

AUGUSTINIANS



PROVINCE OF OUR MOTHER OF GOOD COUNSEL AUSTRALASIA

CODE OF CONDUCT (Edition 2)

1. Introduction

The Order of St Augustine in the Province of Australasia ('the Order') expects personnel to maintain the highest standards of ethical conduct. This includes conduct that upholds the human rights, dignity and well-being of all people and safeguards children and adults at risk from abuse and harm.

2. Purpose

The Code of Conduct establishes principles for ethical conduct and provides clear information about conduct by personnel towards children and adults at risk that is not acceptable.

Personnel have a responsibility to promote the standards embodied in the Code in addition to the teachings and values of the Catholic Church more broadly.

The Code should be read alongside the Order's Safeguarding Policy and related documents including the Risk Management Strategy and Complaint Handling Policy.

The Code also complements other documents of the Catholic Church.

3. Scope

The Code of Conduct applies to all Order personnel, including religious brothers, religious priests, interns and trainees, employees, volunteers, consultants, contractors (and others) engaged by the Order to provide services to children and adults at risk. Before commencing any role, personnel must sign an acknowledgement that they have reviewed the Code of Conduct, agree to comply with it, and understand the consequences of breaching the Code. Personnel will then be required to review and sign the Code of Conduct regularly and not less than every three years to reaffirm their understanding of their obligations. The Professional Standards and Administration Manager is responsible for ensuring that this occurs and maintaining appropriate records.

4. Ethical Conduct

The Order promotes the following principles:

- reflecting the beliefs and gospel values of the Catholic faith

- respecting the dignity, rights and views of others
- acting honestly and with integrity at all times
- being courteous, fair, sensitive and considerate to the needs of others
- listening and seeking to understand different points of view (this does not necessarily mean agreeing with the point of view)
- acting respectfully at all times, including respecting cultural, ethnic, political and religious differences
- taking an inclusive approach that does not discriminate against or harass any person because of their gender, sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual orientation or gender identity. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*.

5. Professional and Personal Behaviour and Development

5.1. In performing their duties, personnel must:

- a) maintain a high standard and quality of work
- b) demonstrate a duty of care
- c) maintain and develop knowledge and understanding of their area of expertise
- d) continuously seek to improve work performance and bring about improvements in the workplace
- e) exercise care, responsibility and sound judgement when carrying out their duties.
- f) take reasonable care of their health and safety
- g) comply and cooperate with legislative and industrial requirements and any reasonable instruction, policy or procedure
- h) use appropriate language
- i) maintain adequate records to support any decisions made
- j) maintain confidentiality and privacy.

5.2. In performing their duties, personnel must not:

- a) act in ways that adversely affect the health and safety of others
- b) come to work or stay at work while affected by alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others
- c) consume any substance during working hours which would impair their ability to work safely and effectively and would be a risk to the safety of others
- d) bring alcohol onto work premises without permission
- e) smoke in the workplace, including in stairwells, fire escapes and foyers and before, during and after normal office hours
- f) ignore work duties or waste time during working hours

- g) take or seek to take improper advantage of any information gained in the course of employment
- h) take improper advantage of their position to benefit themselves or others
- i) allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities
- j) use information and communication technologies, such as email, mobile phones, text or instant messaging and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm, or make them feel unsafe
- k) make unfounded complaints with malicious, frivolous or vexatious intent against another member of personnel.

6. Conduct Towards Children

6.1 'Child' means any individual under the age of 18 years.

6.2 Personnel must not engage in the following conduct:

- a) any form of physical or sexual abuse
- b) grooming of a child for sexual abuse
- c) using sexually suggestive or explicit language or gestures
- d) engaging in conversations about sexual experiences or sharing sexual images
- e) being alone with a child away from the presence of other adults, including for the purpose of transportation, without express permission
- f) showering/using the toilet with an open door in the presence of a child
- g) helping children with intimate care if the child is capable of doing it on his or her own (eg., toileting or changing clothes)
- h) not respecting the privacy of a child (eg when using the bathroom or changing)
- i) physically disciplining a child
- j) making excessive and/or degrading demands of a child
- k) making any kind of drug, alcohol or cigarettes available to children
- l) engaging in private electronic or online contact with a child
- m) engaging with a child in a way that is overly intimate or could be seen as involving favouritism or any form of special treatment, and
- n) taking photos of a child who is in the care of the organisation outside of official duties or without consent.

6.3 Personnel must:

- a) report to the Prior Provincial any concerning conduct that is brought to your attention and any circumstances where you suspect that a child is currently at risk of harm (see Section 8)
- b) take reasonable steps to protect children from foreseeable risk of injury

- c) ensure that physical contact with children is reasonable for the purpose of their management or care, and is appropriate given their age, maturity, health or other characteristics, eg:
 - assessing a child or young person who is injured or ill
 - comforting an upset child
 - guiding a child in a non-threatening manner
 - protecting a child from imminent danger to himself/herself or to others
 - demonstrating or guiding a particular action or skill as part of drama or other activities within the lesson
- d) complete their duties in accordance with the directions provided by the relevant supervisor
- e) consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- f) adhere to an appropriate standard of dress when engaged in ministry.

7. Conduct Towards Adults at Risk

7.1. 'Adult at risk' means any individual aged 18 years and over at increased risk of abuse, including those who:

- are elderly
- have a disability
- have a mental illness
- have diminished capacity
- have cognitive impairment
- are experiencing transient risks, eg bereavement, relationship breakdown, domestic or family violence, homelessness
- have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation.

7.2 Whilst taking care to not make assumptions or generalisations about individuals, The Order recognises that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, such as:

- being Aboriginal or Torres Strait Islander
- being a refugee or migrant
- diverse gender or sexuality
- speaking a first language other than English
- surviving sexual abuse or child abuse
- experience in out-of-home care

7.3 Personnel must not engage in the following conduct:

- any form of physical or sexual abuse
- making excessive and/or degrading demands
- exploiting an individual's vulnerability to form an intimate relationship

- any misuse of authority or power that exploits, manipulates or coerces a person to engage in any activity, or which disrespects their human rights and dignity
- not respecting the person’s privacy
- any form of financial abuse or exploitation

7.4 Personnel must:

- report to the Prior Provincial any concerning conduct that is brought to your attention and any circumstances where you suspect that an adult at risk is currently at risk of harm (see Section 8)
- take reasonable steps to protect vulnerable adults from foreseeable risk of injury
- ensure that physical contact with vulnerable adults is reasonable for the purpose of their care, and is appropriate given their age, health, disability or other characteristics. For example:
 - physical contact should be consistent with any specific management plan for the person, and
 - physical intervention (including physical restraint, removals or escorts) should be avoided and used only as a last resort to ensure safety and protection of the person and others
- complete their duties in accordance with the directions provided by the Order.
- consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- adhere to an appropriate standard of dress when engaged in ministry.

Generally, one-to-one interactions with an adult at risk should not take place unless in an open or visible space, or within the clear line of sight of another adult. This includes ministries and/or services such as counselling, one-to-one tuition, the sacrament of reconciliation, coaching, spiritual direction and mentoring.¹ However, this will depend on the individual’s circumstances, preferences and right to privacy. Prudent judgement is required on a case-by-case basis.

8. Reporting Requirements

The Order will comply with all requirements to report concerns about the safety of children or adults at risk to external authorities. These requirements are outlined in the Safeguarding Policy and include:

- Reporting criminal offences to Police
- Reporting to the Child Protection Authority where there are reasonable grounds to believe that a child (or class of children) is at risk of harm.
- Notifying the independent oversight body of reportable allegations under the Reportable Conduct Scheme (In NSW – ‘Department of Communities and Justice’: in Qld ‘Department

¹ Where the sacrament of reconciliation is celebrated using the first form of the Rite of Penance, that is, the Rite for Reconciliation Individual Penitents, this may occur in a chapel or other space within a church that is set apart for this purpose, but physical contact between the cleric and penitent is not permitted.

of Children, Youth Justice and Multicultural Affairs': in Victoria 'Department of Justice and Community Safety'

- Reporting safety concerns for an adult in an aged care facility, respite and day care service or support services delivered in the home to the Aged Care Quality and Safety Commission
- Reporting safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service to the NDIS Quality & Safeguards Commission
- Reporting safety concerns that relate to the abuse, neglect or exploitation of an adult with disability or older person living in their home (conduct by a member of the person's family, other informal supports, or members known to them from the community) to the relevant body. (In NSW – 'Ageing and Disability Commission': In Queensland 'Queensland Ageing and Disability Services' and in Victoria 'Disability Services Commissioner').

To ensure the Order can fulfil these reporting requirements, personnel must report any concerns about the safety of children or adults at risk to the Prior Provincial as soon as practical.

9. Equity and Inclusion

Personnel are expected to create a fair, inclusive and safe working environment, where diversity is valued and where unlawful discrimination, bullying, harassment and victimisation in any form are considered unacceptable. Personnel must not discriminate against any person on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity.

10. Gifts, Benefits and Hospitality

Personnel have a responsibility to behave with integrity and impartiality. Personnel must not solicit gifts, benefits or hospitality that might in any way compromise or influence them directly or indirectly in their capacity as personnel. Personnel must declare any gifts, benefits or hospitality valued at \$50 or more.

11. Conflicts of Interest

11.1 Personnel have an obligation to ensure that conflicts of interest (whether financial or otherwise) are managed in a fair, ethical and transparent manner. The potential for a conflict of interest arises when personnel have private interests that could influence or appear to influence judgements made during the course of their professional duties. They also arise when there is a reasonable expectation of a personal benefit, direct or indirect, that could influence the performance of personnel's duties. This benefit may be financial or non-financial.

11.2 Personnel must:

- a) conduct themselves in a manner which is consistent with Catholic values
- b) be objective, open and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of the Order.
- c) declare all private interests (including pecuniary and non-pecuniary) that conflict or may conflict with the discharge of their responsibilities to the Order.
- d) use their own judgement in determining the appropriateness of non-cash gifts and hospitality
- e) ensure all decisions are free of bias or apparent bias

- f) behave with integrity and impartiality
- g) ensure all processes are transparent and documented.

It is recognised that the giving and receiving of gifts and hospitality has an important role to play in the Church. However, it is important to ensure that these practices do not give rise to conflicts of interest, the misallocation of resources or impact on the reputation or work of the Order. As noted in section 10, personnel must declare any gifts, benefits or hospitality consistent with the requirements above.

12. Fit and Proper Assessment

Personnel responsible for the management and oversight of the Order must be able to demonstrate they have relevant qualifications, training or experience in order to undertake their duties in the management of finances and resources and be considered 'fit and proper' for this role. This could include maintaining relevant memberships with professional bodies, registrations, qualifications and certifications.

13. Secondary Employment

Personnel are required to undertake their duties with the highest degree of integrity and free from any safety risks, conflicts of interest or contractual breaches resulting from other paid employment.

In some cases, secondary employment will not have any impact on a person's role with the Order. However, at other times, secondary employment could lead to a real or potential conflict of interest. Personnel should seek and obtain approval in writing from the Prior Provincial prior to engaging in any secondary employment or business activity, including during periods of paid or unpaid leave with the Order.

Where an employee is already involved in secondary employment, they must immediately obtain approval. Personnel may engage in voluntary work without seeking permission, as long as this work does not present a potential or actual conflict of interest.

14. Management of Resources

Personnel must be careful, ethical, efficient and economical in their use and management of Order resources, including work time. Resources include (but are not limited to) money, facilities, equipment, vehicles, services (eg internet and online applications. Personnel must comply with the Order's 'Safe Use of Information and Communication Technology Policy'). Resources should be used only for their intended purpose, be well maintained and secured against theft or misuse.

Personnel are accountable for the appropriate use of working hours and resources. Employees should not use Order working hours or resources for an outside interest, secondary employment or personal gain.

Personnel have a duty to report any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability to the Prior Provincial.

15. Social Media

Personnel must exercise caution when using social media platforms for personal purposes outside their work hours. Employees are expected not to make disparaging or offensive comments on social media about the Order, the Catholic Church, recipients of our ministry and service or colleagues.

16. Confidentiality

Personnel must not divulge, either during employment or after, the confidential information of the Order.

Personnel must respect the privacy and confidentiality of any person who reports safety concerns about a child or adult at risk except where legislative or statutory requirements over-ride this as outlined in the Safeguarding Policy.

17. Protected Disclosures

In reporting any suspected improper use, fraud, waste or abuse of resources, corrupt conduct, inadequate administration or accountability, personnel will be protected as far as reasonably practicable against victimisation and retaliation as result of a disclosure. Personnel are not entitled to protection for disclosures which, on investigation, are found to be vexatious or malicious allegations, and may be liable for disciplinary action as a result.

18. Consequences of Breaching the Code

Breaching the Code of Conduct may constitute misconduct and result in disciplinary proceedings up to and including dismissal (with or without notice) and possible criminal proceedings. This may impact on the individual's ability to work with children and/or adults at risk in the future. In relation to religious brothers, religious priests, interns and trainees, breaching the Code of Conduct may lead to them being removed from ministry and dispensed from his vows or dismissed from the clerical state, as applicable.

Note: Where a complaint about the sexual abuse of a child or adult by religious brothers, religious priests, interns and trainees is substantiated under a civil standard, the Order will undertake a risk management process to determine the appropriate action, in keeping with Church protocols. Where religious brothers, religious priests, interns and trainees are convicted of a canonical offence relating to sexual abuse, they will be prohibited from exercising ministry until the process for imposing a penalty is completed by the relevant dicastery.

19. Reviewing the Code

The content of the Code of Conduct will be reviewed whenever a breach is identified and at least every three years. The Professional Standards and Administration Manager is responsible for ensuring the review is completed.

Code of Conduct approval	Provincial Council approval of 'Code of Conduct' (for CPSL Audit in Nov '20). Provincial Council approval of 'Code of Conduct (Ed 2)' based on CRA model.	PC March 2020
Code of Conduct review	Implementation of 'CRA model' Code of Conduct (Ed 2) following release of ACSL standards Ed 2.	April '23

20. Related documents

- Safeguarding Commitment Statement
- Safeguarding Policy
- Risk Management Strategy and supporting templates

21. Relevant legislation

- Crimes Act/Code
- Child Protection Legislation
- Reportable Conduct legislation
- Working with Children Check legislation
- Crimes Act 1990 (NSW)
- National Disability Insurance Scheme Act 2013 and related Rules,
- Aged Care Quality and Safety Commission Act 2018 and the Aged Care Act 1997
- Children's Guardian Act 2019
- Children and Young Persons (Care and Protection) Act 1998
- Child Protection (Working with Children) Act 2012

Signed acknowledgement of acceptance of the Code of Conduct² of the Order of St Augustine

I will:

- act in accordance with the [name of Church Authority]'s Safeguarding Commitment Statement, Safeguarding Policy, Code of Conduct, Risk Management Strategy and Complaint Handling Policy at all times
- promote the human rights, safety and wellbeing of all people
- demonstrate appropriate personal and professional boundaries
- listen and respond to the views and concerns expressed by children and adults at risk, particularly if they communicate (verbally or non-verbally) that they do not feel safe
- create an environment that is welcoming, culturally safe and free from discrimination against a child or adult at risk on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity
- contribute, where appropriate, to the Order's safeguarding policies and practices
- identify and mitigate risks to children and adults as required by the Risk Management Strategy
- respond to any concerns or complaints of harm or abuse promptly and as required by the Safeguarding Policy and Complaint Handling Policy and Procedure, and
- comply with the Order's policies and procedures on record keeping and information sharing

I will NOT engage in the following conduct towards children:

- any form of physical or sexual abuse
- grooming of a child for sexual abuse
- using sexually suggestive or explicit language or gestures
- engaging in conversations about sexual experiences or sharing sexual images
- being alone with a child or young person away from the presence of other adults, including for the purpose of transportation, without express permission
- showering/using the toilet with an open door in the presence of a child
- helping children with intimate care if the child is capable of doing it on his or her own (eg toileting or changing clothes)
- not respecting the privacy of a child or young person (eg when using the bathroom or changing)
- physically disciplining a child or young person
- making excessive and/or degrading demands of a child or young person
- making any kind of drug, alcohol or cigarettes available to children
- engaging in private electronic or online contact with a child or young person
- engaging with a child or young person in a way that is overly intimate or could be seen as involving favouritism or any form of special treatment, and

² Adapted from Australian Human Rights Commission, *Child safe organisations: Example Code of Conduct*
<https://childsafe.humanrights.gov.au/sites/default/files/inlinefiles/CSO%20Example%20Code%20of%20Conduct.pdf>

- taking photos of a child or young person who is in the care of the organisation outside of official duties or without consent.

I will NOT engage in the following conduct towards adults at risk:

- any form of physical or sexual abuse
- making excessive and/or degrading demands
- exploiting an individual's vulnerability to form an intimate relationship
- any misuse of authority or power that exploits, manipulates or coerces a person to engage in any activity, or which disrespects their human rights and dignity
- not respecting the person's privacy, and
- any form of financial abuse or exploitation.

If I think this Code of Conduct has been breached by another person I will:

- take action to respond to any immediate safety concerns
- promptly report any concerns to the Prior Provincial or Professional Standards and Administration Manager (if the concerns relate to the relevant leader)
- comply with the processes outlined in the Complaint Handling Policy, and
- undertake all actions necessary to meet my obligations to report any safety concerns to the appropriate external authorities.

I agree to abide by this Code of Conduct during my employment with the Order of St Augustine.

I understand that breaches of this Code of Conduct may lead to disciplinary action, including dismissal, and/or criminal proceedings.

Signed:

Name:

Role:

Organisation:

Order of St Augustine

Supervisor:

Date: