



Code of Conduct

THE CONGREGATION OF SISTERS OF MARY QUEEN OF PEACE IN AUSTRALIA



2023



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1.0 Introduction and Purpose

1.1 Introduction

This Code is to guide, inform and remind religious sisters, and volunteers of the Congregation of Mary Queen of Peace (the Congregation) of the standards of behaviour and other requirements that must be adhered to when working with children and vulnerable people. 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.

1.2 Purpose

Consistent with its mission and values contained in the Constitution of Congregation of Sisters Mary Queen of Peace, Banmethuot Diocese, the by-laws in operation for the Congregation in Australia, and in compliance with its legislative obligations, the Congregation strives to ensure children and vulnerable people in its care are safe and secure. The Code of Conduct establishes principles for ethical conduct and provides clear information about conduct by religious sisters, and volunteers towards children and adults at risk that is not acceptable. We are committed to zero tolerance of abuse of children and adults. Religious Sisters have a responsibility to promote the standards embodied in the Code in addition to the teachings and values of the Catholic Church more broadly. The Code should be read alongside the Congregations Safeguarding Policy and related documents including the Risk Management Strategy and Complaint Handling Policy. The Code also complements other documents of the Catholic Church.

1.3 This Code aims to:

- Clarify the expectations of the religious sisters, and volunteers engaged in any activity with children or vulnerable people.
- Provide a safe and supportive environment for religious sisters, volunteers and children that is safe, respectful, professional and legally compliant.

1.4 Ethical Obligations

This Code is not exhaustive and does not identify every potential scenario of concern in the work of the congregation but seeks to:

- Reflect the beliefs and gospel values of the Catholic faith
- Respect the dignity, rights and views of others
- Act honestly and with integrity at all times
- Be courteous, fair, sensitive and considerate to the needs of others
- Listen and seek to understand different points of view
- Act respectfully at all times, including respecting cultural, ethnic, political and religious differences

2.0 Scope: The Code applies to all religious sisters, contractors and volunteers who are engaged to work in, or provide services on behalf of the Congregation.



3.0 Professional and Personal Behaviour and Development

3.1. In performing their duties, personnel must:

- a. maintain a high standard and quality of work
- b. ensure compliance with their duty of care
- c. maintain and develop knowledge and understanding of their area of expertise
- d. exercise care, responsibility and sound judgement when carrying out their duties
- e. take reasonable care of their health and safety
- f. comply and cooperate with legislative and industrial requirements and any reasonable instruction, policy or procedure
- g. use appropriate language
- h. maintain adequate records to support any decisions made
- i. maintain confidentiality and privacy.

3.2. In performing their duties, personnel must not:

- a. act in ways that adversely affect the health and safety of others
- b. consume or be affected by any substance while carrying out congregational duties which would impair their ability to work safely and effectively and would be a risk to the safety of others
- c. 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

4. Conduct towards Children

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

4.2 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. psychologically harming or ill-treating a child

4.3 Personnel must:

- a. report to the Religious Delegate concerning conduct that is brought to your attention and any circumstances where you suspect that a child is currently at risk of harm
- b. take reasonable steps to protect children from foreseeable risk of injury
- c. ensure that any physical contact they have with children is reasonable for the purpose of their management or care, and is appropriate given their age, maturity, health or other characteristics
- d. complete their duties in accordance with the directions provided by the community leader
- e. consider the risks of proposed activities and tasks and develop strategies to manage these risks

5. Conduct towards Adults at Risk

5.1. 'Adult at risk'

This means any individual aged 18 years and over at increased risk of abuse, including those who:

- a. are elderly



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

5.2 Particular groups of vulnerable people

Whilst taking care to not make assumptions or generalisations about individuals, the congregation recognises that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, eg.:

- a. being Aboriginal or Torres Strait Islander
- b. being a refugee or migrant
- c. diverse gender or sexuality
- d. speaking a first language other than English
- e. surviving sexual abuse or child abuse
- f. being in circumstances where the risk of abuse of power by a person in authority is heightened by the defined position of the person who may be considered at risk

5.3 Personnel must not engage in the following conduct:

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

5.4 Personnel must:

- a. report to the Religious delegate any concerning conduct that is brought to your attention and any circumstances where you suspect that an adult at risk is currently at risk of harm
- b. take reasonable steps to protect vulnerable adults from foreseeable risk of injury
- c. ensure that physical contact with adults at risk is reasonable for the purpose of their care, and is appropriate given their age, health, disability or other characteristics
- d. complete their duties in accordance with the directions provided by the Religious delegate
- e. consider the risks of proposed activities and tasks and develop strategies to manage these risks

Generally, one-to-one 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. Prudent judgement is required on a case-by-case basis.

6.0 Reporting Requirements

The Congregation will comply with all requirements to report concerns about the safety of children or adults at risk to external authorities. These requirements are outlined in the Safeguarding Policy and include:



- a. Reporting criminal offences to Police
- b. Reporting to the NSW Family and Community Services where there are reasonable grounds to believe that a child (or class of children) is at risk of significant harm
- c. Notifying the NSW Children's Guardian of reportable allegations under the Reportable Conduct Scheme
- d. mandatory reporting requirements to the Children and Youth Protection Services under the Child and Young People Act 2008 (ACT)
- e. reportable conduct requirements under Part 17G of the Ombudsman Act (1989) (ACT)
- f. reporting requirements to Access Canberra under the Working With Vulnerable People (Background Check) Act (2011) (ACT)
- g. reporting child sexual offences under section 66AA of the Crimes Act 1900 (ACT)
- h.
 - 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 relevant body.

To ensure the Congregation can fulfil these reporting requirements, religious sisters must report any concerns about the safety of children or adults at risk to the Religious delegate as soon as practical.

7 Mandatory reporting in the ACT

7.1 Requirements

Mandatory reporters in the ACT include a religious sister or volunteer who are a doctor, dentist, nurse, teacher or teacher's aid at a school, counsellor, minister of religion, religious leader or member of the clergy of a church or religious denomination, a person caring for a child at a childcare centre, a person coordinating or monitoring home-based care for a family day care scheme proprietor, a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.

7.2 Reports

A religious sister or volunteer are required to make a report if, due to information obtained during the course of, or because of their congregational duties, they believe on reasonable grounds that a child or young person has experienced, or is experiencing:

- a. sexual abuse or;
- b. non-accidental physical injury (physical abuse).

7.3 Authority

A religious sister or volunteer must make a mandatory report to Child and Youth Protection Services. Assistance can be provided by the religious delegate or community leader in making a mandatory report.

7.4 Legislation

While it is not mandatory under the ACT legislation to report about the neglect, emotional abuse of a child or young person, religious sisters must make reports about concerns for young persons to the religious delegate or community leader who will use professional judgement in deciding whether the concerns warrant a report to the relevant authority.



7.5 Reporting to ACT Police

In accordance with section 66(AA) of the Crimes Act 1900 (ACT), all adults in the ACT are required to report information they obtain that leads them to reasonably believe that a sexual offence has been committed against a child to Police.

8. Reporting of inappropriate conduct of staff members

Staff members must report to the community leader or delegate:

- a. any convictions or allegations of reportable conduct¹ involving any other member of the congregation that they are aware of, or reasonably suspect
- b. if they are charged with or convicted of an offence relevant to working in child-related employment, or if they have had any reportable conduct allegation made against them
- c. any information or concerns about inappropriate behaviour by any religious sister or volunteer that involves a child or vulnerable person.

9.0 Management of Resources

Religious sisters and volunteers must be careful, ethical, efficient and economical in their use and management of the Congregations resources. Resources should be used only for their intended purpose, well maintained and secured against theft or misuse.

10. Social Media

Religious sisters and volunteers must exercise caution when using social media platforms for personal purposes outside their congregational duties. Religious sisters and volunteers are expected to not make disparaging or offensive comments on social media about the Congregation, the Catholic Church, or others people.

11. Confidentiality

Personnel must not divulge, either during employment or after, the confidential information of the Congregation. 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 override this as outlined in the Safeguarding Policy.

¹ In the ACT "Reportable conduct" includes sexual offences and convictions where a child is a victim or is present; offences against the person, including physical offences and convictions, where a child is a victim or present; conviction, or finding of guilt, under a territory law or state or Commonwealth law, involving reportable conduct; offences against the Education and Care Services National Law (ACT) Act 2011 (inappropriate discipline or offences relating to protecting children from harm); ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, neglect and restrictive intervention); psychological harm; and misconduct of a sexual nature. It does not matter whether or not the employee engaged in the conduct in the course of employment or whether a child consents to the conduct. Information disclosed in a religious confession will need to be reported if it relates to sexual abuse against a child, or non-accidental physical injury to a child.



12. Working with children and vulnerable people clearances

The Congregation must ensure that verified clearances are in place for all relevant persons as required under the Working with Vulnerable People (Background Check) Act (2011) for religious sisters, contractors and volunteers working in the ACT.

An ACT Working with Vulnerable People Registration is valid for five years. A religious sister or volunteer are responsible for ensuring their clearance or registration is renewed.

A religious sister or volunteer who are required to have a valid registration allowing them to Work with Vulnerable People (in the ACT) and do not have one, cannot continue to be engaged in child related work.

Any information or concerns where a fellow congregational sister or volunteer may know of a child being abused (in any context) and has not met their reporting obligation under s66AA of the Crimes Act 1900 (ACT). A staff member who is unsure of whether they are required to make a report should discuss the matter with the community leader or delegate.

13 Record keeping

Religious sisters must maintain appropriate records and data in relation to their professional practice in the care and protection of children. Records may include case notes and behaviour management plans.

A religious sister or volunteer must keep contemporaneous records of any disclosure, observations and discussions regarding a child protection matter, including any alleged breach of this Code.

These records must be kept in a secure location as provided for by the Congregation. Records relating to the care and protection of children are not to be destroyed.

14. CIVIL LEGISLATION AND MINISTRY FRAMEWORK

Religious sisters or volunteers are required to be familiar and comply with child protection legislation as varied from time to time, as well as Church resources, including but not limited to:

- a. Child and Young People Act 2008 (ACT)
- b. Child and Young People Regulation 2009 (ACT)
- c. Crimes Act 1900 (ACT)
- d. Ombudsman Act 1989 (ACT)
- e. Working with Vulnerable People (Background Checking) Act 2011 (ACT)
- f. Working with Vulnerable People (Background Checking) Regulation 2012 (ACT)
- g. Integrity in Ministry 2004 (updated 2010)
- h. Integrity in the Service of the Church
- i. National Response Framework - *Catholic entities in Australia responding to concerns and allegations of abuse against children and adults* – July 2022
<https://www.acsltd.org.au/wp-content/uploads/2022/10/October-National-Response-Framework-Version-1.pdf>
- j. Privacy Act 1988
[Privacy Act 1988 \(legislation.gov.au\)](https://www.legislation.gov.au/ultra/acts/1988/1988-001)



15. Breach of The Code

Failure to comply with the child protection responsibilities and obligations required by legislation or this Code may result in disciplinary action including immediate termination of voluntary employment, termination of contractor agreement, notification to external agencies and/or criminal charges. We are committed to zero tolerance of abuse of children and adults.

If a religious sister is found to have breached this code this matter will be handled according to the congregational complaints policy. The religious delegate and community will help to determine the appropriate actions that need to be undertaken. The safeguarding office of the Archdiocese will be contacted where this involves a matter related to the abuse of a minor or vulnerable adult along with the relevant statutory authorities. Where this may involve the imposition of a canonical or civil penalty that necessitates the cessation of ministry in Australia the Congregational Leader and ACMRO will be informed of the change in visa status of the religious sister.

A religious sister or volunteer who becomes aware of a possible breach of this Code or legislation by another person must report this to the religious delegate or community leader. Failure to do so may result in disciplinary action.

16. FURTHER INFORMATION

Further information about any of the matters outlined in this Code can be sought from the Religious Delegate 0414917478 or by emailing safeguardingmqop@gmail.com.