

## Staff Code of Conduct

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Approved By	MHF Board
Signature [Approved by the Board]	Date 18/4/2023

### Scope

This *Staff Code of Conduct* applies to all members of the Mental Health Foundation ACT (MHF) team comprising board directors, employees, volunteers, student placements and contractors of MHF.

### Purpose

Mental Health Foundation (ACT) Limited (MHF) expects its staff to maintain a high standard of conduct and work performance to make sure the business maintains its good reputation with participants, government representatives, other community organisations and interested members of the public. Good personal conduct contributes to a good work environment for all.

The *Staff Code of Conduct* establishes a standard for acceptable professional conduct for all staff of MHF. Effective implementation of this policy will require all staff to:

- Observe all relevant policies and procedures
- Treat colleagues with courtesy and respect
- Always treat participants and their families in a professional manner
- Utilise resources appropriately
- Work safely at all times
- Perform all duties in a non-discriminatory manner, having no preference for culture, faith, ethnicity, gender, gender identity, sexuality and age, as well as disability, and

- Respect diversity and abstain from all forms of unacceptable and unlawful behaviour such as discrimination, harassment, bullying and victimisation.

This document will be provided to all MHF staff upon induction and staff will be asked to sign a *New Staff Document Checklist*, to indicate their understanding of this document and acceptance of the conditions set out herein.

## Definitions

**NDIS** – refers to the National Disability Insurance Scheme.

**NDIS Commission** – refers to the National Disability Insurance Scheme Quality and Safeguards Commission.

**Sharp practices** – is used to describe sneaky or cunning behaviour that is technically within the rules of the law but borders on being unethical.

**Victimisation** – refers to a person being treated badly or unfairly because they have made a complaint about discrimination, sexual harassment or racial or religious vilification or they have helped someone else to make a complaint.

## Policy

### 1.1. General Conduct

Staff of MHF shall behave in a way, that upholds the values, integrity and good reputation of MHF always. Staff shall be honest and act with care and diligence in all their dealings, and treat everyone with respect and courtesy, without abuse, ridicule or harassment.

Staff will:

- Work cooperatively with colleagues, support and learn from each other, and accept differences in personal style
- Comply with all applicable Commonwealth and Australian Capital Territory laws, by-laws, legislation, codes of practice, industry standards, these include:
  - *ACT Carers' Charter*
  - *ACT Charter of Rights for People Who Experience Mental Health Issues 2011*
  - *Age Discrimination Act 2004 (Cth)*

- *Australian Human Rights Commission Act 1986 (Cth)*
- *Carers Recognition Act 2010 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Discrimination Act 1991 (ACT)*
- *Fair Work Act 2009 (Cth)*
- *Freedom of Information Act 1982 (Cth)*
- *Health Records (Privacy and Access) Act 1997 (ACT)*
- *Human Rights Act 2004 (ACT)*
- *Mental Health Act 2015 (ACT)*
- *National Standards for Mental Health Service 2010*
- *National Disability Insurance Scheme Act 2013 (Cth)*
- *National Disability Insurance Scheme (Code of Conduct) Rules 2018 (Cth)*
- *Privacy Act 1988 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Road Transport (Road Rules) Regulation 2017 (ACT)*
- *Sex Discrimination Act 1984 (Cth)*
- *Work Health and Safety Act 2011 (ACT)*
- *Work Health and Safety Regulations 2011 (ACT)*
- *Working with Vulnerable People (Background Checking) Act 2011 (ACT)*
- *Working with Vulnerable People (Background Checking) Regulation 2012 (ACT)*
- Abide by the vision, mission, objects, values and strategic direction of MHF
- Follow the approved grievance and disputes resolution procedures in any conflict with staff colleagues, participants, board members or any other member of MHF
- Comply with any lawful and reasonable direction given by their employer
- Staff shall be honest and discreet, and maintain confidentiality in respect to all dealings at MHF
- Use information gained through their role with MHF ethically and for agreed purposes only
- Use MHF resources appropriately, with consideration for the greatest need and reduction of waste and duplication
- Provide accurate and timely responses to a request for information for official purposes

- Not make improper use of their position, status, duties, power or authority in order to gain, or seek to gain, a personal benefit or advantage for themselves or for any other person
- Be fit for work and not be under the influence of illicit drugs, alcohol, or prescribed medication that may have an effect on their work ability
- Make every effort to work within their role safely, and to protect the safety and wellbeing of others including participants, colleagues and other members of the public
- Accurately complete and maintain all records identified as essential and appropriate to their employment and their working role
- Immediately report all conflicts of interest to their manager
- Immediately inform their manager if charged with a criminal offence, and
- Immediately report all breaches of this *Staff Code of Conduct* to their Manager.

In addition, staff **must** comply with the *National Disability Insurance Scheme Code of Conduct*, which has been incorporated into this MHF *Staff Code of Conduct*.

## 1.2. Participant's rights

### 1.2.1. Freedom of expression, self-determination and decision-making

MHF expects staff to respect the individual rights of participants to freedom of expression, self-determination and decision-making, in accordance with the *United Nations Convention on the Rights of Person with Disability*. This includes:

- Delivering services in a way that maintains standards and principles underpinning the NDIS
- Support people with disability to make their own decisions
- Attempt to communicate in a form, language and manner that enables people with disability to understand the information and make known their will and preferences within a trauma informed framework, and
- Take into account the expressed values and beliefs of people with disability, including those relating to culture, faith, ethnicity, gender, gender identity, sexuality and age, as well as disability.

### 1.2.2. Respect privacy

MHF expects staff to respect the privacy of MHF participants and ensure that their personal information is not disclosed to others without the participant's informed written consent. MHF staff **must**:

- Comply with Commonwealth and State and Territory privacy laws, and
- Deliver services in a dignified way that maintains personal privacy.

Specifically, staff **must** also comply with MHF's *Privacy and Confidentiality Policy*.

### 1.2.3. Safe and competent service delivery

MHF expects staff to provide supports and services in a safe and competent manner, with care and skill, including:

- Ensuring they have the necessary training, competence and qualifications for the supports and services to be delivered to the participant
- Provide services consistent with relevant professional codes
- Meet relevant work health and safety requirements, and
- Maintain appropriate and accurate records and follow security procedures.

### 1.2.4. Honesty and transparency

Staff are expected to act with integrity, honesty and transparency. This includes:

- Recommending and providing supports and services appropriate to the needs of the participant
- Delivering services consistent with the participant's NDIS plan and as agreed with the participant
- Maintaining integrity by declaring and avoiding any real or perceived conflicts of interest, and
- Avoiding engagement in, participating in or promoting 'sharp practices', which include taking advantage of participants by over-servicing, using high pressure sales, and/or offering inducements or rewards that are not linked to the participant's NDIS plan and could be perceived to encourage people to take up or continue with receiving services from MHF.

### 1.2.5. Ensure quality and safety of services

Staff should seek to foster an environment where MHF participants, their families, carers, and advocates feel safe to make a complaint or report issues.

MHF staff **must** promptly take steps to raise and act on concerns regarding the safety or quality of support for MHF participants if they are at risk.

It is the responsibility of MHF staff to be familiar with MHF's incident and complaints management systems and timelines around mandatory reportable incidents obligations.

### 1.2.6. Prevent and respond to violence

MHF staff **must** take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, MHF participants. This includes restrictive practices and sexual misconduct.

MHF staff **must** report all instances of violence against MHF participants or themselves to their manager as soon as possible after it has occurred.

## 1.3. Harassment, Bullying and Discrimination

The MHF considers discrimination, harassment and bullying as unacceptable behaviours, which will not be tolerated under any circumstances.

A person is harassed and/or bullied if they are subjected to repeated behaviour, by a person, or group that:

- Is unwelcome and unsolicited
- The person considers to be offensive, intimidating, humiliating or threatening, and
- A reasonable person would consider to be offensive, humiliating, intimidating or threatening.

A person is discriminated against by any negative or derogatory behaviour provoked by or directed at a person's age, race, gender, religion, disability, sexual orientation, political affiliation, mental or physical disability, or marital status.

Reports of harassment and/or bullying will be investigated promptly and confidentially according to MHF *Grievance and Dispute Management* processes.

‘Workplace harassment’ does not include reasonable management action taken in an appropriate way by the person’s employer in connection with the person’s performance and employment.

#### **1.4. Dress Code Policy**

MHF respects staff’s individuality and the rights and choices that they make regarding dress style and appearance. During working hours whilst representing MHF it is essential that staff project a professional image.

Staff should wear smart casual clothing that is consistent with the standards for a professional environment and that do not attract undue attention. As a standard, dress should be neat, clean and appropriate to the tasks required in the work role.

Jewellery that interferes with a staff member’s ability to perform their duties is not permitted.

Unacceptable attire:

- Clothes with political slogans, derogatory words
- Clothes with offensive slogans or pictures, e.g., profanity and nude or semi-nude pictures, offensive gestures, suggestive cartoons
- Offensive, explicit, or graphic buttons, hats, caps, or other attire are prohibited
- Staff should wear appropriate shoes when working within service delivery.

MHF reserves the right to request an employee to dress to an appropriate standard as a condition of employment.

#### **1.5. Attendance Policy**

Staff should arrive at the workplace on time, and work within the hours agreed in their employment contract. Inability to complete all tasks within this timeframe must be brought to the attention of the manager.

Staff will inform their manager as soon as they are aware of any inability to fulfil their usual working obligations and negotiate appropriate alternative arrangements.

Staff are expected to fully attend all scheduled meetings and training sessions.

Staff will abide by the stipulations in the *MHF Staff Leave Policy*.

## **1.6. Professional Boundaries with Participants**

In order to establish a relationship of trust with participants, MHF staff must communicate openly, honestly and courteously always, affording them every respect and dignity. Staff must always be clear in identifying to participants their role, capacity and the boundaries in which they must operate in providing services, information or assistance.

Staff should always work within their designated role and not exceed their level of delegation, nor attempt to work outside their area of training and expertise.

Staff and volunteers must disclose any pre-existing relationship that may lead to a conflict of interest, including with the participant, to their Manager and the MHF *Conflict of Interest Policy* must be followed and a management plan put in place in consultation with the Chief Executive Officer.

Staff must not develop a relationship with a participant that could be interpreted as a breach of professional boundaries. It is considered inappropriate for staff to have any contact, social, sexual or otherwise, with any participant outside of the formal working relationship.

At no time should any personal information or contact details be given to participants. There will be some situations where, in the interests of building rapport, or in order to assist a participant to learn a skill by modelling, staff might choose to speak of their own life experience. However, such disclosures should be measured and judicious, with the interests of the participant's recovery as the focus.

Personal beliefs or ideals are not to be imposed on participants. This includes religious, personal or any other beliefs or philosophies.

Staff should never in any way solicit gifts or other benefits of any kind from participants or their families. Use discretion when offered token/inexpensive gifts from participants, given as a gesture of appreciation on infrequent occasions, and inform your Manager of the gift as soon as possible. Offers of any gift with an



estimated value of more than \$10 should not be accepted, and the offer of such gifts reported to the Program Manager.

If staff are attending an activity with a participant at a licensed premise, they must not consume alcohol while on official MHF duty.

Staff will not provide any person who is not a current staff member of the MHF with any information or keys related to the security of MHF premises or records. This includes the location of where such information or keys is or might be kept.

### **1.7. Personal phone calls**

Staff **must** not answer or make calls on their personal mobile phone during appointments with MHF participants. Personal mobile phones must be turned off or left on silent during these appointments.

Staff working with participants **must** keep their MHF work mobile phone on silent during appointments and can only answer it if the call relates to the participant they are working with at that time.

In all other situations, it is expected that all private phone calls be kept to a minimum level during work hours., whether using a personal mobile or a MHF phone.

### **1.8. Secondary Employment**

All paid MHF staff must comply with the requirement under the *National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018* which requires MHF to obtain and retain information from staff about whether they hold a second job in addition to their MHF employment.

This information is important for managing risks such as the event of an outbreak of a communicable disease, COVID-19 or influenza or a workplace injury as it allows MHF to know which staff may be at higher risk based on their non-MHF activities.

This information will be taken at the commencement of employment and reviewed every year as part of the formal appraisal process.

## 1.9. Responsibilities after Leaving MHF

Staff who leave MHF employment must:

- Not disclose any official information after leaving MHF that was non-disclosable during their engagement.
- Ensure that public comments (either verbal or written) made in a private capacity are not attributed as official comment of MHF.
- Not use official stationery, email addresses, text messages or any other electronic identifiers of MHF for any purpose.

MHF staff must be careful in your dealings with former employees and ensure you do not give them favourable treatment or access to personal, confidential, or official MHF information, or access to MHF property.

MHF staff must not use your position to advance your prospects for future employment, or allow your work to be influenced by plans for, or offers of, external employment which would conflict or compromise in any way the best interests of MHF.

## 1.10. Failure to Comply with the Code of Conduct

MHF staff may be subject to disciplinary action, up to and including termination of employment or contract, where it is established that you have breached this Code of Conduct.

## References

ACT Government	<i>Discrimination Act 1991</i>
Australian National University	<i>Code of Conduct Policy</i>
Australian Red Cross	<i>Code of Conduct</i>
Mental Health Foundation ACT	<i>Workplace Discrimination and Harassment Policy</i>
Mission Australia	<i>Code of Conduct, May 2021</i>

National Disability Insurance Scheme

*The NDIS Code of Conduct, March 2019*

Uniting Care Mental Health

*Code of Conduct*

Victorian Equal Opportunity and Human Rights Commission

*Victimisation information:*

<https://www.humanrights.vic.gov.au/for-individuals/victimisation/> (accessed 15 February 2021)

Wrike.com

*How to Write an Employee Code of Conduct*

blog: <https://www.wrike.com/blog/how-to-write-employee-code-of-conduct/#What-is-an-employee-code-of-conduct> (accessed 5 April 2023)

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Document History				
Author	Version	Amendment	Owner	Date of Effect
PWG	1.0	Document Created	MHF Board	15/11/12
Corporate Services Manager	2.0	Document reviewed. Changes made to wording of specific dot points. Deletion of 'open-toed/ open-backed shoes' as unacceptable attire. Deletion of 'Email Policy'; 'Internet Use Policy'; and 'Social Media Policy', as these are covered in the <i>Information and Communication Technology Policy</i> .	MHF Board	2/2/2018

Document History				
Author	Version	Amendment	Owner	Date of Effect
Corporate Services Manager	3.0	<p>Inclusion of restrictions on staff using personal and work mobiles during appointments with participants.</p> <p>Inclusion of requirement for all staff to sign a copy of the actual document to acknowledge acceptance.</p> <p>Inclusion of non-exhaustive list of relevant legislation, standards etc. that staff must comply with.</p> <p>Changing 'high heels are inappropriate for staff working within service delivery' to 'Staff should wear appropriate closed shoes when working within service delivery'.</p> <p>Inclusion of staff and volunteers 'are not permitted to access the information of their relatives or friends on Supportability, the MHF's client management system'.</p> <p>Inclusion of the 7 elements of the NDIS Code of Conduct.</p> <p>Removed paragraph on MHF activities having to be alcohol-free and not held at venues where there is alcohol and gambling – due to restrictive practice.</p> <p>Included paragraph that staff must not consume alcohol on licenced premises if working with a participant.</p> <p>'Victimisation' and 'sharp practices' defined.</p>	MHF Board	25/2/2021

Document History				
Author	Version	Amendment	Owner	Date of Effect
Corporate Services Manager	4.0	<p>Amended to match the new style guide.</p> <p>Scope inserted to clarify who the Code applies to.</p> <p>Wording around conflict of interest tweaked and reference to Col Policy included.</p> <p>Included section on Secondary Employment and requirement under NDIS Guidelines for disclosure by staff.</p> <p>Included section on responsibilities of staff after they leave MHF.</p> <p>Included section on failing to comply with Code of Conduct.</p>	Board	April 2023