

Code of Conduct Essential Knowledge

Policy Description

This policy provides guidance about the behaviour expected of staff, tutors, artists and volunteers in the performance of their duties and in interactions with children and young people involved with Carclew's activities. This policy includes:

- The legal and ethical obligations and expectations of all staff to act in accordance with the expressed conduct; with integrity, respect and accountability;
- The rights of employees; to be treated fairly and equitably in the workplace;
- Guidelines to assist supervisors/managers and staff to undertake their daily duties.

Who must comply?

Staff employed by Carclew on a full/part time, casual, contract, agent, unpaid and voluntary basis. (staff, Board members, artists, tutors, agents, volunteers and residents)

What do I need to know?

- Comply with the Code of Conduct and with all legislation and policies applicable by Carclew.
- Behave with integrity, respect and accountability.
- Carclew expects staff and participants to value diversity and treat all people fairly and equally, and not discriminate against any person. Treat all persons, with whom you deal at work with courtesy and respect.
- Carclew will not tolerate harassment, bullying or intimidation of work colleagues, participants or clients.
- Act honestly and fairly in all dealings with others and within the best interests of Carclew.
- Report to work in a fit state, on time and present yourself in a professional manner.
- Respect the privacy and confidentiality of staff, participants and clients at all times.
- Report any acts of abuse, neglect or misconduct.

Contact

Carclew

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Code of Conduct

1. Background

The South Australia *Public Sector Act 2009* requires organisations to abide by the *Public Sector Code of Conduct March 2009*. In accordance with the *Public Sector Code of Conduct March 2009* Carclew staff, tutors, artists and volunteers are required and expected to behave with integrity, respect and accountability. It is Carclew's responsibility to provide a safe work environment, which includes a duty of care for employees and participants' health and wellbeing.

2. Purpose

Carclew is committed to creating strong relationships with clients, stakeholders and members of the public. Staff and Carclew representatives play a critical role in this process. This policy has been prepared to provide guidance about the behaviour expected of staff in the performance of their duties, volunteering or relationship with Carclew. It does this by providing broad direction on ethical responsibilities and instruction on appropriate behaviour. Furthermore, Carclew has prepared this policy to also demonstrate the strong commitment of management, employees and volunteers to child safety and establishing and maintaining child safe and friendly environments.

3. Scope

Carclew's Code of Conduct is not intended to be exhaustive and cannot anticipate every situation which may morally or ethically compromise the employee, or organisation. In this regard Carclew expects its employees and representatives to use their common sense and sound judgment. However, compliance with this policy is an obligation owed by all employees to each other and to the organisation. This policy applies to all staff employed by Carclew on a full/part time, contract, casual, agent, unpaid and voluntary basis; and forms a part of the contract of employment/engagement. Any breach of this policy can lead to disciplinary action being taken. Breaches by tutors, artists, volunteers and others can lead to review of their engagement.

4. Definitions

Duty of care: the legal obligation ensuring that all individuals adhere to a standard of reasonable care while performing any acts that could harm others. It also includes our responsibility to ensure safety for those in our care, and anticipating and avoiding foreseeable harm or minimising harm when it occurs.

Reasonable care: the standard of care that a reasonable service provider would provide in that situation.

Community work: work that is not for private financial gain and that is done for charitable, benevolent, philanthropic, sporting, educational or cultural purposes.

Race: of a person means the nationality (current, past or proposed), country of origin, colour or ancestry of the person.

Workplace Bullying: behaviour that is repeated, systematic and directed towards an employee or group of employees.

Copyright: is a set of exclusive rights granted to the author or creator of an original work. It safeguards original works of art, literature, music, film, etc from certain uses. .

Moral rights: are the rights individual creators have in relation to copyright works they have created. Moral rights are personal legal rights belonging to the creators of copyright works and cannot be transferred, assigned or sold.

Derogatory treatment: doing anything in relation to the work, which prejudices the creator's honour or reputation. This could include distorting, mutilating or materially altering the work in any way that prejudices the creator's honour and reputation; and in the case of artistic

works, destroying the work or exhibiting it in public in a way that prejudices the creator's honour and reputation.

5. Policy Statement

Carclew believes that we have an ongoing responsibility to present standards of appropriate behaviour for the social and situational comfort of all with whom we interact. As people who work with young people we hold a trust and responsibility to provide positive examples to the young people participating in our projects and creative environments. The nature of our work requires the application of certain principles to ensure that experiences are positive, affirming, and educational. Such an environment needs us to acknowledge the diversity of our backgrounds and ensure a safe working space by being sensitive to the needs and expectations of co-workers and participants.

All employees must conduct themselves in accordance with the following common sense principles:

- Treat other employees, artists, volunteers and all other persons with whom they deal at work with courtesy and respect.
- Act honestly and fairly in all dealings with others.
- Act within the best interests of Carclew.
- Comply with all legislation and policies applicable by Carclew.

In most cases, when dealing with co-workers they will inform you through language, verbal or non-verbal, if they feel a particular behaviour is unacceptable. What is important to consider when dealing with people who are in a less senior role (especially young people and children) is they may not feel they have the authority to ask you to modify your behaviour. To clarify the application of the above ethos, the following details form our Code of Conduct.

5.1 Respect and Consideration

Carclew requires staff to consider the way they provide service to clients and the people you work with. Staff must treat co-workers and other members of the community with respect, courtesy and fairness. Staff are encouraged to behave in a manner that takes into account the people they are dealing with and to be sensitive to their feelings and needs. We must ensure that our behaviour, both verbal and non-verbal, does not (in fact or perception) offend, humiliate, intimidate, discriminate or vilify. It is the reaction of the other party and how our behaviour is perceived that determines whether an action is unsuitable. Due care and courtesy must always be extended to those with whom we work.

Cultural Inclusivity

The foundation for an inclusive culture is embedded in Carclew's Values, Mission, Goals and Guiding Principles. The Youth Arts Sector contributes to reducing social isolation and discrimination by bringing together young people from diverse cultural and socio-economic backgrounds. Carclew supports programs that address issues relating to diversity or disadvantage, and creates sustainable partnerships with artists, families, communities and cultural organisations. Everyone is treated with respect and dignity, and diversity and diverse opinions are encouraged.

Discrimination

Carclew expects staff and participants to value diversity and treat all people fairly and equally, and not discriminate against any person. Unjustifiable favourable and unfavourable treatment will not be accepted. South Australia's *Equal Opportunity Act 1984* insists that it is unlawful for an employer to discriminate against a person on the

grounds of age, sex, race, physical disability, intellectual impairment, sexuality, marital status or pregnancy.

Harassment and workplace bullying

Harassment, bullying & intimidating behaviour will not be tolerated. Under the *Work Health and Safety Act 2012* all employers have a duty of care to ensure that their employees are not subjected to victimising, humiliating, undermining or threatening behaviour. Such behaviour can create a risk to employee's health and safety. Carclew acknowledges it is morally and legally unacceptable to form sexual relationships with the young people with whom we work and will not be tolerated. *For further detail please refer to Child Safe Environment Policy.*

5.2 Duty of Care

Carclew and its employees have a legal obligation to ensure that a standard of reasonable care while performing any acts that could harm others. It also includes our responsibility to ensure safety for those in our care, and anticipating and avoiding foreseeable harm or minimising harm when it occurs. Arts workers, care providers, teachers and support workers have a special and primary duty to the children and students in their care. *For further detail please refer to Child Safe Environment Policy.*

Carclew staff and representatives must take every precaution reasonable to protect the health, safety and welfare of those in the workplace. In particular, they must comply with the *Work Health and Safety Act 2012* and promote safe working practices and environments for people using the organisations facilities. All artists, tutors and contractors engaged on site must be aware of and are compliant with the organisations occupational health, safety and welfare obligations. *For further detail please refer to Workplace Health and Safety Policy.*

5.3 Awareness to create a safe environment

Carclew is officially recognised as a Child Safe Environment organisation with the Department for Communities and Social Inclusion. Carclew has a responsibility to maintain a safe environment for staff and clients, from both a physical and physiological perspective. We are committed to the safety and wellbeing of all children and young people accessing our services and the welfare of the children in our care will always be our first priority.

Carclew will not tolerate incidents of child abuse. It is the policy of Carclew that all employees be trained as Mandated Notifiers under Section 11 (1) & (2) of the *Children's Protection Act 1993*. All employees, artists and volunteers understand their obligation to notify the Child Abuse Report Line on 13 14 78 as soon as practicable if they have a reasonable suspicion that a child has been, or is being, abused or neglected. *For further detail please refer to Child Safe Environment Policy.*

5.4 Working with Children in Art

The South Australian Government is committed to upholding and promoting the rights of people to freedom in the practice of the arts, and to encouraging young people and children's involvement in the arts as participants, in the creative process and as members of an audience. *For further detail please refer to Child Safe Environment Policy.*

5.5 Accountability to Diligence

Carclew requires staff to carry out duties in a competent and capable manner, and to exercise their best professional judgement to ensure the best interests of the organisation. Staff have an obligation to adhere to policies faithfully and without bias, although have the opportunity to seek to have decisions or policy changed through the

appropriate channels. Staff shall endeavour to maintain and enhance their skills and knowledge to maintain a high standard or performance.

All staff are required to report to work in a fit state. It is not appropriate for employees, participants and representatives to smoke in the grounds of the activity or in the presence of young people. The use of any other recreational or non-prescription drugs is strictly prohibited on the premise of Carclew or in the course of employment.

Use of Resources and Equipment

The use of Carclew facilities and/or equipment for personal use must be authorised prior to use. All equipment and facilities should be treated with appropriate care at all times. Electronic mail, access to their internet, computerised information systems and other electronic facilities are provided to support the organisations activities and should be used for these purposes. Personal use during work hours must be limited to lunch and break times. Staff members, tutors and volunteers are to respect and care for the organisations property; stealing of Carclew possessions will not be tolerated. Carclew is committed to reducing its carbon footprint and encourages all staff members to recycle where possible to reduce the wasting of resources.

Carclew Vehicle/Private Vehicles

Carclew is committed to promoting and encouraging safe and efficient use of vehicles in the workplace. Carclew and Fleet SA vehicles are to be used for business purposes only and not for personal use. Prior written permission must be obtained to use private vehicle for work related purposes and/or to transport passengers who are not employees or engaged to undertake work for Carclew. *For further detail please refer to Motor Vehicle Policy.*

Social Media/Networking

Social media platforms of Carclew, such as Facebook, My Space and YouTube, will be maintained by the appropriate manager/supervisor in consultation with the Marketing Manager. Employees must be aware of their obligations to the organisation when making work related comments/observations on personal social networking pages. Inappropriate comments/observations about the individual's workplace on personal pages will not be tolerated and are a breach of this Code of Conduct and *Social Media Policy* and can lead to disciplinary action. Personal use of social media sites during work hours must be negotiated with the appropriate manager/supervisor. *For further details in relation to the appropriate use of social media please refer to the Social Media Policy.*

Security Maintenance

Employees, artists, tutors and hirers must maintain adequate security of the organisations premises in which they are occupying. Security keys/cards issued to users for the purpose of opening, accessing and using the building, equipment and other facilities are to be maintained and used only in accordance with the organisations internal security maintenance and key procedures.

5.6 Ethical Conduct

Under the *Public Sector (Honesty and Accountability) Act 1995* public sector employees are to exercise care and diligence and act honestly at all times. Staff are required to present themselves in a professional manner, and consider the Code of Conduct when making decisions in the course of their work. Carclew is committed to providing high quality service, and acknowledges that a fair complaint system is imperative for continuous improvement. *For further detail please refer to Grievance Resolution Policy.*

Conflict of Interest

Employees must be aware of the potential and ensure that there is no conflict of interest between their personal interests and their duties, obligations and responsibilities to the organisation. Staff and representatives who believe that there could be a situation involving a conflict of interest must advise their supervisor/manager who will determine the course of action to be taken, in accordance with the organisation's policies.

Related Parties Transactions Record

All Carclew Board members and staff who engage family members/relations to undertake an activity paid by the organisation must complete a Related Parties Transaction Record.

Gifts and Benefits

Staff and representatives of Carclew should not solicit or encourage gifts or benefits in relation to their professional duties. Acceptance of gifts and monetary value can be perceived by others as a bribe, creating a potential conflict of interest. Any gift received must be declared to your supervisor/manager/Chief Executive. However, staff may give or accept an occasional gift, which is offered in accordance with social or cultural practice, for example, employee's retirement or leaves the organisation.

Reporting Corrupt Conduct

Staff and representatives of the organisation are urged to report any suspected corrupt conduct. The *Whistleblowers Protection Act 1993* provides protection for persons disclosing illegal, dangerous and improper conduct. Disclosures may be made to the Chief Executive and/or the Manager - Finance & Operations.

Breach of Conduct

Any breach of Carclew policies will be taken seriously and provisions will be implemented in accordance with appropriate legislative procedures.

5.7 Confidentiality & Public Comment

Privacy and confidentiality of clients, staff, volunteers and the organisation must be respected at all times. Staff members must take reasonable steps to ensure that any information, in any form, for which they are responsible for is marked confidential and cannot be accessed by unauthorised people. All sensitive information must only be discussed with people who are authorised to have access to it. Unauthorised disclosure or use of confidential information may result in disciplinary proceedings for misconduct. The release of information to a third party is only permitted if prior authorisation is given; this particularly applies to the release of information to the media.

- In the course of interaction with children, young people and co-workers much personal information is collected. It is not to be disclosed to any third party without prior consent.
- Any other information of a personal nature, for example in relation to financial status, race, creed, religion or personal story should not be discussed without written consent and must be used for work related purposes and not for personal benefit.

For further detail please refer to Privacy Policy.

5.8 Rights of Staff

Public employment carries with it an obligation to ensure the public interest. However, staff have all of the normal rights and obligations of employees under common and statute law.

- Manager/supervisors must demonstrate ethical leadership, and provide impartial and accurate advice. Managers/supervisors should make relevant information, in relation to their duties, available to all staff, tutors and volunteers.
- All representatives of Carclew are required to read and understand policy documents issued to them prior to employment; and are expected to comply with them. Staff who are uncertain about the content of a policy should seek advice from their supervisor/manager. Staff should conform to directions given by their supervisor/manager. However, staff have a right to question any instruction that they think may be unlawful or unethical.

5.9 Recruitment practices

Carclew takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children. We employ a range of screening measures and apply best practice standards in the screening and recruitment of employees and volunteers. The management of Carclew has a firm commitment to equal opportunity principles, and will ensure that no discriminatory policies or practices or procedures exist in any aspect of employment. We interview and conduct referee checks on all employees, and prior to commencing employment or volunteering all staff, artists, and volunteers are inducted accordingly.

National Police Clearance/Child Related Employment Screening

Carclew's Employment Clearance for Working with Children ensures that all employees, artists, tutors and volunteers undertake a criminal history assessment for people working with children, as set out in section 8B of the *Children's Protection Act 1993*. We ensure that criminal history information is dealt with in accordance with the standards developed by the Chief Executive of the Department for Families and Communities. *For further detail please refer to Employment Clearance for Working with Children Policy.*

Support for employees and volunteers

Carclew seeks to attract and retain the best employees and volunteers. We provide support and supervision so people feel valued, respected and fairly treated. We ensure that volunteers and employees who work with children have ongoing supervision, support and training so that their performance is developed and enhanced to promote the establishment and maintenance of a child safe environment. Under the *Volunteers Protection Act 2001*, volunteers doing community work are protected from personal liability in certain circumstances.

5.10 Copyright and Moral Rights

Carclew has a strong commitment to protecting artist's copyright and moral rights. Copyright protection is provided under the *Copyright Act 1968*. The primary purpose of copyright is to provide an incentive for people to produce new works for the benefit of society as a whole. With regard to Australian copyright and moral right laws, creators have the right:

- To be attributed (or credited) for their work;
- To not have their work falsely attributed; and,
- To not have their work treated in a derogatory way.

Creators of copyright material have the right to be attributed when the work is:

- "reproduced" (such as making photocopies, copying it by hand, scanning it onto a computer disk or printing a copy of a digital file)
- "exhibited" in public (in the case of artistic works and films)
- "communicated" to the public (such as by putting written works onto a website, broadcasting or faxing it or emailing digital files containing the work)

5.11 Acknowledgement and Record Keeping

All representatives of Carclew will be asked to read and understand the Code of Conduct prior to their start date or at their induction. Upon signing a Contract for Employment with Carclew you are declaring that you have obtained, read, understand and agree to abide by our Code of Conduct and all other policies relevant to your engagement with Carclew. The original signed Employment Contract will be kept with their personnel file/contract and a copy will be given to the staff member/representative.

- Under the *Public Sector Act 2009*, other than the employee/representative, the only persons who are permitted to have access to a personal file are those who are required, in the course of their duties to refer to the particular file. Carclew personnel files and contracts are confidential and kept in a secure place.

Tutors, artists and volunteers will be provided with a copy of the Code of Conduct or information on where to find it, as well as other policies and procedures related to their duties. It is the responsibility of their Manager to make them aware that by signing a contract they are obliged by our Code of Conduct and underlining policies.

6. Procedures Title

Code of Conduct Procedure

7. Responsibility for implementation

- The Chief Executive will advise staff members of the new policy and procedures immediately. Staff will be required to familiarise themselves with the Code of Conduct. The Policy Administration Officer will advise all Carclew staff members that the Code of Conduct will be available via the Carclew Server. The policy and procedure will be listed on the Carclew Policy webpage.
- The Code of Conduct will be included in the Carclew Staff, Artist and Volunteer Induction packages. Responsibility for ensuring all staff complies with the Code of Conduct will rest with supervisors/managers.
- All staff have a responsibility to comply with this policy, and perform their duties effectively and act in a manner that promotes a productive and harmonious working environment.

8. Policy Status

Created: 11 October 2010

Endorsed: 26 May 2011

Reviewed: 26 September 2014

Review Date: 26 September 2016

9. Key Stakeholders

Carclew Board, staff and clients.

10. Approval Body

Carclew Strategic Team: 11 May 2011

11. Endorsement Body

Carclew Board: 26 May 2011

12. Legislation

South Australian Public Sector Act 2009

South Australian Public Sector Employees Code of Conduct March 2009

Public Sector (Honesty and Accountability) Act 1995

Work Health and Safety Act 2012
Work Health and Safety Regulations 2012
Equal Opportunity Act 1984
Children's Protection Act 1993
Whistleblowers Protection Act 1993
Copyright Act 1968
Volunteers Protection Act 2001
State Records Act 1997 - General Disposal Schedule for Records Management

13. Related Policies / documents

Code of Conduct Procedure
Child Safe Environment Policy and Procedure
Employment Clearance for Working with Children Policy and Procedure
Workplace Health and Safety Policy and Procedure
Grievance Policy and Procedure
Commission for Public Employment Ethical Conduct Guideline 2001
Arts SA Protocols for Working with Children in Art (revised September 2010)
Australia Council for the Arts Protocols for Working with Children in Art (revised May 2010)
Arts Law Centre of Australia: Children in the Creative Process: Information for Artists and Arts Organisations fact sheet

14. Date Effective

This Policy is effective as of 26 May 2011

15. Next Review Date

This Policy is due for review 26 September 2016

This Policy will be reviewed on a two yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

16. Policy Author

Policy Administration Officer, Carclew

17. Contact

Policy Administration Officer, Carclew

Disclaimer

This policy does not represent legal advice. If you have any queries about your obligations, you should seek your own independent legal advice.