

Policy Name	Code of Conduct
Policy Description	<p>This policy provides guidance about the behaviour expected of staff, tutors, artists and volunteers in the performance of their duties. This policy includes:</p> <ul style="list-style-type: none"> <li>• The legal and ethical obligations and expectations of all staff to act in accordance with the expressed conduct; with integrity, respect and accountability;</li> <li>• The rights of employees; to be treated fairly and equitably in the workplace;</li> <li>• Guidelines to assist supervisors/managers and staff to undertake their daily duties.</li> </ul>
Who needs to comply with this policy?	<p>Staff employed by Carclew Youth Arts on a full/part time, contract, casual, agent, unpaid and voluntary basis (staff, artists, tutors, agents, volunteers).</p>
What do I need to know?	<p>As a representative of Carclew Youth Arts, you must:</p> <ul style="list-style-type: none"> <li>• Comply with the Code of Conduct and with all legislation and policies applicable by Carclew Youth Arts</li> <li>• Behave with integrity, respect and accountability.</li> <li>• Treat all persons, with whom you deal at work, with courtesy and respect.</li> <li>• Act honestly and fairly in all dealings with others and within the best interests of Carclew Youth Arts.</li> <li>• Report to work in a fit state, on time and present yourself in a professional manner.</li> <li>• Respect the privacy and confidentiality of staff, participants and clients at all times.</li> <li>• Report any acts of abuse, neglect or misconduct.</li> </ul> <p>As a representative of Carclew Youth Arts, you must <u>not</u>:</p> <ul style="list-style-type: none"> <li>• Discriminate against a person on the grounds of age, sex, race, physical disability, intellectual impairment, sexuality, marital status or pregnancy.</li> <li>• Form sexual relationships with participants with whom you work.</li> <li>• Harass or intimidate fellow work colleagues, participants or clients.</li> <li>• Steal or abuse the use of Carclew Youth Arts resources and equipment.</li> <li>• Disclose confidential information without authorisation.</li> </ul>
Requirement	<p>All staff employed by Carclew Youth Arts on a full/part time, contract, casual, agent, unpaid and voluntary basis <u>must</u> sign the acknowledgement form, which forms a part of the contract of engagement.</p>
What guides this policy? And where can I get more information?	<ul style="list-style-type: none"> <li>• Code of Conduct Procedure</li> <li>• Child Safe Environment Policy and Procedure</li> <li>• Grievance Resolution Policy and Procedure</li> <li>• Police Clearance Policy and Procedure</li> <li>• Public Sector Act 2009</li> <li>• Children’s Protection Act 1993</li> <li>• Commission for Public Employment Ethical Conduct Guideline 2001</li> <li>• Arts SA Protocols for Working with Children in Art (revised September 2010)</li> <li>• Australia Council for the Arts Protocols for Working with Children in Art (revised May 2010)</li> <li>• Arts Law Centre of Australia: Children in the Creative Process: Information for Artists and Arts Organisations fact sheet</li> </ul>
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## Code of Conduct

### 1. Background

The South Australia *Public Sector Act 2009* requires organisations to abide by the *Public Sector Code of Conduct March 2009*. In accordance with the *Public Sector Code of Conduct March 2009* Carclew Youth Arts staff, tutors, artists and volunteers are required and expected to behave with integrity, respect and accountability. It is Carclew Youth Art's responsibility to provide a safe work environment, which includes a duty of care for employees and participants' health and wellbeing.

### 2. Purpose

Carclew Youth Arts is committed to creating strong relationships with clients, stakeholders and members of the public. Staff and Carclew Youth Arts representatives play a critical role in this process. This policy has been prepared to provide guidance about the behaviour expected of staff in the performance of their duties, volunteering or relationship with Carclew Youth Arts. It does this by providing broad direction on ethical responsibilities and instruction on appropriate behaviour. Furthermore, Carclew Youth Arts has prepared this policy to also demonstrate the strong commitment of management, employees and volunteers to child safety and establishing and maintaining child safe and friendly environments.

### 3. Scope

Carclew Youth Arts Code of Conduct is not intended to be exhaustive and cannot anticipate every situation which may morally or ethically compromise the employee, or organisation. In this regard Carclew Youth Arts expects its employees and representatives to use their common sense and sound judgment. However, compliance with this policy is an obligation owed by all employees to each other and to the organisation. This policy applies to all staff employed by Carclew Youth Arts on a full/part time, contract, casual, agent, unpaid and voluntary basis; and forms a part of the contract of employment/engagement. Any breach of this policy can lead to disciplinary action being taken. Breaches by tutors, artists, volunteers and others can lead to review of their engagement.

### 4. Definitions

**Duty of care:** the legal obligation ensuring that all individuals adhere to a standard of reasonable care while performing any acts that could harm others. It also includes our responsibility to ensure safety for those in our care, and anticipating and avoiding foreseeable harm or minimising harm when it occurs.

**Reasonable care:** the standard of care that a reasonable service provider would provide in that situation.

**Community work:** work that is not for private financial gain and that is done for charitable, benevolent, philanthropic, sporting, educational or cultural purposes.

**Race:** of a person means the nationality (current, past or proposed), country of origin, colour or ancestry of the person.

**Workplace Bullying:** behaviour that is repeated, systematic and directed towards an employee or group of employees.

**Copyright:** is a set of exclusive rights granted to the author or creator of an original work. It safeguards original works of art, literature, music, film, etc from certain uses.

**Moral rights:** are the rights individual creators have in relation to copyright works they have created. Moral rights are personal legal rights belonging to the creators of copyright works and cannot be transferred, assigned or sold.

**Derogatory treatment:** doing anything in relation to the work, which prejudices the creator's honour or reputation. This could include distorting, mutilating or materially altering the work in any

way that prejudices the creator's honour and reputation; and in the case of artistic works, destroying the work or exhibiting it in public in a way that prejudices the creator's honour and reputation.

## 5. Policy Statement

Carclew Youth Arts believes that we have an ongoing responsibility to present standards of appropriate behaviour for the social and situational comfort of all with whom we interact. As people who work with young people we hold a trust and responsibility to provide positive examples to the young people participating in our projects and creative environments. The nature of our work requires the application of certain principles to ensure that experiences are positive, affirming, and educational. Such an environment needs us to acknowledge the diversity of our backgrounds and ensure a safe working space by being sensitive to the needs and expectations of co-workers and participants.

All employees must conduct themselves in accordance with the following common sense principles:

- Treat other employees, artists, volunteers and all other persons with whom they deal at work with courtesy and respect.
- Act honestly and fairly in all dealings with others.
- Act within the best interests of Carclew Youth Arts.
- Comply with all legislation and policies applicable by Carclew Youth Arts.

In most cases, when dealing with co-workers they will inform you through language, verbal or non-verbal, if they feel a particular behaviour is unacceptable. What is important to consider when dealing with people who are in a less senior role (especially young people and children) is they may not feel they have the authority to ask you to modify your behaviour. To clarify the application of the above ethos, the following details form our Code of Conduct.

### 5.1 Respect and Consideration

Carclew Youth Arts requires staff to consider the way they provide service to clients and the people you work with. Staff must treat co-workers and other members of the community with respect, courtesy and fairness. Staff are encouraged to behave in a manner that takes into account the people they are dealing with and to be sensitive to their feelings and needs. We must ensure that our behaviour, both verbal and non-verbal, does not (in fact or perception) offend, humiliate, intimidate, discriminate or vilify. It is the reaction of the other party and how our behaviour is perceived that determines whether an action is unsuitable. Due care and courtesy must always be extended to those with whom we work.

#### Cultural Inclusivity

The foundation for an inclusive culture is embedded in Carclew Youth Arts' Values, Mission, Goals and Guiding Principles. The Youth Arts Sector contributes to reducing social isolation and discrimination by bringing together young people from diverse cultural and socio-economic backgrounds. Carclew Youth Arts supports programs that address issues relating to diversity or disadvantage, and creates sustainable partnerships with artists, families, communities and cultural organisations. Everyone is treated with respect and dignity, and diversity and diverse opinions are encouraged.

#### Discrimination

Carclew Youth Arts expects staff and participants to value diversity and treat all people fairly and equally, and not discriminate against people with mental health. Unjustifiable favourable and unfavourable treatment will not be accepted. South Australia's *Equal Opportunity Act 1984* insists that it is unlawful for an employer to discriminate against a person on the grounds of age, sex, race, physical disability, intellectual impairment, sexuality, marital status or pregnancy.

### Harassment and workplace bullying

Harassment, bullying & intimidating behaviour will not be tolerated. Under the *Occupational Health, Safety and Welfare Act 1986* all employers have a duty of care to ensure that their employees are not subjected to victimising, humiliating, undermining or threatening behaviour. Such behaviour can create a risk to employee's health and safety. Carclew Youth Arts acknowledges it is morally and legally unacceptable to form sexual relationships with the young people with whom we work and will not be tolerated. *For further detail please refer to Child Safe Environment Policy.*

## **5.2 Duty of Care**

Carclew Youth Arts and its employees have a legal obligation to ensure that a standard of reasonable care while performing any acts that could harm others. It also includes our responsibility to ensure safety for those in our care, and anticipating and avoiding foreseeable harm or minimising harm when it occurs. Arts workers, care providers, teachers and support workers have a special and primary duty to the children and students in their care. *For further detail please refer to Child Safe Environment Policy.*

Carclew Youth Arts staff and representatives must take every precaution reasonable to protect the health, safety and welfare of those in the workplace. In particular, they must comply with the *Occupational Health, Safety and Welfare Act 1986*, and promote safe working practices and environments for people using the organisations facilities. All artists, tutors and contractors engaged on site must be aware of and are compliant with the organisations occupational health, safety and welfare obligations.

Under the *South Australian Occupational Health, Safety and Welfare Act 1986* requires:

- Employers to ensure the health, safety and welfare at work, of their employees by provision of a safe working environment and safe systems of work.
- Protection of the public from risks to health or safety arising from or in connection with the activities of those at work.
- Employers to prepare and maintain policies relating to occupational health, safety and welfare at the workplace.
- Employees to take reasonable care of the health and safety of others and to cooperate with employers in their efforts to comply with occupational health and safety requirements and to ensure they are not, by use of alcohol or a drug, in a state which may endanger their own safety or the safety of any other person at work.

## **5.3 Awareness to create a safe environment**

Carclew Youth Arts has a responsibility to create a safe environment for staff and clients, from both a physical and physiological perspective. We are committed to the safety and well being of all children and young people accessing our services and the welfare of the children in our care will always be our first priority.

Carclew Youth Arts will not tolerate incidents of child abuse. It is the policy of Carclew Youth Arts that all employees be trained as Mandated Notifiers under Section 11 (1) & (2) of the *Children's Protection Act 1993*. All employees, artists and volunteers understand their obligation to notify the Child Abuse Report Line on 13 14 78 as soon as practicable if they have a reasonable suspicion that a child has been, or is being, abused or neglected. *For further detail please refer to Child Safe Environment Policy.*

## **5.4 Working with Children in Art**

The South Australian Government is committed to upholding and promoting the rights of people to freedom in the practice of the arts, and to encouraging young people and children's

involvement in the arts as participants, in the creative process and as members of an audience. *For further detail please refer to Child Safe Environment Policy.*

## **5.5 Accountability to Diligence**

Carclew Youth Arts requires staff to carry out duties in a competent and capable manner, and to exercise their best professional judgement to ensure the best interests of the organisation. They have an obligation to adhere to policies faithfully and without bias, although have the opportunity to seek to have decisions or policy changed through the appropriate channels. Staff shall endeavour to maintain and enhance their skills and knowledge to maintain a high standard of performance.

All staff are required to report to work in a fit state. It is not appropriate for employees, participants and representatives to smoke in the grounds of the activity or in the presence of young people. The use of any other recreational or non-prescription drugs is strictly prohibited on the premise of Carclew Youth Arts or in the course of employment.

### Use of Resources and Equipment

The use of Carclew Youth Arts facilities and/or equipment for personal use must be authorised prior to use. All equipment and facilities should be treated with appropriate care at all times. Electronic mail, access to their internet, computerised information systems and other electronic facilities are provided to support the organisations activities and should be used for these purposes. Personal use during work hours must be limited to lunch and break times. Staff members, tutors and volunteers are to respect and care for the organisations property; stealing of Carclew Youth Arts possessions will not be tolerated. Carclew Youth Arts is committed to reducing its carbon footprint and encourages all staff members to recycle where possible to reduce the wasting of resources.

### Carclew Youth Arts Vehicle/Private Vehicles

When the organisation's and staff member's private vehicles are used to transport children/young people to/from Carclew Youth Arts activities written parental consent must be obtained prior to travel. A statutory declaration stating that the driver holds comprehensive or third party property cover must accompany the written consent. The driver must have a full or provisional licence and exercise a duty of care while driving a vehicle carrying children/young people. Learner drivers are prohibited to drive the Carclew Youth Arts vehicle.

Staff, Artists and Volunteers are encouraged to use Carclew Youth Arts vehicle for all work related travelling. Staff members must obtain consent prior to using their own private vehicle for work related purposes when the Carclew vehicle is not available.

### Social Media/Networking

Social media platforms of Carclew Youth Arts, such as Facebook, My Space and YouTube, will be maintained by the appropriate manager/supervisor in consultation with the Marketing Manager. Employees must be aware of their obligations to the organisation when making work related comments/observations on personal social networking pages. Inappropriate comments/observations about the individual's workplace on personal pages will not be tolerated and are a breach of this Code of Conduct and *Social Media Policy* and can lead to disciplinary action. Personal use of social media sites during work hours must be negotiated with the appropriate manager/supervisor. *For further details in relation to the appropriate use of social media please refer to the Social Media Policy.*

### Security Maintenance

Employees, artists, tutors and hirers must maintain adequate security of the organisations premises in which they are occupying. Security keys/cards issued to users for the purpose

of opening, accessing and using the building, equipment and other facilities are to be maintained and used only in accordance with the organisations internal security maintenance and key procedures.

## **5.6 Ethical Conduct**

Under the *Public Sector (Honesty and Accountability) Act 1995* public sector employees are to exercise care and diligence and act honestly at all times. Staff are required to present themselves in a professional manner, and consider the Code of Conduct when making decisions in the course of their work. Carclew Youth Arts is committed to providing high quality service, and acknowledges that a fair complaint system is imperative for continuous improvement. *For further detail please refer to Grievance Resolution Policy.*

### Conflict of Interest

Employees must be aware of the potential and ensure that there is no conflict of interest between their personal interests and their duties, obligations and responsibilities to the organisation. Staff and representatives who believe that there could be a situation involving a conflict of interest must advise their supervisor/manager who will determine the course of action to be taken, in accordance with the organisation's policies.

### Related Parties Transactions Record

All Carclew Youth Arts Board members and staff who engage family members/relations to undertake an activity paid by the organisation must complete a Related Parties Transaction Record.

### Gifts and Benefits

Staff and representatives of Carclew Youth Arts should not solicit or encourage gifts or benefits in relation to their professional duties. Acceptance of gifts and monetary value can be perceived by others as a bribe, creating a potential conflict of interest. Any gift received must be declared to your supervisor/manager/Chief Executive Officer. However, staff may give or accept an occasional gift, which is offered in accordance with social or cultural practice, for example, employee's retirement or leaves the organisation.

### Reporting Corrupt Conduct

Staff and representatives of the organisation are urged to report any suspected corrupt conduct. The *Whistleblowers Protection Act 1993* provides protection for persons disclosing illegal, dangerous and improper conduct. Disclosures may be made to the Chief Executive Officer and/or the Manager - Finance & Operations.

### Breach of Conduct

Any breach of Carclew Youth Art's policies will be taken seriously and provisions will be implemented in accordance with appropriate legislative procedures.

## **5.7 Confidentiality & Public Comment**

Privacy and confidentiality of clients, staff, volunteers and the organisation must be respected at all times. Staff members must take reasonable steps to ensure that any information, in any form, for which they are responsible for is marked confidential and cannot be accessed by unauthorised people. All sensitive information must only be discussed with people who are authorised to have access to it. Unauthorised disclosure or use of confidential information may result in disciplinary proceedings for misconduct. The release of information to a third party is only permitted if prior authorisation is given; this particularly applies to the release of information to the media.

- In the course of interaction with children, young people and co-workers much personal information is collected. It is not to be disclosed to any third party without prior consent.

- Any other information of a personal nature, for example in relation to financial status, race, creed, religion or personal story should not be discussed without written consent and must be used for work related purposes and not for personal benefit.

## 5.8 Rights of Staff

Public employment carries with it an obligation to ensure the public interest. However, staff have all of the normal rights and obligations of employees under common and statute law.

- Manager/supervisors must demonstrate ethical leadership, and provide impartial and accurate advice. Managers/supervisors should make relevant information, in relation to their duties, available to all staff, tutors and volunteers.
- All representatives of Carclew Youth Arts are required to read and understand policy documents issued to them prior to employment; and are expected to comply with them. Staff who are uncertain about the content of a policy should seek advice from their supervisor/manager. Staff should conform to directions given by their supervisor/manager. However, staff have a right to question any instruction that they think may be unlawful or unethical.

## 5.9 Recruitment practices

Carclew Youth Arts takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children. We employ a range of screening measures and apply best practice standards in the screening and recruitment of employees and volunteers. The management of Carclew Youth Arts has a firm commitment to equal opportunity principles, and will ensure that no discriminatory policies or practices or procedures exist in any aspect of employment. We interview and conduct referee checks on all employees, and prior to commencing employment or volunteering all staff, artists, and volunteers are inducted accordingly.

### National Police Clearance

Carclew Youth Arts Police Clearance Policy (for the purpose of working with Children) ensures that all employees, artists, tutors and volunteers undertake a criminal history assessment for people working with children, as set out in section 8B of the *Children's Protection Act 1993*. We ensure that criminal history information is dealt with in accordance with the standards developed by the Chief Executive of the Department for Families and Communities. *For further detail please refer to Police Clearance Policy.*

### Support for employees and volunteers

Carclew Youth Arts seeks to attract and retain the best employees and volunteers. We provide support and supervision so people feel valued, respected and fairly treated. We ensure that volunteers and employees who work with children have ongoing supervision, support and training so that their performance is developed and enhanced to promote the establishment and maintenance of a child safe environment. Under the *Volunteers Protection Act 2001*, volunteers doing community work are protected from personal liability in certain circumstances.

## 5.10 Copyright and Moral Rights

Carclew Youth Arts has a strong commitment to protecting artist's copyright and moral rights. Copyright protection is provided under the *Copyright Act 1968*. The primary purpose of copyright is to provide an incentive for people to produce new works for the benefit of society as a whole. With regard to Australian copyright and moral right laws, creators have the right:

- To be attributed (or credited) for their work;
- To not have their work falsely attributed; and,
- To not have their work treated in a derogatory way.

Creators of copyright material have the right to be attributed when the work is:

- “reproduced” (such as making photocopies, copying it by hand, scanning it onto a computer disk or printing a copy of a digital file)
- “exhibited” in public (in the case of artistic works and films)
- “communicated” to the public (such as by putting written works onto a website, broadcasting or faxing it or emailing digital files containing the work)

### **5.11 Acknowledgement Form and Record Keeping**

All representatives of Carclew Youth Arts will be asked to read and understand the Code of Conduct prior to their start date or at their induction. They will also be asked to sign the Acknowledgement Form; an acknowledgement that the staff member/representative has received a copy of the policy and has read, understands and agrees to abide by our Code of Conduct. The original signed Acknowledgement Form will be kept with their personnel file/contract and a copy will be given to the staff member/representative.

- Under the *Public Sector Act 2009*, other than the employee/representative, the only persons who are permitted to have access to a personal file are those who are required, in the course of their duties to refer to the particular file. Carclew Youth Arts personnel files and contracts are confidential and kept in a secure place.

Tutors, artists and volunteers will be provided with a copy of the Code of Conduct or information on where to find it, as well as other policies and procedures related to their duties. It is the responsibility of their Manager to make them aware that by signing a contract they are obliged by our Code of Conduct and underlining policies.

## **6. Procedures Title**

Code of Conduct Procedure

## **7. Responsibility for implementation**

- The Chief Executive Officer will advise staff members of the new policy and procedures immediately. Staff will be required to familiarise themselves with the Code of Conduct and sign the Acknowledgment Form. The original signed form will be placed on the staff member's personnel file and a copy given to the staff member.
- The Policy Administration Officer will advise all Carclew Youth Arts staff members that the Code of Conduct will be available via the Carclew Youth Arts Server. The policy and procedure will be listed on the Carclew Youth Arts Policy webpage.
- The Code of Conduct will be included in the Carclew Youth Arts Staff, Artist and Volunteer Induction packages, and all new staff members, tutor, artists and volunteers will be required to sign the Acknowledgment Form as a part of the induction process.
- Responsibility for ensuring all staff complies with the Code of Conduct will rest with supervisors/managers.
- All staff have a responsibility to comply with this policy, and perform their duties effectively and act in a manner that promotes a productive and harmonious working environment.

## **8. Policy Status**

Created: 11 October 2010

Endorsed: 26 May 2011

Review Date: 26 May 2013

## **9. Key Stakeholders**

Carclew Youth Arts Board, staff and clients.

## **10. Approval Body**

Carclew Youth Arts Strategic Team: 11 May 2011

## **11. Endorsement Body**

Carclew Youth Arts Board: 26 May 2011

## **12. Legislation**

*South Australian Public Sector Act 2009*

*South Australian Public Sector Employees Code of Conduct March 2009*

*Public Sector (Honesty and Accountability) Act 1995*

*Occupational Health, Safety and Welfare Act 1986*

*Equal Opportunity Act 1984*

*Children's Protection Act 1993*

*Whistleblowers Protection Act 1993*

*Copyright Act 1968*

*Volunteers Protection Act 2001*

*State Records Act 1997 - General Disposal Schedule for Records Management*

## **13. Related Policies / documents**

Code of Conduct Procedure, Acknowledgement Form and Duty of Care Form

Child Safe Environment Policy and Procedure

Grievance Policy and Procedure

Commission for Public Employment Ethical Conduct Guideline 2001

Arts SA Protocols for Working with Children in Art (revised September 2010)

Australia Council for the Arts Protocols for Working with Children in Art (revised May 2010)

Arts Law Centre of Australia: Children in the Creative Process: Information for Artists and Arts Organisations fact sheet

## **14. Date Effective**

This Policy is effective as of 26 May 2011

## **15. Next Review Date**

This Policy is due for review 26 May 2013

This Policy will be reviewed on a two yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

## **16. Policy Author**

Policy Administration Officer, Carclew Youth Arts

## **17. Contact**

Policy Administration Officer, Carclew Youth Arts

### ***Disclaimer***

*This policy does not represent legal advice. If you have any queries about your obligations, you should seek your own independent legal advice.*