

1. Code of Conduct Policy

Summary

All employees, volunteers, Board members, members, or other representatives of Lord Somers Camp and Power House (LSC&PH) will abide by the attached Code of Conduct.

Disciplinary action may be taken against any person bound by this policy who is found to have breached the Code of Conduct.

Policy Statement

All people who work for (as an employee or volunteer), are members of, or represent Lord Somers Camp and Power House will conduct themselves in a manner that reflects the organisation's values i.e.

- **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 identity, age, culture, sexuality or ability.

LSC&PH is also committed to abiding by the Victoria [Child Safe Standards](#) and will ensure that this Code of Conduct clearly sets out the organisation's commitment to a child safe environment. LSC&PH has a zero-tolerance approach to child abuse, is committed to upholding children's best interests and keeping them safe, and it actively works to listen to and empower children within the organisation.

All people bound by the Code of Conduct will sign a confirmation that they have read and understood the Code and agree to adhere to it at all times. Training can be provided on any aspect, if required.

Participants and families will be provided with information about the contents of the Code of Conduct and processes in place to address breaches.

Conduct and behaviour will align with the Code of Conduct document that follows as Appendix 1.

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Definitions

Employee	Any person employed by Lord Somers Camp and Power House.
Executive Team	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.
Leader	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: <ul style="list-style-type: none"> • Camp Leaders • Deputy Camp Leaders • Executive Officers • Programs Leader • Slushie King and Slushee Queen • Heads of Departments
Member	Any person who has a current membership subscription to LSC&PH, including various life memberships, term membership or honorary life membership.
Volunteer	Any Non-Member who attends LSC&PH activities as a member of the camp's staff under direction of a Camp Leader.
Participant	Any person who attends an LSC&PH program as a participant or a grouper.
Code of Conduct	A document that lays out an organisation's principles, standards, and the moral and ethical expectations that employees and other internal stakeholders are held to as they interact within the organisation.
Discrimination	Treating an individual or groups of people less favourably on the basis of an attribute.
Harassment	Any unwelcome and unreasonable conduct, whether it is onsite or offsite as well as verbal, physical, electronic or otherwise, towards another person because the other person has a particular characteristic or attribute, in

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	<p>circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.</p>
Sexual harassment	<ul style="list-style-type: none"> • An unwelcome sexual advance • An unwelcome request for sexual favours • Other unwelcome conduct of a sexual nature in relation to another person. <p>To be sexual harassment, it has to be reasonable to expect that there is a possibility that the person being harassed would be offended, humiliated or intimidated by the behaviour. This means that whether behaviour is sexual harassment depends on how a reasonable person would interpret the behaviour in that situation.</p>
Bullying	<p>Repeated and unreasonable behaviour directed towards a person or a group of people which poses a risk to occupational health and safety.</p>

Responsibilities

Board	<p>Establish the Code of Conduct in line with the LSC&PH values and ensure that it is regularly reviewed.</p>
CEO	<p>Ensure that all staff are aware of and can fulfil the requirements of the Code</p>
All Staff (Employees and Volunteers)	<p>Ensure the Code is applied within their programs and activities</p> <p>Contribute towards a positive, safe, and inclusive organisational culture</p>

Other relevant policies and procedures

- Client Protection Policy
- WHS Policy
- Diversity and Social Inclusion Policy
- Anti-discrimination Policy
- Social Media policy

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Associated documents

- Code of Conduct document – Appendix 1
- Reporting and Investigating Alleged Code of Conduct Breaches – Appendix 2
- Forms of discrimination – Appendix 3
- Safety legislation and the Wrongs Act – Appendix 4
- Liability – Appendix 5

Policy review

This policy will be reviewed every three years by the Risk Committee with support from the Child Protection Committee and Inclusion Working Group, or sooner if warranted by internal or external events or changes.

Changes to the policy will be recommended for resolution by the LSC&PH Board.

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Appendix 1 – 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, regardless of race, colour, sex, gender identity, sexual orientation, language, religion, political or other opinion, national, ethnic or social origin, culture, property, disability or other status.
- Ensure I provide adequate care and supervision of children and young people and other participants in the care of LSC&PH.
- Raise concerns with management if risks to child safety are identified in any of the activities, facilities, structures, procedures or staffing practices at LSC&PH
- Report any concern, allegation, disclosure or observation of child abuse to the relevant person or authority as outlined in LSC&PH's reporting procedures (*see Appendix 2 below*) and in line with mandatory reporting requirements, including the Reportable Conduct Scheme
- Listen to and value children and young people's ideas and opinions
- Welcome all children and their families and carers by being inclusive
- Actively promote cultural safety and inclusion
- 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.
- Observe professional boundaries with children at all times, including when seeing a child from a LSC&PH program outside the workplace.
- Uphold my health and safety responsibilities in line with my position requirements and relevant policies and procedures. This includes using appropriate personal protective equipment when required for my role/ duty, not working when affected by fatigue, drugs or alcohol, etc.

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- 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.

I will not:

- Discriminate against (*as defined in **Appendix 3***) volunteers, members, employees, participants or anyone else I deal with in the course of my involvement with an 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 an LSC&PH program or activity, following a risk assessment
- Condone or participate in behaviour with children that is illegal, unsafe or abusive
- Seek to use children in any way to meet the needs of adults
- Ignore or disregard any concerns, suspicions or disclosures of child abuse
- Exaggerate or trivialise child abuse issues
- Use hurtful, discriminatory or offensive behaviour or language with children
- Initiate unnecessary physical contact with children or do things of a personal nature that children can do for themselves, such as toileting or changing clothes
- Develop 'special' relationships with specific children or show favouritism through the provision of gifts or inappropriate attention
- Exchange personal contact details such as phone numbers, social networking details or email addresses with children
- Have unauthorised contact with children and young people online, on social media or by phone. (Contact will be considered 'unauthorised' if it is not directly linked to your role or a task that you are required to undertake for your role).
- Use any computer, mobile phone, or video or digital camera to exploit or harass children.
- Make written or oral comments which infer that they represent the views of LSC&PH and

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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).

Appendix 2 – Reporting and Investigating 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.

1. Reporting breaches of the Code of Conduct

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

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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.

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.

2. Investigating alleged breaches

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.

The investigation may be conducted by

- An employee of LSC&PH who is not connected to the alleged breach of the Code
- A member of the Board or an LSC&PH Sub-committee, in the instance of the CEO allegedly breaching the Code of Conduct
- An external investigator

In all instances, the investigator must be suitable qualified and / or experienced and have no connection to the instance(s) of alleged breach.

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.

3. Outcomes and Penalties

LSC&PH will not hesitate to refer any person to the police or regulators if there are any legal or regulatory breaches of the Code.

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)

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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
- 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:

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- 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.

4. Records

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 and Camp Chief, and CEO.

The Delegate will note the course of action with relevant dates on the appropriate file.

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Appendix 3 – 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
- 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 onsite or offsite as well as

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verbal, physical, electronic or otherwise, towards another person because the other person has a particular characteristic or attribute, 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.

Friendships and other relationships that may form prior to or at LSC&PH activities are not in and of themselves a form of sexual harassment, although it may occur within that relationship.

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:

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

Violence

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. Bullying may occur onsite, offsite and online/digitally.

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.

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Appendix 4 – Safety legislation and the *Wrongs Act 1958*

The specific duties imposed by Safety legislation such as the *Occupational Health and Safety Act and Regulations* are that, while participating in LSC&PH programs, you must:

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

These are all referred to as health and safety duties.

A breach of safety law by an employee or volunteer may also lead to a prosecution of LSC&PH, and the imposition of a significant penalty and, potentially, a criminal conviction.

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Appendix 5 – Liability

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 an LSC&PH program. However, the immunity does not apply to a volunteer in relation to any work done:

- 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.

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.