



AUSTRALIAN ASSOCIATION OF SOCIAL WORKERS Ltd

GOVERNANCE POLICIES

POLICY NAME: CODE OF CONDUCT FOR AASW OFFICE HOLDERS

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PURPOSE AND SCOPE

This document will:

- Define the standards of behaviour expected from AASW office holders
- Outline any reporting requirements and management of complaints
- Assist in the prevention of corruption, maladministration and serious and substantial waste by alerting office holders to behaviours that could potentially be corrupt or involve maladministration or waste.
- Assist in the prevention of discrimination, harassment, bullying and violence

In addition to this code, members of the National Board are also bound by the Corporations Act (2001) and the common law and the *AASW Code of Ethics*.

VALUES AND PRINCIPLES UNDERPINNING THIS CODE OF CONDUCT

The reputation of the AASW and its standing in the community are built on the following principles, and these principles must be incorporated into the decisions, actions and behaviour of all AASW office holders:

- Competence
- Courtesy and respect for individuals
- Cultural sensitivity
- Ethical behaviour
- Fairness and impartiality
- Transparency, openness, honesty and accountability
- Responsibility and
- Efficiency and effectiveness.

Committee members retain all the usual rights under common and statute law.

KEY DEFINITIONS

Office holders – means any person elected or appointed to any Branch or National position (or candidate for a branch or National position), including any member of any branch or national committee or subcommittee.

Staff member – means any person employed by the AASW, either in a paid, voluntary or student capacity.

Complainant – means any person making a Code of Conduct complaint against an office holder or staff member.

Respondent – means any person responding to a Code of Conduct complaint made against them.

Appropriate AASW officer – means the officer responsible determined as follows:

- **National President** when the matter is to do with board members, Branch Management Committee Executive members, Boards/Colleges of Practice Office holders, National Committee members and any other appointees of the board.
- **Branch President** when the matter is related to a Branch Management Committee Member or Practice group member

Conduct committee – is appointed by the board and includes the CEO, a Board Member and a life member of the Company

Corrupt Conduct – in this context is broadly defined as the misuse of AASW elected or appointed office. Commonly this involves the dishonest or partial use of power or position that results in one person/organisation being advantaged over another.

Corruption can take many forms including (but not limited to):

- Official misconduct
- Bribery and blackmail
- Unauthorised use of confidential information
- Fraud and
- Theft

Maladministration – is defined as conduct that involves action or inaction of a serious nature that is:

- Contrary to law
- Unreasonable, unjust, oppressive or improperly discriminatory or
- Based wholly or partly on improper motives.

Serious and Substantial Waste – is defined as any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in significant loss/wastage of public funds or resources.

Violence – is defined as any incident in which an individual is abused, threatened or assaulted and includes verbal, physical or psychological abuse, threats or other intimidating behaviours, intentional physical attacks, aggravated assault, threats with an offensive weapon, sexual harassment and sexual assault.

SECTION 1 COMPETENCE AND PROFESSIONALISM

A. Personal and professional behaviour

I will carry out my role with:

- Courtesy and respect for everyone
- Openness, honesty and accountability.

I will be mindful and accepting of the needs of people from different backgrounds and cultures when undertaking my role.

My decisions will be fair and impartial.

I will take care when carrying out my role and will always present myself for meetings and other AASW related activities in a fit and proper condition. I will never present myself for meetings under the influence of alcohol, drugs or other substances that could affect my ability to act safely and efficiently.

When participating as an AASW officeholder I will always:

- Observe any meeting procedures, laws, and the AASW code of ethics.
- Follow lawful decisions. If I have a concern about following any lawful decision, I may appeal to the AASW Conduct Committee.
- Behave with honesty and openness. I have a duty to report other officer holders who are behaving in way that breaches this Code of Conduct.
- Report to an appropriate person or authority any situations that may affect professional standards.
- Follow the relevant AASW policies, and constitutional requirements relating to the office I hold whether or not I agree with these. If a situation arises where I cannot comply because of my personal or professional views I will discuss the matter with the appropriate AASW authority.

B. Good faith

- I will undertake my role in good faith and in the spirit of honesty, correct purpose and with the best motives. I will ensure that my actions are appropriate and totally within the area of my authority.
- I will only use this Code of Conduct in good faith. I will not use, or threaten to use, this Code of Conduct to harass, intimidate or silence other officers or staff of the AASW.
- To the best of my ability, I will provide accurate, frank and honest information as required.
- I will only release official information when given appropriate authority
- I will ensure that all AASW funds I spend are for legitimate items, and not for personal benefit.
- I will carry out my activities within the agreed time frames. If circumstances arise that prevent me from fulfilling my activities or meeting the time frames, I will report this to the appropriate person.
- I will, as far as possible, attend all meetings of any AASW committee for which I hold office and allow the necessary time to prepare for meetings.

SECTION 2 CONFLICTS OF INTEREST

A. Managing conflicts of interest

- I will perform my duties fairly and ensure that my decisions are not influenced by self interest or personal gain.
- I will seek to avoid situations that give rise to conflicts of interest.
- I will declare any potential conflict of interest in items on any committee meeting agenda at the start of a meeting and exempt myself from discussion of that item.
- I will report any other actual, potential or perceived conflicts of interest to the appropriate AASW officer.
- I will assess the following situations to determine if they give rise to any conflicts of interest:
 - company directorships or employment
 - Professional and business interests and associations
 - Investment interests and
 - Family relationships.
- If I am not sure whether a conflict exists, I will discuss the matter with the appropriate AASW officer.
- If I am aware that another officer holder has a real, potential or perceived conflict of interest I will report the matter to the appropriate AASW officer.

B. Bribes, gifts and benefits

- I will not allow the offer of any gift or bribe to change or influence the decisions I make or the advice I provide.
- I will never accept gifts of cash and as a general rule I will not accept any gifts or benefits.
- I will take all reasonable steps to ensure that neither I nor my immediate family members accepts gifts or benefits that an impartial observer could view as a means of securing my influence or favour.
- If any offer or suggestion of a bribe is made directly or indirectly to me, I will report the facts to the Branch the appropriate AASW officer.

Token gifts

- I may accept token or inexpensive gifts offered as a gesture of appreciation, and not to secure favour.
- I will report the acceptance of the gift to the appropriate AASW officer and seek their agreement to retain the gift.

Non token gifts

- As a general rule I will not accept gifts that are more than a token.
- If I do receive a non-token gift I will declare it to the appropriate AASW officer.

C. Recommending services

- In my capacity as an AASW office holder I will not recommend a particular private service provider for my own personal gain or to benefit my family members or friends.

D. Disclosure of interests

- I will disclose all interests, including those of an associate or close relative, to the appropriate AASW officer, including positions and pecuniary interests in corporations, partnerships or other businesses that may be relevant to matters under consideration.
- I will provide details of any other interests to the appropriate AASW officer in the event of allegations of conflict of interest.
- I will not misuse my position to obtain opportunities for future employment and will not allow myself to be inappropriately influenced by plans for, or offers of, outside employment.

E. Party political participation

- I will carry out my AASW duties in a politically neutral manner.
- When participating in party political activities, I will ensure that I present my views as my own and not as the views of the AASW.
- I will also ensure, as far as possible, that others do not present my views or actions as an official comment of the AASW, but as my individual views or those of the political organisation I am representing.
- I will not undertake party political activities in AASW time.

F. Public comment

- If I make public comment and publicly debate political and social issues, I will make it clear that I am presenting my own views and not speaking as a member of the AASW, or representing an official position of the AASW (unless authorised).
- I will not use my AASW title when making private comment as this may create the impression that I am officially representing the views of the AASW.
- I may make official comment on matters relating to my committee/portfolio only if I am: authorised to do this by the appropriate AASW officer; giving evidence in court or authorised or required by law.

SECTION 3 USE OF AASW RESOURCES OR INFORMATION

- I will use AASW resources lawfully, efficiently and only for official purposes.
- I understand that it is illegal to use AASW resources to:
 - Intentionally create, transmit, distribute or store any offensive information, data or material that violates Commonwealth or State laws
 - Produce, disseminate or possess child pornography images
 - Transmit, communicate or access any material that may discriminate against, harass or vilify colleagues, or the public.
- I will not use AASW resources to display, access, store or distribute inappropriate or objectionable material that may be offensive to others.
- I understand that this includes material that depicts, expresses or deals with matters of nudity, sexual activity, drug misuse or addiction, crime, cruelty or violence in a manner that a reasonable adult would generally regard as unsuitable or highly offensive.
- I will not use official resources for any private commercial purposes, under any circumstances

- I will **never**:
 - Use official information without proper authority or for purposes that breach privacy law
 - Use or disclose official information acquired in the course of my AASW membership outside of my committee unless required by law or given proper authority to do this
 - Misuse information gained in the course of my AASW membership for personal gain.
- I will ensure that unauthorised parties cannot readily access confidential and/or sensitive official information held by me, in any form whether documents, emails, computer files etc
- I will maintain the security of confidential and/or sensitive official information at all times
- I will only discuss confidential and/or sensitive official information with authorised people, either within or outside the AASW.
- I will respect other people's/parties' intellectual property rights.

SECTION 4 REPORTING SERIOUS OFFENCES

- I will report any charges and convictions against me in writing to the CEO within 7 days of the charge being laid or of conviction.
- I will immediately report to the appropriate AASW officer any charges brought against me relating to the production, dissemination or possession of child pornography.

SECTION 5 FAIRNESS IN DECISION MAKING

- I will:
 - Deal with issues, cases or complaints consistently, promptly, openly and fairly
 - Act fairly and reasonably when using any statutory or discretionary power that could affect individuals within or outside of the AASW
 - Avoid any unnecessary delay in making decisions or taking action
 - Follow the principles of equal employment opportunity in employment-related decisions
 - Take all reasonable steps to ensure that the information I act or decide on is factually correct and relevant.
- I will promptly inform individuals who are adversely affected by or who wish to challenge a decision, of their rights to object, appeal or obtain a review. I will also inform them how they can exercise those rights.

SECTION 6 DISCRIMINATION, HARASSMENT, BULLYING AND VIOLENCE

- In the course of my participation as an AASW officer I will **never**:
 - Harass, discriminate or bully other AASW members, AASW staff or members of the public
 - Encourage or support other AASW members in harassing, discriminating or bullying other committee members, AASW staff or members of the public

- Discriminate against someone because of their sex, race, ethnic or ethno-religious background, marital status, pregnancy, disability, age, homosexuality, transgender status or carer’s responsibilities
- Victimise or take detrimental action against individuals
- Make malicious or vexatious allegations.
- I will not act violently or knowingly place myself at unnecessary risk of violence.

SECTION 7 OCCUPATIONAL HEALTH AND SAFETY

- In the course of my committee participation I will:
 - Follow all relevant AASW occupational health and safety policies, reporting procedures and safe working practices
 - Take reasonable care for the health and safety of people who may be affected by anything that I do or fail to do
 - Never intentionally or recklessly interfere with or misuse anything provided to me in the interests of health, safety or welfare
- I will take care and cooperate to prevent injuries to myself and others.
- If I am injured during the course of my AASW activities I will report it to the appropriate AASW officer and, if appropriate, seek first aid or medical attention

SECTION 8 COMPLYING WITH REPORTING OBLIGATIONS

- I will meet all the legal reporting obligations that apply to me including those related to:
 - Corruption, maladministration and serious and substantial waste
 - Public health issues
 - Reportable conduct related to child protection (eg, sexual misconduct, assault, neglect)
 - Other criminal matters.
- I will report any suspected instances of possible corrupt conduct, maladministration and serious and substantial waste of public resources to the governance committee or appropriate AASW officer.

SECTION 9 CONDUCT OF FORMER AASW MEMBERS

- When I leave the AASW office I hold I will not use or take advantage of confidential information obtained in the course of my committee participation until or unless this information becomes otherwise publicly available.
- I will not take documents that are the property of the AASW without approval.
- I will not give, or appear to give, favourable treatment or access to official information to current or former staff of the AASW.

Acknowledgements

This draft code is substantially based on NSW Health Department Codes

CODE OF CONDUCT SIGN OFF SHEET FOR AASW OFFICE HOLDERS

The importance of my compliance with the provisions of the Code of Conduct has been brought to my attention by the appropriate AASW officer* during my induction as an office bearer.

I have read the Code of Conduct and agree to abide by the provisions set out in the Code at all times during my service with the AASW.

I understand that the “sign off” sheet will be sent by the appropriate AASW Officer* to the CEO to be retained at the AASW National Office.

Office Holder

Name _____ (please print)

Signature _____ Date _____

Appropriate AASW officer*

Name _____ (please print)

Signature _____ Date _____

Position _____

*Page 3 *Key Definitions* provides guidance for determining who the appropriate officer is.

FRAMEWORK FOR MANAGING CODE OF CONDUCT COMPLAINTS

Who can make a complaint?

- Any person who has a legitimate concern about the conduct of an AASW Director or other officer of the company may lodge a complaint under the AASW Code of Conduct.

The process of making a complaint against an officer of the company

- Complaints may be made verbally or in writing
- Complaints should be directed, in the first instance, to the AASW Chief Executive Officer (CEO)
- The CEO will present the complaint to the next meeting of the Conduct committee
- If the complaint is about the CEO, the complaint should be directed to the National President to present to the Conduct committee
- Complaints should contain as much information as possible. For example:
 - Name of person about whom the complaint relates
 - Section/s of the Code of Conduct to which the complaint relates
 - Date/s on which the alleged conduct occurred
 - Description of the alleged conduct and how it relates to the relevant section/s of the Code of Conduct,
 - Statement/s from any witnesses
 - Complainant's desired outcome in making a complaint (eg. to receive an apology; to receive an explanation; sanctions against the Director/staff member concerned)

Determining a complaint made against a Director or other officer of the company

- The Conduct Committee receives and reviews complaints made in relation to the AASW Code of Conduct
- The Committee has absolute discretion to determine whether or not the matter raised in the complaint is one which can be effectively responded to through the Code of Conduct complaint process
- If the Committee determines that a complaint will not be considered through the Code of Conduct complaint process, a complainant may apply to the Board of Directors to have that decision reviewed.
- If the complaint is to proceed through the Code of Conduct complaint process, the Committee will determine, in its absolute discretion, how the matter will be investigated and determined.
- Some options for proceeding may include, but will not be limited to:
 - Authorising a member of the Committee, to contact the complainant and/or the respondent, and/or any other relevant parties (eg. witnesses) to seek further information

- Convening a meeting of the relevant parties. Meetings may be convened by teleconference or face to face, depending on the locations of the parties and the Committee.
- Appoint an investigator (depending on the nature of the alleged misconduct). For example, a specialist investigator may be appointed to investigate an allegation of fraud
- The Conduct Committee will then consider all the information available to it and determine the complaint
- If the Committee determines that the Director or other officer of the company has failed to act in accordance with the Code of Conduct, it may impose a penalty on the Director or staff member.
- Penalties **may** include:
 - Formal warning
 - Formal reprimand
 - Removal from their position. (For directors - See also AASW Constitution, *"Vacation of office of Director"*.)
 - Ineligibility for membership of the AASW
 - Recommend that the complainant submit their complaint to the Ethics Complaints Management Process (ECMP)
- Both the complainant and respondent will be informed in writing of the outcome of the complaint

Appeal

- The complainant or the respondent may appeal the decision of the Conduct Committee
- Appeals against decisions of the Conduct Committee are to be made in writing to National President (or if the matter is in relation to the President, then to the CEO) to present to the Board.
- The Board will consider and determine the appeal
- Both the complainant and respondent will be informed in writing of the outcome of the appeal
- There will be no further appeal process within the AASW.

Timeframes

Complaints should be referred to the Conduct committee within 3 days of receipt of the complaint

Complaints should be determined within 30 working days of receipt of the complaint

Appeals must be made to the Board within 15 working days of receipt of the decision.