

## 1. INTRODUCTION

Abacus Learning Centre, ACN 122 901 704, (Abacus) requires that all employees and volunteers behave and act, at all times, in a manner that upholds and demonstrates our corporate values, and to protect the safety and wellbeing of children and young people in our care.

## 2. PURPOSE

This Code of Conduct sets out the principles and rules of good conduct that all employees and volunteers are expected to apply in undertaking their responsibilities at Abacus. It includes the obligations set down in the Child Safe Standards and the National Disability Insurance Scheme.

## 3. APPLICATION

All employees, contractors, volunteers, including Board Directors, and any other person involved in providing supports and services, other child-related work or representing Abacus in an official capacity are required to comply with the Code of Conduct by observing expectations for appropriate behaviour below. The Code of Conduct applies in all Abacus activities, including in-school support and in the use of digital technology and social media.

## 4. POLICY STATEMENT

Abacus is committed to continued strong, professional, trusting relationships with clients, students, stakeholders and members of the public and is reliant on maintaining a positive public image to ensure the ongoing sustainability of the organisation.

Abacus is particularly committed to the safety and wellbeing of children and young people. Our Board and Management recognise the importance of, and a responsibility for, ensuring our centres are a safe, supportive and enriching environment which respects and fosters the dignity and self-esteem of children and young people who receive Abacus supports and services.

## 5. PRINCIPLES / RULES

The key elements of the Code of Conduct are set out below. Further obligations may be found in specific policies/procedures or contained within the employment or volunteer contract. Abacus follows the guidance provided by the National Disability Insurance Scheme (Code of Conduct) Rules 2018 when delivering supports and services; giving particular regard to the seven elements that apply to all providers:

- Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions
- Respect the privacy of people with a disability
- Provide supports and services in a safe and competent manner with care and skill
- Act with integrity, honesty and transparency
- Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports provided to people with disability
- Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with a disability
- Take all reasonable steps to prevent and respond to sexual misconduct

Examples of conduct outlined in this document are not meant to be exhaustive, but merely to provide further direction as to what may constitute a breach of this Code of Conduct.

Volunteers play a critical role in ensuring Abacus provides services that respond to the needs of clients and students. While in an unpaid role, volunteers must meet minimum service standard expectations to maintain Abacus's reputation. The Code of Conduct must be adhered to by all.

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### 5.1 Respect, Integrity and Compassion

It is an expectation that any interaction with people staff work with or provide services and support to is conducted with respect, integrity and compassion. It is expected that staff will behave in a respectful and sensitive manner without judgement and will seek to understand and clarify from that person how to best meet their identified needs.

All staff are expected to maintain a professional role of therapist with students and clients that does not involve contact outside of working hours leading to a personal relationship. Staff are not permitted to make additional arrangements with clients that may result in the therapist having multiple relationships with the student/client. This includes paid or volunteer employment as carer, baby-sitter, support worker, driver or additional therapy hours beyond those provided by Abacus.

Examples of conduct consistent with this requirement are:

- acting with respect for individual rights to freedom of expression, self-determination, and decision-making in accordance with relevant laws and conventions
- respecting the privacy of people with disability
- providing supports and services in a safe and competent manner with care and skill
- acting with integrity, honesty, and transparency
- avoiding or declining a situation or arrangement that may create a separate (multiple) relationship with a student or client
- demonstrating understanding and compassion for other people's situations
- recognising that violence against any person is unacceptable
- receiving and acting on complaints in a positive manner that provides an opportunity for Abacus to identify improvements
- demonstrating understanding and respect for cultural diversity and considering the needs of every person
- promptly investigating and addressing a grievance lodged by an employee or volunteer.

Therefore, behaviours that are inconsistent with these examples clearly would not meet this requirement and are unacceptable to Abacus.

### 5.2 Child Safety

Abacus aims to protect children and reduce any opportunities for child abuse or harm to occur. This Code assists in understanding how to avoid or better manage risky behaviours and situations. All staff involved in child-related work are required to comply with the Code of Conduct by observing expectations for appropriate behaviour below.

Examples of conduct consistent with this requirement are:

- treating students and their family with respect both within and outside the centre environment as part of normal Abacus and community activities
- listening and responding to the views and concerns of students, particularly if they are telling you that they or another child has been abused or that they are worried about their safety or the safety of another child
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students
- promoting the cultural safety, participation and empowerment of students with culturally and/or linguistically diverse backgrounds
- reporting any allegations of child abuse or other child safety concerns to Executive Director Operations, Chief Executive Officer, or the Board
- understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse
- if child abuse is suspected, ensuring as quickly as possible that the student(s) are safe and protected from harm.

Therefore, behaviours that are inconsistent with these examples clearly would not meet this requirement and are unacceptable to Abacus.

### **5.3 Quality Service**

Abacus has a strong commitment to providing high quality, responsive services and supports to meet the needs of students and their family. We view a complaint as a positive opportunity to learn about the needs of others, or to learn from mistakes, in order to provide improved service in the future.

Examples of conduct consistent with this requirement are:

- promptly taking steps to raise and act on concerns about matters that might have an impact on the quality and safety of supports provided to people with disability
- reassuring a student or client that their complaint will be treated seriously and acted upon promptly
- courteously advising a dissatisfied person of all the available avenues for redress
- reporting a serious breach of policy by another staff member to Executive Director Operations, Chief Executive Officer, or the Board and in the appropriate and timely manner.

Therefore, behaviours that are inconsistent with these examples clearly would not meet this requirement and are unacceptable to Abacus.

### **5.4 Equitable Relationships**

Diversity is to be valued and our aim is to ensure that all people are treated fairly and equitably. We need to respect individuality and the rights of others to make choices.

Any actual or suspected abuse is to be immediately reported in accordance with the law and Abacus policy.

Examples of conduct consistent with this requirement are:

- avoiding or rejecting any form of discrimination whether by age, gender, sex, sexual preference, marital status, family responsibilities, pregnancy, race, colour, religion, political opinion, national extraction, cultural identity, social origin, physical or mental impairment or because of domestic violence
- taking all reasonable steps to prevent and respond to all forms of violence, exploitation, neglect, and abuse of people with disability
- taking all reasonable steps to prevent and respond to sexual misconduct
- avoiding patronage or favouritism of any kind that results in an unfair benefit or detriment to others
- reporting any abuse whether it be physical, sexual, financial, emotional or by neglect of their needs
- avoiding or rejecting gossip, rumours or other actions that may socially isolate others.

Therefore, behaviours that are inconsistent with these examples clearly would not meet this requirement and are unacceptable to Abacus.

### **5.5 Ethical Conduct**

A person's conduct is to be professional, ethical and above reproach at all times. Staff are required to carry out their duties in a politically neutral manner and are not to use their position for personal gain. This means doing their best to meet specified performance standards, Abacus's policies and legislative requirements.

Examples of conduct which is unethical include:

- gaining a personal financial benefit as a consequence of their employment or engagement with Abacus by accepting gifts (including lottery tickets) that have a significant or potential monetary value and/or where such a gift could be seen to influence decision-making
- accepting a personal financial benefit or gift from a student or family member. It is recognised that it may be appropriate in some circumstances to accept incidental gifts that do not have significant monetary value. Any gift must be reported to an Executive Director
- providing solicited or unsolicited financial advice to students or their family
- entering into a loan arrangement with a student or client and/or being named as a beneficiary in a will
- unauthorised use of Abacus's facilities and/or equipment
- unbecoming conduct that would adversely affect Abacus's reputation or the reputation of its' stakeholders
- an unprofessional business or personal relationship with a student, client or Abacus stakeholder
- allowing unauthorised personal guests onto an Abacus site without prior approval.

Behaviours that are consistent with these examples clearly would not meet the requirement for ethical conduct and are unacceptable to Abacus.

**5.6 Conflict of Interest**

The Code of Conduct forms part of the contract of every employee, Board Director appointment or volunteer engagement. It sets out the obligation to act appropriately when a conflict arises between a person's own self-interest and duty to Abacus.

Conflicts of interest are conflicts between Abacus duties and private interests. These can be actual, potential or perceived.

- An actual conflict of interest is one where there is a real conflict between their work/volunteer duties and responsibilities, and their private interests.
- A potential conflict of interest arises where staff have private interests that could conflict with their work/volunteer duties.
- A perceived conflict of interest can exist where a third party could form the view that their private interest could improperly influence the performance of their duties for Abacus, now or in the future.

At all times it is expected that Abacus staff will disclose any situation where there may be an actual, potential or perceived conflict of interest arising out of their employment or engagement with Abacus. This may include:

- any acquaintances, friendships (professional or personal) or family relationships a staff member has with any potential vendor, tenderer or candidate for an employment opportunity that the staff member is directly involved in
- their access to, and knowledge of Abacus information being used for personal gain (financial or otherwise) or for the benefit of a friend (professional or personal), acquaintance or family member.

It is expected that as soon as staff are aware of a potential conflict of interest, they will make the Executive Director aware of this and advise the exact nature of their relationship and the potential for a conflict of interest.

In addition, Board Directors are required to:

- provide a Conflict of Interest Declaration when taking up their appointment
- complete an annual Conflict of Interest Declaration each year of their appointment
- declare any new or relevant interest at each meeting they attend.

**5.7 Accountability, Professionalism and Due Diligence**

Staff members are required to perform their duties in a competent and capable manner and to exercise their best professional judgement so that the best interests of Abacus are served at all times. Staff are only to perform duties they are competent and legally qualified to perform and they are required to follow all lawful instructions from their supervisor.

Examples of conduct consistent with this requirement are:

- always maintaining compliance with legislative and Abacus policy requirements
- consistently performing their duties to the required standard
- being aware of and avoid any improper, inefficient or ineffective use of Abacus's resources
- immediately reporting any suspected or actual illegal or inappropriate actions
- staff must not leave their position during working hours without permission from their supervisor
- employees must not approve business expenditure that relates to themselves or is outside the Delegation of Authority Schedule
- staff must not sign any Abacus documentation without appropriate authorisation or without following the Delegation of Authority Schedule (examples may include timesheets, leave forms, contracts or other official documents)
- Board Directors must at all times exercise their general duties as set out in the Corporations Act and the Australian Charities and Not-for-profits Commission Act.

Therefore, behaviours that are inconsistent with these examples clearly would not meet this requirement and are unacceptable to Abacus.

**5.8 Confidentiality and Public Comment**

The right to privacy and confidentiality of information of students, clients and other staff is to be respected at all times. Staff may only release information to a third party where there has been prior and appropriate authorisation. In particular, this applies to the release of information to the media or discussion with the media (this may only be done by the Board Chairperson).

Sensitive information must be securely stored to ensure access cannot be obtained by any unauthorised person.

Abacus is the owner of any intellectual property created by staff in the course of their employment/engagement.

Examples of conduct consistent with this requirement are:

- always be aware of and avoid improper use or disclosure of Abacus, staff, client or student information without prior proper authorisation (including via social media)
- never make statements or comments to the press or to other unauthorised external bodies about Abacus, staff, clients or students without proper authorisation
- never promote as their own, work that they have done and/or briefs, papers or reports they have written for Abacus
- always be aware of and avoid leaving confidential information unattended or not secured.

Therefore, behaviours that are inconsistent with these examples clearly would not meet this requirement and are unacceptable to Abacus.

**5.9 Safe Work Environment**

We all have a responsibility to create and maintain a physically and psychologically safe environment for staff, students, clients and others in the workplace. Any discrimination, harassment, bullying, intimidating behaviour or use of their position to gain an unlawful, immoral or emotional advantage over another person will not be tolerated.

Examples of conduct consistent with this requirement include:

- avoid and reject any form of bullying and/or intimidating or inappropriate behaviour
- avoid and reject inappropriate behaviour that is not considered reasonably acceptable socially, including having a zero tolerance of violence and threats at work or work-related events by any staff against other people or property
- avoid and reject harassment of any nature (physical, verbal, emotional or sexual)
- immediately report and deal with any safety hazard in accordance with Abacus policy and lawful instructions
- always comply with OHS policies or procedures
- never report for work or remain at work in a state that is not fit for the duties involved
- never consume alcohol or non-prescribed substances in the work environment
- advising the Centre Manager or Executive Director of any potential negative impact that prescribed medication may have on their health and safety or the health and safety of others.

Therefore, behaviours that are inconsistent with these examples clearly would not meet this requirement and are unacceptable to Abacus.

**5.10 Email, Internet and Telephone Usage**

Email, internet and telephone use is provided primarily as a business tool but Abacus allows incidental private use, provided it is not excessive, does not negatively impact business productivity or their work output or the work of others or breaches any operating guidelines. Improper use of Abacus information systems is strictly prohibited.

Examples of conduct consistent with this requirement include:

- never originate or forward harassing or inappropriate emails (including chain emails)
- never access or forward profane material
- never access, download, or use unauthorised software, non-business-related websites, (including music and social or dating websites), gambling sites or for any unlawful activity
- never forge or attempt to forge messages.

Therefore, behaviours that are inconsistent with these examples clearly would not meet this requirement and are unacceptable to Abacus.

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## 6. RESPONSIBILITIES

### 6.1 Board

The Board Directors must:

- At all times exercise their general duties as set out in the Corporations Act and the Australian Charities and Not-for-profits Commission Act.
- Oversee the implementation and monitoring of the Code of Conduct.
- Be role models for appropriate standards of behaviour.
- Ensure that any apparent or potential breaches of the Code of Conduct are investigated and addressed appropriately.

### 6.2 Managers

Managers must:

- Support the implementation and monitoring of the Code of Conduct.
- Be role models for appropriate standards of behaviour.
- Ensure all employees, volunteers and other representatives are aware of and comply with the Code of Conduct.
- Provide information and support to enable the Code of Conduct to operate effectively.
- Investigate any apparent or potential breach of the Code of Conduct
- Address any breach of the Code of Conduct in accordance with the relevant disciplinary policy and process.

### 6.3 Staff

All employees, contractors and volunteers must:

- Comply with all conditions and requirements of the Code of Conduct.
- Report any significant breach of the Code of Conduct that they are aware of from other employees, volunteers or other representatives.

## 7. DEFINITIONS

TERM	MEANING
Staff	For the purposes of this Code of Conduct, the term staff refers collectively to Abacus employees, contractors and volunteers, including Board Directors

## 8. RELEVANT LEGISLATION AND DOCUMENTS

- Australian Charities and Not-for-profits Commission Act 2012 (Cth)
- Child Wellbeing and Safety Act 2005 (Vic)
- Corporations Act 2001 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 2010 (Vic)
- Fair Work Act 2009 (Cth)
- National Disability Insurance Scheme (Code of Conduct) Rules 2018
- National Disability Insurance Scheme Act 2013 (Cth)
- Occupational Health and Safety Act 2004 (Vic)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)

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### 9. RELEVANT POLICIES

- Delegation of Authority Schedule
- Child Safe and Vulnerable Persons Policy
- Incident Management Policy
- Feedback and Complaints Policy
- Financial Management Policy
- Gifts and Benefits policy
- Whistleblower Protection policy

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