

## **OPEN DOORS YOUTH SERVICE INC CODE OF CONDUCT**

### **Background**

The purpose of this Code of Conduct is to outline Open Doors expectations about staff performance and behaviour by providing guidelines for ensuring that the best possible standards of service delivery and professional conduct are achieved.

As an employer, Open Doors has the right to insist that all employees, students and volunteers refrain from unacceptable behaviour and poor performance, and to take appropriate action when such behaviour and performance does occur. (Throughout this document, the term "employees" includes students and volunteers.)

Similarly, all employees have the right to a discrimination and harassment free workplace, and the responsibility to ensure that they do not discriminate against or harass other employees or clients.

This Code of Conduct is informed and guided by the following principles and standards:

- Open Doors Philosophy
- Discrimination and Harassment Free Work Environment
- Treating Others with Respect and Courtesy
- Confidentiality
- Professional Integrity
- Lawfulness
- Participation
- Fit, Willing and Able to Work

The Code of Conduct applies to all who work at Open Doors and is to be signed by all employees. Failure to abide by the code of conduct may lead to dismissal from Open Doors.

### **Relevant Legislation and Policies**

Legislation and other policies relevant to the Code of Conduct include:

- Racial Discrimination Act (1975)
- Sex Discrimination Act (1984)
- Human Rights and Equal Employment Opportunity Commission Act (1986)
- Workplace Health and Safety Act (1989)
- Anti-Discrimination Act (1991)
- Disability Discrimination Act (1992)
- Commission for Children and Young People Act (2000)
- Queensland Criminal Code
- SACS Award (2001) and
- Open Doors Policies and Procedures.

## **Discrimination and Harassment**

Open Doors is an equal opportunity employer and will not tolerate discrimination and harassment in the work place on the following grounds:

- Sex or gender
- Sexual preference or gender identity
- Marital status
- Pregnancy or potential pregnancy
- Disability
- Medical record\*
- Age, compulsory retirement
- Religion
- Political beliefs and activities
- Criminal record\*\*
- Race, colour, nationality, ethnic or ethno-religious background
- Family responsibilities
- Racial vilification
- Hiv/aids vilification
- Homophobic vilification
- Discrimination because of an attribute of a relative or an associate.

\*Open Doors employees are expected to be able to perform their duties and meet the requirements of the position.

\*\*Open Doors employees are required to apply for a criminal history check with Queensland Police, and to disclose relevant information to the Management Committee. The results of Police Checks are confidential and are held in locked personnel files. Relevant and dis-closable offences include indictable matters for which a conviction was recorded within the last 10 years, those involving a prison term, and sex offences. Support Workers are also be legally required to undertake a 'Working With Children Check' by the *Commission For Children & Young People* every two years.

### **1. Open Doors Philosophy**

- All staff must be familiar with, agree to and work within the Open Doors Philosophy Statement.

### **2. Treating Others with Respect and Courtesy**

- All persons associated with Open Doors (young people and their families, employees, students and volunteers, management committee members, local residents and businesses, and people from other agencies) have the right to be treated with respect and courtesy.

- Employees will aim at all times to act fairly, in good faith and without bias or prejudice. Employees shall endeavour to ensure that their own prejudices or biases do not lead to discrimination against any individual or interfere with their capacity to carry out their duties according to their position description and this Code of Conduct. Where bias or prejudice does occur, staff are expected to consult with their personal supervisor, or Coordinator to address the issue.
- Employees will recognise the right of all persons to make their own decisions and to work out their own solutions, having due regard for their personal well being. Support may be offered and options suggested, but the final decision is the right of each person.

## **2. Confidentiality**

- Information about young people, employees, students, volunteers and management committee members will remain private and confidential at all times.
- Information about any particular young person shall remain confidential within the organisation between workers, and shall not be used in any work with that young person without the young person's explicit permission, except in the following circumstances:
  - When a young person's case file has been subpoenaed under law
  - When the consumer has disclosed that they plan to cause harm to themselves
  - When the consumer has disclosed that they plan to cause harm to others
  - When the consumer has disclosed that they are at risk of harm by another
 These exceptions to confidentiality must be explained to all young people who use Open Doors services, especially where discussions relate to illegal activity. In these circumstances a decision to break confidentiality can only be taken after discussion with the Coordinator.
- Information obtained in counselling or casework relationships, as well as research data concerning young people may be communicated only for professional purposes and only to persons legitimately concerned with the case plan, upon consent of the young person. A young person must also give consent for Open Doors staff to access information about them from an external source.
- Information obtained from a young person and used for the purpose of research or service evaluation shall be coded in such a way that the identity of the person remains anonymous.

## **2. Professional Integrity**

Employees accept that professional responsibility must take precedence over personal aims, needs and views.

- ***Dual relationships***

- Employees must avoid entering into therapeutic relationships with people with whom they already have a personal relationship.
- Employees must avoid entering into personal relationships with people with whom they already have a therapeutic relationship.
- Employees are expected to declare any conflict of interest that may impair professional judgement so that it does not result in any unfair advantage or disadvantage to themselves, clients, other employees, committee members, organisations or businesses.
- If a person known personally to an employee becomes an Open Doors client, the employee should immediately inform the Coordinator or Chairperson of the duality of roles and discuss strategies for managing the situation.
- Employees must not have their partners accompany them while undertaking support work with young people. In exceptional circumstances, approval must be obtained from the Coordinator or Chairperson.

- ***Contact with young people after work hours***

The relationship between employees and young people is a professional relationship. Employees should not initiate or maintain contact with any young person outside working hours without the approval and full knowledge of the Coordinator.

- ***Physical contact***

Physical contact with a young person should be guided by the nature of the professional relationship between the worker and the young person, with due regard to permission and respect for personal space. Consideration should be given to the possible impact of the contact on the young person and how the young person may construe the contact both at the time and in the future.

- ***Sexual contact***

- Sexual relationships of any kind between an employee and a young person are totally unacceptable. This includes activities that are initiated by the young person as well as any activity of a sexual nature engaged in by a young person for the benefit of an employee.
- Intentionally receiving or transmitting sexually graphic images on Open Doors electronic equipment (via internet, email or fax) is prohibited.

- ***Relationships with ex-clients***

The standards of conduct outlined in this document apply to any contact with a young person who has been a client in the past. Due consideration must be given to factors such as:

- the type of relationship;
- potential harmful effects on the client; and
- the length of time elapsed between the cessation of the professional relationship and the commencement of any non-professional relationship.

Where there is potential for a relationship with an ex-consumer, this should be discussed with the Coordinator to ensure it is appropriate and in line with organisational policy.

- ***Financial payments***

Employees may not receive private fees, gratuities or other remuneration for professional work with persons who are entitled to the staff member's services at Open Doors. Employees may not actively solicit private consultations from clients who receive or are entitled to receive the staff member's services through Open Doors. Employees may neither give nor receive any remuneration for referring young people to other agencies for professional services.

- ***Buying/selling goods***

At no time should employees buy goods from or sell goods for a young person. The exception to this is where young people are selling goods that they have produced for sale (eg: for markets).

- ***Anonymity***

Under no circumstances should home telephone numbers, addresses or any personal details of any employee, committee member or anyone else connected with Open Doors be given to a young person or other people contacting Open Doors. It is at an employee's discretion that they give a mobile telephone number to a young person in an emergency or for a particular reason.

- ***Acceptance of gifts***

Employees should not accept expensive gifts (worth \$50 or more) from young people. If an employee receives a gift they should inform the Coordinator or Chairperson. Gifts that are illegal or suspected of being stolen should not be accepted.

- ***Physical Restraint***

It is expected that employees will use non-violent strategies to reduce the risk of potentially violent incidents. The use of physical force is only to be used in extreme circumstances where there is actual or imminent danger to another person. At all times the absolute minimum force required to restrain and calm the person down should be used. Personal safety is paramount. There is no obligation on the part of the worker to use physical restraint.

Excessive and unnecessary use of force is not acceptable and may be considered assault. The context and circumstance of the situation will be taken into account.

Assault is a criminal offence. Any suspected cases of assault will be reported to the police. In a case where assault is determined to have occurred, employees will be subject to disciplinary action, which may include instant dismissal.

## 2. Unfit For Work

Employees who are acutely ill, fatigued, intoxicated or hung over from the night before and are unfit to properly perform their duties risk endangering themselves or others (eg driving). This is an unacceptable health and safety risk, so sick leave should be taken.

- ***Alcohol and other drug consumption***

The consumption of alcohol, illegal substances and the misuse of prescribed pharmaceuticals by an employee in the company of a client is unacceptable.

Exceptions to the use of alcohol by employees during work hours at Open Doors is in instances where organisational events such as staff planning days, Christmas functions, Annual General Meetings and organisational milestones are held when the availability of alcohol is an aspect of that event.

It is unacceptable for employees to be intoxicated during work hours. If unintended intoxication results from medication prescribed by a medical practitioner, sick leave should be taken. Intentional intoxication is a disciplinary issue and will be addressed accordingly.

- ***Illness and Fatigue***

Employees who are too ill or fatigued to perform their duties properly are temporarily unable to meet the requirements of the job. Being unfit for work is a health and safety issue. Employees who turn up unfit for work will be sent home on sick leave.

## 2. Lawfulness

- ***Illegal Possession of Drugs and Giving, Selling, Receiving or Disposing of Alcohol, Medications and Other Drugs***

It is unacceptable for employees to give, sell or receive any alcohol, illegal substance or prescribed medication to/from young people.

If a young person wishes to dispose of medications they don't want to use, the employee should advise the young person to take them to a pharmacy for disposal, or dispose of the medication themselves. If a young person wishes to dispose of illicit substances they don't want to use, the employee should advise the young person to dispose of the substances themselves. Under no circumstances should employees accept or handle any illicit substance for disposal.

- ***Use of Computers, Internet, Fax, Phones, Motor Vehicles, Credit Account with Suppliers, and any other property of Open Doors.***

Employees are expected to use the property of Open Doors in a proper manner such that the risk of damage to property is minimised. Where damage to property has

occurred and it is determined by the Coordinator that the damage was a result of wilfulness, disciplinary action may be taken and remedial processes initiated.

It is unacceptable for employees to use the property of Open Doors for personal purposes where there is significant cost arising to Open Doors, either financially or operationally. Employees are expected to reimburse Open Doors for financial costs incurred in using the organisation's property for personal purposes. (eg: costs relating to private use of phones for long distance or international calls, use of mobile phones and use of vehicles must be reimbursed).

- ***Organisational Representation***

Employees publicly representing Open Doors must do so in a way that upholds the philosophy and values of the organisation. In any public forum employees must ensure they maintain the integrity of the organisation.

- ***Other Unlawful Activities***

It is unacceptable for an employee to engage in any form of illegal activity during work hours or in the context of their work. Furthermore, if an employee is involved with any illegal activity outside work, which results in them being charged with offences that may compromise the reputation or operation of Open Doors, the employee is required to inform the Coordinator or Chairperson. The Coordinator will discuss with the employee the impact of the charges on their work and Open Doors as an organisation and initiate organisational responses as appropriate.

Examples of the types of unlawful activity which may result in disciplinary action include:

- Dishonesty and theft
- Misappropriation of property
- Receiving stolen property
- Fraud
- Vandalism
- Health and safety breaches
- Sex Offences
- Discrimination and harassment
- Assault

## **2. Absenteeism**

Non-attendance at work, poor time-keeping habits (eg: regularly arriving late for work) and leaving work to do private business without approval is unacceptable.

Employees who are absent must advise the Coordinator or team members as soon as possible, and by 9.30 am on the day of their absence. Employees need a satisfactory reason for absence (eg: illness).

### **3. Avoidance of Duties**

Sleeping at work or being away from work for extended periods without an acceptable reason or approval may indicate an unwillingness or inability to meet the requirements of the job. Employees need a satisfactory reason or approval for avoiding duties.

### **4. Intimidation**

Intimidation of colleagues, clients or workers in other agencies is unacceptable. Examples of the types of intimidation that are unacceptable include:

- Coercion and threats
- Rude language
- Domineering and menacing behaviour
- Causing fear.

### **2. Insubordination**

Employees have the duty to comply with reasonable and lawful instructions of their Coordinator and Management Committee.

Lawful instructions must be consistent with Workers Contracts and Position Descriptions.

Reasonable instructions must not expose employees to workplace health and safety hazards.

### **3. Participation**

- Employees are expected to participate in the ongoing review and evaluation of services offered. All feedback received will be considered in the process of making changes to Open Doors policies, strategic directions and services.
- Relationships with all people associated with Open Doors should be characterised by inclusive decision-making processes that are based on consultation with people who use the service. Clients and employees will be informed about their right to access information about decisions, and the right of appeal for those affected by a decision.
- Full-time employees are required to attend all agency and team meetings. When unable to do so, the Coordinator is to be informed and approve work that clashes with meeting schedules.

**2. What To Do If You Are Harassed or Observe Misconduct**

If you are being harassed or discriminated against at work, or observe misconduct, you must:

- 1. **Tell the person to stop**, that their behaviour is unacceptable and not to do it again.
- and,**
- 2. **Report the incident to the Coordinator or Chairperson within 48 hours** of the incident.

**2. Breaches and Right of Appeal**

Disciplinary procedures may be invoked in the case of a staff member breaching the Code of Conduct. A right of appeal is available in such circumstances under the Employee Grievance Procedure outlined in Clause 15 of the SACS Award. Employees who remain dissatisfied after any internal grievance process may seek independent conciliation from the Australian Industrial Relations Commission.

**3. Obligations Binding After Resignation**

After an employee resigns from Open Doors, or has their services terminated, all obligations of trust and confidentiality agreed to under this Code of Conduct shall continue to be considered binding.

**4. Review**

As with all Open Doors policies, this Code of Conduct is subject to review.

**Agreement**

I agree to abide by the Open Doors Code of Conduct, as well as any other relevant legislation and policies, in the performance of my duties. If unsure of an appropriate course of action, I agree to consult with the Coordinator.

Signed:.....

Witnessed by:.....

Name:  
Position:

Name:  
Position:

Date:.....

Date:.....

Open Doors acknowledges BYS, the Adolescent Drug & Alcohol Withdrawal Service, and Carina Youth Agency for providing a copy of their Code of Conduct on which parts of this document is based.