CODE OF CONDUCT
Policy & Procedure

QA REFERENCE	POL057 – Rev 13-03-24
LAST REVIEWED	13 March 2024
NEXT REVIEWED	13 March 2027
RESPONSIBILITY	The Director of People and Culture is responsible for the review and currency of this policy and procedure.
APPROVED	Approved by the Chief Executive Officer on 13 March 2024.
REFERENCES	
Legislative Acts and other sources of Authority	• Privacy Act 1988 (Cth) • Privacy and Data Protection Act 2014 (Vic) • Housing Act 1983 (Vic) Part VIIIA – Social Housing • Children and Young Persons (Care and Protection) Act 1998 (NSW) • Children's Guardian Amendment (Child Safe Scheme) Bill 2021 (NSW) • Constitution Act, 1975 • Crimes Act, 1914 (Cth) • Crimes Act, 1958 (Vic) • Disability Discrimination Act, 1992 (Cth) • Drugs, Poisons and Controlled Substances (Amendment) Act, 1981 (Vic) • Equal Opportunity Act, 2010 (Vic) • Financial Management Act, 1994 (Vic) • Freedom of Information Act, 1982 (Vic) • Health Records Act, 2001(Vic) • Human Rights and Equal Opportunity Commission Act, 1986 (Cth) • Information Privacy Act, 2000 (Vic) • Marriage Act, 1961 (Cth) • Occupational Health and Safety Act, 2004 (Vic) • Racial and Religious Tolerance Act, 2001 (Vic) • Racial and Religious Tolerance Amendment Bill 2019 (Vic) • Racial Discrimination Act, 1975 (Cth) • Sex Discrimination Act, 1984 (Cth) • Whistle-blowers' Protection Act, 2001 (Vic) • Workplace Relations Act, 1996 (Cth)
Related Standards, Guidelines and Other References	• Child Safe Standards (Vic) • Child Safe Standards (NSW) • Performance Standards for Registered Housing Agencies • DHHS Victorian Housing Register Operational Guidelines • Charter of Human Rights and Responsibilities 2006 • Social, Community, Home Care and Disability Services Industry Award 2010 • Code of Conduct for the Victorian Public Sector, 2003

Related MASP Policy & Procedures documents	• Anti-Bullying, Discrimination and Sexual Harassment - HRM P&P No 30 • Child Safe – M't P&P No 22 • Clients at Risk and our Duty of Care - CWG P&P No 02 • Conflict of Interest - HRM P&P No 28 • Conflict of Interest NDIS - CWG P&P No 05 • Disciplinary Procedures HRM P&P No 17 • Incident Reporting - M't P&P No 25 • Mobile Devices – Fin P&P No 05 • Privacy and Confidentiality - M't P&P No 16 • Privacy and Information Security - M't P&P No 39 • Staff Grievances HRM P&P No 10 • Whistle-blower – HRM P&P No 23
Related MASP Instructions and Guidelines	• Board Director Code of Ethics and Proper Conduct G&B I&G No 02 • MASP's Commitment to Child Safety - CWG I&G No 11
Related MASP Forms and Templates	• Code of Conduct Declaration - HRM F&T No 08 • Code of Conduct Declaration - KYMP Mentor - S&T F&T No 15 • Code of Ethics Declaration – Board Director - HRM F&T No 14 • Disclosure of Interest - HRM F&T No 63 • Disclosure of Interest – Board Director - G&B F&T No 19 • Register of Interests - HRM F&T No 64 • Register of Interests – Board Director - G&B F&T No 13 • Confidentiality Agreement – HRM F&T No 53 • Confidentiality Agreement - Board Director - G&B F&T No 01 • Incident Report – M't F&T No 07
ACRONYMS/DEFINITIONS	
• MASP	• Mallee Accommodation and Support Program Ltd
• OLG	• Operational Leadership Group
• Declaration of interests or potential conflict of interest	• Statement of personal interest or involvement that is or may be a potential conflict of interest in carrying out duties on behalf of MASP. This may include, but is not limited to: financial interests, contractual or other agreements or arrangements, beneficiary of a trust, any other substantial financial or other interest held or accruing or a member of the immediate family which could reasonably raise an expectation of a conflict of interest with the position duties.
• Dual relationship	• Any identifiable pre-existing association between a client and an employee. This relationship may be personal, social or financial.
• Employee	• Any salaried staff member employed by MASP whether on a permanent, temporary or casual basis.
• Manager	• Any MASP employee appointed to a position in the Operational Leadership Group in MASP's organisational structure.
• Volunteer	• Any person carrying out volunteer work on behalf of MASP while not classified as an "employee".
• Organisational values	• The guiding statement that the organisation uses to convey the culture of the organisation, to positively influence the way employee's work and the decisions they make on behalf of the organisation.

• Workplace ethics	• The set of moral principles that guide workplace behaviour.
• Privacy	• The commitment and legal obligations of an organisation to keeping personal, sensitive or health-related information secure and restricted to those who require access to it for the purposes of delivering services required by their role.
• Workplace confidentiality	• The restriction of information acquired as part of a job within the organisation until such time as it is officially released.

PURPOSE

The purpose is to uphold the organisation's mission, values and principles, linking them with standards of professional conduct and procedural fairness.

SCOPE

This Code of Conduct and associated declaration applies to all employees, volunteers, carers and students on placement.

Members of the Board of Directors are governed by a separate Code of Ethics and Proper Conduct - G&B I&G No 02 and associated declaration.

This Code of Conduct forms part of the terms and conditions of employment for all MASP employees.

Limitations

A Code of Conduct cannot cover every situation. Employees should check whether any guidelines have been issued on related matters or if a policy or procedure applies to the situation they are dealing with. If the employee is unsure of the appropriate action to take in a particular situation, they should discuss the matter with the program manager, other OLG member or the Chief Executive Officer.

If the employee is uncertain of the meaning or implication of a specific provision of this Code of Conduct, it is their responsibility to seek clarification.

POLICY

MASP is committed to ensuring that all employees, volunteers, carers and students on placement act ethically, responsibly and in the best interests of the organisation and its clients.

MASP is committed to ensuring that individual interests that conflict with the interests of the organisation are identified and managed so that they do not affect the services, activities or decisions of the organisation.

All employees, volunteers, carers and students on placement are required to notify the organisation when other interests and/or commitments conflict with the best interests of the organisation.

Every individual, regardless of any individual differences, has the right to reach their full potential, provided that doing so does not infringe on the rights of others.

Every individual is protected against discrimination on the basis of sex, age, race and disability.

Social inclusion is a human right and encourages individuals to play an active role in society. An inclusive society is based on the fundamental values of tolerance and embracing diversity.

Every society has a responsibility to treat their members equitably and to make extra adjustments if necessary, for those who are disadvantaged.

MASP recognises First Nation people and their right to self-determination.

PROCEDURES

Code of Conduct Declaration

All MASP employees, volunteers, carers and students will sign a Code of Conduct Declaration agreeing to adhere to this Code of Conduct as a condition of employment.

The Code of Conduct requires MASP employees, volunteers, carers and students to commit to the following values

- Honesty and integrity
  - act honestly at all times
  - be transparent when making decisions or giving advice
  - ensure all actions can withstand scrutiny

- Respect and courtesy
  - act fairly and equitably
  - respect others, their values and their rights
  - respect privacy and confidentiality
  - create a safe work environment that is free of violence, discrimination, harassment or victimisation.

Standards of Work

All individuals will perform their duties as best they can and at the highest level of professional conduct. They will be accountable for their work and their interactions with others. In conjunction with this Code of Conduct all individuals will read and understand the Child Safe Standards for Victoria and NSW, understand their implications and ensure they promote and guide child safe and positive work practices.

In carrying out their duties, or acting on behalf of MASP, employees are expected to

- obey any lawful direction or reasonable instruction;
- observe MASP policies and procedures;
- maintain public confidence in the integrity of MASP and act in an honest, trustworthy and lawful manner in dealing with other employees, clients and members of the public;
- respect the privacy and confidentiality of all people with whom there is contact during the course of work;
- be open, honest and transparent when making decisions or providing any advice or service;
- perform duties effectively, efficiently, economically, impartially and to the best of their ability, to ensure that conduct and behaviour reflects the high levels of professionalism expected by the public in the delivery of MASP services;
- observe relevant Occupational Health and Safety (OH&S) requirements and act to remove associated risks or bring to the attention of the program manager any situation which may be a health or safety hazard;
- follow the incident reporting process designed for the proactive reporting and resolution of health and safety hazards;
- familiarise themselves with this Code of Conduct and observe its provisions;
- report any breaches of this Code of Conduct promptly to their program manager, other OLG Member or the Chief Executive Officer;
- respect the dignity, culture, values and beliefs of the clients;
- refrain from engaging in representations, exploitation or misinformation in regard to MASP services;

- provide a professional high-quality service to clients at all times - clients are owed a duty of care and the delivery of a quality professional service based on strengths-based, evidence-based practice and "best" practice guidelines.

Note: this code of conduct does not seek to direct private behaviour or conduct when not working except where it impacts on MASP or the performance of an employee's duties but it is noted that in many communities, a MASP employee will be seen as a representative of MASP whether on duty or not.

Child Safe Standards

MASP is a Child Safe Organisation in Victoria and NSW. We are committed to meeting the highest child safety standards set by both states, and ensuring children in the Mallee region receive the best possible care and protection.

All children who attend MASP have a right to feel safe. The welfare of children who access our services will always be our first priority. We aim to create a child safe and child friendly environment where children feel safe and secure whilst attending our organisation.

MASP has zero tolerance to child abuse. All allegations and safety concerns will be treated seriously. Everyone working within the organisation is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.

We support and respect all children. We are committed to the cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds and to provide a safe environment for children with a disability.

MASP has specific policies and procedures to support human resources and recruitment practices. We take all reasonable steps to employ skilled people to work with children.

MASP maintains internal systems to protect children from abuse such as

- Risk identification and mitigation
- Working with Children Checks
- Staff training and development
- Incident management systems
- Feedback management systems

Responsibility to clients (including children and young people)

All MASP employees, volunteers, staff and students will

- establish with the client (including children and young people) the nature of the relationship and the expectations of the client;
- have a responsibility to maintain confidentiality with respect to information concerning clients, children and young people unless
  - the permission of the client or child or young person has been granted;
  - failure to disclose information would breach the employer's contract; or where
  - failure to disclose information would breach reporting requirements or legal obligations.
- be responsible for ensuring that clients (including children and young people) are informed in their decisions, are informed of their rights, and have access to information about themselves;
- have an obligation to treat clients and children and young people with dignity, respect and to acknowledge their capacity for self- determination;

- establish a professional relationship with clients, children and young people at all times, and not form personal relationships that may compromise the relationship; and
- improve their skills and further their knowledge for the benefit of the client and all children and young people.

Professional boundaries and personal relationships

- Employees who are responsible for the provision of services to clients and their families should be aware of the limits and boundaries of their professional relationships and the position of trust that they hold with the public. Setting appropriate professional boundaries can present challenges for all Community Service professionals as they seek to provide the best possible service for their clients.
- Employees should be aware of the vulnerability of clients and the imbalance of power that exists in the client relationship and the vulnerability of the clients that they service.
- Safety, trust and ethical behaviour underpin the professional relationship.
- The crossing of professional boundaries into a personal relationship has multiple dimensions and include inappropriate behaviour, sexual innuendo, misconduct or harassment, physical or financial abuse, dual relationships or breaches of confidentiality.
- Any exploitation of the relationship between a client and the MASP employee is an abuse of power and trust by the MASP employee.
- MASP employees should seek advice and assistance from their program manager and/or peer support structure on the management of a professional boundary issue.
- The buying and selling of goods and services (or renting personal property) to current MASP clients is inappropriate and not permitted.
- At all times, employees are to observe ethical behaviour in relationship to clients. Where a blurring of professional and personal relationships occurs or could occur, employees must discontinue the behaviour and discuss this with their supervisor.

The following indications of behaviour towards clients, considered to be unacceptable, is a guide but it is not exhaustive.

It is unacceptable to

- take clients including children/families to the workers (own) home;
- have sexual relationships with clients or their close family (see below);
- accept gifts or donations from clients (and other parties) for work performed
- drink alcohol with clients during or after work hours;
- have inappropriate dress or clothing (revealing clothing or clothing with coarse or suggestive “messages”);
- take client files or other client records home;
- smoke in front of clients;
- use unnecessary coarse language in front of clients, including swearing at clients;
- provide alcohol or cigarettes to under age children. (To do so is against the law and any breach of this policy will result in disciplinary action.)

In addition, employees should exercise care and caution when visiting single people of the same sexual orientation in their own home, due to potential compromising situations, particularly on a longer-term basis. In such cases, visits should be advised to the supervisor and any issues discussed with them.

The employee should consult their supervisor or an OLG member if any expectations are unclear in relation to these requirements.

A sexual relationship with clients with intellectual disabilities or minors is illegal; any breaches of this kind will be met with instant dismissal and police notification.

Sexual relationships with any clients are discouraged and given the vulnerable nature of many clients. could result in disciplinary action.

Responsibility to the Employer

All MASP employees, volunteers, carers and students will

- carry out the duties and responsibilities of their role as outlined in the position description;
- undertake all duties in a diligent manner;
- adhere to the rules, policies and procedures of the organisation;
- work within the goals and objectives of the organisation without denying clients (including children and young people) their rights;
- act within the law;
- not act in a way that brings them or the organisation into disrepute;
- maintain a professional relationship with clients (including children and young people) at all times, and disclose any out of hours contact; and
- act responsibly in the spending of public monies.

Responsibility to Colleagues

All MASP employees, volunteers, carers and students will

- work cooperatively as a member of the team;
- support colleagues and respect the experience and knowledge of all colleagues;
- discuss ethical concerns with colleagues and managers;
- share professional information and knowledge with colleagues;
- project a positive image of the organisation;
- not be absent from duties without an appropriate reason; and
- adhere to the legal rights of colleagues including maintaining confidentiality, anti- discrimination legislation and workplace health and safety legislation.

Responsibility to the Profession

All MASP employees, volunteers, carers and students will

- maintain standards for exceptional practice;
- address any behaviour that is incompatible with this code;
- disclose any relationships between a colleague and a client;
- respect the rights and legal protections of individuals;
- make informed decisions and seek assistance at any time if unsure about a decision; and
- adhere to the requirements of this code at all times.

Conflict of Interest

MASP is committed to ensuring that individual interests that conflict with the interests of the organisation are identified and managed so that they do not affect the services, activities or decisions of the organisation.

The *Conflict of Interest - HRM P&P No 28* requires that all MASP employees, volunteers, carers and students

- act impartially and without prejudice;
- declare any potential or actual conflict of interest; and
- do not accept gifts, benefits or bribes that would influence a decision.

Detailed guidance on the management of conflicts of interest can be found in the *Conflict of Interest - HRM P&P No 28* and declared on the *Disclosure of Interests - HRM F&T No 63* and entered into the *Register of Interests - HRM F&T No 64.*

Privacy and Confidentiality

All MASP employees, volunteers, carers and students must respect and keep confidential internal matters of the organisation, and respect the privacy of others.

MASP employees, volunteers, carers and students must respect the confidentiality of information obtained in the course of their work. The worker will not share confidences revealed by clients without their permission except when compelling moral or ethical reasons exist, e.g. when child abuse is known or suspected, when there is extreme risk involved to workers or clients.

Detailed guidance on issues of privacy and confidentiality can be found in the *Privacy and Confidentiality - M't P&P No 16.*

Information Privacy

Privacy protections are enshrined in law in Victoria under the Health Records Act 2001 (HRA), and the Information Privacy Act 2000 (IPA). The two Acts cover all personal information handled by the Victorian public sector and its funded agencies.

Personal information is information or opinion about a person, which can or may lead to disclosure of their identity.

The Health Records Act applies to all health information. Health information is defined as - personal information (including opinion) held by any organisation about a person's physical, mental or psychological health or disability, or about actual or desired provision of health services and all personal information collected by health service providers to provide, or in providing, a health service in Victoria.

Health service is defined widely to cover medical, psychiatric, psychological, disability, aged care, and palliative care services, diagnostic, and pharmaceutical-dispensing services.

The Information Privacy Act applies to all personal information except health information.

DHS funded agencies such as MASP are required by the standard clause in their Service Agreement to comply with both Acts.

Key information privacy principles are summarised in the *Privacy & Confidentiality - M't P&P No 16.*

Use of Resources

Resources include physical, financial and technological resources as well as intellectual property, which includes but is not limited to, mobile phones, laptops, desktop computers and motor vehicles.

MASP employees must

- recognise the resources that belong to the organisation;
- use all work resources efficiently and only for appropriate purposes; and
- respect and safeguard all MASP resources, equipment and motor vehicles;
- report any damage to equipment and motor vehicles to the appropriate manager immediately.

Detailed guidance on these issues can be found in the *Mobile Devices – Fin P&P No 05* and the *Information and Communication Technology M't P&P No 10* and the *Motor Vehicles - Admin P&P No 04.*

Bullying, Discrimination and Sexual Harassment

Harassment and bullying are unacceptable and contrary to ethical behaviour. Additionally, harassment on the basis of a person's sex, race, ethnic religious background, age, pregnancy, marital status, disability, transgender (transsexual) status or sexuality breaches anti-discrimination and human rights law.

Harassment in the workplace can take many forms. It can be obvious or subtle, direct or indirect. It includes

- sexual or suggestive remarks or gestures;
- displaying or circulating sexually suggestive, offensive or degrading/insulting material (e.g. on walls, computer screen savers, email);
- making fun of someone, spreading rumours, and unwelcome practical jokes;
- obscene or unsolicited telephone calls, letters, faxes or email messages;
- invasion of personal space, unnecessary physical contact;
- continually ignoring or dismissing someone's contribution;
- pushing, shoving or jostling or assault;
- threats, insults, name calling, inappropriate language;
- creating a hostile feeling or environment, even when there are no direct attacks being made on a person;
- using workplace resources to harass, threaten or abuse an intimate partner or family member within or outside the workplace.

Detailed guidance on these issues can be found in the *Anti-Bullying, Discrimination and Sexual Harassment - HRM P&P No 30.*

Complaints concerning harassment or bullying should be actioned according to the *Staff Grievances HRM P&P No 10.*

Handling of Financial Matters

Employees, volunteers, carers and students must ensure that in financial matters, including the handling of monies, there is full accountability in relation to any advice or transaction in which they may be involved. If a person has financial responsibilities, they must observe the principles of any prevailing financial management legislation and MASP policies and procedures.

Employees who are issued with a corporate credit card must comply with any limits set by MASP on the value or types of purchases that may be made. The credit card must never be used for private purchases, cash withdrawals or for non-reimbursable expenses that have or will be claimed by any form of allowance. Employees must substantiate all purchases and immediately report the loss, theft or misuse of the credit card.

External and Post MASP Employment

Employees should not engage in outside employment or conduct a business, trade or profession without written authority from the CEO. Consideration of requests to engage in external employment will be undertaken to establish whether such employment would interfere with the proper performance of the employee's duties and whether it would give rise to a conflict of interest or a perception of a conflict and if these are not present. Written authority will not be unreasonably withheld.

When an employee, volunteer, carer or students leaves MASP for other employment or position, they must not use confidential information obtained during the course of their time with MASP to advantage their prospective employer or business or disadvantage MASP in its dealings with others.

Reporting Improper or Unethical Behaviour

If a person believes that the behaviour of any employee, volunteer, carer or student or member of the Board of Directors is unethical they must report it to the Chief Executive Officer/Secretary of the Board of Directors.

Unethical behaviour is defined as

- workplace behaviour that is contrary to the MASP Code of Conduct, or other workplace policies;
- workplace behaviour that violates any law, or is corrupt conduct or misconduct;
- mismanagement of resources or fraudulent behaviour;
- behaviour that creates a danger to public health or safety or the environment.
- Detailed guidance on these issues can be found in the *Whistle-blower – HRM P&P No 23.*

Breach of Code of Conduct

Employees, volunteers, carers and students on placement who breach the standards of conduct contained in this Code of Conduct may face disciplinary action. In cases of serious misconduct, this may result in termination of employment or placement.

Breaches of this Code of Conduct may also breach legislation and may result in penalties, punishment under the provisions of Victorian, Commonwealth legislation, or regulations.

AMENDMENT SCHEDULE

10-11-2020 - VK

1) inserted heading – Purpose

2) amended related MASP forms and templates

3) updated footer

4) updated heading - Scope