

**Identity Care Australia & New Zealand
(IDCARE)**

Code of Conduct Policy

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IDCARE's Code of Conduct Policy

1. Purpose of the policy

IDCARE's Code of Conduct provides guidance on acceptable standards of behaviour for staff (defined as paid staff, contractors, volunteers, research students, visiting academics, and students on placement) at IDCARE.

The Code of Conduct reaffirms IDCARE's commitment to the ethical principles detailed in the Queensland Public Sector Ethics Act 1994, by making clear that all staff are required to abide by this code, behaving professionally and with respect and consideration for others. The Code of Conduct is shaped around four key ethics principles that are intended to guide ethical decision making and behaviour. Each principle is strengthened by the standards of conduct describing the kind of behaviour that demonstrates that principle. The principles and associated standards are equally important. The ethics principles are:

- Integrity and impartiality
- Promoting the community good
- Commitment to client and partner confidentiality
- Accountability and transparency

2. Application of the policy

This Code applies to all staff and people representing IDCARE in any capacity including:

- Paid IDCARE staff (casual, part-time, contract, and full-time staff);
- Research students, visiting scholars and industry/government partners;
- Members of the IDCARE Board; and
- Volunteers, including placement students.

3. Definitions

In this policy the following definitions apply:

Conduct means the personal behaviour of a person.

Conflict of Interest is a situation in which an individual has competing professional or personal interests. Such competing interests could make it difficult for an individual to fulfill their duties impartially, and potentially could improperly influence the performance of their official duties and responsibilities.

An apparent (or perceived) conflict of interest exists where it appears that individual private interests could improperly influence the performance of their duties and responsibilities whether or not this is, in fact, the case. Individuals must be conscious that perceptions of conflict of interest may be as important as an actual conflict.

A potential conflict of interest arises where an individual has a private interest which is such that an actual conflict of interest would arise if the member were to become involved in relevant (that is conflicting) official duties and responsibilities in the future.

Discrimination is to treat an individual less favourably because of an attribute or to impose unreasonable terms or conditions for which individuals with a particular attribute are unable to comply.

Vilification on the grounds of race, religion, sexuality or gender identity is also unlawful.

Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate.

Sexual harassment means any unsolicited, unwelcome and unreciprocated behaviour act or conduct of a sexual nature that embarrasses, humiliates or offends other persons. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or even criminal assault.

Victimisation means treating someone unfairly because they have made, or intend to make, a discrimination or harassment complaint. This also includes those who have supported another person in making a complaint.

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Maladministration means the gross mismanagement of risk leading to death, injury or the culpable wastage of IDCARE resources that adversely affects a person's interests in a substantial and specific way.

Misconduct means conduct which is not serious misconduct but which is nonetheless conduct which is unsatisfactory.

Natural Justice provides that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right of representation by another person. A decision-maker in relation to the matter should have no personal interest in the matter and should be unbiased in their decisions.

Serious Misconduct is misconduct of a serious nature and includes:

- serious misbehaviour of a kind which constitutes a serious impediment to the carrying out of a staff member's duties or to a staff member's colleagues carrying out their duties;
- serious dereliction of the duties required of the staff member's office;
- conviction by a court of an offence which can be demonstrated to constitute a serious impediment of the kind referred to in this definition;
- wilful or deliberate behaviour by a staff member that is inconsistent with the continuation of the contract of employment;
- conduct that causes serious and imminent risk to the health and safety of a person or the reputation, viability or profitability of IDCARE;
- during employment, engaging in theft, fraud, assault, intoxication at work (where a staff member's faculties are so impaired as to make the staff member unfit for duty); or
- refusing to carry out a lawful and reasonable instruction that is consistent with the staff member's contract of employment.

4. The Ethics Principles and Standards of Conduct

4.1. Integrity and Impartiality

All staff are required to promote the integrity of IDCARE by:

- being committed to the highest ethical standards;
- providing advice which is objective, independent, apolitical and impartial;
- showing respect towards all persons, including other staff, students and the general public; and
- being committed to honest, fair and respectful engagement with the community.

4.1.1. Commitment to the highest ethical standards

All staff are expected to:

- be honest, impartial and conscientious when carrying out their duties;
- ensure the principles of natural justice are observed;
- ensure all decisions are made ethically;
- report genuinely suspected wrongdoing, fraud, corrupt conduct or maladministration to the Managing Director.

Staff members must not accept any gifts or benefits in connection with the performance of their duties and can only do so in accordance with IDCARE's Giving and Receipt of Gifts and Benefits in Relation to Staff of IDCARE Policy.

4.1.2. Manage Conflicts of Interest

A staff member must not improperly use their official powers or position or allow these powers to be improperly used. Any conflict that may arise between personal interest and official duty must be resolved in favour of public interest.

IDCARE is committed to demonstrating impartiality and integrity by requiring staff to declare conflicts of interest. A potential conflict of interest may arise where there is a conflict between their duty as a staff member to serve the public interest and their personal interests. Having a conflict of interest is not unusual and is not a wrongdoing in itself. However failing to disclose and manage the conflict appropriately is likely to be a wrongdoing.

For example, a staff member must declare potential conflicts of interest between private and/or financial interests and IDCARE responsibilities and declare the relationship when participating in decisions affecting another person with whom there is a personal relationship.

4.1.3. Avoid improper use of position

All IDCARE staff must adhere to the highest standards of honesty in community service, commercial engagement and scholarship. Improper use of a staff member's position includes actions which may result in detriment to IDCARE or in real, potential or apparent advantage to a staff member, or any other person or organisation.

The nature of placement and research student and staff interactions and the roles of supervisors and managers may place a staff member in a position of power over other staff and students. This imbalance of power may create the potential for undue influence of a student or staff member, due to age or the capacity to influence outcomes. In particular, the

development of a sexual relationship where a power imbalance exists creates the potential for abuse of position, for damage to the less empowered and potentially vulnerable individual, and for conflicts of interests.

Where a relationship develops with a student or staff member, which may lead to an actual or perceived conflict of interest, the staff member must notify their supervisor and cease any decision making role in respect of the student or staff member.

A staff member must not abuse a position of power or use their position to offer a benefit as a result of any relationship. This includes examples where an IDCARE staff member participates in counselling or related behavioural support activities, whether intended or not, but perceived by the participant to be so, and where such engagements occur outside or within the IDCARE workplace environment.

4.1.4. Demonstrate a high standard of workplace behaviour

IDCARE staff must always conduct and present themselves in a professional and responsible manner and demonstrate respect for others. Staff members must treat all people equitably and fairly with a commitment to an inclusive workplace that is free from harassment.

Staff members are not to engage in behaviours which may be unwelcome or which may victimise, be offensive or humiliating to others regardless of whether this occurs face-to-face, in writing, via email or via social networking media. Such behaviour may amount to harassment and/or workplace bullying and may be unlawful.

Students on placement, research and clinical, are not to acknowledge that they have a relationship with IDCARE publicly, including on any social media platform.

Staff members are expected to act responsibly and not allow alcohol or drugs to affect performance whilst acting in an official capacity.

A staff member with supervisory responsibilities has an important role in creating a fair and just working environment and has a particular obligation to the staff they supervise to lead by example and maintain high standards of conduct. Supervisors, including senior case management staff, are required to:

- act equitably and consistently in their dealings with all their staff;
- ensure their staff understand the performance standards expected of them;
- maintain open, honest and courteous communication with all staff;
- provide guidance and directions to staff in a reasonable way;
- provide equitable access to appropriate development and promotional opportunities; and
- provide reasonable accommodations and flexibility for staff with a disability, illness, family responsibilities or to allow religious or cultural observance.

4.2. Promoting the Public Good

Staff are encouraged to promote the public good by contributing to achieving IDCARE's values as outlined in the IDCARE Strategic Plan, including:

- the pursuit of excellence in client service delivery;
- maintaining the highest degree of professionalism;
- demonstrate the utmost integrity, honesty and ethical behaviour; and
- driving innovation and performance.

4.2.1. Efficiently and economically manage IDCARE resources

Staff are expected to accept and value their duty to manage public resources effectively, efficiently and economically. Staff have a responsibility to ensure that resources are used only for legitimate purposes and not wasted, abused, used improperly or extravagantly.

Staff must not contravene IDCARE's financial policies or procedures and are expected to treat IDCARE property with due care and ensure that it is secured against theft and misuse.

4.3. Commitment to the System of Government

IDCARE staff must abide by the laws of the State and Commonwealth, local government regulations and be aware of and work in accordance with the Chairities Act 2013, and associated regulations and guidelines. Staff will not engage in criminal or illegal behaviour.

4.4 Accountability and transparency

IDCARE requires staff to recognise they have a responsibility to perform their duties to the best of their ability and carry out their duties in a professional and conscientious manner. IDCARE staff members must:

- exercise proper diligence, care and attention;
- be transparent in business dealings;
- maintain confidentiality of client information at all times;
- maintain confidentiality of commercially sensitive and government sensitive information at all times;
- use all facilities appropriately; and
- use and manage official information appropriately.

Only with the express consent of the entity (client, private or public sector organisation), and only where such consent is appropriately recorded as being expressed, are IDCARE staff able to share sensitive information, such as personally identifying information, information about the performance of an organisation, and information about the extent of identity theft compromise and misuse impacting the entity. Sharing of such information within IDCARE is permitted where this is part of formal debriefing or performance management activities with peers and supervisors. Staff are encouraged to seek advice from supervisors, including the Managing Director, if they are unsure whether they are permitted to share such information.

4.4.1 Apply Natural Justice Principles

All staff should observe the principles of natural justice in their decision making. Natural justice requires an absence of bias, the presentation of substantial reliable evidence, and the right of the person affected to hear all the material evidence and be given adequate time and a fair and reasonable opportunity to respond. These principles are particularly important if the decision has negative consequences for the staff member involved.

5. Consequences of non-compliance with this Code

The obligations outlined in this Code prescribe and regulate the standards of conduct required of all staff members (as defined at Section 1 of this Policy).

Where a staff member suspects a breach of the Code may have occurred they may seek advice from the Managing Director.

A staff member whose conduct falls below the standards outlined in the Code will be dealt with in accordance with relevant IDCARE procedures. Some breaches of this Code may also have consequences for staff members under criminal or civil provisions of the general law.

An alleged breach of this Code by a staff member may be dealt with:

- Misconduct and Serious Misconduct procedures - are engaged when managing allegations of misconduct or serious misconduct.
- Unsatisfactory Performance - is engaged where a supervisor forms the view that a staff member's performance is not satisfactory.

The management of misconduct, serious misconduct and unsatisfactory performance shall be in accordance with Fair Work Commission best practice guidelines and advice. Unless matters involve alleged Misconduct or Serious Misconduct, Staff will be afforded the opportunity of a formal Performance Review, including an opportunity to demonstrate that their performance can improve. Supervisors will afford the Staff member the opportunity to correct their performance, including the offering of training and development support, and that a reasonable time shall be afforded for the staff member to demonstrate such correction.

Where Misconduct or Serious Misconduct is alleged, the Managing Director shall determine the appropriate way forward to investigate such allegations that maintains impartiality and natural justice. In matters that may give rise to formal allegations of serious misconduct, the Managing Director may determine that the staff member is stood down on leave until such time as the investigation concludes and the staff member has an opportunity to participate in a formal discussion in responding to such an allegation(s). The guidelines of the Fair Work Commission shall apply in such situations. A finding of serious misconduct will result in the immediate termination of the staff member's employment/placement/volunteering arrangement with IDCARE.

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