



Waratah Respite Services

Flexible Respite Options

Code of Conduct & Ethical Behaviour

ACQS 7, 8

Policy Outcome

This Code of Conduct sets down the minimum standards and obligations for Waratah Respite Services (WRS) personnel.

All staff (including volunteers) who carry out work and related activities for the organisation are expected to observe the highest standards of conduct. They are expected to perform their duties with efficiency, fairness, impartiality, integrity and honesty and behave at all times in an ethical and collegial manner.

A key expectation of all staff under the Code of Conduct is that they treat all clients and their family carer/representatives with the utmost care, kindness, empathy and respect. Staff are expected to demonstrate excellence in client /customer service at all times and assist clients to enjoy the best possible quality of life in line with WRS Mission statement.

Compliance with the Code of Conduct will enhance the reputation of WRS and foster and maintain staff, client, and community trust and confidence in the integrity and professionalism of WRS and its employees.

A person who is found to have breached the Code of Conduct will be subject to disciplinary action up to and including termination of employment.

Scope

This Code of Conduct applies to the members of the Management Committee, all paid and unpaid staff, contractors and all individuals who enter into particular relationships with WRS eg visiting representatives of alternate service providers.

Content and Implementation

All personnel are required to observe and comply with all relevant federal and NSW statutes rules and regulations, as well as the policies and rules of WRS. This Code of Conduct does not exclude or replace the rights and obligations of personnel under general statutory or common law.

Professional Conduct

The personal and professional behaviour of all personnel should conform to the standards that could be reasonably expected of such persons in those positions and this includes, but is not limited to:

- a) commitment to professional standards in the service delivered to WRS clients
- b) commitment to professional standards in administration
- c) the promotion of the rights of staff and WRS clients
- d) demonstration of care, empathy and kindness



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- e) conduct which is professional and which has regard to WRS's interests
- f) awareness of relevant legislation and adherence to policies and procedures developed by WRS
- g) abiding by the Open Disclosure policy

Respect for Individuals

All who are associated with WRS should treat others, clients and members of the community with respect, courtesy, fairness, kindness and equity. This involves, but is not limited to:

- fairness in supervising and dealing with staff and clients
- demonstrating care, kindness and empathy
- demonstrating respect for others in all interactions
- carrying out work with integrity and objectivity
- making decisions that are procedurally fair
- a client-centered approach to work
- not engaging in unlawful discrimination, for example on grounds such as gender, sexual orientation, race, cultural background, religion, or political conviction
- not engaging in behaviour which might reasonably be perceived as corrupt, harassment, bullying or intimidation
- carrying out work in a safe manner and taking precautions to protect the health, safety and welfare of oneself and others
- complying with any legislative, industrial or administrative requirements
- not demonstrating behaviour which might reasonably be perceived as creating an unsafe or unhealthy environment
- respecting an individual's right to privacy and undertaking to keep personal information in confidence
- respecting privacy laws and confidential information given to them in the course of their employment

Examples of behaviour that are unacceptable include (but are not limited to):

- continually communicating in screaming and loud tones
- rude or insulting behaviour or persistent sarcastic and demeaning behaviour
- use of offensive or abusive language
- aggressive, rude, abusive, or unkind behaviour toward a client, carer, visitor, other staff member, or volunteer
- stalking, threatening or menacing behaviour
- violence in any form or manner
- making decisions based on favouritism
- being under the influence of alcohol or drugs while at work
- any illegal activity within the premises of the Waratah Respite Services
- stealing and or theft from the establishment, another staff member, visitor or resident or client
- any sexual offences against a resident or a client
- any means used to gain financially from a client or resident, staff, volunteer or others will be investigated and the person engaged in such conduct will have disciplinary/legal action taken against him/her and face dismissal



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Conflict of Interest

A conflict of interest might arise where a member of the Management Committee or an employee engages in activities which advance his or her personal interests at the expense of WRS's interests or the interests of other members or employees.

In many cases, only the member or the employee may be aware of the potential for conflict. Conflicts of interest should be assessed in terms of the likelihood that members and employees possessing a particular interest may in the course of their professional duties at WRS be in a position to improperly influence, or appear (perceived) to improperly influence, the outcome of a particular matter under deliberation.

All members of the Management Committee and employees of WRS should be sensitive to the potential for conflicts of interest to arise and shall avoid situations in which private interests, pecuniary, non-pecuniary or otherwise, conflict with or might reasonably be thought to conflict with their duties, obligations and responsibilities to WRS.

In instances where there is a real or perceived conflict of interest all members and employees are required to declare such interest. Consequently all members and employees must not engage in activities that may improperly influence judgments or the outcome of a particular matter.

There is an expectation that all members and employees of WRS will ensure that on all occasions when there is a real or perceived conflict of interest between their personal interests and their duties, obligations and responsibilities to WRS, such conflicts are declared, recorded and managed appropriately and transparently.

Any members or employees who are of the opinion that they may have a real or perceived conflict of interest must advise their ultimate supervisor who will determine what action is to be taken ie President or Manager.

Gifts and Benefits (Giving & Receiving)

WRS personnel should not solicit or encourage gifts or benefits in relation to their professional duties. Receipts of gifts may be perceived by others as an inducement, thus creating a potential conflict of interest, and may be an offence under legislation. The offence extends to the offering or seeking of a gift or benefit.

Personnel are not permitted to accept gifts other than those of a minor value such as garden flowers or produce, and hand-made items from clients to a value of less than \$10. Any gift with a valuation above \$10 should not be accepted unless it would offend the client to do so. It must be declared to the direct line supervisor and if able to be, shared within the work area. Gifts with a substantial value estimated at more than \$25 or receipt of serial gifts from the same donor must be declared in writing to the Manager. Any lottery or keno ticket of whatever value given to any personnel as a gift must be surrendered to WRS.



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The following information is required to be registered in relation to gifts with an estimated substantial value of \$25 or more:

- date gift received
- staff member's name
- staff member's position
- name of donor
- organisation and position of donor
- description of gift
- approximate value of gift
- current location of gift

A Gifts and Benefits Register will be maintained and the Management Committee will be made aware of gifts and benefits with a value of \$25 or more.

The members of the Management Committee and employees may give or accept an occasional gift which is offered in accordance with social or cultural practice, for example, when an officer or employee retires or leaves WRS.

The use of WRS funds for gifts must be approved by the Manager in accordance with this Code of Conduct

Reporting Corrupt Conduct

All personnel are urged to report suspected corrupt conduct, as well as maladministration and serious or substantial waste of public resources. The Whistleblowers Protection Act 2001 provides certain protections against reprisals for members and employees who voluntarily report such matters either to the President, the Manager or the NSW Ombudsman.

The NSW Ombudsman can be contacted on:

- 1 1800 451 524 (toll free outside Sydney metro)
- 2 02 9286 1000
- 3 ONLINE COMPLAINT FORM on www.ombo.nsw.gov.au

It should be noted however that such protections do not apply in cases of vexatious or malicious allegations.

The following procedure should be followed if a member or employee believes or suspects they have been offered a secret commission or a bribe or an inducement:

- notes should be taken immediately after the conversation has occurred
- the Team Leader or supervisor should be informed of the offer, and all relevant details, as soon as possible
- If the Team Leader is involved the incident should be reported to the Manager
- If the Manager is involved the incident should be reported to the President
- if a bribe has been offered WRS may decide to inform the Ombudsman and the police through the office of the Manager or the President



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The following procedure should be followed if a member of the Management Committee believes or suspects they have been offered a bribe:

- notes should be taken immediately after the conversation has occurred
- the President should be informed of the offer, and all relevant details, as soon as possible
- If the President is involved the incident should be reported to the Manager
- If a bribe has been offered WRS may decide to inform the Ombudsman and the police through the office of the President or the Manager

Use of Waratah Respite Services Resources

The use of WRS resources for purposes other than work should be subject to appropriate arrangements approved by Team Leaders or above. All WRS personnel are expected to be efficient and economical in their use and management of resources, including their own work time. WRS's resources should be used for the legitimate work purposes for which they are provided.

Personnel should not remove WRS equipment from the site, except where this is necessary for WRS purposes and only when appropriate permission has been given. Old or redundant WRS property must not be taken home but may be sold privately at the discretion of the Manager; all details of sale are to be lodged and recorded accurately.

Electronic mail, access to the internet, computerised information systems and other electronic facilities are provided to support WRS's activities and should be used for these purposes in accordance with WRS's policies and procedures. WRS's facilities and equipment should be treated with appropriate care at all times.

Outside Work and Private Practice

All salaried personnel are reminded that their employment obligations are to WRS in the first instance. Salaried employees wishing to engage in outside work, including private practice, must make application to the Manager who will approve or decline the application in consideration of the impact on organisational business.

All salaried employees, including those employed for less than full-time, must not accept outside work where it may cause a direct or indirect conflict with the employee's duties to WRS. If there is any doubt whatsoever, the potential direct or indirect conflict must be reported to the Manager immediately. The Manager who will approve or decline the salaried employees' engagement in outside work in consideration of the impact on organisational business and any work, health and safety issues.

Political and Community Participation

All personnel must ensure that any participation in party political activities does not cause a conflict of interest or impede the performance of their duties.



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Public Comment

Public comment is any comment which might be expected to be circulated or published outside WRS. The Manager is the only staff member with the delegated authority to make such comment in relation to WRS and its business. The Manager may delegate this responsibility where appropriate.

Other personnel may make public comment on any issue in their capacity as individual members of the community. However, when making public comment (including via electronic means) all personnel should take all reasonable steps to ensure that the opinions they express are not represented as an official view of WRS.

Duty of Care

All WRS personnel must take every precaution reasonable in the circumstances to protect the health, safety and welfare of clients and all those in the workplace. In particular, they must comply with WorkCover NSW Work Health and Safety Act 2011, the *Workers Compensation Act 1987* and the Workplace Injury Management and Workers Compensation Act 1998 and relevant Codes of Practice as well as WRS's occupational health and safety policies and procedures.

All personnel are expected to actively promote safe working practices and environments for everyone using WRS's facilities. In particular all personnel must ensure that their personal use of alcohol or other drugs does not affect work performance or the health, safety and welfare of others.

Discrimination, Bullying and 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.



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Such behaviour may constitute an offence under several federal anti-discrimination laws including the Commonwealth Racial Discrimination Act 1975, Commonwealth Sex Discrimination Act 1984, and the New South Wales Anti-Discrimination Act 1977, and will be considered a breach of WRS's Code of Conduct.

Supervisors must ensure that the workplace is free from all forms of harassment, bullying and discrimination. They should understand and apply the principles of equal employment opportunity and ensure that the employees they supervise are informed of these principles.

Complaints concerning harassment or bullying should be actioned according to the WRS Grievance Procedure.

Diligence

All personnel are expected to carry out their duties in a professional, responsible and conscientious manner, and to be accountable for their official conduct and decisions. All personnel have an obligation to carry out official decisions and adhere to policies faithfully and impartially. This obligation applies even though personnel have the right to institute grievance procedures when they believe a decision is improper or they seek to have decisions or policy changed through appropriate channels.

All personnel shall endeavour to maintain and enhance their skills and expertise and keep up-to-date the knowledge associated with their particular field or area of work. High standards of performance and a focus on client service are expected at all times.

Privacy and Confidentiality

WRS regards the secure protection of personal information entrusted to WRS by or about individuals as of paramount importance. WRS is bound by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, which amended the *Privacy Act 1988*. Accordingly, WRS's practices have been designed to adhere to the Australian Privacy Principles 2014. This protection is also a fundamental part of the service to our clients.

There are ten (10) National Privacy Principles that prescribe the manner in which information is collected and used. They outline the conditions under which information can be disclosed, as well as principles governing the integrity, accuracy and security of the collected data. The Guidelines to the Australian Privacy Principles can be located at www.oaic.gov.au.

All personnel must take reasonable steps to ensure that any information marked confidential in any form (eg computer files), cannot be accessed by unauthorised people and that sensitive information is only discussed with people who are authorised to have access to it. Unauthorised disclosure or use of confidential information may result in disciplinary proceedings for misconduct.



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Official information must only be used for the work-related purpose intended and not for personal benefit. All personnel must ensure that they do not disclose, disseminate or make use of any information marked confidential without prior authorisation or unless specifically authorised by legislation. All personnel have a duty to maintain the confidentiality, integrity and security of information for which they are responsible. In addition all personnel have an obligation to report to their supervisor, or the Manager actual or suspected misuse of information.

If you feel your privacy has been interfered with you are encouraged to seek advice from the NSW Information and Privacy Commission on 1800 472 679 or the Office of the Australian Information Commissioner on 1300 363 992.

In addition, the most up-to-date compilation of the Privacy Act is available for your information at www.comlaw.gov.au

Ethical Decision Making

When making decisions in the course of their work, all personnel shall consider the following:

- i) whether the decision is lawful
- ii) whether the decision is consistent with WRS policy and in line with the objectives and Code of Conduct
- iii) what are the likely outcomes for all concerned parties
- iv) whether the outcomes raise a conflict of interest or lead to private gain at the WRS's expense
- v) whether the decision is justified in terms of the public interest and whether it would withstand public scrutiny

All personnel undertaking or assisting with research must do so in a manner consistent with intellectual honesty and the public interest eg ethical clearances must be gained where appropriate.

Security Maintenance

All personnel must maintain adequate security of WRS's premises in which they are working and must maintain security of keys or swipe cards and passwords issued to them for the purposes of opening, accessing and using WRS's buildings, vehicles, equipment and other facilities.

Relevant Legislation

- NSW Anti-Discrimination Act 1977
- NSW Crimes Act 1900 (as at March 2014)
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity for Women in the Workplace Act 1999 (Cth)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Whistleblowers Protection Act 2001



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- Ombudsman Act 1974 (NSW)
- Privacy Act 1988 (Cth)
- Public Finance and Accountability Legislation
- Racial Discrimination Act 1975 (Cth)
- State Records Act 1998 (NSW)
- Sex Discrimination Act 1984 (Cth)
- Work Health and Safety (WHS) Act, 2011
- Workplace Relations Act 1996 (Cth)

Related Policy Documents

- Conflict of Interest or Duty

Version Number	Reviewed By	Review Date	Modifications Made	New Review Date
1	W Cummings	Feb 2013	Created	Feb 2016
2	C Murray Sub Committee Full Committee	May 2014 Oct 2014 Nov 2014	Rewritten	Nov 2017
3	C Murray	Aug 2016	Contacts Reviewed	Aug 2019
4	C Murray	Aug 2018	Contacts reviewed and version control added	Aug 2021
5	J Bartholomew Management Committee Approval	Sept 2019	Added words, care, kindness and empathy and client/consumer service to the policy in line with new Quality Standards	Sept 2022



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This form is to be signed and returned to the HR/Administration Officer

Code of Conduct & Ethical Behaviour

I, *(insert full name)*.....hereby:

- Acknowledge that I am aware of the Code of Conduct and Ethical Behaviour of Waratah Respite Services
- Confirm that I have been provided with a copy of the Policy & Procedure
- Agree to abide by the Code of Conduct and Ethical Behaviour
- Understand that any breach of the Code of Conduct will result in disciplinary action up to and including termination of employment

Signed:

Date: