



Lifetime

S U P P O R T



LSA Code of Conduct 2016



Government of
South Australia

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Part 1 – Purpose and Scope of the Code

Policy Statement

The Lifetime Support Authority's (LSA) Code of Conduct outlines values and behaviours to help us provide the best outcomes for participants of the Lifetime Support Scheme (LSS), maintain respectful relationships with service providers and stakeholders, and take a flexible, positive approach to service provision.

This Code has been developed in accordance with the *Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013* which requires the LSA set out:

- the procedures that will be adopted by the Authority to assist people to assess whether they are eligible to be participants in the Scheme;
- the procedures that will be adopted by the Authority to assess the needs of participants in the Scheme and to ensure that participants are appropriately assisted under the Scheme;
- other steps that will be taken by the Authority to ensure that its staff interact with people in a constructive and supportive manner; and
- a process for receiving and managing any complaints that may be made to the Authority about how the Authority has exercised a function or power under this Act.¹

As LSA employees we are required to ensure that our conduct meets the highest ethical standards when we are fulfilling our responsibilities and to act in the public interest. We hold a position of trust in the community and make decisions that affect the lives of others.

We adhere to a standard of professional behaviour that promotes and maintains public confidence and trust in the work of the LSA. We are all responsible and accountable for; applying the appropriate standard of professional behaviour in the performance of our duties, responsibly implementing the LSS Rules, and adhering to the LSA's policies and procedures.

This Code provides a framework for decisions, actions and appropriate behaviour, guides the decisions and actions to be undertaken in executing the functions of the LSA and articulates the particular behaviours expected when we are interacting with applicants or participants.

Our values and standards within this Code align to those in the South Australian Public Sector *Code of Ethics for the South Australian Public Sector*.

¹ Section 23(1)

Scope of the Code

Compliance with this Code is mandatory for employees and Board members – as well as anyone else who works for or represents the LSA such as trainees, temporary agency staff, consultants, volunteers, professional services contractors and sub-contractors and their employees and visitors to the workplace² (regardless of the nature, level or status of employment).

This code contains general values and statements of behaviour which may be expanded upon in other LSA policies and procedures and all LSA staff are bound by it.

Acknowledgement and compliance with the Code is a condition of employment, as is compliance with any applicable laws. Should there be a conflict between the Code and any of the policies, the Code prevails.

Members of the Board

Members of the LSA Board will lead by example and set a tone reinforcing the importance of ethical behaviour. The Board will act as positive role models within and outside of the LSA, promote our cultural values and require compliance with this Code.

Participant Service Charter

To support this Code, the LSA will maintain a Participant Service Charter (Charter) as a guide and resource for applicants and participants about the LSA's service to them. The Charter forms part of this Code as Annexure 1.

Our Values

In performing our duties we value:

- Respect
We value every individual and respect each other, participants, their families and carers, our service providers and our community.
- Integrity
We are transparent, and act truthfully, consistently and fairly. We do as we say and say what we do, and build trust and respect among participants, their families and carers, employees, providers and the community.
- Professionalism
We strive for excellence and display a high standard of professional behaviour that inspires public confidence and trust in our actions and decisions.

² Workplace may constitute the LSA office(s), health care settings, applicant/participant homes, community settings, etc.

- Learning
We see every task and interaction as an opportunity to learn and continually improve performance. We are reflective, ask for and act on feedback, and constantly evaluate our performance.
- Courage and Tenacity
We never give up on achieving successful outcomes for participants, their families and carers, our service providers, and our community.

In providing services we value:

- Collaboration and Engagement
We work in partnership with participants, their families and carers to enable them, and ensure they have a voice, choice, and control. We create solutions together.
- Responsibility
We share a mutual responsibility with participants, the community and service providers to make the most of the potential for independence, integration and inclusion in the community.
- Empathy
We seek to understand, acknowledge and assist with the needs and difficulties of participants, their families and carers, and to find ways to help them overcome challenges.
- Assurance
We are committed to providing certainty of funding through responsible financial administration and ensuring that necessary and reasonable benefits are only accessed by those for whom the LSS is intended.
- Trust
We have confidence in the ability of others.

Part 2 – Code of Conduct Standards

This part of the Code outlines the standards of conduct regarding:

- Professional and courteous behaviour
- Dealing with matters consistently, fairly and promptly;
- Discrimination or harassment;
- Bribes, gifts and/or benefits;
- Handling official and/or confidential information
- Making public comment
- Use of Government/ public resources
- Compliance with LSA policies
- Dealing with complaints
- Outside employment
- Work, health & safety
- Criminal offences
- Reporting unethical behaviour
- Conflicts of interest
- LSA duty of care and mandatory reporting

Professional and courteous behaviour

We work together as a team and treat each other with respect and dignity. We engage in constructive debate and listen to the views of others respectfully. We communicate with colleagues and other people we encounter in the course of the LSA's work responsibly and respectfully.

Dealing with matters consistently, fairly and promptly

We deal with all matters consistently, fairly and promptly and in a manner that conforms to the principles of natural justice and in accordance with approved LSA processes. Any discretionary powers are exercised based on relevant facts and the individual merits of a matter.

Discrimination or harassment

We actively aim to eliminate unconscious bias and demonstrate equal opportunity by seeking to recruit, hire, develop and retain the most qualified people from a diverse pool. We are committed to achieving gender equality and diversity in the workplace and actively promote flexible working arrangements.

We do not discriminate based on race, colour, religion, gender, ethnicity, pregnancy, age, disability, sexual orientation, marital status or any other status protected by law.

We do not bully, discriminate, harass, intimidate or vilify any fellow employees or persons we encounter during the course of business.

Bribes, gifts and/or benefits

We do not directly or indirectly accept anything which is intended to, or could be seen to, change the way we perform our duties, create an obligation or create an expectation that something will be given in return.

We will comply with policies and procedures in relation to accepting, declaring and/or recording the receipt of gifts or benefits.

Handling official and/or confidential information

We protect the confidentiality of personal information collected for the purposes of administering the LSS. Unless authorised or permitted by law, we will not disclose any confidential information and will ensure it is stored in a form that cannot be accessed by unauthorised persons.

We protect all LSA records and information in accordance with our policies and procedures and ensure that we comply with the *Information Privacy Principles Instruction* and our obligations under the *State Records Act 1997*. Access to information will occur in compliance with the *Freedom of Information Act 1991 (SA)*.

Making public comment

We do not make any public comments on behalf of the LSA without appropriate approval. This includes public speaking engagements or comments on radio, television or in letters to newspapers and on any social media site.

When approval is sought and given, we can accept engagements with professional, education and community groups relating to the LSA's activities.

Where comments are of a personal nature, they should be clearly identified as such.

Use of Government/public resources

We are efficient and economical in the use and management of workplace resources and do not misuse them. We commit to ethical, lawful and appropriate use of workplace resources, including the internet and technology, in accordance with LSA policies and processes.

Comply with LSA policies

We comply with all LSA policies as well as the terms and conditions of our employment.

Outside employment

We seek any necessary approvals prior to engaging in any form of secondary employment. If we are engaging in any secondary employment, we discuss this with the Chief Executive to assess any actual or perceived conflicts which may exist between this and our work as LSA employees. Secondary employment will not interfere with the performance of our duties as LSA employees.

Work, health and safety

We take reasonable care for our health and safety and ensure that our actions or inactions do not adversely affect the health and safety of others. We follow all policies and procedures which are applicable for the safety and security of LSA employees, participants, visitors, premises and equipment and participate in any relevant work health and safety training.

We present ourselves to work in a manner which ensures we are capable of safely carrying out our duties and responsibilities and not in a condition which may adversely affect the way we do our job, or compromises the safety of others.

Criminal offences

LSA employees will at the earliest possible opportunity advise their manager (or if their manager is not available, some other person in management) if they are charged with a criminal offence and, if admitted or proven, there would be a connection between the offending conduct and LSA employee's duties/role or position and/or status.

Reports to a manager or people in management will be in writing. LSA employees will comply with all legislation, industrial instruments, policies and procedures and lawful and reasonable direction relevant to the role as an LSA employee and/or to the performance of their duties.

Reporting unethical behaviour

LSA employees will report to an appropriate authority workplace behaviour that a reasonable person would suspect violates any law, is a danger to public health or safety or to the environment, or amounts to misconduct. This obligation does not derogate from the obligation on LSA employees under the Directions and Guidelines issued by the Independent Commissioner Against Corruption.

LSA employees who are potential witnesses or are otherwise capable of assisting, will actively cooperate and assist with any investigation into the suspected or alleged conduct of another LSA employee that, if proven, would amount to misconduct (including corruption and maladministration as defined in the *Independent Commissioner Against Corruption Act 2012*) and any other processes relating to the management of such suspected or alleged conduct. This obligation does not impact upon the right against self-incrimination of employees suspected of committing or alleged to have committed misconduct.

Conflicts of interest

LSA employees will avoid actual or potential conflicts of interest.

LSA employees will ensure their personal or financial interests do not influence or interfere with the performance of their role. They will ensure the interests of family members, friends or associates (as defined in the *Public Sector (Honesty and Accountability) Act 1995*) do not influence the performance by them of their duties and/or their role as an LSA employee.

LSA employees will disclose to the Chief Executive any actual or potential conflicts of interest at the earliest available opportunity and comply with any lawful and reasonable direction issued by a person with authority to issue such direction to resolve the conflict or potential conflict, including written direction by a relevant authority pursuant to the *Public Sector (Honesty and Accountability) Act 1995*.

LSA duty of care and mandatory reporting obligations

We will ensure the safety and welfare of participants by:

- submitting to appropriate criminal history checks as required by law or recommended as appropriate;
- monitoring participant safety and welfare in the course of our duties;
- implementing service provider screening policies and processes to minimise the risk of harm to participants;
- implementing child protection mandatory reporting processes;
- having prescribed emergency response procedures in place;
- taking immediate action should the law or LSA policies be contravened;
- reporting incidents immediately to the relevant authorities and LSA management; and
- proactively responding to incidents.

Annexure 1 - Participant Service Charter

Early Engagement

We are proactive in ensuring the people who are eligible for the LSS are identified and engaged as early as possible. We maintain positive and ongoing relationships with SA Health, South Australia Police (SAPOL), the South Australian Ambulance Service, CTP Insurance Regulator, the private health system and other key stakeholders.

We promote the LSS and information regarding eligibility to the public without bias, and in relevant settings such as hospitals, rehabilitation units, health and legal professional associations. Information for potential applicants will be provided in plain English and offered in other community languages.

Eligibility Assessments

We assist people in assessing whether they are eligible to be participants in the LSS at the appropriate time and in collaboration with treating professionals.

We arrange for a representative to visit and meet with potential participants and/or family members to discuss the LSS and assist in completing and lodging an application.

We take all reasonable steps to help potential participants complete and lodge applications. We are sensitive to people's circumstances including where they may be from a disadvantaged or minority group such as Aboriginal and Torres Strait Islanders, people with severe or chronic mental illness, those who are homeless, the elderly, those who do not speak English or speak English as a second language.

We will collect the relevant eligibility assessments from treating professionals and/ or the insurer to simplify the process for applicants.

Applicants will be advised of the LSA's determination or, if appropriate, advice concerning deferral or review, in writing, as soon as practicable.

Once accepted into the LSS we work with the participants to confirm their needs and for assessment of necessary and reasonable treatment, care and support in line with the LSS Rules.

In the case of people deemed ineligible for the LSS – on application or as part of a lifetime assessment – we will arrange to meet with the individual to work through the reasons for the determination and to provide information about our processes for resolving disputes about eligibility. We will also instigate working arrangements with other relevant agencies to ensure they receive adequate advice and to access other services the individual may be eligible for.

Providing Treatment, Care and Support

We will ensure participants are engaged in needs assessments in consultation with medical and rehabilitative specialists and we will utilise relevant medical tools to ascertain a participant's specific needs.

Our communication with participants and other relevant parties will be conducted as effectively and efficiently as possible. This includes providing information, making decisions and answering queries as quickly and constructively as possible.

The process of assessing a participant's needs is interactive and ongoing, from confirmation of eligibility to the identification of changes in a participant's treatment, care and support needs.

Once a participant is accepted into the LSS, the assessment of necessary and reasonable treatment, care and support leads to the certification of individualised treatment, care and support needs.

Whilst the LSA assesses the quantum of necessary and reasonable treatment, care and support that each participant is eligible for, participants decide what events and activities of their daily life they would like to undertake to enable the treatment, care and support to be targeted to their goals.

We will allow participants to decide the best provider to meet their needs from the providers selected by the LSA.

We will utilise a person-centred approach, enabling participants, their families and friends to play an active role in planning service delivery, including the choice of service provider and monitoring progress towards personal goals and outcomes to enhance quality of life and provide opportunities to participate and contribute to social and economic life.

Wherever possible and desired, lifetime participants, their family members and friends will play an active role in planning supports, services and achieving outcomes.

Our Participants' Rights and Responsibilities

Participants of the LSS have a right to:

- be treated with dignity in a professional and courteous manner which respects and appreciates differences related to race, ethnicity, national origin, gender, sexual orientation, religion, personal values, age, disability and economic status;
- receive dependable and reliable support that will meet individual needs;
- give consent prior to any information about them being collected, used or disclosed to others;
- be consulted and make informed decisions concerning the type of assistance they receive, the manner in which it is provided, by whom and when;
- make a complaint about the service received from the LSA or a contracted service provider and expect that this complaint will be investigated appropriately and in confidence;
- view information about themselves held by the LSA or a contracted service provider with reasonable notice; and
- protection from harm or undue influence from others when accessing our services.

Participants can expect us to provide:

- identification to confirm we represent the LSA when dealing with them;
- an interpreter or other language services, if needed;
- open, flexible communication options to suit their needs;
- timely advice on their eligibility for the LSS;
- advice on other support which may be available if the service is not necessary and reasonable treatment, care or support; and
- advice about how they can ask for our decision to be reviewed or how they can make a complaint.

Participants can be assured that:

- we will focus on their strengths and capabilities and help maximise their participation in the community;
- we will listen to them and be responsive;
- their services are a priority for us;
- we will do the things we say we will do, like getting back to them when we say we will;
- their personal privacy will be respected and confidentiality protected to the greatest extent permitted by law;
- we will only collect personal information if it is for a lawful purpose and it is reasonable and necessary for us to have; and
- we will make it easy for them to contact us.

How participants can help us provide high quality service

Participants of the LSS are asked to:

- provide accurate and up-to-date information about themselves, or give consent for us to access the necessary information from others in order to deliver the best service;
- nominate a support person to assist them in dealing with us, if they desire; and
- be courteous and respectful of others, including our staff, contracted service providers and other participants.

It is each participant's responsibility to:

- ensure funding provided by us is only spent on the treatment, care and support we have agreed to;
- tell us if their situation changes or might be about to change;
- do the things they have agreed to do like keeping appointments with us, or letting us know if they cannot keep appointments;
- treat staff in a way that is not threatening, abusive or intimidating; and
- give us honest feedback about our services.

The LSA maintains a suite of Participant Policies which express the LSA philosophies in supporting participants of the LSS. The policies are reviewed on a regular basis in collaboration with LSA participants and are available on the LSA website. The policies can be provided in other accessible formats on request.

Supported Decision Making and Advocacy

LSS participants are entitled to access supported decision making. We will provide our participants with assistance to exercise supported decision making where appropriate and desired.

Supported decision making refers to the process where a participant, notably those with complex needs, cognitive and/or communication requirements, is assisted to understand, consider and communicate their choices. With supported decision making, the choice ultimately remains the decision of the participant.

Supporters are expected to help the participant, understand the choices open to them, the consequences of each option, and allow the participant to make his or her own decision. Supporters will remain objective and not unduly influence the participant in the decision making process.

LSS participants are entitled to be in control of their own lives, but sometimes may find themselves in a position where their ability to represent their own interests is limited. In these circumstances, an independent advocate can help ensure that a participant's views are heard, respected and acted upon. An advocate is someone who is free to support the participant, provided they have no conflicts of interest.

We acknowledge the role of advocacy and respect that it can support participants in the pursuit of their goals and the planning and delivery of their supports.

Advocates and supporters must be guided by this Code, the LSS Rules and recognised codes of practice for advocates.

The LSA will work with appropriate advocates and supporters in the spirit of this Code but will not condone these parties as substitute decision makers for the adult participant.

The LSA respects the role of parents in the decision making involving child participants.

Where a Guardian has been appointed to support a child or adult participant, the LSA will engage Guardians to the extent of their legal responsibility, however the LSA expects that the Guardian will endeavour to involve the participant in the decision making process, as far as is reasonable given their capacity.

Where a participant cannot realistically engage in decision making, the Guardian should endeavour to identify previous information about the participant that will inform the likely decision he or she might have made if able.

Complaints and Dispute Resolution

Delivering a high quality service is paramount to the LSA. If anyone has a complaint about the LSA or how the LSA has exercised a function or power under the Act, we encourage them to follow this process so that the complaint can be addressed and resolved.

For disputes about eligibility for participation in the LSS, please see Part 3 of the LSS Rules. For disputes about participant treatment, care and support needs, please see Part 17 of the LSS Rules.

If a participant in the LSS has a complaint or dispute, they should first raise their issue with their Service Planner. If they are not comfortable with this or not satisfied with the outcome, they can make a complaint to us by telephone, email or through the post.

Participants are asked to provide the LSA with as much detail as possible about their complaint.

If the participant lodging the complaint or dispute needs help to describe or send their complaint, or if they would like to discuss their concerns informally first, they should contact the LSA.

Complaints Process

Where a complaint has been made to a Service Planner, they will contact and work with the participant to discuss and resolve the complaint.

For other complaints, the Review Officer will oversee the complaints process and is responsible for working with the person lodging the complaint and relevant LSA staff, to ensure that the issues raised are fully examined and that the complaint is handled in accordance with this process. The review officer will:

- ensure the LSA and its representatives manage complaints effectively;

- independently review all formal complaints; and
- record and use complaints information to deliver service improvement.

The LSA will treat the process and all the details of the complaint in strict confidence. If the LSA needs to discuss any issues arising from the complaint with someone outside of the LSA, consent will be obtained first.

The LSA will always give fair opportunity to explain the issues and case for complaint. Participants are asked to make the initial complaint as clear as possible. In some instances, the LSA may want to meet personally to discuss concerns to try to find a satisfactory solution.

A complaint made to the LSA follows the following process:

- discussion with the initial worker; and if not resolved
- discussion with the relevant Manager; and if not resolved
- discussion with the LSA's Chief Executive.

Timeframes

The LSA will try to resolve all complaints as soon as possible. However, the length of time taken will depend on the nature and complexity of the issues being raised.

The LSA will send acknowledgment of receipt of the complaint and provide an estimate of how long it may take to deal with the matter.

Feedback

We manage our services and that of contracted service providers through our quality assurance frameworks.

As part of our approach we welcome feedback on our services or the services of others delivering them on our behalf. It helps us to understand participants' experiences and gives us the opportunity to hear about positive or negative experiences they have had. We invite comments or suggestions on how we can improve our services from participants. We use feedback to continuously review and improve our services.

We also seek feedback in other ways, via participant forums and catch-ups, forms, surveys and research, by speaking with individuals, community organisations, industry and peak stakeholder groups, and other government agencies, to monitor how well we are doing.