

Code of Conduct

1 Purpose:

The purpose of this policy is to provide staff, students and clients with the understanding and procedures in relation to the Code of Conduct of Linda Wyse & Associates (LWA).

2 Policy Outline:

The Code of Conduct identifies specific standards of behaviour required of everyone involved with LWA – staff, contractors, stakeholders and students. The Code of Conduct affirms that behaviour must be based on LWA's values of:

- Excellence
- Integrity
- Trust
- Respect
- Fairness
- Accountability
- Diversity
- Leadership Skills.

LWA is committed to providing a supportive environment which is ethical, safe and respectful for all of its staff, contractors, stakeholders and students.

Regardless of cultural background, gender, sexuality, disability or age, everyone has the right to work and/or study in an environment free from discrimination and harassment and be treated in a fair and considerate manner.

The principles of the Code of Conduct consider the requirements of any applicable industrial awards as well as the provisions of various legislations related to employment, equal opportunity, harassment, discrimination, occupational health and safe, criminal behaviour and the responsibility to observe all policies and procedures of LWA. This also includes the expectation of staff members and contractors to execute their duties, ensuring the integrity of the organisation as well as all regulatory and contractual obligations.

LWA's management recognises that the management of fraud is an integral component of good governance and management practices. LWA will develop and maintain a culture of integrity within the organisation, and establish the processes that ensure effective prevention, detection and management of fraud.

LWA has a zero-tolerance approach to dysfunctional, disruptive and fraudulent behaviour in all their activities and will maintain this approach by ensuring internal controls protect the organisation against the risk of any undesirable behaviour by staff, contractors and students.

3 Policy Detail:

3.1 Expected behaviour of staff and contractors

This policy sets standards of performance and behaviour expected by LWA, together with the procedure to be followed in the event of disciplinary issues. The policy aims to help promote fairness and order in the treatment of individuals. It is LWA's aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals where they are failing to meet the required standards, and not be seen merely as a means of punishment. LWA reserves the right to amend these rules and procedures where appropriate.

Every effort will be made to ensure that any action taken under this policy is fair, with you being given the opportunity to state your case.

The following rules and procedures should ensure that:

- the correct procedure is used when requiring you to attend a disciplinary hearing
- you are fully aware of the standards of performance, action and behaviour required of you
- disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner
- you will only be disciplined after careful investigation of the facts and the opportunity to present your case
- at all disciplinary hearings, rather than investigatory meetings, you have the right to be accompanied by a support person at all stages of the formal disciplinary process
- you will not normally be dismissed for a first breach of discipline, except in the case of serious misconduct and
- if you are disciplined, you will receive an explanation of the penalty imposed.

On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This should not be regarded as disciplinary action or a penalty of any kind.

To ensure all staff and contractors receive equal opportunities and gain maximum benefits from their time with LWA, this policy applies to all employees or contractors. Any display of dysfunctional, disruptive or fraudulent behaviour will be addressed by management, however, staff and contractors will be provided an opportunity to discuss the matter.

3.2 Disciplinary Rules

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and serious misconduct shown in this policy, a breach of other specific conditions, procedures and practices set out elsewhere in this Employee Handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

3.3 Rules covering unsatisfactory conduct and/or misconduct

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- failure to abide by [LWA's health and safety policies](#) (Occupational Health Safety Policy) and procedures and your general health and safety responsibilities
- actions which could threaten the health and safety of yourself, your colleagues or others
- persistent absenteeism and/or lateness
- unsatisfactory standards or output of work
- rudeness towards customers/clients, members of the public or your colleagues, objectionable or insulting behaviour, harassment, bullying or bad language
- failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours
- unauthorised use of email, internet and/or social media
- failure to carry out all reasonable instructions or follow our rules and procedures
- unauthorised use or negligent damage or loss of our property and
- failure to report immediately any damage to property or premises caused by you.

This list is not exhaustive.

3.4 Serious misconduct

Occurrences of serious misconduct are significant because the penalty may be termination without notice, even without any previous warning being issued. It is not possible to provide an exhaustive list of examples of serious misconduct. However, any behaviour or negligence resulting in a fundamental breach of your contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute serious misconduct. Examples of offences that will normally be considered to be serious misconduct include serious instances of:

- theft or fraud
- any conduct that may constitute a criminal offence
- physical violence or bullying
- deliberate damage to property
- deliberate acts of unlawful discrimination or harassment
- possession, or being under the influence, of illegal drugs at work and
- breach of LWA’s health and safety policies and procedures and your general health and safety responsibilities or any actions that endangers the lives of, or may cause serious injury to, employees or any other person.

3.5 Disciplinary procedure

Disciplinary action taken against you may be based on the following procedure:

Offence	1 st occasion	2 nd occasion	3 rd occasion	4 th occasion
Unsatisfactory conduct	Formal verbal warning	Written warning	Final written warning	Termination
Misconduct	Final written warning	Termination		
Serious misconduct	Termination			

LWA retains discretion in respect of the disciplinary procedures to take account of your length of service and the severity of the misconduct to vary the procedures accordingly. If you have limited service you may not be in receipt of any warnings before termination, but you will retain the right to a disciplinary hearing.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or termination, and full details will be given to you.

There may be occasions where the performance or conduct of an employee is serious enough to bypass one of the above steps and move immediately to a first and final written warning but not a summary termination. This option might be used in circumstances where LWA’s policy is breached but it is not so serious as to warrant instant termination.

In all cases, warnings will be issued for misconduct, irrespective of the precise matters concerned. Any further breach of the rules, in relation to similar or entirely independent matters of misconduct, will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to termination if the warnings do not change behaviour.

4 Strategies to prevent dysfunctional, disruptive and fraudulent behaviours

- Maintaining a sound ethical culture
 - All staff undertake an induction and during staff meetings further awareness training is provided.
- Management commitment
 - Director will demonstrate a high commitment to controlling the risk of dysfunctional and/or disruptive behaviour and misconduct through supporting awareness training.
 - Inviting staff, stakeholders and contractors to report any behaviours that fall into the aforementioned categories (3.3, 3.4)
- Internal controls
 - Effective controls include both internal and external audits and reviews.
- Reporting mechanisms
 - Recording complaints in writing
 - Feedback that, where possible, remains anonymous
- Protection
 - LWA will ensure active protection of those reporting the aforementioned behaviours, by raising awareness of staff through discussing procedures during staff training.
- Dealing with detected or suspected misconduct
 - In the event that misconduct is detected or suspected, LWA will adopt a comprehensive approach to any subsequent investigation, disciplinary proceedings, prosecution or recovery action.

5 General notes related to workplace discipline

If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate of pay may be considered as an alternative to termination, except in cases of serious misconduct.

Serious misconduct offences will result in termination without notice.

Approval Authority:

This Policy is approved by the LWA Director as indicated and the control copy is one that is maintained within the Quality Management System and as such all hard copies need to be verified.

Documents Referenced:

Internal

- LWA Code of Conduct
- Complaints, Grievances and Appeals Policy
- Governance Policy
- Student Code of Conduct
- Occupational Health Safety Policy

External

- Equal Opportunity Act 2010
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Age Discrimination Act 2004
- Workplace Gender Equality Act 2012
- Anti-Discrimination Act 1977
- ASQA – Standard 6 (6.1)

Document History and Version Control

Version	Author	Date	Approved by	Brief description
2	Mary Hobbs	1/11/2018	Directors	Inclusion of student
2.1	Mary Hobbs	12/08/2019	Directors	Alignment to internal documents and ASQA Standards Insertion of History & version control table
3	LWA Staff	18/10/2022	Mary Wallace	Review and update
4	Mary Hobbs	28/11/2023	Mary Wallace	Review and updated to include disciplinary procedures