

## POLICY & PROCEDURES

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### ETHICS AND CODE OF CONDUCT

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#### 1. Scope

This policy applies to all staff, volunteers, contractors, board members, advisory committee members and students of Leep (Leep).

#### 2. Aim

The aim of this policy is to ensure that all people within its scope understand and deliver the conduct expected of them by Leep, various service standards and legislation. Through its various sub-headings, this policy also demonstrates the ethical areas that frame Leep's conduct expectations - namely to treat all people with respect and dignity, to act honestly, transparently and professionally, to value volunteers and their contributions, to respect people's privacy and provide safe, quality services.

#### 3. Code of Conduct

All Leep staff, volunteers, students, board members, advisory committee members and contractors are required to support the aims and values of Leep. They are also required to observe all the rules of the organisation including those specified in the Constitution, relevant legislation and any others determined by the Board.

##### 3.1 Respect and dignity

All people within the scope of this policy must:

- treat people (including colleagues, service users and stakeholders) with dignity and respect in all of their dealings as representatives of Leep;
- act with respect for the rights of people using Leep services to freedom of expression, self-determination and decision-making;
- respect the skills, knowledge and experience of colleagues, including volunteers;
- deal with difficult issues in a way that is respectful and aims to achieve positive outcomes;
- employ an inclusive and respectful attitude in matters of culture and diversity including ethnicity, gender, sexual orientation, age and disability.

##### 3.2 Acknowledgement of volunteer contributions

Interactions with volunteers should reflect and recognise that:

- volunteers make a significant contribution to Leep and are a valued resource;
- volunteers are colleagues and should be treated as such; and
- there should be parity between managing paid staff and volunteers. For example, planning for volunteer activities must be as efficient as it would be if they were paid; and volunteers should be provided all necessary support, direction and information needed to undertake their duties.

### 3.3 Honesty and transparency

All people within the scope of this policy must act with integrity, honesty and transparency. In order to achieve this Leep requires people to:

- ensure they have honest dealings with each other, clients and stakeholders of Leep;
- provide honest accounts in all dealings, including in written reports;
- acknowledge other people's work and ideas;
- act honestly in all financial matters including not misappropriating organisational funds or property of Leep, its clients, volunteers or stakeholders;
- not use organisational information or work time for private gain;
- not accept money from client organisations that isn't directly involved with service provision;
- declare any real, perceived or potential conflict of interest; and
- provide service users with access to their records upon request in the presence of the Chief Executive Officer or Project Leaders.

### 3.4 Professional behaviour

All people within the scope of this policy must:

- act professionally at all times when working on behalf of Leep;
- carry out the duties and responsibilities of the role as outlined in their terms of employment/agreement with Leep;
- conduct all Learning and Development activities in an ethical and responsible manner;
- not perform work duties when affected by drugs or alcohol;
- wear respectable and appropriate attire to represent Leep in a professional manner;
- not be publically critical of Leep or their colleagues or act in any way that would bring Leep into disrepute, including through comments made on social media;
- not harass, bully or intimidate (in any form) anyone including colleagues, volunteers, students, members of Leep, stakeholders from other organisations or clients. This includes sexual harassment, which will not be tolerated in any form. Please see definitions below for clarity on bullying and sexual harassment;
- not abuse anyone, physically or verbally, including service users, staff of client organisations, other staff, contractors, students, volunteers or members of the organisation;
- establish and maintain professional boundaries with service users and stakeholders at all times;
- not engage in any unprofessional relationship with clients or members of client's families or their carers;
- observe all the rules of the organisation including those specified in the Constitution and any others determined by the Board;
- act in accordance with Leep's Policies and Procedures; and
- operate under the guidelines of WH&S legislation, Equal Employment Opportunity (EEO), Anti-Discrimination Laws, Copyright Act, and the Privacy Laws.

### 3.5 Quality and Safety

Leep values quality in its services and the safety and wellbeing of its staff, volunteers, students and board members. All people within the scope of this policy must:

- ensure the highest quality and best practice service delivery to clients;
- take reasonable care of their safety and health and that of others;
- follow all Work Health and Safety (WHS) policies and procedures and report all known or observed hazards, incidents and injuries and act quickly to mitigate risks that may arise in the course of their work;

- provide Working with Children Checks (if relevant to their position) and National Criminal Record Checks at time of employment and every 3 years following;
- advise the CEO if there has been any change to their Working with Children Check status or their Criminal Record since the last check was undertaken.

Additionally, there are times when Leep provides services to people who are vulnerable including people with disability. Where this occurs, all people within the scope of this policy must:

- act promptly to raise concerns and act on them about matters that may impact the quality and safety of supports and services provided to people who are vulnerable;
- take all reasonable steps to prevent and respond to all forms of violence against; and exploitation, neglect and abuse of vulnerable people including people with disability.
- take all reasonable steps to prevent and respond to sexual misconduct.

### 3.5.1 Quality and Safety Procedures

The Office Manager will maintain a list of all necessary worker checks including National Criminal Record Checks and Working with Children Checks (where relevant). This list will note due dates for renewal and people within the scope of this policy will be provided a link to undertake relevant checks when due. National Criminal Record Checks must be no older than three years. Working with Children Checks must be current at all times if required.

Where changes to a team member's Criminal Record status have been advised or come to light, the CEO will use the process outlined in the *Staff Recruitment and Selection Policy* to undertake a risk assessment and make any changes as deemed appropriate.

### 3.6 Privacy and confidentiality

People's privacy should be respected at all times. To achieve this, all people within the scope of this policy must:

- respect and protect the privacy of Leep's staff and people using Leep's services;
- not discuss confidential issues of the organisation or its service users with people outside the organisation;
- fully inform service users and groups about the limits of confidentiality in any given situation, the purposes for which information is obtained and how it may be used;
- exceptions to disclose confidential information include:
  - where the client has given consent (written/verbal);
  - there is an obligation not to conceal a completed or intended crime or misconduct of a serious nature and the disclosure is reasonably believed to be necessary to take appropriate action;<sup>1</sup>
  - where you reasonably believe that a person's life, health or safety is in danger and it is unreasonable or impractical to obtain their consent;<sup>2</sup>
  - subpoena.
- not identify the service user by name when collecting or reporting data; and
- keep all client and sensitive information secure.

#### 3.6.1 Privacy and Confidentiality Procedures

All people within the scope of this policy who have access to private and confidential information are required to:

<sup>1</sup> Justice Connect, 2015, Privacy Guide: A guide to compliance with NSW and Federal Privacy laws, p 37.

<sup>2</sup> As above.

- store all client and sensitive information on computer or removable media that is password protected. If removable media cannot be password protected, it should be stored in a lockable cupboard;
- store all hard copies of client information files and documents in locked cabinets when not in use by the responsible worker;
- all Leep personnel information will be stored in a lockable location. Access is only authorised to Chief Executive Officer, Head Operations & Communications, Board and Financial Officer;
- provide clients with access to their records upon request in the presence of the Chief Executive Officer, Head Operations & Communications or Project Leaders;
- use shredding as the only method of disposal of documents containing any client information or sensitive material;
- blind copy (bcc) all email addresses when sending emails to a group of clients;
- when accessing professional supervision outside the organisation, it is acceptable to discuss details of the case, but not the service user's name;
- when writing case studies or other public documents, service users should be de-identified. If people are not de-identified, or are included in pictures written consent must be obtained;
- obtain written consent to release or provide private or confidential information except in cases where there are exceptions as listed in 3.6;
- advise the CEO of any events where information may have been made accessible to unauthorised people (data breaches) either verbally, via hard copy or electronically.

### **3.7 Additional responsibilities of Board Members**

In addition to the conduct noted above, all Board Members are required to:

- observe all the rules of the organisation including those set out in the Constitution, the Corporations Act 2001 (Cth) and any others set by the Board or the membership of the organisation (copies of which will be held by the Chief Executive Officer and made available on request);
- not act on matters without the consent or authorisation of the Board, including not interfering in the day-to-day operations of the organisation;
- not discuss Board matters with people outside of the organisation or with Leep representatives or members of the organisation;
- represent the organisation in a positive way;
- represent the organisation at meetings and functions only with prior approval of the Board
- treat other Board members and Leep representatives with respect and assist the group decision-making process.
- follow any procedures set down by the Board to try to resolve any conflicts with Leep representatives or members of the organisation;
- abide by the Roles and Responsibilities of the Board Policy and Procedure;
- ensure they have declared any actual or perceived conflict of interest in accordance with the Conflict of Interest Policy.

### **3.8 Additional Responsibilities of the Chief Executive Officer, Head Operations & Communications and Project Leaders**

In addition to the conduct noted above, the CEO, Head Operations & Communications and Project Leaders are required to:

- promote a team spirit amongst all Leep representatives through their own behaviour;
- avoid bias in decision making;

- disqualify themselves from decision making where they are unable to remain objective;
- keep Leep representatives informed of issues of relevance to them or their position;
- exercises objectivity when administering acknowledgements or discipline;
- not represent someone else's ideas as their own.

#### 4. Compliance with this policy and procedure

All Board members, staff, committees, contractors, students and volunteers are to comply with this policy and sign the commitment agreement attached at the end of this document.

Failure to adhere to the *Ethics and Code of Conduct Policy and Procedure* may be referred by the Chief Executive Officer to the Board for review. If this occurs, the Board will take action as it sees fit. Persistent breach of this *Ethics and Code of Conduct Policy and Procedure* may constitute grounds for termination of your relationship with Leep.

#### 5. Responsibility for this Policy and Procedure

The Board is responsible for ensuring that the Ethics and Code of Conduct Policy is adhered to by Leep.

#### 6. Reference documents

This policy and procedure is to be read in conjunction with the following documents:

##### Leep Policies and Procedures

Client Rights and Responsibilities  
 Conflict of Interest  
 Financial Management  
 Roles and Responsibilities of Board Members  
 Privacy Policy  
 Social Media  
 Staff Disciplinary  
 Staff Recruitment and Selection

##### Legislation

Age Discrimination Act 2004 (Cth)  
 Corporations Act 2001 (Cth)  
 Privacy Act 1988 (Cth)  
 Anti-Discrimination Act 1977 (NSW)  
 Privacy And Personal Information Protection Act 1998 (NSW)  
 Work Health and Safety Act 2011 (NSW)

##### Standards and Codes

Australia Aged Care Quality Agency, [Home Care Common Standards](#) 1.2, 1.6, 1.8, 3, 3.2.  
 National Disability Insurance Scheme, ([Code of Conduct](#)) Rules 2018  
 National Disability Insurance Scheme, ([Provider Registration and NDIS Practice Standards](#))  
 Rules 2018, Schedule 1, Part 2, 2.4, 2.5, 2.7. Part 5, 5.24.

#### 7. Definitions

##### Sexual Harassment

The [Australian Human Rights Commission](#) cites the legal definition of sexual harassment as an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

##### Bullying

According to the [Fair Work Ombudsman](#), a worker is bullied at work if:

- A person or group of people repeatedly act unreasonably towards them or a group of workers;
- the behaviour creates a risk to health and safety.

Unreasonable behaviour includes victimising, humiliating or threatening. Examples of bullying include, behaving aggressively, practical jokes or initiation, intimidating behaviour, pressuring someone to behave inappropriately, excluding someone from work-related events or unreasonable work demands. It is not bullying if a manager makes decisions about poor performance, takes disciplinary action, and directs and controls the way work is carried out. Reasonable management action that's carried out in a reasonable way is not bullying.

## 8. Review details

This policy was adopted by Leep on 16 August 2018

<b>Policy review and version tracking</b>			
<b>Review</b>	<b>Date Approved</b>	<b>Approved by</b>	<b>Next Review Due</b>
1	August 2018		August 2021
2			
3			

## 9. Agreement

To acknowledge that have read and agree to this document, please indicate so on the training website.

