



## 3.12 CODE OF CONDUCT

*After reading this policy Board Directors and workers including volunteers are to sign and date Form 135 Declaration of Understanding the Code of Conduct and return this form to Payroll. Alternatively, after watching the Code of Conduct training module on The Nest, staff will click that they have understood the content and will follow the Code of Conduct.*

### **PURPOSE**

Kurrajong is committed to compliance with the National Disability Insurance Scheme Quality and Safeguards Commission's (the Commission) Code of Conduct. Additionally, Kurrajong is a Child Safe Organisation, committed to the Child Safe Standards under the regulation of the Office of the Children's Guardian (OCG).

### **POLICY**

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 in this document.

This policy also outlines our specific expectations of workers who support children and young people in our services.

This Code of Conduct has been prepared and adopted to establish a common understanding of the standards of professional behaviour expected by both the Commission, the OCG and Kurrajong. It 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 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 Code of Conduct upon employment, and then annually.

Kurrajong displays staff and Easy Read versions of the NDIS Code of Conduct on posters in all services.

This Code of Conduct 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;
- understand acceptable and non-acceptable support practices, especially when working with children and young people;
- 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 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. Workers will be asked to sign off that Kurrajong has provided this information to them.

In addition to Board Directors, the Code of Conduct applies to all workers delivering NDIS supports or services, including employees, contractors and volunteers. If workers are unsure about any service delivery issue, they should consult their supervisor, or talk directly with the client. If workers see something they think is a breach of the Code of Conduct, they should follow Kurrajong's Complaint Management procedure, or let the NDIS Quality and Safeguards Commission know if it can't be raised 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 workers should consult them about who, if anyone, they want to involve in decisions about their service and support. Workers 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 workers to communicate in a way that ensures they understand the information and make their own preferences and concerns known to them. The Code of Conduct requires workers to consider their values and beliefs relating to culture, faith, ethnicity, gender, gender identity, sexuality, age and disability.

Kurrajong expects workers **will**:

- Be champions of our clients;
- Know and understand the Rights of our clients;
- Know each client's will and preferences to use as a starting point for planning safe, meaningful and purposeful supports;
- Deliver person-centred services and supports.

Kurrajong expects workers **will not**:

- Make decisions about clients without consultation with them;
- Prioritise administrative obligations or routine duties over the active support of our clients.

*Example of respecting our client's decision making:*

*James has let staff know that when they support him on his weekly visit to the pub he does not want them to walk in with him or sit with him, so that he can make new friends and feel more independence. Staff and his family feel apprehensive about this, however they risk assess this request and as a first step have all agreed that staff will sit in another part of the hotel, and make sure that he has all the things he needs to increase his independence – enough money, and a mobile phone to check the time and to text staff when he is ready to go home or if he feels he needs extra support. They agree to check in with James regularly to make sure he is happy with this level of support.*

## **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. Workers 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.

Kurrajong expects workers **will**:

- Maintain the confidentiality and privacy of all clients as detailed in Kurrajong’s policy and procedures;
- Share information on a “Need to Know” basis only;
- Preserve the dignity of clients when providing personal care;
- Maintain the integrity and security of all Kurrajong documents, digital or hard copy, especially information and/or documents dealing with clients, their families, or worker records.

Kurrajong expects workers **will not**:

- Use confidential information learned at Kurrajong to gain personal benefit or benefit any other person;
- Not disclose information concerning any matter otherwise than required by law or with signed permission of the client;
- Gossip about clients, their families or co-workers.

*Example of not respecting a client’s privacy:*

*Daniela has recently been diagnosed with a sensitive health issue. The staff member who took her to the doctor posted her health notes on the staff noticeboard in the office so that the team are aware of the diagnosis and treatment. The office door is not locked, and is the place where staff talk with families and visitors.*

## **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. Workers must have and maintain the required qualifications and skills. Workers should decline directions from an NDIS provider, person with disability or their family or carer to undertake duties that they are not qualified or trained to deliver. Workers can make a report to the NDIS Commission if such a direction is made. Workers should also comply with their own professional code of conduct and relevant work, health and safety requirements. Workers

should ensure that accurate and timely records are kept about an NDIS client's service history, medication and support needs. Workers must never work under the influence of drugs or alcohol.

Kurrajong expects workers **will**:

- Give the whole of their time and attention to the business of Kurrajong when on duty;
- Follow the authorised policies, decisions, instructions and practices of Kurrajong whether or not workers agree with or approve of them;
- Follow all client plans and profiles whether or not workers agree with or approve of them, and attend all training provided;
- Act in a professional manner towards clients, families and co-workers by promoting and maintaining an environment that is respectful, safe, co-operative, encouraging, and free from any type of harassment, bullying or discrimination; and that preserves every person's right to safety and dignity;
- Be conscientious of their Duty of Care to our clients;
- Be both physically and mentally fit for work;
- Work safely;
- Be responsible to undertake and maintain the competency required for the supports provided to clients.
- Provide and maintain your NDIS Worker Screening Check; and if applicable, the Working with Children Check.

Kurrajong expects workers **will not**:

- Come to work under the influence of drugs or alcohol;
- Hold outside employment without notification to your Manager;
- Undertake activities with clients that have not been risk assessed and approved;
- Perform duties that they have not been trained and competency assessed for.

*Example of unsafe practice:*

*Kate has begun outside employment with another disability provider. She was offered an extra day shift in a Kurrajong group home; however, she would need to come straight from an active night with the other provider. She accepts the offer, thinking that the two clients she will be supporting are ageing and will probably just want to watch television all day anyway, so it won't matter that she is tired.*

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

Integrity and honesty are crucial to developing trust between workers and people with disability so workers must be transparent about their qualifications and any limits on their competencies. Workers must disclose to your NDIS provider if they 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. Workers should declare and avoid any real or perceived conflict of interest in their work. Workers 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. Workers must avoid unethical practices such as over-servicing and high-pressure sales.

Kurrajong expects workers **will**:

- Be scrupulously ethical in the use of Kurrajong's human and physical resources at all times.
- Use Kurrajong's resources effectively and economically and not use them for private purposes unless such use has been pre-authorized and proper payment is made.
- Be honest and act with integrity;
- Work with accuracy and completeness;
- Treat people equally and fairly;
- Be accountable for their words and actions;
- Follow all Kurrajong Policies and Procedures;
- Act with the best interests of the clients, their families and their co-workers;
- Observe Professional Boundaries;
- Declare all outside employment;
- Avoid Conflicts of Interest, or at least disclose and manage them following approved processes.

Kurrajong expects workers **will not**:

- Conduct practices such as:
  - using their position or influence to solicit gifts or benefits either for themselves or for another person. However, 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 Chairman.

Acceptance of gifts and hospitality is a matter for workers to judge that they, their position or Kurrajong will not in any way be compromised or appear to be compromised by acceptance of the gift or hospitality. Workers must be able to provide a satisfactory explanation of their decision/action if challenged.

- gaining personal benefits while using the money of Kurrajong or clients. This includes claiming all rewards and loyalty programs, shopper/fuel docket, and discounted goods that do not belong to them.
- using their influence as a trusted person to convince clients to make choices that reflect their preferences.
- Stealing money or belongings from clients, families, and co-workers.
- Conceal a **Conflict of Interest**.  
A Conflict of Interest is a situation in which a person is in a position to derive personal benefit from actions or decisions they make as a Director or worker of Kurrajong. These benefits can be:
  - Financial - any private or personal interest where they or a family member or close associate is likely to make a financial gain. Examples of financial gain are being involved in a tender process for buildings, equipment or motor vehicles when they, a family member or an associate's business is a potential tenderer accessing client information owned by Kurrajong to provide supports to a Kurrajong client in their own independent NDIS business.
  - Non-financial - any private or personal interest which does not pertain or relate to money such as kinship, friendship, membership of an association, society or trade union or

involvement or interest in an activity. An example is being involved in the selection process or employment decisions involving a member of their family, or a close personal friend.

The fact that Directors and workers have 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.

Not hold employment outside of Kurrajong that is in competition or conflict with the business of Kurrajong, or might conflict with the worker's Kurrajong duties unless approved by Kurrajong.

All workers are required to inform their Manager in writing of any outside employment on **Form 107 Declaration of Outside Employment**. Prior to approving a request for outside employment the Manager will review the request to ensure the following five conditions are met:

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

Directors, 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.

Directors, Executive, and Managers must declare annually that they continue to be a proper person to hold a key position at Kurrajong under the NDIS Commission regulations.

*Example of not observing Professional Boundaries and Conflict of Interest:*

*A client's mum asks for your private phone number and requests to be your friend on Facebook. After a while, she asks you to tell her personal details about each of the people working with her child and to report to her when specific staff are working. One day she asks you to support the client on the weekend while she goes to a wedding and you agree. You suggest that you could provide the supports to the client more cheaply from your home – after all, you have known the client for a long time. You access some documents from the client's file and the client leaves the Kurrajong service and you support the client in your independent business.*

## **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 workers 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. It could be as simple as changing the timing of meals or moving a piece of furniture so it's easier to maneuver a wheelchair. Or the issue impacting quality or safety could be more complex and may require raising at an organisational level. It is the worker's

responsibility to be familiar with Kurrajong's systems for complaints and incident management and to follow established procedures. This includes supporting Kurrajong to meet its reportable incidents obligations.

Kurrajong expects workers **will**:

- Take personal responsibility for their words and actions;
- Properly follow all Kurrajong's policies, procedures, work instructions and risk assessments;
- Use Take 5 dynamic risk assessment skills to assess, manage and monitor risks;
- Listen to client/family feedback and support them to follow the Kurrajong Complaints Management procedure;
- Report all incidents and near misses, and in particular Reportable Incidents within specified timeframes.

Kurrajong expects workers **will not**:

- Ignore or discard a notification from a client, family member or another worker of environments or behaviour that are unsafe.
- Take shortcuts in their work.

*Example of advocating for the quality and safety of client supports:*

*While working in the shed with Phillip, he let you know that another supported employee was calling him names, punching him in the arm, and not letting him eat his meals in the lunchroom with his friends. You let Phillip know that is unsafe behaviour and you will help him to report it to the Manager to make sure that behaviour stops.*

## **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. Workers 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, workers must report it to their supervisor and/or other authorities, including the police where appropriate. Workers should work with Kurrajong to reduce and eliminate restrictive practices. This includes behaviour involving seclusion, chemical, mechanical, physical or environmental restraint.

Kurrajong expects workers **will**:

- Act as a supporter of people with disability;
- Report any wrongdoing.
- Have a sound understanding of each client's Care and/or Support Plan, Risk Profile, Communication Profile, One Page Profile and any other health or behaviour management plans;
- Complete all training provided in the 'Keep Our Clients Safe' and 'Zero Tolerance' modules, and maintain ongoing professional development;
- Implement authorised Restrictive Practices following the strategies set out in the client's BSP and prescribed by the Behaviour Support Practitioner in training sessions;
- Follow the Incident and Reportable Incident procedures to make proper and timely reports.

Kurrajong expects that workers **will not**:

- Demonstrate any behaviour that causes physical or emotional harm or neglect to clients;

- Turn a blind eye to the unsafe actions of others;
- Ignore or discard notifications from clients or families of unsafe environments or behaviours;
- Use any Restrictive Practices that are not authorised in a client's Behaviour Support Plan (BSP).

*Example of protecting clients from abuse:*

*Walking past the music room, you see a work colleague standing over a client, holding her forcibly by the arms, and shouting at her to "Behave yourself. Stop acting like a 3 year old. If you don't stop crying I am going to call your mother. She won't be happy about that". You quickly intervene, removing the client to a safe place with another support worker. You report the incident to your Manager immediately, who asks you to write an incident report.*

## **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. Workers 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. Kurrajong has a guidance policy that distinguishes between inappropriate and appropriate touching and between sexual misconduct and appropriate conversations about sexual support and family planning needs. Workers must report any sexual misconduct, unlawful sexual or physical conduct or inappropriate relationships to Kurrajong, who will notify the NDIS Commission and other authorities. Workers should support people with disability so they feel safe to make a complaint without fear of retribution or loss of services.

Kurrajong expects workers **will**:

- Know and practice the appropriate professional boundaries of working with Kurrajong's clients.
- Report any sexualised behaviours of clients so that professional supports can be arranged;
- Respond to clients demonstrating sexualised behaviours using approved positive behaviour support strategies;
- Interact with clients using age appropriate and socially acceptable language, touch and actions;
- Report any wrongdoing they see in a timely manner so proper interventions and reporting can occur;
- Respond to notifications of sexual misconduct and inappropriate interactions by supporting clients/families to follow the Complaint Management procedure.

Kurrajong expect workers **will not**:

- Have consensual sexual intercourse with a client;
- Rape a client;
- Groom a client;
- Hug, fondle, kiss or any other unwarranted and inappropriate touching of a client;
- Expose a client to any form of communication that is sexual or suggestive in nature including language, physical sexual acts of themselves or others, messaging, texting, jokes, written material, obscene gestures;
- Declare sexual feelings for clients in any spoken or written form.



- Ignore or discard notifications from clients or families of unsafe environments or behaviours.

*An example of inappropriate touching:*

*Aaron calls me 'his best mate' and whenever I come on shift he races to the door and gives me a big bear hug. I hug him back and he likes that. Sometimes he kisses me and won't let me go. The hugs are getting longer and longer. I saw him at the shops and he ran up to a stranger and hugged him too. Alarm bells started to ring – I better report this behaviour to my Manager before he hugs the wrong person and is put at harm. Maybe we need to teach him how to 'high five'.*

## **CHILD SAFE CODE OF PRACTICE**

Kurrajong is a Child Safe Organisation.

At all levels of our organisation, Kurrajong commits to create appropriate cultures, adopt strategies and act to prevent harm to children. Kurrajong do this by developing and maintaining policies that adhere to the Child Safe Standards, and having risk assessed procedures and environments. Kurrajong will be vigilant in its staff recruitment and provide appropriately targeted staff training. Through acceptance of this Code of Conduct, workers will act to systematically:

- Adhere to organisational policies and procedures to ensure children are safe and free from harm.
- Adhere to organisational policies and procedures to ensure any incidents of harm to children are identified and reported to the appropriate authorities through our Incident Reporting System.
- Respond appropriately to disclosures, allegations and suspicions of harm through our Complaint Management System.

Kurrajong will apply appropriate risk management strategies to ensure that its systems are robust to protect children from abuse and neglect.

This Code of Conduct sets expectations for how staff, volunteers and contractors should behave around children. This is important to help prevent children from being harmed. Child abuse takes many forms and can include physical, sexual and psychological abuse, ill-treatment and neglect. Kurrajong's **Policy 6.14 Child Safety and Protection** provides more information about these different types of abuse.

This Code of Conduct identifies positive child safe behaviours that we encourage all adults to support. It also identifies behaviours that we consider unacceptable. Engaging in unacceptable behaviour is a breach of this Code of Conduct and may result in managerial or disciplinary action.

Some examples of concerning behaviours are also provided below. These are behaviours that on their own may not constitute a breach of the Code of Conduct but together may indicate a pattern of behaviour that poses a risk to the safety of children.

Kurrajong expects that workers **will**:

- Treat all children and young people with respect
- Listen to and value children and young people's ideas and opinions
- Welcome all children and their families and carers by being inclusive
- Actively promote cultural safety and inclusion
- Listen to children and respond to them appropriately
- Welcome parents and carers to participate in decisions about their child's training schedule and any other matters about their safety
- Report any conflicts of interest (such as an outside relationship with a child)
- Adhere to all relevant Australian and NSW legislation and our child safe policies and procedures
- Work within a team to ensure that the needs of the child (and their family) remain the paramount focus
- Participate in all compulsory training
- Raise concerns with management if risks to child safety are identified, including cultural, environmental and operational risks
- Report and act on any concerns or observed breaches of this Code of Conduct
- Take all reasonable steps to protect children from abuse
- Respect the privacy of children and their families by keeping all information about child protection concerns confidential
- Inform parents and carers if there are situations that need to be safely managed but are outside the boundaries of this Code of Conduct (such as driving an athlete to a swimming competition or undertaking one-on-one training sessions)
- Take a child seriously if they disclose harm or abuse
- Ensure breaches of this Code are reported immediately
- Uphold the rights of the child and always prioritise their needs

Kurrajong expects that workers **will not**:

- Condone or participate in illegal, unsafe or abusive behaviour towards children, including physical, sexual or psychological abuse, ill-treatment, neglect or grooming
- Ignore or disregard any concerns, suspicions or disclosures of child abuse
- Exaggerate or trivialise child abuse issues
- Use hurtful, discriminatory or offensive behaviour or language with children
- Fail to report information to police if it's known a child has been abused
- Engage in unwarranted and inappropriate touching involving a child
- Persistently criticise and/or denigrate a child
- Deliberately prevent a child from forming friendships
- Verbally assault a child or create a climate of fear
- Offer children and young people alcohol, cigarettes or other drugs
- Show children pornographic images
- Encourage a child to communicate with a worker in a private setting
- Share details of sexual experiences with a child
- Use sexual language or gestures in the presence of children

## **In addition, workers will understand the following types of behaviour may be of concern:**

- Being alone with a child when there is no professional reason for doing so
- Showing favour to one child over others
- Babysitting, mentoring/tutoring, supporting a child out of work hours (without Kurrajong approval for this kind of outside employment)
- Taking the child into a worker's home whilst providing supports; or to any other place when there is no professional reason for doing so
- Communicate with a child in any application online

### **Complaints**

All staff, volunteers, families and community members are encouraged to speak up if they have concerns about the safety of children. This can be done by following the steps in our Complaint Management Process, which is displayed in every site and available on our website

[www.kurrajong.com.au](http://www.kurrajong.com.au) For more details please see **Kurrajong Policy 5.17 Complaint Management**.

### **Reporting**

Some breaches of this Code of Conduct may need to be reported to the NSW Police, the NDIS Quality & Safeguards Commission, the Department of Communities and Justice and the Office of the Children's Guardian. Kurrajong's **Policy 5.16 Incident and Reportable Incident Management** provides more information about our reporting obligations to external authorities. Workers are reminded of the Kurrajong **Policy 3.20 Protected Disclosure** describes protections and confidentiality provisions for anyone making a report.

### **Breaches of our Code of Conduct**

Workers who breach our Code of Conduct may also be subject to disciplinary action. This can include increased supervision, appointment to an alternative role, suspension or termination from the organisation. More information can be found in Kurrajong **Policy 3.13 Performance and Misconduct**.

These policies can be located on The Nest

### **PLEASE NOTE:**

An adult in child-related work at Kurrajong will commit an offence if they know another adult at Kurrajong poses a serious risk of abusing a child (under 18 years), and they have the power to reduce or remove the risk and they negligently fail to do so.

All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused.

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

### **RELEVANT LEGISLATION**

National Disability Insurance Scheme Act 2013  
Children's Guardian Act 2019