

# WAIS Staff Code of Conduct



WESTERN AUSTRALIAN INSTITUTE *of* SPORT

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## 1. INTRODUCTION

This Code of Conduct sets out guidelines for the behaviour of WAIS staff and contractors of the Western Australian Institute of Sport (WAIS). Staff and contractors employed by WAIS are expected to comply with the guidelines, and WAIS policies and procedures relevant to this Code in carrying out their duties.

The Code is a general guide to what is considered acceptable behaviour. It does not attempt to definitively set out the circumstances in which any departure from the Code will be considered to be misconduct. The Code of Conduct does not attempt to deal comprehensively with every situation that may arise in the course of a staff member's employment. The fact that a matter is not explicitly mentioned should not be taken to mean that it is to be regarded as acceptable behaviour.

WAIS staff represent WAIS at all times, in all tasks and therefore must avoid all conduct which detracts from their profession and the organisation's reputation.

Staff, contractors and consultants are in significant positions of power and authority in relation to athletes they assist. Therefore, the highest standards of professional and personal integrity must be defined and maintained to ensure this position is not inappropriately used to influence athlete decisions and or actions.

The effectiveness of the WAIS Code of Conduct relies on staff taking responsibility for their own behaviour and being committed to the standards inherent in this document. Staff should be familiar with the substance and spirit of the Code and should be aware that breaches may result in sanctions which may include counselling, disciplinary action, performance review, or civil or criminal action, depending on the nature of the breach.

A key element of our strategy to enforce the standards within this policy is to provide staff with a mechanism for them to query and or raise a complaint of recommended or delivered practice or behaviour.

Designated Grievance Officers to raise a complaint or concern about a fellow staff, or Senior Manager's behaviour are:

- Chief Executive Officer
- People and Community Manager
- Performance Team Directors
- Corporate Services Manager

The Designated Grievance Officer to raise a complaint or concern about the behaviour of the Chief Executive Officer is:

- People and Community Manager

## **2. GENERAL PRINCIPLES**

### **2.1 Responsibility**

Staff are personally responsible for ensuring all decisions and actions they take are compliant with WAIS policy and process. They are expected to be aware of the reasonably foreseeable consequence of their actions and to make every effort to ensure that they work in an appropriate manner which has the utmost regard for the highest standards of their profession.

### **2.2 Competence**

Staff bring appropriate skills and competencies to their areas of workplace practice and are expected to maintain and continue to develop those skills and competencies through an ongoing program of professional development and continuous improvement. Staff are expected to recognise and work within the limits of their competence.

### **2.3 Propriety**

Staff must refrain from any act which could reasonably be regarded as tending to bring WAIS into disrepute.

### **2.4 Integrity**

Staff are expected to be honest, sincere and honourable in their relationships with others with whom they interact in the course of their professional duties.

## **3. CODE OF CONDUCT**

### **3.1 Health, Safety & Welfare**

The health, safety and welfare of staff and athletes will be respected by all WAIS staff: All staff has a duty of care to ensure that any staff or athlete under their control is provided with a safe environment without risk to their health and wellbeing.

### **3.2 Respect**

The rights, dignity and worth of every person with whom they have contact will be respected by the staff by;

**3.2.1** Treating every person equally regardless of sex, race, age, religion, ethnic, background, sexual orientation, personal relationship or any other individual characteristic;

**3.2.2** Refraining from any conduct which could be regarded as sexual harassment,

**3.2.3** Avoiding physical, verbal and emotional abuse of colleagues and athletes;

**3.2.4** Taking all reasonable steps to eliminate any forms of abuse directed at colleagues and athletes from other sources; and

**3.2.5** Avoiding any circumstance or action that could be interpreted as endangering another person's wellbeing.

### **3.3 Individuality**

Each staff member and athlete will be treated as an individual by WAIS staff:

**3.3.1** All staff and athletes are treated fairly and receive an appropriate level of attention and opportunity; and

**3.3.2** Individual needs of staff relating to the work environment, professional development requirements and resources are considered.

### **3.4 Behaviour**

The staff will behave in a manner such as to uphold their status and the reputation of WAIS, their sport and their country by:

**3.4.1** Maintaining high personal behavioural standards in relation to their language, manner, punctuality, preparation and presentation;

- 3.4.1.1** Strictly adhering to standards employed by WAIS, referred to in the WAIS Human Resources Manual, including but not limited to Equal Opportunity, Sexual Harassment and Discrimination.
- 3.4.1.2** Not engaging in physical contact with athletes or colleagues except where absolutely necessary for the development of the individual or ability.
- 3.4.1.3** Refraining from initiating inappropriate intimacy or a relationship with an athlete and discourage any attempt by an athlete to initiate inappropriate intimacy or a sexual relationship with you.
- 3.4.1.4** Avoid unaccompanied and unobserved one on one activity with athletes under the age of 18 years.
- 3.4.1.5** Displaying respect towards staff and stakeholders.
- 3.4.2** Maintaining an appropriately high level of professional knowledge by seeking continual improvement through ongoing education and professional development;
- 3.4.3** While WAIS staff must observe the terms and conditions of their employment, staff cannot be required to be complicit in any illegal act. If advised, instructed or encouraged to engage in unlawful activity, they must decline, and report the matter to a line manager.

### **3.5 Professional Relationship**

A professional relationship will be maintained with colleagues and athletes by the WAIS staff by;

- 3.5.1** Establishing personal boundaries whereby athletes are clear that the nature of the relationship between staff and athlete is purely professional one;
- 3.5.2** Refraining from engaging in social situations or using written communication in such a way which may lead the athlete or colleague to misinterpret the staffs' intent with regards to the nature of the relationship;
- 3.5.3** Limiting communications through written, electronic, telephone, MSN, and social networking sites, to those which are considered necessary to conduct their duties as a WAIS staff to clearly maintain the professional nature of the relationship;
- 3.5.4** Declaring to WAIS any personal monetary or "in-kind" gains as a direct result of their relationship with a colleague or athlete which may impact the professional relationship with a colleague or athlete

### **3.6 Confidentiality**

The confidentiality of WAIS business, staff or athlete information is to be maintained at all times. The WAIS Confidentiality policy and WAIS Privacy policy is to be adhered to in all matters relating to WAIS business, staff and athlete information.

**Table 1:** Examples of behavioural standards for WAIS staff and contractors

Behaviour	Appropriate	Inappropriate
Language	<ul style="list-style-type: none"> <li>Using encouraging/positive words and a pleasant tone of voice</li> <li>Open and honest communication</li> </ul>	<ul style="list-style-type: none"> <li>Insults, criticisms or name-calling</li> <li>Bullying, swearing or yelling</li> <li>Sexually suggestive comments/jokes</li> </ul>
Relationships	<ul style="list-style-type: none"> <li>Being a positive influence</li> <li>Building relationships based on trust</li> <li>Empowering minors to share in decision making</li> </ul>	<ul style="list-style-type: none"> <li>Favouritism or giving gifts</li> <li>Spending excessive amounts of time alone with minors</li> <li>Contact outside of working hours</li> <li>Bullying/Harassment</li> <li>“Grooming” of athletes</li> </ul>
Physical contact	<ul style="list-style-type: none"> <li>Consideration of personal space</li> <li>Touching due to medical emergency or protecting from physical harm</li> </ul>	<ul style="list-style-type: none"> <li>Violent or aggressive behaviour</li> <li>Kissing or touching of a sexual nature consistent with “grooming”</li> </ul>
Other	<ul style="list-style-type: none"> <li>Appropriate attire/clothing for role</li> <li>Use of internet/mobile phone for work-related purposes</li> </ul>	<ul style="list-style-type: none"> <li>Using alcohol or other substances before or during work</li> <li>Sending inappropriate photos, texts etc., or the inappropriate use of social media</li> </ul>

#### 4. MANDATORY REPORTING

WAIS staff are not considered “mandatory reporters” of child abuse by the Children and Community Services Act 2004, however, have an ethical responsibility to make a report if they form a belief, based on reasonable grounds in the course of their paid and unpaid work that child sexual abuse has occurred or is occurring.

Under the Children & Community Services Act 2004, sexual abuse in relation to a child includes sexual behaviour in circumstances where:

- 4.1 The child is the subject of bribery, coercion, a threat, exploitation or violence;
- 4.2 The child has less power than another person involved in the behaviour; or
- 4.3 There is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour; and
- 4.4 The child is 18 years or under.

In addition to the above, other forms of abuse, such as physical, emotional and psychological abuse and neglect, are not mandatory for reporting by any staff member. However, in the event the safety of the athlete is compromised, it is recommended that the staff report the incident to the Western Australia Police or the Department of Child Protection.

#### **Ways of Making a Report**

You can make a verbal report by calling the Mandatory Reporting Service (<http://www.mandatoryreporting.dcp.wa.gov.au>) on 1800 273 889, cpduty@cpfs.wa.gov.au, or contact WA Police on 131 444. If the immediate welfare of the athlete is compromised, then call 000.

## 5. STANDARDS AND PROCESS FOR INVESTIGATING A BREACH OF THE STAFF CODE OF CONDUCT

### Minimum Standards

- Notices of potential breaches of the Staff Code of Conduct must be made to a designated grievance officer.
- The breach notification must be documented using the “Staff Code of Conduct breach notification form”.
- The Complainant will receive written acknowledgement of their complaint and expected time frame for resolution.
- The identity of the Complainant may be disclosed to the staff should the CEO determine that this needs to occur for the grievance process to be fairly delivered.
- All staff have the right to a support person present during meetings related to the investigation and resolution of potential breaches of the Staff Code of Conduct.
- All parties involved in a grievance resolution process are encouraged to participate in good faith, and the principles of natural justice and procedural fairness will be observed.
- All interviews are to be recorded (either audio or written) and signed as an accurate record by the interviewee.
- Staff and athletes who deliberately make false or malicious complaints may be subject to disciplinary action, including but not limited to, termination of their employment or scholarship.
- If the breach is potentially a criminal offence, the matter is to be referred to the Police.

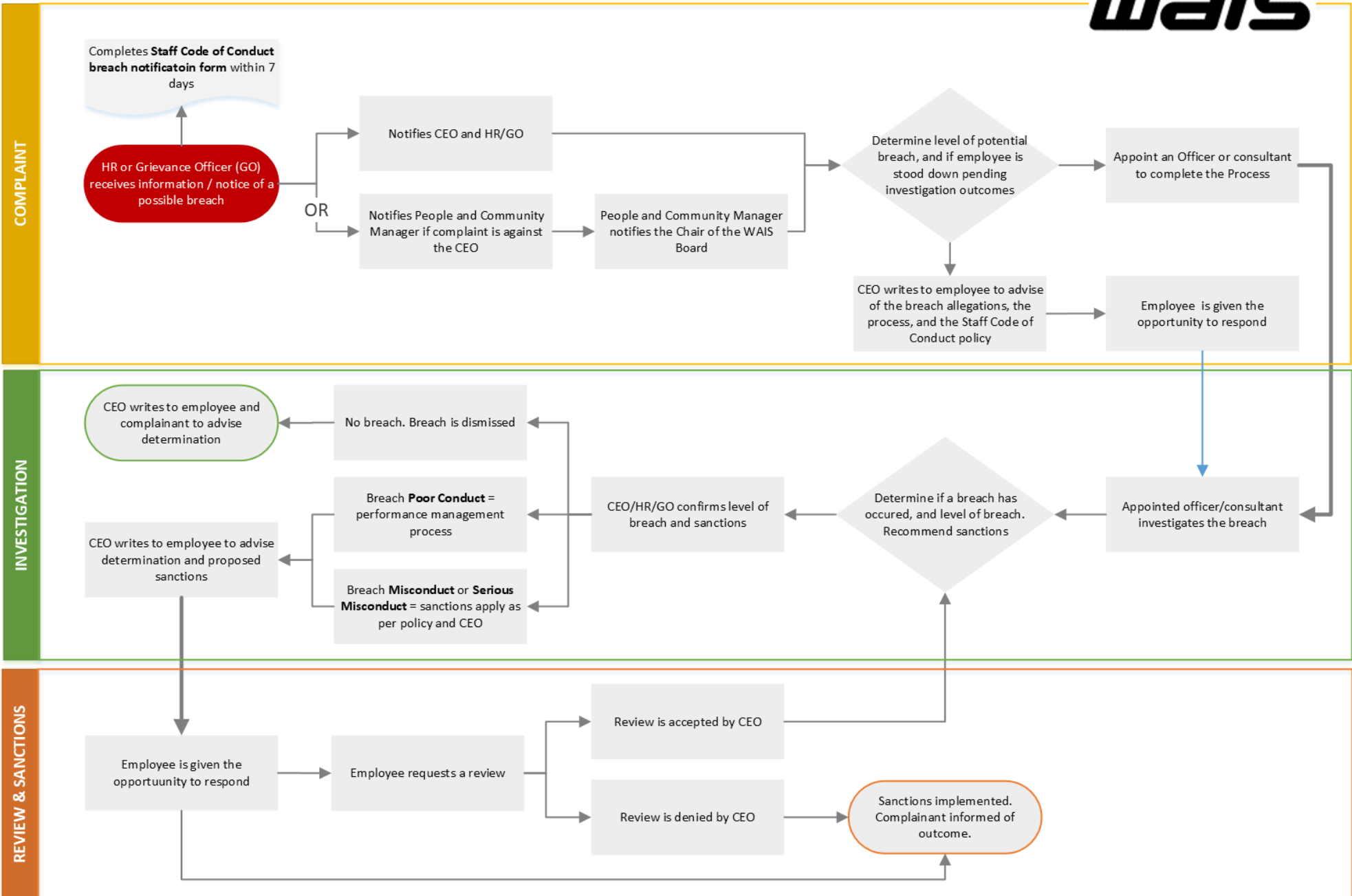
### Process

- 5.1 When a suspected breach of the Staff Code of Conduct has occurred, the Complainant shall notify the People and Community Manager or a designated Grievance Officer. The complaint will be documented using the “Staff Code of Conduct breach notification form” within a maximum of seven days of the complaint or as required to expedite an investigation with consideration to the potential seriousness of the complaint.
- 5.2 The Grievance Officer receiving the complaint notifies the People and Community Manager and the CEO. Where the complaint has been raised against the CEO the People and Community Manager is to be advised, and who will, in turn, advise the Chair of the WAIS Board.
- 5.3 The CEO, Grievance Officer and People and Community Manager will;
  - 5.3.1 determine the level of the potential breach as per Table 2 and agree the appropriate Officer (or consultant) to complete the required process.
  - 5.3.2 Determine if the employee should be stood down pending the outcomes of an investigation as per section 6 Suspension of Employment Guidelines.
- 5.4 The CEO will advise, in writing, the staff member identified as potentially breaching the Code of conduct of the allegations and the process undertaken to resolve accompanied by a copy of this policy.
- 5.5 The staff member is given the opportunity to respond.
- 5.6 The Officer (or consultant) identified in point 5.3 will conduct an investigation to determine if a breach has occurred, the level of any breach and recommend appropriate sanctions.
- 5.7 Upon determination that a breach has occurred the CEO, Grievance Officer and People and Community Manager will confirm the level of breach and sanctions to be applied;
  - 5.7.1 Poor conduct will be dealt with through performance management processes

- 5.7.2** Misconduct and Serious Misconduct will be dealt with as per possible sanctions listed in section 7 to be determined by the CEO.
- 5.8** The staff member will be advised in writing of the complaint determination and proposed sanctions, and will be given an opportunity to respond and may request they be reviewed
- 5.9** Sanctions will be implemented upon completion of any review.
- 5.10** The People and Community Manager will notify the Complainant of the outcome in writing.



# Staff Code of Conduct – Breach Process



## **6. SUSPENSION OF EMPLOYMENT GUIDELINES**

- 6.1** A staff member may be suspended, with or without remuneration, where the Chief Executive Officer believes on reasonable grounds that the staff member had, or may have, breached the Code, and where the suspension is in the public interest, of the interests of WAIS.
- 6.2** Where the suspension is without remuneration, the maximum period is generally to be no more than 30 days. A longer period of suspension without remuneration is permitted only where there are exceptional circumstances.
- 6.3** Exceptional circumstances are not defined but could include;
- 6.4** Where a staff has been charged with a criminal offence and is waiting to have the charge heard or determined.
- 6.5** Where staff has appealed against a conviction and is waiting to have the appeal heard.
- 6.6** Continuing suspension must be reviewed at reasonable intervals.
  - Suspension must immediately end when the Chief Executive Officer no longer believes on reasonable grounds that the staff has, or may have breached the Code, or that it is in public or WAIS interest to continue the suspension. In addition, the suspension must cease as soon as any sanction is imposed for the relevant breach of the Code.
  - In exercising suspension powers, the Chief Executive Officer must have due regard to procedural fairness, unless on reasonable grounds they believe it would not be appropriate to do so in the particular circumstances, for example, where there is a serious threat to the safety and integrity of other staff and WAIS property.

## **7. SANCTIONS MAY INCLUDE**

- 7.1** Reprimand
- 7.2** Performance Management
- 7.3** Performance Review
- 7.4** Re-assignment of duties
- 7.5** Reduction in classification
- 7.6** Termination of employment

**Table 2:**

Level of Breach	Description of Behaviour
Poor Conduct	<p>Nuisance Behaviour</p> <p>This includes behaviours that are irritating, unpleasant, but not physically dangerous or likely to cause concern to the WAIS reputation. Including but not limited to; favouritism, insults, unconstructive or excessive criticism, swearing or yelling.</p>
Misconduct	<p>Offensive Behaviour</p> <p>This includes behaviours where there may be some physical danger to individuals or property and/or where the behaviour is likely to lead to some damage to the reputation of WAIS or its people. Including but not limited to; repeat incidents of nuisance behaviours, giving gifts, bullying, spending an excessive amount of time alone with minors, unnecessary contact outside of work hours, aggressive behaviour, inappropriate jokes or comments.</p>
Serious Misconduct	<p>Serious Misconduct</p> <p>This includes behaviours that may be dangerous to individuals or property and are highly likely to lead to significant damage to the reputation of WAIS or harm to its people. Including but not limited to; repeat incidents of misconduct behaviours, sexually suggestive comments or jokes, grooming of athletes, unnecessary physical contact with athletes, kissing or touching of a sexual nature, violent behaviour.</p>

**Related Document**

- Grievance Form

## GRIEVANCE FORM - Staff

Date	
Signature	

**Important notes:**

- If you do not have sufficient space on this form, please attach additional pages.
- WAIS will treat this information confidentially, however you should be aware that if your complaint is about another person, the person handling your complaint will generally need to disclose details of the complaint to that person to obtain their response.

Personal Information			
Name		Contact details	
Department			

Information About Your Complaint
<p>Is your complaint about another person? Please tick.</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p><b>If yes, identify the person, their position and how they relate to you.</b>  <i>For example, my complaint is about &lt;name&gt;, &lt;job title&gt;. &lt;We're in the same department.&gt;&lt;The Person is my manager.&gt;</i></p>
<p><b>Provide specific details of your complaint.</b>  <i>Please provide as much detail as possible – for example, what happened, when (give approximate times and dates), who was there etc. If you require more space, please attach additional pages.</i></p>

Complaint details (continued)

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What impact has this had on you?

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Has this happened before? (please tick)

Yes  No

If yes, please provide details.

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<b>Information About the Complaint Process</b>
What outcome/remedy are you seeking to resolve your complaint? <i>For example, an apology</i>
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<b>Have you taken any action to resolve your complaint? (please tick)</b>
Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If yes, describe what you have done so far</b>
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<b>Other Information</b>
Is there any other information you would like to include?
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## 8. REVIEW AND REVISION

This policy, guidelines and all related appendices, will be reviewed and revised as is deemed appropriate.

Policy review will be undertaken by the People and Community Manager and any revisions approved by the Chief Executive Officer.

### Revision History

Date	Version	Reviewed by	Changes made
10 April 2017	1.4	Administration Manger	Policy Update
11 May 2017	1.5	Administration Manager	Policy Updated
31 July 2020	1.6	Corporate Services Manager	Policy Update
23 February 2023	1.7	People and Community Manager	Policy Updated

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