content and tone of all meetings and discussions with students professional.
- » Teachers should be aware that at times students may sexually harass teachers. Teachers may need to seek assistance if such student behaviour occurs.

If still unsure, teachers are encouraged to seek advice from a trusted supervisor or their Principal.

Finally, teachers are not, in any circumstances, to engage in any act or conduct directed towards a student of a romantic or sexual nature including, but not limited to, the following:

- » Kissing and/or caressing.
- » Obscene language or gestures of a sexual nature.
- » Suggestive remarks or actions.
- » Jokes or humour of a sexual nature.
- » Unwarranted and inappropriate physical contact.
- » Indecent exposure.
- » Inappropriate verbal compliments.
- » Communicating or corresponding with students about sexual or personal feelings for the student.
- » Exposing students to the sexual behaviour of others, other than in authorised curriculum resources in the context of education about healthy sexual relationships.⁸

What are teachers' obligations as a professional?

There is an expectation that teachers meet the *Professional Standards for Teachers in Western Australia*.

In particular, for current purposes, it is a requirement under Standard 4 that teachers create and maintain supportive and safe learning environments.

Relevant focus areas under Standard 4 are:

- » 4.4 Maintain Student Safety; and
- » 4.5 Use ICT safely, responsibly and ethically.

Also, it is a requirement under Standard 7 that teachers engage professionally with colleagues, parents/carers and the community.

Relevant focus areas under Standard 7 are:

- » 7.1 Meet professional ethics and responsibilities; and
- » 7.2 Comply with legislative, administrative and organisational requirements.

Teachers owe a duty of care to their students and safeguard their physical and emotional wellbeing.

As professionals, teachers must:

- » Understand that a student's tolerance or encouragement of a teacher's behaviour is not a reason or a reasonable explanation for a teacher commencing or continuing unacceptable behaviour.
- » Be aware of any teacher who may seem too familiar with one student.
- » Be aware of any teacher who shows too much attention to one student.
- » Maintain an up-to-date knowledge and understanding of, and implement and comply with, student protection policies and relevant legislation as they apply to their profession.
- » Consult a trusted supervisor or principal about the conduct/behaviour of a colleague if it raises concerns about the teacher.
- » Intervene and report professional boundary breaches with respect to students by a teacher to one or more of: their principal, the Department for Child Protection and Family Support (**CPFS**), the Western Australia Police Force and the Board, as is appropriate.

The legal obligation to report sexual abuse of children

There are particular legal obligations to report sexual abuse of children.

Every child and young person has a right to be protected from sexual abuse. Teachers are among the mandatory reporters of child sexual abuse under the *Children and Community Services Act 2004 (CCS Act)*.

Sexual abuse in relation to a child includes sexual behaviour in circumstances where:

- a) *the child is the subject of bribery, coercion, a threat, exploitation or violence; or*
- b) *the child has less power than another person involved in the behaviour; or*
- c) *there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour (section 124A of the CCS Act).*

Once a mandatory reporter (eg teacher) forms a belief, on reasonable grounds, that child sexual abuse has occurred or is occurring, they must make a report to CPFS.

Mandatory reporters are encouraged to make a verbal report initially, due to the seriousness of child sexual abuse. The number to call is 1800 708 704 if calling from a landline. A verbal report must be followed by a written report as soon as possible, preferably within 24 hours.

For further information about mandatory reporting by teachers, to locate useful resources or to lodge a mandatory report online, go to the CPFS Mandatory Reporting website at: mandatoryreporting.dcp.wa.gov.au.

Breaches of professional boundaries

To assist teachers, professional boundaries may be categorised into specific types of boundaries, although these categories cannot be considered mutually exclusive.⁹

They include:

- a) **Emotional Boundaries** - Emotional self-regulation primarily involves using appropriate levels of emotion in interactions with students, and dealing with students' emotions appropriately in teaching settings.
- b) **Relationship Boundaries** - Relationships between teachers and students are professional relationships, with a recognition that teachers are not 'friends' with students, in the way students are friends with other students.
- c) **Power Boundaries** - Teachers are in a position of power and authority over students and must ensure they do not abuse that position.
- d) **Communication Boundaries** - These relate to what teachers say and how they say it.
- e) **Physical Boundaries** - Teachers should limit physical contact with students to circumstances where, using 'time, place, circumstances' as a guiding principle, the contact is appropriate and required or necessary. Teachers must ensure they do not engage in inappropriate physical contact.

To further assist with an understanding of professional boundaries, the following lists provide some different types of breaches of boundaries and gives examples of unacceptable behaviours which may be described as breaching professional boundaries in the areas described.¹⁰

Emotional

- » Showing preferential treatment to particular students without legitimate reasons.
- » Excluding students or preventing them from receiving the same educational opportunities as others.
- » Using subtle forms of control to allow a student to develop an inappropriate emotional dependency on the teacher.
- » Engaging inappropriately with students, or acting inappropriately by adopting a role along the lines of ‘friend’ or ‘personal counsellor’ (unless there is a legitimate role designated).
- » Belittling or humiliating students.
- » Using harsh or inappropriate tone or language when speaking to students.
- » Talking about a student when the student or others can hear the conversation.
- » Making statements which intentionally upset a student or students.

Relationship

- » Engaging in intimate, romantic or sexual relationships with a student.*
- » Engaging in flirtatious behaviour with a student.
- » Intimate gesturing or physical contact, eg hugging one or two particular students after an awards program.
- » Expressing romantic feelings towards a student verbally, in writing or in any other form.
- » Encouraging students to call teachers by their first names, when it is not the normal convention at that school.
- » Meeting a student alone outside school without a valid context and without appropriate school/parent permissions in advance.
- » Taking a student for an unauthorised outing, eg coffee, the movies or other social events.
- » Favouring a particular student, with no educational or valid purpose. This can include spending extra time with the student for inappropriate purposes or in inappropriate circumstances, driving the student home (without prior authority), or favouring the student inappropriately.
- » Gaining the trust of a student’s family and friends as a way of further integrating themselves in the student’s life, such as inviting the student and their family to attend the teacher’s holiday home.**

* For a further discussion on relationships with former students, see page 20.

** For a further discussion on teachers living in a small town or rural community, see the Q&A section.

Power

- » Privately giving a student a gift, eg money, credit for a mobile phone or a meal.
- » Using the teacher's authority to harm or threaten to harm a student.
- » Withholding information from a student to manipulate the student eg to be alone with the student.
- » Rewarding or punishing a student based on an inappropriate teacher-student relationship, or favouring a student based on what the student does for the teacher.
- » Using a student to gain a personal benefit, such as monetary gain, goods, services or useful information from a student with expertise/connections.
- » Bribing a student into silence about the teacher's inappropriate conduct.

Communication

- » Talking or joking with a student about personal matters or sexual matters that are outside curriculum content.
- » Inappropriate comments about a student's appearance, including excessively flattering comments.
- » Vilifying or humiliating students whether it is about their race, sexuality or any other aspect or characteristic of the students.
- » Facilitating or allowing access to pornographic or overtly sexual material that is outside the curriculum.
- » Failing to appropriately respond to sexual harassment between students.
- » Using pet names for a few particular students.
- » Engaging in correspondence of a personal nature with students, including letters, phone, SMS texts and/or social media. This does not include class postcards or bereavement cards.
- » Using social media to interact with a student without a valid educational context and appropriate safeguards.*
- » Offering advice to a student on personal matters, where it is not done in an authorised situation, such as an authorised pastoral care situation.
- » Asking a student questions about personal/sexual matters.
- » Not immediately stopping, respectfully, discussions of a personal/sexual nature, that are not in keeping with the teacher's pastoral role, recognising that even where a student initiates it, it is for the teacher to draw the line.
- » Breaching the confidentiality of others with a student eg talking about other staff or students to a student.

* For a further discussion on the use of social media, see the Q&A section.

Physical

- » Physical contact with a student without a valid/authorised reason or context. Examples of valid reasons include removing a student from danger where physical contact is the only viable way of removing the student from the danger, in particular in physical education activities, consoling an upset child or providing first aid to a student in need.
- » Unnecessary physical contact with one or two particular students. This is distinguished from the types of physical contact a teacher of younger children might engage in on a daily or frequent basis, for reassurance or as part of normal classroom management.
- » Unwarranted, unwanted and/or inappropriate physical contact with a student, personally or with an object, such as a pencil or ruler.
- » Initiating or permitting inappropriate physical contact by or on a student, eg massage or tickling games.
- » Allowing students to push too close, or to otherwise make inappropriate contact with a teacher.
- » Being present when students dress or undress, when not in an authorised supervisory role.*
- » Undertaking or allowing rough handling, corporal punishment or undue restraint of or on students.

* For a further discussion on working with younger students, see page 21.

There will be instances where some of the above conduct is undertaken by teachers quite legitimately and for laudable reasons.

For example, a teacher may provide breakfast or money for lunch for a student from a highly disadvantaged background or may assist a student who seeks their advice on a personal matter because the student has no other trusted adult to turn to. Any such activity by the teacher should, however, be undertaken as transparently as possible, with the knowledge and consent of the teacher's principal or senior/supervising colleague, and a good record kept. If the activity is likely to be repeated, the teacher should seek authorisation from a senior/supervising colleague or their principal to engage further in the activity.

Across various jurisdictions there have been disciplinary cases which have involved examples of transgression of professional boundaries between teachers and students which have led to findings against registered teachers, of misconduct, serious misconduct, or a lack of suitability/fitness to teach.

For breaches of professional boundaries on the more extreme end of the spectrum of seriousness, there are instances where teachers' registrations have been suspended or cancelled, as a result of the teachers' actions or inaction.

Grooming

Child grooming has been described in a paper released by the Australian Institute of Criminology¹¹, as follows:

Child grooming, a premeditated behaviour intended to secure the trust and cooperation of children prior to engaging in sexual conduct, is a process that commences with sexual predators choosing a location or target area likely to be attractive to children. A process of grooming then commences during which offenders take a particular interest in their child victim to make them feel special with the intention of gaining their trust. As trust is developed between the child victim and the offender, offenders then seek to desensitise child victims to sexual conduct by introducing a sexual element into the relationship.

By virtue of their role, teachers have access to children at school, and sometimes in other locations. Therefore it is important that teachers maintain professional boundaries and refrain from conduct which may be identified as grooming.

It is also important that teachers are able to identify unacceptable conduct in others and report it to appropriate authorities if they observe it.

Identifying the warning signs

In addition to the behaviours identified in the table above, often a variety of signals, patterns of behaviour and warning signs are present which may indicate that a teacher has crossed professional boundaries and is grooming a student.

Such behaviours include a teacher:

- » Speaking about a student constantly, without a valid educational or pastoral reason.
- » Hovering near a student inappropriately.
- » Making a student feel special – for example by spending extra time with the student, arranging to drive the student home, buying the student lunch or other items, asking the student to be a special helper in the class or unnecessary physical contact with the student, with no clear professional purpose or educational reason.
- » Focussing inappropriately on a student who is emotionally vulnerable, for example a student who is having problems with their parents or is new to the school and hasn't established their circle of friends yet.
- » Attempting to bribe a student into silence about the teacher's inappropriate conduct.

- » Involving themselves in a student's home life without legitimate reason, for example by gaining the trust of the student's family and becoming involved in the life of the family.
- » Using social media, without an authorised educational context, to foster an inappropriate relationship with a student.

The following questions¹² may be of further assistance to teachers in recognising when professional and/or legal boundaries are at risk of being breached:



- » Am I dealing with a particular student in a different manner than with other students under the same circumstances?
- » Am I behaving in a way that puts my own emotional needs above a student's needs or welfare?
- » Am I sharing information with a student because I think it will help the student or because I need to be liked?
- » Am I interacting with the student in an 'online environment' consistently with the way I would act with that student in class or at school?
- » Am I engaging in behaviours and discussions either personally or 'online' that are or should be beyond the realm of children or teenagers?
- » Is my dress, availability, language or demeanour different from normal, with a particular student?
- » Would I modify my behaviour with a student if a colleague or parent was present?
- » Would I judge my conduct negatively if I observed it in another teacher?
- » Is it possible that the consequences of my actions will have negative outcomes for the student?
- » Is it possible that the consequences of my actions will negatively affect people's confidence in my suitability/fitness to teach and work with children?
- » How would I feel explaining my actions to the student's parent or guardian?
- » How would I feel explaining my actions to my teacher regulatory authority?

Social media

If schools have authorised platforms set up (for example ‘Connect’, the Government Online Learning Platform), teachers should use these methods of communicating with students, rather than any other social media.

Previously, teachers may have used social media as a tool to enable them to communicate with their students by providing them with links to education resources, post homework assignments, monitor a discussion forum on topics related to the curriculum or answer specific questions. Most now have monitored, controlled platforms in which teachers and students may safely communicate.

There needs to be a clear distinction between professional and private use of social media, which, by its very nature, exposes both teachers and students to fairly significant risks when it comes to respecting the boundaries between teachers and students.

If an employer allows teachers to communicate with students via social media, and a teacher wants to use social media, an arrangement ought to be made to establish a separate professional account. Ideally teachers should share the use of a ‘professional’ social media account among several teachers, and which is open for senior staff to check at any time, to reduce the risk of perceived or real boundary breaches. Students should be aware that the account is moderated by authorised school personnel.

The blurring of lines between one’s public and private lives has always been a concern for professionals who are entrusted by the public to provide a service. Teachers’ responsibilities as professionals extend beyond the end of the day when their teaching or school-based duties are over.

Allowing the boundaries between a teacher’s personal and professional life to be blurred can undermine a teacher’s authority and create significant risk for both teachers and students. It is when teachers maintain boundaries appropriate to professional relationships, that they more easily set up safe communications, based on students’ needs and within appropriate limits. Safe relationships are threatened when the boundaries become blurred, particularly when dual relationships are created. In these cases, teachers may have moved professional relationships into the personal realm.

Social media makes it much easier for dual relationships to exist. Teachers who would never engage in boundary breaches like taking a student to lunch or offering to drive a student home in normal situations, may feel that it is acceptable to add a student as a 'friend' on social media. Some teachers find it difficult to 'reject' a request to be a student's 'friend' as they are concerned that the student may take the 'rejection' badly. This situation may be avoided if teachers make it clear that they will never be 'friends' with students on social media.

If teachers do receive requests on social media from students to be a 'friend' on their personal accounts, they must reject them. This is the case whether the students attend their school or any other school.

Limiting communication to authorised, monitored accounts makes it easier for teachers to ensure that they limit communications with students and focus solely on educational issues. Teachers should not engage in online discussions with their students that are not the type of discussions they would engage in with students in class settings or might otherwise be seen to be inappropriate.

Technology-related cases where professional boundaries are breached that come before teacher regulatory authorities tend to be those which arise when teachers don't maintain an appropriate professional relationship with students, either by allowing students to access teachers' personal information or photos, even inadvertently, or when teachers communicate with students in a way that does not ensure that the professional nature of the teacher-student relationship is maintained. This is more likely to occur when teachers use their personal social media account to communicate not only with friends and family, but also with students.

If teachers are considering using social media as part of their professional practice, they might ask themselves:

- » Does the school have a platform set up for teacher-student-parent interactions that I may use instead of social media?
- » How can I use this media appropriately?
- » What are the risks?
- » What are the benefits?
- » What protocols/permissions need to be obtained or considered?
- » Are there other ways that I can achieve the objectives without using social media?
- » Is it appropriate for me to share this account with other teachers?

- » Have I provided one or more senior teachers with access so that the interaction is always able to be checked by senior staff?
- » To what extent are parents or guardians aware and have oversight of the interaction?
- » Is it clear to students that this account is monitored by several staff members, even if they don't use it to communicate?

Teachers using social media are advised to carefully consider their privacy settings to ensure that only intended and appropriate persons can view their pages.

Relationships with former students¹³

A relationship with a person who was previously the teacher's student, may be lawful but may still generate concerns that a teacher may previously have abused their position or crossed professional boundaries by using their position as a teacher to prepare a student for a relationship.

A teacher may, for example, find that concerns arise as to whether a relationship with a former student arose from a breach of professional boundaries, including grooming behaviour while the former student was under the care of the teacher. If the emotional intimacy of the relationship developed while a teacher-student relationship existed, the teacher will have abused their position.

By ensuring that a teacher's relationships with his or her students are strictly professional and do not breach boundaries, a teacher who forms a relationship with a former student will be less likely to come under scrutiny, if considerable time has passed between the time when the student was at school and the commencement of the relationship.

Working with younger students

Teachers who work with younger students, for example in child care educational venues or junior primary, are faced with different situations to teachers in upper primary and secondary schools. The need to have appropriate physical contact with students is likely to occur more often in child care educational venues and junior primary than in upper primary or secondary schools. That is not to suggest that all types of physical contact with younger children is acceptable. Teachers may still ask themselves whose needs are being met by their intended actions when they deal with younger students. They should consider whether physical contact is necessary and whether the students' needs could be met in a different way.

Teachers are more likely to have contact with younger students, for example when offering comfort, guidance and in daily aspects of teaching younger children. This may involve assisting students who need help dressing or undressing at appropriate times. Such contact must be authorised by senior staff either specifically, or be consistent with general rules, where possible. At such times, it is suggested that where possible, another adult be present or in the vicinity, for example an education assistant. It is also wise to record unavoidable contact which falls outside the school's code of conduct and rules, and to report it to parents and supervisors at the earliest opportunity, also recording the fact that it was reported.

The conduct of teachers who work with younger students may be identified as a concern where their conduct and contact:

- » with one student is distinguishable from that with the other students in circumstances where there are not appropriate educational reasons (and who have not, for example, recorded or reported the reasons for the different conduct and contact); or
- » is different to most other teachers in similar circumstances and gives rise to concerns.



Q&A:

Professional Boundaries

What should a teacher do if they think they observe a breach of professional boundaries by another teacher?

A teacher in that situation has a duty of care and must be prepared to intervene if necessary. If a child is at risk, action must be taken immediately. Subject to the nature of the breach, it may also be appropriate or a requirement to report* the matter to one or more of the following: their Principal, Head of Department or relevant line manager, Standards and Integrity at the Department of Education, Catholic Education Western Australia, the Department of Education Services Non-Government Schools Directorate, the Department for Child Protection and Family Support, the Western Australia Police Force and the Board.

Research from the Royal Commission indicates that an open culture where people (teachers) can discuss difficult judgements, report unsafe behaviour or mistakes is vital for organisations to learn. Schools seeking to be safe places for children must encourage frequent, open and supportive supervision of staff to help counteract the difficulties people face in making sense of ambiguous behaviours they observe in colleagues that may be grooming behaviours. Teachers should be advised to identify and be clear about who within the school they should discuss any concerning behaviours of colleagues. Further, all teachers in a school should be clear who is an external source of support, should those designated within the school be the person of concern, or if the teacher feels that their concerns are not being listened to, or addressed properly.

* The legal obligation to report child sexual abuse is described in Section 7.

Who should a teacher seek guidance or clarification from, in regard to this Resource?

Teachers may seek guidance or clarification from a senior teacher, mentor, line manager, Head of Department or Principal. It is preferable to obtain any clarification or assistance in writing.

What should a teacher do if a student comes close to breaching or does breach student-teacher boundaries?

Sometimes students intentionally or unintentionally cross boundaries with teachers, for example, in the way they speak to teachers or by initiating inappropriate contact with teachers. In these circumstances, a teacher needs to respond quickly but respectfully, ending the inappropriate contact, or ending the inappropriate conversation. The specific way a teacher handles such a situation will depend on the age, intention and maturity of the student concerned. If the situation involves a teacher observing inappropriate conduct or contact, the observing teacher may need to take immediate intervening action. In any event, they should report inappropriate contact by another teacher to a senior teacher or principal. Of course, once a mandatory reporter (eg teacher) forms a belief, on reasonable grounds, that child sexual abuse has occurred or is occurring, they must make a report to CPFS, as previously described.

Challenging situations can arise when teenage students, who are becoming aware of their own sexuality, may flirt with teachers. Teachers need to be alert to such behaviour by students and take steps to avoid situations that allow students to engage in such behaviour or stop the behaviour if it starts.

How should a teacher manage a private or other type of relationship with a student outside of school, including, for example, where the teacher may also be the student's sports coach or instructor or be involved in other extra-curricular activities with the student outside of the school environment?

Teachers need to remember that they are *always* in a position of trust and authority with students, whether they are involved with the student within or outside of the school setting. Teachers should be aware of the need to maintain appropriate boundaries when they are interacting with a student away from the normal school situation.

In these circumstances, teachers must remain aware that they are accountable for their personal conduct and that relevant professional standards and responsibilities continue to apply. In other words, a teacher's conduct towards a student or students should remain professional, no matter what the setting.

There have been situations where teachers have behaved inappropriately towards students away from school settings or arising from another (non-teaching) capacity, and where the teachers have been the subject of teacher disciplinary proceedings.

Is it ever acceptable for a teacher to socialise with a student or students?

Social engagements are an important part of community life in small towns or rural communities, and indeed in larger communities, and contribute positively to the wellbeing of teachers working in these communities.

Teachers involved in social or sporting groups, or working in small towns or rural communities face additional challenges in managing professional boundaries with students and their families. They are more likely to have social relationships with the parents of the students who attend their school and are therefore more likely to see their students out of school hours, in social or sporting settings, or at various community clubs or associations.

The situation may also arise where there is likely interaction between students and teachers outside school (for example, in some faith-based schools where the school and church community are intertwined). Similarly, the situation may arise at social events where the children or families of other teachers are also present, and where the children are students at the schools where the unrelated teachers teach.

This means that teachers will have legitimate reasons, on occasions, to attend social or sporting events which are also attended by students that they teach. It is also possible that they will visit students' homes or be visited by them, due to the teacher's social or sporting connections with students' parents or older, adult siblings. Teachers should generally avoid being in these situations with their students, unless they are in the company of other adults.

The recommendations below may assist teachers to enjoy these social or sporting engagements without compromising their professional responsibilities or crossing professional boundaries¹⁴:

- » Social contact should be generated via the relationship the teacher has with the event organisers (such as a social or sporting event) or parents/ carers or adult siblings of students.
- » Teachers should avoid being alone with their students in these situations and where it is unavoidable, do so with the informed consent of parents.
- » Teachers should conduct themselves in a way that will not give others reason to question their fitness/suitability to teach and that will not create discomfort for their students.
- » Consuming alcohol in these situations may lessen a teacher's capacity to judge when a professional boundary is at risk, so alcohol consumption should be avoided or limited.
- » Teachers should politely avoid discussing matters relating to their workplace and should not discuss any student's learning or progress, at social or sporting occasions.
- » Any concern a teacher has about whether or not a situation may be compromising or may breach professional boundaries should be disclosed to a senior/supervising colleague or their principal in advance, and an approved plan of action prepared and followed.

References

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The Board would also like to gratefully acknowledge the Australasian Teacher Regulatory Authorities (**ATRA**) for their document 'Managing Professional Boundaries: Guidelines for Teachers' and the Queensland College of Teachers (**QCT**) for its document 'Professional Boundaries: A Guideline for Queensland Teachers, May 2016'. The ATRA and QCT documents provided a framework for this document.

The Board also gratefully acknowledges the Government of South Australia Department of Education and Children's Services for material in its publication 'Proactive practices for staff in their interactions with children and young people – Guidelines for staff working or volunteering in education and care settings', revised in September 2011.

¹ Hear no evil, see no evil: Understanding failure to identify and report child sexual abuse in institutional contexts, <http://www.childabuseroyalcommission.gov.au/getattachment/620678bb-6c9d-45da-94c3-63c4b40e648f/Hear-no-evil.-see-no-evil> at 20 August 2019.

² <https://www.childabuseroyalcommission.gov.au/final-report> at 20 August 2019.

³ <https://www.childabuseroyalcommission.gov.au/schools> at 20 August 2019.

⁴ <https://www.cryp.wa.gov.au/our-work/resources/child-safe-organisations/> at 20 August 2019.

⁵ Adapted and developed from QCT's Professional Boundaries: A Guideline for Queensland Teachers page 4, <http://qct.edu.au/pdf/Professional%20Boundaries%20-%20A%20Guideline%20for%20Queensland%20Teachers.pdf>; and the Government of South Australia – Department of Education & Child Development, page 12 of "Protective practices for staff in their interactions with children and young people – Guidelines for staff working and volunteering in education and care settings, June 2005, https://www.dec.sa.gov.au/sites/g/files/net691/f/protective_practices_for_staff_in_their_interactions_with_children_and_young_people.pdf?v=1455240007 at 20 August 2019.

⁶ Adapted and developed from QCT's Professional Boundaries: A Guideline for Queensland Teachers page 4, found at <http://qct.edu.au/pdf/Professional%20Boundaries%20-%20A%20Guideline%20for%20Queensland%20Teachers.pdf>; and Dreon, Dr Oliver, Sheppard, S, Angelo, C. Educator Ethics and Conduct Toolkit (Unit 3 of 8 units "Relationships with Students", <http://www.pspc.education.pa.gov/Promoting-Ethical-Practices-Resources/Ethics-Toolkit/Unit3/Pages/The-Teacher---Student-Relationship.aspx> at 20 August 2019.

⁷ Department of Education, Government of Western Australia publication 'How to comply with our code of conduct' 2011 – page 3, <http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/guidelines/how-to-comply-with-our-code-of-conduct.en?cat-id=3457094> at 20 August 2019.

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- ⁸ Department of Education, Government of Western Australia publication 'How to comply with our code of conduct', 2011, page 6, <http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/guidelines/how-to-comply-with-our-code-of-conduct.en?cat-id=3457094> at 20 August 2019.
- ⁹ Aultman, L.P., Williams-Johnson, M. and Schuts, P. "Boundary dilemmas in teacher-student relationships: Struggling with 'the line'". Teaching and Teacher Education Journal, 25 (2009) pp 640-644, <https://www.sciencedirect.com/science/article/pii/S0742051X08001753>; at 20 August 2019.
- ¹⁰ Adapted and developed from Aultman, L.P., Williams-Johnson, M. and Schuts, P. "Boundary dilemmas in teacher-student relationships: Struggling with 'the line'". Teaching and Teacher Education Journal, 25 (2009) pp 636-646, <https://www.sciencedirect.com/science/article/pii/S0742051X08001753>; and ATRA's Managing Professional Boundaries: Guidelines for Teachers pp 3-4; and QCT's Professional Boundaries: A Guideline for Queensland Teachers page 5, <http://qct.edu.au/pdf/Professional%20Boundaries%20-%20A%20Guideline%20for%20Queensland%20Teachers.pdf>; and the Department of Education, Government of Western Australia publication 'How to comply with our code of conduct', 2011, page 5, <http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/guidelines/how-to-comply-with-our-code-of-conduct.en?cat-id=3457094> at 20 August 2019.
- ¹¹ Australian Institute of Criminology Report 103 by Kim-Kwang Raymond Choo 'Online child grooming: a literature review on the misuse of social networking sites for grooming children for sexual offences' 2009, <https://aic.gov.au/publications/rpp/rpp103> at 20 August 2019.
- ¹² These questions were developed from a set of questions published by the Government of South Australia – Department of Education & Child Development - page 10 of "Protective practices for staff in their interactions with children and young people –Guidelines for staff working and volunteering in education and care settings in June 2005, found at https://www.decd.sa.gov.au/sites/g/files/net691/f/protective_practices_for_staff_in_their_interactions_with_children_and_young_people.pdf?v=1455240007 at 20 August 2019.
- ¹³ This section was adapted and developed from information published by the Government of South Australia – Department of Education & Child Development - page 10 of "Protective practices for staff in their interactions with children and young people –Guidelines for staff working and volunteering in education and care settings, June 2005, https://www.decd.sa.gov.au/sites/g/files/net691/f/protective_practices_for_staff_in_their_interactions_with_children_and_young_people.pdf?v=1455240007 at 20 August 2019.
- ¹⁴ These questions were developed from a set of questions published by the Government of South Australia – Department of Education & Child Development - page 11 of "Protective practices for staff in their interactions with children and young people –Guidelines for staff working and volunteering in education and care settings in June 2005, https://www.decd.sa.gov.au/sites/g/files/net691/f/protective_practices_for_staff_in_their_interactions_with_children_and_young_people.pdf?v=1455240007 at 20 August 2019.



TRB TEACHER STUDENT PROFESSIONAL BOUNDARIES ACKNOWLEDGEMENT FORM

Employee Name: _____

(First name and surname)

**I have read and, understood and agree to comply with the terms of the
TRB TEACHER STUDENT PROFESSIONAL BOUNDARIES DOCUMENT**

Employees Signature: _____

Principal's Signature: _____

Date: _____

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