

Code of Conduct

SOM01 – Sparkways Operational Management Policies

PURPOSE

We partner with children and young people who may be experiencing challenges to inclusion and participation. By providing support in these key times, we can help facilitate a journey of engagement, contribution, and accomplishment for them and their communities.

This policy and procedure will provide guidelines on how we will meet our purpose by:

- Establishing the actions, behaviours and conduct expected of employees, volunteers, contractors and other company representatives, acting on behalf of Sparkways in any capacity in their dealings with all other persons with whom they interact in the course of carrying out their duties in all Sparkways business activities
 - Establishing a set of guidelines which incorporates expected standards of behaviour to create and maintain a child safe environment and promote desired and appropriate behaviour.
 - This policy and procedure are designed to assist in creating a culture of professionalism and promoting interactions which are respectful, honest, courteous sensitive and considerate. The Code of Conduct is to be read in conjunction with all other company policies and procedures, employment contracts and relevant industrial awards and legislation.
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POLICY STATEMENT

VALUES

- At Sparkways, we are committed to fostering the innate talents, confidence and potential in every child and young person we work with. In all our work, we take a collaborative and evidence-based approach that allows us to ensure that our programs are always delivering long-lasting and meaningful outcomes.
- We partner with children and young people who may experience challenges to inclusion and participation. By intervening in these key times, we can help facilitate a journey of engagement, contribution, and accomplishment for them and their communities.
- The Sparkways approach is to always collaborate. We work together with communities to discover and design the best possible solution for their unique needs and challenges.
- Our reputation is built on being a partner with young people, staff and funders. We're committed to making a lasting difference for the individual and communities we serve, something that is only possible through the collaboration and support from our partners.
- In the tradition of our founder W. M. Forster, we believe in generating positive, meaningful social change through contemporary and sustainable initiatives. We are passionate about delivering real outcomes that improve our community.

SCOPE

This policy applies to all Sparkways employees, contractors, students, volunteers', and all adults involved in the programs delivered for Sparkways.



PROCEDURES

In line with our Values as Sparkways employees, students, volunteers and contactors you are expected to:

Involve and be involved

- Read and comply with Sparkways Policies and Procedures at all times including where applicable outside of work hours.
- Hold a current Working with Children's check and relevant qualifications to perform your role.
- Ensure that safety is considered at all times by reporting and encouraging other to report any Workplace Health & Safety issues and/or Child Safe items including where it is suspected on reasonable grounds that a child or young person needs protection including if the suspicions relate to the safety of a child while in the care of Sparkways or elsewhere.
- Ensure that staff actively report any suspected or actual breaches of the Code via the complaints and grievance policy or if required via the Whistleblower Policy.
- Ensure you are in a fit manner to attend work including not being under the influence of or in possession of alcohol or illicit drugs on premises or affected by prescription drugs.
- Follow reasonable instructions given by a supervisor and outlined within your position description.

Be a dedicated, positive, can-do partner

- Reasonable steps must be taken to provide care and service for children, young people and staff in a way that:
 - Encourages them to express themselves and their opinions.
 - Allows them to undertake experiences that develop self-reliance and self-esteem.
 - Maintains at all times the dignity and rights of each individual.
 - Gives each person positive guidance and encouragement toward acceptable behaviour.
 - Ensures the compliance of the Sparkways use of photographs ensuring any photograph used has the appropriate consent. That personal camera's, computers or other devices are not used to store photos.
 - Has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child, young person being educated and cared for or supported by the service as well as all staff, contractors, families, students, and volunteers. Sparkways has zero tolerance for discrimination.
- As a team member at Sparkways (employed, student, volunteer, and contractor) you:
 - Communicate respectfully.
 - Are a supportive colleague, respecting the rights of other by respecting their viewpoints, treating them fairly, courteously and without discrimination or harassment.
 - Uphold the principals of equal opportunity and responsibility for creating a workplace free from victimisation, bullying, sexual harassment, discrimination or any other anti-social behaviour.
 - Actively manage conflicts of interest between yourself and Sparkways including declaring any actual or perceived conflicts that may arise.
- Where possible do not accept any gifts, offers of money, favours or entertainment which could influence (or be perceived to) a business decision or business judgement. If any of these are accepted a declaration form should be submitted in writing to your manager. Gift that can be accepted include:
 - If the gift is of token value and under \$50.00.
 - It is a custom of the culture to bestow or exchange gifts and could offend if refused.
 - Gifts are presented by a visiting official and duly authorised by the governing body.
- Protect and care for assets and equipment within Sparkways ensuring equipment is utilised in the manner of intended use.

Make ideas happen

- Actively participate in training and policy refreshers provided by Sparkways including (but not limited to):
 - Bullying, harassment and discrimination and Conflict Management.
 - Child Safety Training.
 - Workplace Health and Safety.

- Understand and comply with Privacy Legislation ensuring you do not disclose confidential information relating to Sparkways, our children, families, young people or staff unless you are authorised to do so. Noting this will continue after you have left Sparkways.
- Read and adhere to Sparkways social media Policy ensuring no unauthorised contact/communication with children and/or young people online or via phone is undertaken.

Surveillance cameras

- Surveillance cameras are used within Sparkways premises (excluding toilets, washrooms, change rooms and parent rooms) for the protection and safety of our employees, patrons and other persons within Sparkways sites. Surveillance may be used if:
 - There is a suspicion that an employee, patron, or other person is engaged in an unlawful activity in the workplace.
 - For the investigation of an offence.
 - The making of a decision whether or not to bring a relevant proceeding in respect to an offence.
 - A relevant proceeding in respect of an offence.



BACKGROUND AND LEGISLATION

BACKGROUND

Sparkways Code of Conduct outlines standards of behaviours that everyone who works at Sparkways including employed staff (permanent, temporary and casual), contactors, volunteers (including Directors and Committee Members) are expected to adhere to.

Sparkways has a duty of care to the children, young people and staff within Sparkways services and must ensure *“that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury”* ([National Law: Section 167](#)).

The National Quality Standard requires that “educators, coordinators and staff members are respectful and ethical” and that “professional standards guide practice, interactions and relationships” ([National Quality Standard:4.2 and 4.2.1](#)).

Employers also have a legal responsibility to provide, as far as is practicable, a safe workplace that is free from discrimination and harassment.

At Sparkways we take the Code of Conduct Standards very seriously. If it is deemed that behaviour is in conflict with our Standards, it may result in disciplinary action including termination of employment occurring.

LEGISLATION AND STANDARDS

- Occupational Health and Safety Act 2004 (Vic), as amended June 2016
- Early Childhood Australia, Code of Ethics: www.earlychildhoodaustralia.org.au
- The Universal Declaration of Human Rights: www.un.org/en/documents/udhr/
- Victoria Legal Aid: www.legalaid.vic.gov.au
- Victorian Institute of Teaching – The Victorian Teaching Profession Code of Conduct: <http://www.vit.vic.edu.au/SiteCollectionDocuments/PDF/Code-of-Conduct-June-2008.pdf>
- United Nations, Convention on The Rights of the Child: <http://www.unicef.org/crc/>
- Charter of Human Rights and Responsibilities Act 2006 (Vic), as amended July 2014
- Child Safe Standards (Vic)
- Children, Youth and Families Act 2005 (Vic), as amended January 2017
- Child Wellbeing and Safety Act 2005 (Vic), as amended January 2017
- Disability Discrimination Act 1992 (Cth), as amended 2015
- Education and Care Services National Law Act 2010: Sections 166, 167, 174
- Education and Care Services National Regulations 2011: Regulations 155, 156, 157, 175

- Equal Opportunity Act 2010 (Vic), as amended 2015
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth), as amended 2014
- National Quality Standard, Quality Area 4: Staffing Arrangements - Standard 4.2: Professionalism - Element 4.2.1: Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills. - Element 4.2.2: Professional standards guide practice, interactions and relationships.
- Racial Discrimination Act 1975, as amended 2015
- Racial and Religious Tolerance Act 2001 (Vic), as amended August 2011
- Sex Discrimination Act 1984 (Cth), as amended 2015
- Victorian Institute of Teaching The Victorian Teaching Profession Code of Conduct
- Victorian Institute of Teaching The Victorian Teaching Profession Code of Ethics

The most current amendments to listed legislation can be found at:

Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
 Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au



DEFINITIONS

Bullying: Repeated verbal, physical, social, or psychological behaviour that is harmful and may include the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance. Whether the behaviour is intentional or not.

Duty of care: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonably foreseeable risk of injury.

Harassment: When someone is demeaning, derogatory or intimidating towards another person. Harassment includes:

- Racial taunts.
- Taunts about sexual orientation or gender identity.
- Sexual harassment: unwelcome physical, verbal, or written behaviour of a sexual nature.
- Insulting remarks.

Workplace Health & Safety: Relates to health, safety, and welfare issues in the workplace. OHS includes the laws, standards, and programs that are aimed at making the workplace better for workers, along with co-workers, family members, customers, and other stakeholders.

Conflict of Interest: A situation when an individual's personal interests – family, friendships, financial, or social factors – could compromise his or her judgment, decisions, or actions in the workplace.



SOURCES AND RELATED POLICIES

RELATED POLICIES

- Child Safe Organisation Policy
- Workplace Health and Safety Policy
- Privacy and Confidentiality Policy
- Conflict of Interest Policy
- Whistleblower Policy

- Complaints and Grievance Policy
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EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, Sparkways will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness.
 - Monitor the implementation, compliance, complaints and incidents in relation to this policy.
 - Keep the policy up to date with current legislation, research, policy and best practice.
 - Revise the policy and procedures as part of the service's policy review cycle, or as required.
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AUTHORISATION

This policy was endorsed by the Sparkways Board of Directors on 21 February 2023.

REVIEW DUE: **August 2024**
