

Policy Introduction and Purpose

Our Code of Conduct aims to provide a framework for all employees of Weldon to ensure an understanding of the standards of conduct and behaviour expected at all times. Staff are required to act in a manner that promotes a respectful, productive, and harmonious environment for the children, the families, each other, and the organisation.

This code is separated into four sections:

- A. Behaviours & Personal Conduct
- B. Information Handling & Use of Property
- C. Working with Children
- D. Other requirements

Definitions used in this policy

Weldon: The organisation

The Board: The Board of Directors of Weldon Children Services.

Executive: The Chief Executive Officer, Area Managers, Manager – Quality & Compliance and the Financial Manager.

Management: Program Coordinators and Directors

Supervisors: Any staff member with the responsibility for directing and managing other staff inclusive of Room Leaders, Coordinators, and the Executive team

Staff: Employees, Full-time, Part-Time, or Casual, Contractors and service providers

Misconduct: Any infringement of policy and procedure or breach of practice leading to disciplinary action.

Section A: Behaviours and Personal Conduct:

Professionalism:

Staff are required to act with respect, integrity, fairness, honesty, empathy and in an ethical manner. These standards are applied to all interactions within the organisation:

- Between staff and children
- Between staff and parents
- Between staff and staff
- Between staff and the public

These standards are also to be applied personally in managing the organisation's assets, equipment and materials, complying with all policies and procedures, adhering to the principles of privacy and confidentiality and in general conversation about the organisation, its people and future directions.

Where staff fail to undertake due care or fail to adhere to the code such action will constitute misconduct and may lead to disciplinary action up to and including termination

Contract staff, volunteers and students must also abide by the terms and conditions of this code and where breaches occur, reviews of any employment agreement will be undertaken

Rights and responsibilities of staff

- All staff have the normal rights and obligations of employees under common and statute law. Staff must in their duty comply with a lawful direction given by a senior staff member. Staff may question such direction where they feel it violates the code
- All staff have a responsibility to perform their duties effectively and to be aware of the organisations' policies, procedures, and directives. The Executive team and management have a responsibility for the distribution of such documents and all staff have the responsibility for reading and questioning any items that require clarification for a comprehensive understanding
- It is understood that staff will want to ensure that the systems and procedures used in their workplace are effective. Staff are encouraged to take responsibility for systems improvement offering suggestions for improvements and implementing new work practices promptly.

Working with Children's Checks

- All Board members, staff employed, contractors, volunteers and students completing their practicum arrangements at Weldon will be required to undertake and maintain a current Working with Children's Check.

Other Checks and Disclosures

- Other checks such as criminal history checks and driving history checks will be required on request, depending on the role a person holds within the organisation.
- Disclosures for pre-existing medical conditions, criminal charges and convictions are required to be made following the employment contract and this code of conduct.

Familiarisation with Legislation

Staff are required to be familiar with all Acts and Legislation that impact their ability to perform their roles and impact their environment and workplace. This may include and is not limited to the following legislation:

- Children and Young Persons Care and Protection Act
- Children (Education and Care Services National Law Application) Act 2010 No. 104
- Education and Care Services National Regulation
- Work Health and Safety Act.
- Childcare Administration Act
- Privacy and Personal Information Act

Professional Codes

- It is recognised that staff must adhere to professional codes within the industry and their profession. Where it appears that a conflict arises between the industry code and a professional code, staff are required to bring the matter to the attention of an Executive team member for discussion and resolution.

Competency

- Efficiency, effectiveness, sound judgment and striving for high-quality in-service provision are the standards sought by and required of staff. There is an expectation that staff will seek to

be competent and whenever possible assist those around them to also improve and enhance their levels of competency.

- Staff have an obligation in the context of their employment to support and advocate for the rights of children and the need for high-quality service provision within the child education and care sector.
- Where staff have been involved in unlawful and unprofessional conduct whether within the organisation or in a private capacity and that behaviour can potentially impact performance in the role, damage the reputation of the organisation and put children, families and staff at risk, disciplinary action will be taken and may result in termination of employment.

Please ensure you are familiar with the [Weldon Performance and Misconduct Policy](#).

Presentation

- Staff are expected to adhere to the dress code of the organisation, presenting themselves professionally and appropriately for work.

Interacting with parents, children, colleagues, and the community

- Staff must treat everyone with respect, fairness, and consistency. Staff must be courteous and sensitive to others needs and as far as is practical provide all the necessary assistance possible
- Irrespective of status or position all staff are to conduct themselves in a manner which will promote cooperation and harmonious relations
- All staff to strive to create a workplace that fosters and builds integrity and mutual respect
- A cooperative, collaborative atmosphere conducive to the promotion of integrity and mutual respect will assist all staff in the implementation of this code
- Staff should be aware and tolerant of other views especially when they are different from their own
- Staff are to ensure that their conduct is not discriminatory, or in any way harassing to others
- Staff must ensure that the rights and dignity of others are supported and upheld in all circumstances being sure to actively promote and advocate for the rights of children in all programs.
- Any staff member identified as behaving inappropriately may be subject to immediate disciplinary action, up to and including termination of employment.

Work Health and Safety (WH&S)

- All staff are expected to comply with the NSW Work Health Safety Act 2012 and Regulations as well as any instructions or procedures from Weldon stating any requirements for workplace health and safety.
- Work Health and Safety covers actions to identify the hazards, and actively attending to hazards when identified, hygiene and cleanliness procedures, appropriate care and maintenance of equipment and facilities, personal care and wellbeing, being alert to risks and potential risks, the treatment of others and mental health awareness and adherence to policies and procedures alongside the appropriate use of personal protective equipment.
- Staff are required to attend training in this area when provided by Weldon.

- Staff have a duty of care (an obligation) not to wilfully place themselves or others at risk or injure themselves or others in the workplace.
- Any incidents or accidents including near misses must be recorded as per the Weldon Incident Reporting and Investigation Procedure, after which due process will be followed in consulting with key stakeholders in reducing the risk of any repetition of the event.
- Any risk or hazard that is identified as being real or is perceived to potentially become an issue should be raised by any staff member at the monthly team meeting. The risk or hazard will be assessed according to a recognised risk matrix and a strategy to reduce the risk or hazard will be developed in consultation with key stakeholders.
- Information is available to all staff about workplace health and safety and it is both the responsibility of management to provide such information and the responsibility of staff to read and where unsure to ask questions about such information to gain a true understanding and therefore ensuring the maximum provision of a safe and healthy workplace environment.
- Breaches of WH&S regulations have a variety of consequences, which may include person criminal convictions depending on the severity of the breach.

Drugs, alcohol, and tobacco

- Permanent or temporary and long-term casual staff experiencing difficulties about alcohol, tobacco, or other drugs, are encouraged to access the Employee Assistance Program, for assistance
- Staff are required to adhere to the Weldon Alcohol and Drugs Policy. Where prescribed medication is required, staff must ensure such medication is kept in a secure location inaccessible to children and other staff. All medication for children is to be stored and administered in line with the medication policy and procedures

Discrimination and Harassment

- Staff must not harass or discriminate against any person on the grounds of race, sex, marital status, disability, homosexuality, age, transgender or carer's responsibilities. Such harassment or discrimination may constitute an offence under the Anti-Discrimination Act 1977. In addition, staff must not harass or discriminate on the grounds of political or religious conviction.
- All staff must comply with the Weldon Bullying, Discrimination and Harassment Policy.
- Alongside unlawful harassment of staff, it is the responsibility of all staff present at programs to ensure no child, children or visitor to programs are exposed to harassment.

Gifts and Benefits

- Weldon has a long history where families have traditionally provided small gifts to staff by way of flowers or tokens in appreciation of the care provided to their children, often care that has been provided over many years. These gifts and the way they are offered is acceptable to Weldon.
- Gifts that are of significant value and which may be bribes, impartial and likely to question staff integrity should be politely refused in all circumstances.
- Any staff member who accepts a gift from any person or organisation in return for favourable treatment of the donor will be guilty of misconduct. In such circumstances, disciplinary action

will follow. In circumstances where such conduct constitutes gross misconduct, termination of employment will occur.

- Any staff member who is offered a bribe of any kind is to politely refuse, indicating it is improper and against the Code of Conduct. Any such action should be reported to management.
- At no point should any staff employed by this organisation offer any gifts or bonuses to any other agency for the specified purpose of advantageous treatment or perceived improper influence. Disciplinary action involving suspension and or dismissal may result.

Conflict of Interest

- A conflict of interest may arise from:
 - Cultural or religious values expressed
 - Other professional ethics
 - Personal or professional relationships
 - Financial or proprietary interests
 - Status or role
 - Secondary employment
- Where a conflict of interest exists or is thought to exist staff are to inform an Executive team member.
- Providing influence and/or favouritism to people with whom you have a personal relationship, that works for Weldon or uses a Weldon Program is strictly prohibited This includes instances where there is no direct influence on employment or service provision, but the relationship has a negative impact on the work environment.
- Wherever a conflict exists, staff are to ensure they excuse themselves from any decisions made where conflicts exist. Staff are also to ensure that at any point, the interests of Weldon are paramount where conflict occurs.
- Any staff failure to excuse themselves appropriately may result in disciplinary actions being taken, up to and including the termination of employment of the individuals involved.
- Staff are not to accept paid work with another provider or with a key stakeholder without prior approval from a member of the Executive team.
- Where relationships such as engagements caring for children in a personal capacity and paid work as described within this code of conduct exist before commencement of employment, full disclosure is to be made with a member of the Executive team.

Section B: Information Handling & Use of Property

Privacy and Personal Information

- All personal and health information is only to be recorded under the following circumstances:
 - Where there is a legitimate legal need
 - Where it is factual
 - Where the information is kept secure under lock and key
 - Where only those persons legally able to view or share the information have access to it
- Staff should never reveal personal information to enquirers without legitimate proof that a person can access that information. Where Government agencies request information about children, families or staff, a written request is required on Departmental letterhead either faxed, emailed or through Australia Post
- Staff are to ensure that under no circumstances is any personal information of any kind including confirmation of employment or care providers to be provided to any enquirer without the appropriate written documentation being received and verified
- The Weldon Executive team will have all responsibility for any dealings with the media and staff must refer any requests for information that occur to a member of the Executive team
- Personal information collected or held by Weldon involving staff, children or families must be held securely to avoid loss; unauthorised access, use, modification, or disclosure; and all other misuse
- The Privacy Act contains criminal sanctions for the unauthorised use and disclosure of any personal information by staff

Confidentiality of Information

- All staff must sign the Weldon Confidentiality Agreement.
- All staff must ensure that all confidential information remains confidential and must not be disclosed to any third party without explicit written consent.
- No personal information about staff is to be shared with other staff unless it is directly required as part of your work. These sorts of discussions should only need to occur with your immediate supervisor, manager, or member of the Executive team.
- All staff must not share information about management information, other staff or children or families, without written permission or legislative authority from a member of the Executive team.
- All staff must treat everyone with respect and avoid gossip about adults or children, taking active steps to divert conversations away from this if it is observed
- All staff must maintain confidentiality about anything that we see or hear at work so that parents and children can trust us, and as a way of showing respect to our peers
- Staff must seek permission from colleagues before posting their images in electronic format where it can be accessed by the public i.e. by parents, pupils, past colleagues, and anyone else who is a current member of staff
- Staff will not allow publication of images of children unless appropriate permission has been sought.

- Staff will always use a professional approach when using social networking sites on the internet e.g. Facebook. Always use websites with caution so that our professional integrity is never compromised ensuring that we do not bring ourselves or other staff into disrepute
- It is **strongly recommended** that parents of children or children cared for by Weldon are not Friends on Facebook or other social media with staff.

Email

Staff are to make sure that they comply with the Email and Internet Policy. Parts of this policy are included below as a reminder:

- All Email accounts are the property of Weldon and are provided to employees to be used for legitimate business purposes only. Data and messages contained within or transmitted via them are the property of Weldon and are intended for business use only.
- The Executive team reserves the right at any time and without the consent of the user to audit, monitor, examine, copy, forward, delete or otherwise deal with data and/or messages stored within or transmitted via such E-mail accounts.
- All internet usage may be reported and monitored by the organisation daily, which details all inappropriate sites.
- “Inappropriate Usage” of Email and Internet includes and is not limited to:
- Activities, which contravene the Code of Conduct including (but not limited to) the Confidentiality Agreement.
- Using E-Mail for the internet to request, access, transmit or otherwise convey illegal, unprofessional, offensive, intimidating, pornographic, threatening, or harassing materials or communications.
- Using e-mail to solicit outside business ventures or other actions inconsistent or in violation of Weldon Policies.
- Using E-mail or the internet as a method of distributing software, which is inconsistent with any vendor’s license agreement.
- Sending “chain” letters, “hoax” mails, or other personal mass mailings, which do not have a legitimate business purpose over the Weldon Network or the internet.
- Employees should be aware that information transmittable or accessible through email may be sensitive, restricted, or government classified. Employees must safeguard Weldon information and information belonging to others such as customers, partners, and suppliers from unauthorised or accidental disclosure, modification, damage, or destruction.
- All emails sent about Weldon business must be from a Weldon email address. No personal email addresses should be used when conducting Weldon business
- No personal data on children, families, staff members or other Weldon business should be sent to personal or other unauthorised email addresses

Use of Weldon resources

- Staff are to be efficient and economical in the use and management of the organisation’s resources. Staff are never to take Weldon property of their personal use without the appropriate authorisation to do so. Staff must not create risk or liability for Weldon by their use of facilities or equipment (e.g. by breaching software copyright).

- Stationery, letterhead, and our official logo must not be used for anything other than official business. Staff should not seek to make private use of the services of other staff whilst those staff are on duty. Staff who are asked to do jobs that are not work-related in work time should refuse.
- Weldon facilities and equipment must not be used for private employment or private financial gain by staff. Where an organisational software licence agreement permits staff to use the software on a home computer, it must not be used in connection with private employment or commercial use.

Intellectual Copyright

- Weldon controls and manages all copyright created by its staff while under the direction of the organisation. When the material is requested by a member of the organisation for the organisation then that material will belong to Weldon.
- Where staff develop material in their own time or during working hours, for their employment with Weldon, copyright in that material will belong to Weldon. Staff should not use Weldon copyright material for private purposes unless permission is granted for the use of Weldon copyright for such purposes. This permission should be sought from an Executive team member.

Copyrighted material

- Staff must not use any externally copyrighted material in any publication to be used by Weldon, without a license, except with the explicit written permission and clearance from the CEO and/or the Board
- Where staff knowingly use copyrighted material, without appropriate permission, staff may be required to repay to the organisation any costs incurred to resolve the situation

Section C: Working with Children

Duty of Care

- “Anyone in charge of children, whether as a parent or teacher, owes a duty to protect his charges from foreseeable dangers whatever their source”. (Fleming, The Law of Torts 1983, p.142)
- As a basic principle under the Common Law of Tort, all Weldon staff being employed in the provision of child education and care programs are responsible in ensuring that proper care is taken to protect children, their families, staff, visitors, volunteers and students from harm in all circumstances
- Legal liability may arise when a person fails in the exercise of that duty of care (or negligence) and injury or damage is caused by that negligence.

Child Protection

- Staff are expected to effectively implement Weldon policies and programs for child protection

Control of Risks

- All program staff are required to undertake observation, monitoring and risk assessments for their programs and excursions. Risk assessments should also be undertaken where any child protection concerns arise alongside concentrated observation and monitoring.
- All concerns are to be reported to an Executive team member on the same day as they arise.

Relationships with the children in our care

- Staff are expected at all time to be aware of the care, welfare, and safety of the children in our care and to promote safety and wellbeing in all programs and through all activities
- All staff must be aware of and adhere to the Child Protection Legislative guidelines and procedures of the organisation
- Spending inappropriate amounts of time with particular children, providing gifts and special favours, and allowing some children to overstep boundaries is highly inappropriate and will be viewed in terms of grooming behaviour where they occur in clusters or over prolonged periods. Such behaviour will be treated as a reportable allegation under the Reportable Conduct Scheme, and as such be investigated and reported to the Office of Children's Guardian.
- Staff should not develop professional relationships with students that may be misinterpreted as a personal relationship. Staff are required to conduct any already established personal relationships with children and their families in a non-compromising manner and must ensure an Executive team member is aware of these existing relationships
- Staff are not to accept engagements for caring for children in a personal capacity outside the Program and the licenced hours of the Program e.g. a babysitting engagement.
- These situations can promote spending inappropriate time with children and can promote favouritism.
- Staff are not to accept paid work with a competitive provider without prior approval from a member of the Executive team.
- Where relationships such as engagements caring for children in a personal capacity and paid work as described within this code of conduct exist before the commencement of employment, full disclosure is to be made with a member of the Executive team.

Physical contact with children

- Staff must ensure they do not engage in any activity that could result in physical harm or assault. Assault occurs where a staff member has been physically reckless or hostile in an application of force or the threat of such action. Physical contact in everyday actions does not amount to an assault. Reasonable action to intervene to protect children from themselves or other actions does not amount to an assault

Psychological Harm

- At no point should any staff member engage in:
 - criticism of a child
 - Teasing or belittling language
 - Excessive and unreasonable demands
 - Hostility, verbal abuse, and rejection
 - Use of social isolation and inappropriate locations as punishment
 - Withholding basic requirements such as food and drink

Neglect

- Staff must always ensure that the physical or emotional needs of the children enrolled in a program are always met.
- Examples of neglect may include but are not limited to the refusal of food or non-provision of adequate food, failure to provide emotional support or attention to children's welfare either verbally or physically.

Section D: Other requirements

Casual, part-time staff and contractor's additional information

- Casual, part-time and contract staff are likely to be engaged in other employment. A conflict will appear where staff are engaged in private employment such as with a key stakeholder, a school where Weldon provides programs or babysitting children for families enrolled in Weldon programs.
- At no point are Weldon staff to be responsible for the welfare of any children they may be employed privately to assist or supervise, during their employment at Weldon. Strict adherence to confidentiality must be maintained.
- Where conflicts may arise in other situations these are to be discussed with an Executive team member.
- Contractors do not have the delegated authority to incur costs on behalf of the organisation. Such authority is only available through permanent staff at the executive level or higher.

Recruitment

- Where staff recruitment is undertaken suitable applicants will be selected according to their merit and aptitude for positions to be filled. Merit and equity are to be observed in recruitment and promotion across all Weldon programs.
- Where a conflict of interest may be created or continued in the organisation, as a result of the recruitment process, approval of the appointment, by the CEO or, in the absence of the CEO, by the Board, must be received before the appointment can be confirmed.
- When this approval occurs, the Board must be notified of the appointment, and the appointment must have a minimum trial period of three months, to ensure that the conflict of interest does not have any detrimental effects.

Separation of employment

- Staff must not use their position to unfairly improve their prospects for future employment. They should not allow their work to be improperly influenced by plans for or offers of, employment outside the organisation. If they do, there is a conflict of interest and the integrity of the employee and the organisation is at risk
- All staff take care in their dealings with former employees of the organisation and make sure that they do not give them, or appear to give them, favourable treatment, or access to privileged information
- All staff are encouraged to report to their manager all non-routine contact by their former colleagues for staff where the attempted influence of any kind is involved
- References for former employees of Weldon can only be provided with the prior authorisation of an Executive team member

Suggestions, Complaints and Allegations

- Staff who become aware that a report, complaint, or disclosure has been made must not take or appear to take any detrimental action against the complainant in reprisal. Any such actions will attract severe penalties including official reporting to the New South Wales Police Force
- All staff are to be aware of and comply with the Weldon Performance and Misconduct Policy.
- Any staff who have an issue or complaint they wish to lodge may do so formally or informally in the line of the Weldon Staff Personal Grievance and Complaints Policy. It is entirely proper that staff suggest procedural changes to this and any other policy in line with the organisation's desire for improvement.
- Disagreeing with a policy is not poor performance, failing to adhere to it is. Policies are constantly developing and evolving, therefore constructive dialogue and suggesting alternations through the correct processes is encouraged.

Further Information

- Staff will be provided access to and training on the Policies and Procedures mentioned in the Code of Conduct during their initial employment induction, after any long absence from the workplace, and after any update to any of the policies.
- Staff seeking further information about this Code of Conduct, or any related policy or procedure are invited to contact their coordinator/manager or relevant Executive team member for clarification