



Code of Conduct

1. Background

Carclew is an Incorporated Association and a semi-government authority and the *South Australian Public Sector Enterprise Agreement: Salaried 2021* requires Carclew staff to abide by the *Code of Ethics for the South Australian Public Sector* which must be read in conjunction with this *Code of Conduct*.

2. Purpose

This *Code of Conduct* provides broad direction on ethical responsibilities and the principles of appropriate behaviour.

3. Scope

This *Code of Conduct* applies to staff, contractors, volunteers and Board members. It cannot anticipate every situation that may morally or ethically compromise the individual or organisation and, in such cases, common sense and sound judgement must be used as demonstrated by the *Code*. Any breach of this *Code* can lead to disciplinary action for misconduct and/or review of engagement.

4. Definitions

Duty of care	The legal obligation to adhere to a standard of reasonable care while performing any acts that could harm others, including a responsibility for the safety of those in our care, anticipating and avoiding foreseeable harm or minimising harm if it occurs.
Reasonable care	The standard of care that a reasonable service provider would provide in that situation.
Harm	Physical or psychological harm (whether caused by an act or omission) including harm caused by sexual, physical, mental or emotional abuse or neglect.
Workplace bullying	Behaviour that is repeated, systematic and directed towards an employee or group of employees.
Discrimination	To treat a person less favourably under one of the grounds as prescribed in law.
Indirect discrimination	Occurs when there is a requirement or rule that appears on the surface to treat everyone equitably but which in fact has an unfavourable effect on a certain group of people.
Victimisation	To punish or threaten to punish someone.
Harassment	Covers a wide range of behaviours of an offensive nature. Commonly understood as the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats or demands.
Sexual Harassment	An unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.
Misconduct	Unacceptable or improper behaviour.
EAP	Employee Assistance Program

5. Code of Ethics for the South Australian Public Sector

The Carclew *Code of Conduct* is informed by values and standards outlined in the *Code of Ethics for the South Australian Public Sector*. Staff are required to:

- complete a Pre-Employment Declaration prior to commencing employment with Carclew
- be familiar with the *Code of Ethics for the South Australian Public Sector*; and
- complete the online Code of Ethics Awareness Program and lodge certificate with Administration <https://publicsector.sa.gov.au/policies-standards/code-of-ethics/>

6. Policy Statement

Carclew expects all employees to behave in a manner consistent with the highest standards of professional conduct. We acknowledge the diversity of our backgrounds and ensure a safe working space that is sensitive to the needs and expectations of co-workers and participants, including a duty of care for their health and wellbeing. We are positive role models in our work with children and young people and are in a position of trust with a responsibility to deliver experiences that are safe, positive, affirming, and educational.

This policy requires all staff to behave with integrity, respect and accountability and to exercise care and diligence at all times:

- Behave in ways consistent with the values of the organisation as defined in its policies and this *Code of Conduct*
- Treat others with courtesy and respect
- Act honestly and fairly and avoid conflicts of interests in all dealings with others
- Exercise diligence and meet duty of care obligations
- Act within the best interests of Carclew
- Comply with all legislation and policies

6.1 Ethical Conduct

6.1.1 Diversity

Carclew's Vision, Mission, Goals and Guiding Principles inform an inclusive culture. Treat each other and the people you interact with fairly and respectfully, regardless of their nationality, gender (including chosen gender), cultural or social background, sexuality, religion, age, physical or intellectual ability.

6.1.2 Respectful Behaviours

Carclew is a positive work environment that supports the wellbeing of our people and has zero tolerance for any form of harassment, bullying, humiliating, undermining, intimidating or threatening behaviour. We have an active approach to prevent, address and eliminate such behaviours.

For further information refer to Carclew Respectful Behaviours Policy.

6.1.3 Privacy and Confidentiality

Privacy and confidentiality of clients, staff, volunteers and the organisation must be respected. In the course of your work with children, young people and co-workers personal information is collected which you cannot disclose to any third party without prior consent

For further information refer to Carclew Privacy Policy.

6.1.4 Conflict of Interest

All staff must ensure that there is no real or perceived conflict of interest when undertaking duties, obligations and responsibilities to the organisation.

When unclear if a conflict of interest exists, advice must be sought from supervisor/manager to determine the course of action to be taken.

6.1.5 Gifts and Benefits

Staff should not solicit or encourage benefits or gifts in relation to professional duties. This can be perceived by others as a bribe, creating a potential conflict of interest. Declare any gift to your supervisor/manager. Staff may give or accept an occasional gift that is offered in accordance with social or cultural practice.

6.1.6 Related Parties Transactions Record

If staff engage family members to undertake paid work by the organisation they must complete a Related Parties Transaction Record for documenting at Board meetings.

6.1.7 Reporting Corrupt Conduct

The *Whistleblowers Protection Act 1993* provides protection for those disclosing illegal, dangerous and improper conduct. Staff are urged to report any suspected corrupt conduct to the Chief Executive, the Senior Manager, Finance & Operations or the Chair of the Board.

6.1.8 Breach of Conduct

Any breach of Carclew policies will be taken seriously and may be deemed misconduct and result in disciplinary action. Consequences may include a warning, suspension, reduction in pay or termination of employment and will be implemented in accordance with appropriate legislative procedures.

6.2 Duty of Care for a Safe Environment for staff

All staff must be aware of, and comply with health, safety and welfare obligations in the *Work Health and Safety Act 2012* and take every reasonable precaution to protect the health, safety and welfare of people in the workplace and using our facilities.

6.3.1 Employee Assistance Program

Carclew provides an Employee Assistance Program for staff and their immediate family to assist with work-related or personal queries that may impact job performance, health, mental or emotional well-being.

For further information see Carclew's Admin Team or visit www.lifeworks.com/au

6.3 Duty of Care for a Safe Environment for children

Carclew is committed to supporting the emotional and physical wellbeing of children and young people by helping our staff, artists and volunteers to understand appropriate behaviours in relation to their professional role and interactions with children and young people.

All staff have a legal and moral responsibility, a 'duty of care', to ensure the safety and wellbeing of children and young people in our programs, including anticipating and avoiding foreseeable harm or minimising harm when it occurs.

All staff, artist and volunteers are required to complete the Responding to Risk of Harm, Abuse and Neglect – Education Care (RRHAN-EC) training and must update this qualification when required to ensure it is current at all times.

6.3.1 Reporting Abuse and Neglect

If staff suspect on reasonable grounds that a child or young person is, or may be at a risk of harm they are required by law to report to the Department for Child Protection (DPC) Child Abuse Report Line (CARL) on 13 14 78. Failure to do so is an offence and punishable under *Section 31 (1) of the Children and Young People (Safety) Act 2017*.

For further information please refer to the Child Safe Environment Policy.

6.3.2 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.

6.4 Professional Conduct

You must carry out duties in a competent and capable manner, and exercise professional judgement in the best interests of the organisation. You must not at any time act in a manner that a reasonable person would view as bringing them, or the organisation, into disrepute.

6.4.1 Personal presentation

You should always be aware of your personal presentation and present in a manner appropriate to the working environment, and the type of work you are performing. You must notify your supervisor/manager in advance of any foreseeable absences.

6.4.2 Smoking / drugs

Staff are required to report to work in a fit state. Staff cannot smoke in the grounds of the worksite or activity, or in the presence of young people. The use of any other recreational or non-prescription drugs is strictly prohibited on the Carclew premises or in the course of employment.

6.4.3 Use of Resources and Equipment

Staff must treat equipment and facilities with care. Access to email, internet and IT systems should be used primarily for business related purposes and in an appropriate manner. Limited personal use is permitted in accordance with the *Code of Ethics for the South Australian Public Sector*. Accessing, downloading, printing or storing information with sexually explicit content is prohibited by law.

6.4.4 Social Media/Networking

The Senior Manager, Marketing and Development and delegated staff manage Carclew's social media sites. Staff must have prior approval from the Chief Executive or Senior Manager, Marketing and Development, to post on our social media sites. Staff cannot make deceptive, defamatory or misleading postings about the organisation or its programs. Staff can be held personally responsible for producing or sharing content deemed to be inflammatory or obscene and such content or inappropriate comments/observations about your workplace on personal sites are a breach of this *Code of Conduct* and can lead to disciplinary action.

6.4.5 Environmental Responsibilities

Carclew is committed to minimising our environmental impact. Staff must not be negligent with energy use, and must follow waste minimisation and recycling instructions.

6.5 Recruitment

Carclew will not use discriminatory policies, practices or procedures in recruitment implementing selection criteria and referee checks to identify the best candidate. At commencement, employees must provide evidence they are cleared to work with children by meeting set screening standards and will receive a formal induction. All staff must complete required mandatory reporting training under the Child Safe Environment Policy.

7. Responsibility for implementation

The Chief Executive will advise staff upon endorsement by the Board. The policy and procedures will be available on the Carclew server, listed on the policy webpage and included in induction packs.

8. Legislation & Supporting Documents

<i>Public Sector Act 2009</i>
<i>Public Sector (Honesty and Accountability) Act 1995</i>
<i>South Australian Public Sector Enterprise Agreement: Salaried 2021</i>
<i>Children and Young People (Safety) Act 2017</i>
<i>Child Safety (Prohibited Persons) Act 2016</i>
<i>Work Health and Safety Act 2012</i>
<i>Equal Opportunity Act 1984</i>
<i>Fair Work Act 1994</i>
<i>Copyright Act 1968</i>
<i>Whistleblowers Protection Act 1993</i>
<i>Volunteers Act 2001</i>
<i>State Records Act 1997 – General Disposal Schedule for Records Management</i>
<i>Code of Ethics for the South Australian Public Sector</i> https://publicsector.sa.gov.au/policies-standards/code-of-ethics/
<i>Public Sector Values</i>
<i>Child Safe Environment Policy</i>
<i>Arts South Australia Protocols for Working with Children in Art</i>
<i>Respectful Behaviours Policy</i>
<i>Grievance Policy</i>
<i>Employee Assistance Program: LifeWorks by Morneau Shepell www.lifeworks.com/au</i>

Disclaimer

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

Acknowledgment

In developing this policy Carclew has drawn on resources prepared by the Department for Education, Department for Child Protection and Department of Human Services.

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Endorsed by the Carclew Board 26 May 2011

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