



3.7 Code of Conduct

Human Resources

Applies to	Last reviewed and version No.	Next review date
Board of Directors, Staff, Students, Volunteers	June 2012	Before 22.11.13 UNDER REVIEW -CONTACT HUMAN RESOURCES FOR UP TO DATE INFORMATION

Policy context (this policy relates to)

Standards or other external requirements	Quality Improvement Council (QIC) Standards <ul style="list-style-type: none"> • 1.3 Human Resources
Legislation or other requirements	<ul style="list-style-type: none"> • <i>Equal Opportunity Act 2010</i> (Vic)
Contractual obligations	

Preamble

VACCA's Code of Conduct is a statement and policy about how all Directors, staff and volunteers will conduct themselves when representing the agency. This policy outlines the standard of behaviour that is expected, and the principles, values and ethics that underpin these standards.

The Code of Conduct has been developed to safeguard the best interests of VACCA staff, Directors, and volunteers. It is intended that all people will feel they have been treated with fairness, equity and respect during their involvement with the agency.

VACCA's Code of Conduct makes a clear separation between Unacceptable Behaviour (3.7.2) and Improper Conduct (3.7.3). The basic definition of Unacceptable Behaviour is any inappropriate behaviour that can be addressed on the spot, promptly or without investigation. It involves misdemeanours or minor issues. However, Improper Conduct constitutes more serious issues such as illegal conduct, corruption or any behaviour that warrants termination of employment. Because of the serious nature of allegations of Improper Conduct, these issues are investigated (see Policy 3.9).



3.7.1 Statement of Principles, Values & Ethics

The principles, values and ethics listed below, whilst not being exhaustive, are the basis with which we will interact with each other, our clients and other professionals. These principles, values and ethics were developed in 2002 by a working group consisting of several VACCA staff.

Respect:

When interacting with each other we will be respectful and professional. We will be:

- Courteous
- Sensitive
- Tolerant
- Understanding
- Compassionate

Accountability:

To be accountable means we will act in a professional manner and be responsible for our own actions. It means we will respect the position we fulfil and the role of our Team Leader(s). We will respect the professional relationship we have with our Team Leader and the requirement of reporting to our Team Leader.

Honesty:

Honesty is an important value that we need to consider in all of our dealings. Important aspects of honesty include:

- Openness
- Integrity
- Sincerity
- Trust

Equality:

Equality is the foundation we apply to all processes we follow. Equality includes:

- Impartiality
- Fairness
- Objectivity
- Consistency and
- Valuing difference

At VACCA, we will do our utmost to ensure we conduct ourselves according to these principles, values and ethics and will encourage our peers to do so.



3.7.2 Unacceptable Behaviour

In the interest of upholding the principles, values and ethics of the organisation, it is important to state the definition of unacceptable behaviour. The definition includes behaviour which is directed toward clients, staff, volunteers, Directors or community members, and professional colleagues employed by organisations with which we will interact.

Unacceptable behaviour usually involves minor issues and can also be referred to as “inappropriate” behaviour. Unacceptable or inappropriate behaviour can be addressed immediately. Any staff member can address another person’s inappropriate behaviour when noticed, as all staff are responsible for upholding the principles, values and ethics of the organisation. Repeated inappropriate behaviour may result in a grievance being lodged against the individual and/or disciplinary action.

Major issues such as an illegal activity, gross misconduct, and corrupt conduct, could possibly result in termination of employment if proven and are normally investigated by the organisation and/or the Ombudsman, or the police. VACCA groups this type of behaviour and calls it improper conduct. The definition of improper conduct can be found at policy number 3.7.3 and the process for reporting and investigating such at policy number 3.9.

Unacceptable behaviour is defined as, but not limited to:

1. Speaking to someone in an unprofessional manner, which includes:
 - An aggressive, sarcastic or disrespectful tone of voice
 - Degrading, criticising, disciplining or punishing an individual in public
 - Bullying, intimidation, lateral violence or harassment.
 - Treating people like they are inferior i.e. talking down to them
 - Making disparaging personal comments
 - Dismissing ones rights or feelings
2. Giving inappropriate or unprofessional negative feedback, especially without conducting an appraisal process, and doing so in public.
3. Unequal favouring or inconsistent treatment.
4. Being late for or absent from work without contacting the relevant up line person and/or without providing a satisfactory explanation.
5. Failure to maintain professional boundaries with your clients, e.g. personally lending, borrowing from or giving Clients money or any material goods, or developing a personal relationship with a client which compromises your professional integrity and ability to work objectively with the family.
6. Failure to ensure work activities are conducted in a lawful, safe, responsible, and ethical manner. For example, driving erratically when transporting children, having loud music in the vehicle, not ensuring children wear seatbelts etc.
7. Failure to comply with company policies and procedures.



8. Any behaviour that does not comply with VACCA's principles, values and ethics.

Dealing with Unacceptable Behaviour:

If you identify a person as displaying unacceptable behaviour whether it be toward you, another person or the organisation generally, the process you must follow is:

1. Approach the person, or
2. If other people are present, take the person aside to a confidential space.
(This is because it is unacceptable behaviour and it is against Equal Opportunity laws to discipline a person in public.)
3. Ask them to cease the behaviour in a respectful manner.
4. If the behaviour does not cease, make a verbal report to the appropriate Team Leader or Office Representative.
5. Confirm the verbal report by submitting a written report to the appropriate Team Leader or Office Representative.

The exception to the process above would be when you feel it is unsafe to approach someone or you are unable to submit a written report.

It is appropriate to intervene when a person is displaying unacceptable behaviour toward somebody else, when you feel the "victim" does not feel safe or strong enough to respond themselves. This may also apply if the unacceptable behaviour is directed toward the organisation in general, but it is recommended you report such to your Team Leader.

3.7.3 Improper Conduct

Policy

VACCA will not tolerate any improper conduct and encourages all staff, Directors, volunteers and members of the public to report incidents they believe constitute improper conduct as soon as they become aware of it.

VACCA believes any form of improper conduct is detrimental to the reputation of the agency and those associated with it, and can also affect the quality of service provided to our clients. VACCA is proactive in its approach to 'Positive Duty' and ensuring that all staff are aware of their responsibilities and rights around issues of discrimination.

All allegations and reports of improper conduct will be investigated. Please see policy number 3.9 Reporting & Investigating Allegations of Improper Conduct for procedures covering:

- Reporting allegations of improper conduct; and
- Investigating allegations of improper conduct.



Definition

A serious breach of VACCA's Code of Conduct that is illegal conduct, corruption or unacceptable behaviour that warrants dismissal is considered as Improper Conduct. (See Policy 3.9 for further definition.)

Improper Conduct also includes mismanagement of resources and funds, conduct involving a substantial risk to public health and safety, or the environment.

Other types of improper conduct is defined as, but not limited to:

- Making malicious unfounded allegations or accusations.
- Dishonest statements or intentional misleading statements.
- Any unlawful breach of confidentiality.
- Theft and any other criminal conduct.
- Sexual harassment or discrimination including sexual remarks, jokes, and emails.
- Racial harassment or discrimination.
- Intentional damaging of VACCA property or premises.
- Being affected by illegal substances or alcohol whilst working, whilst travelling to or from work, or when performing the on call duty.
- Distribution or possession of illegal substances or alcohol whilst working for VACCA, whilst on VACCA premises, or in VACCA vehicles.
- Failure to ensure work activities are conducted in a lawful, safe, responsible, and ethical manner.
- Intentional failure to comply with company policies and procedures.

3.7.4 Public Comment

VACCA respects people's right to the freedom of speech, however, the expression of personal views opposed to those stated in VACCA's objectives, principles and values must not be expressed during program service delivery and/or whenever someone is representing VACCA. Therefore, wherever and whenever, a staff member, Director, or volunteer is representing the agency they must uphold VACCA's Code of Conduct.

Public comment includes making statements to the media. Any requests from media for a comment must be directed to CEO for prior approval at all times.

3.7.5 Conflict of Interest

Policy



This policy applies to all VACCA Staff and the Board of Directors.

It is the responsibility of each Staff member or Director to disclose a potential conflict of interest to their immediate Team Leader or fellow Directors. Once a potential conflict of interest is declared, Team Leaders or fellow Directors (whichever the case may be) will monitor the person's involvement in the situation.

Situations in which a conflict of interest arises, or is possible, will be avoided at all times.

A conflict of interest can compromise a Director's or Staff member's position in both their professional role and personal relationships.

If a direct service staff member who has declared a conflict of interest states they are unable to remain objective, their Team Leader will acknowledge that the conflict of interest may cause harm to the client and that the worker's inability to remain objective may place at risk the Duty of Care owed to the client.

Definition

A conflict of interest is when someone has a personal interest in matters, which could improperly influence or appear to improperly influence their objective judgment during the performance of their duties.

For management, the potential for conflict of interest exists where a Director or Senior Manager has, or did have, a personal relationship with:

- any person employed by a funding body;
- any current Staff or potential Staff who works under their direct supervision;
- any person who may be in a position that could have some influence over the direction or best interest of the organisation.

A conflict of interest could also be present for any Director or Staff of VACCA who is a committee member or director of another organisation, and where this position may impede or influence their involvement at VACCA.

In regards to direct service provision, the potential for conflict of interest exists where a client or potential client (including children, family members or a carer) is:

- Immediately related to the worker e.g. sibling, niece, nephew, parent etc.
- Someone with whom the worker currently has/previously had a personal relationship e.g. they socialise together, an extended family member (aunt, uncle, grandparent, in-laws), current/previous partner or anyone with whom they have been intimate.



- Someone with whom the worker has/had an emotional attachment e.g. a friend or the friend's child(ren).
- Anyone with whom the worker has some "history". This could include any of the above points, but may include incident(s) of violence perpetrated against the worker by the client/potential client or any other incident that would have influence over the worker's ability to remain objective in their dealings with this person.
- A person who is seen to behave or communicate in a manner that is in conflict with the worker or agency's philosophical beliefs e.g. perpetrators of sexual or violent abuse (so long as the worker or agency is not being discriminatory).
- VACCA understands that for their Aboriginal and Torres Strait Islander workers, working at VACCA can sometimes require them to work with community and family which would in any other organisation raise issues around Conflict of Interest. VACCA is committed to providing ongoing support and supervision for all of their staff. To acknowledge the added cultural loads that VACCA's workers carry simply for working in community – they are committed to providing a culturally safe workplace.

Procedures

1. Where an individual is aware of a conflict of interest, they must declare this to their Team Leader or fellow Director. The conflict of interest should be declared at the earliest possible stage in writing. For direct service staff, this would be the point of referral.
2. If there is any doubt or disagreement as to whether or not a conflict of interest exists, the individual and/or Team Leader may seek clarification from the line Team Leader, CEO, or an independent source such as VECCI.
3. When a direct service worker declares a conflict of interest, they must state the reason for the conflict of interest.
4. Where there is a conflict of interest the Team Leader must consider all issues that may be presented, and ensure the safety of staff member.
5. Where there is a conflict of interest, the Team Leader will discuss the situation with the worker and make a decision as to whether or not the worker proceeds regardless of the conflict of interest. The Team Leader must document their reasons and keep a copy of these notes in the staff member's personnel file.
6. Ensure there is adequate supervision and support available for the staff member
7. If the worker decides they are able to maintain objectivity where a conflict of interest exists, their Team Leader must ensure they provide the worker with appropriate support, supervision and monitoring.
8. Workers cannot be directed to work with a client once an actual conflict of interest has been established and the worker is unable to maintain professional objectivity. Directing a worker to proceed to work with a client when a conflict of interest exists is inappropriate and can be perceived as intimidation and harassment which is unlawful under the Equal Opportunity Act 2010 (Vic). Should a Team Leader persist in directing the worker to work with the client, the worker may:
 - Approach the next up line Team Leader and report the matter.



- Instigate a grievance process.
- Contact an independent support such as their Union or the Equal Opportunity Commission.

3.7.6 Gifts & Benefits

The general principle in regards to gifts and benefits is that staff and Directors should not seek or accept favours or gifts from anyone who could benefit by influencing them (or their family). This includes in kind gifts, such as free accommodation, travel or entertainment etc.

Where a gift is given without your prior knowledge or consent you should inform your Team Leader or fellow Directors immediately. It is recognised that in some circumstances it is culturally offensive to refuse a gift. Occasionally clients may offer a gift at case closure in appreciation of the service provided by staff. Staff must inform their Team Leader if they receive any gift of appreciation from a client.

3.7.7 Agency Resources

All agency resources are owned by the organisation. This includes vehicles, phones, stationery, furniture, and any other property. Each VACCA position has been resourced with certain property belonging to the agency. Resources accumulated in each position must stay within that position. For example, if an Staff member moves from one job to another within the agency, the property from their prior position must stay in that position, for the Staff member who fills the role.

Should any property be lost or stolen, the person who notices such must report it to their Team Leader immediately. Theft is illegal, and a breach of the Code of Conduct. All breaches of the Code of Conduct will be investigated.

3.7.8 Copyright

All documents produced by staff whilst undertaking their role at VACCA will remain the sole property of the agency. For example, policy documents, manuals, strategic or operational plans and other reports (except client reports) all belong to the agency.

Staff and Directors must obtain permission from the CEO and/or fellow Directors if they wish to take a copy of any of the abovementioned documents, whether for themselves, other organisations or the general public.

Where a breach of Copyright has occurred, VACCA will take legal action against the person concerned.



Documentation related to this policy

Related policies	
Forms, record keeping or other organisational documents	

Reviewing and approving this policy

Frequency	Policy Sponsor	Policy Committee Approval	CEO Approval
TBC	Client Services (Director)	TBC	TBC

UNDER REVIEW