

**EDUCATION AND TRAINING REFORM ACT 2006**

**Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct)**

**MINISTERIAL ORDER NO. 1388**

**PART 11 – CONDUCT AND DUTIES**

**Division 1 – Conduct**

- 11.1.1 An employee must at all times observe the provisions of and carry out the duties imposed on him or her by the Act, **Public Administration Act 2004 (Vic)**, other relevant legislation, any regulations and ministerial orders made from time to time under those Acts and any instructions, directions or policies issued by the Secretary or any person authorised by the Secretary.
- 11.1.2 An employee must be civil, courteous and observe fairness and equity in all official dealings with students, the public, other employees at the school and other persons employed by the Department or a School Council.
- 11.1.3 Whilst on duty an employee's dress and appearance should be neat, clean and appropriate to the employee's duties.
- 11.1.4 An employee must not:
- (1) borrow money from their subordinates; or
  - (2) engage in any monetary transactions with other employees, whereby any interest or other return in money or kind is charged or paid.
- 11.1.5 An employee must not, without reasonable excuse, contravene or fail to comply with a lawful direction given to the employee by a person with authority to give the direction.
- 11.1.6 An employee must not, without the express permission of the Secretary or as otherwise required by law, use or disclose, for any purpose other than for the discharge of the employee's official duties, any official information or documents acquired in the course of their employment. The employee must ensure that, unless otherwise required by law, confidentiality is observed in relation to any official information or documents acquired during the course of their employment.
- 11.1.7 (1) An employee must not:
- (a) behave in any way which would impair the employee's influence over students or standing in the community generally; or
  - (b) during or outside the hours of duty, act in any manner unbecoming their position.

- (2) An employee must avoid any conflict of interest, financial or otherwise, that might affect, or may be seen to affect, the performance of the employee's official duties.
- (3) An employee must not seek, accept or obtain any financial or other advantage (including gifts, rewards or benefits) for himself/herself, his/her family or any other person or organisation if that advantage does or might compromise the employee's integrity.

11.1.8 When collecting or paying public monies, an employee must conform strictly with the provisions of the **Financial Management Act 1994 (Vic)** and the regulations thereunder and to such instructions and directions as may from time to time be issued by order of the Treasurer.

11.1.9 (1) An employee must not at any time consume alcohol or restricted or dangerous drugs in such a manner as to adversely affect his/her performance of duties or official conduct.

- (2) An employee must not consume alcohol while on duty except where such consumption is reasonable and in connection with an official school function or activity.

11.1.10 (1) An employee must not use, directly or indirectly, the resources of the Department, school or students of the school for any activity other than for official school purposes or other activities as authorised by the Secretary.

- (2) An employee must not use his/her official position, the resources of the Department, school or students of the school to produce and/or distribute material that is not in connection with his/her official duties as an employee of the Teaching Service.

11.1.11 An employee must not –

- (1) obstruct the principal of a school in the performance of his/her duties; or
- (2) attempt by means of threat or otherwise to prevent or deter the principal of a school from performing any of the duties required of him or her.

## Division 2 – Duties

11.2.1 In this Division –

**"timetable"** means a document drawn up by, or under direction from, the principal setting out in relation to the employees at a school:

- (a) the particular teaching and other duties to be performed by each employee; and
- (b) the day, time and place at which and period for which each duty is to be performed.

11.2.2 Subject to the general control and direction of the Secretary, the principal of a school is responsible for –

- (1) the efficient organisation, management and administration of the school;
- (2) implementing Government education policies;
- (3) implementing the general educational policy determined by the School Council;
- (4) the determination (after consideration of the general educational policy of the school and consultation with employees at the school) of the curriculum programs to be followed in the school which will encourage all students to set and strive for the highest achievable standards within each student's individual, physical, intellectual, emotional and social capabilities;
- (5) the allocation of teaching and other duties to employees at the school provided that the duties allocated are consistent with the professional responsibilities of an employee;
- (6) ensuring that the buildings and grounds of the school are kept secure and in good order and condition;
- (7) the general care, safety and welfare of students attending the school, including;
  - (a) embedding an organisational culture of child safety;
  - (b) fostering a culture of openness that supports all persons to safely disclose risks of harm to children;
  - (c) ensuring that child safety is prominent in the school's practices, including without limitation in relation to recruitment, training, supervision, planning and governance;
  - (d) ensuring the school has implemented the necessary policies, codes of conduct and strategies to ensure the school is a child safe environment; and
  - (e) ensuring that the school's staff are familiar with the school policies, codes of conduct and strategies as required by subclause (7)(d) of this clause;

- (8) ensuring safe working practices in the school in accordance with the **Occupational Health and Safety Act 2004 (Vic)**;
- (9) in respect of the timetable:
  - (a) drawing up or causing to be drawn up a timetable which is to be in writing and signed by the principal and which may at any time be altered, amended or varied by the principal; and
  - (b) ensuring that the provisions of a timetable and of any alteration, amendment or variation thereof are brought to the notice of the employees at the school;
- (10) as occupier of the school ensuring that trespassers do not enter or remain upon the school premises and for that purpose (and for the purposes of the **Summary Offences Act 1966 (Vic)**), may:
  - (a) authorise a person to enter or remain upon the school premises;
  - (b) warn, demand or require a person to leave the school property;
  - (c) warn a person not to enter the school premises, in accordance with section 9 of the **Summary Offences Act 1966 (Vic)**;
  - (d) lawfully remove a trespasser from school premises;
  - (e) request assistance from an employee at the school in relation to any matter referred to in subclauses (10)(a) to (d) of this clause; and
  - (f) authorise an employee at the school or any other person to exercise, on behalf of the principal, any power of the principal for the purposes of subclause (10)(a) to (d) of this clause.

11.2.3 The duty of every employee at a school is to –

- (1) carry out the duties as required by the principal of the school;
- (2) comply with the timetable at the school;
- (3) perform their official duties with reasonable skill, care and diligence;
- (4) maintain a record of procedure and to instruct students accordingly;
- (5) supervise and maintain proper order and discipline among the students of whom they are in charge;

- (6) give full cooperation and assistance to the principal and all other employees at the school in the development and implementation of the course of study to be followed in the school and in the performance of their respective duties;
- (7) in accordance with any directions of the principal, assess the educational development of students, compile and maintain records of that development and provide reports to parents;
- (8) promote the general welfare of students attending the school, including complying with any obligations imposed by law in relation to the reporting of suspected abuse, neglect or mistreatment of a child or children;
- (9) comply with any Government policies;
- (10) observe safe working practices so as not to endanger themselves or others;
- (11) assist in protecting the buildings and grounds of the school from damage; and
- (12) carry out such other duties as are assigned to him or her by the principal whether by means of the Act, **Public Administration Act 2004 (Vic)**, other relevant legislation, any regulations and ministerial orders made from time to time under those Acts and any instructions, directions or policies issued by the Secretary or any person authorised by the Secretary or the principal.