



DIOCESE of
PARRAMATTA



Code of Conduct Policy

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Version	Date	Person responsible for change	Description	Ratification/Approval
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1.1	11/2015	Amy Donohue		Approved by Very Rev Peter Williams, Administrator of the Diocese
2.0	21/04/2018	Amy Donohue	Conflicts of Interest and Gifts and Hospitality incorporated into Code of Conduct Policy.	
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2. INTRODUCTION

This document establishes a standard by which personnel of the Diocese of Parramatta ("the Diocese") should conduct themselves towards others and perform their professional duties. This policy should be read in conjunction with all related documents listed in the Related Documents section of this policy.

3. PURPOSE

This Code of Conduct establishes principles to be applied by all clergy, Religious, employees, volunteers, contractors and subcontractors in their activities and behaviour. This document gives clergy, Religious, employees, volunteers, contractors and subcontractors the information and knowledge to maintain the highest standards of ethical conduct and a safe, supportive, productive and harmonious workplace. Personnel have a responsibility to promote these standards including upholding the teachings and values of the Catholic Church and to avoid by word, action or public lifestyle, behaviours which are contrary to those teachings and values.

4. SCOPE

This Policy applies to all employees, Religious, employees, volunteers, contractors and subcontractors, and any other persons associated with the Diocese including people who sit on Diocesan or parish boards, committees and commissions, hereby referred to as "personnel" for the purpose of this document. It outlines the obligations, responsibilities and standards of behaviour the Diocese requires to uphold the values, integrity and reputation of the Diocese.

All personnel are to make themselves familiar with the requirements of this document and ensure they comply with the behaviours and obligations outlined within it.

Failure to comply with the responsibilities and obligations outlined in this document may result in disciplinary action being taken, including termination of employment, notification to external agencies and/or criminal charges.

Individual agencies, ministries and parishes may adopt their own Code of Conduct with procedures specific to the requirements of their activities but they must reflect the principles of this overarching Diocesan standard.

5. DEFINITIONS

Terms outlined in this document can be defined as:

Actual Conflict of Interest	Involves a direct conflict between the individual's current duties and responsibilities and their existing private interests
Benefit	A non-tangible item of value (e.g. preferential treatment or access to confidential information etc.) that one person or organisation confers on another.
Conflict of Interest	Preferring personal interests.
Gifts	A gift is an item of value (e.g. gift voucher, entertainment, hospitality, travel, commodity, property etc.) which one person or organisation presents to another. In the business context, gifts can have different meanings and purposes. The purpose of the gift, to a certain extent, affects how it should be managed.
Hospitality	Hospitality means the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.
Immediate Family	This means a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the declarant or a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the declarant
Maladministration	Inefficient, bad or improper administration. Maladministration is defined as conduct that involves action or inaction of a serious nature that is: contrary to law; unreasonable; unjust; oppressive; improperly discriminatory; or based wholly or partly on improper motives
Perceived or Apparent Conflict of Interest	Can exist where it could be perceived or appears that the individual's private interests could improperly influence the performance of their duties – whether or not this is in fact the case.
Personnel	Personnel means all employees, Religious, employees, volunteers, contractors and subcontractors, and any other persons associated with the Diocese including people who sit on Diocesan or parish boards, committees and commissions.
Potential Conflict of Interest	Arises where an individual has private interests that could conflict with their workplace duties in the future.
Reportable Employee	Is an employee who is involved in a transaction that gives rise to a financial value.
Reportable Conduct	<p>Reportable conduct is defined as:</p> <p>(a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence) or</p> <p>(b) any assault, ill-treatment or neglect of a child, or (c) any behaviour that causes psychological harm to a child</p> <p>Whether or not in any case, with the consent of a child Reportable conduct does not extend to:</p> <p>(a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or</p> <p>(b) the use of physical force that in all the circumstances, is trivial and negligible but only if the matter is to be investigated and the result recorded, or</p> <p>(c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.</p>

6. RELATED DOCUMENTS

The following documents should be read in conjunction with this Code of Conduct:

- Harassment, Bullying and Discrimination policy
- Privacy and Confidentiality policy
- Work Health and Safety policy
- Managing Workplace Complaints policy
- Safeguarding for Children and Vulnerable Persons policy
- Safeguarding Manual
- *Anti-Discrimination Act 1977*
- *Children and Young Persons (Care and Protection) Act 1998*
- *The Ombudsman Act 1974 (NSW)*
- Integrity in the Service of the Church
- Integrity in Ministry

7. POLICY

This Code of Conduct policy outlines the Diocese's expectations of all personnel and is designed to promote a culture of fair and ethical behaviour. Personnel must act lawfully and comply with all legislative, contractual and industrial requirements whilst employed or associated with the Diocese. They must also comply with Diocesan policies and follow all reasonable and lawful directions given by the Diocese.

In the next section, the principles that are applicable to all personnel. However, there are principles that are only applicable to personnel working with children, young people and vulnerable adults, these have been categorised under the heading *For those Working with Children, Young People and Vulnerable Adults* – Sections 7.2.1 and 7.2.2.

7.1 Ethical Behaviour

The Diocese promotes the following principles:

- Uphold the beliefs, teachings and ethos of the Catholic faith
- Respect the dignity, rights and views of others
- Listen and seek to understand different points of view (this does not necessarily mean agreeing with the point of view)
- Act respectfully at all times, including respecting cultural, ethnic and religious differences
- Acknowledge the genuine contributions that others make
- Express constructive feedback considerately and in a moderate tone
- Do not harass or bully colleagues, visitors or members of the public
- Do not discriminate against or harass colleagues or members of the public on a number of grounds including: sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual orientation or gender identity. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977* (please see the Diocese's Harassment, Bullying and Discrimination Policy).
- Do not harass or discriminate on the grounds of political or religious conviction

- Be courteous, fair, sensitive and considerate to the needs of others.
- Be honest and act with integrity at all times.
- Actively assist in managing workplace conflict that personally affects them or employees under their supervision to create positive and constructive outcomes.

If personnel believe that they are or anyone else in the workplace is being treated in a discriminatory or harassing manner, it is their obligation to report the behaviour to the HR Manager.

Personnel must not use information and communication technologies, such as email, mobile phones, text or instant messaging and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm, or make them feel unsafe.

Personnel must not make unfounded complaints with malicious, frivolous or vexatious intent against another member of personnel.

7.2 Professional and Personal Behaviour and Development

Personnel are to perform any duties associated with their position diligently, impartially and conscientiously, to the best of their ability.

In the performance of their duties, personnel are to:

- Maintain a high standard and quality of work
- Demonstrate a duty of care
- Maintain and develop knowledge and understanding of their area of expertise
- Continuously seek to improve work performance and bring about improvements in the workplace
- Exercise care, responsibility and sound judgement when carrying out their duties
- Take reasonable care of their health and safety
- Take reasonable steps that their acts/omissions do not adversely affect the health and safety of others
- Comply and cooperate with any reasonable instruction, policy or procedure, including with respect to work health safety matters
- Comply with legislative and industrial requirements
- Use language that is appropriate and non-threatening
- Refrain from carrying out their duties under the influence of alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others. It is prohibited for personnel to commence work, remain at work, or return to work while under the influence of drugs or alcohol.
- Maintain confidentiality and privacy
- Comply and adhere to this code.

In the performance of their duties, personnel must not:

- Come to work or stay at work if their ability to work safely and effectively is impaired by drugs or alcohol
- Risk their own health or safety or the safety or health of others through drugs or alcohol
- Consume drugs or alcohol while at work or during working hours which would impair their ability to work safely and effectively and would be a risk to the safety of others
- Bring alcohol onto work premises without permission

- Smoke on Diocesan premises, including in stairwells, fire escapes and foyers at all times, including before and after normal office hours. Clients and other visitors to the office are also required to follow the requirements of this clause
- Ignore work duties or waste time during working hours
- Take or seek to take improper advantage of any information gained in the course of employment
- Take improper advantage of their position to benefit themselves or others
- Maintain adequate records to support any decisions made
- Allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities

7.2.1 For those working with children, young people and vulnerable adults

As well as all of the principles listed in Section 7.2, personnel must:

- Demonstrate a duty of care to children, young people and vulnerable adults by being punctual, diligent and sensitive to their needs
- Take reasonable steps to protect children, young people and vulnerable adults from foreseeable risk of injury
- Complete your duties in accordance with the directions provided by the Parish or supervisor
- Consider the risks of proposed activities and tasks and develop strategies to manage these risks
- Adhere to an appropriate standard of dress when engaged in ministry (see Section 7.4 for more information)
- Report to the Diocesan Chancery AND the agency leader or your supervisor AND the Parish Priest reportable conduct that is brought to your attention and any circumstances where you suspect that a child or young person is currently at risk of harm (see Section 7.2.2) particularly:
 - Any sexual offence or sexual misconduct committed against, with, or in the presence of a child (including child pornography).
 - Any physical assault, ill-treatment or neglect of a child.
 - Any behaviour that causes psychological harm to a child.
 - Misconduct that may involve reportable conduct.
- Be caring, respectful, compassionate and take an interest in the children and young people in your care
- Avoid, as far as possible, being alone with a child and young person and if required, discuss strategies to allow for observation beforehand
- Avoid favouring individual children and young people and treat them all equally.
- Be equally available to all children and young people
- Avoid offering to, or receiving gifts from, individual children and young people
- Remain removed from personal relationships with children and young people
- Restrict the transportation of children and young people in their car to circumstances that are in accordance with the prescribed policy
- Ensure that physical contact with children and young people is reasonable for the purpose of their management or care. Examples include:
 - assessing a child or young person who is injured or ill
 - comforting an upset child
 - guiding a child or young person in a non-threatening manner

- protecting a child or young person from imminent danger to himself/herself or to others
- demonstrating or guiding a particular action or skill as part of drama or other activities within the lesson

The following practices are inconsistent with the values of the Diocese represent and are therefore not permitted:

- The application of corporal punishment or physical force to punish or correct a child or young person
- Using an object, such as a book to gain a child's attention in a hostile or inappropriate physical manner
- Hitting, kicking, shaking, pulling, shoving, grabbing, pinching, poking or pushing a child or young person
- Holding or restraining a child or young person other than to prevent injury or harm to them or others
- Intimidating, humiliating or swearing at a child or young person
- Locking a child or young person in a confined space
- Refusing biological needs or basic necessities
- Using practices which instil fear or cause a child or young person to feel alienated
- Having in your possession or providing children or young people with alcohol or prohibited substances
- Providing tobacco or tobacco-based products to children and young people
- Engaging in conduct of a sexual nature that is improper, including inappropriate touching, inappropriate conversations of a sexual nature, suggestive remarks or innuendo, obscene gestures, sexual exhibitionism, personal correspondence, exposure of children or young people to sexual behaviour
- Exposing a child or young person to material that contains violent, inappropriate sexual messages or adult concepts and themes that are inappropriate, given their age and level of maturity

Physical Contact with Children, Young People and Vulnerable Adults

- Physical contact should be appropriate given the age, maturity, health or other characteristics of the child.
- Physical contact should be consistent with any specific management plan for specific children.
- Physical intervention (including physical restraint, removals or escorts) should be avoided and used only as a last resort to ensure safety and protection of children and others.
- Physical intervention may be regarded as appropriate when a child or young person is causing, or at risk of causing injury or harm to self or others.

7.2.2 Mandatory Requirements for those working with children and young people

The *Children and Young Persons (Care and Protection) Act 1998* requires mandatory reporting to NSW Department of Family and Community Services of a child or young person under 18 years of age who is suspected to be at risk of significant harm. The Diocese requires all employees and volunteers engaged in ministry to inform their relevant leader of any serious wellbeing concerns that they may have about a child or young person,

particularly where they suspect the child or young person may be currently at risk of significant harm.

Allegations of Reportable Conduct against Employees

The Ombudsman Act 1974 (NSW) requires agencies and parishes working with children and young people to report to the Office of the New South Wales Ombudsman and to investigate any allegations of “reportable conduct” against employees.

Please see the Diocese’s Youth Safety Manual for more information.

7.3 Equity, Diversity and Social Inclusion

Personnel are expected to create a fair, inclusive and safe working environment, where diversity is valued and where unlawful discrimination, bullying, harassment and victimisation in any form are considered unacceptable.

The Diocese is committed to achieving a diverse workforce that remains inclusive and respectful of each other’s differences.

7.4 Dress code for personnel

7.4.1 Employees

Employees have an obligation to dress appropriately and in a manner that maintains professionalism.

Personnel must ensure their personal appearance and presentation are clean, tidy and appropriate for their work role.

Business attire comprises suits for men, and suits or smart casual attire for women. Acceptable clothing is defined as:

- Smart casual trousers/pants or skirts/dresses – no torn jeans, shorts or leggings.
- Employees must comply with relevant workplace health and safety regulations as they apply to apparel e.g. appropriate shoes, protective clothing, safety glasses and sun-safe attire when outdoors.

The Diocese reserves the right to send an employee home to change where an employee’s clothing or appearance is determined to be unacceptable.

7.4.2 Those working with children, young people and vulnerable adults

Those working with children, young people and vulnerable adults should wear attire that maintains professionalism and modesty, however, clothing should be relevant to young people. Clothing should be worn that is appropriate for that particular ministry, for example, clothing that is comfortable to wear and allows for the safe performance of their duties.

7.5 Gifts, Benefits and Hospitality

Personnel have a responsibility to behave with integrity and impartiality. Personnel must not solicit gifts, benefits or hospitality that might in any way compromise or influence them directly or indirectly in their capacity as personnel.

This section applies to employed (as opposed to clerical and religious) employees and volunteers throughout the Diocese. The reporting and disclosure elements of the policy only apply to:

- All Agency, Ministry and Chancery Heads
- All employees involved in the determination of contracts in excess of \$10,000 per transaction

7.5.1 Identifying whether a gift or hospitality should be accepted

The following decision-making principles should be utilised by personnel in determining whether gifts or hospitality should be accepted:

- Would you or the Bishop/Diocese be embarrassed if anyone found out about the gift?
- How would you feel if you read about it in the newspaper?
- Does the receipt or provision of the gift or hospitality influence you in any way?
- How does the receipt or provision of the gift or hospitality reflect on the Diocese?
- Is the receipt of the gift or hospitality consistent with Catholic ethos?
- Would you be comfortable in disclosing this to your immediate superior?

7.5.2 Principles

- No employee or volunteer is to receive gifts in the form of cash under any circumstance.
- Chancery/Agency/Ministry Heads and those who are involved in a transaction which gives rise to a financial value (such as tenders, granting of building and other contractors) will be classified as 'reportable employees' and are required to comply with the additional reporting and disclosure requirements.
- A Gifts and Hospitality register will be kept within the Diocese Governance, Risk and Compliance Application, i.e. Trline GRC.

7.5.3 How to declare gifts, benefits and hospitality

You must not solicit gifts, benefits or hospitality, for example, tickets or products, that might in any way compromise or influence you directly or indirectly in their capacity as representatives of the Diocese of Parramatta and the Catholic Church.

You must declare those gifts, benefits or hospitality depending on the criteria set out below:

Value of gift, benefit or hospitality	Decision
Gifts, benefits or hospitality with a token value of less than \$150	May be accepted without being declared.

	It is recognised for the majority of employees, the provision of gifts, benefits and hospitality will be limited and generally be in the form of thank you gifts. The receipt of such will not in any way result in a financial or value impact (e.g. a priest receiving a gift from a parishioner). As such, these will be acceptable under this policy providing they are not in conflict with Catholic teachings.
Gifts, benefits or hospitality with a value of \$150 or more, and not exceeding the value of \$450	May be accepted with appropriate prior approval, and must be declared on the Gifts and Hospitality Register within a reasonable time of acceptance or provision.
Gifts, benefits or hospitality that exceed a value of \$450	Any gifts or hospitality with a value in excess of \$450 must be reported to the Chief of Operations and Finance or Ministry/Agency Head prior to acceptance or provision.
Significant Events (including those that exceed a value of \$100)	Employees must have prior approval of the senior manager before accepting the gift/hospitality to a significant event.

The Human Resources Manager in conjunction with the Risk Assurance Manager will manage the Gifts and Hospitality Register.

7.6 Conflicts of Interest

The Bishop and the Diocese of Parramatta have an obligation to ensure that conflicts of interest (whether financial or otherwise) are managed in a fair, ethical and transparent manner. The potential for a conflict of interest arises when personnel have private interests that could influence or appear to influence judgements made during the course of their professional duties. They also arise when there is a reasonable expectation of a personal benefit, direct or indirect, that could influence the performance of personnel's duties. This benefit may be financial or non-financial.

7.6.1 Principles and Responsibilities

Personnel must:

- Conduct themselves in a manner which is consistent with Catholic ethos and supports the effective stewardship of the financial assets of the Diocese.
- Be objective, open and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of the Diocese.
- Declare all private interests (including pecuniary and non-pecuniary) that conflict or may conflict with the discharge of their responsibilities to the Diocese.
- Use their own judgement in determining the appropriateness of non-cash gifts and hospitality.
- All decisions will be free of bias or apparent bias.
- Behave with integrity and impartiality
- All processes should be transparent and documented.

It is recognised that the giving and receiving of gifts and hospitality has an important role to play in the Church. However, it is important to ensure that these practices do not give rise to conflicts of interest, the misallocation of resources or impact on the reputation or work of the Diocese.

7.6.2 Identifying a Conflict of Interest

If personnel are unsure how to identify a conflict of interest, they should discuss it with their manager, supervisor or chairperson in the first instance.

Areas with heightened risk of Conflict of Interest

Procurement and recruitment	<ul style="list-style-type: none"> • procuring goods or services • tendering for and managing contracts • engaging and promoting employees
Distributing goods, services or funds	<ul style="list-style-type: none"> • providing a service • allocating subsidies, financial assistance, concessions or other relief
Making binding decisions	<ul style="list-style-type: none"> • issuing determinations on matters • voting as a member of a board or committee

7.6.3 Who should declare?

All personnel are required to declare any conflicts of interest.

7.6.4 How to declare

Personnel must take suitable measures to avoid, or appropriately deal with, any situation or relationship they may have where a conflict of interest could, directly or indirectly, compromise the performance of their duties. Should a conflict of interest arise, personnel must:

1. At the first opportunity, declare the conflict of interest in writing either to the Bishop, Chief of Operations and Finance, chairperson, manager or supervisor, that is, whoever is most relevant to your position. Alternatively, where a conflict of interest arises verbally during a meeting, it must be noted in the Minutes of the meeting, and subsequently in writing.
2. Withdraw from any deliberation or decision-making processes to which the conflict of interest may relate, unless otherwise directed by the Bishop, Chief of Operations and Finance, chairperson, manager or supervisor.

Potential conflicts of interests will usually result in the relevant person being excluded from the decision or policy-making process, including being absent from relevant parts of meetings and restriction to related information.

7.7 Secondary Employment

The Diocese is committed to ensuring that employees undertake their duties with the highest degree of integrity and that no safety risks, conflicts of interest or contractual breaches result from other paid employment.

In some cases, secondary employment will not have any impact on an employee's job with the Diocese. However, at other times this secondary employment could lead to a real or potential conflict of interest.

7.7.1 Major Risks

Some of the other major risks associated with secondary employment include:

- Fatigue
- Misuse of resources
- Security of information
- Availability for work

7.7.2 Process

Employees who are employed on a full-time basis and wish to have a second job must seek and obtain approval in writing from the Diocese prior to engaging in any secondary employment or business activity, including employment within a family company.

Part-time employees must also seek approval to undertake secondary employment from the Diocese if the employment may result in actual or potential conflicts of interest, impact on the employee's ability to perform their duties with the Diocese including work, health and safety concerns or where the secondary employment may affect the Diocese financial position, services, clients or standing in the community.

Paid employees can engage in voluntary work without seeking permission. It is only when an employee has secondary paid employment that they must get authorisation from their manager/supervisor or from Human Resources.

Approval for secondary employment is still required when employees are on leave, including periods of leave without pay.

Where an employee is already involved in secondary employment, they must immediately provide details of the secondary employment to the Diocese and obtain the necessary approval.

7.8 Management of Resources

The Diocese's resources are vital to the organisation. Personnel is expected to be careful, ethical, efficient and economical in their use and management of the Diocese's resources, including work time.

Resources include money, facilities, equipment (e.g. phones, computers, iPads, fax machines) vehicles, services (e.g. internet) and other property which is owned or under the control of the Diocese. Personnel have a duty to ensure Diocesan resources are used only for their intended purpose are well maintained and secured against theft or misuse.

Employees are accountable for the appropriate use of Diocesan working hours and resources. Employees should not use Diocesan working hours or resources for an outside interest, secondary employment or personal gain.

Employees have a duty to report to the Diocese any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability.

7.9 Social Media

The Diocese acknowledges that personnel will use social media and networking for personal use outside their work hours. Personnel must exercise caution when using social media platforms for personal purposes. Employees are expected not to make disparaging or offensive comments on social media about the Church, Diocese, clients or colleagues. The Diocese will take disciplinary action in a procedurally fair manner proportionate to the seriousness of the conduct should it be seen that this has been breached.

7.10 Confidentiality

Personnel must not divulge, either during employment or after, the confidential information of the Diocese.

Confidentiality is explained in greater detail in the Privacy and Confidentiality policy.

7.11 Breaching the Code of Conduct

Employees should note that if the terms of this policy are breached, disciplinary action may be taken against the employee including termination of employment with or without notice.

7.11.1 For those working with children, young people and vulnerable adults

Evidence supporting the use of inappropriate practices may result in the termination of your involvement in this and other ministries that involve children and young people. It may also impact on your ability to work with children and young people in the future.

7.12 Protected Disclosures

In reporting any suspected improper use, fraud, waste or abuse of resources, corrupt conduct, inadequate administration or accountability, personnel shall be protected as far as reasonably practicable against victimisation and retaliation as result of a disclosure.

Personnel are not entitled to protection for disclosures which, on investigation, are found to be vexatious or malicious allegations, and may be liable for disciplinary action as a result.

For more information, please see the Diocese's Complaint Management Framework.

8. FURTHER INFORMATION

If personnel require further information about the policy and process outlined in this document, they can contact the HR Manager.

Given at Parramatta, New South Wales on this eleventh of October, two thousand and eighteen.



Bishop of Parramatta



Notary