



**After reading this policy, staff, Board Directors, and volunteers are to sign and date Form 135 Declaration of Understanding the Code of Conduct and return this form to Payroll.**

## **3.12 CODE OF CONDUCT**

### **PURPOSE**

Kurrajong is committed to ensuring its compliance with the National Disability Insurance Scheme Quality and Safeguards Commission ('the Commission'). To achieve this, Kurrajong has adopted the Commission's Code of Conduct which is mandatory knowledge for all service providers, workers and volunteers. Additionally, Kurrajong has expectations of workers that are particular to employment with this organisation, and these are written below each clause of the NDIS Code of Conduct.

This Code of Conduct has been prepared and adopted to establish a common understanding of the standards of behaviour expected by both the Commission and Kurrajong, and guides the obligations of Board Directors, staff and volunteers ('workers') in performing duties on behalf of Kurrajong. The community has an expectation that Kurrajong does its work ethically with efficiency, fairness, impartiality, honesty and integrity, but ultimately it is up to each worker to demonstrate professional and ethical behaviour in their decisions and actions.

All workers share a special Duty of Care toward people with disability, their families and other workers at Kurrajong.

Staff will be required to read and sign off on this policy upon employment, and then annually. Kurrajong will distribute an accessible Easy Read version of the NDIS Code of Conduct to all clients.

This policy will assist workers to:

- understand the NDIS Code of Conduct, which is mandatory across the disability sector;
- understand Kurrajong's expectations for person-centred service provision;
- fulfil their duty to Kurrajong and its clients to act honestly and with competence in their work;
- identify and resolve situations of conflict of interest, or improper use of their positions and confidential information received; and
- act in a way which enhances public confidence in the operations of Kurrajong.

## THE NDIS CODE OF CONDUCT and ADDITIONAL KURRAJONG EXPECTATIONS

There are seven elements of the NDIS Code of Conduct. It is mandatory that all workers, paid or unpaid, know and understand these elements. You will be asked to sign off that Kurrajong has provided this information to you.

The Code of Conduct applies to all workers and service providers delivering NDIS supports or services, including employees, contractors and volunteers. If you're unsure about any service delivery issue, you should consult your supervisor, or talk directly with your client. If you see something you think is a breach of the Code of Conduct, you should follow Kurrajong's Complaint and Feedback procedure, or, let the NDIS Quality and Safeguards Commission know if you can't raise it internally. There are penalties for service providers who take any adverse action against workers or other people who report a possible breach of the Code of Conduct.

### **1. Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions.**

All people with disability have full and equal human rights to make their own decisions, live how they choose and receive the support they need. Not all adults with disability need or want support in decision-making so you should consult them about who, if anyone, they want to involve in decisions about their service and support. You should involve young people and children in decisions that affect them in ways appropriate to their age, development and communication skills. People with disability have a right to question, seek extra information about or refuse any part of their service delivery. The onus is on you to communicate in a way that ensures they understand the information and make their own preferences and concerns known to you. The Code of Conduct requires you to consider their values and beliefs relating to culture, faith, ethnicity, gender, gender identity, sexuality, age, and disability.

In addition, Kurrajong expects that workers will:

- 1.1 Protect and enhance the esteem and standing of our clients and of Kurrajong;
- 1.2 Have knowledge and understanding of the Rights of people with disability;
- 1.3 Gain a sound knowledge of each client's will and preference to use as a starting point of all service provision;
- 1.4 Deliver person-centred services and supports.

#### To find out more:

Policy 6.19 Supported Decision Making and Guardianship

Policy 6.33 Dignity of Risk

Policy 6.7 Delivering Person Centred Support

Policy 6.5 Goal Support Plans

Healthcare, Behaviour, Care and Goal Support Plans; Risk, Communication and One Page Profiles of each client

### **2. Respect the privacy of people with disability**

People with disability have the right not to have their personal information disclosed to others without their informed consent — unless mandatory reporting is required. You should explain to people with disability why and what information is kept about them, who has access to it, and what to do if they believe their privacy is breached. Privacy goes beyond handling personal

information to delivering services in a way that maintains personal dignity. This includes both asking permission to perform and explaining procedures that involve physical touch or invading personal space.

In addition, Kurrajong expects that workers will:

- 2.1 Be transparent in their dealings with clients, families and other workers;
- 2.2 Not use confidential information learned at Kurrajong to gain personal benefit or benefit any other person;
- 2.3 Not disclose information concerning any matter otherwise than required by law or with signed permission of the client;
- 2.4 Maintain the integrity and security of all Kurrajong documents, especially information and/or documents dealing with clients, their families, or worker records.

To find out more:

Policy 3.6 Confidential Information

Policy 3.17 Privacy

Policy 6.28 Managing the Information of Clients

Policy 3.5 Personnel Records

Policy 1.11 Data Security and Data Breach Response

Policy 6.36 Personal Care

### **3. Provide supports and services in a safe and competent manner, with care and skill.**

All workers under the NDIS are expected to have adequate expertise and competence necessary for safe and skillful service delivery. You must have and maintain the required qualifications and skills. You should decline directions — from an NDIS provider, person with disability or their family or carer — to undertake duties that you are not qualified or trained to deliver. You can make a report to the NDIS Commission if such a direction is made. You should also comply with your own professional code of conduct and relevant work, health and safety requirements. You should ensure that accurate and timely records are kept about an NDIS participant's service history, medication and support needs. You must never work under the influence of drugs or alcohol.

In addition, Kurrajong expects that workers will:

- 3.1 While on duty give the whole of their time and attention to the business of Kurrajong;
- 3.2 Carry out any reasonable directions given by Supervisors, and follow the authorised policies, decisions and practices of Kurrajong whether or not the worker agrees with or approves of them;
- 3.3 Act in a professional manner towards co-workers by promoting and maintaining a working environment that is respectful, safe, co-operative, encouraging, free from any type of harassment, bullying or discrimination and that preserves co-worker's right to confidentiality and dignity;
- 3.4 Be conscious of their Duty of Care to our clients;
- 3.5 Follow all authorised work instructions to ensure safe environments and activities;
- 3.6 Demonstrate the highest standards of professional behaviour by exercising professional judgement and acting in a courteous and sensitive manner when interacting with people with disability, families, other workers and the public;

3.7 Undertake appropriate ongoing professional development to develop and maintain their skills and competencies.

To find out more:

Policy 7.1 Work Health and Safety

Policy 6.32 Duty of Care

Policy 6.7 Delivering Person Centred Support

Policy 6.17 Health Care and High Intensity Health Supports

Policy 6.24 Medication Management

#### **4. Act with integrity, honesty and transparency.**

Integrity and honesty are crucial to developing trust between you and people with disability so you must be transparent about your qualifications and any limits on your competencies. You must disclose to your NDIS provider if you have failed a worker screening clearance or been subject to a professional misconduct finding. People with disability have a right to get information about the comparative cost and effectiveness of treatments and the risks and benefits of service options. You should declare and avoid any real or perceived conflict of interest in your work. You should avoid giving, asking for or accepting inducements or gifts that may influence decision-making or service delivery under the NDIS. This includes to and from people with disability, their family or carers, or other service providers. You must avoid unethical practices such as over-servicing and high-pressure sales.

In addition, Kurrajong expects that workers will:

At all times, be scrupulously ethical in the use of Kurrajong's human and physical resources.

- 4.1 Work with care and thoroughness, in compliance with all lawful instructions, relevant legislation, and with close attention to:
  - honesty and integrity;
  - accuracy and completeness;
  - consideration of all relevant facts;
  - particular merits of each situation;
  - impartiality and procedural fairness;
  - equity and natural justice;
  - accountability;
  - consistency, all things being equal;
  - Kurrajong Policy and Procedures;
  - discretion and tact;
  - avoidance of conflicts of interest.
- 4.2 Not solicit or accept any gifts or benefits either for themselves or for another person, or use their official position to either directly or indirectly compromise or influence them in their official capacity at Kurrajong;
- 4.3 Understand that gifts of a nominal value or acts of hospitality (valued under \$100) may be accepted by workers. Any gift valued in excess of \$100 must not be accepted without specific approval of the CEO or Chairperson.

Acceptance of gifts and hospitality is a matter of judgement for the individual worker who must be satisfied that his or her position, or the position of Kurrajong, will not in any way be compromised or appear to be compromised by acceptance of the gift or hospitality. A worker must be prepared to explain their decision/action if challenged.

4.4 Not gain personal benefits while using the money of Kurrajong or clients. This includes all rewards and loyalty programs, shopper docket, and discounted goods.

Examples include:

- While shopping with the client and using the client's money, the worker claims the benefit of using their personal reward card for that purchase eg. Flybuys, Myer card, Woolworths card, that would then earn the worker points towards a reward.
- While shopping for groceries for the group home using Kurrajong petty cash, the worker keeps the fuel voucher from the docket for their personal use.

4.5 Use Kurrajong's resources effectively and economically in the course of his or her duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless such use is authorised and proper payment is made where appropriate, and understand that where prior approval has been granted, private use can only occur in the following circumstances:

- where the use does not limit the access of colleagues to do their official work;
- where all consumables must be provided by the person; and
- where the person assumes responsibility for lost, stolen or broken equipment in the event of neglect or wilful damage.

4.6 Avoid conflict of interest. A conflict of interest arises if it is likely, or perceived to be likely, that a worker with a private or personal interest could be prejudicially influenced in the performance of his or her duties by that interest.

Interests can have a financial or non-financial benefit for a worker. A financial interest is any private or personal interest where the worker or a family member or close associate is likely to make a financial gain. Where the interest in question is a financial one, the worker with the interest must immediately declare the conflict or potential for conflict of interest. A non-financial interest is any private or personal interest which does not pertain or relate to money (eg. kinship, friendship, membership of an association, society or trade union or involvement or interest in an activity).

The fact that a worker has a professional relationship with Kurrajong and a private or personal interest in relation to a particular matter does not necessarily mean that the two must be in conflict. What is important is how any conflict, real or perceived, is dealt with.

Where the interest in question is a non-financial one, the worker with the interest should not do anything which he or she could not justify to the public.

The onus is on the worker to declare an interest, whether perceived or real. Such disclosure should be made promptly and in writing (or in cases of urgency made orally and confirmed in writing) to the CEO (in the case of staff), or to the Chairperson (in the case of the CEO and Directors of the Board), or to the Chair of a sub-committee of the Board of Directors (in the case of the Chairman of the Board).

Examples where conflicts of interest could arise for workers include:

- Being involved in a tender process for buildings, equipment or motor vehicles when the worker, a family member or an associate's business is a potential tenderer.
- Being involved in the selection process or employment decisions involving a member of the worker's family, or a close personal friend.

4.7 Not engage in private employment or contract work outside of Kurrajong that is in competition or conflict with the business of Kurrajong, or might conflict with the worker's Kurrajong duties unless the CEO is notified in writing and approves.

All workers are required to inform their Manager verbally and preferably in writing of any outside employment they hold currently or plan on engaging in for the future. Prior to approving a request for external employment the Manager will review the request to ensure the following four conditions are met:

- a. the employment does not affect the worker's efficiency or effectiveness in performing their duties at Kurrajong including consideration of WHS fatigue management.
- b. the employment does not relate to the business or conflict with the worker's duties with Kurrajong.
- c. any outside employment is performed wholly in the worker's private time; and
- d. no plant, equipment or facilities of Kurrajong are used in connection with the outside employment.

Directors, General Managers, Managers and other senior staff members must give notice to the Chairman of the Board (Chairman) or to the Chief Executive Officer (CEO) as appropriate of his or her becoming bankrupt or the making of a composition arrangement or assignment for the benefit of his or her creditors.

To find out more:

Policy 3.22 Staff Obligations, Duty of Fidelity and Good Faith

Policy 1.10 Conflict of Interest Under the NDIS

6.13 Safeguarding Clients

## **5. Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability.**

If the safety or the quality of support for people with disability is at risk you should take immediate action to address the reasons why. Ensure the person is safe and consult with them about how they would like to resolve the issue and take action. It could be as simple as changing the timing of meals or moving a piece of furniture so it's easier to manoeuvre a wheelchair. Or the issue impacting quality or safety could be more complex and may require raising at an organisational level. It is your responsibility to be familiar with your NDIS provider's systems for complaints and incident management and to follow established procedures. This includes supporting your provider to meet its reportable incidents obligations.

In addition, Kurrajong expects that workers will:

- 5.1 Take personal responsibility for their own words and actions;
- 5.2 Properly follow all work instructions;
- 5.3 Use Take 5 dynamic risk assessment skills to assess, manage and monitor risks;
- 5.4 Follow the Kurrajong Complaints and Feedback procedure;
- 5.5 Report all incidents and near misses, and in particular Reportable Incidents within specified timeframes.

To find out more:

Take 5 Risk Assessment posters

Form 126 Kurrajong Complaints and Incident Reporting procedure

Form 149 Incident Reporting Workflow

## **6. Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.**

People with disability are at a far greater risk of and are more likely to experience violence, abuse, neglect and exploitation than those without a disability. You can play an important role in helping to prevent, intervene early and respond to violence, abuse, neglect and exploitation. If an incident or criminal act does occur, after ensuring the safety of the person affected, you must report it to your supervisor and/or other authorities, including the police where appropriate. You should work with your NDIS provider to reduce and eliminate restrictive practices. This includes behaviour involving seclusion, chemical, mechanical, physical or environmental restraint.

In addition, Kurrajong expects that workers will:

- 6.1 Act as a supporter of people with disability;
- 6.2 Not under any circumstances, demonstrate any form of behaviour which causes physical or emotional harm or neglect to clients;
- 6.3 Have a sound understanding of each client's Care Plan, Goal Support Plan, One Page Profile, Communication and Risk Profiles, and any other plans such as medication, behaviour, or healthcare plans;
- 6.4 Not use any Restrictive Practices that are not authorised in a Behaviour Support Plan (BSP) written by a Behaviour Support Practitioner, and only implement any Restrictive Practices authorised in the BSP in the prescribed manner;
- 6.5 Make proper and timely reports as required day to day as well as for incidents and Reportable Incidents;
- 6.6 Undertake mandatory training in NDIS Orientation Module, Restrictive Practices, Reportable Incidents, Reporting, Zero Tolerance and maintain appropriate ongoing professional development.

To find out more:

Policy 6.13 Safeguarding Clients

Policy 6.14 Child Safety and Protection

Policy 6.20 Behaviour Support

Policy 6.8 Restrictive Practices

Policy 6.17 Health Care and High Intensity Health Supports

## **7. Take all reasonable steps to prevent and respond to sexual misconduct.**

People with disability have a right to sexual expression and to develop and maintain sexual relationships. However, they are at an increased risk of all forms of sexual violence and sexual misconduct. You are expected to adhere to the highest standards of behaviour, by having professional boundaries with people with disability. This includes preventing and responding to any inappropriate behaviour by anyone to a person with disability. Your NDIS provider should have a guidance policy that distinguishes between inappropriate and appropriate touching and between sexual misconduct and appropriate conversations about sexual support and family planning needs. You should report any sexual misconduct, unlawful sexual or physical conduct or inappropriate relationships to your NDIS provider, the NDIS Commission and other authorities. You should support people with disability so they feel safe to make a complaint without fear of retribution or loss of services.

In addition, Kurrajong expects that workers will:

7.1 Know and respect the professional boundaries of working with people with disability. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual or condoned by parents or caregivers. The age of the person with disability or worker involved is also irrelevant.

Improper conduct of a sexual nature by workers against a person with disability includes any form of sexual activity (which must be reported as a Reportable Incident) including, but not limited to, the following:

- initiating or responding inappropriately to conversations of a sexual nature;
- obscene language of a sexual nature;
- suggestive remarks or actions;
- jokes of a sexual nature;
- obscene gestures;
- grooming;
- unwarranted and inappropriate touching;
- sexual exhibitionism;
- personal correspondence with the person with disability in respect of the worker's sexual feelings for the person with disability, including notes, phone calls, electronic messaging, emails and sexting;
- deliberate exposure of clients to sexual behaviour of others, including pictures and graphics, other than in the case of prescribed training material in which sexual themes are contextual;
- sexual intercourse;
- rape;
- fondling or any other sexual activity.

To find out more:

Policy 6.13 Safeguarding Clients

***Any questions regarding the Code of Conduct can be directed to your Manager or the CEO.***

## **RELEVANT LEGISLATION**

National Disability Insurance Scheme Act 2013

### **NDIS Provider Registration Practice Standards Rules 2018 reference/s:**

Schedule 1 Core Module:

- Part 2 - Rights and Responsibilities
- Part 3 - Governance and Operational Management
- Part 4 - Provision of Supports
- Part 5 - Support Provision Environment

Schedule 2 High Intensity Daily Personal Activities

Schedule 4: Module 2A Implementing Behaviour Support Plans

Schedule 5: Module 3 Early Childhood Supports

Schedule 6: Module 4 Specialised Support Coordination

Schedule 7: Module 5 Specialised Disability Accommodation