

Code of Conduct

Section 1 - Purpose

Message from the Bishop

(1) I am pleased to introduce the Catholic Diocese of Maitland-Newcastle (the Diocese) Code of Conduct (Code) which provides guidance on the expected standards of conduct, professional and personal behaviour the Diocese requires of its workers.

(2) The Code is aimed at modelling and building a contemporary Catholic workplace that is safe, supportive, collaborative and compliant with all relevant laws.

(3) The Code is consistent with the teachings and values of the Catholic Church and the principles and values detailed in [Integrity in the Service of the Church](#).

(4) Our Diocesan values of Compassion, Hope, Integrity, Justice and Participation are reflected within this Code together with the five basic principles for Church workers being:

- a. a commitment to justice and equity;
- b. upholding the dignity of all people and their right to respect;
- c. a commitment to safe and supportive relationships;
- d. outreach to those who are poor, alienated or marginalised; and
- e. striving for excellence in all their work.

Section 2 - Scope

(5) The Code applies to all workers of the Diocese. Workers include paid employees, religious, volunteers, contractors and students on work placements. Reference to religious does not include reference to priests or deacons operating in the Diocese in that capacity (noting they are governed by other conduct documents).

(6) The Code outlines the obligations, responsibilities and standards of behaviour the Diocese requires of all workers, to uphold the values, integrity and reputation of the Diocese. It does not form part of an employee's contract of employment.

(7) Workers are to make themselves familiar with the requirements of the Code and ensure they comply with obligations, responsibilities and standards of behaviour outlined within it. If workers do not understand this Code or require clarification, they must seek answers to their questions.

(8) Certain sections of the Code reflect the requirements of legislation, and breaches of these conditions must be punishable by law.

Section 3 - Policy Principles

Commitment to Safeguarding

(9) The Diocese is committed to the safeguarding of children and vulnerable persons, particularly those who participate in the life of the Diocese. The Diocese understands that there is an inherent imbalance of power and position experienced by children and vulnerable persons when interacting with adults placed in positions of authority and responsibility. The Diocese has zero-tolerance of any abuse.

(10) Workers of the Diocese are expected to:

- a. foster a safeguarding culture that recognises and upholds the dignity, diversity and rights of all children and vulnerable persons, with particular attention to those who have increased individual vulnerabilities;
- b. empower children and vulnerable persons to have their say and to be listened to;
- c. encourage open communications with families and communities to enable their participation in decisions about the safety of children and vulnerable persons;
- d. foster safe and supportive relationships between Diocesan workers, children and vulnerable persons, both in person and online;
- e. be aware of the causes and signs of abuse and indicators of increased situational and individual risk in the physical and online environments;
- f. respond to a disclosure of abuse from a child or vulnerable person appropriately, with the upmost care and support;
- g. ensure that concerns for the safety, welfare and wellbeing of children and vulnerable persons are reported to the Office of Safeguarding and external authorities in accordance with the worker's legal, professional and policy obligations;
- h. support Police and other statutory and diocesan authorities who are conducting inquiries into alleged criminality or abuse against children and vulnerable persons;
- i. participate in safeguarding training in accordance with diocesan expectations;
- j. support diocesan assessment and management of elevated risks to children or vulnerable persons;
- k. act in accordance with diocesan policies and procedures in managing complaints; and
- l. contribute to diocesan compliance with [NSW Child Safe Standards](#) and the [National Catholic Safeguarding Standards](#).

Lawful Compliance

(11) Workers must act lawfully and comply with all legislative, contractual and industrial requirements while engaged by the Diocese.

(12) Workers must comply with the Diocese's policies and follow all reasonable and lawful directions given by the Diocese.

Ethical Behaviour

(13) Workers of the Diocese are expected to:

- a. respect the dignity, rights and views of others;
- b. listen and seek to understand different points of view (this does not necessarily mean agreeing with the point of view);
- c. be honest and act with integrity at all times;

- d. act respectfully at all times, including respecting cultural, ethnic and religious differences;
- e. conduct themselves in a manner which will not bring the Diocese into disrepute and or damage the reputation of the Diocese including in a private capacity;
- f. work collaboratively and acknowledge the genuine contributions that others make;
- g. express constructive feedback considerately and in a moderate tone;
- h. not harass, bully or discriminate against colleagues, students, people we support or members of the community;
- i. refrain from making vexatious or malicious allegations against other workers of the Diocese;
- j. be courteous, fair, sensitive and considerate to the needs of others; and
- k. actively assist in managing workplace conflict that personally affects them or workers under their supervision to create positive and constructive outcomes.

Professional Behaviour and Development

(14) Workers of the Diocese are expected to:

- a. maintain a high standard and quality of work;
- b. maintain and develop knowledge and understanding of their area of expertise;
- c. continuously seek to improve work performance and bring about improvements in the workplace;
- d. within the scope of their role, provide employees with guidance, training, support and supervision;
- e. exercise care, responsibility and sound judgement when carrying out their duties;
- f. ensure procedural fairness is followed in all processes;
- g. take reasonable care of their safety and health at all times;
- h. take reasonable steps that their acts/omissions do not adversely affect the health and safety of others;
- i. comply and cooperate with any reasonable instruction, policy or procedure, including with respect to work health and safety matters;
- j. refrain from carrying out their duties under the influence of alcohol, any illegal substance, or any drug which impairs work performance, impacts behaviour or judgement, or poses a safety risk to themselves or others;
- k. not ignore work duties or waste time during working hours;
- l. not take or seek to take improper advantage of any information gained in the course of their engagement;
- m. not take or seek to take improper advantage of their position to benefit themselves or others;
- n. not allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities;
- o. where relevant, adhere to any dress code requirements of the Diocese;
- p. maintain confidentiality and privacy where required; and
- q. report to the Diocese any instance where the worker believes they, or anyone within their workplace, has breached an obligation under this policy.

Conflicts of Interest

(15) A conflict of interest includes any circumstance, whether actual or perceived, arising from a conflict between the performance of a worker's professional duties with the Diocese and their personal interest.

(16) Workers are to take all appropriate steps to disclose a conflict of interest (or potential conflict) to the Diocese as soon as the worker becomes aware of it.

(17) A conflict of interest can arise where there is a reasonable expectation of a personal benefit, direct or indirect, for a worker that could influence the performance of their duties. This benefit may be financial or non-financial.

(18) Workers 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.

(19) A worker may ask themselves the following questions to assist in identifying whether a situation or relationship is potentially a conflict of interest:

- a. Do I have personal interests that may conflict, or be perceived to conflict, with my position at the Diocese?
- b. Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?
- c. How will my involvement in a decision or action be viewed by others?
- d. Does my involvement appear fair and reasonable in all the circumstances?

Related Party Transactions

(20) A related party transaction is the transfer of resources, services, or obligations between related parties. It does not have to include a financial payment.

(21) Related parties include:

- a. spouse, child, parent and sibling;
- b. anyone who lives in the household of the worker;
- c. any company or business in which the worker, or someone who lives in the household of the worker holds, shares or has responsibility for;
- d. other family related by blood or marriage but this may depend on context; and
- e. an agency, school, or parish that is part of the Diocese.

(22) A related party transaction can include:

- a. purchases, sales or donations;
- b. receiving goods, services or property;
- c. leases;
- d. transferring property, including intellectual property;
- e. loans;
- f. providing employees or volunteers; and
- g. providing shared services such as accounting or legal services at a discounted rate or for free.

(23) Workers must disclose a related party transaction and obtain appropriate approval to enter into a related party transaction.

(24) Workers must maintain substantial evidence to show a decision was made at 'arms length'.

(25) A transaction is at 'arms length' if the relevant parties have dealt with each other as parties normally do when they are not related, so that the outcome of their dealing is a matter of genuine bargaining and includes terms that might reasonably have been agreed between arm's length parties.

Gifts and Benefits

(26) Workers must not solicit or accept gifts, benefits or hospitality which might be reasonably seen to either directly or indirectly compromise or influence their professional duties within the Diocese.

(27) All gifts from external parties must be brought to the attention of the relevant manager who will decide how the gift should be treated, in line with the financial protocols and policies of the Diocese.

(28) Generally gifts of a nominal value or moderate acts of hospitality offered as a genuine thank you by a client, may be personally retained as long as they have not been solicited by the worker or could be seen to have compromised or unduly influenced the worker's professional duties with the Diocese.

(29) Gifts or hospitality offered as an inducement to purchase, provide information, or treat someone favourably are not acceptable regardless of their monetary value. Examples of inducement include a recruitment agency offering theatre tickets for each temporary person engaged.

(30) Gifts such as a Christmas hamper or a box of chocolates from a consultant, should be shared and made available for consumption by all workers. Consideration should also be given to donating such gifts to charity.

Secondary Employment

(31) Workers employed on a full-time basis must seek and obtain approval in writing from the Diocese prior to engaging in any secondary employment or business activity, including employment with a family company.

(32) Part-time and casual workers must also seek approval to undertake secondary employment from the Diocese if the employment may result in a potential conflict of interest that could adversely impact on the worker's ability to perform their duties with the Diocese, including work, health and safety concerns, or where secondary employment may affect the Diocese's financial position, services or standing in the community.

(33) Approval for secondary employment is still required where workers are on leave, including periods of leave without pay.

(34) Where a worker is already involved in secondary employment, they must provide details of the secondary employment to the Diocese and obtain the necessary approval.

(35) Current and former workers are to seek and obtain approval in writing from the Diocese to act in the capacity of a volunteer.

Social Media

(36) Workers should not use social media in a manner which may bring the Diocese into disrepute. Refer to the Media Policy and associated documents in this regard.

Public Comment

(37) Only authorised workers are permitted to make public statements or give interviews on behalf of the Diocese to a media representative.

Management of Time and Resources

(38) Workers must use Diocesan resources economically and ethically. Such resources include money, facilities, equipment (e.g. phones, computers, iPads, and fax machines), vehicles, services (e.g. internet) and any other property which is owned or is the responsibility of the Diocese.

(39) Workers also have a duty to ensure the resources of the Diocese are used only for their intended purpose, are well maintained and secured against theft or misuse.

(40) Workers are fully accountable for the use of Diocesan work time and resources. Workers should not use Diocesan work time or resources for an outside interest, secondary employment or personal gain, such examples include the development of a new commercial idea or writing a book.

(41) Workers 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.

Protected Disclosures

(42) In reporting any suspected improper use, fraud, waste or abuse of resources, corruption, inadequate administration or accountability, workers are entitled to seek support and protection when making such disclosures, and to be notified of the action taken in relation to the disclosure.

(43) Workers 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.

Confidentiality

(44) Workers must not divulge, either during employment or after, any confidential information gained as a worker of the Diocese.

(45) Workers of the Diocese are expected to:

- a. abide by the [Australian Privacy Principles \(APPs\)](#) found in the [Privacy Act 1988](#) (Cth) in the conduct of their work;
- b. treat confidential and personal information about colleagues, volunteers, students, people we support and other members of the community respectfully;
- c. exercise caution and sound judgement in discussing other people's confidential and personal information;
- d. comply with relevant laws and regulations regarding the collection, dissemination, use and security of all such information;
- e. only use such information for work-related purposes;
- f. only communicate such information to those who need to know it in order to perform their role;
- g. sharing of confidential and personal information with external persons or agencies may only occur:
- h. within the established guidelines for such communication; or
- i. in accordance with any relevant legislation relating to the provision of such information.

Section 4 - Consequences of Breaching this Policy

(46) Any worker found to be in breach of this policy may be subject to disciplinary action including but not limited to counselling, performance management, a warning, suspension or dismissal. This could also result in the notification to external agencies.

Section 5 - Notations

(47) If there is any inconsistency between a policy document in existence before the commencement of this policy, and a policy document developed after the commencement of this policy, the later applies to the extent of the inconsistency.

Section 6 - Document Review

(48) This policy will be reviewed when there is a legislative change, organisational change, delegations change, technology change or at least every 3 years to ensure it continues to be current and effective.

Status and Details

Status	Current
Effective Date	20th February 2024
Review Date	1st May 2025
Approval Authority	Bishop
Approval Date	2nd November 2023
Expiry Date	To Be Advised
Unit Head	Megan Grainger Head of Governance
Enquiries Contact	Quality and Assurance

Glossary Terms and Definitions

"Diocesan worker" - A worker is a person who carries out work in any capacity for an employer or 'Person Conducting a Business Undertaking'. This includes employees, clergy, religious, trainees, apprentices, student placements, volunteers and contractors. In the Diocese of Maitland-Newcastle, 'diocesan worker' includes those who carry out work in and for parishes within the Diocese, within and for diocesan agencies and the diocesan curia.

"Children" - Refers to people under the age of 18 years. [1] [1] Under the Children and Young Persons (Care and Protection) Act 1998, there is a differentiation between children (0-15 yrs) and young people (16-17 yrs). However, the Crimes Act 1900 and the Child Protection (Working with Children) Act 2012 define children as any person less than 18 years of age. The Children's Guardian Act 2019, other than for purposes of Part 6 Child Employment, also defines children as persons under 18 years of age. The National Catholic Safeguarding Standards defines children as "individuals under 18 years of age". The definition recognises that there is a graduation towards independence that begins for children prior to their 18th birthday, through adolescence increasing independence and self-determination is afforded a child, e.g. making some medical decisions independent of their parents etc.

"Conflict of interest" - Conflict of interest refers to situations where a conflict arises between public or professional duty and private interest. This conflict could influence the performance of official duties and responsibilities. Such conflict generally involves opposing principles or incompatible wishes or needs. Conflicts of interests can be: ♦ Actual, involves direct conflict between your current duties and responsibilities and existing private interests; or ♦ Potential, where a person has private interest that could interfere with the performance of their official duties and responsibilities in the future. ♦ Reasonably perceived, where a reasonable person could perceive that your private interests are or are likely to improperly influence the performance of your duties, irrespective of whether this is the fact.

"Vulnerable persons" - On 7 May 2019 Vos Estis Lux Mundi established a definition of vulnerability. The revised decree (27 March 2023) establishes that a vulnerable adult: means any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which in fact, even occasionally, limits his or her capacity to understand or will or otherwise resist the offence." Vos Estis Lux Mundi also states that "a person habitually suffering from the imperfect use of reason shall be equated with a minor". The National Catholic Safeguarding Standards (Ed. 2) apply the term 'adult at risk' which "means any person aged 18 years and over who is at increased risk of experiencing abuse". The term is very broad and significantly beyond what canon law deems to be vulnerable. The Diocese is guided by the understanding of vulnerability set out in Vos Estis Lux Mundi. To assist practical interpretation, the Diocese considers vulnerable persons as those who: ♦ have physical disability of sufficient severity as to make them dependent on another for assistance in everyday activities and self-care; ♦ have a chronic or persistent mental illness that significantly impedes their competence to self-determine their lives; ♦

have a developmental delay or other cognitive disability to a moderate or profound degree; ♦ is neurodiverse to a degree that ongoing functioning in society requires assistance and support from another; or ♦ becomes physically or mentally frail as a result of advanced years or personal history (e.g. having been in institutional or statutory care). Whilst a person may have a medical diagnosis or a statutory or other classification which evidences that person's vulnerability; it is not a prerequisite. For the purposes of this policy, the assessment of the diocesan worker that a person meets one or more of the criteria, based on credible evidence, is sufficient to determine that a person should be afforded the protections of being a vulnerable person. Individuals and families (including children) or other relationship groups who are classified as refugees or asylum seekers by the Australian Government are also considered vulnerable. An asylum seeker is a person who has fled their own country and applied for protection as a refugee.

"Corruption" - Occurs where a worker uses or attempts to use their position for some personal gain or advantage (either for themselves or another person or entity), rather than acting in the interest of the Diocese. It may involve a worker carrying out their duties dishonestly or unfairly or misusing the Diocese's resources or information for an improper purpose.

"Fraud" - Is dishonest activity by a worker that causes actual or potential financial loss to the Diocese, including theft of money or other property for personal gain. It includes deliberate fabrication, concealment, destruction, or improper use of documentation used for a normal business purpose or the improper use of other information or position.

"Catholic Diocese of Maitland-Newcastle (the Diocese)" - The Catholic Diocese of Maitland-Newcastle (the Diocese) is inclusive of all parishes and agencies, communities, ministries and works that are under the authority of the Bishop of Maitland-Newcastle. The Bishop takes his authority from Canon Law (Canons 375-402). The geographical coverage of the Diocese includes all or part of the Newcastle, Lake Macquarie, Maitland, Cessnock, Port Stephens, Singleton, Muswellbrook, Upper Hunter, Dungog and Mid-Coast local government areas, with almost 160,000 Catholics, 38 parishes and serviced by multiple diocesan ministries and agencies. The Diocese is not wholly geographic in nature. There are elements of the Catholic Church operating within the physical boundaries of the Diocese that do not fall under the authority of the Bishop and are not a part of the Diocese. Equally, particular diocesan ministries occur within external institutions (e.g. Prison Chaplaincy, Hospital Chaplaincy).

"Guidelines" - Guidelines state the general intent of the Diocese or Agency and may be less formal. It directs those subject to the guidelines how to treat or approach a particular situation. Guidelines may be more general in approach or very detailed.

"Manager" - A manager is a worker with additional responsibilities including supervising workers and/or administering a service area. This includes, but is not limited to, managers, team leaders, directors, principals, assistant principals, supervisors, heads of services/agency, parish administrators and business managers.

"Safeguarding" - Safeguarding is a set of guiding principles that came to prominence in the UK. Safeguarding children are the actions taken to promote the welfare of children and protect them from harm. Safeguarding means:

- ♦ protecting children from abuse and maltreatment
- ♦ preventing harm to children's health or development
- ♦ ensuring children grow up with the provision of safe and effective care
- ♦ taking action to enable all children and young people to have the best outcomes.

Child protection is part of the safeguarding process. Safeguarding of vulnerable adults is based on the English Care Act 2014 and require that persons assessed as an 'adult at risk' are protected from abuse or neglect and that intervention is based on six principles:

- ♦ Empowerment: putting people first and helping those who lack mental capacity feel involved and informed
- ♦ Protection: supporting victims so they can take action
- ♦ Prevention: responding quickly to suspected cases of abuse
- ♦ Proportionality: making sure what we do is appropriate to the situation and for the individual
- ♦ Partnership: sharing the right information in the right way
- ♦ Accountability: making sure all agencies have a clear role

"Worker" - A Worker is a person who carries out work in any capacity for an employer or 'Person Conducting a Business Undertaking'. This includes: ♦ employees; ♦ teachers; ♦ educators; ♦ contractors; ♦

apprentices; ♦ clergy; ♦ religious; ♦ student placements; ♦ trainees; and ♦ volunteers/unpaid . In the Catholic Diocese of Maitland-Newcastle, 'worker' includes those who carry out work in diocesan parishes, within diocesan agencies and as a part of the diocesan curia.

"Related Party Transaction" - A related party transaction is the transfer of resources, services, or obligations between related parties. It does not have to include a financial payment. Related parties include: ♦ Spouse, child, parent and sibling; ♦ Anyone who lives in the household of the worker; ♦ Any company or business in which the worker, or someone who lives in the household of the worker holds, shares or has responsibility for; ♦ Other family related by blood or marriage but this may depend on context; and ♦ An agency, school, or parish that is part of the Diocese. A related party transaction can include: ♦ Purchases, sales or donations; ♦ Receiving goods, services or property; ♦ Leases; ♦ Transferring property, including intellectual property; ♦ Loans; ♦ Providing employees or volunteers; and ♦ Providing shared services such as accounting or legal services at a discounted rate or for free.