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Authorised by: Julia Walters Board Chair	Status: ACTIVE Date Approved: March 2019 To be Reviewed: March 2021

CODE OF CONDUCT

1.0. Background

1.1. This document has been adopted from a similar document prepared by members of the National Board of L'Arche Australia in consultation with members of each Community. The *Code of Conduct* shall be used to guide community members, employees, volunteers and members of management or advisory committees to ensure the best possible standards of service and professional conduct. The Code of Conduct embodies the principles of:

- Intentional community
- Social justice
- Natural justice
- Confidentiality
- Respect and integrity
- Maintenance of the organisation's integrity

1.2. It also details standards for the provision of support services to people with intellectual disability.

2.0. Principles

2.1. Social Justice

The notion of social justice is integral to the functioning and operation of L'Arche at all levels, including management. The principles of social justice (access, equity, participation and rights) shall underpin the practice of Assistants, Community Leaders, other Employees, Volunteers and Members of Management or Advisory Committees as well as Community and National Councils.

2.2. Natural Justice

Assistants, Employees, Volunteers and Members of Management or Advisory Committees will demonstrate the desire to at all times act fairly, in good faith and without bias or prejudice. This encompasses a commitment to inclusive decision-making, i.e. decision-making processes that are based on consultation with key stakeholders, the right of access to information about decisions, and the right of appeal for those affected by the decision.

3.0. Confidentiality

- 3.1. The privacy of all members of L'Arche will be respected and information obtained in the course of one's involvement will be held in confidence.
- 3.2. People will respect the confidentiality of information obtained in the course of any meetings or other dealings within L'Arche and will not share information with reference to people with disability, other community members, or other committee members to others outside the organization. When any person holds concerns about the operational functioning of the Community, these concerns should be brought to the attention of the appropriate person or Committee.

4.0. Respect and Integrity

4.1. Assistants, Employees, Volunteers and Members of Management or Advisory Committees should value and acknowledge the opinions and contributions of everyone. Treating everyone fairly, courteously and with respect. Ensuring the way, we work promotes trust among others and being transparent in decision making.



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4.2 Assistants, Employees, Volunteers and Members of Management or Advisory Committees should contribute to dialogue and discussion in a constructive manner. Providing constructive feedback to others in an honest and respectful manner. Using language which is respectful to core members, the community and others.

5.0 Maintenance of the Organisation's Integrity

5.1 All Employees, Community Members, Volunteers and Members of Management or Advisory Committees shall:

- declare any conflict (personal or organizational) between their interests and their role in the conduct of the business of the Community, so that it does not result in any unfair advantage to individuals, organizations, or interest groups;
- where a conflict of interest does emerge, the person so affected shall remove themselves from discussion and decision making relating to the issue, particularly in relation to any information that may be of a commercial nature.
- ensure that personal relationships, both within and outside the organization, do not adversely affect their performance, or that of others, in the conduct of the Community's business; and
- ensure their role is performed with integrity, honesty and competence, and that resources of the community are used effectively and efficiently.
- not taking sides in hostilities or engaging publicly in controversies of a political, racial, religious or ideological nature
- being mindful at all times (including outside work activities that their actions can impact the reputation of L'Arche

6.0 Standards for provision of support services

6.1 All persons involved in the provision of support to people with intellectual disability including Community members, paid Employees, Volunteers and Members of Management or Advisory Committees are expected to show a positive attitude towards members with disability and their families, with whom they have contact and are required to: -

- provide appropriate role models for members with disability
- avoid physical, sexual, emotional and verbal abuse to all Community members
- avoid racist, sexist or other discriminatory words or actions
- accept that others are entitled to have religious beliefs or sexual or political persuasions different from their own
- ensure that their activities contribute to maintaining efficient, effective and accountable support to people with disabilities within L'Arche
- respect the privacy of individuals when in group settings
- maintain confidentiality about information shared and not enter into gossiping about other people's life and choices
- respect the information given to them by others, without judging or being critical of the choices and decisions being made by others
- continue with their own personal development and self-care
- agree to support L'Arche policy in relation to abuse and boundary issues.



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7.0 L'Arche Criminal Record Check Policy

- 7.1 In line with its commitment to members with a disability and the protection of Assistants and other Community members' safety, L'Arche has initiated a policy that requires all persons whose roles involve personal care of people and those in positions of significant decision making in the Community to undergo a criminal record check prior to employment. L'Arche Australia will undertake these criminal checks in accordance with State and policy requirements.
- 7.2 Where a criminal record check proves positive, i.e. where the search of criminal records reveals a conviction, the information will be treated confidentially. A positive result from a criminal record check will not necessarily preclude a person from being employed by L'Arche. Each particular case will be determined on its merits and relevance to the position applied for and should any decision be contemplated that would disadvantage a person, they will have an opportunity to respond to the Board of L'Arche Australia before a decision is made.
- 7.3 It is a requirement that all workers, volunteers and board and council members must inform the L'Arche Australia Inc when they are charged or convicted of a serious offence, or other matters relevant to their employment that may affect their ability to do the job.

8.0 Abuse Intervention Policy

8.1 Definitions of Abuse

Abusive behaviours are the result of the misuse of power, betrayal of trust, respect or intimacy between two (2) people, which a person knew or ought to have known would cause or be reasonably expected to cause physical or emotional harm to the other. This includes all forms of abusive behaviour: physical, psychological, verbal, sexual, financial abuse and neglect. Abuse may be identified or suspected by a number of different people including the abused person, their Carers, family members, advocates, social and health professionals.

8.2 Physical Abuse

Physical abuse is any physical or violent contact which harms another person or is likely to cause them unnecessary and unavoidable pain and distress. Examples include handling the person in a rough manner, giving medication inappropriately, poor application of manual handling techniques or physical restraint which was unreasonable in the circumstances. Physical abuse may cause psychological harm.

8.3 Psychological Abuse

Psychological abuse is any verbal or non-verbal behaviour which demonstrates disrespect for a person and which could be emotionally or psychologically damaging. Examples include mocking, ignoring, coercing, threatening to cause physical harm or denying privacy to a person.

8.4 Verbal Abuse

Verbal abuse is any remark made to or about a person that may be reasonably perceived to be demeaning, disrespectful, insulting, derogatory, humiliating, intimidating, racist, sexist, homophobic, ageist or blasphemous. Examples include making sarcastic remarks, using a condescending tone of voice or excessive familiarity.

8.5 Sexual Abuse

Sexual abuse is forcing, inducing or attempting to induce a person to engage in sexual activity such as sexual intercourse or other forms of physical sexual relations, touching of a sexual nature, behaviour of a sexual nature towards a person and remarks of a sexual nature.



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Examples include touching a person and/or engaging or encouraging them to engage in sexual discussions not appropriate to their care. Sexual activity or relationship between Assistants, Employees, Volunteers or Members of Management or Advisory Committees and Members with intellectual disability are prohibited in all circumstances.

8.6 Financial Abuse

Financial/material abuse involves illegal acts such as stealing and the unauthorized use of funds, property or resources. Examples include borrowing property or money from a person with a disability or their family member, inappropriate withholding of money or possessions and inappropriate handling of or accounting for a person's money.

8.7 Spiritual Abuse

L'Arche Communities are intentional faith communities which welcome people of all faiths and of none. Prayer is a vital element in the Community's health but coercion must not be used to force members to participate in activities of a spiritual nature.

8.8 Context for response

Within the context of intentional Christian community there is often a tendency to want to rescue the perpetrator of abuse from the consequences of their action by holding a position which offers forgiveness and a second chance to persons who appear remorseful and ask for forgiveness.

It should be remembered that forgiveness is the end product of a process not the starting point and that for justice to occur for the victim and for L'Arche to maintain its integrity, independent formal processes must occur.

There is always tension when confronted with the possibility that a person in a caring role would be capable of abuse, however, statistics show that particularly within the context of Christian ministries, abusers have been well regarded, charismatic individuals with exceptional credentials. It is essential that independent investigation occurs.

When abuse occurs, support needs to be:

- Individual/personal - reflecting compassion and respecting the privacy and particular needs of the person and:
- Systemic - within the context of clearly articulated policies and procedures of L'Arche Australia.

Experience demonstrates that both personal and systemic supports are required for healing and restoration.

An understanding of vulnerability is essential in order to protect individuals and to be able to respond appropriately. A vulnerable person is one who is in a position of lesser power and is therefore:

- Capable of being hurt or wounded
- Open to attack or assault

9.0 Dealing with incidents and reports of abuse

L'Arche Australia Community has protocols, policies and procedures for responding to reports of abuse including, *Protection of Human Rights and Freedom from Abuse, Complaints and Disputes Management, The Fundamental Principles of a L'Arche Community, Acceptable Internet Use Policy, The Therapy of L'Arche, Towards Trust and Towards Wholeness*. These protocols:

- contain clear and transparent processes;
- identify that any breach of the criminal code must be reported to the police;



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- explain that the rights and dignity of every person involved in the situation are respected, including the person accused of abuse;
- direct initial investigation of the complaint towards identifying whether the complaint is about poor practice or lack of skill; inappropriate behaviour; or actual abuse or neglect;
- include the removal of the person subject to an abuse allegation from contact with any vulnerable person(s) while an investigation process takes place;
- include what support will be provided to the person(s) involved in the complaint.

Relevant Legislation and Policies

Legislation and other policies relevant to the *Code of Conduct* include:

Human Rights and Equal Opportunity Commission Act 1986

UN Convention on the Rights of Persons with Disabilities 2007

Disability Discrimination Act 1992

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Workplace Relations Act 1996

The State Anti-Discrimination Act

Crimes Act (NSW) 1900

Work Health and Safety Act 2011

Acceptance of Code of Conduct Policy

I confirm that I have reviewed and understood the L'Arche Australia *Code of Conduct* and agree to uphold its standards.

Name: <i>(please print)</i>		Position:	
Signature:		Date:	