



**TRBWA**

Teacher Registration Board  
of Western Australia

# **Teacher-Student Professional Boundaries**

**A Resource for WA Teachers**  
Revised Edition

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# Introduction

The Teacher Registration Board of Western Australia (**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 of the teaching profession in Western Australia contributes to the protection of children. The role of the Board in this regard is, therefore, 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. 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 psychological, emotional, physical or sexual harm to any child. The Board therefore has an expectation that all registered teachers and those seeking registration have a clear understanding of their professional responsibilities.



**In research completed 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.<sup>1</sup>*

**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.<sup>2</sup>

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.<sup>3</sup>

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.

The Board first published the *Teacher-Student Professional Boundaries – A Resource for WA Teachers (Resource)* in early 2017, with a revised edition published in 2019. The Resource has been very positively received by the WA education sector.

The Board considered it was timely to update this 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.

## Purpose

This 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.

This 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.

In this Resource, reference to 'students' means all children and young people in an educational setting in Western Australia.\*

Teachers are encouraged to seek advice (or indeed permission) 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.

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## Scope

This 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.

Note that the principles considered and discussed in this Resource are for the teaching profession. Similar principles may apply for other professionals and employers that work with young people, including non-teaching staff working in schools. As a general rule such people should refer to their employer's code of conduct.

\* For a further discussion on working with younger students, see page 9.

## Status

This Resource is not a statutory code and, as noted above, is not intended to be 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 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) including their approach to assessing and addressing risk, along with other resources made available by the teacher's employer. In this context, it is designed to assist employers in fulfilling their responsibilities to provide 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 this 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, this Resource is available to assist teachers to become more informed about behaviours which may breach professional boundaries.

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 issued by the Commission for Children and Young People,<sup>4</sup> this Resource is also intended to contribute to the continuing goal of making all schools in Western Australia as child safe as possible. This Resource also supports the ongoing work to develop and implement child safe standards across the Western Australian education sector.

## Professional boundaries<sup>5</sup>

Teachers must act professionally at all times and in all places, particularly in their relationships with students. This obligation does not end at the gate to the school or other educational institution. 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. Teachers must take responsibility for establishing and maintaining appropriate professional boundaries with their students. This means exercising good judgement and recognising the potential negative consequences for students as well as teachers when 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 environments that support the physical, social, intellectual and emotional development of every student. Pastoral care forms an integral part of a teacher's role. This Resource does not diminish or reduce the pastoral care role, but instead informs teachers of the appropriate conduct when providing pastoral care to students.



**Teachers may use ‘time, place, purpose and activity’ 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 sometimes 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 this Resource provides a prompt for self-reflection for all teachers.

Occasionally there are situations that require physical contact or restraint to ensure the safety of staff and students. All staff in schools, including teachers, have a responsibility to only use physical contact as a last resort. Physical contact must not be used to discipline students, and is considered unreasonable if there are alternative ways of supporting students. If physical contact is required, it must be the least amount necessary to maintain safety, must not continue beyond a point where it is necessary, and should not be used where there are other alternatives.

Some students with special or complex needs may require a support plan that documents strategies for managing physical contact. For example, some students may require assistance with toileting, therapy, mobility or managing personal care needs. Teachers should consult with their school leadership teams, families and service providers when developing student support plans.

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.<sup>6</sup> It is a betrayal of the trust of students, parents, the profession and the community.

**If people are unsure what to do in a particular situation, they may 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:**

- » Do not go beyond the scope of your authority as a teacher.
- » Keep dealings with students open and available to scrutiny from appropriate authorities.

- » Treat students fairly, without treating any students as 'favourites'.
- » Only communicate with students for educational purposes, using communication platforms endorsed by the school or educational institution.
- » Do not use personal email or private messages on any social media when communicating with students.
- » 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.
- » Teachers should not form intimate or personal relationships with former students, when the nexus of the teacher/ student relationship, and the inherent power balance has not had time to dissipate, so the teacher is still considered to be in a position of authority.
- » 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 institution 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 where 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 was 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 are advised to report the matter and seek assistance from a trusted supervisor or their principal if such student behaviour occurs.
- » Friendships with parents do not negate the responsibility of the teacher to maintain professional boundaries.

**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.

## **Working with younger students**

It is important to acknowledge that teachers should avoid physical contact with students regardless of their age wherever possible. They should consider if physical contact is necessary and what other options are available to manage the student's behaviour. Physical contact must always be reasonable and proportionate in the circumstances, not continue beyond a point where it is necessary and be aligned to legislation and policy. In some cases, levels of physical contact may be appropriate if in line with agreed student behaviour management and risk management plans.

Teachers who work with younger students, for example, in education and care services 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. 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 educator or education assistant. It is also wise to record unavoidable contact which falls outside the service or 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.

## What are a teacher's obligations as a professional?

Teachers owe a duty of care to their students and need to safeguard their students' physical and emotional wellbeing. Further, teachers have obligations to engage professionally with children/students in their care, colleagues, parents/carers and the community.

These obligations arise from the need to meet professional ethics and responsibilities and to comply with legislative, administrative and organisational requirements. They are also reflected in the Professional Standards for Teachers in Western Australia (see Standards 4 and 7 in particular). Not meeting these obligations may have consequences both as an employee working in a Western Australian educational institution but also potentially with respect to maintaining teacher registration.

In this regard, the Act sets out the kinds of matters that may result in disciplinary proceedings. This includes where a teacher has engaged in 'serious misconduct', a term that is defined in the Act:

***A registered teacher or formerly registered teacher has engaged in serious misconduct if the teacher engaged in improper conduct of a serious kind that departs from the standard of behaviour reasonably expected of a registered teacher.***

A breach of professional boundaries can result in a finding of serious misconduct. Such a finding can result in a decision of a Board disciplinary committee or the State Administrative Tribunal that can have serious consequences for a teacher's career. This includes potential suspension or cancellation of their teacher registration.

Further, subject to the circumstances, this may also have consequences for a teacher engaging in any child-related work (that is, not just teaching) because such a disciplinary outcome can lead to their losing their Working with Children Card.

## 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 (for example, a teacher) forms a belief, on reasonable grounds, that child sexual abuse has occurred or is occurring, they must make a report to Department of Communities.

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**. A verbal report must be followed by a written report as soon as possible, preferably within 24 hours.

For further information about mandatory reporting, to locate useful resources or to lodge a mandatory report online, go to the Department of Communities Mandatory Reporting website at:  
[www.wa.gov.au/service/community-services/community-support/mandatory-reporting-of-child-sexual-abuse-wa](http://www.wa.gov.au/service/community-services/community-support/mandatory-reporting-of-child-sexual-abuse-wa)

## Breaches of professional boundaries

To assist teachers, professional boundaries may be categorised into specific types of boundaries, although these categories should not be considered mutually exclusive.<sup>7</sup>

They include:

- a) Emotional Boundaries
- b) Relationship Boundaries
- c) Power Boundaries
- d) Communication Boundaries
- e) Physical Boundaries

To further assist with an understanding of professional boundaries, the following describes the particular boundaries, and lists different examples of possible breaches of those boundaries.<sup>8</sup>



**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. Possible breaches include:*

- » 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.

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**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. Possible breaches include:*

- » Engaging in intimate, romantic or sexual relationships with a student.\*
- » Engaging in flirtatious behaviour with a student.
- » Intimate gesturing or physical contact, for example:
  - hugging one or two particular students after an awards program.
  - putting your arm around a student.
  - kissing a student on the cheek to greet or congratulate them.

\* For a further discussion on relationships with former students, see page 24.

- letting a student sit on your lap.
- any repeated and unnecessary physical contact.
- holding or dragging a student by a part of their body to gain compliance (unless it is part of a student's documented care plan that is approved by their parent).
- improper conduct of a sexual nature.
- » 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, for example, coffee, the movies or other social events.
- » Favouring a particular student, with no educational or valid purpose. This may include spending extra time with the student for purposes or in circumstances that would lead to serious questions about the teacher's lack of professionalism or unethical intentions, driving the student home (without prior authority), or excessively preferring the student.
- » 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.\*

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**Power Boundaries** - *Teachers are in a position of power and authority over students and must ensure they do not abuse that position. Possible breaches include:*

- » Privately giving a student a gift, for example, money, credit for a mobile phone or a meal.
- » Using the teacher's authority to harm or threaten to harm a student, for example, throwing objects at a student to get their attention, holding a student by the arm or wrist to gain compliance, or threatening a student with physical punishment if they do not follow a request.

\* For a further discussion on teachers living in a small town or rural community, see page 28.

- » Withholding information from a student or others to manipulate the student, for example, to deliberately create a situation where they could be alone with the student (in a classroom or other setting like transport in a vehicle) without a valid reason.
- » 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.

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### **Communication Boundaries** - *These relate to what teachers say and how they say it. Possible breaches include:*

- » 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.
- » Facilitating or allowing access to material that is unsuitable or harmful to students, which is outside the curriculum (including 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, social media and the sharing of personal contact details in the absence of relevant permissions. 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, for example, questions about a child or young person's sexuality or their sexual relationship with others, which are outside the scope of protective behaviours enquiries.

\* For a further discussion on the use of social media, see page 22.

- » 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. This is with the exception of where the teacher feels that it is necessary to continue the discussion, reflecting the teacher's protective behaviours training.
- » Breaching the confidentiality of others with a student, for example, talking about other staff or students to a student.

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**Physical Boundaries** - *Teachers should limit physical contact with students to circumstances where, using 'time, place, purpose and activity' as a guiding principle, the contact is appropriate and required or necessary. Teachers must ensure they do not engage in inappropriate physical contact. Possible breaches include:*

- » Physical contact with a student without a valid/authorised reason or context.
- » Examples of valid reasons include commensurate contact to maintain or re-establish order, initiating physical contact to mitigate the risk of harm to a student or other person or preventing the damage of property. Situations may also arise that require a teacher to manage or care for a student's welfare, for example, consoling an upset child or providing first aid to a student in need. Physical contact in all situations will be assessed in the context of factors such as the child's age, the objective need for the physical contact and any negative impact on the child's welfare.
- » Unnecessary physical contact with particular students (noting this may be distinguishable 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).
- » Using a physical prompt in place of a verbal instruction or less intrusive prompt, e.g. a gesture.
- » Using physical contact to gain compliance.
- » Initiating or permitting inappropriate physical contact by or on a student, for example, 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.
  - » Driving students alone in a personal car without appropriate school/parent permissions in advance.
- 

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

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. A record of the activity and consent should be kept and stored appropriately in line with the school records management policy. 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 involving 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.

Failure to maintain professional boundaries while working as a teacher in Western Australia may result in a disciplinary matter being formulated, investigated and considered by the Board. Findings of 'serious misconduct' against registered or formally registered teachers can result in a range of disciplinary outcomes, including:

- » Cancellation of a teacher's registration or disqualification from being eligible to apply for registration.

\* For a further discussion on working with younger students, see page 9.

- » Suspension of a teacher's registration.
- » The imposition of conditions on a teacher's registration.
- » Fines.
- » Reprimands.

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

## Reportable Conduct Scheme

A reportable conduct scheme for Western Australia was introduced on 1 January 2023. The scheme supports people to speak up about concerning behaviours, helps prevent child abuse and improves systems and processes used by organisations for preventing and dealing with complaints and reports of abuse about their staff.

It does this by compelling heads of organisations that exercise care, supervision or authority over children to notify the Ombudsman of allegations of, or convictions for, child abuse by their employees and then investigate these allegations.

Read more about the Ombudsman's Reportable Conduct Scheme at [https://www.ombudsman.wa.gov.au/Reportable\\_Conduct/Reportable\\_Conduct.htm](https://www.ombudsman.wa.gov.au/Reportable_Conduct/Reportable_Conduct.htm)

## Grooming

**Grooming has been described in the Final Report released by the Royal Commission into Institutional Responses to Child Sexual Abuse,<sup>9</sup> as follows:**

*Grooming refers to a perpetrator's tactics and strategies to facilitate the sexual abuse of a child. The intention of grooming is to gain or increase access to a child, build trust, obtain the child's compliance, and maintain the child's secrecy to prevent them from disclosing. Grooming is commonly an incremental process, and can involve stages of increasing intensity.*

By virtue of their role, teachers have access to children at educational institutions, 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, 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:**

- » Inappropriately invading a student's personal space.
- » 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.
- » Focusing 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.
- » Introducing secrets, through methods such as bribery or favours, to stop the student from speaking up about the teacher's inappropriate behaviour.

- » 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 questions<sup>10</sup> 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 in a way that is consistent 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 or adult?
- » 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, Government Online Learning Platforms and platforms used by Independent and Catholic education schools), 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 schools 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.

Where there is an educationally valid context to communicate with students via social media, prior approval must be gained from the principal and a record of the approval kept by the staff member and their principal. Teachers must maintain a professional tone in all communications with students.

The blurring of lines between one's public and private life 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. Responsibilities extend to evenings, weekends and on social media, as a teacher acts as a role model at all times.

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. For example, allowing students to access teachers' personal information or photos, even inadvertently, or communicating 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. Teachers should not connect with students through social media that has not been authorised by their educational institution.**

## **Relationships with former students<sup>11</sup>**

Teachers should be aware that where a relationship develops with an ex-student, their employer and the Board are entitled to consider whether their actions suggest an abuse of their position as a teacher. Where there is a reasonable belief that the emotional intimacy of the relationship developed while the teacher-student relationship existed, a judgement that abuse of their position has occurred is likely.

What is significant in teacher-student relationships is the difference in authority and power held by the teacher, along with levels of trust held by the student. This difference does not suddenly disappear at a specific point in time. It lingers as an imbalance between the two individuals and as a potential impediment to their capacity to make decisions in their own and others' best interests.

Consequently, teachers cannot assume they will be protected from disciplinary action taken by their employer or the Board merely because a relationship is claimed to have begun after the school term concluded or after exams finished or because the former student is now 18 years or older.

In these circumstances, questions may arise as to whether a relationship with a former student resulted from a breach of professional boundaries, including grooming behaviour, while the former student was under the care of the teacher. While a relationship may even be lawful to the extent that both parties are adults, it may still generate concerns that a teacher has abused their position or crossed professional boundaries by using their position as a teacher to prepare a student for a relationship.

Consideration will therefore be given to the nature of the relationship with an ex-student. A distinction should be drawn between a friendship or casual social interaction and the development of a relationship characterised by intimacy or dependency, whether that be romantic, sexual or otherwise. A greater level of scrutiny would be applied to a relationship that is, or appears to be, intimate in nature, whether that intimacy is physical, emotional or both.

By maintaining strictly professional relationships with their students, a teacher who enters into a relationship with a former student is less likely to come under scrutiny, especially if considerable time has passed between the time when the student was at school and the commencement of the relationship.

That said, the length of time between the conclusion of the teacher-student relationship and the beginning of an intimate relationship is only one of a number of critical factors employers or regulating authorities will take into consideration when judging the appropriateness of a teacher's conduct. Other significant factors include:

- » the age difference between the teacher and the ex-student.
- » the developmental capacity of the ex-student.
- » the vulnerability of the ex-student.
- » evidence of the nature of the relationship while the teacher-student relationship existed.
- » the nature of the relationship with the ex-student, i.e. has the relationship developed emotional or physical intimacy.
- » other concerns or allegations about the teacher's conduct.



# 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, Department of Education Non-Government Schools Directorate, the Department of Communities - Child Protection, the Western Australia Police Force or 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 on page 12.

### ***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 (for example, a teacher) forms a belief, on reasonable grounds, that child sexual abuse has occurred or is occurring, they must make a report to Department of Communities - Child Protection, 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 they have subsequently 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 boundaries.<sup>12</sup>**

- » 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.

### ***Where can teachers see examples of breaches of professional boundaries?***

Finalised matters that have been referred to the State Administrative Tribunal (SAT) can be viewed on their public Decision Database, at <https://www.sat.justice.wa.gov.au/D/decisions.aspx>.

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## Glossary

For the purposes of this document the following definitions apply:

<b>Educational Institution</b>	See section 3 of the <i>Teacher Registration Act 2012</i> : Educational Institutions are any of the following: <ul style="list-style-type: none"><li>» a school as defined in the <i>School Education Act 1999</i> section 4;</li><li>» a kindergarten registered under the <i>School Education Act 1999</i> Part 5;</li><li>» a child care service;</li><li>» a centre-based service;</li><li>» a detention centre (Banksia Hill Detention Centre);</li><li>» any other prescribed institution for the purposes of this definition.</li></ul>
<b>Grooming</b>	See the definition on page 20
<b>Professional Boundaries Principles</b>	See the breaches of professional boundaries section on page 13
<b>Sexual abuse</b>	See the definition on page 12
<b>Student</b>	A child or young person taught in an educational institution in Western Australia

<b>Teacher</b>	<p>See section 3 of the <i>Teacher Registration Act 2012</i>: ‘Teaching’ means to undertake duties at an educational institution that:</p> <p>a) includes any of the following:</p> <ul style="list-style-type: none"> <li>» the delivery of an educational program and the assessment of student participation in an educational program;</li> <li>» leading the delivery and assessment of any such educational program, including managing others undertaking the delivery and assessment.</li> </ul> <p>b) does not include:</p> <ul style="list-style-type: none"> <li>» assistance with the delivery and assessment of an educational program at an educational institution by a teacher’s aide or a teacher’s assistant at the institution;</li> <li>» the delivery and assessment of an educational program at an educational institution by a student teacher on practicum placement at the institution;</li> <li>» duties undertaken by a person employed or engaged to provide care at a child care service but who is not engaged to undertake the delivery, assessment or leadership of an educational program at the service;</li> <li>» the delivery and assessment of an educational program at an educational institution by an unpaid volunteer at the institution unless the volunteer is undertaking duties of a kind, or to an extent, prescribed for the purposes of this subparagraph;</li> <li>» duties undertaken by prescribed persons or in other prescribed circumstances</li> </ul>
<b>United Nations Convention on the Rights of the Child</b>	<p>The convention enshrines the entitlement of all children, regardless of race, colour, sex, religion or nationality, to be protected from sexual abuse, to receive special help if they are abused, to have their opinions heard about matters that affect them, to receive and share information, and to be treated with dignity if disciplined.</p>

<b>Law</b>	<p>Relevant legislation includes:</p> <ul style="list-style-type: none"> <li>» <i>Children and Community Services Act 2004 (WA)</i></li> <li>» <i>Criminal Code Act Compilation Act 1913 (WA)</i></li> <li>» <i>Equal Opportunity Act 1984 (WA)</i></li> <li>» <i>Sex Discrimination Act 1984 (Cth)</i></li> <li>» <i>School Education Act 1999 and School Education Regulations 2000</i></li> <li>» <i>Teacher Registration Act 2012 and Teacher Registration (General) Regulations 2012</i></li> <li>» <i>Disability Discrimination Act 1992 (Cth) and Disability Standards for Education 2005 (Cth)</i></li> <li>» <i>Education and Early Childhood Services (Registration and Standards) Act 2011</i></li> <li>» <i>Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022</i></li> <li>» <i>Working with Children (Screening) Act 2004</i></li> </ul>
<b>Framework for understanding and guiding responses to harmful sexual behaviours in children and young people</b>	<p>Developed by the Australian Centre for Child Protection Western Australia in partnership with the Western Australian Government, these are guidelines for the Western Australian child protection and community services sector to help them respond effectively and consistently to incidents of problematic sexual behaviour involving children and young people.</p>

## Relevant convention, law and policy

<b>Australian Student Wellbeing framework</b>	The Wellbeing Framework has been endorsed by Ministers of Education through Education Council with input from all states and territories, education authorities and a range of national and international experts. It supports Australian schools to promote positive relationships and the wellbeing of students and educators within safe, inclusive and connected learning environments.
<b>National Quality Framework (NQF)</b>	Australia's system for regulating early learning and school age care, including legislation and the national quality standard, sector profiles and data, and learning frameworks.
<b>Professional Standards for Teachers in Western Australia</b>	The standards were developed by the Teacher Registration Board of Western Australia and approved by the Minister for Education under section 20 of the <i>Teacher Registration Act 2012</i> . They detail the abilities, experience, knowledge or skills expected of registered teachers, and largely mirror the AITSL Standards. The Professional Standards for Teachers in Western Australia can be found at <a href="http://www.trb.wa.gov.au/Further-Information/Publications">www.trb.wa.gov.au/Further-Information/Publications</a>

## References

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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 2019.

<sup>1</sup> Hear no evil, see no evil: Understanding failure to identify and report child sexual abuse in institutional contexts, <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Research%20Report%20-%20Hear%20no%20evil%2C%20see%20no%20evil%20Understanding%20failure%20to%20identify%20and%20report%20child%20sexual%20abuse%20in%20institutional%20contexts%20-%20Identification.pdf> at 10 February 2025

<sup>2</sup> Final Report – Royal Commission into Institutional Responses to Child Sexual Abuse, <https://www.childabuseroyalcommission.gov.au/final-report> at 10 February 2025

<sup>3</sup> Final Report – Schools - Royal Commission into Institutional Responses to Child Sexual Abuse, Volume 13. <https://www.childabuseroyalcommission.gov.au/schools> at 10 February 2025

<sup>4</sup> Guidelines issued by the Commission for Children and Young People, <https://www.cryp.wa.gov.au/our-work/resources/child-safe-organisations/> at 10 February 2025

<sup>5</sup> Adapted and developed from QCT's Professional Boundaries: A Guideline for Queensland Teachers page 4, <https://cdn.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, revised 2019, <https://www.education.sa.gov.au/policies/shared/protective-practices-staff-interactions-children-young-people.pdf> at 10 February 2025

- <sup>6</sup> Adapted and developed from QCT's Professional Boundaries: A Guideline for Queensland Teachers page 4, found at <https://cdn.qct.edu.au/pdf/Professional%20Boundaries%20-%20A%20Guideline%20for%20Queensland%20Teachers.pdf> ; and Professional Standards and Practices Commission – Information for Educators (My duties as a professional educator), found at <https://www.pa.gov/agencies/pspc/resources/information-for-educators/educators.html> at 10 February 2025
- <sup>7</sup> 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 10 February 2025
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- <sup>9</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report - Volume 6, 2017) Page 46, [https://clan.org.au/wp-content/uploads/2020/12/final\\_report\\_-\\_volume\\_6\\_making\\_institutions\\_child\\_safe.pdf](https://clan.org.au/wp-content/uploads/2020/12/final_report_-_volume_6_making_institutions_child_safe.pdf) at 10 February 2025
- <sup>10</sup> These questions were developed from a set of questions published by the Government of South Australia – Department of Education & Child Development - page 9 of "Protective practices for staff in their interactions with children and young people –Guidelines for staff working or volunteering in education and care settings in 2019, found at <https://www.education.sa.gov.au/policies/shared/protective-practices-staff-interactions-children-young-people.pdf> at 10 February 2025
- <sup>11</sup> 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 or volunteering in education and care settings in 2019, found at <https://www.education.sa.gov.au/policies/shared/protective-practices-staff-interactions-children-young-people.pdf> at 10 February 2025
- <sup>12</sup> These recommendations 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 or volunteering in education and care settings in 2019, found at <https://www.education.sa.gov.au/policies/shared/protective-practices-staff-interactions-children-young-people.pdf> at 10 February 2025

## Notes

## **Teacher Registration Board of Western Australia**

151 Royal Street

East Perth WA 6004

**T** (08) 9223 9100

**W** [trb.wa.gov.au](http://trb.wa.gov.au)

**E** [info@trb.education.wa.edu.au](mailto:info@trb.education.wa.edu.au)

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