



CODE OF CONDUCT

Fusion Australia



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1. Introduction	5
Main points of the Code of Conduct	5
<i>Worker Expectations</i>	6
<i>Worker Responsibilities</i>	6
<i>Contractors and Consultants</i>	6
<i>Disciplinary Process</i>	6
<i>Disclosures</i>	6
2. Personal and Professional Behaviour	6
2.1 Duty of Care	6
2.2 Diligence and Professionalism in Your Role	7
2.3 Relationships	7
2.4 Sexual Conduct	8
2.5 Abuse	8
2.5 Use of Alcohol, Drugs or Tobacco	12
<i>Drugs</i>	12
<i>Alcohol</i>	13
<i>Tobacco</i>	13
2.7 Providing Advice and Making Decisions	13
2.8 Use of Authority	14
2.9 Self Development and Sustainable Lifestyle	14
2.10 Supervision and Oversight	14
2.11 Signatures	15
2.12 Personal References	15
3. Respect for Persons	15
3.1 Respect For the Rights, Dignity and Views of Others	15
3.2 Working with Participants / Public	16
3.3 Working with other Fusion Workers	16
3.4 Privacy and Confidentiality	16
3.5 Limits of Confidentiality	17
3.5 Work Health and Safety	18
<i>Safety is Everyone's Responsibility</i>	19
<i>Worker Training</i>	19
<i>Hazards and Incidents</i>	19
<i>Duty of Care</i>	20
<i>Negligence</i>	20
<i>Vicarious Liability</i>	20
<i>Non-Delegable Duty</i>	20
<i>Occupiers Liability</i>	21
<i>Risk Management</i>	21
<i>Risk Control</i>	21
3.6 Children	22
<i>Safety and Welfare of Children</i>	22
<i>Record Keeping in Children's Programs</i>	22
<i>Discipline of Children in Fusion Programs</i>	23
<i>Children and physical contact</i>	23
4. Fairness and Equity	23
4.1 Procedural Fairness	23
5. Conflict of Interest	24
5.1 Conflict Between Public Duty and Private Interests	24
5.2 Acceptance of Gifts or Benefits	25
5.3 Other Commitments	25

6. Respect for the Law and Government Systems	25
6.1 Knowledge of legislation and delegations	25
<i>Useful Web links for Australian, New Zealand and Norfolk Island legislation are:.....</i>	<i>26</i>
6.2 Following Instructions	26
6.3 Conflicts with Professional Standards	27
6.4 Criminal Charges and Convictions	27
7. Use of Official Information	27
7.1 Disclosure of Official Information.....	27
7.2 Sensitive and Confidential Records	27
7.3 Misuse of Information	28
7.4 Appropriate Use of Electronic Communication and Social Networking Sites	28
<i>Electronic Communication</i>	<i>28</i>
<i>Social Media (inc. Facebook, Blogs, Twitter etc).....</i>	<i>29</i>
7.5 Copyright and Intellectual Property	31
7.6 Post Separation Employment	32
<i>Prior to separation</i>	<i>32</i>
<i>Current Workers</i>	<i>32</i>
8. Public Comment	32
9. Use of Fusion Resources including Vehicles.....	33
10. Reporting of Corrupt Behaviour	33
10.1 Corrupt Conduct and Fusion's Duty of Care	34
10.2 Protected Disclosures.....	35
11. Penalties for a Breach of Code of Conduct	35
12. Feedback	35
13. Definition of Words - Glossary	36
14. Appendix A – Fact Sheet - Conflict of Interests	43
15. Agreement to Code of Conduct	46
Notes:	47

1. Introduction

Fusion Australia Ltd (Fusion) is an international youth and community organisation which emerged as a creative response to socially-at-risk young people in Australia.

While it began its work among youth, the importance of a healthy and caring community to nurture each new generation has led Fusion into extensive community work in Australia and beyond. Fusion's services focus on community building and finding a sense of purpose.

Fusion works with Christian churches, government and non-government agencies as well as individuals to provide services to individuals, families, young people, the elderly and communities. In particular, we support vulnerable people within those communities, including Indigenous Australians and Torres Strait Islanders, culturally and linguistically diverse people, as well as those from rural, remote and disadvantaged communities.

As a Fusion Worker, your role may mean that you directly or indirectly deal with vulnerable people often in very challenging circumstances. Because of this, you will require a high level of dedication, skill and sensitivity.

For Fusion to fulfil its mission, both individuals and their communities need to have a high level of trust and confidence in Fusion and its Workers. To develop and maintain this, it is important that all Workers (not just those directly involved with vulnerable people) maintain high standards of conduct and practice in all their work. Within Fusion we all share core values which must shape both our decisions and actions, as they form the foundation of the way in which we work.

Whilst Fusion works across all States and Territories of Australia and Internationally and across a number of disciplines, Fusion is committed to providing a Code of Conduct that strives to achieve the highest level of practice in all settings. This will ensure that regardless of where Fusion conducts its activities, we are maintaining the same Code of Conduct.

Fusion's core values are¹:

- Justice,
- Mercy,
- Compassion,
- Respect, and
- Industry.

Main points of the Code of Conduct

This Code of Conduct has been developed so all involved with Fusion, regardless of their role, will know how we act in our dealings with each other and the public. Furthermore it will help those involved with Fusion to continue to aspire to high standards and integrity. It also identifies what to do when there are concerns about those associated with Fusion who may not be following the Code of Conduct

Fusion expects its Workers (paid or unpaid staff, Fusion company members, volunteers and students), to function in the following ways:

- Perform their duties with professionalism, objectivity, honesty, integrity, and in the best interests of all people who are in any way connected to Fusion;
- Show respect, fairness and equity for all persons, organisations and agencies, including respect of their rights;
- Avoid and be accountable to real or perceived conflicts of interest;

¹ Please see the Fusion Team Member's Handbook - 2010 Edition for the definitions of these values

- Have respect for the law and the systems of government under which they carry out their agreed duties;
- Ensure the proper use of official information;
- Maintain proper standards of confidentiality;
- Be aware of the responsibility of making public comment;
- Ensure the efficient and effective use of resources in the public interest; and
- Report all concerns regarding behaviour not consistent with this Code of Conduct by Fusion Workers and those involved with Fusion.

It is expected Fusion Workers will apply Fusion's values and professional standards in all situations. The standards contained in this document are not exhaustive but that does not in any way endorse any inappropriate behaviour or any behaviour that could be deemed inappropriate. Undertaking practices just because they have not been explicitly identified in this document does not necessarily make them acceptable.

Worker Expectations

It is expected that all Fusion Workers will know and understand the Code of Conduct and are responsible to ensure that their personal and professional behaviour is consistent with this Code.

Worker Responsibilities

Those with responsibility for teams must ensure that all workers in their teams understand and abide by the Code of Conduct and have signed the Code of Conduct Agreement at the end of this document. A voluntary worker *must* be responsible to and refer to an appropriate leader and demonstrate a willingness to work harmoniously within Fusion's core values and a willingness to come under the discipline of Fusion's appointed leaders. (Please refer to the Fusion Team Member's Handbook for more detail and definitions).

Contractors and Consultants

Contractors and consultants working with Fusion must also be aware of this Code and act in line with the conduct described in it. It is also the Fusion worker's responsibility to take the necessary action to address any concerns about their conduct. Contractors and consultants that operate outside of the Code of Conduct may have their involvement reviewed.

Disciplinary Process

Fusion Workers who operate outside of the Code of Conduct can expect feedback and possibly a disciplinary process. Fusion Workers are expected to not cover up any breaches of the Code of Conduct by other workers.

Disclosures

Fusion Australia Ltd welcomes disclosures of inappropriate conduct and will not penalise, discriminate or act against those who take action to disclose in good faith under this Code.

2. Personal and Professional Behaviour

2.1 Duty of Care

As a Fusion Worker, you have a legal duty to take reasonable care for the safety and welfare of those in your charge. You also have a duty to ensure your safety and that of others wherever Fusion activities are conducted. That duty is to take all reasonable action to protect others from risks of harm that can be reasonably predicted. Examples are known hazards that are a foreseeable risk, against which preventative measures can be taken. The standard of care that is required needs to correspond to the maturity and ability of all participants in the activity or program. Fusion Workers are required to exercise the degree of care that could reasonably be expected from a person in that role.

Duty of Care applies during all activities and functions conducted or arranged by Fusion where participants are in the care of Fusion Workers, Contractors or Consultants. The risks associated with any activity needs to be assessed and managed before the activity is undertaken.

Considerations of safety need to relate to the physical, emotional, psychological and spiritual wellbeing of individuals.

This includes a wide range of practices including, but not limited to:

- The provision of adequate supervision;
- Ensuring grounds, premises and equipment are safe for use;
- Implementing strategies to prevent bullying from occurring;
- Ensuring that children, young people and others are not at risk of abuse of any kind in your care; and
- Seeking assistance from a medically trained person to aid a person who is injured or becomes sick whilst in Fusion's care or providing medical assistance (if trained and competent or instructed by a trained person to do so).

You should avoid negligent conduct by giving sufficient attention to your actions and decisions. If you are uncertain, get advice and direction from your supervisor or other appropriate Fusion leader.

2.2 Diligence and Professionalism in Your Role

You are required to do your job effectively, impartially, professionally and to the best of your ability.

As a Fusion Worker you will:

- Not use inappropriate or offensive language²;
- Ensure that your conduct does not wilfully distract, or otherwise prevent, other Workers from performing their duties, such as by bullying or harassing behaviour;
- Maintain a standard of dress and appearance that is appropriate to the type and location of the work you perform and in compliance with a relevant Fusion dress code³.

Team Leaders, Supervisors, Managers or Program Coordinators should make every effort to ensure Fusion Workers who report to them are familiar with all the requirements and objectives of their position, and have access to the information, training, supervision, feedback and work conditions needed to achieve these.

As the nature of Fusion's work impacts many facets of local community life, the integrity of your personal conduct needs to be sustained, even when you are not officially working with Fusion. Wearing of Fusion clothing should always be appropriate to the setting e.g. when it is promoting the best interests of Fusion. Please remember that wherever you are, even outside of your work role, you may be identified with Fusion and so need to represent Fusion well.

Please refer to Fusion Australia Ltd's HR policies and Management Manual for specific details.

2.3 Relationships

Fusion values the importance of relationships between people and how important it is to be supported and encouraged. Fusion also places high value on marriage and family relationships. It is therefore expected that Fusion Workers will have healthy and appropriate close relationships with family and friends.

² please refer to Section 2.5 – Verbal Abuse

³ A National Dress Code is being developed in compliance with the new National Code of Practice for Work Health and Safety

Because of the vulnerability of many of the people Fusion works with, it is necessary for Fusion Workers to have respect for their unique position, as well as their potential influence and power in any relationship with other Workers and participants in Fusion's activities. It is crucial that individual Fusion Workers maintain appropriate boundaries and transparency within their work role and interactions with others.

Fusion Workers will operate from a framework which upholds Fusion values, demonstrates a Duty of Care and shows:

- Their personal commitment to God;
- The inclusiveness of the Kingdom;
- Personal transparency;
- Commitment to ministry;
- The professional nature of the relationship, and ensures:
 - That Workers do not seek to meet their personal needs through their Fusion ministry relationships;
 - That clear boundaries are recognised and observed (i.e. the relationship and behaviour are appropriate to ministry relationships);
 - Respect and sensitivity for all people;
 - Non-abusive use of power.

Fusion Workers are expected to maintain inclusive relationships when working in the Fusion context or representing Fusion. This means that Fusion Workers will not be involved in private conversations or behaviour that excludes others from being appropriately involved.

Fusion Workers will not pursue inappropriate private interests (romantic or otherwise) with those involved in Fusion activities.

Because Fusion values healthy relationships, as well as for reasons of transparency, Fusion Workers are responsible to recognise and report any inappropriate private relationships occurring in the Fusion context.

Fusion Workers will also ensure that wherever there is any risk of a work-based relationship becoming personalised that the Supervisor or Worker's Leader is informed and appropriate care undertaken to ensure safe and proper behaviour for all persons involved.

2.4 Sexual Conduct

Modelling healthy and appropriate relationships is an important aspect of appropriate role modelling of the Christian lifestyle. Fusion respects the sanctity of marriage and the value of family relationships.

The sexual conduct of Fusion Workers has a significant impact on the organisation and the community.

Sexuality is a gift from God and is integral to human nature. It is appropriate for Fusion Workers to value this gift, taking responsibility for their sexual conduct by maintaining chastity in singleness and faithfulness in marriage.⁴ Consent to sexual activity will not be regarded as valid by Fusion except within marriage.

2.5 Abuse

Because Fusion's work occurs in a deeply intimate community, friendships will develop.

These relationships will often be beyond the capacity of an individual Fusion Worker to manage on their own. Fusion Workers are responsible to distinguish times when objective third party input,

⁴ Extracted from *Faithfulness in Service* 2007, The Synod of the Anglican Church of Australia in the Diocese of Sydney

including that of expert professionals, is required. The dynamic of the situation may require this to be sourced externally to Fusion.

Fusion Workers have the responsibility to be aware of the potential for relationships to move beyond the appropriate level of friendship and intimacy and be accountable in the conduct of all their professional relationships to their supervisor. Fusion Workers also need to be aware of the potential of exercising power inappropriately in relation to others in the nurturing relationship and be willing to accept feedback and be accountable for the dynamics of their relationships.

Fusion Workers must be willing to accept internal and / or external supervision in all areas of their work.

Asking the following questions could identify relational boundary problems:

- Do I deal in a different manner with a particular child or young person than with others, under the same circumstances?
- Would I do or say this if a colleague or supervisor were present?
- Do I dress differently, make myself more available or use different language from the norm with a particular child or young person?
- Are the consequences of my actions likely to have negative outcomes?
- Are my personal feelings translating into inappropriate actions?
- Could my conduct be perceived as demeaning or belittling?
- Have my personal feelings interfered with my professional judgement?

The Government has introduced a number of Acts to regulate the way children and young people are cared for in an attempt to minimise risk and remove offenders, and to set out the legal context of child abuse and neglect.

The law covers three main areas:

- The care and protection of children as provided for in the *Children and Young Persons (Care and Protection) Act 1998*; incorporating amendments under the Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009
- The criminal law as set out in the *Crimes Act 1900*, as amended, and other statutes;
- And the law relating to child-related employment and alleged abuse by employees as set in the *Commission for Children and Young People Act 1998*, the *Ombudsman Amendment (Child Protection and Community Services) Act 1998*, the *Children and Young Persons (Care and Protection) Act 1998* and the *Crimes Act 1900*

Fusion Workers are not to engage or allow others to engage in any form of abuse. This includes:

- **Verbal Abuse** – means the use of words to cause harm to the person being spoken to and includes but is not limited to: name calling, shouting, insulting, intimidating, threatening, shaming, demeaning or derogatory language.
- **Physical Abuse** – means any intentional or reckless act, use of force or threat of use of force causing injury to or involving unwelcome physical contact with, another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures. It does not include lawful discipline by a parent or guardian.
- **Emotional Abuse** – means acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. It includes:
 - Subjecting a person to excessive and repeated personal criticism;
 - Ridiculing a person, including the use of insulting or derogatory terms to refer to them;

- Threatening or intimidating a person;
- Ignoring a person openly and pointedly; or
- Behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.
- **Inappropriate Sexual Conduct⁵** by a Worker includes:
 - Obscene language of a sexual nature;
 - Suggestive remarks, requests or actions;
 - Jokes of a sexual nature or humour that is sexually suggestive;
 - Obscene gestures;
 - Unwarranted and inappropriate touching;
 - Sexual exhibitionism;
 - Voyeurism;
 - Inappropriate undressing in front of others;
 - Verbal or written expressions of the worker's sexual feelings for others;
 - Deliberate exposure of persons to the sexual behaviour of others other than in Fusion Team Leader approved sexual health presentations or materials;
 - Possession, distribution or display of pornographic material;
 - Electronic transmission or SMS messaging of messages, files or documents that are sexually explicit, offensive or contain inappropriate jokes or sexually suggestive humour;
 - Sexual touching; or
 - Sexual Intercourse
- **Sexual Abuse** by a Worker includes:
 - Sexual abuse of an adult - sexual assault, sexual exploitation or sexual harassment of an adult;
 - Sexual abuse of a child - the use of a child by another person for his or her own sexual stimulation or gratification for that of others, and includes:
 - Exposing oneself indecently to a child;
 - Having vaginal or anal intercourse with a child;
 - Penetrating a child's vagina or anus with an object or any bodily part;
 - Sexually touching or fondling a child;
 - Kissing, touching, holding or fondling a child in a sexual manner;
 - Staring at or secretly watching a child for the purpose of sexual stimulation or gratification;
 - Making any gesture or action of a sexual nature in a child's presence;
 - Making sexual references or innuendo in a child's presence using any form of communication;
 - Discussing or enquiring about personal matters of a sexual nature with a child;
 - Exposing a child to any form of sexually explicit or suggestive material;
 - Forcing a child to sexually touch or fondle another person;
 - Forcing a child to perform oral sex,
 - Forcing a child either to masturbate self or others, or to watch others masturbate; or
 - Forcing a child to engage in or watch any other sexual activity.

⁵ Other than is appropriate in marriage and family relationships

- **Spiritual Abuse** - means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:
 - Using a position of spiritual authority to seek inappropriate deference from others;
 - Isolating a person from friends and family members; or
 - Using biblical or religious terminology to justify abuse.
- **Harassment** – means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:
 - Making unwelcome physical contact with a person;
 - Making gestures or using language that could reasonably give offence including continual and unwarranted shouting;
 - Making unjustified or unnecessary comments about a person's capacities or attributes;
 - Putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
 - Making unwelcome communication with a person in any form (for example, phone calls, email, text messages); or
 - Stalking a person.
- **Bullying** – means the repeated seeking out or targeting of a person to cause them distress or humiliation or exploit them. It includes: exclusion from a peer group, intimidation and extortion.
- **Neglect** – means the failure to provide the basic necessities of life when a child's health and development are placed at risk of harm. It includes being deprived of: food, clothing, shelter, hygiene, education, supervision and safety, attachment to and affection from adults, and medical care.

This behaviour is not acceptable if it occurs with *any* of the following: children, young people, adults, those with whom you have a personal relationship, or your family.

Fusion Workers are expected to be aware of potential **grooming behaviour** that may develop over a period of time.

Fusion Workers need to be aware of the characteristics of those who abuse, especially sexual offenders. These people generally⁶:

- Will blame the person affected or at least suggest they consented;
- Continue their behaviour unless someone steps in;
- Can state they don't like doing the activity but still enjoy it;
- Normally have a history of doing it and keep doing it; or
- Will normally justify why they do the activity.

Fusion Workers must also exercise caution when:

- Making personal comments;
- Asking a question that probes sexuality or personal relationships;
- Discussing personal details of your lifestyle or that of others;
- Disclosing personal contact details to children or young people; and

⁶ (Extracted from *Faithfulness in Service*, 2007, The Synod of the Anglican Church of Australia in the Diocese of Sydney)

- Allowing personal details to be known to a child or young person through social networking (Facebook or Twitter etc).

You must never discuss matters of a sexual nature relating to you with other Workers or participants of any Fusion program, unless for supervision purposes with your supervisor or Team Leader.

All Fusion Workers are required to complete the relevant State/ Territory based criminal / Working with Children Check / character check processes or declarations and / or a Police Check prior to being able to be involved in direct care of participants. Where a Fusion Worker works interstate for a short period, they must have a Police check or equivalent declaration completed prior to being involved in the program. As a minimum national standard for Fusion, all Fusion Workers must sign the NSW Working With Children Volunteers and Student Declaration Form, available on Fusion Intranet or at www.check.kids.nsw.gov.au .

Team Leaders are responsible to maintain a register of Fusion Worker's criminal / child / character / Police checks.

Workers must not engage in any conduct of an intimate or sexual nature, including sexual relationships, with a child or young person associated with Fusion programs, regardless of the age of the child or young person and whether it is consensual and / or condoned by parents.

2.5 Use of Alcohol, Drugs or Tobacco

Fusion is committed to establishing and maintaining a positive and healthy environment for those it comes in contact with, and providing positive role modelling. We will provide a productive and safe environment.

As Fusion Workers, you are responsible for ensuring your capacity to perform your duties is not impaired by the use of alcohol, prescription or other drugs, and that the use of such substances does not put at risk you or any other person's health and safety.

As such you must:

- Not be involved with Fusion's work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances;
- Not endanger your own safety or the safety of any other person in the workplace by consuming alcohol, illegal drugs or non-prescribed and/or restricted substances;
- Notify your supervisor if you are aware that your work could be adversely affected as a result of the effect of a prescribed drug;
- Take action to resolve any alcohol or other drug-related problems that you have; and
- Consult with your supervisor if you are concerned about working with other Fusion Workers who may be affected by drugs or alcohol.

Drugs

As Fusion Workers, you:

- Will not have illegal drugs in your possession. Any illegal drugs found on Fusion property or in the possession of any person on Fusion property will be reported to the Police;
- Will not give participants, students or other Workers illegal drugs or restricted substances, or encourage or condone their use;
- Will not supply or administer prescription or non-prescription drugs to participants, volunteers or students unless following the directions set down in the Fusion Administering Prescribed Medication procedures;
- Will ensure all prescribed and over the counter medication, such as Panadol, are safely stored out of sight or accessibility from other people at all times.

Fusion Workers must report incidents involving illegal drug use to the Police and their supervisor and an incident report must be completed within 24 hours.

Alcohol

You must not bring alcohol onto any Fusion property or consume it during Fusion program hours or at any Fusion function at any time Fusion participants are present, including those events conducted outside Fusion premises. A Fusion function is any occasion organized by Fusion and/or in Fusion's name, including activities, programs, festivals, sporting events, conferences, training and fund raising events.

Therefore:

- You must not purchase alcohol for, or give alcohol to any Fusion participant or other person under the age of 18 years; and
- You must not encourage or condone the use of alcohol by a participant of any age during Fusion activities unless prescribed by the curriculum (such as Fusion RTO hospitality courses).

Children and young people have a greater vulnerability to alcohol than adults. To provide alcohol to a person under the age of 18 years is against the law. Fusion Workers must report incidents involving illegal alcohol use to the Police and their supervisor and complete an incident report. Any other conduct that is not consistent with this Code must be reported to your supervisor.

Tobacco

You must not smoke or permit smoking in any Fusion buildings, enclosed area or on Fusion grounds. This includes all buildings, gardens, sports fields, cars and car parks, other than those outdoor areas clearly defined as smoking areas. (Refer to Smoke Free Environment Act 2000).

You are also expected not to share your cigarettes with others, not smoke in a public place, not meet with others while you are smoking, and not encourage or condone smoking by others.

You must not purchase tobacco or tobacco products for any Fusion participant, or give them tobacco or tobacco products.

As the nature of Fusion's work impacts many facets of local community life, the integrity of your personal conduct needs to be sustained even when you are not officially working with Fusion.

Fusion workers are reminded that their behaviour may reflect on Fusion at any time they are in public place.

2.7 Providing Advice and Making Decisions

Procedural fairness should be applied whenever you exercise official powers in situations where there may be an adverse impact on a person (see 4.1 Procedural Fairness)

All advice you provide to your supervisor, leader, senior Workers, manager, co-workers and participants should be honest, frank, based on an accurate and balanced representation of all the known relevant facts, and should, if necessary, identify the consequences of all known options realistically available.

You should always ensure you have taken reasonable steps to obtain necessary information and material to make a decision and be reasonably satisfied that the information is factually correct and relevant. You should record and file the basis for your decision.

Those in oversight over others should make every effort to ensure all current policies, procedures and guidelines are accessible, clearly stated, explained and understood by Workers.

2.8 Use of Authority

Fusion Workers are responsible to use their influence and authority appropriately. Fusion Workers should never use their official duties, status, power or authority to improperly influence a Fusion decision or action.

Examples would include:

- Editing or destruction of official records, or intentionally not recording information;
- Seeking to obtain a more favoured status;
- Instructing a Workers to do any of the above; and
- Directing Workers to act outside of their or Fusion's best interests.

Official references concerning a Worker's work performance should only be given by their direct supervisor and only in relation to those areas for which supervision is given.

Reporting on the skills and qualities of Workers in testimonials, references and performance reports should be honest and objective.

Where your personal views conflict with the performance of your duties or you believe you cannot act impartially, you should tell your supervisor and try to resolve the conflict.

Ways to resolve conflicts between your personal views and your duties could include:

- Not being involved in making a decision on a matter;
- Negotiating with your supervisor to exchange certain duties or tasks with another Worker;
- Negotiating with your manager and colleagues to re-distribute participant-related responsibilities; and
- Only acting based on the agreed delegation and responsibility as allocated by Fusion.

2.9 Self Development and Sustainable Lifestyle

As part of helping every person reach his or her potential, we want you to continue to develop and maintain both a healthy lifestyle and continue in your skills development.

You should make every effort to:

- Seek feedback on your work performance;
- Improve your own performance as well as service to others;
- Develop skills and knowledge relevant to your role by keeping up to date with advances and changes;
- Participate in relevant training opportunities;
- Have appropriate recreation and leisure time;
- Develop interests outside of your main area of work; and
- Care for yourself and your personal and family relationships.

2.10 Supervision and Oversight

Whenever you are in a supervision or oversight role, you have a responsibility to:

- Maintain open, honest, respectful and thorough communication with all Workers;
- Set good examples for your Workers through your own behaviour, especially in relation to upholding the standards set in this Code of Conduct;
- Provide information to Workers about the objectives and duties of their positions, and have access to any operations manuals, policies, procedures, guidelines and practice frameworks applicable to their work;
- Allocate work fairly;
- Provide the optimum working environment for Workers within available resources, and meet work health and safety (WHS) standards in line with the Work Health & Safety Act 2011;

- Inform Workers of performance standards expected of them and objectively assess their performance against these standards;
- Ensure Workers know about and have access to information, training and development opportunities;
- Ensure Workers have access to information about their rights and responsibilities under legislation and policies, including those relating to equal employment opportunity and anti-discrimination;
- Support the right of Workers to pursue grievances and complaints using internal and external processes.

When you are seeking or providing supervision, you should not identify any individual in the discussion and only disclose what is necessary to obtain the supervision or advice (see also section 3.4).

2.11 Signatures

As a Fusion Worker, you are accountable for any documents that you sign. Therefore, you should carefully read all documents you are asked to sign.

- You must not sign, or allow to be signed, a document which you know is not true and correct;
- You must only sign your own name and must never permit or encourage anyone to sign on behalf of anyone else;
- You should only use your own name when, for example, sending emails;
- You should only sign or send information on your own behalf and only for areas you have authority or permission to act on; and
- Do not allow others to sign as you or access and email as you.

2.12 Personal References

You may agree to a request from another Fusion Worker, Contractor or Consultant to write a personal reference. In doing so, you should comply with the following:

- You cannot use a Fusion Australia Ltd or any other Fusion program letterhead when writing a *personal* reference for another Fusion Worker that is considered to be your personal assessment or opinion, and not those of you in your role as a Fusion Worker;
- Official references, i.e. on Fusion's letterheads, can only be issued by the Worker's direct Supervisor, Program Manager, Team Leader, State Coordinator or National Office.

If asked to provide a reference, it is your responsibility to complete the report honestly and based on information that can be verified. You must not make false or derogatory statements about an individual.

3. Respect for Persons

3.1 Respect For the Rights, Dignity and Views of Others

Fusion Workers should always:

- Treat participants, members of the public, those you work with and those in leadership with dignity and respect;
- Make efforts to develop and maintain cross cultural awareness and skills, especially in relation to Aboriginal and Torres Strait Islander culture;
- Be tolerant of the views held by others that are different from your own; and
- Ensure that your conduct is not discriminatory or harassing to participants, members of the public and others.

Whenever you have supervision responsibility for others, it is important to promote cultural

awareness to ensure that cultural issues can be properly and appropriately addressed wherever they are relevant to any decision-making or program delivery.

Examples of unacceptable conduct in regards to the rights, dignity and views of others are:

- Offensive, abusive, belittling or threatening behaviour directed at an individual or group;
- Restricting Worker's access to training or promotional opportunities on the basis of age, gender, disability, marital status, pregnancy, sexual preference, race, or ethnic or national origin;
- Any behaviour of a sexual nature;
- Any behaviour of a sexual nature towards participants; or
- Refusing to make any reasonable adjustment to enable a person with a disability to perform a job (such as provision of equipment or job redesign).

3.2 Working with Participants / Public

Fusion Workers should ensure that their relationships with participants and members of the public are professional and respectful of their rights and dignity.

You should make every effort to ensure that all people have fair, reasonable and equitable access to available services and information provided by Fusion.

You should make every effort to ensure that the rights and dignity of participants are safeguarded and upheld.

3.3 Working with other Fusion Workers

Fusion Workers are expected to be honest and sensitive when dealing with all those involved with Fusion.

You should observe merit and equity in recruitment and promotion.

When providing references for other Workers, you should provide an honest assessment that can be substantiated of the applicant's ability to meet specific selection criteria for the job in question.

3.4 Privacy and Confidentiality

Fusion Australia Ltd is made up of an international network of Centres and an international office that together undertake the work of Fusion International. Fusion Australia Ltd understands that people are concerned about their privacy and therefore abides by the National Privacy Principles (NPPs) in the Commonwealth Privacy Act (1988). The Privacy and Personal Information Act 1989 provides for the protection of personal information and for the protection of the privacy of individuals generally.

This statement is to ensure that Fusion workers and participants can receive open and accurate information about what personal information may be collected, and how and for what purpose that information will be used.

Whenever it is necessary to record personal information, Fusion Workers should make every effort to ensure that there is a legitimate legal need to record the information, that the recording is factual and that information of a confidential nature is kept secure and not discussed with anyone who does not have a legitimate right to know. All Fusion workers are required to keep others' personal information confidential.

Normally both verbal information and written records concerning a worker or participant cannot be shared with another party without their written consent. It is the policy of Fusion Australia Ltd not to release any information about a worker or participant without a signed consent to release information.

Workers should not reveal personal information such as home addresses or telephone numbers to enquirers, even when they claim to be a relative or friend. You should offer to take the enquirer's

details and pass them on to the person concerned.

You are not to disclose confidential information received while working with Fusion to your spouse, family, friends, Fusion Workers or other persons. Personal information may only be shared with the consent of the person whom it concerns, except where:

- **The information is known publicly;**
- **As required or allowed by law; or**
- **It is in the public interest (such as to avoid the risk of serious injury or harm to any person).**

Fusion workers will only ask for and collect information that is necessary to the provision of or quality improvement of its service.

Uses of information:

- To provide the best possible service to workers and participants, within professional and industry standards and practice;
- For reasons related to the life and safety of the person or a third party;
- To protect the safety and well being of its workers;
- To inform supervision, assessment and training;
- To support efficient and effective management of our organisation;
- To support strategic planning and service development.

De-identified and aggregated data may be used for internal and external research purposes that will guide service quality improvement and service development.

Fusion will only disclose personal information to others outside Fusion if:

- The person gives consent;
- One of the exceptions under NPPs apply which include but are not limited to:
 - Uses or disclosures required by law;
 - Those disclosures necessary to prevent or lessen a serious or imminent threat to someone's life, health or safety; and
 - For research purposes (provided legal conditions are met).

In accordance with NPPs, Fusion may disclose health information to a 'person responsible' for an individual (including a partner, family member, care, guardian or close friend) under certain circumstances if that individual is incapable of giving or communicating consent.

With participant consent, personal information may also be shared with:

- Other Fusion Australia Ltd programs or services that the participant is using. For example: homelessness services; and
- Other organisations that are also working with the participant. For example: Mental Health Services.

3.5 Limits of Confidentiality

When Fusion Workers are speaking or communicating with other workers or participants they have a responsibility to tell the other person that there are limits to confidential information. This would normally happen before the disclosure of information occurs. What can be kept in confidence is based on legal and statutory requirements.

Normally both verbal information and written records concerning a participant cannot be shared with another party without the written consent of the participant. It is the policy of Fusion Australia Ltd not to release any information about a participant without a signed consent to release information.

Noted exceptions include:

- A person is at imminent risk of injury or death by suicide;
- A person makes specific threats to harm third parties;
- A person is at imminent risk of injury or death by another person;
- There are reasonable grounds for believing that child abuse is occurring and/or where an intervention may be required to ensure a child's safety;
- Situations where there is a legal imperative to provide information e.g. the person has committed or intends to commit a crime;
- Circumstances where it is necessary to discuss matters related to the person for the purposes of providing the best possible service to the participant, including through supervision processes or to ensure the safety and wellbeing of Fusion workers; and
- For research purposes (provided legal conditions are met).

Fusion Workers will advise persons of the above limits of confidentiality wherever possible.

As a general rule personal information collected during interaction with participants may be shared only within the organisation for reasons related to supervision, debriefing, the provision of quality care to the participant, and for reasons associated with the life and safety of the participant or third party/ies.

Fusion Australia Ltd, under certain circumstance (e.g. funding agreements), may use de-identified aggregated data for service development and research purposes. This data does not allow for the identification of individuals and their personal information. Fusion may under certain conditions make aggregated data available to researchers, either internally or externally, to assist with learning more about the effectiveness of its service to participants.

3.5 Work Health and Safety

Fusion Australia Ltd adheres to the *Work Health and Safety Act 2011* (WHS Act) and the national WHS Regulations. It is thus responsible for ensuring there is a policy and programme for Work Health and Safety implemented at all Fusion Australia sites.

This policy includes:

- | | |
|---------------------------------------|----------------------|
| • Safety is Everyone's Responsibility | • Staff Training |
| • Hazards and Incidents | • Duty of Care |
| • Elements of Duty of Care | • Negligence |
| • Vicarious Liability | • Non-Delegable Duty |
| • Occupiers Liability | • Risk Management |

Fusion Team Leaders will ensure all sites are adequately maintained with safety equipment and that all workers receive ongoing safety training. The safety of staff, students, volunteers, contractors and participants is our **first** priority.

There are Legislation, Regulations, and Standards at Australian National, State, and Local levels of Government that each local Centre must comply with to ensure, as practically as possible, the safety of all staff, students, volunteers, contractors and residents on site.

Fusion Workers are expected to comply with the *Work Health and Safety Act 2011* (WHS Act) and the WHS Regulations and Fusion instructions on work health and safety. You also have an obligation not to wilfully place at risk or injure yourself and others in the workplace.

If acting in an oversight role, you should ensure that those you have responsibility for have access to information and services to assist them maintain a safe and healthy workplace.

Safety is Everyone's Responsibility

All Workers are responsible for their own safety and the safety of others. All Workers are responsible to:

- Take reasonable care to ensure their own health and safety at work;
- Take reasonable care to avoid adversely affecting the health and safety of other persons in the workplace;
- Follow all reasonable instructions given to them by their supervisors in the interests of health and safety – this includes the use of safety-related equipment;
- Use all personal protective equipment provided to them, in the appropriate manner, and immediately report any damage or deterioration in its condition;
- Identify actual hazards and potential hazards;
- Report all hazards that could present a risk to themselves or other persons;
- Report all incidents and injuries arising as a result of work activities, or that may impact on their work;
- Complete Hazard Incident Record forms within 24 hrs of the incident;
- Communicate frequently and directly to the site Safety Officer;
- Update Senior First Aid certificates regularly; and
- Attend Worker meetings and contribute to discussions regarding safety issues

Worker Training

Fusion Centres will provide Work Health and Safety training according to needs and priority. Training may include, but is not limited to:

- How to implement and monitor policies and procedures;
- How to play your role through abiding by policies and procedures;
- How to complete a Hazard Incident Form;
- What is Duty of Care;
- Senior First Aid; and
- Critical Incident reporting.

Hazards and Incidents

Fusion Australia Ltd is committed to providing a safe and healthy working environment for all personnel in which they are not exposed to hazards. Local Centres will comply with all applicable legislation, codes of practice and Australian Standards. The standards will represent the minimum level to be achieved; however the organisation will always strive to continuously improve on these. The Board of Directors of Fusion Australia Ltd is ultimately responsible for Work Safety and Health. Implementation of this on a day-to-day basis will be the responsibility of the Team Leader or their delegated party.

All Fusion Workers must receive training on how to complete a Hazard Incident form – the training may be conducted during a Worker's meeting as part of the Health and Safety agenda.

Depending on the severity of the incident, other documentation may be required to be completed for the Fusion National Office and local authorities.

Incident Reports are required to be completed within 24hrs of an incident for Fusion's insurances purposes and the injury is to be attended to by a qualified first aid personnel.

Duty of Care

Fusion Australia has a legal duty to take reasonable care to avoid foreseeable risks to its Workers, contractors, participants, and the wider community. This Duty of Care includes minimising the risks and effects of working or participating in Fusion programs and activities. Our Duty of Care does not permit Fusion Australia Ltd or any Worker to break the law by, for example, unlawfully restricting a person's movements.

Elements of Duty of Care

Based on the Work Safety and Health Act 1984 (the WHS Act) general Duty of Care describes duties placed upon people to ensure their own safety at work and that of others who are at the workplace or who might be injured by the work.

Duty of Care relates to the law of negligence and it means that workers at Fusion Australia owe a Duty of Care to participants and the community to take all reasonable measures to protect their safety and welfare. If an injury results from a Fusion Worker's, Fusion Australia Ltd's or the local Centre's failure to exercise the required standard of care, a negligence claim may result.

Duty of Care refers to the special relationship that exists between a worker and a participant. It also refers to the special relationship between the organisation and its participants. A duty of care may also exist between students, volunteers and participants.

Negligence

The concept of negligence arose from common law and it is considered the primary basis upon which to determine Fusion Australia Ltd's liability to participants or the wider community. Fusion Australia Ltd is liable if:

- At the time of injury, the Worker, Fusion Australia Ltd or the local Centre owed the participant / community a Duty of Care;
- Fusion Australia Ltd and the Fusion Worker breached that Duty of Care;
- This breach caused loss or damage to the participant / community.

Fusion Australia should compensate the claimant for that loss or damage.

Vicarious Liability

Vicarious liability refers to an employer's liability for the negligent acts of its Workers. This means that Fusion Australia is vicariously liable for Worker's acts authorised by the Fusion Australia and the local Centres. Fusion Australia and Fusion Workers are to ensure all activities are strictly in the course of the employment to safeguard cover.

Non-Delegable Duty

Fusion Australia and local Fusion Centres owe their participants a non-delegable duty to ensure that reasonable care is taken for ensuring their safety. Under this duty a Duty of Care may be breached in the following circumstances:

- Negligent hiring of Workers;
- Negligent supervision;
- Failure to provide or refer to counselling;
- Negligent training;
- Failure to terminate employment; or
- Failure to investigate allegations

Occupiers Liability

As a general proposition, Fusion Australia Ltd and local Fusion Centres are responsible for ensuring that all premises and activity sites are reasonably safe for visitors to enter, that pathways are clear of obstacles, and ground surfaces are even in areas where visitors are reasonably likely to go.

Risk Management

Fusion Australia Ltd and its local Centres are committed to ensuring that the risks associated with the support of its participants are minimised for both participants and Workers. Fusion Australia Ltd and local Centres are to ensure that the activities and environment of the organisation are safe for participants. Safety is considered in terms of physical, social, psychological, and cultural dimensions. The areas of concern include:

- Negligent Advice;
- Failure to properly refer and follow-up;
- Fiduciary duties;
- Access to records;
- Professional boundaries;
- Consent and Disclosure of Risk;
- Nervous shock;
- Confidentiality; and
- Misleading and deceptive conduct.

Common examples where risk management relates to Duty of Care include Worker supervision, first aid and health management, work health and safety, Worker welfare, and the use of the internet by Worker and participants.

Risk Control

Once risks have been assessed the next steps are:

- Ensuring existing risk controls are the best they can be
- Introducing new controls where none existed

The hierarchy of risk controls which must be applied:

1	Elimination	This is the most effective method of risk control as it is the act of completely removing the risk from the workplace. The total removal of a particular hazardous substance from use within the workplace would be an example of this.
2	Substitution	This is focussed on replacing or introducing new machinery, substances or work practices or processes that will reduce the level of risk associated with the hazard. Changing a particular chemical used in a process to a less hazardous one would be an example.
3	Engineering Controls	A common form of engineering control is fitting guards to a piece of machinery, creating a barrier between the person and the hazard.
4	Administrative Controls	This is about reorganising the way work associated with the hazard is being performed and/or providing instruction, training, supervision and new/modified policies. Defined work breaks to address problems of fatigue would be an example of this.
5	Personal Protective Equipment	This is any item of equipment or clothing that establishes some form of barrier between the person and the hazard. Examples include gloves or safety goggles.

Select risk controls from the top of the hierarchy wherever possible as they provide superior and more permanent results. A combination of controls is often necessary.

3.6 Children⁷

Fusion Australia Ltd acknowledges that when its Workers are undertaking programs involving children, Workers have responsibility for the safety and welfare of the children in their care.

- Fusion Workers have *authority* over children because of their position and *power* because of their greater age, maturity, physical size and life experience. **Abuse** arises from the misuse of authority or power. Any form of **child abuse** is always wrong.
- Due to the inherent imbalance of power, children are incapable of giving valid consent to abuse.
- Appropriate physical contact is important for children's healthy development.

Safety and Welfare of Children

Taking all reasonable steps to ensure the safety and welfare of children for whom you have overall responsibility or are in your care requires you to prepare a risk management plan that considers all safety issues, including but not limited to:

- Screening and selection of personnel;
- Your role and capacity to perform it;
- Worker supervision;
- Worker training in how to identify child abuse and perpetrators of child abuse;
- Use of external service providers;
- Types of activities and the planning and conduct of activities;
- Venue;
- Health and safety;
- Transport;
- Disciplinary arrangements;
- Physical contact;
- Communication;
- Photographs and images; and
- Record keeping.

Record Keeping in Children's Programs

Fusion Workers should ensure that all screening documents for children's programs:

- Are treated with confidentiality and never left where they can be accessed by unauthorised persons;
- Where kept on computer, are password protected and stored for an indefinite period of time with access limited to authorised persons; and
- Where kept in paper form, are stored separately from any other documents and locked in a secure place for an indefinite period of time, with access limited to authorised persons.

Fusion Workers conducting programs involving children should also:

- Ensure that a register of attendance of children and leaders and their emergency contact details is kept for each child;
- Archive such registers;
- Keep and store in a secure place all permission forms and records relating to discipline and private meetings; and
- Keep a register of attendance of the children for whom they are responsible.

⁷ This entire section is adapted from *Faithfulness in Service*, 2007, The Synod of the Anglican Church of Australia in the Diocese of Sydney

Discipline of Children in Fusion Programs

When a child's behaviour requires correction, either for the safety and welfare of themselves or the group, it is important that:

- A warning precedes any discipline, where the situation permits;
- The discipline is explained to the child;
- The child is given an opportunity to explain;
- The discipline is appropriate to the occasion and age of the child;
- The form of discipline is not corporal punishment, does not ridicule or humiliate and is not otherwise abusive;
- Very young children are not isolated as a form of discipline;
- Physical restraint is only used to protect children from harm or to avoid an accident;
- When physical restraint is used, a record is kept that identifies the restraint used, the Fusion worker/s and child involved and any witnesses, and sets out the incident's circumstances;
- The child's parents or guardians are informed of the circumstances of the incident and discipline; and
- You make a record of the circumstances of the incident and discipline.

Children and Physical Contact

You need to be very careful when making physical contact with children.

Appropriate contact includes:

- Bending down to the child's eye level, speaking kindly and listening attentively;
- Gaining permission before hugging a child and respecting their right to refuse;
- Taking a child's hand and leading them to an activity;
- Comforting a child by placing an arm around their shoulder and giving a gentle squeeze from the side;
- Praising or welcoming a child by holding the child's two hands in yours;
- Patting the child on the outside of the arm between the elbow and shoulder in affirmation; and
- Holding a preschool child who is crying, provided that they want to be held, and only for as long as necessary.

Inappropriate contact includes:

- Kissing or coaxing a child to kiss you;
- Extended hugging or tickling;
- Touching any area of the body normally covered by a swimming costume, specifically the buttocks, thighs, breasts or groin areas; and
- Carrying older children, sitting them on your lap or having them rub up next to you, even if the child has initiated the contact.

4. Fairness and Equity

4.1 Procedural Fairness

Procedural fairness is the principle concerned with ensuring that a fair decision is reached by an objective decision-maker. When making a decision or recommending a course of action that could adversely affect a person's rights or interests, you should follow the rules of natural justice.

This means that you should ensure that:

- You have no personal interest in the matter to be decided or bias as to the outcome, and that you act in good faith (see 5. Conflict of Interest);
- The person concerned is informed about the matter under consideration, and is given

- an opportunity to present their case;
- You should document and be able to justify any decisions that affect Workers or members of the public;
- When making decisions or taking action, you should ensure that proper consideration is given to any adverse effects any person or group may suffer from the decision/action. This should then be balanced against the intended purpose of the decision;
- When exercising a discretionary power⁸ you should ensure that the power is being used properly, impartially, equitably and consistently with relevant guidelines or delegation of responsibility;
- Decisions and actions should be made in a timely fashion, so that persons affected by the decision are not disadvantaged by undue delay;
- When applying procedural fairness in coming to decisions that affect Workers, e.g. deferral of increments, leave requests, etc you should take into consideration that:
 - Before the decision or action is taken, the person affected by the decision should be informed of all relevant factors, given the opportunity to put forward his/her case, including commenting on information provided by others, and referred to support;
 - All reasonable steps should be taken to find out the facts which are important and relevant to the decision;
 - The person may be assisted or represented in the procedure except where it is specifically prohibited by legislation;
 - The person concerned should be informed of the reasons for the decision within a reasonable time; and
 - The notification of the decision or action should indicate any rights of appeal or normal remedies as well as the relevant time limits.

5. Conflict of Interest

5.1 Conflict Between Public Duty and Private Interests

Conflict of interest can bring into doubt any decisions made by a Worker about a person, an issue and/or a subject matter on the grounds of perceived bias or even corruption, and therefore must be notified to the relevant supervisor.

Workers should always declare to their supervisor, private interests which conflict, or might reasonably be thought to conflict, with your public duties. Where a conflict occurs between your private interests and public duties you should resolve the conflict in favour of the public interest.

The supervisor should discuss the matter with the Worker concerned to decide whether:

- There is or could be a conflict of interest;
- The Fusion Worker should be authorized to continue his or her duties in this area;
- The Fusion Worker should be removed from the particular decision making process, e.g. recruitment process, dealing with a related participant;
- The Worker should be requested to dissociate himself or herself from the private interest; or
- A suitable transfer may be arranged to an equivalent position with duties involving no such actual or potential conflict.

The ultimate decision concerning the appropriate course of action is to be made by the Worker's Leader or a delegated officer. Assistance is available from National Office.

⁸ Where supervisors, or leaders are delegated the responsibility to make their own judgment or decision, e.g. in an emergency; who to delegate tasks to, who to employ in a certain role etc.

Conflict of Interest may arise from:

- Expressed personal values or beliefs (including those based on more general religious, cultural or other values);
- Other professional ethics;
- Personal or professional relationships;
- Financial or proprietary interests; or
- The person's status or roles (professional or personal).

Examples of Conflicts of Interest that should be notified to your supervisor include:

- Relatives, friends or acquaintances of a Worker being employed to provide a service paid for by a participant;
- A Worker working in child protection who has personal links with a member of the participant family; and
- A Worker in a position that could influence, or be perceived to influence, funding allocations.

5.2 Acceptance of Gifts or Benefits

Fusion Workers should not ask for or encourage the offer of personal benefits or gifts in connection with their work with Fusion.

You should not accept an offered gift or benefit, except where this is of no significant or lasting real value or where the cultural values of the person or group would suggest that the gift should be accepted. A gift of more than token value may not be kept or used for personal benefit and should be refused. If unavoidable, such gifts must be reported to and registered by your Team Leader and may be deemed the property of Fusion.

You should politely refuse gifts or benefits that may bring your integrity and impartiality, or that of Fusion, into question.

A Fusion worker who accepts a personal benefit from a person or organisation in return for favourable treatment of the donor may be guilty of misconduct.

Vocational Fusion Workers (Faith Workers) are able to receive support for their work based on agreed guidelines set by National Office.

5.3 Other Commitments

To enable you to be most effective, it is important to inform your Leader or supervisor of other commitments. As part of that process, those who have made a commitment to Fusion as Fusion Workers, Trainee Workers or employed Workers are expected to get permission before engaging in secondary employment outside of their official duties.

You should not engage in employment that may affect your work performance or create a conflict of interest with your official Fusion duties.

6. Respect for the Law and Government Systems

6.1 Knowledge of legislation and delegations

This Code is based on National and State legislations, Regulations, Standards and policies and procedures. You should be aware of legislation affecting your work.

Examples of Legislation that Fusion must comply with include:

- Children (Care and Protection) Act 1987
- Children and Young Persons (Care and Protection) Act 1999
- Commission for Children and Young People Act 1998 and Child Protection (Prohibited Employment) Act 1998
- Health Records and Information Privacy Act 2002

- Work Health and Safety Act 2011
- Privacy and Personal Information Protection Act 1998
- Commonwealth Privacy Act, 1988
- The Housing Act and Housing Regulation 2009
- Public Sector Employment & Management Act 2002 and Protected Disclosures Act 1994 when documenting information about the conduct of Workers, complaints and disciplinary matters
- Anti-discrimination legislation and policies when managing Workers or dealing with participants and colleagues
- Public finance and audit legislation and delegations when purchasing goods or services.
- Freedom of Information Act 1989
- Community Welfare Act 1987 when dealing with general grants and disaster welfare matters
- Community Welfare (Complaints, Appeals & Monitoring) Act 1993 when dealing with complaints and appeals especially in relation to persons in care
- Technical and Further Education Legislation
- Industrial Legislation when dealing with employees
- Crimes Act 1900

If there is any conflict between this Code and legislation, the provision of the legislation will take precedence.

There are Federal laws, and each State or Territory has additional legislation that you must comply with. If unsure, speak with your Team Leader or contact your State Office.

Useful Web links for Australian, New Zealand and Norfolk Island legislation are:

- Commonwealth legislation <http://www.comlaw.gov.au>
- New South Wales legislation <http://www.legislation.nsw.gov.au>
- Northern Territory legislation
http://dcm.nt.gov.au/strong_service_delivery/supporting_government/current_north_ern_territory_legislation_database
- Queensland legislation <http://www.legislation.qld.gov.au/OQPChome.htm>
- South Australian legislation <http://www.legislation.sa.gov.au/index.aspx>
- Tasmanian legislation <http://www.thelaw.tas.gov.au/index.w3p>
- Victorian legislation <http://www.legislation.vic.gov.au/>
- ACT legislation <http://www.legislation.act.gov.au/>
- New Zealand legislation <http://www.legislation.govt.nz/>
- Norfolk Island legislation <http://www.info.gov.nf/>

6.2 Following Instructions

All Fusion Workers will carry out all reasonable and lawful instructions by the appropriate delegated supervisor of their work. Where an instruction is, or appears to be, unlawful you may refuse to comply and report the matter to an appropriate supervisor or Team Leader.

Where an instruction appears unreasonable, you should let the person giving the instruction know, and give them the chance to respond. If you are still unsure, raise the issue with a supervisor or go through Fusion's Complaints Procedure⁹. You should record your objections and reasons and seek to have the instruction confirmed in writing.

⁹ At the time of writing, the Fusion Complaints Procedure is under development. Please direct enquiries to Fusion CEO by email at: ceo@fusion.com.au

In the interim you are generally obliged to carry out the instruction, unless you think that there is a danger to a person's health and safety or that criminal conduct is involved. You should accept that you might not personally agree with all decisions made by your manager.

You should always comply with the requirements of this Code of Conduct and other policies / guidelines about your conduct.

Team Leaders, Managers, Supervisors and Program Coordinators are expected to be open to positive and constructive questions about their instructions, and be prompt to respond. If a Worker objects to an instruction on genuine conscientious grounds, supervisors should not force them to comply. Rather they should attempt to negotiate and resolve the matter on a basis that the person is able to accept.

Team Leaders, Managers, Supervisors and Program Coordinators should ensure that copies of relevant legislation, delegations and associated administrative procedures are available and accessible to Workers in their work groups.

6.3 Conflicts with Professional Standards

Where a conflict arises involving professional ethics standards and the requirements of the Code of Conduct, Fusion Australia Ltd (and their delegated parties) has the right to determine what is to be done in the provision of professional services to Fusion participants.

You should raise any concerns with your supervisor to receive guidance on the interpretation of Fusion's practice.

6.4 Criminal Charges and Convictions

Fusion conducts criminal history checks for all new paid and many voluntary appointees.

You must notify your supervisor if you have been charged with an offence with a possible penalty of imprisonment for 12 months or more, or convicted of any such criminal offence. Failure to do so may result in disciplinary action.

7. Use of Official Information

7.1 Disclosure of Official Information

Confidential and personal information about participants, Workers or others with whom Fusion does business should not be disclosed without the consent of the supplier of the information unless:

- The supplier was aware that the information was to be disclosed prior to providing it; and
- There is a lawful authority for its disclosure.

The Privacy and Personal Information Act 1989 provides for the protection of personal information and for the protection of the privacy of individuals generally.

7.2 Sensitive and Confidential Records

Workers should be aware of the specific legal and Fusion Australia Ltd requirements for confidentiality that apply to any information you have access to in your job.

When disclosing information to another person/body, you should, where necessary:

- Have clarified as far as possible what information is being sought, by what authority and for what purpose;
- Have made inquiries to establish the authority of the person/body to receive the information requested and also whether the information sought may lawfully be

- provided to that person/body (and in what circumstances);
- Have taken into account any relevant legislation or policy (including any privacy considerations) when considering the request, and obtained any necessary consents to the release of information from the person(s) about whom the information relates;
- Have informed the person/body receiving the information of their own responsibilities for maintaining the confidentiality of that information, including any relevant statutory requirements, as well as any conditions which apply to the release of information;
- Have provided only relevant information, avoiding any excessive disclosure of information;
- Have informed any person who should be informed about the request for information and its supply.

Guidance on the disclosure of information can be obtained from the National Office.

7.3 Misuse of Information

Fusion collects and stores a lot of confidential information. Unauthorized disclosures may cause people harm, and Fusion's integrity and credibility may be damaged if it cannot keep information secure.

Consequently, Fusion Workers must not misuse information gained in their professional capacity.

You must only use official information for the work-related purpose it was intended.

Unless authorized to do so by legislation, you must not disclose or use any confidential information without appropriate approval. You must make sure that unauthorized people cannot access confidential information, in any form. Sensitive information should only be provided to people, either within or outside Fusion, who are authorized to have access to it.

You should always exercise caution and sound judgment in discussing confidential information with other Fusion personnel. Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist us in carrying out our work because of their expertise.

Former Fusion personnel must not be given access to confidential information.

Examples of misuse of information include:

- Seeking to take advantage, for personal reasons, of another person on the basis of information about that person held in Fusion records; and
- Inappropriately disclosing confidential information held in Fusion records.

7.4 Appropriate Use of Electronic Communication and Social Networking Sites¹⁰

Electronic Communication

Fusion Australia Ltd provides electronic communication facilities for its Workers for administrative and educational purposes. It reserves the right to monitor and view any data stored or transmitted using Fusion's facilities. By its nature, electronic communication is a fast and informal way of communicating. However, once a document or image has been sent there is no way to recall it and it exists forever.

You must, therefore, comply with Fusion's IT Policies, and:

- Exercise good judgment when using electronic mail, following the principles of ethical behaviour;
- Use appropriate language in electronic mail messages;

¹⁰ This section is still being developed. Please direct all queries to National Office.

- 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;
- Not send messages that are harassing, defamatory, threatening, abusive or obscene;
- Not invite participants into your personal social network site, if it contains personal information or inappropriate comments or images;
- Remember transmission, storage, promotion or display of offensive, defamatory, or harassing material is strictly forbidden; and
- Report any situations where you become aware of the inappropriate use of electronic communication and social networking sites.

You must never use Fusion's networks to view, upload, download or circulate any of the following materials:

- Sexually related or pornographic messages or material;
- Violent or hate-related messages or material;
- Racist or other offensive messages aimed at a particular group or individual;
- Malicious, libellous or slanderous messages or material, or
- Subversive or other messages or material related to illegal activities.

Social Media (inc. Facebook, Blogs, Twitter etc)

Fusion understands that social media is now the main way many children and young people communicate. There are many advantages to being able to communicate with young people this way. We also recognize it also holds some risks. Social Media is defined as Facebook, My Space, Blogs, Twitter and similar social media.

To minimize the risks and make use of the advantages of social media we ask all Fusion workers and centres to ensure they are compliant with this policy and procedures. The lines between our personal and professional lives are blurry in relation to social media content. At all times the image, reputation and name of Fusion must be maintained at the highest standard.

The use of the name Fusion Australia Ltd on your personal social media pages, as an employer or using your Fusion email address as a contact point, means that the content of your page is a reflection of and on Fusion. Therefore you should be very careful to ensure that your comments on other people's posts, your own posts and status updates, twitter, blogs and content of photographs are a fair reflection of the values of Fusion. Inappropriate language, tone, or inappropriate photos are not acceptable. For example, photos of yourself drinking what could be perceived as an alcoholic drink is not appropriate role modelling or representation of Fusion.

Behaviour outside this policy will ensure you receive some feedback and possible disciplinary action.

Procedures:

Fusion workers must be aware that the content, tone and photographs on your personal blogs, twitter and Facebook is also a reflection on Fusion and should therefore reflect Fusion's values. Your blogs should include a disclaimer that "the opinions expressed are personal and are in no way endorsed by or a reflection of the official opinions of Fusion Australia Ltd".

Fusion Workers should not be "friends" on Facebook with participants or clients in any Fusion program. This policy is the same as the stance of the Dept of Education in many states and many other not for profit groups and is in the best interests of Fusion Workers' reputations and the name of Fusion.

Fusion recommends that Centres that wish to use social media pages for contacting young people and clients or advertising events, should do so via a page belonging to their Centre or Program, such as “Fusion Sunshine Coast”. All events can be advertised on this site and young people can become friends with the generic office site. Each Centre should ensure it has the capacity to appropriately manage a social media page before embarking on this endeavour.

Only people who are known to page administrators should be admitted as friends. Events should only be advertised on the closed site. ‘Events’ are not to be public, so people must be invited to view the event and the guest-list, except if an invitee invites a friend of theirs.

The wall of the group and wall of any events of the group should be regularly reviewed and where inappropriate comments are placed, a warning will be issued and the comments removed by the site administrator. If this behaviour continues, the person will be deleted from the group.

Only photos with specific prior written approval from young people and parents and guardians (including the local community services, if the child is in out-of-home care) of those under 18 are to be posted on line, on any site. Verbal approval is not acceptable permission for publication of photos. All such permissions should indicate the intended use of the photo and be kept on file for the relevant statutory period. For reasons of safety and compliance, photos must never be published without such permission.

Due care should be given when uploading photos during a program or event, particularly with large numbers of young people present, as it can be hard to ensure you have the appropriate permissions in the midst of an activity. In all cases, not using young people’s surnames gives another level of protection for a young person.

Fusion Workers should not engage in any on line chat with young people, participants or clients on any site. All contact between workers and participants or clients must occur on ‘walls’ (public medium) and Workers cannot privately message (inbox) or engage in the chat medium with children. In the event that a child inboxes a worker, they can only reply saying they will message them on the wall. The agreement also states that communication must be appropriate (i.e. in line with this policy), that they will keep their personal walls professional at all times.

All Workers are required to transfer any current contacts or “friends” that are young people in programs or clients from their personal site to an office/generic site to be compliant with this policy, within a reasonable period of time. (e.g. 2 months). If you believe that it important to maintain a connection between your personal social media and a particular young person or client, you must discuss this matter individually with your team leader or supervisor to work out a transition plan.

The administrators and Team Leaders/ Coordinators of each Centre’s site will ultimately be held accountable for its content and regular maintenance.

We all share the name and image of Fusion and the impact of an inappropriate incident can quickly spread beyond our control on social media and all other workers and the organization can feel the consequences.

Workers do not always appreciate the dangers associated with the use of communication technology with children¹¹.

These dangers include:

- Ignoring personal security settings on social networking sites;
- Disclosing contact details or images of the child in the communication;

¹¹ List of dangers extracted from *Faithfulness in Service*, 2007, The Synod of the Anglican Church of Australia in the Diocese of Sydney

- Being unable to determine if people are who they say they are;
- Exposing the child to unwanted or inappropriate information;
- The child becoming a victim of cyber bullying; and
- Sexual predators gaining access to the child.

Fusion workers can assist children to stay safe when using this technology by¹²:

- Educating children and their parents or guardians about the risks associated with the use of this technology;
- Encouraging children to exercise care in disclosing personal information about themselves and others such as their contact details;
- Encouraging children to talk about anything that worries them with their parents or guardians, older siblings, friends, and Fusion workers with whom they contact instead of posting their problems in a chat room or blog; and
- Encouraging children to talk about anything they see or experience online that worries them.

7.5 Copyright and Intellectual Property

Fusion relies on its intellectual property to deliver its programs, training and services. All Fusion Workers play an important role in ensuring Fusion Australia Ltd's intellectual property is properly identified, protected, used and, where appropriate, shared so as to ensure its benefit to the organisation, participants and stakeholders.

When creating material, you also need to ensure the intellectual property rights of others are not infringed and information is recorded about any third party copyright/other rights included in materials.

Any material produced or developed by you that relates to Fusion Australia Ltd or its work remains the property of Fusion Australia Ltd unless agreed to by the Fusion Board of Trustees.

The Fusion Board of Trustees exercises responsibility for the stewardship of all Fusion's Intellectual Property. A review panel for all publications will be set up, relevant to the nature of the publication, including independent reviewers as appropriate. Fusion Workers cannot give away or assign Fusion's intellectual property without the approval of the Fusion Board of Trustees.

In brief the two main aspects of our policy are:

- Any resources developed by Fusion personnel, utilising Fusion's resources and property, for Fusion's purposes belong to Fusion Australia Ltd
- Attribution: the authorship/ contributions of individuals is recognised e.g. *'Published in the UK under agreement /license from Fusion Australia'; '©Fusion Australia 2011. We wish to acknowledge the contribution of M Smith, T Jones, H Brown and the members of the Bundywallop Fusion team to this document'*.

Advice relating to sharing or licensing Fusion Australia Ltd's intellectual property should be sought from the relevant Team Leader and the Fusion Board of Trustees prior to any arrangement being adopted.

You should not use Fusion's intellectual property (including copyright) for private purposes without obtaining written permission from the Fusion Board of Trustees, through the Fusion CEO or Team Leader of the Centre that created the material.

¹² List extracted from *Faithfulness in Service*, 2007, The Synod of the Anglican Church of Australia in the Diocese of Sydney

7.6 Post Separation Employment

Prior to separation

As a Fusion Worker, you must not use your position unfairly to improve your own prospects of future employment. If you allow your work to be improperly influenced by plans for, or offers of, employment outside of Fusion, there is a conflict of interest and your integrity and that of Fusion is at risk.

Current Workers

As a current Fusion Worker, you must be careful in your dealings with former Fusion workers and make sure that you do not give them, or appear to give them, favourable treatment or access to privileged information.

You should report any attempts made by former Fusion Workers to influence or lobby you inappropriately about Fusion's activities to your Supervisor or Team Leader.

After separation

When you cease your duties with Fusion, you must return any property you have belonging to Fusion, and you should not use or take advantage of any confidential information obtained in the course of your official duties until it has become publicly available.

8. Public Comment

Fusion Workers have the same rights as any member of their community to discuss community and social issues in a private capacity. As a Fusion Worker, however, you should recognise that taking part in a public discussion about Government policy, social or religious issues in a personal capacity may be seen as speaking on behalf of Fusion.

You should take all reasonable steps to ensure that any comment will be understood as representing your personal views as a private citizen or as a representative of a denomination, trade union, association or political body etc.

Making public comment in an official capacity is only acceptable where:

- Providing information on Fusion policy or programs is part of your official role or has been authorized by your Team Leader or the National Office;
- You do not misrepresent the facts about Fusion;
- The comment could not reasonably be misunderstood.

You should attempt to resolve complaints about Fusion administration internally, without recourse to public comment or criticism.

Depending upon the circumstances and content, public comment (if you are identified as a Fusion Worker) could include things such as:

- A letter to the editor;
- An article for a professional journal or Christian magazine;
- A contribution to a discussion on radio or television;
- A public demonstration; or
- A speech to a church or an interest group.

9. Use of Fusion Resources including Vehicles

In general, Fusion Australia Ltd resources, including vehicles should only be used for the official purposes for which they were provided and intended. You should therefore ensure that resources, funds or equipment entrusted to you are used effectively and economically, and for their proper purposes.

Theft of money or Fusion resources is a criminal offence that will be reported to the Police.

It is understood that from time to time you may need to use Fusion resources to conduct some of your day-to-day personal activities. This may include short private local telephone calls and limited private use of e-mail and facsimile equipment that does not disrupt your official work.

Permission should be sought from your Supervisor or Team Leader for any other non-official use of Fusion resources.

You may use Fusion resources in your personal time for Fusion work-related purposes only. If you wish to use Fusion property and facilities for personal use, you must obtain approval from your supervisor, manager or Team Leader. To use Fusion equipment off-site, you must seek approval from your supervisor, manager or Team Leader, preferably in writing.

It is not acceptable to use a Fusion student's, volunteer's or participant's resources such as computer, telephone, vehicle etc, except in exceptional circumstances, or where this has been pre-arranged as part of their Fusion activities. Where such an occasion does arise, the use must be agreed to, recorded and where appropriate, paid for.

Fusion resources such as phones, computers or office equipment are not to be used in connection with any private use or secondary employment unless permission has been obtained.

If vehicles are used in Fusion programs or for Fusion purposes that are not owned by Fusion, consent must be given by the owner and the vehicle must be comprehensively insured, be driven within all requirements of the law and the vehicle must be roadworthy with current registration papers. All relevant paperwork, including current Greenslip, Insurance, Registration and Driver's Licence must be photocopied from the original and kept on file by Fusion Workers.

You can report suspected misconduct in the use of Fusion resources by others to your supervisor or Team Leader. If you suspect your Team Leader or manager of misconduct, you can report your concerns to a more senior leader or National Office.

Team Leaders, Supervisors, Managers and Program Coordinators should attempt to ensure the efficient and effective use of resources within their control, and put in place appropriate monitoring measures to avoid waste, damage and extravagance.

10. Reporting of Corrupt Behaviour

If you believe that another Fusion Worker is or was not working according to the Fusion Code of Conduct and the incident is a reportable matter (e.g.. sexual abuse) report it to the relevant legal authority and inform your Team Leader, State Coordinator, or National Office.

If you believe that another Fusion Worker is or was not working from the Code of Conduct and the incident is not a reportable incident, then in the first instance it is recommended you approach the other person and raise your concern.

If you believe the other person continues to work outside of the Code of Conduct then approach your supervisor, Team Leader or National Office. You can also follow the Complaints Process as outlined in the Fusion Complaints Policy¹³. If you are not sure if the person is operating outside of the Code of Conduct and want to clarify the issue, then speak with your supervisor, Team Leader

¹³ Refer to National Office

or National Office without mentioning the name of the person.

10.1 Corrupt Conduct and Fusion's Duty of Care

Fusion Australia Ltd requires that Fusion Workers exercise the highest standards of professionalism and integrity in order to meet the duties of care and responsibility Fusion owes to its participants, many of whom are vulnerable and/or in crisis.

Any matters that have the potential to bring the professional integrity of a Fusion Worker, and therefore the reputation of Fusion, into disrepute are considered most serious. This includes allegations of corrupt conduct.

Corrupt conduct involves the misuse of office, for example:

- Dishonesty;
- Partiality (i.e. bias);
- Breach of trust (i.e. misuse of one's position); or
- Misuse of information,

where such conduct could amount to a criminal offence, a disciplinary offence or give reasonable grounds for dismissal of a worker.

Fusion is committed to supporting Fusion Workers who report concerns about the conduct of their colleagues. Such conduct includes corrupt conduct, maladministration and serious and substantial waste. You can do this by reporting these matters to your Team Leader, Supervisor or Manager or follow the Complaints Process.

You are encouraged to disclose any suspected corrupt conduct that you are aware of to your supervisor, a more senior manager, Team Leader or National Office. You are also expected to report any conduct that breaches the standards contained in this Code of Conduct.

All Fusion Workers are also required to inform their Team Leader (or relevant Supervisor) if they are charged with or convicted of a serious offence (those punishable by 12 months or more in gaol).

If you become aware of a serious crime committed by another person, you are required to report it to the police.

As a Fusion Worker, you must report possible 'risk of harm' to children or young persons to appropriate authorities and your Supervisor or Team Leader. For guidance on reporting, please contact the Fusion Child Protection Officer in your State who will advise you on your State's legal reporting requirements.

You must also report your concerns about the inappropriate actions of any other Fusion Worker that involves children or young people to your supervisor or Team Leader or directly to the National Office. Fusion is required to report any allegations against its Workers relating to the abuse of children to the Ombudsman and the Commission for Children and Young People in the relevant state.

If you are aware that any Code of Conduct report has been made against you or any other Fusion Worker, it is essential that you do not take detrimental action against the complainant in reprisal for reporting. This includes any action that could reasonably be perceived to be detrimental action in reprisal.

Anyone who takes detrimental action against any Fusion Worker in reprisal for having made a Code of Conduct report is committing a criminal offence, which could result in imprisonment if convicted. Detrimental action will also be treated as serious misconduct by Fusion and will be dealt with as a disciplinary matter, which could lead to dismissal.

10.2 Protected Disclosures

Each state in Australia has legislation protecting disclosures. A 'protected disclosure' is where the disclosure is made to Fusion Australia Ltd or an investigating authority (e.g. in NSW the ICAC, the Ombudsman or the Auditor General) concerning:

- Corrupt conduct (dishonesty, bias, breach of trust, misuse of information)
- Maladministration (action/inaction that is contrary to law, oppressive, discriminatory, unjust or based on improper motives), or
- Serious or substantial waste of public funds or resources.

The provisions of these Protected Disclosures Acts provide protection from reprisal for anyone who makes a protected disclosure as described in the Acts.

Team Leaders who receive reports of misconduct should liaise with the National Office to ensure that these are responded to and investigated promptly and thoroughly, according to stated Government and Fusion Australia Ltd procedures.

Where Team Leaders receive reports of misconduct that are protected disclosures, advice and assistance can be obtained from National Office on how the matter can be managed. **(Also see Fusion's Complaints Policy).**

11. Penalties for a Breach of Code of Conduct

Penalties for a breach of the Code of Conduct and Ethics may include:

- Remedial action (e.g. performance management, further training, counselling);
- Formal caution;
- Reprimand;
- Annulment of appointment (only for Workers on probation);
- Fine;
- Reduction in salary;
- Demotion;
- Fusion Worker directed or allowed to resign;
- Dismissal.

Fusion Workers should be aware that criminal and civil legal action may also be taken against them as a result of misconduct. All penalties are recorded on the Worker's personnel file.

12. Feedback

This Code of Conduct and Ethics is a tool to guide your development as a Fusion Worker.

Please direct any feedback to email: national@fusion.org.au

This email address directs correspondence to Fusion's Company Secretary.

13. Definition of Words - Glossary

Abuse in relation to an adult means the following conduct:

- Bullying;
- Emotional abuse;
- Harassment;
- Physical abuse;
- Sexual abuse; or
- Spiritual abuse.

Benefit - A non-tangible item of value (e.g. a new job or promotion, preferential treatment or access to confidential information etc.) that one person or organisation confers on another.

Bribe - A gift or benefit offered to or solicited by a public official to influence that person to act in a particular way.

Bribery - The term 'bribery' also includes offences committed under section 249B and associated sections of the Crimes Act 1900 (NSW), involving acts of offering or soliciting a corrupt commission or reward to or by a public official to influence that person to act in a particular way.

Breach of policy or procedures - The breaking or violation of a law, a right, an obligation, or a duty, either by commission or omission. It involves a breach of public service policies or procedures or Fusion's internal policies or procedures.

Bullying - Repeated behaviour directed to a person or persons which a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the person or persons, and which creates a risk to their health and safety. Where it involves the use of information and communication technologies, it is often called cyber bullying. It can include:

- Making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background, or capability;
- Communicating in an abusive manner;
- Spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- Dismissing or minimising someone's legitimate concerns or needs; ignoring, or excluding someone from information or activities; touching someone threateningly or inappropriately; invading someone's personal space or interfering with their personal property; teasing, or making someone the brunt of pranks or practical jokes;
- Displaying or distributing written or visual material that degrades or offends.

Behaviour that is not bullying includes:

- Respectfully disagreeing with or criticising someone's beliefs or opinions;
- Setting reasonable performance goals, standards or deadlines;
- Giving reasonable directives, feedback or assessments of performance or behaviour; and
- Taking legitimate disciplinary action.

Child - anyone under the age of 18.

Child abuse - the following conduct in relation to a child:

- Bullying;
- Emotional abuse;
- Harassment;
- Neglect;
- Physical abuse;

- Sexual abuse; or
- Spiritual abuse.

Child exploitation material - material that describes or depicts a person who is or who appears to be a child:

- Engaged in sexual activity; or
- In a sexual context; or
- As the subject of torture, cruelty or abuse (whether or not in a sexual context)
- In a way that a reasonable person would regard as being, in all the circumstances, offensive.

Child exploitation material can include any film, printed matter, electronic data, computer image and any other depiction.

Child pornography - sexually explicit or suggestive material depicting children. Child pornography is a form of child exploitation material.

Civil authorities - the police and the relevant State or Territory government child protection authority.

Complaint - a complaint in writing that any Fusion Worker has acted in a manner that may constitute Misconduct;

Complainant - a person who makes a Complaint

Conflict of Duties - involving a conflict between competing or incompatible public duties.

Conflict of Interest - refers to situations where a conflict arises between public duty and private interest that could influence the performance of official duties and responsibilities. Such conflict generally involves opposing principles or incompatible wishes or needs.

Constitution - the Constitution of Fusion Australia Ltd

Corporal punishment - any punishment inflicted on the body.

Corrupt conduct - The abuse of public office (i.e. 'public trust') for private or personal advantage.

Duty of care - A duty of care is the legal obligation to provide reasonable care while performing any acts or making any omissions that could foreseeably harm others.

Electronic Communication - Communication between parties at a distance from one another, particularly by computer. Modern telecommunication systems—capable of transmitting telephone, fax, data, radio, or television signals—can transmit large volumes of information over long distances.

Emotional abuse - acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. It includes:

- Subjecting a person to excessive and repeated personal criticism;
- Ridiculing a person, including the use of insulting or derogatory terms to refer to them;
- Threatening or intimidating a person;
- Ignoring a person openly and pointedly; and
- Behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.

Fusion or Fusion's - All parts of Fusion Australia Ltd's work or programs, including all Centres In Australia, state offices, national executive, representative councils and the Board of Trustee.

Fusion Worker - Paid or unpaid staff, Fusion company members, volunteers and students appointed by Fusion to carry out Fusion's work both within and outside Australia.

Gift - A gift is an item of value (e.g. gift voucher, entertainment, hospitality, travel, commodity, property etc) which one person or organisation presents to another. In the business context, gifts can have different meanings and purposes. The purpose of the gift, to a certain extent, affects how it should be managed.

Gift of influence - A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.

Gift of gratitude - A gift offered to an individual or agency in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to Workers who speak at official functions would be considered gifts of gratitude.

Token Gift - A gift that is offered in business situations to an agency or public official representing an agency. Such gifts are often small office or business accessories (e.g. pens, calendars, folders) that contain the company logo. They are usually products that are mass-produced and not given as a personal gift.

Ceremonial Gift - An official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency, not a particular individual.

Grooming - is the act of intentionally undertaking to befriend a person, especially children, to make emotional connections to lower their personal inhibitions in preparation for exploitation or sexual abuse. This is often done by first befriendng those of influence to the person being groomed that is done in secret.

Harassment - unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- Making unwelcome physical contact with a person;
- Making gestures or using language that could reasonably give offence including continual and unwarranted shouting;
- Making unjustified or unnecessary comments about a person's capacities or attributes;
- Putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- Making unwelcome communication with a person in any form (for example, phone calls, email, text messages); and
- Stalking a person.

Lawful direction - A lawful direction is a direction that falls within the scope of the job description, involves no illegality and which is reasonable.

Maladministration - Inefficient, bad or improper administration. Maladministration is defined in the Protected Disclosures Act as 'conduct that involves action or inaction of a serious nature' that is: contrary to law, or unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives.

Misconduct - each and all of the following:

- Any Inappropriate Sexual Behaviour;
- Any act which constitutes a crime;
- Any act of deceit;
- Any breach of any fiduciary duty owed by a Fusion Worker or any actions on the part of a Fusion Worker which seriously conflict with the interests of Fusion Australia Ltd;

- Any act which is likely to discredit or bring into disrepute Fusion Australia Ltd;
- Any sexual relationship outside of marriage;
- Any act which constitutes Sexual Harassment or Inappropriate Sexual Behaviour;
- Any financial dishonesty;
- Any breach of trust in respect of the property of the Retaining Body;
- Any discriminatory, bullying, intimidatory act or act of physical violence against a person; and
- Any abuse by a Fusion Worker of that position such as to manipulate any participant of Fusion or the community for the purpose of seeking personal gain or self-gratification

Negligence - an act of omission (not acting) or commission (acting) which resulted in the failure to provide the care required based on what a reasonable person in the circumstance is required to provide.

Neglect means the failure to provide the basic necessities of life where a child's health and development are placed at risk of harm. It includes being deprived of:

- Food;
- Clothing;
- Shelter;
- Hygiene;
- Education;
- Supervision and safety;
- Attachment to and affection from adults; and
- Medical care.

Nominal value - The acceptable monetary limit of gifts that conform to the community's norms, usually no more than \$50 (e.g. an inexpensive pen, tie, scarf, book or box of chocolates).

National Office - The senior workers of Fusion with the responsibility of managing the day-to-day running of Fusion.

Offensive language - includes blasphemy, verbal harassment, racial and other forms of vilification, personal insult or comment and obscene words.

Personal Reference - A document, which provides information or makes assertions about another person's skills, conduct, performance, character, and suitability or non-suitability for employment.

Physical abuse - any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures. It does not include lawful discipline by a parent or guardian.

Professional supervision/consultation - a formal, collaborative process that a more senior or experienced person uses to develop and support a person in their role. This relationship is confidential, evaluative, and extends over time. It is preferable if the supervisor:

- Has no other personal relationship with the person being supervised; and
- Has been trained in professional supervision.

Prohibited material means:

- Publications, films and computer games that have been classified by the Office of Film and Literature Classification as being unsuitable for a child to read, see or play;
- Any other images or sounds not subject to classification by the Office of Film and Literature Classification that are considered with good reason within the Church to be unsuitable for a child to see or hear; and
- Any substance or product, whose supply to or use by children is prohibited by law, such

as alcohol, tobacco products, illegal drugs and gambling products.

Prohibited substance - any substance banned or prohibited by law for use or consumption by adults.

Protected disclosure - Any public official who makes known information about a relevant form of wrongdoing (i.e. corrupt conduct, maladministration, serious and substantial waste) is 'protected' under the Protected Disclosure Act.

Reasonable instruction - An employee must have the necessary knowledge, skill, capability and ability to carry out the instruction. Instructing an employee to do something, which they clearly cannot do, is unfair and unreasonable. The instruction must fall within the ambit of the job. Sometimes it is not always clear whether or not a particular task falls within the parameters of an employee's job description, when not specifically stated in the document.

Respondent - a person against whom a Complaint is made

Restricted material means:

- Publications, films, and computer games that have been classified as Category 1 or 2 restricted, X or RC classification by the Office of Film and Literature Classification; and
- Any other images or sounds not subject to classification by the Office of Film and Literature Classification (for example, internet material) that are considered with good reason within Fusion as being offensive on the grounds of violence, sex, language, drug abuse or nudity.

Serious and substantial waste - Encompasses 'uneconomical, inefficient or ineffective use of resources authorized or unauthorized, which results in significant loss or wastage of public funds or resources'. In addressing any complaint of serious or substantial waste, the nature and materiality of the waste is considered.

Sexual abuse of an adult - sexual assault, sexual exploitation or sexual harassment of an adult.

Sexual abuse of a child - the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. It includes:

- Exposing oneself indecently to a child;
- Having vaginal or anal intercourse with a child;
- Penetrating a child's vagina or anus with an object or any bodily part;
- Sexually touching or fondling a child;
- Kissing, touching, holding or fondling a child in a sexual manner;
- Staring at or secretly watching a child for the purpose of sexual stimulation or gratification;
- Making any gesture or action of a sexual nature in a child's presence;
- Making sexual references or innuendo in a child's presence using any form of communication;
- Discussing or inquiring about personal matters of a sexual nature with a child; exposing a child to any form of sexually explicit or suggestive material;
- Forcing a child to sexually touch or fondle another person;
- Forcing a child to perform oral sex;
- Forcing a child either to masturbate self or others, or to watch others masturbate; and
- Forcing a child to engage in or watch any other sexual activity.

Sexual abuse of a child does not include:

- Sex education with the prior consent of a parent or guardian;
- Age appropriate consensual sexual behaviour between peers (i.e. the same or a similar age); or

- Inquiries by workers with responsibility for a child or investigation responsibility into complaints that may involve sexual abuse.

Sexual assault - any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent. It includes:

- Having vaginal or anal intercourse with a person without their consent;
- Penetrating another person's vagina or anus with an object or any bodily part without that person's consent;
- Sexually touching and fondling a person without their consent; kissing another person without their consent;
- Holding another person in a sexual manner without their consent;
- Forcing a person to sexually touch or fondle another person; and
- Forcing a person to perform oral sex.

Sexual exploitation - any form of sexual contact or invitation to sexual contact with an adult, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage.

Sexual harassment - unwelcome conduct of a sexual nature, whether intended or not, in relation to an adult where the person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- Asking a person for sex; giving a person to understand that you would like sexual favours from them;
- Making any gesture, action or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence;
- Making jokes containing sexual references or innuendo using any form of communication;
- Exposing a person to any form of sexually explicit or suggestive material; making unwelcome physical contact such as touching, pinching, or patting;
- Making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual nature;
- Deliberately intruding on an individual's personal space;
- Staring at or secretly watching a person for the purpose of sexual stimulation or gratification; and
- Stalking a person.

Spiritual abuse - the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:

- Using a position of spiritual authority to dominate or manipulate another person or group;
- Using a position of spiritual authority to seek inappropriate deference from others;
- Isolating a person from friends and family members; and
- Using biblical or religious terminology to justify abuse.

Social Media - is defined as Facebook, My Space, Blogs and Twitter and similar media.

Students - Includes students enrolled in Fusion training programs and students on placement with Fusion Australia Ltd and its associated areas of activity, including its International Centres.

Supervisor - A manager, Team Leader, director, coordinator, the 'boss', the person overseeing a Workers, volunteers, a leader, the person overseeing a project, program or event.

Team Leader – A person or person's appointed by Fusion with the responsibility of running a Fusion Centre

Worker - Paid or unpaid staff, Fusion company members, volunteers and students appointed by Fusion to carry out Fusion's work both within and outside Australia.

Under the influence - A person is under the influence of alcohol or drugs when, because of drinking any amount of alcohol or taking drugs, their mental or physical faculties are so impaired as to reduce their ability to think and act with ordinary care.

14. Appendix A – Fact Sheet - Conflict of Interests

Fusion Workers, as ‘public officials’ should avoid situations in which their private interests conflict or might reasonably be perceived to conflict with the impartial fulfilment of their official duties and the public interest. Public officials should not allow the pursuit of private interests to interfere with the proper discharge of their public duties.

The meaning of the term ‘conflict of interests’

The term ‘conflict of interests’ refers to situations where a conflict arises between public duty and private interest that could influence the performance of official duties and responsibilities. Such conflict generally involves opposing principles or incompatible wishes or needs.

Conflict of interests can involve pecuniary interests (i.e., financial interests or other material benefits or costs) or non-pecuniary interests. They can involve the interests of the public official, members of the official’s immediate family or relatives (where these interests are known), business partners or associates, or friends. Enmity as well as friendship can give rise to an actual or perceived conflict of interests.

Conflict of duties

A distinction can be drawn between ‘conflict of interests’ involving actual, potential or reasonably perceived conflicts between public duty and private interests, and ‘conflict of duties’ involving a conflict between competing or incompatible public duties.

In some circumstances a conflict of duties is acceptable, or at least unavoidable, for example where the holding of one public sector position or office is the prerequisite or qualification for the holding of another position or office.

In most other circumstances, as a matter of principle a conflict of duties is either unacceptable and to be avoided, or at the least a problem to be disclosed and carefully managed. These circumstances would include where a public official holds positions in or otherwise performs duties for more than one public sector agency:

- Where those agencies have interests or objectives that are, or are likely to be, competing or incompatible
- Where issues concerning one agency or position are, or are likely to be, considered or decided by the other agency or the holder of the other position, and such consideration or decision-making is required to be impartial, or
- Where the activities of one agency are, or are likely to be, regulated or subject to review or oversight by the other agency.

Where conflict of interests can arise

Sometimes, by virtue of their public official status, position, functions or duties, public officials have the power to make decisions or act in ways that can further their own private interests (e.g., to gain financial or other benefit for themselves, their immediate family, relatives, business associates or friends). This may cause a real or reasonably perceived conflict between the public official’s private interests and the public interest.

It matters little whether a conflict of interests is actual or merely a conflict that could be reasonably perceived to exist by a third party. Both circumstances negatively impact on public confidence in the integrity of the system.

A real or reasonably perceived conflict may exist even if a public official is not the ultimate decision-maker. For example, it may be that as a result of the official’s conflict of interests, there had been a failure to collect all relevant facts or ask the necessary questions, or otherwise to carry out a proper investigation or assessment of the facts on which the ultimate decision was based.

It is not always easy to identify a conflict of interests. Human nature being what it is, if a person has, or has the potential to have, a personal or otherwise private interest in a matter, it is unlikely to be in the person's interests to recognise or identify the existence of such a conflict if this would preclude them from further involvement in the matter.

It is sometimes unrealistic or even undesirable to expect that the official dealing with a matter will be someone having no prior connection with the person or issues concerned. Some matters may have significant histories that involve the same members of the public and the same agency Workers. Simple acquaintance with a person concerned, or the fact that an official has previously had official dealings with that person, is not sufficient in itself to indicate that the official has a real or reasonably perceived conflict. There must be something more, or something particular to the matter in question.

Disclosure of conflict of interests

Decision-makers, and people advising or reporting to decision-makers, should promptly, fully and appropriately disclose any actual or potential conflict of interests they may have in a matter under consideration. Where this conflict involves the interests of a public official's family or friends, those interests should be disclosed to the extent they are known to the public official.

Public officials should also bring to notice any circumstances that could result in a third party reasonably perceiving a conflict of interests to exist (i.e. wherever a reasonable person could perceive that an official may not bring an impartial and unprejudiced mind to the making of a decision due to an actual or perceived conflict of interest or bias).

Such disclosures must be made at the first available opportunity to an appropriate senior officer of the agency for a decision as to what action should be taken to avoid or deal with the conflict.

Issues to be considered in assessing whether there is a conflict of interests

In assessing whether a public official has an actual, potential or reasonably perceived conflict of interests, it may be helpful to ask the following questions:

- How serious is the matter and does it directly impact on the rights or interests of any person or of the general public?
- Does the official have a current or previous personal, professional or financial relationship with an interested party and if so, how significant is or was the relationship (e.g., is the relationship one of simple acquaintance, previous work experience, close friendship, business partnership)?
- Would the official or anyone associated with the official benefit from or be detrimentally affected by a decision or finding in favour of, or adverse to, any interested party?
- What does any relevant code of conduct require in relation to conflict of interests?

Options to avoid or deal with a conflict of interests

Where a disclosure of an actual, potential or reasonably perceived conflict of interests (including a pecuniary interest) is made to an appropriate officer, depending on the circumstances of the case, the options available include:

- Taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision
- Informing likely affected persons that a disclosure has been made, giving details and the agency's view that there is no actual conflict or the potential for conflict is minimal
- Appointing a 'probity auditor', or independent third party to review or oversight the integrity of the process/decision (this will be particularly appropriate where there is a reasonably perceived – but not actual – conflict of interests or the conflict is only identified at or near the conclusion of the process or after the making of the decision)

- Appointing further persons to a panel/committee/Workers to minimize the actual or perceived influence or involvement of the person with the actual or reasonably perceived conflict
- Where the persons likely to be concerned about a potential, actual or reasonably perceived conflict are identifiable, seeking their views as to whether they object to the person having any, or any further, involvement in the matter
- Restricting the access of the person to relevant information that is sensitive, confidential or secret
- Directing the person to cease supporting a third party whose actions may conflict with the agency's interests (for example a person or organisation taking legal proceedings against the agency)
- Requesting the person to relinquish or divest the personal interest that creates the 'conflict' (where the position of such an interest is not prescribed as a qualification for the person's official position)
- Requesting the person to make arrangements for the relevant private interest to be held and managed in a 'blind' trust
- Removing the person from duties or from responsibility to make decisions in relation to which the 'conflict' arises and reallocating those duties to another officer (who is not supervised by the person with the 'conflict')
- Transferring the person to some other area of work within the agency, or some other task or project
- Transferring the person to some other agency
- Persons with a 'conflict' who are members of boards, committees or councils absenting themselves from or not taking part in any debate or voting on the issue
- In serious cases, requesting or directing the person to resign, or terminating the person's employment or appointment (having complied with the rules of procedural fairness).

15. Agreement to Code of Conduct

FUSION AUSTRALIA LTD

CODE OF CONDUCT AGREEMENT FORM

I

(please print full name)

Of

(please print full residential address)

am an approved Fusion Worker within Fusion Australia Ltd.

I have read and understood the Fusion Code of Conduct. I agree to abide by the Fusion Code of Conduct.

I further undertake to inform my direct Supervisor immediately if I become aware of any breach of this Code in the course of my work with Fusion.

I understand that if I am found to have breached the Fusion Code of Conduct, my involvement with Fusion may be terminated, and that I may be refused further involvement in the future. I understand in such circumstances I may also be subject to formal disciplinary and/or legal proceedings.

I understand that the breach of Code of Conduct will be noted in my personnel file.

I have also signed a NSW Working With Children Volunteers and Students Declaration Form and have complied with all other Child Protection requirements in my state.

Signed (Worker):

Date:

Please return a signed copy of this form to your direct supervisor **prior** to commencing your role with Fusion.

Notes:



Fusion Australia Ltd
National Office
Gordon Street,
Poatina,
Tasmania

Contact by Email: ceo@fusion.org.au