

CODE OF CONDUCT



At Positive Caring Services (PCS), our culture and values are integral to the achievement of our purpose; supporting you to be your best you.

Our values of fairness, hope, courage and perseverance and the associated expected behaviours create the culture and safe environment where our people can thrive, be highly engaged and committed to delivering high quality services to our clients. Our values and behaviours help each individual staff member to deliver a valued contribution to achieving our strategic goals.

To provide transparency and clear accountability at the individual level the PCS Code of Conduct provides a shared understanding and expectation of the way we behave at work as individuals, towards each other, our clients, their families and carers, partners and other professionals. Building on our values, it empowers us to carry out our roles ethically and professionally, promoting a positive, safe environment.

Positive Caring Services and its employees are also required to adhere to the National Disability Insurance Scheme (NDIS) Code of Conduct (NDIS Code). The NDIS Code is founded in NDIS legislation (NDIS Act 2013) and has been included alongside Positive Caring Service's Code. Positive Caring Service's Code and the NDIS Code together provide the basis of a positive workplace culture, reflective of our values.

All staff at PCS are required to read Positive Caring Service's Code and the NDIS Code and associated guidance documents.

Please read Positive Caring Service's Code, the NDIS Code and the NDIS Code of Conduct Guidance for Workers and make sure you understand these documents. If there is anything that you do not understand, ask a manager to explain it.

In addition to the above, Positive Caring Service's Directors and Chief Executive Officer are required to read, understand and apply the NDIS Code of Conduct Guidance for Service Providers.

All PCS staff are required to agree with and follow the Codes.

All PCS staff are required to make themselves fully aware of both Codes. Each person must sign an acknowledgement that they have read and understood the Codes and will implement and adhere to the provisions and to Positive Caring Service's core values.

Thank you for supporting PCS and the people we are here to support to be their best self.

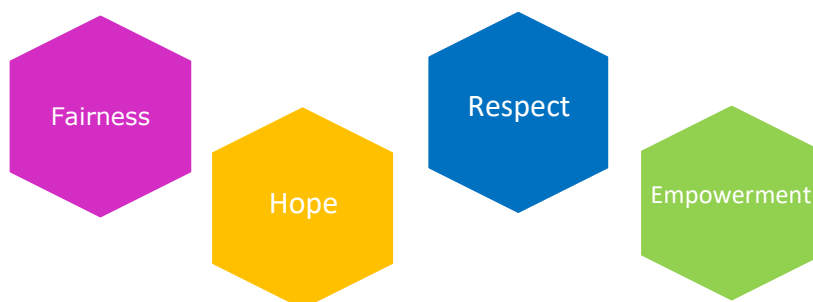
INTRODUCTION

WELCOME TO POSITIVE CARING SERVICES

PCS is a provider of disability and mental health support services in Victoria. Through the relationships we build with our clients, their families and carers, and the practical assistance we offer, we help people to experience their best self and enjoy an active and engaged life. We are committed to human rights and self-determination, and the support we offer is guided by people's aspirations for the life they want to lead.

OUR VALUES

Positive Caring Services is committed to ensuring that our work and engagement with people reflect the following values:



PURPOSE OF POSITIVE CARING SERVICE'S CODE OF CONDUCT

The purpose of Positive Caring Service's Code is to outline the expectations of PCS staff by prescribing standards of required behaviour. PCS has developed policies, procedures, frameworks and guidelines to support the application of the Code and staff are required to comply with these.

Positive Caring Service's Code is designed to help staff understand the responsibilities and obligations of working at PCS. The behaviours described in Positive Caring Service's Code provide a shared understanding and expectation of the way we behave as individuals, towards each other, our clients, their families and carers, partners and other supporters. Positive Caring Service's Code also provides guidance on how to raise and report breaches of the standards it sets.

Positive Caring Service's Code encompasses State's Code of Conduct for Disability Service Workers.

CODE OF CONDUCT



Positive Caring Service's Code supplements Positive Caring Service's legal obligations in areas such as Occupational Health and Safety, Equal Opportunity and Privacy.

Positive Caring Service's Code also works in conjunction with existing codes of professional conduct associated with professional registration or membership.

Positive Caring Service's Code does not replace the NDIS Code. The NDIS Code sets out expectations for safe and ethical services and supports for both NDIS providers and workers. The NDIS Code, the NDIS Code of Conduct Guidance for Service Providers and the NDIS Code of Conduct Guidance for Workers apply to any provider or worker supporting a person who is participating in the NDIS and related services. PCS will adhere to the NDIS Code, take steps to ensure workers adhere to the NDIS Code, investigate, and take appropriate action to address any breaches.

SCOPE

Positive Caring Service's Code and the NDIS Code apply to all staff at PCS and PCS expects all staff to understand and meet both codes.

The standards in Positive Caring Service's Code and the NDIS Code also apply to social activities that take place outside work premises but under Positive Caring Service's auspices, and to the making of comments about other staff or clients on social media where the status of the person making the comments as an PCS staff member is indicated or can be inferred.

FRAMEWORK OF RESPONSIBILITY

Positive Caring Services Directors	Approve Positive Caring Service's Code. Delegated authority to implement Positive Caring Service's Code. Raises awareness, ensures accessibility, monitors compliance.
Positive Caring Services Chief Executive Officer	Oversees training requirements and manages breaches and reports of noncompliance. Supports managers with enquiries and actively supports reviews of Positive Caring Service's Code. Ensures employees can access Positive Caring Service's Code and the NDIS Code and that they comply with training programs. Monitors adherence to Positive Caring Service's Code and the NDIS Code and supports employees with questions or concerns.

Positive Caring Services Staff	Applying and complying with Positive Caring Service's Code and the NDIS Code: <ul style="list-style-type: none">• Review Positive Caring Service's Code and participate in training programs.• Seek clarification when required and raise issues of non-compliance.
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POSITIVE CARING SERVICE'S CODE OF CONDUCT

Positive Caring Service's Code requires staff to adhere to the standards set out below.

Positive Caring Service's comprehensive suite of policies, procedures, frameworks and guidelines support and guide the application of the Code and staff are always required to comply with these.

ACT ETHICALLY, WITH INTEGRITY, HONESTY AND TRANSPARENCY

Staff are required to:

- respect the privacy of people, their families, carers and advocates
- display professionalism while providing support services
- communicate in a language, form, manner and tone that enables people to understand the information provided and to make their preferences and needs known
- maintain appropriate professional boundaries, and act always to protect the boundaries of the professional relationship
- always recommend and provide supports that serve the needs and interests of clients
- never use the power they have over people for personal gain
- comply with all lawful and reasonable directions
- comply with all PCS policy, procedures and guidelines
- perform their duties diligently to the standard reasonably required of them
- avoid conduct that could bring PCS or any of its staff or clients into disrepute, including when using social media
- not absent themselves from the workplace without proper notification or reason, when meant to be at work
- be in a fit and proper condition to attend work and not be under the influence of alcohol or drugs

CODE OF CONDUCT

- dress in a way that is appropriate for the work they do
- hold and maintain credentials, checks, licences and/or registrations as may be required by law or reasonably required by PCS
- continue to satisfy National Police Record checks during their employment and disclose any criminal charge and/or conviction that may impact their ability to undertake their responsibilities
- disclose all personal or professional matters that may lead to actual or perceived conflicts of interest to their manager
- not engage in fraudulent or criminal behaviour, bribery or the inappropriate or unauthorised use of any PCS resources
- accurately record, report, maintain and safeguard PCS information
- respect and protect the physical and intellectual property of PCS
- comply with all applicable laws, regulations, guidelines, standards, professional codes of conduct and ethics relating to their profession
- only give or receive gifts in line with the Gifts, Benefits and Hospitality Procedure
- report and act on any behavioural complaints, concerns or observed breaches regarding Positive Caring Service's Code and/or the NDIS Code.

SHOW RESPECT FOR CULTURAL DIFFERENCES WHEN PROVIDING SERVICES

Staff are required to:

- respect religious or spiritual beliefs and practices that are different to their own
- ensure cultures and values that are different from their own are acknowledged and respected
- be responsive to the needs, values and beliefs of people from diverse backgrounds
- actively listen to, and consider the values, beliefs and needs of individuals in relation to culture, faith, ethnicity, gender, gender identity, sexuality, age and disability
- be responsive to the unique needs, values and beliefs of Aboriginal and Torres Strait Islander people
- consult with families, carers, advocates and other supports to clarify cultural expectations when these are unclear or not currently being met
- actively promote cultural safety and inclusion

PROVIDE SERVICES WITHOUT ENGAGING IN ABUSE, EXPLOITATION, DISCRIMINATION, HARASSMENT OR NEGLECT

Staff are required to:

- treat people with dignity and respect, and always uphold their human and legal rights

- never abuse, exploit, bully, harass, neglect or discriminate against a client or other staff member
- always take action to ensure a client they have reason to believe may have been abused, exploited, harassed or neglected receives appropriate support (for example, medical support, counselling and support to report abuse to the police)
- actively listen to clients and their families, carers and advocates to deliver support that gives priority to their interests and needs
- support clients to meaningfully engage with their local community and society
- exercise professional and ethical judgement when providing services
- collaborate with and treat each other in a way that promotes harmonious and productive working relationships
- take reasonable care to ensure their own safety and that of others in the workplace
- not discriminate against each other or clients
 - provide services in the least restrictive manner and only ever use restrictive practices as a last resort strategy for the least time possible in full accordance with state and federal legislation, organisational and procedural requirements at PCS.

REPORT ANY FORM OF ABUSE OR SUSPECTED ABUSE

Staff are required to:

- take all allegations of abuse seriously.
- report any abuse or suspected abuse committed by colleagues, other workers, family members, carers, clients or community members to their supervisor or manager and, if necessary, other relevant authorities in line with Positive Caring Service's reporting policy and procedures.

This includes reporting incidents that raise concerns about the support provided by another worker.

- report abuse or suspected abuse to other authorities if they think PCS has not acted on their first report and clients are at risk. Such authorities might include the NDIS Quality and Safeguards Commission.
- facilitate access to independent support, such as an advocacy service or the Office of the Public Advocate, where it is believed a person's rights are not being upheld and or at a client's request.
- participate in training, information sessions and supervision provided by PCS that assists them to understand:
 - what abuse is and its various forms
 - the application of this code of conduct
 - systems for complaints and incident management and to follow established procedures, this includes reportable incident obligations

NOT ENGAGE IN SEXUAL ABUSE OR MISCONDUCT AND MUST REPORT ANY SUCH CONDUCT BY OTHER WORKERS, CLIENTS, FAMILY MEMBERS, CARERS OR COMMUNITY MEMBERS

Staff are required to:

- always report sexual misconduct and abuse, or suspicion of either.
- recognise the power imbalance between them and a person receiving their support and how this affects the kinds of behaviour that are appropriate.
- never engage in any form of sexual activity or behaviour with a person who they support, including sexual advances and sexual, personal or erotic comments.
- never engage in any sexual conduct with a person who they support, including actions committed by force, intimidation, coercion or manipulation.

PROMOTE THE SAFETY AND WELLBEING OF CHILDREN AND YOUNG PEOPLE

Staff are required to:

- apply child safe principles as outlined in the draft National Principles for Child Safe Organisations developed by the Australian Human Rights Commission.
- observe child safe principles and expectations for appropriate behaviour towards and in the company of children, this includes supporting the safety, participation, wellbeing and empowerment of children and taking all reasonable steps to protect children from abuse.
- raise concerns with management if risks to child safety are identified in any of the activities, facilities, structures, procedures or staffing practices at PCS.
- report any concern, allegation, disclosure or observation of child abuse to the relevant person or authority as outlined in Positive Caring Service's reporting procedure and in line with mandatory reporting requirements, including the reportable conduct scheme.
- respect the privacy of children and their families by keeping all information regarding child protection concerns confidential, only discussing information with the relevant people to follow reporting procedure.
- treat all children with respect, regardless of race, colour, sex, gender identity, sexual orientation, language, religion, political or other opinion, national, ethnic or social origin, culture, property, disability or other status.
- listen to and value children and young people's ideas and opinions.

THE NDIS CODE OF CONDUCT

The *National Disability Insurance Scheme (Code of Conduct) Rules 2018* sets out the NDIS Code of Conduct, which applies to all NDIS providers and persons employed or otherwise engaged by them, regardless of whether they are registered. The NDIS Code

CODE OF CONDUCT

of Conduct supports the rights of people with disability in the National Disability Insurance Scheme to have access to safe and ethical supports, and reflects the core values and principles set out in the National Standards for Disability Services, the National Mental Health Standards and the *National Disability Insurance Scheme Act 2013*.

In providing supports or services to people with disability, a Code-covered person must:

- a) act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions; and
- b) respect the privacy of people with disability; and
- c) provide supports and services in a safe and competent manner, with care and skill; and
- d) act with integrity, honesty and transparency; and
- e) promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability; and
- f) take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability; and
- g) take all reasonable steps to prevent and respond to sexual misconduct.

NDIS CODE OF CONDUCT GUIDANCE FOR WORKERS

All staff are required to read the NDIS Code of Conduct Guidance for Workers. This document provides guidance for workers on how they should apply the NDIS Code to their daily practice and consequences for breaching the NDIS Code.

NDIS CODE OF CONDUCT GUIDANCE FOR SERVICE PROVIDERS

Positive Caring Services, as an NDIS registered service provider, is also required to apply the NDIS Code of Conduct Guidance for Service Providers. This document provides guidance for Positive Caring Service's Directors and Chief Executive Officer on their responsibilities in relation to applying the NDIS Code and consequences for breaching the NDIS Code.

COMPLYING WITH POSITIVE CARING SERVICE'S CODE AND THE NDIS CODE

MAKING GOOD DECISIONS

Part of working at PCS is about making good decisions. When faced with a decision and you are unsure of how to act, or whether your proposed actions are within Positive Caring Service's Code and the NDIS Codes, you can ask yourself the following questions:

- The Policy Test – Is my proposed action consistent with this Code and other PCS policies and procedures?
- The Legal Test – Is my proposed action legal? Does it conflict with any applicable law or regulation?
- The Values Test – Is my proposed action consistent with Positive Caring Service's values? Is it ethical and honest?
- The Mirror Test – What are the consequences of my proposed action? How will I feel about myself if I take the action?
- The Others Test – What will others think about my proposed action?
- The Media Test – Would I be concerned if my proposed action was headlined in the media?

If, after you have considered these points, you have any doubts about a decision you face, you should discuss the decision with your manager. In addition, if you believe there is a potential breach of PCS policy or procedures, you should discuss the matter with your manager.

REPORTING CONCERNS AND/OR ALLEGED BREACHES OF POSITIVE CARING SERVICE'S AND/OR THE NDIS CODE

Anyone can discuss a concern or make a complaint about alleged breaches of Positive Caring Service's Code and/or the NDIS Code.

Staff should report any alleged breach or concerns about an alleged breach of Positive Caring Service's Code and/or the NDIS Code to their manager. If the staff member is not comfortable reporting the allegation to their manager, they should report the allegation to the CEO or a Director.

Managers have a responsibility to address concerns and alleged breaches of both codes promptly and in a fair and reasonable manner. The manager or more senior member of staff

CODE OF CONDUCT



must follow Positive Caring Service's Workplace Investigation Procedure. The NDIS Commission may also investigate alleged breaches of the NDIS Code by providers and/or workers. For further information regarding alleged breaches of the NDIS Code please refer to the [NDIS Guidance](#).

Staff also have the right to approach an external agency in relation to their complaint.

PROTECTION FOR PEOPLE WHO RAISE CONCERNS ABOUT A BREACH OF POSITIVE CARING SERVICE'S CODE AND/OR THE NDIS CODE

PCS is committed to protecting any person who raises concerns about a breach of either code from victimisation. Any attempt to take detrimental action against a person or persons raising a concern or allegation regarding a breach of the codes will be taken seriously and may lead to disciplinary action.

CONSEQUENCES OF BREACHING POSITIVE CARING SERVICE'S CODE AND/OR THE NDIS CODE

Possible outcomes for a staff member who has breached Positive Caring Service's Code and/or the NDIS Code may be:

- Counselling
- Coaching
- Performance improvement plans
- Disciplinary action
- Referral to the relevant registration board where the staff member is a registered health practitioner
- Referral to the police or relevant legal authority or Government agency under Positive Caring Service's legal obligations
- Termination of employment

Certain sections of both codes reflect the requirements of legislation, and breaches of these conditions may be punishable under law. There may also be terms and conditions in contracts that could be enacted.

When NDIS providers, or persons employed or otherwise engaged by NDIS providers, are found to have breached the NDIS Code of Conduct, the NDIS Commissioner is able to take a

CODE OF CONDUCT



range of actions as appropriate, including education, compliance and enforcement action or prohibiting them from operating in the NDIS market.

CODE OF CONDUCT



FURTHER INFORMATION ABOUT THE CODES

For further information about Positive Caring Service's Code and/or the NDIS Code please contact Positive Caring Service's Director.

RELEVANT LEGISLATION, STANDARDS AND CODES

The list below is not extensive.

Code of Conduct for disability service workers (Vic)

NDIS Code of Conduct and Guidance

NDIS Quality and Safeguarding Framework December 2016

Fair Work Act 2009 (Cth)

Sex Discrimination Act 1984 (Cth)

Racial Discrimination Act 1975 (Cth)

Age Discrimination Act 2004 (Cth)

Disability Discrimination Act 1992 (Cth)

Children Youth and Families Act 2005 (Vic)

Health Complaints Act 2016 (Vic)

International Convention on the Rights of Persons with Disabilities 2006

Occupational Health and Safety Act 2004 (Vic)

Child Safe Standards

Human Services Standards

National Standards for Disability Services

SUPPORTING POLICIES AND PROCEDURES

Positive Caring Service's OneDrive contains all the supporting policies, procedures, guidelines and forms relevant to Positive Caring Service's Code. A full list of these is available on the OneDrive in the Policy Framework Spreadsheet.

DEFINITIONS

Any defined terms below are specific to this document:

Abuse is a violation of a person's human rights and has several forms such as financial abuse, emotional abuse, physical abuse, sexual abuse and neglect. To be effective, zero tolerance of abuse requires a clear understanding of what abuse is and the types of behaviour that are abusive.

- **Financial abuse:** The misuse of a person's assets, property, possessions and finances without their consent. It includes:
 - denying a person, the use of their own assets, property, possessions and finances
 - theft, fraud, exploitation and pressure in relation to assets, property, possessions and finances
 - obtaining assets through deception.
- **Emotional abuse:** Actions or behaviours that reject, isolate, intimidate or frighten by threats, or the witnessing of family violence, to the extent that the person's behaviour is disturbed, or their emotional or psychological wellbeing has been, or is at risk of being, seriously impaired. This includes:
 - rejecting, isolating, terrorising and ignoring behaviours
 - denying cultural or religious needs and preferences
 - emotional abuse perpetrated by other people with a disability
 - where a person subjects another person to behaviour that may result in psychological trauma, such as bullying, harassment, humiliation and threats.
- **Physical abuse:** Actions that involve the inappropriate use of physical contact or force against a person. This includes:
 - threats of physical abuse
 - excessive use of physical force or restraint by a staff member
- **Sexual abuse:** Actual or attempted unwanted sexual actions that are otherwise forced on a person against their will or without their consent using physical force, intimidation or coercion.
- **Neglect:** The failure to care adequately for a person to the extent that the health, wellbeing and development of the person is significantly impaired or at risk.

CODE OF CONDUCT



Advocate: a person who helps represent the interests of the individual concerned by supporting them to express their views and concerns, and ensuring they have access to choices, options and information that is fully accessible. An advocate does not have legal guardianship over the individual concerned and must be chosen by the individual.

Child: a child or young person is a person under eighteen years of age.

Client: includes clients of Positive Caring Services, their family or carers.

Disciplinary action: the circumstances surrounding a staff members' actions and the seriousness of such actions will determine the appropriate level of disciplinary action to be undertaken and can include performance counselling; verbal or written warnings; investigations; referral to the police and/or relevant legal authority and/or termination of employment.

NDIS Workers includes but is not limited to employees, key personnel, sole traders, contractors, sub-contractors, agents in the NDIS sector, and volunteers.

Recently exited clients: consistent with the Australian Psychological Society ethical guidelines, recently exited clients refer to clients exited from Positive Caring Service's services within the last two years.

Staff: includes employees, trainees, directors, students on placement, reference groups, volunteers and contractors of PCS; including the employees of contractors, subcontractors, and employees of labour hire companies assigned to work at PCS.

Victimisation: subjecting, or threatening to subject, someone to something detrimental because they have raised a concern or made a complaint about an alleged breach of the Code or, helped someone else to raise a concern or make a complaint.

Staff name:

Date:

Staff Signature:

Company representative's name:

Date:

Company representative's Signature: