

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

Policy Title	St Columbans Mission Society – Code of Conduct		
Responsibility for this Policy	Columban Leader Australia & Safeguarding Coordinator		
Effective as at:	18 November 2021	Approved by Leadership:	10 May 2022
Last Revised:	15 December 2021	Review Date:	30 November 2024
Relevant NCSS (2019):	Standard 1: Committed leadership, Governance & Culture (<i>Criterion 1.4 and Indicators 1.4.1, 1.4.2, 1.4.3</i>)		

1. Introduction

The Missionary Society of St. Columban in Australia (the Society) expects personnel to maintain the highest standards of ethical conduct. This includes conduct that upholds the human rights, dignity and well-being of all people and safeguards children and adults at risk from abuse and harm.

2. Purpose

The Code of Conduct establishes principles for ethical conduct and is designed to establish a clear and common understanding of standards of behaviour expected by Members of the Society (Members), students, lay missionaries, priest associates, employees, volunteers and contractors.

Personnel¹ have a responsibility to promote the standards embodied in the Code in addition to the teachings and values of the Catholic Church more broadly.

The Code should be read alongside the Columban *Manual of Policies & Procedures (2018)*, the Society's *Safeguarding Policy 2020 (Australia)*, the *Workplace Bullying & Discrimination Policy (2021)* and related documents.

The Code also complements other documents of the Catholic Church such as *Integrity in Ministry (2010)* and *Integrity in the Service of the Church (2011)*.

3. Scope

The Code of Conduct applies to all Society personnel¹ in Australia including those Members

¹ For the purpose of this document the term personnel were taken to refer to Members of the Society, students, lay missionaries, priest associates, paid employees, volunteers, contractors and other people who participate in the life, work and mission of the Society.

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

visiting from overseas while on leave, holiday, study or short-term appointment, students, lay missionaries, priest associates, employees, volunteers, contractors, and others engaged by the Society.

The Code of Conduct applies when personnel are directly engaged with the Society in their workplace or in their ministry as well as beyond formal working hours.

Personnel may also be accountable for breaches of this Code of Conduct beyond what may be normally regarded by them as the workplace, both within Australia and overseas while either directly or indirectly associated with the Society.

Before commencing any role, personnel must sign an acknowledgement that they have reviewed this Code of Conduct, agree to comply with it, and understand the consequences of breaching the Code.

Personnel are required to review and sign the Code of Conduct regularly, not less than every two years to reaffirm their understanding of their obligations.

The Columban Leader Australia or his delegate, is responsible for ensuring that this occurs and maintaining appropriate records.

4. Ethical Conduct

The Society promotes the following principles:

- a. Reflecting the beliefs and gospel values of the Catholic faith.
- b. Respecting the dignity, rights and views of others.
- c. Acting honestly and with integrity at all times.
- d. Being courteous, fair, sensitive and considerate to the needs of others.
- e. Listening and seeking to understand different points of view (this does not necessarily mean agreeing with the point of view).
- f. Acting respectfully at all times, including respecting cultural, ethnic, political and religious differences.
- g. Taking an inclusive approach that does not discriminate against or harass any person because of their gender, sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual orientation or gender identity. Such

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*.

5. Professional and Personal Behaviour and Development

5.1. In performing their duties, personnel must:

- a. maintain a high standard and quality of work.
- b. demonstrate a duty of care.
- c. maintain and develop knowledge and understanding of their area of expertise.
- d. continuously seek to improve work performance and bring about improvements in the workplace.
- e. exercise care, responsibility and sound judgement when carrying out their duties.
- f. take reasonable care of their health and safety.
- g. comply and cooperate with legislative and industrial requirements and any reasonable instruction, policy or procedure.
- h. use appropriate language.
- i. maintain adequate records to support any decisions made.
- j. maintain confidentiality and privacy.

5.2. In performing their ministry and duties, personnel must not:

- a. act in ways that adversely affect the health and safety of others.
- b. come to work or stay at work while affected by alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others.
- c. consume any substance during working hours which would impair their ability to work safely and effectively and would be a risk to the safety of others.
- d. bring alcohol onto work premises without permission.
- e. smoke in the workplace, including in stairwells, fire escapes and foyers and before, during and after normal office hours.
- f. ignore work duties or waste time during working hours.
- g. take or seek to take improper advantage of any information gained in the course of employment.
- h. take improper advantage of their position to benefit themselves or others.
- i. allow personal political views/affiliations inconsistent with the mission and values of the Society or other personal interests to influence the performance of duties or exercise of responsibilities.

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

- j. use information and communication technologies, such as email, mobile phones, text or instant messaging and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm, or make them feel unsafe.
- k. make unfounded complaints with malicious, frivolous or vexatious intent against another member or personnel.

6. Conduct Towards Children

6.1 'Child' means any individual under the age of 18 years.

6.2 Personnel must not engage in the following conduct:

- a. any form of physical, emotional or sexual abuse.
- b. grooming of a child for sexual abuse.
- c. using sexually suggestive or explicit language or gestures.
- d. engaging in conversations about sexual experiences or sharing sexual images.
- e. being alone with a child away from the presence of other adults, including for the purpose of transportation, without express permission.
- f. showering/using the toilet with an open door in the presence of a child.
- g. helping children with intimate care if the child is capable of doing it on his or her own (e.g., toileting or changing clothes).
- h. not respecting the privacy of a child (e.g., when using the bathroom or changing).
- i. physically disciplining a child.
- j. making excessive and/or degrading demands of a child.
- k. making any kind of drug, alcohol or cigarettes available to children.
- l. engaging in private electronic or online contact with a child.
- m. engaging with a child in a way that is overly intimate or could be seen as involving favoritism or any form of special treatment.
- n. taking photos of a child outside of official duties or without consent of parent or responsible person and without regard to the wishes of the child or youngperson.

6.3 Personnel must:

- a. report to the Society Safeguarding Coordinator any concerning conduct that is brought to their attention and any circumstances where they suspect that a child is currently at risk of harm (see Section 8).
- b. take reasonable steps to protect children from foreseeable risk of injury.

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

- c. ensure that physical contact with children is reasonable for the purpose of their management or care, and is appropriate given their age, maturity, health or other characteristics, e.g.:
 - assessing a child or young person who is injured or ill
 - comforting an upset child
 - guiding a child in a non-threatening manner
 - protecting a child from imminent danger to himself/herself or to others
 - demonstrating or guiding a particular action or skill as part of drama or other activities within the lesson.
- d. complete their duties in accordance with the directions provided by the relevant supervisor.
- e. consider the risks of proposed activities and tasks and develop strategies to manage these risks.
- f. adhere to an appropriate standard of dress when engaged in ministry.

7. Conduct Towards Adults at Risk

- 7.1. 'Adult at risk' means any individual aged 18 years and over at increased risk of abuse, including those who:
 - are elderly
 - have a disability
 - have a mental illness
 - have diminished capacity
 - have cognitive impairment
 - are experiencing transient risks, e.g., bereavement, relationship breakdown, domestic or family violence, homelessness
 - have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation.
- 7.2 Whilst taking care to not make assumptions or generalizations about individuals, the Society recognises that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, e.g.:
 - being Aboriginal or Torres Strait Islander
 - being a refugee or migrant
 - diverse gender or sexuality
 - speaking a first language other than English
 - surviving sexual abuse or child abuse.
- 7.3 When interacting with or ministering to adults deemed to be at risk, personnel must not engage in the following conduct:

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

- any form of physical, emotional or sexual abuse
- making excessive and/or degrading demands
- exploiting an individual's vulnerability to form an intimate relationship
- any misuse of authority or power that exploits, manipulates or coerces a person to engage in any activity, or which disrespects their human rights and dignity
- not respecting the person's privacy
- any form of financial abuse or exploitation.

7.4 Personnel must:

- a. report to the Society Safeguarding Coordinator any concerning conduct that is brought to their attention and any circumstances where they suspect that an adult at risk is currently at risk of harm (see Section 8).
- b. take reasonable steps to protect vulnerable adults from foreseeable risk of injury.
- c. ensure that physical contact with vulnerable adults is reasonable for the purpose of their care, and is appropriate given their age, health, disability or other characteristics. For example:
 - physical contact should be consistent with any specific management plan for the person, and
 - physical intervention (including physical restraint, removals or escorts) should be avoided and used only as a last resort to ensure safety and protection of the person and others.
- d. complete their duties in accordance with the directions provided by the Society or its authorised representative.
- e. consider the risks of proposed activities and tasks and develop strategies to manage these risks.
- f. adhere to an appropriate standard of dress when engaged in ministry.

Generally, one-to-one interactions with an adult at risk should not take place unless in an open or visible space, or within the clear line of sight of another adult.

This includes ministries and/or services such as counselling, one-to-one tuition, the sacrament of reconciliation, coaching, spiritual direction and mentoring.²

However, this will depend on the individual's circumstances, preferences and right to privacy. Prudent judgement is required on a case by case basis.

² Where the sacrament of reconciliation is celebrated using the first form of the rite of penance, that is the Rite of Reconciliation of Individual Penitents, this may occur in a chapel or other space within the church set apart for this purpose, the physical contact between the cleric and penitent is not permitted.

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

8. Reporting Requirements

The Society will comply with all requirements to report concerns about the safety of children or adults at risk to external authorities.

These requirements are outlined in the Society Safeguarding Policy (Australia) and respect the nation-wide civil jurisdictions across which the Society's personnel work and reside. These requirements include:

- a. Reporting criminal offences, or the suspicion of a criminal offence, to Police.
- b. Reporting to the relevant Child Protection Authority where there are reasonable grounds to believe that a child (or class of children) is at risk of harm.
- c. Notifying, where they exist, the independent oversight body of any reportable allegations under the Reportable Conduct Scheme.
- d. Reporting safety concerns for an adult in an aged care facility, respite and day care service or support services delivered in the home to the Aged Care Quality and Safety Commission.
- e. Reporting safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service to the NDIS Quality & Safeguards Commission.
- f. Reporting safety concerns that relate to the abuse, neglect or exploitation of an adult with disability or older person living in their home (conduct by a member of the person's family, other informal supports, or members known to them from the community) to the relevant body.

To ensure the Society can fulfil these reporting requirements, personnel must report any concerns about the safety of children or adults at risk to the Society Safeguarding Coordinator as soon as practical.

9. Workplace Bullying, Equity and Inclusion³

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

Personnel must not discriminate against any person on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity.

10. Copyright and intellectual Property

Personnel must ensure the intellectual property rights of others are respected and are not infringed when creating material for use by the Society.

³ For further explanation see the Society's *Workplace Bullying and Discrimination Policy (2021)*

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

When producing original material and resources for the Society, personnel are reminded that the Society may assert its intellectual property rights over the material. This may apply even if the material was developed in an individual's own time or at home.

Personnel must adhere to the relevant Federal laws when duplicating text and other materials such as music or video footage for use in school.

11. Gifts, Benefits and Hospitality

Personnel have a responsibility to behave with integrity and impartiality. Personnel should exercise prudent judgement when either giving or receiving gifts or benefits particularly those of significant monetary value.

Individuals must not solicit gifts, benefits or hospitality for individual gain or seek any private advantage that may compromise them in their work or ministry.

Members may choose to share gifts and benefits within their community or members of their household rather than retain them personally.

Employees must declare any gifts, benefits or hospitality received in the course of their work or ministry to their supervisor or head of ministry in their workplace and Members, students, lay missionaries and priest associates should do so with the Columban Leader Australia.

12. Conflicts of Interest

- a. Personnel have an obligation to ensure that conflicts of interest (whether financial or otherwise) are managed in a fair, ethical and transparent manner. The potential for a conflict of interest arises when personnel have private interests that could influence or appear to influence judgements made during the course of their professional duties. They also arise when there is a reasonable expectation of a personal benefit, direct or indirect, that could influence the performance of personnel's duties. This benefit may be financial or non-financial.
- b. To avoid a conflict of interest, real or perceived, personnel must:
 - Conduct themselves in a manner which is consistent with Catholic values
 - Be objective, open and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of the Society
 - Declare all private interests (including pecuniary and non-pecuniary) that conflict or may conflict with the discharge of their responsibilities to the Society

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

- Use their own judgement in determining the appropriateness of non-cash gifts and hospitality
- Ensure all decisions are free of bias or apparent bias
- Behave with integrity and impartiality
- Ensure all processes are transparent and documented

It is recognised that the giving and receiving of gifts and hospitality has an important role to play in the Church. However, it is important to ensure that these practices do not give rise to conflicts of interest, the misallocation of resources or impact on the reputation or work of the Society. As noted in section 11, personnel must declare any gifts, benefits or hospitality consistent with the requirements above.

13. Fit and Proper Assessment

Personnel responsible for the management and oversight of the Society must be able to demonstrate they have relevant qualifications, training or experience in order to undertake their duties in the management of finances and resources and be considered 'fit and proper' for this role.

This could include maintaining relevant memberships with professional bodies, registrations, qualifications and certifications.

14. Secondary Employment

Personnel are required to undertake their duties with the highest degree of integrity and free from any safety risks, conflicts of interest or contractual breaches resulting from other paid employment.

As secondary employment could lead to a real or potential conflict of interest, employees are required to discuss this possibility with their supervisor or head of ministry in their workplace.

In most cases secondary employment will be approved, particularly in the case of part time or casual employees for whom a number of employers is possible.

Personnel may engage in voluntary work without seeking permission, as long as this work does not present a potential or actual conflict of interest.

15. Management of Resources

Personnel must be careful, ethical, efficient and economical in their use and management of the Society's resources, including work time. Resources include (but are not limited to) money, facilities, equipment, vehicles, and services (e.g., internet).

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

Resources should be used only for their intended purpose, well maintained and secured against theft or misuse.

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

Personnel have a duty to report any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability to their supervisor or head of ministry in their workplace or to the Columban Leader Australia.

16. Publications and Social Media

Personnel must exercise caution when using social media platforms for personal purposes outside their work hours. Personnel must not:

- a. make disparaging or offensive comments on social media about the Society, the Catholic Church, clients or colleagues.
- b. express or support views on social media that conflict with the mission and values of the Society.
- c. publish articles or opinions in print or online that are likely to cause concern, embarrass or incite conflict for the Society either within its own membership or between the Society and the wider church or civil society.

17. Appropriate use of electronic communication

The Society provides electronic communication facilities for its personnel for the administrative and mission purposes of the Society. It reserves the right to monitor and view any data stored or transmitted using these facilities.

Personnel must:

- a. Exercise good judgment when using electronic mail and use appropriate language in electronic mail messages.
- b. Not send messages that are harassing, defamatory, threatening, abusive or obscene.
- c. Report any situations where you become aware of the inappropriate use of electronic communication and social networking sites by other personnel.

Personnel must not use Society networks to view, upload, download or circulate any of the following materials:

- a. Sexually related or pornographic messages or material.
- b. Violent or hate-related messages or material.
- c. Racist or other offensive messages aimed at a particular group or individual.

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

- d. Malicious, libelous or slanderous messages or material.
- e. Subversive or other messages or material related to illegal activities.

Be aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be discoverable: that is, the court and all parties to the dispute would be entitled to see them.

18. Privacy & Confidentiality

The Society complies with *The Australian Privacy Principles (2014)*. Personnel must not divulge, either during employment or after, the confidential information of the Society.

In particular, personnel must not divulge, either during employment or after leaving employment, any confidential information gained while with the Society that could adversely affect the Society, its clergy or other personnel if disclosed.

Further individuals must:

- a. only use official information for the work-related purpose it was intended.
- b. not disclose or use any confidential information without appropriate approval.
- c. must make sure that confidential information cannot be accessed by unauthorised persons.
- d. be vigilant in discussing other people's personal information with other persons. Information provided to others should be restricted to those who require it in the normal course of the Society's work.
- e. respect the privacy and confidentiality of any person who reports safety concerns about a child or adult at risk except where legislative or statutory requirements over-ride this as outlined in the Safeguarding Policy.

19. Protected Disclosures

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

Personnel are not entitled to protection for disclosures which, on investigation, are found to be vexatious or malicious allegations, and may be liable for disciplinary action as a result. For more information, see the Complaint Handling Policy and Procedure.

20. Consequences of Breaching this Code of Conduct

Breaching the Code of Conduct may constitute misconduct and result in disciplinary proceedings up to and including dismissal (with or without notice) and possible criminal proceedings. This may impact on their ability to work with children and/or adults at risk in the future.

ST COLUMBANS MISSION SOCIETY (AUSTRALIA) – CODE OF CONDUCT

In relation to Members, breaching the Code of Conduct may lead to them being removed from ministry or dismissed from the clerical state, as applicable.

Breaches of this Code of Conduct are managed under the Society *Grievance Policy & Procedure (2021)*.

21. Conflicts between this Code of Conduct and other obligations on Members and personnel

In the event that the Society Code of Conduct is in conflict with another policy or relevant state or federal legislation, or requirement of the Society of St Columban, the Member or other personnel will be bound by the policy that places a higher burden on them.

In such cases, any civil statute, particularly those involving child protection legislation, will prevail over this Code of Conduct.

22. Related documents

- Columban Manual of Policies & Procedures (2018) (Sections 304-309)
- The Society Safeguarding Commitment Statement (2020)
- The Society Safeguarding Policy (2020)
- The Society Complaints Handling Policy (2021)
- The Society Grievance Policy & Procedure (2021)
- Risk Management Strategy (2021) and supporting templates
- The Society Workplace Bullying & Anti-Discrimination Policy (2021)
- Model Code of Conduct (Catholic Religious Australia 2020)
- Integrity in Ministry (2010)
- Integrity in the Service of the Church (2011)
- The National Response Protocol (ACBC, Feb 2021).

23. Relevant legislation

- State Crimes Act(s)
- State Child Protection Legislation
- State Reportable Conduct Legislation
- State Working with Children Check legislation
- National Disability Insurance Scheme Act 2013 and related rules
- Aged Care Quality and Safety Commission Act 2018 and the Aged Care Act 1997.

24. Reviewing the Code

The content of the Code of Conduct will be reviewed whenever a breach is identified and at least every three years. The Columban Leader Australia is responsible for ensuring the review is completed.