

Managing Breaches of the Code of Conduct Procedure

Procedure Purpose

This procedure manages the implementation of the Code of Conduct and responds proactively to any reported potential breaches of the Code.

Procedure Scope

All LSC&PH employees, members, volunteers, participants, including visitors and contractors are bound by the Code of Conduct and agree to always adhere to it. (Training can be provided on any aspect, if required.)

LSC&PH is committed to abiding by the Victoria [Child Safe Standards](#). The Code of Conduct with the Child Safety and Client Protection Policy clearly set 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.

LSC&PH is committed to dealing with breaches of the Code of Conduct using preventative, proactive and reactive processes. These processes may include interviews, investigations, mediation, and disciplinary action.

Reports of breaches of the Code of Conduct will be treated seriously and appropriate action will be taken.

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 Child Safety and Client Protection Policy and Procedure. Such cases should follow the reporting and investigation procedures under the Child Safety and Client Protection Procedure rather than using the procedures in this document.

Procedural Responsibilities

Board	Establish the Code of Conduct in line with the LSC&PH values and ensure that it is regularly reviewed.
CEO	Ensure that all LSC&PH People are aware of and can fulfil the requirements of the Code.
Leader	<p>A person (paid or unpaid) holding a formal position in LSC&PH over the age of 18 who is responsible for the safety of members, volunteers, participants or visitors ensures the Code is adhered to. A leader may include but is not limited to:</p> <ul style="list-style-type: none"> • Camp Leaders • Deputy Camp Leaders • Executive Officers • Programs Leaders • Slushie King and Slushee Queen • Heads of Departments

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Delegate	Delegates are appointed to investigate and manage alleged breaches of the Code and in doing so ensure that the requirements of the Code are fulfilled.
All LSC&PH People	Employees, members, participants, visitors and contractors will ensure the Code is applied within their workplace, programs, and activities. Contribute towards a positive, safe, and inclusive organisational culture.

Reporting and Investigating Alleged Code of Conduct Breaches

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 Leader with whom you feel comfortable.

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 Leader will discuss options with the alleged offending person and arrange for a person (“Delegate”) to be responsible for managing the complaint.

2. Investigating alleged breaches

LSC&PH will determine if the alleged breach requires an informal or formal investigation process commensurate with the severity of the matter. Depending on the nature of the alleged breach, LSC&PH may be legally obliged to formally investigate the matter.

LSC&PH will treat all investigations 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.

Procedural fairness ensures that any person accused of breaching the Code is given a fair and reasonable opportunity to respond to the allegations before any final decision is made. This includes any new allegations that may arise during an investigation.

An investigation, formal or informal, will be conducted by a Delegate who may be:

- An employee of LSC&PH or an LSC&PH Leader 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 or Leader allegedly breaching the Code of Conduct
- An external investigator.

It is incumbent upon both the appointing authority and the Delegate to identify and declare any potential conflict of interest in investigating, reporting on or managing an alleged breach. (Conflicts of interest occur when personal interests conflict with the responsibility to act in the best interests of LSC&PH. Personal interests also include the interests of someone’s family, close friends, or other organizations they are

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involved with. Conflicts of interest are common and do not have to be a serious problem. If they are managed appropriately through exercising good governance, adhering to regulations, processes and policies, these conflicts can be identified and resolved, or even prevented. Please refer to Australian Charities and Not for Profits Commission on [Managing Conflicts of Interest](#))

Informal Investigations – Minor Breaches

In the instance of minor breaches, the Delegate investigates the alleged breach at the lowest level, seeking direct resolution where possible.

Formal Investigations – Major Breaches

A formal investigation may be required by the Delegate where there is clearly a major breach for example where someone has been victimised, where allegations have been denied, where repeat offending occurs, where a senior LSC&PH person is involved in the allegation.

The Delegate informs the alleged offender of the allegations and seeks a formal response to the allegations. The Delegate may seek statements from any third-party witnesses if appropriate to do so.

Please refer to the Incident Impact Rating and Incident Priority Response Rating (as detailed in the LSC&PH Risk Management Procedure and Child Safety and Client Protection Procedure) to determine the appropriate response timeframe. See **Appendix 1: Incident Impact Rating and Incident Priority Response Rating**

3. Outcomes and Penalties

LSC&PH will not hesitate to refer any person to the police or regulators if the investigation reveals any potential breach of the law.

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.

Informal Investigations – Minor Breaches

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 will be informed that the matter has been addressed, where the Delegate believes it appropriate to do so. Minor breaches will be recorded on file.

Formal Investigations - Major Breaches

A formal discussion with the offending person regarding what constitutes appropriate behaviour will take place. At the conclusion of the meeting the Delegate will advise the offending person in writing that a breach of Code of Conduct has occurred, that such behaviour must not be repeated and that a record of the breach will be placed on file with the CEO.

The Delegate will inform the offended person:

- 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
- that a record of the breach will be placed on file with the CEO.

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Where appropriate the Delegate may also communicate to the offended person and/or the person who reported the breach:

- what steps have been taken to minimise the likelihood of the behaviour continuing
- what penalty has been imposed or other action taken.

Other Steps and Penalties

It may also be appropriate to take the following action:

1. Arrange a mediation between the offending person and the offended person as well as appropriate Leaders to reach an agreement that enables restitution and seeks to repair relationships. The agreement may reflect 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 Leader 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:

- was the breach serious misconduct or gross misconduct
- 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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Other relevant policies and procedures

- Code of Conduct
- Code of Conduct – Behaviour Guide
- Child Safety and Client Protection Policy and Procedure
- Misconduct Procedure
- Occupational Health and Safety Policy
- Diversity and Social Inclusion Policy
- Anti-Discrimination, Harassment, and Bullying Policy and Procedure
- Social Media Policy
- Risk Management Policy and Procedure
- Fitness for Work Policy

Procedure review

This procedure will be reviewed every two years by the PandA 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 procedure will be approved for implementation by the LSC&PH Board.

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Appendix 1: Incident Impact Rating and Incident Priority Response Rating

IMPACT RATING	
Insignificant	Minor injury, first aid treatment, no interruption to program
Minor	Minor injury, single occurrence of medical treatment, no interruption to program, breach of LSC&PH procedures
Moderate	Multiple medical treatments, non-permanent injury, moderate interruption to program, breach of LSC&PH Policies
Major	Extensive Injuries requiring significant medical intervention, serious or permanent injury, breach of Child Safety Standards, major interruption of program
Severe	Severe injury/illness resulting in lifelong support or resulting in fatality, criminal activity, cessation of program

INCIDENT RESPONSE PRIORITY RATING			
Rating	Incident Acceptance Guide	Incident Action	Review Timeframe
Insignificant	Acceptable	Eliminate, Lowest Level Response	Not Required
Minor	Acceptable	Eliminate, Low Level Response Monitor and Review	14 Days to Review
Moderate	Generally Acceptable	Substitute, Reconfigure, and Implement Risk/Hazard Controls Monitor and Review	21 Days to Review
Major	Generally Not Acceptable	Reconfigure, Isolate and Implement Risk/Hazard Controls Monitor and Review	28 Days to Review
Severe	Not Acceptable	Cease, Isolate, Evacuate and Implement Risk/Hazard Controls Monitor and Review	As determined through remediation and investigation processes