

VICTORIAN ASSOCIATION OF DRINK & DRUG DRIVER SERVICES (VADDS) CODE OF PROFESSIONAL CONDUCT

INTRODUCTION:

The VADDS Code of Professional Conduct is a framework of the moral obligations that members have established as minimum acceptable standards of ethical behaviour and responsibilities within the drink & drug drive education profession. The Code of Professional Conduct is an evolving document and the Management Committee of VADDS undertakes to provide appropriate opportunity for evaluation and review.

It is imperative that the drink & drug drive education profession is able to demonstrate that it conducts all aspects of its business in a professional and ethical manner. The Code of Professional Conduct is intended to provide a basis on which members can be assured that all members have understood and committed themselves to uphold their obligations as an act of good faith to one another. As well, although our stakeholders and society will make judgements about what they believe are right and wrong ways of doing business, the Code of Professional Conduct will provide a means for them to evaluate how members measure up against agreed obligations. The Code of Professional Conduct expresses members' obligations in relation to:

- **CONFIDENTIALITY**
- **PERSONAL BEHAVIOUR**
- **CLIENTS & OTHER STAKEHOLDERS**
- **EMPLOYERS & STAFF**
- **THE DRINK & DRUG DRIVE SECTOR**
- **THE COMMUNITY**
- **COMPLAINT RESOLUTION PROCEDURES**

It is not expected that this Code of Professional Conduct will be able to cover all contingencies that may arise of an ethical nature but it will be able to provide a structure to follow to avoid possible conflict and resolve grievances.

WHO DOES THE CODE COVER?

VADDS members agree to abide by the current version Code of Professional Conduct. All members have an obligation to fulfil this commitment by ensuring that they and their managers, staff members of drink & drug drive agencies or members of other member organisations act at all times in a professional and ethical manner.

OBLIGATIONS WITH RESPECT TO CONFIDENTIALITY

VADDS members value the responsibility they have in holding in trust a person's private and personal details. Legislation requires formalisation of the practices that relate to the use, recording and distribution of private information. In order to ensure that this trust is not abused, VADDS members make the following obligations to:

- Always comply with the relevant Privacy Policies that apply to the Association, Agency and/or Organisation
- Be open with clients as to what personal information may be passed on due to legal requirements
- Maintain confidentiality of all matters that may become subject of a grievance, are currently undergoing a grievance process or have been subject to a grievance procedure previously unless otherwise agreed to.
- Always disclose potential conflicts of interest
- Not use confidential information for any personal or business benefit.

OBLIGATIONS WITH RESPECT TO PERSONAL BEHAVIOUR

VADDS members value their personal and business dealings. The collective is only as professional as the sum of all individuals and therefore members understand the need for each of them to be the best that they can possibly be and approach all aspects of their dealings in an ethical manner. VADDS members are obliged to:

- Think before you act – ask yourself “is this ethical?”
- Not make judgements on hearsay;
- Review the Code of Professional Conduct at least annually and readjust behaviour as appropriate;

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- Meet minimum qualification requirements as prescribed in the current version of the Department of Human Services VADEP Drink Driver & Drug Driver Resource Manual;
- Not use any position to gain information for either personal or business benefit;
- Accept full responsibility for their actions;
- Seek relevant support and advice when needed;
- Ensure employability and currency by undertaking relevant and required professional development and increasing professional competency through research;

OBLIGATIONS IN RESPECT OF CLIENTS & OTHER STAKEHOLDERS

VADDS members value each client and the purpose for which they become a client. Clients are defined as those people seeking the support of a drink & drug drive agency for the purposes of obtaining advice, training or assessment and/or referral services. Other stakeholders include the Courts, the Department of Human Services, the Victorian Association of Drink & Drug Driver Services, suppliers and other relevant bodies and organisations that impact on the day-to-day operation of members. It is also acknowledged that some Agencies operate within an existing infrastructure and are not stand alone businesses. To ensure the best client interaction and communication processes each member will:

- Always comply with the current version of the Department of Human Services VADEP Drink Driver and Drug Driver Resource Manual;
- Always provide professional, accurate and comprehensive typewritten reports to Courts;
- Refrain from lying and/or hiding the truth;
- Honour all written and verbal agreements/contracts, promises and obligations and the conditions detailed within them.
- Always maintain professional boundaries;
- Always disclose potential conflicts of interest;
- Not overcharge clients and follow established refund policies;
- Always follow Agency, Department, Organisation and/or VADDS policies and procedures;
- Take into account the effects of any overlapping or pre-existing service provision to a client;
- Provide services to clients in a safe environment;
- Take all reasonable steps to ensure that clients do not suffer physical or psychological harm as the result of their provision of service;
- Acknowledge that external circumstances may lead to the termination of contact with a client for reasons other than those that are therapeutic and will release relevant client information to another agency at the discretion of that client and in accordance with the VADEP Drink Driver and Drug Driver Resource Manual.
- Refer clients to a treatment agency as necessary

OBLIGATIONS IN RESPECT TO OUR EMPLOYERS & STAFF

VADDS members value the key roles of their employers and employees. It is acknowledged that there is a range of employment modes within Drink & Drug Drive Agencies and within different organisations. Notwithstanding this, all employment arrangements must conform to the current relevant employment legislation. In order to ensure that staff issues are minimised: Each member will:

- Comply with all relevant employment legislation;
- Perform all delegated duties professionally, responsibly and efficiently;
- Always disclose potential conflicts of interest;
- Follow employer and employment policies and procedures;
- Ensure that all business records are kept up to date;
- Ensure that all employment records are kept up to date;
- Refuse to participate in or follow unethical practices;
- Work well with others;
- Ensure that all minimum educational and professional qualifications and experience as determined by the VADEP Drink Driver and Drug Driver Resource Manual are met;
- Respect the need for continual upgrading of professional competence.

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OBLIGATIONS WITH RESPECT TO THE DRINK & DRUG DRIVE SECTOR

VADDS members value the drink & drug drive sector to which they belong. They understand the benefits of maintaining and improving their individual and collective professional standing. In order to maintain a coherent, well informed, reputable and recognised service delivery:

Each member will:

- Deliver or support the delivery of accredited, high quality drink & drug drive education programs;
- Produce accurate, typewritten, reliable drink & drug drive assessments;
- Provide accurate, up to date advice that relates to the most recent laws;
- Not publicly demean competitors, other members, staff, colleagues or the profession;
- Not solicit clients from other agencies;
- Compete in business fairly;
- Act professionally when representing the agency, organisation, or the association;
- Be accountable for professional performance and competency;
- Be open and share ideas, concepts, methodologies and experiences with others;
- Be open to the resolution of grievances;
- Accept the decisions of any dispute resolution procedure;
- Actively support the Association and its activities;
- Respond to and comply with proposals, policies, guidelines and standards as they are introduced;
- Actively promote the Code of Professional Conduct in order to educate others and the community;
- Formally advise the VADDS Committee of Management of behaviour that could bring the profession into disrepute;
- Ensure that accreditation standards are met at all times and any reaccreditation conditions are resolved quickly.

OBLIGATIONS WITH RESPECT TO THE COMMUNITY

VADDS members value the important role they play in the community and the role the community plays in their business. Members believe in the common good that their services provide and therefore they will:

- Comply with all anti discriminatory legislation as it relates to age, race, religion, sex and disability;
- Be open to others' ideas, opinions and diversity;
- Comply with all other relevant laws and legal requirements;
- Ensure that advertising is accurate and complies with the standard as stated in the VADEP Drink Driver and Drug Driver Resource Manual;
- Not abuse the public's trust in the value of their service;
- Have adequate professional indemnity insurance.

COMPLAINT RESOLUTION PROCEDURE

VADDS provides support in a structured process to reach a resolution of disputes between members but it does not have a policing or judicial role.

VADDS Committee of Management reserves the right to initiate action for any breaches of the Code of Professional Conduct that it considers reasonable irrespective of whether or not a formal complaint has been received.

A member who suspects misconduct by another member that cannot be resolved or remedied after initial discussion with that member should implement the Complaints Resolution Procedure.

Non members shall not be permitted to initiate a complaints procedure. It is incumbent on all members to reach resolution on ethical issues as quickly as possible and to actively explore all possible options to resolve the matters at the local level. Should it be necessary for members to undergo a complaint resolution procedure, members agree to abide by the spirit and principles of the Code of Professional Conduct and the Complaint Resolution Procedure.

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If the complaint relates to a client transaction, written permission to include the client details or their complaint documentation is to be obtained from the client.

Participants of the VADEP drink & drug drive program who wish to make a complaint must do so by completing the Notice of Complaint Form (Appendix XV of the VADEP Drink Driver and Drug Driver Resource Manual). Client complaints are to be forwarded directly to the Department of Human Services for appropriate investigation and action.

Process for disputes and mediation

This process sets out the procedure for dealing with a complaint between:-

- A member and another member; or
- A member and the Association.

Documentation

All member complaints shall be submitted in writing to the VADDS Committee of Management and shall include full details of the alleged breach of one or more obligations under the Code of Professional Conduct and include the following details:

- Name of Complainant
- Nature of complaint & issues needing resolution
- Date of complaint
- Signature of complainant

Generalist statements of unethical behaviour will not be acceptable.

The President must acknowledge receipt of the complaint as soon as practicable after it has been received.

Complaints Resolution Meeting

Parties to the complaint must meet to discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the complaint has come to the attention of all parties. All parties to the complaint must attend the meeting and representatives will not be accepted.

In the event that the parties cannot resolve the matter themselves, the VADDS Complaints Resolution procedure involves two processes:

1. A Complaints Resolution meeting, and/or
2. Mediation.

A Complaints Resolution meeting will be called and administered by the VADDS Committee of Management unless otherwise determined by this Code of Professional Conduct or the Committee of Management.

Parties to the complaint are to be informed of a proposed meeting date and time. Should the President need to cancel the meeting 48 hours notice must be given.

No Complaints Resolution meeting will be convened without a quorum of 4 of the 6 members of the Management Committee. If the complaint is against a member or members of the Committee and/or due to declarations of conflicts of interest a quorum cannot be formed, then the Complaints resolution process will proceed directly to mediation.

The President or in the absence of the President, the Vice President shall Chair the Complaints Resolution meeting.

If the complaint is against the Association itself the matter will be referred directly to mediation.

If the complaint involves a member of the Committee of Management, then that member must step down from his/her position until the dispute has been resolved.

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The Complaints Resolution meetings shall be separately documented and outcomes minuted including:

- Name of Complainant
- Nature of complaint
- Date, place, time of meeting
- Outcome of meeting
- Action taken or to be taken
- Any additional information to be sourced prior to making final recommendations.
- Signed by all Committee members attending the meeting.

The outcomes of the Complaint Resolution meeting will be deemed to be final and are to be accepted by all parties to the complaint in good faith. Outcomes that relate to the formal discipline, suspension or expulsion of members from the Association must follow the discipline, suspension and expulsion procedure.

If the Complaint Resolution meeting fails to resolve the dispute, or if a party fails to attend that meeting, then the parties, must meet together in the presence of a mediator within 10 days for the purpose of reaching a mediated resolution of the complaint.

The Mediator must be:-

- A person chosen by agreement between the parties; or
- In the absence of agreement –

In the case of a dispute between a member and another member, a person appointed by the Management Committee or;

In the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).

- A member of the Association can be a mediator
- The mediator cannot be a party to the dispute
- Any costs associated to mediation are to be borne jointly and severally by the parties to the dispute.
- The parties to the complaint must, in good faith, attempt to settle the complaint by mediation.
- The mediator, in conducting the mediation, must –
 - Give the parties adequate opportunity to be heard; and
 - Allow adequate time for consideration by all parties of any written statement submitted by any party; and
 - Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process;
 - Encourage the parties to reach agreement but not personally determine the outcome of the dispute, and
 - Document the outcome of the mediation for the purposes of accountability if the complaint is later heard in a court of law.
- Outcomes of the mediation process are to be kept confidential unless agreed otherwise by the parties to the dispute or as required by law.
- The parties may seek to resolve the dispute in accordance with the relevant law(s). If any dispute becomes subject to legal action

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throughout the dispute resolution and/or mediation process, VADDS will discontinue the VADDS Complaints resolution process.

Notwithstanding, legal findings may have an outcome on how VADDS views a member's ethical behaviour and a member may therefore be subject to the discipline, suspension or expulsion provisions within this Code of Professional Conduct.

Discipline, Suspension and Expulsion of Members

If the Committee of Management forms the opinion that a member has breached the VADDS Articles of Association, Policies and Procedures, the Code of Professional Conduct or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the committee may by resolution –

- (a) Fine that member an amount not exceeding \$500; or
- (b) Suspend that member from membership of the Association for a specified period; or
- (c) Expel that member from the Association.

Such a resolution shall not take effect unless:

A meeting of the Committee of Management is held not earlier than 14 days and not later than 28 days after notice has been given to the member as prescribed below to either confirm or revoke the resolution.

The Secretary must, as soon as practicable, provide the member with written notice:-

- setting out the resolution of the Committee of Management and the grounds on which it is based; and
- stating that the member, or his or her representative, may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member and stating the date, place and time of the meeting and informing the member that he or she may do one or both of the following –
 - § attend the meeting
 - § provide the Committee before the date of the meeting a written statement seeking the revocation of the resolution
- informing the member that, if at the meeting, the Committee of Management confirms the resolution, he or she may, not later than 48 hours after the meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in a General Meeting against the resolution.
- At the Committee of Management meeting to confirm or revoke the resolution the Committee must –
 - Give the member or his or her representative an opportunity to be heard; and
 - Give due consideration to any written statement submitted by the member; and
 - Determine by resolution whether to confirm or to revoke the resolution.
- If the Committee confirms the resolution, the member may, not later than 48 hours after the meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in General Meeting against the resolution.
- If the Secretary receives a notice of appeal, they must notify the Committee of Management and the Committee must convene a General Meeting to be held within 21 days after the date on which the Secretary received the notice.

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- The General Meeting must:-
 - have no other business than the appeal.
 - The Committee may place before the meeting the grounds for the resolution and the reasons for passing the resolution.
 - The member or their representative must be given an opportunity to be heard.
 - Members present must vote by secret ballot on the question of whether the resolution should be confirmed or revoked. A resolution is confirmed if not less than two thirds of the members vote in person or proxy in favour of the resolution.

Contacts

For confidential enquiries in relation to the Code of Professional Conduct contact:

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