

Code of Conduct



INSTITUTE OF
SISTERS *of* MERCY
OF AUSTRALIA & PAPUA NEW GUINEA



The Institute of Sisters of Mercy of Australia and Papua New Guinea acknowledges the First Nations Peoples of Australia and the Indigenous Peoples of Papua New Guinea.

We recognise and respect the uniqueness of their ancient cultures.

We honour the wisdom of their ancestors who today guide their care of Earth and their paths towards true self determination.

We pray that all will prosper through ways that are just and peaceful.

1. Introduction

Institute of Sisters of Mercy of Australia and Papua New Guinea (Institute) 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.

The Institute has zero tolerance of abuse in any form.

The Institute personnel includes sisters, employees, volunteers, contractors (and others) engaged and involved in the work and ministries of the Institute.

2. Purpose

The Code of Conduct establishes principles for ethical conduct and provides clear information about conduct by personnel towards each other and children and adults at risk that is not acceptable.

Personnel 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 Institute's Safeguarding Policy and Complaint Handling Policy. The Code also complements other documents of the Institute and the Catholic Church.

3. Scope

The Code of Conduct applies to all personnel of the Institute. Before commencing any role, personnel must sign an acknowledgement that they have received and reviewed the 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 every two years to reaffirm their understanding of their obligations. The Institute is responsible for ensuring that this occurs and maintaining appropriate records.

4. Ethical Conduct

The Institute promotes the following principles:

- reflecting the beliefs and gospel values of the Catholic faith
- respecting the dignity, rights and views of others
- acting honestly and with integrity at all times
- being courteous, fair, sensitive and considerate to the needs of others
- listening and seeking to understand different points of view (this does not necessarily mean agreeing with the point of view)
- acting respectfully at all times, including respecting cultural, ethnic, political and religious differences
- taking an inclusive approach that does not discriminate against or harass any person because of their gender, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual orientation or gender identity. Such harassment or discrimination may constitute an offence under the Anti-Discrimination Act 1977.

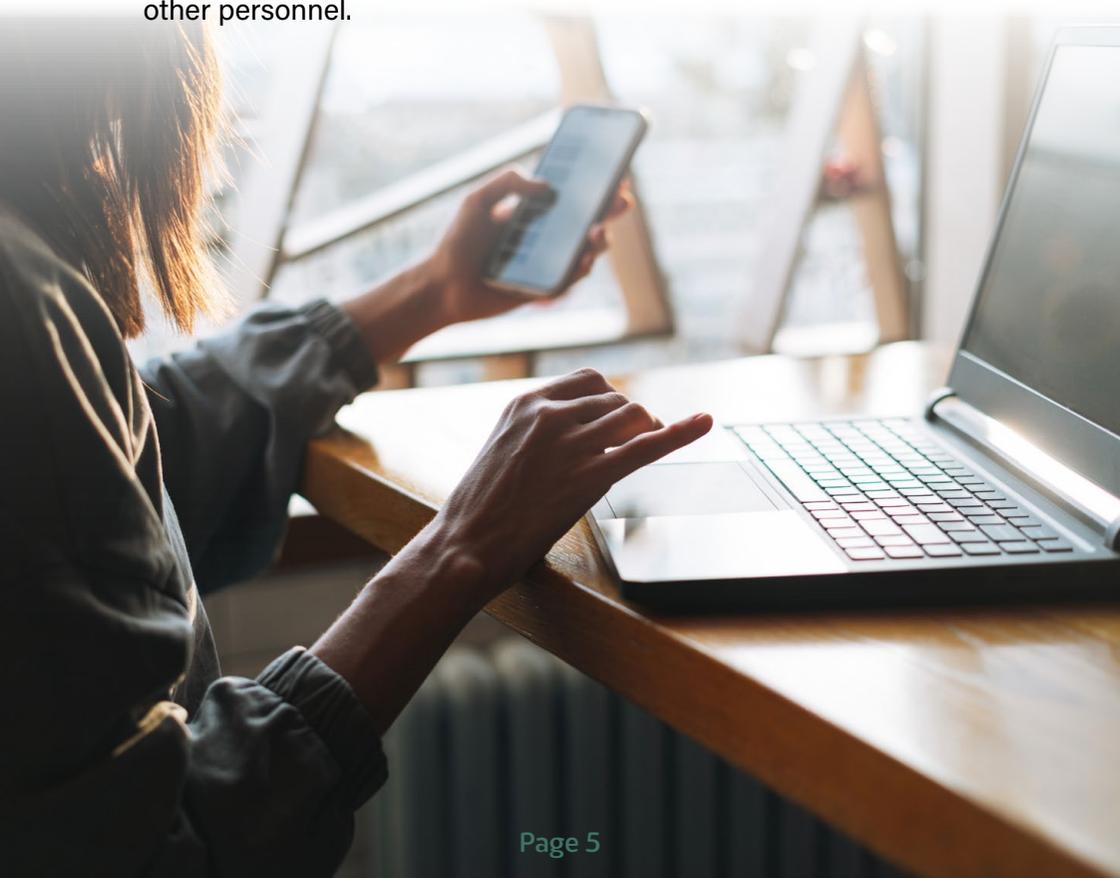
5. Professional and Personal Behaviour and Development

5.1. In performing their duties, personnel must:

- a) maintain a high standard and quality in undertaking their role/s
- b) demonstrate a duty of care
- c) maintain and develop knowledge and understanding of their area of expertise
- d) continuously seek to improve their performance
- e) complete their duties in accordance with the directions provided by the relevant Manager or Leader, exercising care, responsibility and sound judgement
- 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, and
- i) maintain adequate records to support any decisions made.

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

- a) act in ways that adversely affect the health and safety of others
- b) perform their role or duties while affected by any substance which impairs their performance or poses a safety risk to themselves or others
- c) breach any health or safety requirements or policies of the Institute
- d) take or seek to take improper advantage of any information gained in the course of their role
- e) take improper advantage of their position to benefit themselves or others
- f) allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities
- g) use information and communication technologies 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, and
- h) make unfounded, malicious, frivolous or vexatious complaints against other personnel.





6. Conduct Towards Children and Adults at Risk

6.1 'Child' means any individual under the age of 18 years¹.

6.2 'Adult at Risk' means any individual aged 18 years and over at increased risk of abuse².

6.3 Personnel must not engage in the following conduct:

- a) any form of physical or sexual abuse
- b) any form of financial abuse or exploitation
- c) grooming for sexual abuse
- d) using sexually suggestive or explicit language or gestures
- e) engaging in conversations about sexual experiences or sharing sexual images
- f) being alone with a child away from the presence of other adults, without express permission
- g) being alone with an adult at risk unless in an open or visible space, or within the clear line of sight of another adult³
- h) unnecessary assistance with intimate care if the person is capable of doing it on their own
- i) not respecting privacy

¹ Please see attached glossary for further details about 'Child' including Aboriginal and Torres Strait Islander children.

² Please see attached glossary for further details about 'adults at risk'

³ This includes ministries and/or services such as counselling, one-to-one tuition, coaching, spiritual direction and mentoring. However, this will depend on the individual's circumstances, preferences and right to privacy. Prudent judgement is required on a case-by-case basis.

- j) physically disciplining
- k) making excessive and/or degrading demands
- l) any misuse of authority or power that coerces a person to engage in any activity, or which disrespects their human rights and dignity
- m) making any kind of drug, alcohol or cigarettes available to children or adults at risk
- n) engaging in private electronic or online contact with a child without parental/guardian consent
- o) engaging with a person in a way that is overly intimate or could be seen as involving favouritism or any form of special treatment, and
- p) taking or publishing photos of a child who is in the care of the organisation outside of official duties or without parental/guardian consent.

6.4 Personnel must:

- a) report to the Manager or Leader any concerning conduct that is brought to your attention or of which you become aware, and any circumstance where you suspect that a child or adult at risk is currently at risk of harm (see Complaint Handling Policy)
- b) take reasonable steps to protect children and adults at risk from foreseeable risk of injury, and
- c) ensure that physical contact with children and adults at risk is reasonable for the purpose of their management or care, and is appropriate given their age, maturity, health or other characteristics.

7. Reporting Requirements

The Institute will comply with all requirements to report concerns about the safety of children or adults at risk to police and other relevant regulatory authorities, as required by legislation. To ensure the Institute can fulfil these reporting requirements, Personnel must report any concerns about the safety of children or adults at risk to their Manager or Leader as soon as practical, as detailed in the Institute's Complaint Handling Policy.

8. Equity and Inclusion

Personnel are expected to create a fair, inclusive and safe 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.

9. Gifts, Benefits and Hospitality

Personnel have a responsibility to behave with integrity and impartiality. Personnel must not solicit gifts, benefits or hospitality that might in any way compromise or influence them directly or indirectly in their capacity as personnel.

10. Conflicts of Interest

10.1 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 role. They also arise when there is a reasonable expectation of a personal benefit, direct or indirect, that could influence the performance of personnel's role and duties. This benefit may be financial or non-financial.

10.2 Personnel must:

- a) conduct themselves in a manner which is consistent with Catholic values
- b) be objective, open and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of the Institute
- c) declare any interests (including pecuniary and non-pecuniary) that conflict or may conflict with the discharge of their responsibilities



- d) use their own judgement in determining the appropriateness of any gifts and hospitality
- e) ensure all decisions are free of bias or apparent bias
- f) behave with integrity and impartiality, and
- g) ensure all processes are transparent and documented.

11. Fit and Proper Assessment

Personnel responsible for the management and oversight of the Institute must be able to demonstrate they have relevant qualifications, training or experience 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.

12. Secondary Employment

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

In some cases, secondary employment will not have any impact on a person's role with the Institute. However, at other times, secondary employment could lead to a real or potential conflict of interest. If so, Personnel should seek approval prior to engaging in this secondary employment or business activity. Where an employee is already involved in secondary employment, they must notify the Institute's Human Resources at the time of their recruitment. Employees may engage in voluntary work without seeking approval, as long as this work does not present a potential or actual conflict of interest.

13. Management of Resources

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

Personnel have a duty to report any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability to Manager or Leader.

14. Social Media

Personnel must exercise caution when using social media platforms for personal purposes. Personnel are expected not to make disparaging or offensive comments on social media about the Institute.



15. Confidentiality

Personnel must not divulge, either during their time with the Institute or after, the confidential information of the Institute.

Personnel must 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.

16. 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.

17. Consequences of Breaching the Code

Breaching the Code of Conduct may constitute misconduct and result in disciplinary proceedings up to and including dismissal of staff members (with or without notice) and possible criminal proceedings. This may impact on the individual's ability to work with children and/or adults at risk in the future. In relation to Sisters, breaching the Code of Conduct this may lead to them being removed from ministry and disciplinary action being taken as appropriate.

Note: Where a complaint about the sexual abuse of a child or adult is substantiated, the Institute will undertake a risk management process to determine the appropriate action.

18. Reviewing the Code

The content of the Code of Conduct will be reviewed every three years.

19. Related documents of the Institute

- Safeguarding Commitment Statement
- Safeguarding Policy
- Complaint Handling Policy
- Institute Public Communication Policy.

Glossary

Adult Abuse

An adult's vulnerability may not always be readily apparent, and indicators of abuse or harm towards adults at risk may be more difficult to recognise. The right of adults to make their own choices and decisions, and the circumstances in which they may have diminished capacity to do so, are also relevant considerations. Most commonly, the categories of adult abuse include financial, psychological, neglect, physical, sexual or spiritual. See the National Catholic Safeguarding Standards (NCSS) for further definitions of these categories.

Adults at risk

(Vulnerable person) Adults at risk are people aged 18 years and over who are at increased risk of abuse, including those who:

- are elderly
- have a disability
- have a mental illness
- have diminished capacity
- have cognitive impairment
- exhibit signs of self-neglect
- are experiencing transient risks, eg. 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.

Whilst taking care to not make assumptions or generalisations about individuals, we recognise that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, for example:

- 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

Allegation	A complaint, still to be verified, claiming or asserting that someone has committed an act of abuse against a child or adult at risk. The term is used interchangeably and in combination with “complaint”.
Child/ren	A child is an individual under the age of 18 years. The Institute recognises the importance of ensuring cultural safety for Aboriginal and Torres Strait Islander and all Indigenous children and children from culturally and linguistically diverse (CALD) backgrounds, children in out of home care or who are homeless and children of diverse sexuality. The Institute recognises the importance of providing a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal, Torres Strait and Indigenous children and young people are respected and valued.
Child abuse	There are different legal definitions of child abuse in Australia. Most commonly, the categories of child abuse include sexual, physical, psychological, neglect, ill-treatment, exploitation and exposure to family violence. See the NCSS for further definitions of these categories.
Disability	Means those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. (<i>Article 2, United Nations Convention on the Rights of Persons with Disabilities</i>)
Diverse gender or sexuality	Diverse gender or sexuality refers to all the diversities of sex characteristics, sexual orientations and gender identities, without the need to specify each of the identities, behaviours, or characteristics that form this plurality.
Institute	Means Institute of Sisters of Mercy of Australia and Papua New Guinea, a religious institute of pontifical right and a public juridic person within the Catholic Church.
Leaders	Personnel who are responsible for important governance decisions within a Church entity and/or who lead and coordinate Church improvement initiatives.

Ministries of the Institute

This includes McAuley Ministries Limited (MML), Young MercyLinks, Mercy Associates and Catherine McAuley Services Limited (CMSL).

Personnel

This includes religious sisters, employees, volunteers, contractors (and others) engaged by the Institute.

Professional Standards

The behavioural standards required of all Australian Church Entities and their personnel for the safeguarding of all persons and the management of historical and current complaints regarding alleged violations of these behavioural standards. The Institute also applies these standards as minimum standards in all its activities in Papua New Guinea.

Religious Institute

An institute of consecrated life, a secular institute or society of apostolic life, and their provinces or equivalent.

Safeguarding

Measures to protect the safety, human rights and well-being of individuals, which allow people – in this context children and adults at risk – to live free from abuse, harm and neglect.

Safeguarding Committee

A committee established to advise and support the Institute on all matters relating to safeguarding, including in relation to prevention, policies and procedures and complaint handling. Committee members need relevant and varied professional expertise in relation to, but not limited to safeguarding, child protection, organisational culture and structure, policy development, and need to include lay women and men.

Safeguarding Commitment Statement

A commitment statement describing the Institute's commitment to keep all, especially children and adults at risk, safe from harm. It informs the Institute's culture with respect to safeguarding.

Safeguarding Officer

An individual who champions safeguarding and co-ordinates the implementation of the National Catholic Safeguarding Standards within the Institute.

Sisters

Means all professed members of the Institute and women who have been formally admitted to the Institute's formation program and past members.

Supervision

A forum for reflection and learning, an interactive dialogue between at least two people, one of whom is professionally trained as a supervisor. The dialogue shapes a process of review, reflection, critique and replenishment for personnel. Supervision is a professional activity in which personnel are engaged regardless of experience or qualification.

Supervision assists personnel in their accountabilities for professional standards (including in relation to maintenance of professional boundaries), defined competencies for their role and understanding and implementation of organisational policy and procedures.

For sisters, professional/pastoral supervision assists in the maintenance of boundaries of the pastoral relationship and enhances the quality of their ministry. A sisters' commitment to conscious and critical reflection on their ministry and ministry experiences is recognised as being important for the wellbeing of the sister, the people with whom they exercise ministry, the wider Church and the community.

Vulnerable Person Refer definition for Adults at Risk.

Working with children check

Generic term used to denote the statutory screening requirement for people who work or volunteer in child-related work. There is no single national framework setting out requirements for 'working with children' checks. Each state or territory in Australia has its own name, procedures and differences in scope regarding what this type of check entails. They are one part of a Church entity's recruitment, selection and screening processes.

Signed acknowledgement of acceptance of the Code of Conduct of the Institute

I agree to abide by this Code of Conduct during my engagement with the Institute.

I understand that breaches of this Code of Conduct may lead to disciplinary action, including dismissal, and/or criminal proceedings.

Signed: _____

Name: _____

Role: _____

Date: _____

This document will be reviewed in September 2027.

www.institute.mercy.org.au



INSTITUTE OF
SISTERS *of* MERCY
OF AUSTRALIA & PAPUA NEW GUINEA