

Code of Conduct

Policy Purpose

This Code of Conduct (the Code) lays out in simple and easy to understand terms the standards of professional workplace behaviour expected from all Catholic Healthcare employees, contractors, consultants, volunteers, students and trainees. These standards help Catholic Healthcare maintain essential levels of care and service and build a strong, positive reputation as an employer of choice and quality aged care service provider.

Policy Statement

Catholic Healthcare's mission is to promote the dignity, life and spirituality of older people through connected and inclusive communities. The mission is carried out by providing care and support to older persons of all faiths, backgrounds and ethnicities. The values that underpin this mission, and are reflected in the behaviours of all persons engaged to provide care and services for Catholic Healthcare, are compassion, integrity and courage.

The United Nations *Charter on the Rights of Persons with a Disability*, and the *Principles for Older Persons* recognise that older people and persons with a disability have full and equal human rights.

Both the NDIS and the ACQSC have mandated Codes of Conduct to ensure that all aged care workers and all those providing NDIS support understand what this means and what needs to be done.

The NDIS Code of Conduct has been in force for many years. The Code of Conduct for Aged Care (the Code) commences on 1 December 2022.

The Code sets out eight behaviour statements that approved providers, aged care workers and governing persons are expected to comply with.

Approved providers have responsibilities under aged care law (the Aged Care Law) to comply with the Code and to take reasonable steps to ensure that aged care workers and governing persons comply with the Code. Similar obligations apply where the NDIS Code of Conduct is concerned.

The Code includes eight elements that describe behaviours expected of approved providers, aged care workers, governing persons, consultants, and contractors. The elements are broadly expressed to cover a range of behaviours and factors. The elements are consistent with community expectations, the rights of older people and persons with a disability, and existing standards and expectations for how providers should behave (described across a range of provider responsibilities) including the NDIS Code of Conduct.

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The Code does not provide an exhaustive list of all the behaviours that are demonstrative of high quality care. Instead, the Code presents a broad framework of conduct that approved providers, aged care workers and governing persons have a responsibility to uphold. The Code is aimed at ensuring that all older people can have confidence in the quality of the aged care and can expect the same level of high quality and safe care regardless of who provides their aged care services.

Scope and Applicability

The Code applies to approved providers of residential care, home care and flexible care, and aged care workers and governing persons of approved providers.

Approved providers have a responsibility under Aged Care Law to comply with the provisions of the Code and to take reasonable steps to ensure that aged care workers and governing persons comply with the provisions of the Code. Similar obligations apply under NDIS law.

The Code complements other regulations including, but not limited to, provider responsibilities in relation to the Quality Standards, Charter of Aged Care Rights and the Serious Incident Response Scheme.

The Code applies to all persons who provide any form of care, service or supports on behalf of Catholic Healthcare, within any Catholic Healthcare offices, facilities, sites, events or activities. This includes persons in non-managerial roles as well as those carrying out senior, managerial, advisory, supervisory roles. Those personnel that this Code applies to includes, but are not limited to:

- Board members
- Employees
- Contractors and Consultants and their personnel
- Agency and Brokered Services
- Students on placement and trainees under traineeships
- Volunteers
- Ministers; and
- Other persons as identified by the CEO from time to time

For ease of reference, all the above are referred to as “Workers” in this document.

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1. The Code of Conduct for Aged Care

All workers within Catholic Healthcare are required to comply with the behaviour statements outlined in the Code of Conduct for Aged Care outlined below:

When providing care, supports and services to people, I must:

- a) act with respect for people's rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions
- b) act in a way that treats people with dignity and respect, and values their diversity
- c) act with respect for the privacy of people
- d) provide care, supports and services in a safe and competent manner, with care and skill
- e) act with integrity, honesty and transparency
- f) promptly take steps to raise and act on concerns about matters that may impact the quality and safety of care, supports and services
- g) provide care, supports and services free from:
 - (i) all forms of violence, discrimination, exploitation, neglect and abuse
 - (ii) sexual misconduct
- h) take all reasonable steps to prevent and respond to:
 - (i) all forms of violence, discrimination, exploitation, neglect and abuse
 - (ii) sexual misconduct.

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2. Item A – I must act with respect for people’s rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions

This element of the Code focuses on ensuring consumers are treated consistent with their fundamental rights to express themselves, determine how they live, and to make decisions in accordance with applicable laws and conventions.

This means that workers and providers:

- do not stifle an consumers’ right to express themselves
- support consumers to determine how they live and what happens to them. This involves supporting consumers to exercise choice and control over the care, supports and services they are provided with and to exercise dignity of risk where they wish
- support consumers to make decisions, including upholding their right to involve those they want in making decisions, and to use supported-decision making (where appropriate).

In upholding this element of the Code, workers and providers are expected to:

- deliver care, supports and services in a way that values the individual and supports them to exercise their rights and express themselves
- offer consumers opportunities to express their individuality and support them to feel safe in doing so
- enable consumers to discuss options for their care and to make decisions about what is best for them, including to exercise dignity of risk
- give consumers information in a form and language that they understand, taking into account their needs and abilities
- train and equip aged care workers to:
 - engage with consumers in accordance with their rights
 - communicate in a way that is clear, easy to understand and enables consumers to exercise choice
 - apply supported-decision making where appropriate
- have systems and processes in place to:
 - ensure consumers are made aware of their rights
 - ensure consumers have access to information they need
 - support consumers to make decisions.

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3. Item B – I must act in a way that treats people with dignity and respect, and values their diversity

This element of the Code focuses on ensuring consumers are treated with dignity and respect, and that their diversity is valued. Treating consumers with dignity and respect includes recognising consumers' strengths, empowering them to be independent, communicating respectfully and recognising and appreciating a consumer's individuality in all aspects of care, supports and services.

Each consumer has a different life experience with different social, cultural, language, religious, spiritual, psychological and medical needs. This diversity affects the care, supports and services they need and how those services are provided.

Workers and providers are expected to:

- ensure consumers are involved in defining what dignity and respect means for them, and ways they believe dignity and respect can be maintained
- ensure an environment that is inclusive, courteous and consumer-focused
- use strategies to understand each consumer's unique life experiences or characteristics
- encourage consumers to express their diversity and to feel confident sharing their identity
- engage with consumers to understand their expectations and wishes for their aged care experience, and the ways in which their diversity can be understood and recognised in the provision of care, supports and services
- ensure aged care workers:
 - provide care that is free from disrespect, including judgemental, rude, belittling, insulting or unkind behaviour
 - understand cultural safety and are provided with support to deliver culturally safe care
 - are aware of and understand a consumer's needs and preferences
- have systems and processes in place to ensure aspects of consumers' diversity are captured and recorded as part of the practices in care planning and used to guide care delivery.

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4. Item C – I must act with respect for the privacy of people

This element of the Code focuses on ensuring consumers have their right to privacy respected and protected. There is a great deal of personal information shared and made available as part of providing care to consumers, and often this information includes highly sensitive personal and health information.

Privacy also extends beyond a careful approach to handling personal information and captures the concept of personal and physical privacy to ensure consumers feel safe and comfortable and are not unnecessarily subject to embarrassment or discomfort when delivering care.

In ensuring consumers have privacy, workers and providers are expected to:

- comply with the relevant privacy laws to ensure that a consumer's right not to have personal information disclosed to others without their informed consent is upheld
- ensure that aged care workers are trained such that they understand how the organisation maintains and shares records to protect privacy and confidentiality, in line with consumer preferences and the applicable laws
- maintain appropriate controls in relation to the privacy and confidentiality of information, particularly where it relates to individual consumers including securely storing personal and sensitive information
- understand when information can be disclosed about a person without consent from the person involved including when this may involve a reportable incident
- ensure aged care workers:
 - are familiar with the privacy policies and processes, and are confident to apply these
 - are made aware of the privacy needs and preferences of consumers
 - deliver services in a way that maintains personal privacy and dignity
 - explain and request permission to perform procedures that involve physical touch or the invasion of personal space
 - provide timely care to prevent embarrassment and discomfort and consider everyday personal privacy needs
- have systems and processes to:
 - manage requests for information from consumers and others in a consistent, professional, sensitive and appropriate way
 - respond to concerns about privacy breaches.

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5. Item D – I must provide care, supports and services in a safe and competent manner, with care and skill

This element of the Code focuses on ensuring that care is provided in a safe and competent manner, with care and skill. This involves ensuring that the right people are delivering aged care services to consumers.

The intent of this element is to safeguard consumers from incompetent or unqualified care, unsafe practices and equipment and environments that may cause risk to them. This element also seeks to ensure care delivery is provided with attention, kindness and empathy. The way one interacts with consumers can have a significant impact on the outcomes of their care, supports and services, including their safety, health and well-being.

Workers and providers are required to:

- ensure aged care workers have the necessary training, competence and qualifications to deliver care, supports and services
- ensure there are enough skilled and qualified aged care workers to meet consumers' needs including the right number and mix of skills to provide consumers with quality care
- maintain appropriate supervision for aged care workers
- review the training, learning and development needs of aged care workers regularly and when practices change
- support aged care workers to take up training and learning and development opportunities so they can meet the needs of their role
- provide organisational support, including to give aged care workers the time and the tools needed to deliver quality care to consumers at all times
- ensure safe and quality equipment is available to aged care workers, and that aged care workers are familiar and competent with using this equipment
- support aged care workers to provide safe care delivery including through complying with the relevant work, health and safety laws
- support aged care workers to apply concepts used in the Quality Standards and Charter, including person-centred approaches
- have systems and processes in place to:
 - ensure recruitment and selection includes referee checks and confirmation of the skills, experience and qualifications of aged care workers
 - ensure aged care workers understand their role and scope of practice
 - regularly assess, monitor and review the performance of aged care workers
 - identify the training needs of aged care workers, including through spotting trends of near misses or incidents that can inform training needs.

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6. Item E – I must act with integrity, honesty and transparency

Integrity, honesty and transparency are crucial to developing the trust-based relationships that are required for high-quality care delivery. As such, this element of the Code focuses on ensuring consumers are protected from conduct that seeks to treat them unfairly or take advantage of them.

Workers and providers are expected to:

- communicate and engage with consumers in a way that is accurate, honest and transparent
- provide timely information to consumers so they are informed and empowered to make choices
- ensure consumers have access to relevant information and are helped to understand that information
- not take advantage of consumers, financially or otherwise
- avoid practices that unfairly treat consumers
- ensure aged care workers are aware of their obligations under the Code and that they understand the consequences of such behaviours
- put controls in place to prevent, detect and respond to instances of dishonesty and fraud
- respond to allegations or suspicions about such practices occurring
- have policies in place that prohibit unethical conduct by aged care workers
- communicate openly with consumers when things go wrong
- have systems and processes to identify and escalate inappropriate or unethical conduct
- ensure aged care workers and consumers feel safe to report inappropriate or unethical conduct of others.

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7. Item F – I must promptly take steps to raise and act on concerns about matters that may impact the quality and safety of care, supports and services

This element of the Code focuses on ensuring consumers are safeguarded against unsafe or poor quality care through the early identification of, and response to, concerns and risks that may impact care delivery.

Such concerns may arise as part of complaints or incidents, through observations, internal feedback, or as part of continuous improvement activities. They can relate to a variety of matters that impact quality and safety, including risks in the environment, clinical risks and reportable incidents.

Workers and providers are expected to:

- encourage and support consumers, their representatives, families, carers, and aged care workers to provide feedback and make complaints and to feel safe doing so
- train aged care workers on how to identify and escalate complaints and concerns
- take appropriate action in response to complaints and concerns
- use an open disclosure process when things go wrong
- ensure an effective incident management system is in place in accordance with the aged care legislation including the Quality Standards
- continuously improve in response to the identification of risks
- engage consumers in the ways in which the safety and quality of care, supports and services can be improved
- have systems and processes to:
 - support the identification and management of risks including in relation to incident management systems and clinical governance frameworks
 - respond to complaints and concerns in a timely and responsive way
 - protect and guard against adverse action towards those who raise complaints or concerns
 - ensure an organisation-wide approach to involving consumers in developing, delivering, evaluating and improving their care, supports and services.

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8. Item G – I must provide care, supports and services free from all forms of violence, discrimination, exploitation, neglect, abuse and sexual misconduct

This element of the Code focuses on safeguarding consumers from all forms of violence, discrimination, exploitation, neglect, abuse and sexual misconduct. All care delivery should be free from violence, discrimination, exploitation, neglect, abuse and sexual misconduct.

This includes, but is not limited to:

- physical and verbal violence
- coercively controlling behaviours
- predatory sexual behaviours that influence or seek to take advantage of consumers
- psychological or emotional harm and abuse
- any sexual act between a consumer and an aged care worker
- use of inappropriate restrictive practices
- forced treatments and interventions
- humiliation and harassment
- financial abuse or exploitation
- physical and emotional neglect
- passive neglect and wilful deprivation
- discrimination in delivery of services, or verbal or written discrimination, including racism or bullying
- abuse and violence that happens between consumers
- abuse and violence that is inflicted by people coming onsite to the residential aged care service.

Workers and providers are expected to:

- promote a culture of safe care, free from all forms of violence, discrimination, exploitation, neglect, abuse and sexual misconduct
- promote an inclusive culture and safe practices including through worker training and guidance
- demonstrate a commitment to eliminating any form of violence, discrimination, exploitation, neglect, abuse and sexual misconduct
- have clear guidance for aged care workers' behaviour, including to expressly state that aged care workers are not to commit any such acts against consumers
- ensure all aged care workers are aware of what violence, discrimination, exploitation, neglect, abuse and sexual misconduct looks like
- adopt a zero-tolerance position on any acts of violence, discrimination, exploitation, neglect, abuse and sexual misconduct committed against its consumers
- not act in a way that permits, facilitates or encourages practices that contribute to such acts against consumers, either directly or indirectly.

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9. Item H – I must take all reasonable steps to prevent and respond to all forms of violence, discrimination, exploitation, neglect, abuse and sexual misconduct

This element of the Code focuses on ensuring that steps are taken to safeguard consumers against the occurrence of harm and where this occurs, to respond appropriately to incidents, including incidents of violence, discrimination, exploitation, neglect, abuse and sexual misconduct.

This item (H) differs from item (G) in that it deals with the actions that occur to prevent any such incidents, and after incidents occur. In contrast, item (G) expressly states that such actions are not to occur in care delivery either at the hand of the provider, or by aged care workers and governing persons.

Workers and providers are expected to:

- create an environment in which consumers feel safe and are informed about how to make a complaint
- identify practices and campaigns that assist with preventing such acts against consumers
- have systems and processes in place to ensure that aged care workers:
 - are aware of the risk mitigation strategies in place to protect against harm to consumers
 - identify and report alleged and suspected incidents to the provider
 - are aware of any obligations they may have under other professional codes of conduct
 - are cognizant of when and how to raise concerns regarding acts of violence, discrimination, exploitation, neglect, abuse and sexual misconduct
- have systems and processes in place to:
 - encourage consumers to report any violence, discrimination, exploitation neglect or abuse
 - identify and record incidents of violence, discrimination, exploitation, neglect and abuse, including through use of an incident management system
 - report certain reportable incidents to the Commission
 - respond to incidents of violence, discrimination, exploitation, neglect and abuse, by putting the consumer first and ensuring they get the help and support they need
 - continuously improve both systems and processes to prevent, respond to and provide care, supports and services free from all forms of violence, discrimination, exploitation neglect or abuse
- fully cooperate with any investigative action taken by the Commission or other relevant authorities, including the police.

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10. Compliance and Enforcement Actions by the Commission

Both the NDIS Commission and the Aged Care Quality and Safety Commission will manage non-compliance with the Code in accordance with their respective Compliance and Enforcement Policies and approaches. Both Regulators take a risk-based approach and respond in a way that is proportionate to the risks that the non-compliance poses to the safety, health, well-being and quality of life of aged care consumers.

Both Regulators have access to a range of compliance and enforcement actions to respond to different situations. Both Regulators may undertake an investigation where needed to inform an appropriate and proportionate compliance and enforcement action. They may take compliance and enforcement actions in response to a provider's non-compliance (or possible non-compliance) with their responsibility to comply with the Code or take reasonable steps to ensure that their aged care workers and governing persons comply with the Code.

In relation to providers, the Commission may, for example:

- issue a direction notice
- issue a compliance notice in relation to the Code
- issue a non-compliance notice
- issue a notice of requirement to agree to certain matters
- accept a written undertaking given by a provider
- impose financial penalties
- impose sanctions including the revocation sanction.

In relation to aged care workers and governing persons, the Commission may, for example:

- issue a caution letter
- issue an infringement notice
- seek an injunction from a court
- apply to a court to impose a civil penalty order or offence
- issue a banning order for the most serious cases of poor conduct
- Impose fines on individual workers for serious or repeated breaches

A banning order is form of enforcement action available to the Regulators which prohibits or restricts a person, either permanently or for a specified period, from engaging in, providing or being involved in the provision of aged care or NDIS supports, as the case may be. Banning orders are considered to be most serious enforcement action in relation to individuals and will therefore only be appropriate for the most serious cases of poor conduct of an individual.

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Review History

July 2020	Comprehensively Revised Policy Code
Nov 2021	Wording refined
Nov 2022	Comprehensively updated in line with new Code of Conduct legislation

Related Policies & Documents

Managing for Performance Policy & Practice Guide Workplace Respect Policy
Whistle blower Policy
Social Media Policy
Grievance and Complaint Management Policy
Safeguarding Policy and Procedure

Key words for search

Code of Conduct, Code, The Code, Professional, Code of Professional Conduct

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