



Teacher-Student Professional Boundaries – A Resource for WA Teachers



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1. Introduction

The Teacher Registration Board of Western Australia (**TRBWA**) was established under the *Teacher Registration Act 2012 (Act)* to regulate teachers in Western Australia. The Act requires the TRBWA 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 TRBWA 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 TRBWA 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.

In research done for the Royal Commission into Institutional Responses to Child Sexual Abuse, 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

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.

2. Purpose

This Resource is intended to provide information about professional boundaries in teacher-student relationships.

The Resource is designed 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 a trusted supervisor or their Principal if they are in any doubt about the appropriateness of their proposed conduct or another teacher’s conduct.

3. 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 about a teacher’s behaviour that arise in the context of teacher-student relationships and interactions.

4. Status

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

Teachers must exercise their own judgement and common sense in applying the material contained in this 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 their employer. In this context, it is designed to assist employers in fulfilling their responsibilities of providing guidance and mentoring to teachers who are new to the profession.

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 TRBWA or indeed to criminal prosecution.

Importantly, this 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 recently issued by the Commission for Children and Young People², this Resource is also intended to contribute to the continuing goal of making all schools in Western Australia as child safe as possible.

5. Professional boundaries³

Teachers must act professionally at all times in their relationships with students.

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

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

As most teachers will recognise, some conduct will clearly breach those boundaries. While there may be some 'grey areas', teachers must take responsibility for establishing and maintaining professional boundaries with their students. This means exercising good judgement and recognising the potential consequences for students and teachers of engaging in certain behaviours with students.

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?

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-authorized means of communicating with students, including authorised IT systems, not personal email or private messages on websites.
- Actively avoid situations which could be regarded as private or personal between the teacher and student.
- Where practical, ensure that there is written consent 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 preferably held during normal school hours, although it is recognised that there are some occasions this is not the case. If you are meeting after hours, it is more important that you are 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 up with a student in a coffee shop or other social setting, without a valid context and without appropriate school/parent permissions in advance, would not be acceptable.

- Keep good records of 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 of meetings with students professional.

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

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.

Typical vulnerabilities may include viewing students as peers, experiencing adult relationship issues, immaturity, need for attention, an under-developed personal moral compass and lack of personal crisis management skills.

For teachers, recognising one's own vulnerabilities is one step towards avoiding those vulnerabilities leading to a breach of professional boundaries with students.

Teachers must consider their motivation in their interactions with students. Every action a teacher plans with respect to his or her students should be prefaced by teachers asking 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 unacceptable⁴. It is a betrayal of the trust of students, parents, the profession and the community.

The Department of Education⁵ 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?

If still unsure, as noted above, 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 touching;
- indecent exposure;
- inappropriate verbal compliments by a teacher to a student;
- communicating or corresponding with students about sexual or personal feelings for the student; and
- exposure of students to the sexual behaviour of others, other than in authorised curriculum resources in the context of education about healthy sexual relationships⁶.

6. What are your obligations as a professional?

It is a requirement that teachers must 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 must act to ensure that their physical and emotional wellbeing are safeguarded.

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 continuing unacceptable behaviour;
- be aware of any teacher who may seem too familiar with one student;
- be aware of any teacher who is too solicitous or shows too much attention to one student;
- maintain an up-to-date knowledge and understanding of, and implement and comply with, student protection policies as they apply in their workplace;
- be prepared to consult a trusted supervisor about the conduct/behaviour of a colleague if it raises concerns about the teacher; and
- be prepared and committed to intervene and report boundary violations by a teacher to one or more of: their Principal, the Department for Child Protection and Family Support (CPFS), the Western Australian Police, and the TRBWA, as the case may require.

7. 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*. 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).*

Mandatory reporters must report a belief, formed on reasonable grounds in the course of their work, paid or unpaid, that a child or young person has been the subject of sexual abuse or is the subject of ongoing sexual abuse, to CPFS. For further information about mandatory reporting by teachers, or to lodge a mandatory report online, go to the CPFS Mandatory Reporting website at: mandatoryreporting.dcp.wa.gov.au.

8. Breaches of professional boundaries

Professional boundaries may be categorised into specific types of boundaries, although these categories cannot be considered mutually exclusive⁷.

They include:

- a) **Emotional boundaries** – Emotional self-regulation primarily involves using appropriate levels of emotion in interactions with students, and coping with others' emotions in teaching settings.
- b) **Relationship boundaries** – Relationships between teachers and students are generally strictly professional relationships, with a recognition that the teacher is not a 'friend' to 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 their position.
- d) **Communication boundaries** – These often relate to issues of self-disclosure by teachers to students.
- e) **Physical boundaries** – Teachers may touch and be touched by students in certain circumstances only. Teachers must understand appropriate physical contact and ensure they do not engage in inappropriate physical contact.

To further assist with an understanding of professional boundaries, the table below lists 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.⁸

Type of Breach of Professional Boundaries	Example
Emotional	<ul style="list-style-type: none">• Showing preferential treatment to particular students without legitimate reasons.• Using subtle forms of control to allow a student to develop an inappropriate emotional dependency on the teacher, which may lead to an inappropriate/sexual relationship with the student.• Failing to recognise or act appropriately by engaging in a role along the lines of 'friend' or 'personal counsellor' (unless there is a legitimate role designated).
Relationship	<ul style="list-style-type: none">• Engaging in intimate, romantic or sexual relationships with a student (current or former).*• Engaging in flirtatious behaviour with a student.• Intimate gesture or touch, e.g. hugging one or two particular students after an awards program, unnecessary touching involving one or two particular students. This is separate from the types of touching a teacher of younger children might engage in on a daily or frequent basis, for reassurance or as part of normal classroom management.• 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, e.g. 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.

* For a further discussion on relationships with former students, see the separate section below.

Type of Breach of Professional Boundaries	Example
Relationship	<ul style="list-style-type: none"> • Gaining the trust of a student's family and friends as a way of further integrating themselves in the student's life⁹, such as inviting the student and their family to attend teacher's holiday home.*
Power	<ul style="list-style-type: none"> • Privately giving a student a gift, e.g. money, credit for a mobile phone or a meal. • Using teacher authority to harm or threaten to harm a student. • Withholding information from a student to manipulate the student e.g. to be alone with the student. • Rewarding or punishing a student based on a 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	<ul style="list-style-type: none"> • Talking or joking with a student about personal matters or sexually inappropriate matters that are outside curriculum content. • Inappropriate comments about a student's appearance, including excessively flattering comments. • Vilifying or humiliating students. • Facilitating or allowing access to pornographic or overtly sexual material. • 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 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 on personal matters to a student, 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, even if they are initiated by a student. • Breaching the confidentiality of others with a student e.g. talking about other staff or students to a student.
Physical	<ul style="list-style-type: none"> • Touching of 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 Physical Education activities, consoling an upset child or providing first aid to a student in need. • Unwarranted, unwanted and/or inappropriate touching of a student, personally or with an object, such as a pencil or ruler. • Initiating or permitting inappropriate physical contact by or on a student, e.g. massage or tickling games. • Allowing students to push too close, or otherwise make inappropriate contact with a teacher. • Being present when students dress or undress, when not in an authorised supervisory role.***

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

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

*** For a further discussion on child care educational venues, see the separate section below.

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. However, any such activity by the teacher should be undertaken as transparently as possible, with the knowledge and consent of the teacher's Principal or supervisor, and a good record kept.

Across various teacher 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, and a lack of suitability/fitness to teach.

For violations 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.

9. Grooming

Child grooming has been described in a paper released by the Australian Institute of Criminology¹⁰, 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.

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 feel confident to 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:

- 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 touching the student unnecessarily, with no clear professional purpose or educational reason.
- focussing 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 him/herself in a student's home life, for example by gaining the trust of the student's family and becoming involved in the life of the family.¹¹
- using social media, without an authorised educational context, to foster an inappropriate relationship with a student.

10. Relationships with former students¹²

A relationship with a person who was once a former student, that may otherwise be lawful, may still generate concerns that a teacher has abused their position.

A teacher may find, for example, that concerns arise as to whether the relationship resulted 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.

11. 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 appropriately touch students is likely to occur more often in child care educational venues and junior primary than in upper primary or secondary schools. Teachers may, however, still ask themselves whose needs are being met by their intended actions when they deal with students, and consider whether touching is necessary and 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 their teaching. This may involve assisting students who have soiled themselves, those 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. 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 reports.

As reflected elsewhere in this Resource, teachers who work with younger students, whose conduct may be identified as a concern, are those whose conduct and contact is different with one student than the rest of the students, without appropriate educational reasons (and who have not, for example, recorded or reported the reasons for the different conduct and contact).

12. Q and 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. 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 Australian Police and the TRBWA.

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

A senior teacher, mentor, line manager, Head of Department or Principal.

What should a teacher do when 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, removing themselves or their student from the inappropriate contact, or ending an inappropriate conversation. The specific way a teacher handles this

* As to the legal obligation to report child sexual abuse, see Section 7 above.

will depend on the age and intention of the student. Teachers should take the opportunity to report the contact to an appropriate senior teacher whether it is intentional or not.

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

In these circumstances, a teacher needs to realise that they are accountable for their personal conduct and 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.

Situations where teachers have behaved inappropriately towards students away from school settings or arising from another (non-teaching) capacity, have been the subject of teacher disciplinary proceedings in relation to the teacher's fitness and propriety to be registered.

Is it acceptable for a teacher to have students as 'friends' on social media?

Some teachers view social media as an essential tool that enables 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.

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

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. Teachers' abilities to maintain boundaries appropriate to professional relationships sets up safe communications based on students' needs. 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 potential boundary violations 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. It can also seem difficult for a teacher to 'reject' a request to be a student's 'friend' if they are concerned that the student may take the 'rejection' badly.

Teachers should reject requests on social media from students to be a 'friend' on their personal accounts.

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 violations. Students should be aware that the account is moderated by authorised school personnel.

Communications with students must 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.

Technology-related boundary violation cases that come before teacher regulatory authorities tend to be those which arise when teachers don't maintain an appropriate professional relationship, either by allowing students to access personal information or photos, even inadvertently, or by communicating with students in a way that does not ensure that the nature of the teacher-student relationship is kept exclusively professional. 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 themselves¹³:

- How can I use this media appropriately?
- What are the risks?
- What are the benefits?
- What protocols/permissions need to be 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?
- Is it clear to students that this account is monitored by several staff members, even if they don't use it to communicate?

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

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.

This means teachers will have legitimate reasons, on occasions, to attend social or sporting events with the 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 their 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.

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

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 parents/carers or adult siblings of students, or by an event (such as a social or sporting event).
- 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 students' 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 discussed with a senior/supervising colleague or their Principal in advance, and an approved plan of action followed.

13. References

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