

## Purpose

This document sets out the standards of conduct, professional and personal behaviour Mercy Connect is committed to providing, and which workers must uphold to respect the rights of people with disability, prevent harm and respond appropriately if harm occurs. This policy is in keeping with the NDIS Code of Conduct published by the NDIS Quality and Safeguards Commission.

In addition, workers have a responsibility to uphold the ethos and values of Mercy Connect and *the Institute of the Sisters of Mercy of Australia and Papua New Guinea* and to avoid by word, action or behaviours which are contrary to those values.

## Scope

Mercy Connect's Code of Conduct (the Code) applies to all workers employed, or otherwise engaged by them to deliver supports and services in the NDIS. Workers include, but are not limited to all staff members, contractors, volunteers or anyone engaged at Mercy Connect to provide support or service to people with disabilities or children.

Workers are to make themselves familiar with the requirements of this document and ensure they comply with the behaviours and obligations outlined within it. Failure to comply with the responsibilities and obligations outlined in this document may result in disciplinary action being taken, including termination of employment, notification to external agencies and/or criminal charges.

## Policy

### 1.0 NDIS Code of Conduct

The NDIS Code of Conduct is an important part of the NDIS Quality and Safeguarding Framework. It promotes the health, safety and wellbeing of persons with disability, by setting out acceptable, appropriate and ethical conduct for NDIS providers and workers delivering supports or services in the NDIS market. The obligations in the NDIS Code of Conduct are fundamental to the rights of people with disability set out in the UN Convention on the Rights of Persons with Disabilities. They are also broad, to account for the diversity of people with disability and their support requirements.

#### 1.1 Guiding Principles

1. Act with respect for individual rights to freedom of expression, self-determination, and decision-making in accordance with applicable laws and conventions.
2. Respect the privacy of people with disability.
3. Provide supports and services in a safe and competent manner, with care and skill.
4. Act with integrity, honesty, and transparency.
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.
6. Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect, and abuse of, people with disability.
7. Take all reasonable steps to prevent and respond to sexual misconduct.

#### 1.1.2 Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions.

Mercy Connect and its workers are committed to:

- The person making the report consents to the disclosure;

- The disclosure is required by law;
- The disclosure is necessary to prevent or lessen a serious threat to a person's health or safety;
- It is necessary to protect or enforce Mercy Connect's legal rights or interests;
- It is necessary to defend any claims.

### 1.1.3 Respect the privacy of people with disability.

Mercy Connect and its workers are committed to:

- Complying with Commonwealth, State and Territory privacy laws.
- Supporting People with disability to make decisions.
- Delivering services in a dignified way that maintains personal privacy.

### 1.1.4 Provide supports and services in a safe and competent manner with care and skill.

Mercy Connect is committed to:

- Ensuring workers have the necessary training, competence and qualifications for the supports and services delivered.
- Providing services consistent with relevant professional codes.
- Meeting relevant work, health and safety requirements.
- Maintaining appropriate and accurate records and follow security procedures.
- Holding appropriate insurances.

To achieve this, all Mercy Connect workers are expected to:

- Actively participate in training.
- Maintain a professional standard and approach.
- Adhere to Mercy Connect policies and guidelines.

### 1.1.5 Act with integrity, honesty, and transparency.

Mercy Connect is committed to:

- Recommending and providing supports and services appropriate to the needs of the participant.
- Maintaining integrity by declaring and avoiding any real or perceived conflicts of interest.
- Avoiding engaging in, participating in, or promoting practices of unfairly treating, or taking advantage of people with a disability.

To achieve this, all Mercy Connect workers are expected to:

- Provide support and services as outlined for participants.
- Act with integrity in relation to any perceived conflicts of interests.
- Not engage in any practices which are deemed to unfairly treat or take advantage of participants.

### 1.1.6 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.

Mercy Connect is committed to:

- Fostering an environment where people with disability, their families, carers, advocates and workers feel safe to make a complaint or report issues.
- Operating effective complaints processes.
- Operating effective incident management systems.
- Undertaking investigative and disciplinary action and comply with external investigations.

To achieve this, all Mercy Connect workers are expected to:

- Raise complaints using correct processes.
- Raise any incident using the correct processes.
- Where necessary participate honestly and assist with internal and/or external investigations.

### 1.1.7 Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of people with a disability.

Mercy Connect is committed to:

- Eliminating all forms of violence, abuse, neglect and exploitation.
- Identifying and responding to incidents of violence, abuse, neglect and exploitation, and report these to the NDIS Commission and, as appropriate, to other relevant authorities.
- Reducing and eliminating restrictive practices.

To achieve this, all Mercy Connect workers are expected to:

- Respond to any incidents of violence, abuse, neglect and exploitation.
- Report any form of violence, abuse, neglect and exploitation using the correct processes.
- Comply with all work policies and practices relating to participant support.
- Take all reasonable steps to protect participants and children from abuse.
- Treat participants and children with respect.
- Promote the cultural safety, participation and empowerment of Aboriginal participants and children (for example, by never questioning an Aboriginal's self-identification).
- Promote the cultural safety, participation and empowerment of participants and children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination).
- Promote the safety, participation and empowerment of participants and children with a disability (for example, during personal care activities).
- Encourage participants and children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

### 1.1.8 Take all reasonable steps to prevent and respond to sexual misconduct.

Mercy Connect is committed to

- Having in place clear guidance for staff behaviour.
- Operating effective processes for dealing with sexual misconduct.

To achieve this, all Mercy Connect workers are expected to:

- Avoid inappropriate behaviour towards people with disability, children and fellow workers, including but not limited to the following examples:
  - asking the person on a date
  - touching any part of a person's body in a sexual way
  - touching a person in a way they do not wish to be touched
  - displaying their genitals to the person
  - coercing, by pressuring or tricking, a person to engage in sexual behaviours or acts
  - making sexual or erotic comments to the person – in person or by text message, email or social media message (as well as written comments, this includes images and audio)
  - making sexually suggestive comments or jokes
  - intentionally staring at a person in a way that makes them feel uncomfortable
  - making comments about a person's sexuality or appearance
  - making requests of a sexual nature, including to remove clothing, for sexually explicit photographs, videos or for sexual activities
  - showing the person pictures or videos of naked people, or people undertaking sexual activities
  - ignoring or encouraging sexual behaviour between people with disability that is non-consensual or exploitative.
- Report an inappropriate sexual misconduct using the correct processes.
- Comply with policies and guidelines for sexual misconduct.

## 2.0 Mercy Connect Ethos and Values

Mercy Connect is committed to:

- Providing services to participants in accordance with Mercy Connect's values of Compassion, Hospitality, Respect, Innovation, Teamwork and Accountability.

To achieve this, all Mercy Connect workers are expected to:

- Respect management decisions.
- Respect the dignity, rights, and views of others.
- Listen and seek to understand different points of view (this does not necessarily mean agreeing with the point of view).
- Act respectfully at all times, including respecting cultural, ethnic, and religious differences.
- Acknowledge the genuine contributions that others make.
- Express constructive feedback in a considerate manner.
- Not harass, bully, or discriminate against colleagues, participants, or members of the public.
- Be courteous, fair, sensitive, and considerate to the needs of others.
- Be honest and act with integrity at all times.
- Actively assist in managing workplace conflict to create positive and constructive outcomes.
- Report any reportable allegations or convictions against themselves.

## 3.0 Conduct towards children

All workers of Mercy Connect are required to observe child safe principles and expectations for appropriate behaviour towards, and in the company of children as noted below:

All workers of Mercy Connect are responsible for supporting the safety, participation, wellbeing, and empowerment of children by:

- Adhering to the Mercy Connect Child Safety Policy and upholding its commitment to child safety at all times.
- Ensuring, as far as practicable, that adults are not left alone with a child.
- Reporting any allegations of child abuse to an Executive Leader of Mercy Connect, and ensuring any allegation is reported to relevant authorities, including but not limited to Police, DHHS / FACS Child Protection, NDIS Quality and Safeguards Commission.
- Reporting any child safety concerns to an Executive Leader of Mercy Connect or the Safeguarding Coordinator
- Understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse.
- If an allegation of child abuse is suspected or made, ensure as quickly as possible that the child(ren) is safe and protected from harm.
- Ensuring the appropriate accreditation for working with children is obtained.

Mercy Connect Workers must not:

- Develop any 'special' relationships with children that could be seen as favouritism or amount to grooming behaviour (for example, offering gifts or special treatment for specific children).
- Exhibit behaviours with children which may be construed as unnecessarily physical (for example, inappropriate sitting on laps. Sitting on laps could be appropriate sometimes, for example, while reading a storybook to a small child in an open plan area).
- Ignore behaviours by other adults towards students when they appear to be overly familiar or inappropriate

- Put children at risk of abuse (for example, locking doors).
- Do things of a personal nature that a child can do for themselves (for example, toileting or changing clothes).
- Use inappropriate language in the presence of children.
- Express personal views on culture, race, or sexuality in the presence of children.
- Discuss content of an intimate nature or use sexual innuendo with children.
- Discriminate against any child, including because of culture, race, ethnicity, sexuality, age, gender, vulnerability, or disability.
- Have contact with a child or their family outside of the service, without the consent of Mercy Connect. Accidental contact, such as seeing people in the street, is appropriate.
- Have any online contact with a child or their family unless it is by a channel Mercy Connect has approved for a specific purpose (for example, providing families with e-newsletters).
- Photograph or video a child except in accordance with Mercy Connect policy, which is that consent should always be obtained.
- Ignore or disregard any suspected or disclosed child abuse.

## 4.0 Professional behaviour and development

Mercy Connect workers are expected to:

- Maintain a high standard and quality of work.
- Maintain and develop knowledge and understanding of their area of expertise.
- Continuously seek to improve work performance and bring about improvements in the workplace.
- Exercise care, responsibility and sound judgement when carrying out their duties.
- Ensure procedural fairness is followed in all processes.
- Use relevant Mercy Connect systems and follow relevant procedures.
- Take reasonable care of their safety and health.
- Take reasonable steps that their acts/omissions do not adversely affect the health and safety of others.
- Comply and cooperate with any reasonable instruction, policy or procedure, including but not restricted to:
  - email, internet and telephone use
  - grooming and dress standards
  - rostering and employment conditions
  - smoking.
- Refrain from carrying out their duties under the influence of alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others.
- Not ignore work duties or waste time during working hours.
- Not take, or seek to take, improper advantage of any information gained in the course of employment.
- Not take improper advantage of their position to benefit themselves or others.
- Not allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities.
- Maintain confidentiality and privacy where required.
- Report to Mercy Connect any instance where the staff member believes they, or anyone within their workplace, have been treated in a discriminatory or harassing manner.
- Maintain professional standards in all aspects of the role including written communication.

## 5.0 Conflicts of Interest

A conflict of interest includes any circumstance, whether actual or perceived, arising from a conflict between the performance of a staff member's professional duties with Mercy Connect and their personal interests. Staff members are to take all appropriate steps to disclose a conflict of interest (or potential conflict) to Mercy Connect as soon as the staff member becomes aware of it.

A conflict can arise when there is a reasonable expectation of a personal benefit, direct or indirect, for a staff member that could influence the performance of their duties. This benefit may be financial or non-financial.

Staff members must take suitable measures to avoid, or appropriately deal with, any situation or relationship they may have where a conflict of interest could, directly or indirectly, compromise the performance of their duties.

A staff member may ask themselves the following questions to assist in identifying whether a situation or relationship is potentially a conflict of interest:

- Do I have personal interests that may conflict, or be perceived to conflict, with my position at Mercy Connect?
- Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?
- How will my involvement in the decision or action be viewed by others?
- Does my involvement appear fair and reasonable in all the circumstances?

## 6.0 Gifts and benefits

Workers must not solicit or accept gifts, benefits or hospitality which might be reasonably seen to either directly or indirectly compromise or influence their professional duties with Mercy Connect.

Gifts of a nominal value generally used for promotional purposes (such as branded pens from suppliers), or moderate acts of hospitality offered as a genuine thank you by a participant (such as a box of chocolates), may be personally retained if they have not been solicited by the worker or could be seen to have comprised or unduly influenced the worker's professional duties with Mercy Connect.

Gifts or hospitality offered as an inducement to purchase, provide information, or treat someone favourably are not acceptable regardless of their monetary value. Examples of inducement include a recruitment agency offering theatre tickets for each temporary person employed.

Gifts from a consultant (such as a Christmas hamper), should be shared and made available for consumption by all staff members. Consideration should also be given to donating such gifts to charity.

## 6.0 Secondary employment

Workers employed on a full-time basis must seek and obtain approval in writing from Mercy Connect prior to engaging in any secondary employment or business activity, including employment within a family company.

Part-time and casual workers must also seek approval to undertake secondary employment from Mercy Connect if the employment may result in potential conflicts of interest that could adversely impact on the worker's ability to perform their duties with Mercy Connect, including work, health and safety concerns, or where the secondary employment may affect Mercy Connect's financial position, services, participants or standing in the community.

Approval for secondary employment is still required when workers are on leave, including periods of leave without pay.

Where a worker is already involved in secondary employment, they must provide details of the secondary employment to Mercy Connect and obtain the necessary approval.

## 7.0 Management of resources

Workers must use Mercy Connect's resources economically and ethically. Such resources include money, facilities, equipment (e.g., phones, computers, iPads, fax machines), vehicles, services (e.g., internet) and any other property which is owned or is the responsibility of Mercy Connect. Workers also have a duty to ensure Mercy Connect resources are used only for their intended purpose, are well maintained and secured against theft or misuse.

Workers are fully accountable for the use of Mercy Connect's work time and resources. Workers should not use Mercy Connect's work time or resources for an outside interest, secondary employment or personal gain, such examples include the development of a new commercial idea.



Workers have a duty to report to Mercy Connect any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability. Under no circumstances is it acceptable for workers to access Mercy Connect or participants money for personal use.

### 8.0 Protected disclosures

In reporting any suspected improper use, fraud, waste or abuse of resources, corrupt conduct, inadequate administration or accountability, workers are entitled to seek support and protection when making such disclosures, and to be notified of the action taken in relation to the disclosure.

Workers 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.

### 9.0 Confidentiality

Workers must not divulge, either during employment or after, any confidential information gained as a staff member of Mercy Connect.

## Relevant Legislation and Policy

- The NDIS Code of Conduct 2019
- All Mercy Connect internal policies and procedures, including this Code.
- The Disability Services Act 1993
- NDIS Quality and Safeguards Commission NDIS Practice Standards
- Privacy Act 1988
- Anti-Discrimination Act 1977
- Privacy and Personal Information Protection Act 1998
- Protected Disclosures Act 1994
- United Nations convention of the Rights of Persons with Disability.

## Approvals

Action		Signature
Reviewed by	Executive Leader People & Communications – Jessie Arney	
Review date	3 December 2021	
Next review date	December 2023	
Authorised By	Executive Leader People & Communications – Jessie Arney	

## Issue Status

Issue #	Description of change	Date
1.0	Initial policy release	20 June 2019
2.0	Scheduled review	3 December 2021