

Code of Conduct

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Scope

This Code of Conduct applies to all Marist180 People and People We Serve, Agency wide.

By accepting employment with Marist180, you must be aware of, and comply with this Code of Conduct.

Contractors, consultants, volunteers and students working within the Agency must be aware of this code and act in line with the Conduct described in it. Whilst contractors, consultants, volunteers and students are not subject to disciplinary action, Conduct that would be assessed as being a serious breach of the Code, may result in their contract or placement being terminated.

If you are engaging or managing external consultants, contractors, volunteers or students, it is your responsibility to make them aware of the Agency’s expectations of Conduct during the period of their engagement.

Purpose

The purpose of this document is to outline Marist180’s Code of Conduct. It outlines the Conduct expected of all Marist180 People, both in delivering and supporting service delivery to People We Serve and in interacting with each other, all stakeholders and the community.

Definitions

Marist180 People - Includes employees [whether permanent, temporary or casual], carers, volunteers, contractors, Agency employees, consultants, agents, students undertaking work or professional experience and board directors.

People Manager - Anyone who manages people. The person in authority at a point in time, e.g. House Manager or Area Manager.

Person/People We Serve - A person participating in a program and receiving services provided by Marist180. The term includes children, young people and adults.

Code of Conduct

The Marist180 Code of Conduct is based on Marist180's Mission, Values and Charism.

The following Code of Conduct aims to give direction to Marist180 People and the community about Marist180's expectations to guide their performance and conduct.

1. Professional Standards

1.1 Principles for Professional Behaviour

Marist180 People are expected to be aware of the Agency's policies, procedures, guidelines and delegations, particularly those that apply directly to your work. If you are uncertain about the scope or content of a policy, procedure or guideline with which you must comply with, you should seek clarification from your People Manager.

You must also be familiar with the legislation and service standards under which you are employed, as this may specify requirements with which you need to comply with.

As Marist180 People, you are expected to:

- perform your duties to the best of your ability and be accountable for your performance;
- follow reasonable instructions and/or directions given by your People Manager;
- carry out your duties in a professional, competent and conscientious manner while seeking suitable opportunities to improve your knowledge and skills, including through participation in relevant professional development;
- act honestly and in good faith in providing advice or service that is honest, impartial and comprehensive, irrespective of your personal views on a matter;
- be courteous, collaborative and responsive in dealing with your colleagues, People We Serve and members of the community;
- be mindful of your duty to ensure the safety of yourself and others; and
- be aware that if your conduct has the potential to damage the reputation of the Agency, even if it is in a private capacity, this could lead to disciplinary action.

If you are a People Manager, in addition to the above responsibilities you are also expected to:

- promote collaborative workplaces by developing a positive working environment in which all Marist180 People contribute to the ongoing development of the Agency;
- exercise leadership by working with Marist180 People to implement performance and development processes that are consistent with the conduct and performance framework of the Agency;
- provide ongoing support and feedback to your Marist180 People;
- maintain systems within your area of responsibility which support effective communication and consult with, and involve your Marist180 People in, appropriate decision-making; and
- take appropriate action if a breach of the code occurs.

1.2 Professional and Ethical Decision Making

All Marist180 People are considered to be accountable for their actions. Therefore, decisions should be based on all the relevant facts available and must be fair, consistent, transparent and impartial.

1.3 Conflict of Interest

Real or perceived Conflict of Interest exist when it is likely that a Marist180 Person could be influenced or could be perceived to be influenced by a personal interest when performing their duties. Conflict of Interest may lead to biased decision making, which may also constitute corrupt conduct.

Conflict of Interest either real or perceived must be reported to your People Manager, who then has an obligation to document the conflict and any action taken to resolve it and file the document on a file relevant to the matter.

Examples of Conflict of Interest relating to a personal interest may include, but are not limited to, situations where you have:

- a financial interest;
- a personal or familial relationship
- personal beliefs or attitudes;
- secondary employment

The above may affect or be perceived to potentially affect, your decision making in the course of your duties.

You may be offered a gift or benefit as an act of gratitude. There are some circumstances when to refuse a gift would be perceived as rude, insulting or hurtful. You are expected to exercise sound judgment when deciding whether to accept a gift or benefit.

If you are offered or given a gift or benefit that you cannot refuse, that is of more than nominal value (i.e. over \$50), you are required to verbally report the incident to your People Manager and surrender the gift immediately. You must follow up this report with a file note detailing the circumstances of the matter.

Under no circumstances, is it acceptable to receive any amount of cash gift or benefit from any People We Serve or anyone associated with People We Serve of Marist180. Any such offer should be refused and notified immediately to your People Manager. Marist180 People, are under no circumstances, permitted to give gifts to any People We Serve or anyone associated with the People We Serve, at any given time.

If you are offered a bribe (i.e. anything given in order to persuade you to act improperly), you must refuse it, explain why it is not appropriate, and immediately report the matter to your People Manager.

To resolve or manage a Conflict of Interest which has occurred or could occur, a range of options are available depending on the significance of the Conflict. These should be discussed with your People Manager. **[Refer to Conflict of Interest Policy and Conflict of Interest Procedures]**

2. Professional Behaviour

2.1 Treating People with Dignity and Respect

All Marist180 People have the right to be treated with respect, and it is everyone's responsibility to ensure this occurs. You are to treat your colleagues, People We Serve, their families and members of the community with respect, fairness and consistency.

This also means not participating in, or condoning any behaviour that may result in another person feeling bullied and/or harassed. It is considered unfair to make negative comments about Marist180 People and People We Serve, which are either unsubstantiated or based solely on personal opinion or assumption. This may erroneously cause harm to the person's reputation and as such should always be avoided.

Marist180 People who have had a complaint made against them must not take detrimental action against the complainant in reprisal for reporting their conduct. This includes any action that could reasonably be perceived to be a detrimental action in reprisal.

For more detail and procedures for dealing with bullying, harassment and the management of grievances refer to **Workplace Bullying and Harassment Policy, Grievance Policy and Grievance Procedure**.

2.2 Professional Behaviour towards People We Serve

You are expected to act with integrity, impartiality and compassion towards People We Serve and their families. All dealings with People We Serve and their families should be professional, transparent, accountable and fair. The professional relationship between Marist180 People and People We Serve relies on trust and the obligation of Marist180 People to act in the best interests and welfare of the People We Serve.

The therapeutic context should be a safe one for People We Serve. A proper and professional relationship is one where the welfare and best interests of the People We Serve is the primary concern. All People We Serve have a right to a safe physical and emotional environment.

As a Marist180 Person, you are expected to always behave in ways that promote cultural respect as well as the safety, welfare and well-being of all People We Serve. You must actively seek to prevent harm to People We Serve, and to support those who have been harmed.

While not all Marist180 People are required to manage and interact with People We Serve, it is important for all Marist180 People to understand and observe child protection legislation and to comply with the Agency's policies, procedures and guidelines relating to child protection and promote a Marist180 as a child safe organisation.

2.3 Professional Boundaries with People We Serve

It is not appropriate professional behaviour to develop a relationship with any People We Serve that is, or that can be interpreted as having a personal rather than a professional interest. To do so raises serious questions of conflict of interest, trust, confidence, dependency, abuse of power and of equality of treatment.

Whilst developing rapport is critical to effective work with People We Serve, it should be noted that disclosure of personal information by Marist180 People to People We Serve is

seldom appropriate and should be approached very carefully. Given the vulnerability of many Marist180 People We Serve, appropriate boundaries need to be actively maintained by Marist180 People to protect the professional nature of the relationship. In this way, it will remain clear to both People We Serve and Marist180 People that they share a professional and not personal relationship or friendship.

You must not enter into a romantic, intimate or sexual relationship with any People We Serve or former People We Serve. It is a breach of this code, is unprofessional and possibly illegal, for Marist180 People to engage in sexual activity of any kind with People We Serve or former People We Serve, regardless of whether the person is over the age of consent.

You must not use any personal social media sites to maintain relationships with and/or have any communication or interaction with People We Serve, former People We Serve, their family or friends.

The Marist180 Facebook site can be used to locate the whereabouts of a young person when this action is approved by Marist180. For more detail and procedures for dealing with the use of social media, refer to Marist180 Social Media Policy.

2.4 Unavoidable Personal Contact with People We Serve, Former People We Served, Their Families and Friends

The Agency recognises that it is difficult for certain cultural groups, in particular Aboriginal and Torres Strait Islander Marist180 People, to not have contact with People We Serve, former People We Serve, their families and friends outside of the work context.

In these circumstances, you must report the connection and discuss it with your People Manager or People Manager. This report enables transparency and consistency and provides that appropriate action can be taken to manage any possible risk of actual or perceived conflict of interest.

2.5 Maintaining Confidentiality and Privacy for People We Serve

People We Serve receiving support from the Agency and its Marist180 People have a right to privacy of their personal information and a right to this information being kept confidential and secure.

In acting with a high level of professionalism you will only use People We Serve information for the purpose it was given and must not publicly disclose any identifying information about any People We Serve.

You may only disclose information or documents obtained or accessed in the course of your duties:

- when proper authority has been given;
- when required, or authorised to do so by law; or
- when called to give evidence in court.

Unlawfully disclosing information could result in legal and/or disciplinary action and disciplinary action could also be taken if you improperly access, use, or disclose sensitive or confidential information without authorisation. For more detail and procedures on People We Serve confidentiality and privacy. **[Refer to Privacy Policy]**

2.6 Professional Behaviour towards Marist180 People and Others

In performing your duties you are required to deal with all matters in accordance with approved policies and procedures and in a non-discriminatory manner to ensure that you do not prejudice the operations, security or reputation of the Agency.

Acts of unfairness involving favouritism, inconsistency or discrimination may contravene certain legal rights including access and equity. There are established procedures for recruitment, selection, promotion and conditions of employment, which are based on equal employment opportunity and anti-discrimination legislation.

Personal information about recruitment and appointment processes are confidential and you may not disclose any personal information about another candidate or colleague throughout this process.

Under anti-discrimination legislation it is unlawful to discriminate in employment or in providing a service. Discrimination and/or harassment will not be tolerated by the Agency and disciplinary action may be taken against any Marist180 Person who engages in discrimination and/or harassment. For more detail on the procedures for dealing with Marist180 People recruitment. [**Refer to *Recruitment and Screening Procedures***]

2.7 Maintaining Confidentiality, Privacy and Appropriate Records for Marist180 People

In acting with a high level of professionalism you will ensure that information about your colleagues remains confidential and private. Unauthorised disclosure of private information (personal phone numbers, address, medical information, etc) is considered to be unprofessional and a breach of this code

In relation to the maintenance of appropriate records, a record serves an essential administrative, legal and historical purpose. Records may be emails, electronic documents, digital images and audio recordings, correspondence and files.

All Marist180 People have a responsibility:

- to create and maintain full, accurate and honest records of their work activities, decisions and other business transactions, and
- to capture or store records in line with the Agency's policies and relevant legislation

Managers have a responsibility to ensure that the Marist180 People reporting to them comply with their records management obligations and must not destroy records without appropriate authority.

You agree to respect the confidentiality of information and documents to which you have access in the course of, or arising from, your employment.

You must not, during your employment or after the cessation of your employment for any reason, directly or indirectly, use or disclose (or attempt to use or disclose) confidential information.

Confidential information includes, but is not limited to:

- information about individuals held by Marist180, including but not limited to former, current and future Marist180 People and People We Serve;
- information about Marist180's finances;
- computer data bases and computer software; and
- all other information obtained in the course of your employment that is, by its nature, confidential or personal information.

2.8 Use of Alcohol and Other Drugs

Marist180 is committed to achieving a healthy and safe working environment. As such, we recognise that alcohol, drug and other substance abuse by Marist180 People can have serious adverse effects on their own health and safety of other others. As such, all Marist180 People must not:

- consume alcohol or be under the influence of alcohol while working;
- use or possess illegal drugs at any time in any workplace; or
- drive a vehicle, having consumed alcohol or suffering from the effects of illegal substances.

If a co-worker or manager suspects another to be affected by drugs or alcohol, they must inform their People Manager immediately. No Marist180 People will be allowed to work under the influence of drugs or alcohol at any time.

Marist180 People undergoing prescribed medical treatment with a controlled substance that may affect the safe performance of their duties are required to report this to their People Manager / Manager

All issues pertaining to these matters shall be kept strictly confidential.

A breach of this policy may initiate appropriate action including the termination of employment

Marist180 is committed to ensuring that all Marist180 People are aware of the dangers of drug and alcohol abuse and the potential dangers they impose in the workplace

2.9 Smoking at Work

All Marist180 People are entitled to take breaks in accordance with their Industrial Instrument (terms of employment).

The timing of breaks must be negotiated with, and approved, by People Managers, taking into consideration the operational needs of the service or program, and the needs of the People We Serve. Marist180 People are not permitted to smoke in any Residential Houses where People We Serve reside. An appropriate location is to be determined by the relevant House Manager or Area Manager.

Marist180 People should confine "smoke breaks" to their negotiated break times, at a location approved by their People Manager, or the Agency, taking into consideration WHS requirements, but as best practice not within 20 metres of a Marist180 service delivery location, and not within line of sight of any People We Serve.

3. Representing the Agency

3.1 Conduct Whilst Off Duty

As Marist180 People of Marist180 we must, even when off duty, act in accordance with the law and the content of this code. In so doing, we ensure that we do not bring discredit to ourselves as members of the community or to the Agency; that we model exemplary behaviour and always act as a positive influence in the community.

Marist180 People should be aware that unlawful or unprofessional conduct, even in a private capacity, which may damage, or has the potential to damage, the reputation of the Agency, may constitute misconduct and attract disciplinary action by the Agency

3.2 Public Comment

Marist180 People are frequently required to represent the Agency in an official capacity at inter-Agency meetings, community forums and other meetings with outside agencies and individuals. In representing the Agency you must ensure that you have the appropriate delegation and authorisation to do so and that you are sufficiently briefed on the issues likely to be raised and the appropriate Agency responses.

You must have the approval of a delegated officer (Chief Executive Officer or Designate), before agreeing to address or be involved in seminars or conferences run by professional associations or other organisations.

As a general rule, you may only disclose Agency information that is already in the public domain, such as the Annual Report or official media releases or papers that have been previously approved.

Marist180 People must not approach the media on Agency-related matters, or discuss Agency business with the media unless authorised to do so by the Chief Executive or Designate. **[Refer to the Marist180 Media and Public Statements Policy and Procedures]**

3.3 Social Media and Public Websites

When engaging in social media you must make it very clear you are engaging in discussion as a private individual and not representing the official views of Marist180.

Remember that unlawful or unprofessional conduct, even in a private capacity, which may damage, or has the potential to damage the reputation of the Agency, may attract disciplinary action by the Agency. This includes comments made in social media or public websites in which it may be perceived that you are representing the Agency (including using such sites to intimidate, bully and/or harass colleagues.)

You must not use any social media sites to maintain relationships with and/or have any communication or interaction with People We Serve, former People We Serve, their family or friends. For more detail and procedures for dealing with the use of social media. **[Refer to Email, Internet and Social Media Policy]**

3.4 Secondary Employment

You are expected to devote the whole of your time and attention during working hours to our business. If you propose taking up additional employment with an employer or pursuing separate business interests or any similar venture, you must discuss the proposal with your manager in order to establish the likely impact of these activities on both yourself and Marist180. You will be asked to give full details of the proposal and consideration will be given to:

- Working hours
- Competition, reputation and credibility
- Conflict of interest
- Health, safety and welfare

You will be notified in writing of Marist180 Head of Directorate's decision. Marist180 Head of Directorate may refuse to consent to your request. If you work without consent this could result in the termination of your employment.

3.5 Dress Code

The following Dress code applies except if otherwise agreed upon with the Leadership Team of the Organisation:

- Marist180 People must follow hygiene standards and be well groomed. Please note that no restrictions are placed on grooming styles specific to religion or ethnicity;
- Clothing must be work appropriate, and project professional. Clothing that is too revealing or inappropriate, including inappropriate slogans or symbols are not tolerated;
- Clothing must be clean and in good condition. Tears and holes are not acceptable;
- Marist180 People must not wear revealing clothes such as those exposing bare midriffs, strapless tops/dresses or clothes that may be construed as suggestive and/or offensive;
- For safety reasons it is recommended that closed in shoes should be worn, however, appropriate dress shoes are also acceptable. Thongs are not an acceptable form of footwear for any Marist180 Representative.

Some roles may require a more formal business attire. For Marist180 People who more frequently represent the organisation to partners, government departments or other official meetings, standard business attire is required. Unless it has been communicated otherwise, business attire is the default requirement for Marist180 People to adhere to.

4. Accountability

4.1 Agency Resources

Whilst at work your primary responsibility is to perform your duties efficiently and use Agency resources economically. You should also be vigilant in ensuring that the Agency's stores and resources are not misused.

4.2 Electronic Communication Devices

The Agency provides electronic communication facilities for administrative purposes. It is expected that you responsibly use work computers, Internet access, mobile phones and email facilities. The Agency reserves the right to monitor and view any data stored or transmitted using the Agency's facilities. By its nature, electronic communication is a fast and informal way of communicating, but the Agency's networks are not to be ever used to view, upload, download or circulate any inappropriate materials:

For more detail and procedures for dealing with the use of Marist180 electronic communication devices. **[Refer to Email, Internet and Social Media Policy]**

4.3 Report Suspected Breaches

If you witness a breach or suspected breach of this Code by fellow Marist180 People, you should discuss the matter immediately with your People Manager or manager. You have a duty to report any:

- corrupt or fraudulent conduct;
- Marist180 People misconduct
- maladministration; and
- serious and substantial waste of Agency resources

4.4 Protected Disclosure

At Marist180 we aim to ensure a work environment where Marist180 People are able to raise concerns about actual or suspected unethical, unlawful or undesirable conduct without fear of reprisal or intimidation and without them being identified as the source of the reported information.

Under these provisions, Marist180 People may be able to report any observed failures of standards of care, improper use, fraud, waste or abuse of Agency resources, corrupt conduct, conflict of interest or inadequate administration or accountability to their People Manager or Human Resources. Approval for a protected disclosure should be obtained prior to the information being disclosed.

4.5 Compliance with Marist180's Policies, Procedures & Guidelines

All Marist180 People have a responsibility to comply with legislation, Agency policies, procedures, guidelines, this Code of Conduct and perform their duties effectively and efficiently. This Code does not stand alone and should be read in conjunction with the pertinent legislation and all Agency policy, procedures and guidelines.

5. Breaching this Code of Conduct

Marist180 People must report suspected breaches of the Code by colleagues to their People Manager or manager. If the alleged breach is by their People Manager or manager then it should be reported to the next line manager or to the Marist180 Director, People & Mission.

Matters involving a breach of this Code may constitute misconduct and should be referred to the Director, People & Mission for review and/or investigation. Procedural fairness, also known as natural justice, refers to a process that provides fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made, to be provided with an opportunity to respond to allegations and the right to information regarding the status of the complaint.

Proven breaches of this Code, which constitute misconduct, may result in disciplinary and/or remedial action ranging from a caution through to dismissal. Breaches by contractors, consultants, volunteers, students and others may lead to a review of their engagement. There are certain breaches of this Code which may require Marist180 to report the breach to the NSW Ombudsman.

Unlawful conduct at work or whilst off duty may also involve a breach of this Code and may constitute misconduct. Marist180 People convicted of a serious offence/s may be liable to court imposed sanctions and may also be liable to disciplinary action.

Related Policies, Procedures and Forms

Conflict of Interest Policy

Conflict of Interest Procedures

Email, Internet and Social Media Policy

Grievance Policy

Grievance Procedure

Marist180 Strategic Plan

Media and Public Statements Policy and Procedures

Privacy Policy

Recruitment and Screening Procedures

Strategic Plan

Workplace Bullying and Harassment Policy

All approved Marist180 Policies, Procedures and Guidelines

Review

To be reviewed annually as per the Policy review schedule.

Document history

Policy approval date:

November 2015 v1

Policy review date:

July 2018

Document history:

This document replaces Marist180 Philosophy and Code of Conduct.

March 2016 v1

July 2017 v2

23/08/2018 – Anastasiya Holubko added smoking at work, secondary employment and dress policies.

10/09/2018 – Anastasiya Holubko added confidentiality clause.

19/11/2018 – Anastasiya Holubko updated terminology.

29/11/2018 – Gift giving updated Anastasiya Holubko