



Code of Conduct



The Congregation of the Presentation
Sisters (W.A.) Incorporated



Adopted July 2021

Last updated Feb 2023

Next review June 2024

1. Introduction

The Congregation of the Presentation Sisters (W.A.) Incorporated expects our personnel to maintain the highest standards of ethical conduct. This includes conduct that upholds the human rights, dignity and well-being of all people and safeguards children and adults at risk from abuse and harm. The charism of Nano Nagle continues to call us to live gospel values of justice, compassion and hospitality. The *International Presentation Association* statement, reflecting the culture and attitude of Presentation People around the world, states “The Cry of the Earth and people made poor calls us to continue the mission of Jesus to bring forth a sustainable society founded on respect for our Earth, universal human rights, economic justice and a culture of peace” (2017).

2. Purpose

The Code of Conduct establishes principles for ethical conduct and provides clear information about conduct by our personnel towards children and adults at risk that is not acceptable. It also outlines professional and personal standards of conduct which promote a safe, supportive and harmonious environment for all people. The Code reminds us about our use of personal power and the maintenance of appropriate personal and professional boundaries in all our relationships.

There can be particular circumstances where a child or adult at risk has less power than another person involved in caring for them or interacting with them. These include situations where there is a significant difference between the developmental, cognitive or maturity level of the child or adult at risk and another person involved. In all our ministries, services and personal interactions PBVM personnel need to be cognisant of any power imbalances and avoid any misuse of authority or power that could exploit or manipulate the person or which may coerce the person to engage in any activity which disrespects their human rights and dignity.

PBVM personnel have a responsibility to promote the standards embodied in the Code in addition to the teachings and values of the Catholic Church.

The Code should be read alongside The Congregation of the Presentation Sisters (W.A.) Incorporated’s *Safeguarding Policy* and related documents including the *PBVMWA Risk Management Strategy and PBVMWA Complaint Handling Policy*.

The Code also complements other relevant documents of the Catholic Church.

3. Scope

The Code of Conduct applies to all personnel, including Sisters, employees, volunteers and others engaged by The Congregation of the Presentation Sisters (W.A.) Incorporated to provide services to children and adults at risk. Before commencing any role, personnel must sign an acknowledgement that they have reviewed the Code of Conduct, agree to comply with it, and understand the consequences of breaching the Code. Personnel will then be required to review and sign the Code of Conduct every three years to reaffirm their understanding of their obligations. The Congregation Leader and Leadership Team are responsible for ensuring that this occurs and that appropriate records are maintained.

4. Ethical Conduct

The Congregation of the Presentation Sisters (W.A.) Incorporated promotes the following principles:

- Reflecting the beliefs and gospel values of the Catholic faith.
- Respecting the dignity, rights and confidentiality of others.
- Acting honestly and with integrity at all times.
- Being courteous, fair, just, considerate and sensitive to the needs of others.
- Listening and seeking to understand different points of view (this does not necessarily mean agreeing with the point of view).
- Acting respectfully at all times, including respecting cultural, ethnic, political and religious differences.
- Practising non-violence in mind, heart and action and working for peace in every situation.
- Taking an inclusive approach that does not discriminate against or harass any person because of their gender, sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual orientation or gender identity. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*.

5. Professional and Personal Behaviour and Development

5.1. In performing their duties, PBVMWA personnel must:

- a) maintain a high standard and quality of service and work output.
- b) demonstrate a duty of care and use the Congregation's resources ethically.
- c) maintain and develop knowledge and understanding of their area of expertise.
- d) continuously seek to improve their work performance/ministry and bring about improvements in the conduct of all PBVMWA activities.
- e) exercise care, responsibility and sound judgement when carrying out their duties.
- f) take reasonable care of their own health and safety and the safety of others.
- g) comply and cooperate with all contractual, legislative and industrial requirements and any reasonable instruction, policy or procedure.
- h) use appropriate language.
- i) maintain adequate records to support any decisions made.
- j) maintain confidentiality and privacy.
- k) ensure procedural fairness is followed in all processes.
- l) work with the appropriate authority if an issue of conflict or breach of trust arises.
- m) use all technology and the internet in an ethically appropriate manner.

5.2. In performing their duties, PBVMWA personnel must not:

- a) act in ways that adversely affect the health and safety of others.
- b) come to work or stay at work while affected by alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others.
- c) consume any substance during working hours which would impair their ability to work safely and effectively and would be a risk to the safety of others.
- d) ignore work/ministry duties or waste time during working hours.
- e) take or seek to take improper advantage of any information gained in the course of employment – including intellectual property.
- f) take improper advantage of their position to benefit themselves or others.
- g) allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities.
- j) use information and communication technologies, such as email, mobile phones, text or instant messaging and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm, or make them feel unsafe
- k) make unfounded complaints with malicious, frivolous or vexatious intent against another member of our PBVMWA personnel.

6. Conduct Towards Children

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

6.2 PBVMWA personnel must not engage in the following conduct:

- a) any form of physical or sexual abuse
- b) grooming of a child for sexual abuse
- c) using sexually suggestive or explicit language or gestures
- d) engaging in conversations about sexual experiences or sharing sexual images
- e) being alone with a child away from the presence of other adults, including for the purpose of transportation, without express permission
- f) physically disciplining a child
- g) making excessive and/or degrading demands of a child
- h) making any kind of drug, alcohol or cigarettes available to children
- i) engaging in private electronic or online contact with a child
- j) engaging with a child in a way that is overly intimate or could be seen as involving favouritism or any form of special treatment

6.3 PBVMWA personnel must:

- a) report to the Congregation Leader or Safeguarding Officer any concerning conduct that is brought to your attention and any circumstances where you suspect that a child is currently at risk of harm (see Section 8)
- b) take reasonable steps to protect children from foreseeable risk of injury
- c) ensure that physical contact with children is reasonable for the purpose of their management or care, and is appropriate given their age, maturity, health or other characteristics - for example:
 - comforting an upset child
 - guiding a child in a non-threatening manner
 - protecting a child from imminent danger to himself/herself or to others
- d) complete their duties in accordance with the directions provided by the relevant supervisor
- e) consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- f) adhere to an appropriate standard of dress when engaged in ministry/work.

7. Conduct Towards Adults at Risk

1..1. 'Adult at risk' means any individual aged 18 years and over at increased risk of abuse, including those who:

- are elderly
- have a mental illness or a disability
- have diminished capacity or have a cognitive impairment
- are experiencing transient risks, e.g. bereavement, relationship breakdown, domestic or family violence, homelessness
- have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation.

7.2 Whilst taking care to not make assumptions or generalisations about individuals, The Congregation of the Presentation Sisters (W.A.) Incorporated recognises that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, e.g.:

- being Aboriginal or Torres Strait Islander
- being a refugee or migrant
- articulating diverse gender or sexuality
- speaking a first language other than English
- surviving sexual abuse or child abuse
- having experience in out-of-home care

7.3 PBVMWA personnel must not engage in the following conduct:

- any form of physical or sexual abuse
- making excessive and/or degrading demands
- exploiting an individual's vulnerability to form an intimate relationship
- any misuse of authority or power that exploits, manipulates or coerces a person to engage in any activity which disrespects their human rights and dignity
- not respecting the person's privacy
- any form of financial abuse or exploitation

7.4 PBVMWA personnel must:

- report to the Congregation Leader or Safeguarding Officer any concerning conduct that is brought to their attention and any circumstances where they suspect that an adult at risk is currently at risk of harm (see Section 8)
- take reasonable steps to protect vulnerable adults from foreseeable risk of injury
- ensure that physical contact with vulnerable adults is reasonable for the purpose of their care, and is appropriate given their age, health, disability or other characteristics. For example:
 - physical contact should be consistent with any specific management plan for the person, and
 - physical intervention (including physical restraint, removals or escorts) should be avoided and used only as a last resort to ensure the safety and protection of the person and others.
- complete their duties in accordance with the directions provided by the Congregation Leader or Community Leader
- consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- adhere to an appropriate standard of dress when engaged in ministry/work.

Generally, one-to-one pastoral interactions with an adult at risk should not take place unless in an open or visible space, or within the clear line of sight of another adult. This includes ministries and/or services such as counselling, one-to-one tuition, coaching, spiritual direction and mentoring. However, this will depend on the individual's circumstances, preferences and right to privacy. Prudent judgement is required on a case by case basis.

8. Reporting Requirements

The Congregation of the Presentation Sisters (W.A.) Incorporated will comply with all requirements to report to external authorities concerns about the safety of children or adults at risk. These requirements are outlined in the *PBVMWA Safeguarding Policy* and include:

- Reporting criminal offences to the W.A. Police or the Thailand Police.

- Reporting to the Department of Communities, Child Protection and Family Support at dcp.wa.gov.au where there are reasonable grounds to believe that a child (or class of children) is at risk of harm. The Department's phone numbers are 1800 273 889 or the after-hours crisis care service on 9223 1111.
- Reporting safety concerns for an adult in an aged care facility, respite and day care service or support services delivered in the home to the Aged Care Quality and Safety Commission.
- Reporting safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service to the NDIS Quality & Safeguards Commission.
- Reporting safety concerns that relate to the abuse, neglect or exploitation of an adult with disability or older person living in their home (conduct by a member of the person's family, other informal supports, or members known to them from the community) to the W.A Department of Communities, Child Protection and Family Support Elder Abuse Helpline on 1300 724 679.

To ensure that The Congregation of the Presentation Sisters (W.A.) Incorporated can fulfil these reporting requirements, all PBVMWA personnel must report any concerns about the safety of children or adults at risk to the Congregation Leader and/or Safeguarding Officer as soon as practical.

9. Equity and Inclusion

PBVMWA is committed to creating and maintaining a supportive and caring environment which promotes the safety and inclusiveness of all children and adults, including Aboriginal and Torres Strait Islander people, those with culturally and/or linguistically diverse backgrounds and those with a disability and/or particular vulnerabilities. PBVMWA personnel are expected to create a fair, inclusive and safe working environment, where diversity is valued and where unlawful discrimination, bullying, harassment and victimisation in any form are considered unacceptable. PBVMWA personnel must not discriminate against any person on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity.

10. Gifts, Benefits and Hospitality

PBVMWA personnel have a responsibility to behave with integrity and impartiality. PBVMWA personnel must not solicit gifts, benefits or hospitality that might in any way compromise or influence them directly or indirectly in their capacity as PBVMWA personnel. PBVMWA personnel must declare any gifts, benefits or hospitality valued at \$250 or more to the Congregation Leader.

11. Conflicts of Interest

11.1 PBVMWA personnel have an obligation to ensure that conflicts of interest (whether financial or otherwise) are managed in a fair, ethical and transparent manner. The potential for a conflict of interest arises when personnel have private interests that could influence or appear to influence judgements made during the course of their professional duties. They also arise when there is a reasonable expectation of a personal benefit, direct

or indirect, that could influence the performance of a personnel's duties. This benefit may be financial or non-financial.

11.2 PBVMWA personnel must:

- a) Conduct themselves in a manner which is consistent with Catholic values.
- b) Be objective, open and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of The Congregation of the Presentation Sisters (W.A.) Incorporated.
- c) Declare all private interests (including pecuniary and non-pecuniary) that conflict or may conflict with the discharge of their responsibilities to The Congregation of the Presentation Sisters (W.A.) Incorporated.
- d) Use their own judgement in determining the appropriateness of accepting non-cash gifts and hospitality.
- e) Ensure all decisions are free of bias or apparent bias.
- f) Behave with integrity and impartiality.
- g) Ensure all processes are transparent and documented.

It is recognised that the giving and receiving of gifts and hospitality has an important role to play in the Church. However, it is important to ensure that these practices do not give rise to conflicts of interest, the misallocation of resources or impact on the reputation or work of the The Congregation of the Presentation Sisters (W.A.) Incorporated. As noted in section 10, PBVMWA personnel must declare any gifts, benefits or hospitality consistent with the requirements above.

12. Fit and Proper Assessment

PBVMWA personnel responsible for the management and oversight of The Congregation of the Presentation Sisters (W.A.) Incorporated must be able to demonstrate that they have the relevant qualifications, training or experience in order to undertake their duties in the management of finances and resources and be considered 'fit and proper' for this role. This could include maintaining relevant memberships with professional bodies, registrations, qualifications and certifications.

13. Secondary Employment

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

In some cases, secondary employment will not have any impact on a person's role with The Congregation of the Presentation Sisters (W.A.) Incorporated. However, at other times, secondary employment could lead to a real or potential conflict of interest. PBVMWA personnel should seek and obtain approval in writing from the Congregation Leader prior to engaging in any

secondary employment or business activity, including during periods of paid or unpaid leave with The Congregation of the Presentation Sisters (W.A.) Incorporated.

Where an employee is already involved in secondary employment, they must immediately obtain approval. PBVMWA personnel may engage in voluntary work/ministry without seeking permission, as long as this does not present a potential or actual conflict of interest.

14. Management of Resources

PBVMWA personnel must be careful, ethical, efficient and economical in their use and management of The Congregation of the Presentation Sisters (W.A.) Incorporated's resources, including work-time. Resources include (but are not limited to) money, facilities, equipment, vehicles, services (e.g. internet). Resources should be used only for their intended purpose, be well maintained and secured against theft or misuse.

PBVMWA personnel are accountable for the appropriate use of working hours and resources. Employees should not use The Congregation of the Presentation Sisters (W.A.) Incorporated's working hours or resources for an outside interest, secondary employment or personal gain.

PBVMWA personnel have a duty to report any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability to the Congregation Leader.

15. Social Media

PBVMWA personnel must exercise caution when using social media platforms for personal purposes outside their work hours. Employees are expected not to make disparaging or offensive comments on social media about The Congregation of the Presentation Sisters (W.A.) Incorporated, the Catholic Church, clients or colleagues.

16. Confidentiality

PBVMWA personnel must not divulge, either during employment or after, the confidential information of The Congregation of the Presentation Sisters (W.A.) Incorporated.

PBVMWA personnel must respect the privacy and confidentiality of any person who reports safety concerns about a child or adult at risk except where legislative or statutory requirements over-ride this as outlined in the *PBVMWA Safeguarding Policy*.

17. Protected Disclosures

In reporting any suspected improper use, fraud, waste or abuse of resources, corrupt conduct, inadequate administration or accountability, PBVMWA personnel will be protected as far as reasonably practicable against victimisation and retaliation as result of a disclosure. PBVMWA personnel are not entitled to protection for disclosures which, on investigation, are found to be vexatious or malicious allegations, and they may be liable for disciplinary action as a result. For more information, see the *PBVMWA Complaint Handling Policy and Procedure*.

18. Consequences of Breaching the Code

Any breach of the Code of Conduct should be referred to the Congregation Leader. She will respond to any matters which relate to serious misconduct, with concern for justice and the wellbeing for all involved.

Breaching the Code of Conduct is a disciplinary matter which may result in a formal warning or suspension from ministry or service. Serious breaches of the Code of Conduct may constitute grave misconduct and for all PBVMWA personnel will result in disciplinary actions and possible criminal proceedings. For PBVMWA employees and volunteers, such disciplinary actions may lead up to and include dismissal (with or without notice). This may impact on the individual's ability to work with children and/or adults at risk in the future. In relation to Presentation Sisters, such disciplinary proceedings may lead up to and include being removed from ministry, being dispensed from their vows and/or dismissal from the Congregation in accordance with our Presentation Constitutions and due canonical processes.

Where a complaint about the sexual abuse of a child or adult by a Presentation Sister is substantiated under a civil standard, The Congregation of the Presentation Sisters (W.A) Incorporated will undertake a risk management process to determine the appropriate action, in keeping with Church protocols. Where a Presentation Sister is convicted of a canonical offence relating to sexual abuse, she will be prohibited from exercising ministry until the process for imposing a penalty is completed by the relevant dicastery.

19. Reviewing the Code

The content of the Code of Conduct will be reviewed whenever a breach is identified and once a year. The Congregation Leader is responsible for ensuring the review is completed.

Code of Conduct approved	Sr Lucy van Kessel PBVM Congregation Leader	June 2021
Code of Conduct reviewed	Sr Lucy van Kessel PBVM Congregation Leader	June 2022
	Sr Anna Fewer Congregation Leader	June 2023
	Sr Anna Fewer Congregation Leader	June 2024
	Sr Anna Fewer Congregation Leader	June 2025
	Sr Anna Fewer Congregation Leader	June 2026
	Sr Anna Fewer Congregation leader	June 2027
	Congregation Leader	June 2028

20. Related documents

- PBVMWA Safeguarding Commitment Statement
- PBVMWA Safeguarding Policy
- PBVMWA Risk Management Strategy and supporting templates

21. Relevant legislation

- *Children and Community Services Act 2004 (WA)*
- *Western Australia Criminal Code*
<https://www.slp.wa.gov.au/statutes/swans.nsf/%28DownloadFiles%29/Criminal+Code.pdf/%24file/Criminal+Code.pdf>
- *Child Protection Act of 2003 (Thailand)*
<http://library.siam-legal.com/thai-law/child-protection-act-treatment-of-the-child-articles-22-31/>
- *Working with Children (Criminal Record Checking) Act 2004 (WA)*
- *National Disability Insurance Scheme Act 2013* and related Rules,
- *Aged Care Quality and Safety Commission Act 2018* and the *Aged Care Act 1997*.

Signed acknowledgement of acceptance of The Congregation of the Presentation Sisters (W.A) Incorporated Code of Conduct¹

<p>I will:</p>	<ul style="list-style-type: none"> • Act at all times in accordance with The Congregation of the Presentation Sisters (W.A) Incorporated’s <i>Safeguarding Commitment Statement, Safeguarding Policy, Code of Conduct, Risk Management Strategy and Complaint Handling Policy</i>. • Promote the human rights, safety and wellbeing of all people. • Demonstrate appropriate personal and professional boundaries. • Listen and respond to the views and concerns expressed by children and adults at risk, particularly if they communicate (verbally or non-verbally) that they do not feel safe. • Create an environment that is welcoming, culturally safe and free from discrimination against a child or adult at risk on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity. • Contribute, where appropriate, to The Congregation of the Presentation Sisters (W.A) Incorporated’s safeguarding policies and practices. • Identify and mitigate risks to children and adults as required by the <i>PBVMWA Risk Management Strategy</i>. • Respond to any concerns or complaints of harm or abuse promptly and as required by <i>the PBVMWA Safeguarding Policy and PBVMWA Complaint Handling Policy and Procedures</i>. • Comply with The Congregation of the Presentation Sisters (W.A) Incorporated’s policies and procedures on record keeping and information sharing.
<p>I will NOT engage in the following conduct towards children:</p>	<ul style="list-style-type: none"> • any form of physical or sexual abuse • the grooming of a child for sexual abuse • using sexually suggestive or explicit language or gestures • conversations about sexual experiences or sharing sexual images • be alone with a child or young person away from the presence of other adults, including for the purpose of transportation, without express permission

¹ Adapted from Australian Human Rights Commission, *Child safe organisations: Example Code of Conduct*
<https://childsafe.humanrights.gov.au/sites/default/files/inlinefiles/CSO%20Example%20Code%20of%20Conduct.pdf>

	<ul style="list-style-type: none"> • help children with intimate care if the child is capable of doing it on his or her own (e.g. toileting or changing clothes) • not respect the privacy of a child or young person (e.g. when using the bathroom or changing) • physically disciplining a child or young person • make excessive and/or degrading demands of a child or young person • make available to children any kind of drug, alcohol or cigarettes • use private electronic or online contact with a child or young person • interact with a child or young person in a way that is overly intimate or could be seen as involving favouritism or any form of special treatment • take photos of a child or young person without consent.
<p>I will NOT engage in the following conduct towards adults at risk:</p>	<ul style="list-style-type: none"> • any form of physical or sexual abuse • make excessive and/or degrading demands • exploit an individual’s vulnerability to form an intimate relationship • misuse authority or power that exploits, manipulates or coerces a person to engage in any activity which disrespects their human rights and dignity • not respect the person’s privacy • not use any form of financial abuse or exploitation.
<p>If I think this Code of Conduct has been breached by another person I will:</p>	<ul style="list-style-type: none"> • Take action to respond to any immediate safety concerns. • Promptly report any concerns to the Congregation Leader or to the Safeguarding Officer if the concerns relate to the Congregation Leader. • Comply with the processes outlined in the <i>PBVMWA Complaint Handling Policy</i>. • Undertake all actions necessary to meet my obligations to report any safety concerns to the appropriate external authorities.

I agree to abide by this Code of Conduct during my membership of, or employment with, The Congregation of the Presentation Sisters (W.A) Incorporated.	
I understand that breaches of this Code of Conduct may lead to disciplinary action, including dismissal, and/or criminal proceedings.	
Signed:	
Name:	
PBVM Sister/ Employee/ Volunteer/ Contractor:	
Organisation:	The Congregation of the Presentation Sisters (W.A) Incorporated
Congregation Leader:	Sr Anna Fewer pbvm
Date:	