



CatholicCare Sydney

# Code of Ethics and Conduct

FOURTH EDITION

**“HE HAS SHOWED YOU,  
O MAN, WHAT IS GOOD;  
AND WHAT DOES THE LORD  
REQUIRE OF YOU BUT TO  
DO JUSTICE, AND TO LOVE  
KINDNESS, AND TO WALK  
HUMBLY WITH YOUR GOD?”**

**MICAH: 6:8**

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## Foreword

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On behalf of CatholicCare Sydney, I am proud to introduce the reviewed and improved fourth edition of the CatholicCare *Code of Ethics and Conduct*. The Code has always played a significant role in providing a framework to assist people involved with CatholicCare to make ethical decision in day-to-day situations, and I'm sure you will find this latest edition just as helpful.

The *Code of Ethics and Conduct* is essential reading for anyone associated with CatholicCare in either a paid or volunteer capacity. The Code is a valuable reference tool for employees and others who share in our mission, and is regularly reviewed, debated and updated as required.

The Code reflects who we are and articulates our ethical framework for behaviour and decision-making. In it you will find CatholicCare's mission, vision and values, and the ethical principles and person-centred practices that underpin everything we do.

The Code applies to members of the CatholicCare Board, management, employees and volunteers. Employees are responsible for their own actions. Supervisors and managers have an added responsibility to assist employees to resolve ethical dilemmas and issues. The Code is to be used as a reference for this purpose and to empower employees to act ethically at all times. I would like to thank all the employees and members of the CatholicCare Board who provided comments and contributed towards the redevelopment of the *Code of Ethics and Conduct*.

If you have any enquiries regarding the Code, please contact the Director, People and Culture, or your manager.



Bernard Boerma  
Chief Executive Officer  
CatholicCare Sydney

## 1. CONTEXT AND PURPOSE

- 1.1 This *Code of Ethics and Conduct* describes the ethical principles, values and practices that underpin the mission of CatholicCare Sydney. It covers CatholicCare Board members, employees and volunteers, and supersedes any *Code of Ethics and Conduct* previously issued by CatholicCare.
- 1.2 The purpose of the *Code of Ethics and Conduct* is to provide CatholicCare Board members, employees and volunteers with an ethical framework for behaviour and decision-making. Obligations to the community, service users and colleagues, the Catholic Church and CatholicCare Sydney require the highest professional standards of conduct and behaviour at all times. The *Code of Ethics and Conduct* embodies the standards expected in governance and employment and provides a framework for professional decisions, conduct and care, especially in relation to services provided to service users, and closely aligns with CatholicCare's Person-Centred Framework. Compliance with the *Code of Ethics and Conduct* is a Condition of Employment and Engagement for all CatholicCare Board members, employees, and volunteers.
- 1.3 This *Code of Ethics and Conduct* is approved and may be updated from time to time by the CatholicCare Board. Variations to this *Code of Ethics and Conduct* will be communicated to employees and volunteers, who have a duty to CatholicCare to read and familiarise themselves with this Code, and any variations that may be made.
- 1.4 The *Code of Ethics and Conduct* is a guide; it cannot address all the possible ethical challenges Board members or employees may face. Therefore, CatholicCare provides more specific policies and guidelines for certain matters. Board members and employees should refer to those documents as well. Current legislation and policy related to our work is listed on the Intranet. If you are unsure about whether the Code applies to a particular situation, or what the appropriate course of action is, discuss the matter with your supervisor or the People and Culture Team. Ultimately, all Board members and employees of CatholicCare need to be responsible for their own behaviour and work in an ethical way.



## 2. MISSION, VISION AND VALUES

### 2.1 Mission

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- 2.1.1 CatholicCare Sydney is the official welfare agency of the Catholic Church in the Archdiocese of Sydney. The mission of the agency, as an instrument of Christ's liberating presence in the world, is to enable the social and emotional wellbeing of communities, families and individuals living in the Archdiocese.

### 2.2 Vision

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- 2.2.1 CatholicCare's vision is for a society in which there is full recognition of individuals' rights and responsibilities, and that enables the dignity, wellbeing and participation of all persons.<sup>1</sup>

### 2.3 Values

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- 2.3.1 CatholicCare's values define the way that our people relate to the community, those we serve and to each other as managers, staff and colleagues, and reflect the words of the prophet Micah: "He has showed you, O man, what is good; and what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God?"<sup>2</sup>

Our values reveal our priorities and are a key element of CatholicCare's Person-Centred Framework.

CatholicCare values:

#### **Human Dignity and Worth<sup>3</sup>**

The Human Dignity and Unique Worth of each and every human being as created in the image of God requires us to uphold and defend a person's right to life and to be respected both as an individual and as a member of society.

## **Justice<sup>4</sup>**

A commitment to Justice is seen through our working towards and promoting social justice and the common good, that is, “the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully and more easily”.<sup>5</sup>

## **Integrity**

Integrity is shown in relationships, which are based on truth, honesty, reliability, respect and maintaining the best interests of service users as a priority.

## **Accountability**

CatholicCare and its staff are accountable to the Catholic Church, our funding bodies, the community, service users and their families and carers.

## **Excellence**

Excellence is demonstrated through leadership, commitment to the Person-Centred Framework, innovation and achievement, as well as ensuring ongoing work competence of employees through education and professional development.

## **Accessibility**

Achieving accessibility is essential if we are to meet our responsibility to foster diversity and social inclusion.

Accessibility relates to those groups such as Aboriginal and Torres Strait Islanders, people with disability, the homeless and the aged, who are considered to have difficulty in accessing mainstream services. CatholicCare strives within the limitations of our resources to ensure our services are accessible to all who would benefit from them.

- 2.3.2 In carrying out their work tasks and duties, CatholicCare Board members and employees should strive to act in ways that respect human dignity and worth and promote social justice and inclusion. That commitment is demonstrated through the provision of high quality and appropriate services, with a preference for the disadvantaged, devalued or distressed members of our society. Relationships with colleagues, service users and the community are characterised by integrity, accountability, excellence and accessibility.

### 3. GUIDING PRINCIPLES

CatholicCare Sydney services will respect the intrinsic value and human dignity of all persons and, while affirming that all people are equal before God, will be aware and sensitive to possible differences in power between worker and service user in the delivery of services. A significant proportion of CatholicCare's service users are children, people with disability and older people. While all service users are vulnerable to the misuse of power by workers, this Code provides particular reference to the vulnerability of children, people with disability and older people (see section 5).

#### 3.1 General principles

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- 3.1.1 CatholicCare observes the following principles in formulating policies, establishing programs and implementing procedures. All policies, programs and procedures will be faithful to gospel values and to the social teaching of the Church. All policies, programs and procedures will reflect the recognition that the dignity of each individual human person is inviolable, and brings with it natural rights and duties.<sup>6</sup> CatholicCare affirms and upholds:
- The sanctity and dignity of human life from the moment of its conception until death.<sup>7</sup>
  - The sanctity of marriage.<sup>8</sup>
  - The fundamental and central role of the family in society.<sup>9</sup>
  - The individual's right to live a full life without undue social control and unwarranted interference and to participate in decision-making processes affecting personal and community life.<sup>10</sup>
  - The individual's need to be part of a meaningful and fulfilling social network for a continued sense of wellbeing.



- 3.1.2 Confidentiality is a core principle within the agency, and CatholicCare will establish policies and procedures that assure the privacy of the relationship established with its service users and other relevant bodies, within the framework of relevant legislation.<sup>11</sup>
- 3.1.3 CatholicCare will acknowledge and comply with State and Federal Laws.<sup>12</sup>
- 3.1.4 CatholicCare will, in evaluating public and social policy, also support those policies which:
- Ensure that all people are treated fairly and have access to all essential goods and services such as food, clothing, shelter, health care, education and transport.<sup>13</sup>
  - Give preferential treatment for those who are disadvantaged, devalued or distressed.<sup>14</sup>
  - Protect and uphold every person's right to live with dignity.
- 3.1.5 CatholicCare will establish policies and procedures which guide all of its decisions and actions and review these regularly to ensure they are reflective of its experience and its knowledge of best person-centred practice within the community.

## 3.2 Principles for resource allocation and service delivery

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- 3.2.1 When deciding on the allocation of its own limited resources, CatholicCare will, as far as practicable, ensure that such allocation results in maximum access to those resources for the disadvantaged, devalued and distressed members of society.
- 3.2.2 The services provided by CatholicCare are inclusive of the whole community regardless of circumstance, ethnicity, religion, economic situation, age, gender or ability.
- 3.2.3 CatholicCare services will aim at promoting the highest possible degree of autonomy, person-centredness and self-determination in individuals, families and communities.<sup>15</sup>

- 3.2.4 CatholicCare's person-centred services, even those with an initially remedial focus, will aim at enhancing recipients' living skills so they may live their future life with the greatest possible degree of self-determination and self-reliance.

### 3.3 Partnerships

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- 3.3.1 CatholicCare will seek to act in partnership with organisations and groups within the Catholic Church.
- 3.3.2 CatholicCare will work with individuals, groups and social agencies outside the Church on issues, policies and programs which are compatible with CatholicCare's mission and vision.<sup>16</sup>
- 3.3.3 CatholicCare will respect an individual's informed conscience.<sup>17</sup>
- 3.3.4 CatholicCare will seek to be compassionate and just in its relationships with employees, volunteers, service users, other groups or organisations, and people in the wider community.

### 3.4 Accountability

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- 3.4.1 CatholicCare will hold itself fully, consistently and publicly accountable for its programs and fiscal operations.
- 3.4.2 CatholicCare will seek objective certification that it meets the standards of quality in performance, which have been established in the field of social welfare through relevant accreditation and licensing.

### 3.5 Research/evidence-based practice

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- 3.5.1 CatholicCare will ensure that the programs it runs are of high quality, person-centred, sustainable and based on well-researched best practice principles.

## 4. CONDUCT AND BEHAVIOUR

### 4.1 General conduct and behaviour

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#### 4.1.1 CatholicCare Sydney will:

- Treat employees with dignity and respect.
- Provide a safe workplace.
- Ensure that its employees have access to all current manuals, procedures, guidelines and practice frameworks.
- Uphold the rights of people to critique, complain about and question any service they may receive from CatholicCare or any other agency, institution or instrumentality, and assist them in making complaints through the appropriate channels.
- Commit to protecting the rights and welfare of all workers as defined in the *Work Health and Safety Act 2011* and the *Fair Work Act 2009*. To this end, CatholicCare does not tolerate proven situations of workplace bullying.

#### 4.1.2 All CatholicCare employees will:

- Adhere to this *Code of Ethics and Conduct* and, if applicable, to any Code of Conduct for the Professional Association relevant to the employee's clinical or professional discipline.
- Be aware of the potential for exploitation and power imbalance in dealing with vulnerable service users.
- Be inclusive in relation to people who, for whatever reason, are subject to prejudice or discrimination.
- Respect the rights of all people, including Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds and people with disability.
- Evaluate professional behaviour and decision-making practices in the light of gospel values and not merely in economic terms.

- Ensure they understand the principles of informed consent and the circumstances in which informed consent may be required.<sup>18</sup>
- Know and carry out all obligations relating to mandatory reporting.<sup>19</sup>
- Immediately report any situation or criminal offence that they suspect to be a breach of this Code.
- Immediately report any suspected cases of improper conduct to their supervisor or other manager. Improper conduct is conduct which may involve a criminal offence, illegal conduct or breach of this Code in a matter serious enough to warrant disciplinary action.
- Not engage in a manner that could be perceived as bullying and harassment of other employees, volunteers or service users. Bullying and harassment is defined in Section 789FD of the *Fair Work Act 2009* as situations in which an individual or group of individuals repeatedly behaves unreasonably towards a worker, or a group of workers, where that behaviour creates a risk to health and safety. Bullying does not include management action taken in a reasonable manner.<sup>20</sup>
- Contribute to the health and safety of self and others in the workplace.
- Ensure that professional relationships are not exploited for personal, material or financial advantage.
- Under no circumstances develop personal relationships with service users, including outside of working hours.
- Avoid any form of physical contact with service users or other persons that may violate professional boundaries, result in intentional or unintentional emotional or psychological harm, or damage the professional relationship.
- Not engage in any form of inappropriate interaction or conduct with people with disability or older people that may lead to physical, emotional, financial or other harm (see 5.2).

- Not engage in any form of inappropriate interaction or conduct with children and young people that may lead to physical, emotional or other harm or damage (see 5.1).
- Refrain from providing alcohol, tobacco or tobacco products to those who are receiving services or previously in receipt of services from CatholicCare (unless approval has been given; see 5.2.9 and 5.2.10).
- Not consume or use alcohol, tobacco or tobacco products in the presence of those who are receiving services or previously in receipt of services from CatholicCare.
- Not give out home phone number, private mobile phone number or personal contact details to service users or their families unless approved in writing by their supervisor.
- Not engage in any contact with service users via electronic or social media other than that sponsored by CatholicCare itself.
- Disclose to a Program Manager and/or General Manager any real or apparent conflict between personal or family interest and official duty that has arisen or has the potential to arise.
- Ensure they are physically and mentally ready for the carrying out of the duties consistent with their role.
- Carry out reasonable directions given by supervisors, managers, General Managers or the Chief Executive Officer (CEO), and follow CatholicCare policies and procedures at all times.
- Work collaboratively with individuals, groups and social agencies on issues, policies and programs that are compatible with CatholicCare's mission and vision.
- Actively consult service users by using CatholicCare's Person-Centred Framework in the development, delivery and evaluation of services.
- Use and maintain CatholicCare property and resources responsibly and accept accountability for the use of these resources.

- Adopt a standard of dress and grooming which conforms to the standards accepted in the area in which they are employed. If they are provided with a uniform or paid uniform allowance, the uniform must be worn while on duty. Uniforms may be worn when travelling directly to or from work but may not be worn for any reason when off duty.
- Not engage in misconduct or serious misconduct as defined in CatholicCare policies and procedures. Misconduct is conduct that is more than an error of judgement or an innocent mistake as it generally involves actions that are done wilfully and with a wrongful intention. Serious misconduct generally involves wilful or deliberate behaviour or conduct that is not consistent with the terms of an employee's contract of employment or that causes serious or imminent risk to the health and safety of a person, or the reputation, viability or profitability of the employer's business.

## 4.2 Use of information

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- 4.2.1 CatholicCare employees must not divulge, either during employment or after leaving CatholicCare, any confidential information gained as a CatholicCare employee that could adversely affect CatholicCare's services or service users, or standing in the community.
- 4.2.2 Access to, or disclosure of, internal CatholicCare documents can only be granted when legitimately required in the course of professional duties, or by law or order of a court or tribunal. Before disclosure of information to a court or tribunal, approval of a General Manager or the CEO must be obtained.
- 4.2.3 Responsibilities after leaving CatholicCare include not disclosing any official information that was an employee's duty not to disclose while in the employ of CatholicCare.
- 4.2.4 Although CatholicCare employees have a right to express personal views through public comment to the media, they are not to give the impression that they are speaking on behalf of or representing the view of CatholicCare unless they have prior authorisation from the CEO.



### 4.3 Acceptance and/or giving of gifts or benefits

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- 4.3.1 CatholicCare employees must not accept any private fees, gratuities or any other form of remuneration from service users, suppliers, donors, sponsors or other persons with whom they come into contact in the course of their employment with CatholicCare. This prohibition applies unless authorisation to do so has been provided in writing by the relevant General Manager, the Chief Operating Officer (COO) or the CEO.
- 4.3.2 CatholicCare employees must ensure that members of their families are not the recipients of benefits or gifts that could be seen to have directly influenced employees in the course of their employment with CatholicCare.
- 4.3.3 From time to time, service users and sponsors wish to express their gratitude to CatholicCare for the excellent work or services provided by CatholicCare employees. Moderate hospitality may be accepted by the employees concerned, however, the relevant General Manager and/or the CEO must be made aware of all gifts or benefits received by employees and any gifts or benefits must be recorded in the Gifts Register held by the General Manager/CEO.
- 4.3.4 From time to time, CatholicCare employees may wish to express their gratitude to service users, suppliers, donors, sponsors or other persons with whom they have come into contact in the course of their employment. Employees must ensure that the expression of gratitude is in keeping with the values of CatholicCare and does not result in what may be seen as unreasonable or illegal influence of any kind.

### 4.4 Alcohol and other drugs<sup>21</sup>

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- 4.4.1 CatholicCare Board members, employees, volunteers and contractors are expected to be 'fit for work'. This means being able to perform assigned duties safely and acceptably without any limitations due to the use or after-effects of alcohol, illicit drugs, medications or any other substance.

- 4.4.2 CatholicCare employees will:
- Abstain totally from the consumption of alcohol and drugs in preparation for and during the provision of personal care or family support.
  - Avoid any involvement with or transaction of alcohol or illegal drugs while supporting the individual and the family.

## 4.5 Conflicts of interest (including outside employment)

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- 4.5.1 CatholicCare Board members, employees and volunteers should avoid any undertaking – financial or otherwise – that could directly or indirectly compromise the performance of their duties. Employees should notify their manager if a potential or actual conflict of interest arises.
- 4.5.2 Examples of conflicts of interest include:
- The purchase of equipment or services on behalf of CatholicCare from a firm owned or managed by a friend or relative.
  - Private counselling work where an employee may be using their work at CatholicCare to gain service users.
- 4.5.3 Employees who exercise a regulatory, inspectorial or recruitment function in relation to members of the public should notify their manager when dealing with relatives and close friends. Whenever possible they should disqualify themselves from the dealing.
- 4.5.4 Full-time employees must have approval in writing from the appropriate General Manager or the CEO prior to engaging in any secondary employment or business activity, including a family company.
- 4.5.5 Part-time employees are entitled to work in a secondary capacity outside of CatholicCare, provided a General Manager or the CEO is informed. If there is a possibility of a conflict of interest that could adversely impact CatholicCare's financial position, services, service users or CatholicCare's standing in the community, permission may be declined.

## 4.6 Use of computers, email, internet and other communications equipment

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- 4.6.1 CatholicCare communications equipment, including mobile phones, is to be used in an appropriate manner and any usage other than for work-related purposes should be minimal.<sup>22</sup>
- 4.6.2 Unacceptable use of CatholicCare communication equipment includes using it to breach intellectual property laws, for commercial gain, for illegal activity or for the storage or transmission of unacceptable material including material of a sexual, defamatory or discriminatory nature.<sup>23</sup>

## 4.7 Personal and professional behaviour

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The personal and professional conduct of employees and volunteers of CatholicCare includes striving to create a harmonious, safe and productive workplace that models CatholicCare's ethos and organisational values. Employees and volunteers are expected to:

- 4.7.1 Respect the dignity of the public, service users, volunteers and other employees by treating them with courtesy, honesty and sensitivity to their rights.
- 4.7.2 Treat others in the workplace fairly and with respect. In accordance with anti-discrimination and bullying legislation, employees and volunteers are not to harass, victimise, bully or discriminate against fellow employees or volunteers, services users or others who may work at or visit CatholicCare sites or services, on the grounds of sex (including pregnancy), sexuality, transgender status, race, colour, ethnic or ethno-religious background, descent or national identity, marital status, disability, age, political conviction or religious belief, or other grounds that may be covered by relevant legislation unless such legislation permits them to do so.

## 4.8 Relationship with service users (dual relationships)

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- 4.8.1 Employees must avoid dual relationships that could impair their professional judgement or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to: provision of psychological or counselling services to employees, students, supervisees, close friends or relatives. Trainers must not enter into counselling relationships with trainees.
- 4.8.2 Generally it is considered inappropriate to have any contact – social, sexual or otherwise – with any service users outside of formal counselling or the working relationship. Employees must not develop a relationship with a service user that could be interpreted as a breach of professional boundaries. When considering social contact, particular care must be taken in relation to service users who may have vulnerability due to past abuse or exploitation and those living with an intellectual or physical disability.
- 4.8.3 All current and former CatholicCare service users are entitled to be treated with dignity and respect at all times. Any conduct by employees, including volunteers, that may cause physical or psychological harm may lead to disciplinary action being taken against the employee concerned.

## 4.9 Production of publications and CatholicCare materials

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- 4.9.1 The Communications and Marketing Team coordinates the production of all publications and materials (print, online, audio-visual) in line with the CatholicCare brand guidelines. Employees must not produce any materials without the involvement of the Communications and Marketing Team and the approval of the relevant General Manager, the COO or the CEO.

## **5. WORKING WITH SERVICE USERS WHO ARE ESPECIALLY VULNERABLE**

CatholicCare Sydney recognises that some of the service users with whom we work are particularly vulnerable. There is clear evidence from research that children, people with disability and frail, isolated and dependant older people are vulnerable to abuse. These service user groups are a focus of much of our work.

While these guidelines impose clear expectations regarding the behaviour of CatholicCare employees, “dignity of risk” considerations afford vulnerable individuals the right to make lifestyle choices, even if these choices may incur a degree of risk. The essence of dignity of risk places an emphasis on individual choice and person-centredness as a central concept to self-determination. CatholicCare’s most vulnerable service users must be given the opportunity to take some risks engaging in ordinary life experiences.

### **5.1 Working with children**

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CatholicCare requires employees working with children (0-18 years) to at all times demonstrate the utmost respect for the child and to not do anything that would directly harm or otherwise injure the child. CatholicCare will take disciplinary action against any employee found to have acted inappropriately towards a child who is currently, or was previously, in receipt of services from CatholicCare. Proven inappropriate behaviour by an employee towards a child may result in the dismissal of the employee concerned. Employees should carefully note the following provisions:

#### 5.1.1 Working With Children Check

The Office of the Children's Guardian requires employees in child-related employment to have a current Working With Children Check which has been validated by CatholicCare. It is a fundamental condition of employment with CatholicCare that employees required to do so by the nature of their employment must hold a valid Working With Children certification at all times. CatholicCare reserves the right to terminate the employment of employees who do not hold this certification. In this context a reference to "employee" is also a reference to a CatholicCare volunteer or carer.

#### 5.1.2 Alcohol

Children are not to be given or provided with alcohol while in the care of a CatholicCare employee. Employees must not use or possess alcohol while on duty and caring for children. This directive applies regardless of where the care is being provided and includes overnight camps. Being on duty while under the influence of alcohol could create safety and other risks and would be grounds for disciplinary action.

#### 5.1.3 Appropriate language

CatholicCare employees must not swear or use inappropriate language that could, in the opinion of a reasonable person, offend or unsettle the child. Such language includes words said in respect to a person's race, gender, sexual preference, age, and physical or intellectual disability.

#### 5.1.4 Drugs

Employees must not give or provide children with illegal drugs and must not use or possess illegal drugs while on duty and caring for children. This directive applies regardless of where the care is being provided and includes overnight camps. Being on duty while under the influence of illegal drugs could create safety and other risks and would be grounds for disciplinary action.



#### 5.1.5 Gifts

Employees must not give gifts to, or accept gifts from, children who are currently in receipt of services, or have previously received services from any CatholicCare program, except where the giving or receiving of the gift is consistent with the role of the employee and/or has been approved by their supervisor.

#### 5.1.6 Medication

Employees must ensure that children in receipt of services provided by CatholicCare do not have access to, or receive, medications not prescribed or authorised for the child.

#### 5.1.7 Neglect

Employees must not neglect children for whom they are providing care or services. Neglect in this context means failing to properly supervise or attend to the needs of the child, to omit to do something through indifference or carelessness, or to fail to properly perform one's duties in relation to the child.

#### 5.1.8 Physical contact with children

This should be restricted to necessary contact required in the course of providing medication or age-appropriate support to the child. Physical contact with children must be appropriate to the situation, context and needs of the child. Inappropriate contact of a physical or sexual nature will result in disciplinary action up to and including dismissal.

#### 5.1.9 Psychological harm to children

Any conduct by an employee that could cause psychological harm to a child may lead to disciplinary action being taken against the employee concerned.

#### 5.1.10 Restraint

Employees must not unnecessarily cause a child within their care to be restrained, whether with or without undue or inappropriate force.

#### 5.1.11 Sexual or other personal relations with children

Employees must not contact a child in receipt of, or previously in receipt of, care or services provided by CatholicCare except in the course of their duties for CatholicCare.

Any proven conduct relating to inappropriate contact with a child currently or formerly in receipt of CatholicCare services, including sexual conduct, will result in counselling and disciplinary action up to and including termination of employment. Examples of such inappropriate behaviour include, but are not limited to:

- Unwanted and inappropriate touching.
- Inappropriate conversations of a sexual nature.
- Suggestive remarks or actions including showing the child publications, electronic media or illustrations which are sexually suggestive or of a sexual nature.
- Jokes of a sexual nature.
- Sexual exhibitionism.
- Personal correspondence – including emails, telephone text messages and use of social media sites – with a child regarding the employee's personal information and/or feelings (including sexual feelings) for the child.
- Deliberate exposure of children to sexual behaviour of others, other than in the case of approved teaching material.
- Where a child demonstrates a crush (i.e. a strong liking for an employee) the employee concerned or another CatholicCare employee with knowledge of the matter must immediately report it to the employee's General Manager, who will advise on the action to be taken.

#### 5.1.12 Tobacco

Employees should not give or provide tobacco or tobacco products to children receiving services or previously in receipt of services from CatholicCare. Employees should not use tobacco or tobacco products in the company of children receiving services or previously in receipt of services from CatholicCare.

## 5.2 Working with people with disability and older people

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CatholicCare requires employees working with people with disability and older people to at all times demonstrate the utmost respect for them and to not do anything that would directly harm or abuse them. CatholicCare will take disciplinary action against any employee found to have acted inappropriately towards a person with disability or older person who is currently, or was previously, in receipt of services from CatholicCare. Proven inappropriate behaviour by an employee towards a person with disability or older person may result in the dismissal of the employee concerned. For the purpose of this *Code of Ethics and Conduct*, the following definitions apply to behaviour which would be inappropriate and capable of causing harm or abuse:

### 5.2.1 Domestic and family violence

Violence, abuse and intimidation perpetrated by one person against another in an intimate personal, familial or carer relationship. Domestic violence occurs between two people where one has power over the other causing fear and physical and/or psychological harm.

### 5.2.2 Neglect

Neglect is a failure to provide the basic physical, emotional and financial necessities of life. It can be wilful denial of medication, dental or medical care, therapeutic interventions or devices or other physical assistance to a person who requires it because of age, health or disability. It can also be a failure to provide adequate shelter, clothing, food, protection, supervision, finances, and nurturance or stimulation needed for social, intellectual and emotional growth or wellbeing. It can be the placement of persons at undue risk through unsafe environments or practices, thereby exposing them to the danger of physical, mental or emotional harm.

### 5.2.3 Physical abuse

Physical abuse is assault, non-accidental injury or physical harm to a person by any other person. It includes, but is not limited to, inflicting pain or any unpleasant sensation and causing harm or injuries.

#### 5.2.4 Restraints and restricted practices

Restraining or isolating an adult for reasons other than medical necessity or in the absence of a less restrictive alternative to prevent self-harm. This may include the use of chemical or physical means, or the denial of basic human rights or choices. These practices are not considered to be abuse if they are applied under a restricted practice authorisation.

#### 5.2.5 Sexual assault

Includes any sexual contact or sexualised activities or materials. It includes language or exploitative behaviour and can take the form of inappropriate touching, suggestive comments, exposure to written or visual material, rape, indecent assault, sexual harassment or sexual interference in any form. (Also note: previous reference to sexual contact, section 4.8.2).

#### 5.2.6 Emotional abuse

Emotional abuse includes verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, and failure to interact with a person or to acknowledge that person's existence. This may also include denying cultural or religious needs and preferences.

#### 5.2.7 Financial abuse

The improper use or withholding of another person's money, property, assets or other resources by someone with whom there is a relationship implying trust.

#### 5.2.8 Systems abuse

In its simplest form, systems abuse occurs when the needs of people with disability and older people who are in receipt of a service are not recognised, and essential services are not provided or are inadequate, inappropriate or poorly coordinated. The impact on individuals can include neglect or abuse resulting from poor practice, exclusion from community life and the loss of basic human rights.

#### 5.2.9 Alcohol

People with disability and older people are not to be given or provided with alcohol while in the care of a CatholicCare employee unless written authorisation exists signed by the Program Manager or General Manager responsible for the relevant program. Employees must not use or possess alcohol while on duty and caring for people with disability and older people. This directive applies regardless of where the care is being provided and includes overnight camps. Being on duty while under the influence of alcohol could create safety and other risks and would be grounds for disciplinary action.

#### 5.2.10 Tobacco

Employees should not give or provide tobacco or tobacco products to people with disability and older people receiving services or previously in receipt of services from CatholicCare unless written authorisation from a doctor or carer permits it. Employees should not use tobacco or tobacco products in the company of people with disability and older people receiving services or previously in receipt of services from CatholicCare.

#### 5.2.11 Drugs

Employees must not give or provide illegal drugs to people with disability and older people, and must not use or possess illegal drugs while on duty and caring for people with disability and older people. This directive applies regardless of where the care is being provided and includes overnight camps. Being on duty while under the influence of illegal drugs could create safety and other risks and would be grounds for disciplinary action.

### 5.3 Expectations of employees in reporting allegations of abuse

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5.3.1 CatholicCare requires that all employees working with service users be aware of the possibility of abuse occurring and ensure their own conduct is free of abuse.

5.3.2 CatholicCare requires that any employee who becomes aware of abuse of a service user or who suspects that such abuse is occurring reports it as soon as is possible to their Program Manager and/or General Manager. The General Manager will have responsibility for deciding the action to be taken.

## 6. BREACHES OF THE CODE OF ETHICS AND CONDUCT<sup>24</sup>

- 6.1 Where non-compliance is reported and proven, appropriate action will be taken. This may involve counselling or retraining in the case of unintentional and less serious breaches of the Code, and mediation or disciplinary action through to dismissal and/or notification to an external agency including Registration Boards, government agencies and the police where applicable in the case of intentional and serious breaches.
- 6.2 Responsibility for dealing with breaches of the *Code of Ethics and Conduct* rests with General Managers and the COO in the first instance. Where an issue has the potential to be serious, it must immediately be reported to the CEO, who will report serious breaches of the Code, including actions taken, to the CatholicCare Board. Disciplinary action contemplated or taken in accordance with CatholicCare's procedures must not be initiated without consultation with the Director, People and Culture, or the Manager, People and Culture.
- 6.3 CatholicCare is required, through the Head of Agency, to report Allegations of Reportable Conduct to the Ombudsman under the provisions of the *Ombudsman Act 1974* (Section 25).<sup>25</sup> Reportable Conduct in relation to children is defined as:
- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence).
  - Any assault, ill treatment, or neglect of a child.
  - Any behaviour that causes psychological harm to a child, regardless of whether the child has consented.
- 6.4 CatholicCare must report all incidents or allegations of sexual or serious physical assault within its aged care services. Reports must be made to the police and the Office of Aged Care Quality and Compliance within the Australian Government Department of Health.
- 6.5 CatholicCare employees have a responsibility to immediately report to a relevant Program Manager and/or General Manager any suspected cases of improper conduct. Improper conduct is conduct that may involve a criminal offence, illegal conduct, breach of legislation or breach of this Code, in a matter serious enough to warrant disciplinary action up to and including termination of employment. The General Manager will have responsibility for deciding the action that is to be taken.



## NOTES

- 1 Pastoral Constitution on the Church in the Modern World, 26
- 2 Micah 6:8
- 3 Catechism of the Catholic Church, 1930-1
- 4 Catechism of the Catholic Church, 1928
- 5 Vatican II, *The Church in the Modern World*, 26
- 6 Catechism of the Catholic Church, 1934
- 7 Catechism of the Catholic Church, 2332
- 8 Catechism of the Catholic Church, 1660
- 9 Catechism of the Catholic Church, 2207 & 2209
- 10 Catechism of the Catholic Church, 1894
- 11 CatholicCare Social Teaching, p. 4
- 12 CatholicCare Privacy Policy
- 13 John Paul II, *Redeemer of Humanity*, 17
- 14 John Paul II, on Social Concerns, 42: “A consistent theme of Catholic social teaching is the option or love of preference for the poor. Today, this preference has to be expressed in worldwide dimensions, embracing the immense numbers of the hungry, the needy, the homeless, those without medical care, and those without hope.”
- 15 John Paul II, *The Hundredth Year*, 48
- 16 Pastoral Constitution on the Church in the Modern World, 1 and Pope Benedict XVI Encyclical letter *Deus Caritas Est* Part 2 30-31
- 17 Catechism of the Catholic Church, 1782: ‘Man has the right to act in conscience and in freedom so as personally to make moral decisions. “He must not be forced to act contrary to his conscience. Nor must he be prevented from acting according to his conscience, especially in religious matters.”’
- 18 CatholicCare Privacy Policy
- 19 CatholicCare Mandatory Reporting Policy
- 20 Section 789FD, *Fair Work Act 2009*
- 21 Please note the Agency Procedure regarding ‘consumption of alcohol and other drugs’ and sections 5.1.2, 5.1.4, 5.1.12, 5.2.9, 5.2.10 and 5.2.11 of this policy.
- 22 Agency Procedure – Email Usage and Protocol
- 23 Agency Procedure – Internet Usage and Protocol
- 24 Section 6 of the Third Edition (Confidentiality) covered by 4.2.3 in the Fourth Edition
- 25 Agency Procedure: Ombudsman Reportable Matters

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