

## B7.1.10 CODE OF CONDUCT

### 1.0. Background

- 1.1. The *Code of Conduct* shall be used to guide members, employees, volunteers and members of management or advisory committees to ensure the best possible standards of service and professional conduct. The *Code of Conduct* embodies the principles of:
  - Intentional community
  - Social justice
  - Natural justice
  - Confidentiality
  - Respect and integrity
  - Maintenance of the organisation's integrity
- 1.2. It also details standards for the provision of support services to people with intellectual disability.

### 2.0. Principles

#### 2.1. Social Justice

The notion of social justice is integral to the functioning and operation of ELS at all levels, including management. The principles of social justice (access, equity, participation and rights) shall underpin the practice of Support workers, other Employees, Volunteers and Members of Management or Advisory Committees.

#### 2.2. Natural Justice

All Employees, Volunteers and Members of Management or Advisory Committees will demonstrate the desire at all times to act fairly, in good faith and without bias or prejudice. This encompasses a commitment to inclusive decision-making, i.e. decision-making processes that are based on consultation with key stakeholders, the right of access to information about decisions, and the right of appeal for those affected by the decision.

#### 3.0. Confidentiality

- 3.1. The privacy of all members of ELS will be respected and information obtained in the course of one's involvement will be held in confidence.
- 3.2. Persons will respect the confidentiality of information obtained in the course of any meetings or other dealings within ELS and will not share information with reference to people with disability, other community members, or other committee members to others outside the organization. When any person holds concerns about the operational functioning of the Community, these concerns should be brought to the attention of the appropriate person or Committee.

#### 4.0 Respect and Integrity

- 4.1 All Employees, Volunteers and Members of Management or Advisory Committees should value and acknowledge the opinions and contributions of everyone. Treating everyone fairly, courteously and with respect. Ensuring the way we work promotes trust among others and being transparent in decision making.
- 4.2 All Employees, Volunteers and Members of Management or Advisory Committees should contribute to dialogue and discussion in a constructive manner. Providing constructive feedback to others in an honest and respectful manner. Using language which is respectful to core members, the community and others.

#### 4.0. Maintenance of the Organisation's Integrity

**4.1. All Members, Volunteers and Members of Management or Advisory Committees shall:**

- declare any conflict (personal or organizational) between their interests and their role in the conduct of the business of the Organisation, so that it does not result in any unfair advantage to individuals, organizations, or interest groups;
- where a conflict of interest does emerge, the person so affected shall remove themselves from discussion and decision making relating to the issue, particularly in relation to any information that may be of a commercial nature.
- ensure that personal relationships, both within and outside the organization, do not adversely affect their performance, or that of others, in the conduct of the Community's business; and
- ensure their role is performed with integrity, honesty and competence, and that resources of the community are used effectively and efficiently.
- not taking sides in hostilities or engaging publicly in controversies of a political, racial, religious or ideological nature
- being mindful at all times (including outside work activities) that my actions can impact the reputation of ELS

**5.0. Standards for provision of support services**

**5.1. All persons involved in the provision of support to people with intellectual disability including members, paid Employees, Volunteers and Members of Management or Advisory Committees are expected to show a positive attitude towards members with disability and their families, with whom they have contact and are required to: -**

- provide appropriate role models for members with disability
- avoid physical, sexual, emotional and verbal abuse to all Community members
- avoid racist, sexist or other discriminatory words or actions
- accept that others are entitled to have religious beliefs or sexual or political persuasions different from their own
- ensure that their activities contribute to maintaining efficient, effective and accountable support to people with disabilities within ELS
- respect the privacy of individuals when in group settings
- maintain confidentiality about information shared and not enter into gossiping about other people's life and choices
- respect the information given to them by others, without judging or being critical of the choices and decisions being made by others
- continue with their own personal development and self-care
- agree to support ELS policy in relation to abuse and boundary issues.

**6.0. ELS Criminal Record Check Policy**

**6.1. In line with its commitment to members with a disability and the protection of Employees and other members' safety, ELS has initiated a policy that requires all persons whose roles involve personal care of people and those in positions of significant decision making in the Organisation to undergo a criminal record check prior to employment. ELS will undertake these criminal checks in accordance with State and policy requirements.**

**6.2. Where a criminal record check proves positive, i.e. where the search of criminal records reveals a conviction, the information will be treated confidentially. A positive result from a criminal record check will not necessarily preclude a person from being employed by ELS. Each particular case will be determined on its merits and relevance to the position applied for and should any decision be contemplated that would disadvantage a person, they will have an opportunity to respond to the management of ELS before a decision is made.**

6.3. It is a requirement that all workers, volunteers and members must inform the ELS when they are charged or convicted of a serious offence, or other matters relevant to their employment that may affect their ability to do the job.

## **7.0. Abuse Intervention Policy**

### **7.1. Definitions of Abuse**

Abusive behaviors are the result of the misuse of power, betrayal of trust, respect or intimacy between two (2) people, which a person knew or ought to have known would cause or be reasonably expected to cause physical or emotional harm to the other. This includes all forms of abusive behavior: physical, psychological, verbal, sexual, financial abuse and neglect. Abuse may be identified or suspected by a number of different people including the abused person, their carers, family members, advocates, social and health professionals.

### **7.2. Physical Abuse**

Physical abuse is any physical or violent contact which harms another person or is likely to cause them unnecessary and unavoidable pain and distress. Examples include handling the person in a rough manner, giving medication inappropriately, poor application of manual handling techniques or physical restraint which was unreasonable in the circumstances. Physical abuse may cause psychological harm.

### **7.3. Psychological Abuse**

Psychological abuse is any verbal or non-verbal behaviour which demonstrates disrespect for a person and which could be emotionally or psychologically damaging. Examples include mocking, ignoring, coercing, threatening to cause physical harm or denying privacy to a person.

### **7.4. Verbal Abuse**

Verbal abuse is any remark made to or about a person that may be reasonably perceived to be demeaning, disrespectful, insulting, derogatory, humiliating, intimidating, racist, sexist, homophobic, ageist or blasphemous. Examples include making sarcastic remarks, using a condescending tone of voice or excessive familiarity.

### **7.5. Sexual Abuse**

Sexual abuse is forcing, inducing or attempting to induce a person to engage in sexual activity such as sexual intercourse or other forms of physical sexual relations, touching of a sexual nature, behaviour of a sexual nature towards a person and remarks of a sexual nature. Examples include touching a person and/or engaging or encouraging them to engage in sexual discussions not appropriate to their care. Sexual activity or relationship between Assistants, Employees, Volunteers or Members of Management or Advisory Committees and Members with intellectual disability are prohibited in all circumstances.

### **7.6. Financial Abuse**

Financial/material abuse involves illegal acts such as stealing and the unauthorized use of funds, property or resources. Examples include borrowing property or money from a person with a disability or their family member, inappropriate withholding of money or possessions and inappropriate handling of or accounting for a person's money.

### **7.7. Context for response**

It should be remembered that forgiveness is the end product of a process not the starting point and that for justice to occur for the victim and for ELS to maintain its integrity, independent formal processes must occur.

When abuse occurs, support needs to be:

- Individual/personal - reflecting compassion and respecting the privacy and particular needs of the person and;
- Systemic - within the context of clearly articulated policies and procedures of ELS.

Experience demonstrates that both personal and systemic supports are required for healing and restoration.

An understanding of vulnerability is essential in order to protect individuals and to be able to respond appropriately. A vulnerable person is one who is in a position of lesser power and is therefore:

- Capable of being hurt or wounded
- Open to attack or assault

#### 7.8. Dealing with incidents and reports of abuse

ELS as an Organisation has protocols, policies and procedures for responding to reports of abuse including, *Protection of Human Rights and Freedom from Abuse, Complaints and Disputes Management, The Fundamental Principles of ELS, Acceptable Internet Use Policy*. These protocols:

- contain clear and transparent processes;
- identify that any breach of the criminal code must be reported to the police;
- explain that the rights and dignity of every person involved in the situation are respected, including the person accused of abuse;
- direct initial investigation of the complaint towards identifying whether the complaint is about poor practice or lack of skill; inappropriate behaviour; or actual abuse or neglect;
- include the removal of the person subject to an abuse allegation from contact with any vulnerable person(s) while an investigation process takes place;
- include what support will be provided to the person(s) involved in the complaint.

#### Relevant Legislation and Policies

Legislation and other policies relevant to the Code of Conduct include:

- [Human Rights and Equal Opportunity Commission Act 1986](#)
- [UN Convention on the Rights of Persons with Disabilities 2007](#)
- [Disability Discrimination Act 1992](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)
- [Workplace Relations Act 1996](#)
- [The State Anti-Discrimination Act](#)
- [Crimes Act \(NSW\) 1900](#)
- [Work Health and Safety Act 2011](#)

#### Acceptance of Code of Conduct Policy

I confirm that I have reviewed and understood the ELS *Code of Conduct* and agree to uphold its standards.

Name: (please print)		Position:	
Signature:		Date:	