

Code of Conduct

SUMMARY

LSC&PH seeks to foster an environment in which everyone can feel comfortable, safe and enjoy a capacity to thrive, learn and connect. The Code of Conduct is designed to provide guidelines for Employees, Members, Volunteers and Contractors on appropriate behaviour and conduct at all LSC&PH programs and activities.

This policy is guided by a number of principles at the heart of our organisation, including the LSC&PH vision, values and the Program Quality Framework. These help to shape all our organisation’s intentions, from small scale to overarching goals. Our approach acknowledges that successful youth and community development is not just about the individual participant. Rather it is about connecting with people’s social and physical worlds and our programs increasingly recognise the significance of social connection and contribution to communities. In this sense, it is vital that we create the most positive and synergetic atmosphere possible. The Code of Conduct highlights this aspect of our organisational culture as well as each individual’s right to feel safe within our programs.

LSC&PH’s Board is committed to ensuring all relevant personnel uphold the Code of Conduct and to training our Employees, Members, Volunteers and Contractors in its content and application.

1. INTRODUCTION

a. Purpose

The LSC&PH Code of Conduct aims to:

- Set the minimum standards of conduct expected of all LSC&PH members, volunteers and staff
- Explain the relevance of LSC&PH values to the Code of Conduct
- Direct LSC&PH members, volunteers and staff to other relevant policies and documents related to the Code of Conduct

b. Responsibility

This Code of Conduct applies to all people who work or volunteer for, are members of, or represent Lord Somers Camp and Power House. Employees and executive teams must ensure it is applied within their programs and activities. Everyone is accountable for contributing towards a positive, safe and inclusive organisational culture.

c. Definitions

Employee means any person employed by Lord Somers Camp and Power House.

Executive Team means a leadership team for a specific LSC&PH program or activity. Specific members/ roles of an Executive Team are at the discretion of the Program or Activity Leader.

A **leader** is any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of members/volunteers placed in their care whilst holding a formal position in Lord Somers Camp and Power House. A leader could include but is not limited to:

- Camp Leaders

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- Deputy Camp Leaders
- Executive Officers
- Programs Leader
- Slushie King & Slushee Queen
- Heads of Departments

A **member** is any person who has a current membership subscription to LSC&PH, including various life memberships, term membership or honorary life membership.

Volunteers are any Non-Members who attend LSC&PH activities as a member of the camp's staff under direction of a Camp Leader.

A **participant** is any person who attends an LSC&PH program as a participant or a grouper.

2. LSC&PH VALUES

The LSC&PH values underpin the Code of Conduct, and help guide our conduct, actions and decisions when involved in LSC&PH programs and activities. Non-adherence to any of the expectations outlined in the Code of Conduct would usually also mean that the conduct was not in accordance with our values.

- **Fun** – we find fun in everything we do and we learn through play
- **Friendship** – We promote lifelong friendships through working together and the sharing of experiences
- **Care** – We work in a voluntary capacity to care and support others without seeking recognition. We also care for ourselves
- **Acceptance** – We accept other people, their values and their differences. We offer equality of opportunity
- **Belonging** – We provide a place where everyone can belong regardless of gender, age, culture, sexuality or ability

3. CODE OF CONDUCT

Whilst participating, volunteering, being employed by or representing LSC&PH I will:

- Comply with the laws, regulations and codes relevant to my role/ duty.
- Treat others with courtesy and respect during all interactions related to LSC&PH activities (including online/electronic interactions).
- Contribute to an environment in which different opinions, perspectives and cultures are valued and encouraged.
- Consider how my conduct might reinforce inappropriate stereotypes based on gender, race, age, political or religious belief, sexuality and any other discriminatory ground, and refrain from such conduct (see Appendix 2 for a list of Forms of Discrimination).
- Provide a safe environment for children, young people and other participants to whom LSC&PH provides programs and activities, including but not limited to Aboriginal children, culturally and/or linguistically diverse children and children with a disability.
- Ensure I provide adequate care and supervision of children and young people and other participants in the care of LSC&PH.

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- Take all reasonable steps to protect children, young people and other participants from any form of abuse or harm, acting diligently and appropriately in reporting any suspicions, concerns, policy breaches, allegations or disclosures of alleged abuse or threats against the safety of children, young people or other participants to program leaders or the LSC&PH CEO.
- Uphold my health and safety responsibilities in line with my position requirements and relevant policies and procedures.
- Use appropriate Personal Protective Equipment when required for my role/ duty.
- Ensure that I am in a state (physical, mental or emotional) where I am able to perform assigned tasks competently and in a manner in which does not compromise or threaten the safety of myself or others.
- Ensure my conduct does not endanger the health, safety or wellbeing of myself or others
- Report any suspected breaches of this Code of Conduct to one of the program or organisation leaders specified in Appendix 1.

I will not:

- Discriminate against (as defined in Appendix 2) volunteers, members, employees, participants or anyone else I deal with in the course of my involvement with a LSC&PH program or activity.
- Have unnecessary physical contact with children or young people.
- Act in a way that condones or fails to respond to inappropriate behaviour with children by other LSC&PH volunteers, members or employees.
- Be alone with a child or young person, unless specifically approved as part of a LSC&PH program or activity, following a risk assessment.
- Make written or oral comments which infer that they represent the views of LSC&PH and which might reasonably be expected to become public without the appropriate authority to do so.
- Make vexatious or frivolous complaints or reports of suspected breaches of the Code of Conduct (i.e. a report known to be false, misleading or groundless).

4. BREACHES OF CODE OF CONDUCT

Any breaches of the Code of Conduct, or any other policy, will be dealt with and may result in disciplinary action being taken, which may include suspension or expulsion in accordance with Clause 47.1 of the LSC&PH Constitution. Reporting and Investigation procedures are included in Appendix 1 of this Code of Conduct.

5. IMPLEMENTATION

In order to ensure that this Code of Conduct is implemented the following actions will be taken:

- People registering for LSC&PH programs and activities must confirm they will adhere to the Code of Conduct when applying online
- The program or activity leader will include a specific reference to this policy and the need to behave at all times in line with our values of “Fun, Friendship, Belonging, Care and Acceptance” as part of the camp induction
- All leadership development programs will include a workshop or discussion covering the Code of Conduct as part of the curriculum
- The Chief Executive Officer will discuss the Code of Conduct with all staff as part of their induction
- The Code of Conduct will be made available on the LSC & PH website.

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6. SUPPORTING POLICIES

There are a number of LSC&PH policies which support or relate to the Code of Conduct including, but not limited to:

- Client Protection Policy
- Diversity and Social Inclusion Policy
- Risk Management Policy
- Driving Policy
- Social Media Policy

7. REVIEW OF POLICY

Every two years, or following every reportable incident, a review shall be conducted to assess whether the organisation’s Code of Conduct or procedures require modification.

APPENDIX 1 – Reporting and Investigation Procedures for alleged Code of Conduct Breaches

Note: Reporting and investigation procedures related to the **reasonable suspicion of abuse of a child or vulnerable person** are defined in the Lord Somers Camp and Power House Client Protection Policy. Such cases should follow the reporting and investigation procedures under the Client Protection Policy rather than using the procedures in this document.

LSC&PH is committed to dealing with breaches of the Code of Conduct using preventative, proactive and reactive processes. These processes may include interviews, mediation and disciplinary action. Reports of breaches of the Code of Conduct will be treated seriously and appropriate action will be taken.

Reporting of Breaches of the Code of Conduct

1. Perceived breaches of the Code of Conduct must not be ignored, and action should be taken immediately in the following ways:
 - a) If you feel comfortable to do so, talk to the person about their behaviour, how you found it inappropriate and how it conflicts with our organisation’s values of "Fun, Friendship, Belonging, Care and Acceptance"
 - b) If you don’t feel comfortable, or if it is so serious you feel it should be reported, talk to a member of the leadership team with whom you feel comfortable including any of the following members:
 - Group Leader, AGLU, Safety Officer, Camp Leader or Department Head
 - Slushee Queen or Slushie King
 - A member of any Board Sub Committee
 - CEO, President & Camp Chief, or a member of the Board

If you are an employee, in the first instance you should talk to the CEO unless they are the alleged perpetrator in which case you should talk to the President & Camp Chief or a Board member.

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2. The Leadership Team member will discuss options with the alleged offending person and arrange for a single person (“Delegate”) to be responsible for managing the complaint. One option is for the alleged offending person to elect to have the complaint investigated. Depending on the circumstances, LSC&PH may be legally obliged to formally investigate the complaint. If this occurs, LSC&PH will treat the matter sensitively and only those who need to know will be involved in the investigation. Any investigation will be conducted in accordance with principles of natural justice and procedural fairness.
3. If, as a result of an investigation, there is sufficient evidence to substantiate a complaint the following action is to be taken in respect of those found to have breached the Code of Conduct.

First Offence (Minor)

The offending person will be warned that a breach of the Code of Conduct has occurred and that such behaviour must not be repeated. A discussion with the offending person regarding what constitutes appropriate behaviour will take place. The person offended by the conduct and/or who reported the breach (the ‘offended person’) will be informed of the warning.

Subsequent Offences or First Offence (Major)

The action outlined in respect of a minor first offence would be taken into account, if applicable. The Delegate will advise the offending person in writing that a breach of Code of Conduct has occurred and that a record of the offence will be placed on file with the CEO. The Delegate will inform the offended person in writing:

- that after investigating the matter, and hearing from both offended and offending persons, the Delegate is satisfied that a breach of the policy has occurred;
- a record of the offence will be placed on file with the CEO;
- what steps have been taken to minimise the likelihood of the behaviour continuing and, where appropriate, that a penalty has been imposed or other action taken.

Other Steps and Penalties

It may also be appropriate to take the following action:

1. Arrange an interview for the offending person with the offended person and the appropriate members of the leadership team to reach an agreement that enables restitution and ensures that relationships have been repaired. The agreement also reflects plans to meet identified needs of both people and may include follow-up for ongoing support and to ensure compliance with the agreement.
2. Arrange an interview for the offending person with the appropriate leadership team member to ensure the offending person understands how their behaviour has breached the Code of Conduct, determine the consequences for repeated behaviour and develop appropriate restorative actions.
3. Other members of the organisation or the family of those involved may be informed that appropriate action has been taken.

An appropriate penalty may also be imposed on the offending person. Depending on the severity of the offence AND the number of offences already committed by the offender, the penalty might include:

- suspension from association activities
- loss of any leadership position held

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- expulsion
- expulsion of non-members from all association activities
- if the perpetrator is an employee, their employment may be terminated.

To decide the severity of the offence, consideration should be given to:

- the impact on the offended person
- the nature of the behaviour, e.g.: verbal compared to physical
- the persistence of the behaviour
- the intensity of the behaviour
- the level of cooperation shown by the offender
- the level of remorse shown by the offender
- the relationship of the behaviour to any previous behaviour, e.g. retaliation against a victim for making a complaint.

Any penalty involving censure, suspension, varying the membership status or expulsion of a member must be ordered by the Board pursuant to Section 47.1 of the Constitution.

Record

In the case of a suspension or expulsion or where the matter is deemed serious enough to warrant it, the Delegate will prepare a written record of the investigation with outcomes. Copies of the record must be provided to the President & Camp Chief and CEO. The Delegate will note the course of action with relevant dates on the appropriate file.

APPENDIX 2 – Forms of Discrimination

Discrimination is inappropriate and will also be unlawful when it is discrimination on the basis of an attribute or characteristic that is prohibited by state or federal law. LSC&PH considers discrimination to be inappropriate where it includes discriminating against a person on the basis of any of the following characteristics:

- age;
- breastfeeding;
- employment activity;
- gender identity;
- impairment;
- industrial activity;
- lawful sexual activity;
- marital status;
- parental status or status as a carer;
- physical features;
- political belief or activity;
- pregnancy;
- race;
- religious belief or activity;
- sex;
- sexual orientation; or

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- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes

Discrimination may take the form of direct or indirect discrimination.

Any of the behaviours described below also constitute discrimination.

Harassment

Harassment means any unwelcome and unreasonable conduct, whether it is verbal, physical, electronic or otherwise, towards another person because the other person has a particular characteristic or attribute listed in the Policy, in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Sexual harassment

Sexual harassment is where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or engages in any other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

- Sexual harassment may take the form of:
 - physical contact (i.e. touching, brushing, pinching, kissing, embracing);
 - smutty jokes, comments, teasing or innuendo;
 - demands for sexual favours under the guise of promise or threat;
 - displays of sexually graphic material including posters, pinups, cartoons or graffiti;
 - staring or leering at another person or parts of their body; or
 - offensive e-mail messages or screen savers.

Sexual harassment does not include mutual friendships or mutual relationships based on respect.

Racial or religious vilification

Racial or religious vilification is conduct which incites hatred against, contempt for, revulsion towards or ridicule of another person or class of people on the grounds of their race, religious belief or religious activity.

Such conduct is unlawful. If it is also intentional, it may constitute a criminal offence.

Victimisation

Victimisation is subjecting or threatening to subject another person to a detriment because they have engaged in a form of activity (or propose to) including:

- having made a complaint of inappropriate behaviour;
- participated in or assisted in an investigation into inappropriate behaviour.

Violence

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This includes any intentional and unwelcome use of physical contact or deliberate property damage.

Bullying

Bullying is repeated and unreasonable behaviour directed towards a person or a group of people which poses a risk to occupational health and safety. The risk to health and safety can be both physical and/or psychological or both. Bullying may be intentional or unintentional.

The following types of behaviour, if repeated or occurring as part of a pattern of behaviour may constitute bullying:

- verbal abuse, including sarcasm or insults;
- humiliation;
- unreasonable or unjustified criticism;
- exclusion or isolation;
- psychological or emotional harassment;
- spreading rumours or innuendo about a person; or
- deliberately and unreasonably withholding vital information.

APPENDIX 3 – Safety Law and the Wrongs Act

The specific duties imposed by the Safety Law are that, while participating in LSC&PH programs, you must:

- i. take reasonable care for your own health and safety;
- ii. take reasonable care that your acts or omissions do not adversely affect the health and safety of other people;
- iii. comply with instruction that is given by leaders in order to allow them to comply with the Safety Law; and
- iv. cooperate with any reasonable policy or procedure of LSC&PH relating to health or safety.

These are all referred to in the Safety Law as health and safety duties.

A breach of the Safety Law by a volunteer may also lead to a prosecution of LSC&PH, and the imposition of a significant penalty and, potentially, a criminal conviction.

APPENDIX 4 – Liability

a. Individual volunteer immunity

In relation to civil liability for negligence, the Wrongs Act (1958) states that “a volunteer is not liable in any civil proceeding for anything done, or not done, in good faith by him or her in providing a service in relation to community work organised by a community organisation”.

Subject to the exceptions below, this means that volunteers are protected against a civil suit in their personal capacity, even for negligence.

This immunity applies to members of LSC&PH when they are working voluntarily on a LSC&PH program. In addition, the immunity does not apply to a volunteer in relation to any work done:

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- a) outside the scope of LSC&PH’s community work;
- b) contrary to any instructions given by LSC&PH (including instructions given by any volunteers with recognised leadership positions (e.g. Camp Leaders, Heads of Department and Safety Officers); or
- c) when the volunteer’s ability to work is significantly impaired by drugs or alcohol.

b. LSC&PH’s liability

The Wrongs Act also has the effect that any liability resulting from an act or omission of an individual volunteer attaches instead to LSC&PH, even if the individual can claim the benefit of the immunity discussed above.

This means that even though the Wrongs Act protects volunteers personally, the actions of volunteers could create liability for LSC&PH.

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