

**Table of Contents**

- 1 Introduction to Cream of the Crop Code of Conduct.....3**
  - 1.1 Purpose and scope of document .....3
  - 1.2 Values and principles underpinning this Code of Conduct .....3
  
- 2 Competence and professionalism .....6**
  - 2.1 Personal and professional behaviour.....6
  - 2.2 Good faith .....6
  - 2.3 Professional standards .....7
  - 2.4 Personal relationships with patients or clients .....7
  - 2.5 Dealing with finance or property for patients or clients .....7
  - 2.6 Management of employment, promotion and transfer where close relationships exist.....7
  - 2.7 Sexual relationships with patients of clients.....8
    - 2.7.1 Quality service .....8
  
- 3 Conflicts of interest.....8**
  - 3.1 Managing conflicts of interest .....8
  - 3.2 Bribes, gifts and benefits .....8
    - 3.2.1 Token gifts .....9
    - 3.2.2 Non token gifts .....9
  - 3.3 Recommending services .....9
  - 3.4 Outside employment and business activities .....10
  - 3.5 Party political participation .....11
  - 3.6 Participation in voluntary organisations, charities and Professional Associations .....11
  - 3.7 Public comment .....11
  
- 4 Use of official resources.....12**
  - 4.1 Using official resources.....12
  
- 5 Use of company information.....12**
  - 5.1 Using company information .....12
  - 5.2 Personal health information .....13

5.3 Security of official information .....13

5.4 Staff information.....13

5.5 Providing referee reports .....13

5.6 Using intellectual property .....14

**6 Employment screening and reporting of serious offences.....14**

6.1 Employment screening .....14

6.2 Reporting serious offences .....14

**7 Fairness in decision making .....14**

7.1 Fairness in decision making .....14

7.2 Use of statutory power.....14

7.3 Use of discretionary power .....15

7.4 Appealing decisions.....16

**8 Discrimination, harassment, bullying and violence.....16**

8.1 Discrimination, harassment and bullying .....16

8.2 Violence.....16

**9 Occupational health and safety .....16**

9.1 Occupational health and safety I will:.....16

9.2 Injury management.....17

**10 Complying with reporting obligations.....17**

10.1 Complying with reporting obligations .....17

10.2 Child protection.....17

10.3 Reporting corrupt conduct, maladministration and serious and substantial waste .....17

10.4 Protected disclosures .....17

**11 Conduct of former staff members.....17**

11.1 Conduct of former staff members .....18

**12 Breaches of the Cream of the Crop Code of Conduct .....18**

12.1 Breaches of this Code of Conduct .....18

## **Introduction to Cream of the Crop Code of Conduct**

### **1.1 Purpose and scope of document**

This document outlines the Cream of the Crop Code of Conduct and applies to staff working in any permanent, temporary, casual, termed appointment or honorary capacity.

Cream of the Crop provides a comprehensive range of health and health related services. These services are provided in a wide range of settings from aged care facilities, patient homes, hospitals and are supported by a range of policy, corporate services and administrative functions.

This Code of Conduct has been developed to assist staff by providing a framework for day to day decisions and actions while working in Cream of the Crop.

Specifically this document will:

- State the standards expected of staff within Cream of the Crop in relation to conduct in their employment
- Assist in the prevention of corruption, maladministration and serious and substantial waste by alerting staff to behaviours that could potentially be corrupt or involve maladministration or waste
- Provide a resources list to assist staff to gain further information or more detailed guidance.

### **1.2 Values and principles underpinning this Code of Conduct**

Staff in Cream of the Crop, must conduct themselves in a way that promotes public confidence and trust in the company.

Staff have a duty of care to the patients and clients utilising services as well as to other staff. Staff must ensure that, as far as practicable, the best interests of patients and clients are maintained in decision-making and when undertaking duties within the company, having regard to the duty of care the company has to staff as well as patients and clients.

The reputation of the company and its standing in the community are built on the following principles and these principles must be incorporated into the decisions, actions and behaviour of all staff:

- Competence
- Courtesy and respect for individuals
- Cultural sensitivity
- Ethical behaviour
- Fairness and impartiality
- Transparency, openness, honesty and accountability

- Responsibility and
- Efficiency and effectiveness.

Staff must not be subjected to unnecessary employment conditions simply because they work in the company. Staff retain all the usual rights under common and statute law.

**Key definitions Corrupt Conduct** – Commonly this involves the dishonest or partial use of power or position that results in one person being advantaged over another.

Corruption can take many forms including (but not limited to):

- Official misconduct
- Bribery and blackmail
- Unauthorised use of confidential information
- Fraud and
- Theft

**Maladministration** – is defined in as conduct that involves action or inaction of a serious nature that is:

- Contrary to law
- Unreasonable, unjust, oppressive or improperly discriminatory or
- Based wholly or partly on improper motives.

**Serious and Substantial Waste** – refers to any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in significant loss/wastage of company funds or resources.

**Staff** – for the purposes of this policy staff refers to any person working in a permanent, temporary, casual, termed appointment or honorary capacity within Cream of the Crop.

**Violence** – is defined as any incident in which an individual is abused, threatened or assaulted and includes verbal, physical or psychological abuse, threats or other intimidating behaviours, intentional physical attacks, aggravated assault, threats with an offensive weapon, sexual harassment and sexual assault.

## Competence and professionalism

All staff will carry out their duties to the best of their ability and to follow the highest standards of conduct.

### 1.3 *Personal and professional behaviour*

I will carry out my job with:

- Courtesy and respect for everyone
- Openness, honesty and accountability.
- I will be mindful and accepting of the needs of people from different backgrounds and cultures when doing my job.
- My decisions will be fair and impartial.
- I will take care in my duties and will always present myself for work in a fit and proper condition. I will never present myself for work under the influence of alcohol, drugs or other substances that could affect my ability to work safely and efficiently.

When carrying out my tasks I will always:

- Observe any laws, professional codes of conduct and ethics relevant to my profession.
- Follow lawful directions from a person in authority. If I have a concern about following any lawful direction, I may appeal either through my workplace complaint/grievance procedures or to the Managing Director of the company or her or his delegate.
- Behave with honesty and openness. I have a duty to report other staff who are behaving in a way that breaches this Code of Conduct.
- Report to an appropriate person or authority any situations that may affect patient care, clinical or professional standards.
- Try to work to a standard that reflects favourably on Cream of the Crop.
- Follow the policies of the company, whether or not I agree with these policies. If a situation arises where I cannot comply with a policy because of my personal or clinical views I will discuss the matter with my immediate supervisor to try and resolve the situation.

### 1.4 *Good faith*

I will undertake all my duties in good faith and in the spirit of honesty, correct purpose and with the best motives. I will ensure that my actions are appropriate and totally within the area of my authority.

**1.5 Professional standards**

If I find any conflict between my professional standards and this Code of Conduct I will take up the matter with my immediate supervisor or the Company Managing Director or his or her delegate.

I will fulfil my professional responsibilities by continuing to maintain and enhance my skills, knowledge and competence while undertaking Cream of the Crop duties.

**1.6 Personal relationships with patients or clients**

I will not have personal relationships with patients or clients that result in any form of exploitation, obligation or sexual gratification.

If a family member/spouse/partner becomes a patient or client of the service where I work, I will report this to my immediate supervisor so she or he can assess any conflict of interest issues.

**1.7 Dealing with finance or property for patients or clients**

As a general rule, I will not become involved in any transaction that involves dealing with cash, bank accounts, credit cards or property.

Where a patient or client requires such services, especially if they live at home and cannot conduct such transactions for themselves, I will discuss low risk alternatives with them. If they give their consent I will do the following (subject to overriding policy that applies to certain Cream of the Crop contractual obligations):

- Obtain approval for any of the following actions from my Cream of the Crop team leader before taking any action listed
- Contact relatives
- Contact other agencies that can assist in such matters
- Contact patient or client's bank etc. and advise them of the situation and make appropriate accountable arrangements.
- Use accountable methods, such as a 'non-negotiable' cheque made payable to the appropriate payee.

**1.8 Management of employment, promotion and transfer where close relationships exist**

- Where I am required to work with a close relative or another person with whom I share a close personal relationship, potentially compromising circumstances may occur.
- I will advise my immediate supervisor that a real and/or perceived conflict of interest may arise in the course of my work.

### **1.9 Sexual relationships with patients of clients**

- I will not exploit my relationship of trust with patients or clients in any way because I recognise that such behaviour is a breach of professional and ethical boundaries and amounts to serious misconduct.
- I will not have a sexual relationship with a patient or client during the professional relationship.

#### **1.9.1 Quality service**

- To the best of my ability, I will provide accurate, frank and honest information to decision-makers, as required. I am responsible for helping to create and maintain a health service that provides safe and high quality health care.
- I will ensure that I get good value for any company money spent, and avoid waste. I will ensure that all the money I spend is for legitimate items related to the work of the company, and not for personal benefit.
- While at work, my attention will remain focussed on my duties.
- I will carry out my duties within the agreed time frames. If resource issues prevent me from fulfilling my duties or meeting the time frames, I will report this to my immediate supervisor for advice and action.

## **Conflicts of interest**

**Staff will avoid and resolve any conflict of interest and be open and honest in all activities where personal interests may clash with work requirements.**

### **1.10 Managing conflicts of interest**

- I will perform my duties fairly and ensure that my decisions are not influenced by self-interest or personal gain.
- I will avoid situations that give rise to conflicts of interest. I will report any actual, potential or perceived conflicts of interest to my immediate supervisors, Cream of the Crop Managing Director or his or her delegate at the first available opportunity, preferably in writing. A decision can then be made as to what action should be taken to avoid or to deal with the conflict.
- If I am not sure whether a conflict exists, I will discuss the matter with my immediate supervisor to try and resolve the matter.
- If I am aware that another staff member has a real, potential or perceived conflict of interest I will report the matter to my immediate supervisor.

### **1.11 Bribes, gifts and benefits**

- I will not allow the offer of any gift or bribe to change the way I work or the decisions I make.
- I will never accept gifts of cash and as a general rule I will not accept any gifts or benefits.

- I will take all reasonable steps to ensure that neither myself nor my immediate family members accepts gifts or benefits that an impartial observer could view as a means of securing my influence or favour.

#### **1.11.1 Token gifts**

- I may accept token or inexpensive gifts offered as a gesture of appreciation, and not to secure favour.
- I will report the acceptance of the gift to my supervisors and seek their agreement to retain the gift.

#### **1.11.2 Non token gifts**

As a general rule I will not accept gifts that are more than a token.

- If I do receive a non-token gift I will declare it to my immediate supervisor straight away.
- I will only accept a gift or other benefit that is more than a token (including modest acts of hospitality) in the following cases:
  - Where these are given for reasons other than my job or status
  - Where the gift is given to me in a public forum in appreciation for the work, assistance or involvement of myself or the company, and refusal to accept the gift would cause embarrassment or affront eg an overseas delegation (the issue of causing embarrassment or affront does not apply to gifts offered by commercial organisations)
  - Where there is no chance that accepting the gift could reflect badly on myself or the company
  - In circumstances generally approved by the Managing Director or delegate of Cream of the Crop. Otherwise I need the formal written approval of the Managing Director or delegate, preferably in advance.
- If I accept a gift in these circumstances, I will indicate that I am accepting the gift on behalf of Cream of the Crop. The Managing Director or delegate will determine the most appropriate use of the gift.
- If any offer or suggestion of a bribe is made directly or indirectly to me, I will report the facts to my immediate supervisor as soon as possible.
- I am particularly alert to attempts to influence me when I am dealing with, or have access to, sensitive or confidential information.

#### **1.12 *Recommending services***

- I will not recommend a particular private service provider to patients or their relatives for either my own personal gain or to benefit my family members or friends.
- If patients or clients request a list of private practitioners, I will include the statement that the company does not recommend or favour these services and does not accept responsibility for any private practitioners whose names are included on the list.
- I will do this even when the list contains names of practitioners who work within the facility.

- In all circumstances, I will make it clear that the information is provided to assist the patient, client or relative in making informed decisions between a wide range of alternative and appropriate services. These may be private or public, clinical or non-clinical.

**1.13 Outside employment and business activities**

- If I work full-time in a Company and want to undertake another paid job or participate in other business activities (including a family company or business) I will seek the approval of Cream of the Crop Managing Director or his or her delegate.
- If there is any real, potential or perceived conflict of interest, I will put the duties of my Cream of the Crop job first, or reach an agreement on ways to resolve the conflict.
- If I work for Cream of the Crop on a part-time or casual basis (includes permanent, sessional (less than 10 sessions per week), temporary or contract) I will advise my Managing Director or delegate of any actual, potential or perceived conflict of interest between my job in the company and any other employment.
- I will provide details of any other employment to Cream of the Crop in the event of allegations of conflict of interest.
- Any work I perform outside Cream of the Crop employment will:
  - Be performed outside my normal working hours
  - Not conflict with Company work
  - Not adversely affect my work performance
  - Not affect my safety or the safety of colleagues, patient, clients or the public
  - Not involve the use of Company resources.
- I will not misuse Cream of the Crop position to obtain opportunities for future employment and will not allow myself to be inappropriately influenced by plans for, or offers of, outside employment.

**1.14 Party political participation**

- I will carry out my duties in a politically neutral manner.
- When participating in political activities, I will ensure that I present my views as my own and not as the views of Cream of the Crop.
- I will also ensure, as far as possible, that others do not present my views or actions as an official comment of Cream of the Crop, but as my individual views or those of the political organisation I am representing.
- I will not undertake political activities in paid Company time.

**1.15 Participation in voluntary organisations, charities and Professional Associations**

- When participating in voluntary organisations, charities or professional associations, I will ensure that I present my views as my own and not as the views of Cream of the Crop and ensure I do not commit Cream of the Crop to any action without approval to do so.
- If I wish to join the Rural Fire Service Volunteers/State Emergency Service I will seek the approval of my Managing Director or delegate, in the same way as seeking approval to undertake secondary employment.

**1.16 Public comment**

- If I make public comment and publicly debate political and social issues, I will make it clear that I am presenting my own views and not speaking as a Company staff member representing an official position of Cream of the Crop.
- I will not use my job title when making such comment as this may create the impression that I am officially representing the views of the Company
- I may make official comment on matters relating to Cream of the Crop if I am:
  - Authorised to do this by my Managing Director or delegate
  - Giving evidence in court or
  - Authorised or required by law. I will only release official information when given authority to do this.

## Use of official resources

**Staff will use all equipment, goods and materials provided to them at work for work related purposes only.**

### 1.17 Using official resources

- I will use official resources lawfully, efficiently and only for official purposes.
- I understand that it is illegal to use official resources to:
  - Intentionally create, transmit, distribute or store any offensive information, data or material that violates Commonwealth or State laws
  - Produce, disseminate or possess child pornography images
  - Transmit, communicate or access any material that may discriminate against, harass or vilify colleagues, patients/clients or the public.
- I will not use official resources to display, access, store or distribute inappropriate or objectionable (non work related) material that may be offensive to others. I understand that this includes material that depicts, expresses or deals with matters of nudity, sexual activity, sex, drug misuse or addiction, crime, cruelty or violence in a manner that a reasonable adult would generally regard as unsuitable.
- I will only use official resources for non-official purposes if I have obtained permission from my Managing Director or his or her delegate beforehand.
- If I am authorised to use official resources for non-official purposes I will:
  - Take responsibility for maintaining, replacing and safeguarding the property and follow any special directions or conditions that apply to its use for non-official purposes
  - Ensure the resources are used effectively and economically.
- I will not use official resources for any private commercial purposes, under any circumstances.

## Use of company information

**All staff will ensure that they keep all information they may obtain or have access to, in the course of their work, private and confidential. The trust of our patients and clients is paramount.**

### 1.18 Using company information

I will **never**:

- Use company information without proper authority or for purposes that breach privacy law
- Use or disclose company information acquired in the course of my employment outside of my workplace or professional relationships (eg Professional Colleges) unless required by law or given proper authority to do this
- Misuse information gained while undertaking my work role for personal gain.

#### **1.19 Personal health information**

I will always comply with the *Privacy and Personal Information Protection Act 1998, Health Records and Information Privacy Act 2002 and PD2005\_362 (Privacy Manual)* with regard to personal information held by Cream of the Crop.

In doing this I will:

- Follow privacy and security procedures in relation to any personal information accessed in the course of my duties
- Preserve the confidentiality of this information
- Inform the appropriate person immediately if a breach of privacy or security relating to information occurs
- Only access personal information that is essential for my duties. This includes accessing any records relating to other staff
- Ensure that any personal information is used solely for the purposes for which it was gathered
- Only divulge personal information to authorised staff of the Health Service who need this information to carry out their duties.

#### **1.20 Security of official information**

I will:

- Ensure that unauthorised parties cannot readily access confidential and/or sensitive official information held by me, in any form whether documents, emails, computer files etc
- Maintain the security of confidential and/or sensitive official information overnight and at all other times when my place of work is unattended
- Only discuss confidential and/or sensitive official information with authorised people, either within or outside Cream of the Crop

#### **1.21 Staff information**

- If I am requested to release information about staff of the Health Service to external bodies (eg in response to Freedom of Information or Health Care Complaints Commission requests) I will first obtain appropriate legal authority and the authorisation of my Managing Director or delegate.

#### **1.22 Providing referee reports**

I will:

- Provide honest and accurate comments when giving verbal or written references for other staff members, or people outside the Company
- Take care to avoid making statements that could be regarded as malicious

- Keep a record of what was said, when providing verbal references
- Avoid using Company letterhead for writing references.

### **1.23 Using intellectual property**

I will respect other people's/parties intellectual property rights.

## **Employment screening and reporting of serious offences**

**Staff must report serious criminal charges against them to their Managing Director.**

### **1.24 Employment screening**

I will undergo probity screening (criminal record checks and working with children checks as appropriate) when working in any capacity in Cream of the Crop.

### **1.25 Reporting serious offences**

- I will report any charges and convictions against me relating to any serious sex or violence offence in writing to my Managing Director within 7 days of the charge being laid or of conviction.
- I will report to my Managing Director any charges brought against me relating to the production, dissemination or possession of child pornography.

## **Fairness in decision making**

**Staff must be fair, in all actions, when making decisions at work.**

### **1.26 Fairness in decision making**

I will:

- Deal with issues, cases or complaints consistently, promptly, openly and fairly
- Act fairly and reasonably when using any statutory or discretionary power that could affect individuals within or outside of Cream of the Crop
- Avoid any unnecessary delay in making decisions or taking action
- Follow the principles of equal employment opportunity in employment-related decisions
- Take all reasonable steps to ensure that the information I act or decide on is factually correct and relevant.

### **1.27 Use of statutory power**

When I make a decision based on a statutory power (ie power defined in legislation), I will ensure that:

- I am authorised by the law to make the decision
- I comply with any required procedures
- I document my decision and the reasons for it.

**1.28 Use of discretionary power**

- I will only exercise discretionary power (ie power to act according to my own judgement) for proper purposes and on relevant grounds.

### **1.29 *Appealing decisions***

- I will promptly inform individuals who are adversely affected by or who wish to challenge a decision, of their rights to object, appeal or obtain a review.
- I will also inform them how they can exercise those rights.

## **Discrimination, harassment, bullying and violence**

**Staff must treat all people in the workplace with dignity and respect.**

### **1.30 *Discrimination, harassment and bullying***

I will **never**:

- Harass, discriminate or bully other staff, patients or members of the public
- Encourage or support other staff in harassing, discriminating or bullying staff, patients or members of the public
- Discriminate against someone because of their sex, race, ethnic or ethno-religious background, marital status, pregnancy, disability, age, homosexuality, transgender or carers' responsibilities
- Victimise or take detrimental action against individuals
- Make malicious or vexatious allegations.

### **1.31 *Violence***

- I will not act violently or knowingly place myself at unnecessary risk of violence.

## **Occupational health and safety**

**Staff must look out for their safety and the safety of all others in the workplace.**

### **1.32 *Occupational health and safety I will:***

- Follow all occupational health and safety policies and safe working procedures
- Take reasonable care for the health and safety of people who are at my place of work and who may be affected by anything that I do or fail to do
- Cooperate with Cream of the Crop to comply with OHS legislative requirements including reporting workplace hazards when I become aware of them
- I will never intentionally or recklessly interfere with or misuse anything provided to me in the interests of health, safety or welfare (eg personal protective equipment such as safety glasses, gloves etc).

### **1.33 Injury management**

- I will take care and cooperate with Cream of the Crop to prevent work related injuries to myself and others. If I am injured in the workplace I will register my injury in the Register of Injuries and, if appropriate, seek first aid or medical attention.

## **Complying with reporting obligations**

**Staff must abide by all legal and policy reporting obligations.**

### **1.34 Complying with reporting obligations**

I will meet all the legal reporting obligations that apply to me including those related to:

- Corruption, maladministration and serious and substantial waste
- Public health issues
- Reportable conduct related to child protection (eg sexual misconduct, assault, neglect)
- Other criminal matters.

### **1.35 Child protection**

I will follow Cream of the Crop and Company policy in relation to the care and treatment of children and young people. I will report any behaviour or circumstance that leads me to suspect reportable conduct towards a child by another staff member to my supervisor or the designated person within Cream of the Crop.

### **1.36 Reporting corrupt conduct, maladministration and serious and substantial waste**

- I will report any suspected instances of possible corrupt conduct, maladministration and serious and substantial waste of public resources to my Managing Director or delegate or the appropriate external body.
- I will refer to local Company policy to determine reporting procedures.

### **1.37 Protected disclosures**

- I will not take action against or victimise another person for making a protected disclosure.

## **Conduct of former staff members**

**Former staff must not take workplace information or property with them when they leave.**

**1.38 Conduct of former staff members**

- When I leave my current employment I will not use or take advantage of confidential information obtained in the course of my official duties until this information is publicly available.
- I will not take documents that are the property of the company to another position prior to or after my resignation without approval.
- I will not give, or appear to give, favourable treatment or access to privileged information to former staff of Cream of the Crop.

**Breaches of the Cream of the Crop Code of Conduct**

**Staff must be aware of, and abide by, this Code of Conduct.**

**1.39 Breaches of this Code of Conduct**

- I will ensure that I have a clear understanding of all of the standards of behaviour required in this Code of Conduct.
- If I do not understand any issue covered in this Code of Conduct I will discuss it with my immediate supervisor or Cream of the Crop Team Leader or Manager Director.
- I will abide by the standards outlined in this Code of Conduct and the legislation, policies and procedures it reflects.
- Breaches of this Code of Conduct may lead to disciplinary action.
- Certain sections of the Code of Conduct reflect the requirements of legislation, and I am aware that breaches of these conditions may be punishable under law.
- If I become aware of a breach of this Code of Conduct, by either myself or by other staff members, I will immediately report the matter to my supervisor.