

Sisters of the Holy Family of Nazareth

Holy Spirit Province

Australia



Code of Conduct

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1. INTRODUCTION

Sisters of the Holy Family of Nazareth – Holy Spirit Province – Australia (The Province) expects personnel including religious sisters, associates, employees, volunteers, and others engaged by The Province to maintain the highest standards of ethical conduct. This includes conduct that upholds the human rights, dignity and well-being of all people and safeguards children and adults at risk from abuse and harm. Personnel have a responsibility to promote the standards embodied in the Code in addition to the teachings and values of the Catholic Church more broadly.

The Code should be read alongside The Provinces ``Child and Adult at Risk of Abuse Safeguarding Policy and related documents``.

The Code also complements other documents of the Catholic Church including but not limited to *The National Response Protocol*, *The National Catholic Safeguarding Standards* and *Integrity in Ministry*.

➤ **Commitment Statement**

- We the Sisters of the Holy Family of Nazareth are committed to the Mission of our Foundress Frances Siedliska and to the core value of the dignity of the human person with a particular emphasis on the family.
- The Sisters of the Holy Family of Nazareth believe that all people have the right to be safe and respected. We are particularly committed to creating environments where children, young people and Adults at Risk feel as safe. We make the following safeguarding commitments:
- We commit to a zero-tolerance approach to all forms of abuse particularly the abuse of children, young people, and adults at risk.
- We commit to protecting all persons entrusted to our care in places where we live and work, and in the pastoral ministries in which we are involved.
- We commit to creating safe physical and online environments
- We commit to implementing safeguarding policies and procedures, which are regularly reviewed.
- We commit to a prompt, compassionate and just response to any complaint or notification of harm or abuse and to reporting without delay to the appropriate authorities.
- We commit to offering support to all persons impacted by abuse including the victim/survivor and their family.
- We commit to ongoing formation in the area of Safeguarding of children and adults at risk for all Sisters, including new Province members, and those associated with the Sisters of the Holy Family of Nazareth.

➤ Purpose

The purpose of Code of Conduct Policy is:

To establish principles for ethical conduct

- To provide clear information about conduct by personnel towards children and adults at risk which is not acceptable
- To uphold the human rights, dignity and well-being of all people and safeguard children and adults at risk from abuse and harm.

➤ Scope

The Code of Conduct applies to all personnel, including religious sisters, associates, employees, volunteers and others engaged by The Province. **Before commencing any role, personnel must sign an acknowledgement that they have reviewed the Code of Conduct, agree to comply with it,** and understand the consequences of breaching the Code. Safeguarding Officer in cooperation with Provincial Leadership is responsible for ensuring that the regular review (**no less than every two years**) of the document occurs and maintains appropriate records.

2. ETHICAL CONDUCT PRINCIPLES

The Province promotes the following principles:

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

3. PROFESSIONAL AND PERSONAL BEHAVIOUR AND DEVELOPMENT

Generally, one-to-one interactions with an adult at risk should not take place unless in an open or visible space, or within the clear line of sight of another adult. This includes ministries and/or services such as counselling, one-to-one tuition, the sacrament of reconciliation, coaching, spiritual direction, and

mentoring. However, this will depend on the individual's circumstances, preferences and right to privacy. Prudent judgement is required on a case-by-case basis.

➤ **In performing their duties, personnel must:**

- maintain a high standard and quality of work.
- demonstrate a duty of care.
- 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.
- take reasonable care of their health and safety.
- comply and cooperate with legislative and industrial requirements and any reasonable instruction, policy, or procedure.
- use appropriate language.
- maintain adequate records to support any decisions made.
- maintain confidentiality and privacy.

➤ **In performing their duties, personnel must not:**

- act in ways that adversely affect the health and safety of others.
- come to work or stay at work while affected by alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others.
- consume any substance during working hours which would impair their ability to work safely and effectively and would be a risk to the safety of others.
- bring alcohol onto work premises without permission.
- smoke in the workplace, including in stairwells, fire escapes and foyers and before, during and after normal office hours.
- ignore work duties or waste time during working hours.
- take or seek to take improper advantage of any information gained in the course of employment.
- take improper advantage of their position to benefit themselves or others.
- allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities.
- use information and communication technologies, such as email, mobile phones, text or instant messaging and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm, or make them feel unsafe
- make unfounded complaints with malicious, frivolous or vexatious intent against another member of personnel.

4. CONDUCT TOWARDS CHILDREN

'Child'/children means any individual/s under the age of 18 years.

➤ **In performing their duties, personnel must:**

- report to Provincial Leadership/ Safeguarding Officer any concerning conduct that is brought to your attention and any circumstances where you suspect that a child is currently at risk of harm
- take reasonable steps to protect children from foreseeable risk of injury
- ensure that physical contact with children is reasonable for the purpose of their management or care, and is appropriate given their age, maturity, health, or other characteristics, e.g.:
- assessing a child or young person who is injured or ill
- comforting an upset child
- guiding a child in a non-threatening manner
- protecting a child from imminent danger to himself/herself or to others
- demonstrating or guiding a particular action or skill as part of drama or other activities within the lesson
- complete their duties in accordance with the directions provided by the relevant supervisor
- consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- adhere to an appropriate standard of dress when engaged in ministry.

➤ **In performing their duties, personnel must not:**

- any form of physical or sexual abuse
- grooming of a child for sexual abuse
- using sexually suggestive or explicit language or gestures
- engaging in conversations about sexual experiences or sharing sexual images
- being alone with a child away from the presence of other adults, including for the purpose of transportation, without express permission
- showering/using the toilet with an open door in the presence of a child
- helping children with intimate care if the child is capable of doing it on his or her own (e.g., toileting or changing clothes)
- not respecting the privacy of a child (e.g., when using the bathroom or changing)
- physically disciplining a child
- making excessive and/or degrading demands of a child

- making any kind of drug, alcohol, or cigarettes available to children
- engaging in private electronic or online contact with a child
- engaging with a child in a way that is overly intimate or could be seen as involving favoritisms or any form of special treatment, and
- taking photos of a child who is in the care of the organization outside of official duties or without consent.

5. CONDUCT TOWARDS ADULTS AT RISK

‘Adult at risk’ means any individual aged 18 years and over at increased risk of abuse, including those who: are elderly

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

Whilst taking care to not make assumptions or generalizations about individuals, The Province recognizes that other aspects of a person’s identity or life experiences may also increase their risk of vulnerability to abuse or harm, e.g.:

- being Aboriginal or Torres Strait Islander
- being a refugee or migrant
- diverse gender or sexuality
- speaking a first language other than English
- surviving sexual abuse or child abuse

➤ **In performing their duties, personnel must:**

- report to the Provincial Leadership/Safeguarding Officer any concerning conduct that is brought to your attention and any circumstances where you suspect that an adult at risk is currently at risk of harm
- take reasonable steps to protect vulnerable adults from foreseeable risk of injury
- ensure that physical contact with vulnerable adults is reasonable for the purpose of their care, and is appropriate given their age, health, disability, or other characteristics. For example:
 - physical contact should be consistent with any specific management plan for the person, and

- physical intervention (including physical restraint, removals, or escorts) should be avoided and used only as a last resort to ensure safety and protection of the person and others.
- complete their duties in accordance with the directions provided by The Province
- consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- adhere to an appropriate standard of dress when engaged in ministry.
- **In performing their duties, personnel must not:**
 - any form of physical or sexual abuse
 - making excessive and/or degrading demands
 - exploiting an individual's vulnerability to form an intimate relationship
 - any misuse of authority or power that exploits, manipulates, or coerces a person to engage in any activity, or which disrespects their human rights and dignity
 - not respecting the person's privacy
 - any form of financial abuse or exploitation

6. REPORTING REQUIREMENTS

The Province will comply with all requirements to report concerns about the safety of children or adults at risk to external authorities. To ensure The Province can fulfil these reporting requirements, Personnel must report any concerns about the safety of children or adults at risk to Provincial Leader/ Safeguarding Officer as soon as practical.

These requirements are outlined in the Safeguarding Policy and include:

- Reporting criminal offences to Police.
- Reporting to the Child Protection Authority where there are reasonable grounds to believe that a child (or class of children) is at immediate risk of significant harm
- Notifying the independent oversight body of reportable allegations under the Reportable Conduct Scheme pursuant to Part 4 of the Children's Guardian Act 2019 NSW
- Reporting safety concerns for an adult in an aged care facility, respite and day care service or support services delivered in the home to the Aged Care Quality and Safety Commission.
- Reporting safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service to the NDIS Quality & Safeguards Commission.
- Reporting safety concerns that relate to the abuse, neglect or exploitation of an adult with disability or older person living in their home (conduct by a member of the person's family, other informal supports, or members known to them from the community) to the relevant body.

7. EQUITY AND INCLUSION

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

8. CONFLICTS OF INTEREST

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

Personnel must:

- Conduct themselves in a manner which is consistent with Catholic values.
- Be objective, open and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of the Province.
- Declare all private interests (including pecuniary and non-pecuniary) that conflict or may conflict with the discharge of their responsibilities to Provincial Leadership
- Use their own judgement in determining the appropriateness of non-cash gifts and hospitality.
- Ensure all decisions are free of bias or apparent bias.
- Behave with integrity and impartiality.
- Ensure all processes are transparent and documented. It is recognized that the giving and receiving of gifts and hospitality has an important role to play in the Church. However, it is important to ensure that these practices do not give rise to conflicts of interest, the misallocation of resources or impact on the reputation or work of The Province.

9. MANAGEMENT OF RESOURCES

Personnel must be careful, ethical, efficient, and economical in their use and management of The Provinces resources, including work time. Resources include (but are not limited to) money, facilities, equipment, vehicles, services (e.g. internet). Resources should be used only for their intended purpose, well maintained, and secured against theft or misuse.

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

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

10. SOCIAL MEDIA

Personnel must exercise caution when using social media platforms for personal purposes outside their work hours. Employees are expected not to make any disparaging or offensive comments on social media at all, with specific importance on The Province, the Catholic Church, clients or colleagues.

11. CONFIDENTIALITY

Personnel must not disclose the confidential information of The Province.

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

Protected Disclosures

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

12. CONSEQUENCES OF BREACHING THE CODE

Breaching the Code of Conduct may lead to the legal consequences including dismissal, and/or criminal proceedings. In relation to religious sisters and clergy breaching the Code of Conduct may lead to them being removed from ministry and dispensed from his or her vows or dismissed from the clerical state, as applicable. This may impact on their ability to work with children and/or adults at risk in the future.

13. REVIEWING THE CODE

The content of the Code of Conduct will be reviewed whenever a breach is identified and at least every two years. Safeguarding Officer in cooperation with the Provincial Leader is responsible for ensuring the review is completed.

14. RELATED DOCUMENTS

- Safeguarding Commitment Statement
- Safeguarding Policy
- Complaints Handling Policy
- Risk Management Strategy

15. RELEVANT LEGISLATION CRIMES ACT 1900

- Children and Young Person (Care & Protection) Act 1998
- Children's Guardian Act 2019
- Working with Children Check legislation
- The Child Protection (Working with Children Check) Regulation 2013 NSW,
- Children and Community Services Act 2004 WA
- The Working with Children (Criminal Record Checking) Act 2004 WA
- National Disability Insurance Scheme Act 2013 and related Rules,
- Aged Care Quality and Safety Commission Act 2018 and the Aged Care Act 1997

16. SIGNED ACKNOWLEDGEMENT OF ACCEPTANCE OF SISTERS OF THE HOLY FAMILY OF NAZARETH – HOLY SPIRIT PROVINCE - AUSTRALIA’S CODE OF CONDUCT

I will:	<ul style="list-style-type: none">• Act in accordance with the Province’s Safeguarding Commitment Statement, Safeguarding Policy, Code of Conduct, Risk Management Strategy and Complaint Handling Policy at all times.• Promote the human rights, safety and wellbeing of all people.• Demonstrate appropriate personal and professional boundaries.• Listen and respond to the views and concerns expressed by children and adults at risk, particularly if they communicate (verbally or non-verbally) that they do not feel safe.• Create an environment that is welcoming, culturally safe and free from discrimination against a child or adult at risk on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity.• Contribute, where appropriate, to the Provinces safeguarding policies and practices.• Identify and mitigate risks to children and adults as required by the Risk Management Strategy.• Respond to any concerns or complaints of harm or abuse promptly and as required by the Safeguarding Policy and Complaint Handling Policy and Procedure.• Comply with Provinces policies and procedures on record keeping and information sharing.
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I will NOT engage in the following conduct towards children:

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

<p>I will NOT engage in the following conduct towards adults at risk:</p>	<ul style="list-style-type: none"> • any form of physical or sexual abuse • making excessive and/or degrading demands • exploiting an individual’s vulnerability to form an intimate relationship • any misuse of authority or power that exploits, manipulates or coerces a person to engage in any activity, or which disrespects their human rights and dignity • not respecting the person’s privacy, and • any form of financial abuse or exploitation.
<p>If I think this Code of Conduct has been breached by another person I will:</p>	<ul style="list-style-type: none"> • Take action to respond to any immediate safety concerns. • Promptly report any concerns to Provincial leadership • Comply with the processes outlined in the Complaint Handling Policy. • Undertake all actions necessary to meet my obligations to report any safety concerns to the appropriate external authorities.
<p>I agree to abide by this Code of Conduct</p>	
<p>I understand that breaches of this Code of Conduct may lead to the legal consequences including dismissal, and/or criminal proceedings.</p>	
<p>Signed:</p>	
<p>Name:</p>	
<p>Role/ Ministry:</p>	
<p>Organization:</p>	<p>The Sisters of the Holy Family of Nazareth – Holy Spirit Province – Australia</p>
<p>Provincial Leader:</p>	
<p>Date:</p>	