

## STANDARDS OF BEHAVIOUR (VISITORS) POLICY

### Background

ME/CFS Australia (Victoria) supports the principle that all members of the community have the right to a safe and secure environment, and positive interaction with others.

ME/CFS Australia (Victoria) provides resources, support and opportunities for community members, particularly ME/CFS sufferers, their families and carers.

### Specific Goals

- Ensure the provision of a non-threatening environment.
- Ensure that members and the general public's needs are dealt with in a sensitive manner.
- Ensure services are accountable to users, staff and Committee of Management.
- Ensure programs and services operate within equal opportunity guidelines.

### Strategies/Procedures

ME/CFS Australia (Victoria) will:

- Ensure appropriate standards of conduct are established and maintained by users at all times during a course or use of a service or facility.
- Ensure staff behaviour contributes to and supports appropriate standards of participant/user conduct.
- Intervene in cases of inappropriate participant/user conduct, except where this could put staff members in danger.

### Responsibility

- The Committee of Management as a whole is responsible for ensuring the policy objectives are achieved although it may delegate particular duties to its members.
- The CEO will be responsible for ensuring that all staff, including volunteers, comply at all times with Government legislation and this policy.

## **IMPLEMENTATION PLAN** **STANDARDS OF BEHAVIOUR** **(VISITORS) POLICY**

### **Guidelines/Strategies**

- Ongoing support for participants in all activities and services will be ensured by regular review to encourage maximum participation for all members/users.
- ME/CFS staff and participants will be supportive and sensitive to the issue of behaviour standards.

### **Definitions**

**General misconduct** means behaviour in or near ME/CFS Australia (Victoria) or other premises being used for ME/CFS Australia (Victoria) programs or activities which is generally thought to be inappropriate by community standards. It includes:

- persistent disruptive behaviour
- failure to comply with a reasonable instruction from a member of staff
- entering prohibited areas of the building
- drinking alcohol or using illegal drugs
- smoking in the building
- hostile or abusive behaviour or language
- actions or words which threaten others or which are counter to ME/CFS Australia (Victoria) Aims and Philosophies
- failure to observe safety rules

**Gross misconduct** means serious misbehaviour which may be considered intolerable for staff or other service users, or which may involve a criminal offence. It includes

- carrying a weapon or dangerous article
- possession of illegal substances on the premises
- physical assault or threatening behaviour or behaviour which threatens the health and safety of another
- theft
- slander or harassment
- deliberate misuse or destruction of facilities, equipment or materials

### **Guidelines for Dealing with General Misconduct**

#### **Informal conciliation:**

- The staff member should discuss informally with the User, indicating in what way the User's conduct is inappropriate. Where possible, a timeline should be set within which improvements can be expected to take place.
- If the User is unwilling or unable to change his/ her behaviour staff should, where it is considered necessary, ask the User to leave the premises or alternatively notify the CEO who will decide on appropriate further action

**Formal conciliation:**

The CEO will consider the case and meet with the User and staff member (if applicable) to discuss the situation. The User may have another person of his/her choice, other than legal counsel, at the formal meeting. At this meeting, if it is decided that the User continues to use the centre and facilities, it will be subject to a written agreement of expected conduct signed by all parties.

The written agreement will include:

- date of meeting
- dates of inappropriate behaviour
- description of inappropriate behaviour
- summary of agreed action
- parties to the agreement
- date of review

If, by the date of review, there is little improvement, another review date can be set and recorded, or formal disciplinary action can be started.

**Guidelines for Dealing with Gross Misconduct**

These steps must be taken:

- The User will be immediately informed of the inappropriateness of his/her behaviour by staff member(s).
- The staff member informs the CEO who may begin either formal conciliation or formal disciplinary procedures.
- If the CEO cannot be contacted, the staff member will advise the User that the matter is being referred to the CEO.
- Staff have the right to request the User to leave the premises immediately. Discussion in relation to leaving the premises should, wherever possible, take place with another staff member or other person present.
- If the offence is of a criminal nature, staff may call police, but should maintain supervision of the User.

**Formal Disciplinary Procedure**

The CEO will determine whether the User will be formally suspended from the premises and services pending the outcome of the hearing with the Disciplinary Committee.

The Disciplinary Committee will consist of:

- the CEO or her/his representative
- a member of staff (if appropriate)
- a member of the Committee of Management

The Disciplinary Committee will conduct a hearing and consider, comment and decide upon cases where the User has been suspended from the building or use of facilities.

The Disciplinary Committee will meet within 10 working days of the date of formal complaint and will consider written statements from the User, staff, other Users involved and witnesses

The Disciplinary Committee may call on anyone who has provided a written report to appear at the hearing.

The User has a right to be:

- accompanied by another person other than a legal counsel
- advised in advance and in writing of the complaint
- advised of the decision in writing

After considering evidence, the Disciplinary Committee will decide on one of the following:

- The case is not proven. Therefore, the User will be readmitted to the premises.
- The case is proven but not thought serious enough to require continued suspension. The User is allowed to return to the premises
- The case is serious and proven. The User is banned from returning to the premises for a specified period.

### **Right of Appeal**

The User may appeal the decision by writing to the CEO within ten (10) working days of receiving the decision.

An Appeal Committee will be set up by the Committee of Management

### **Confidentiality**

Other than as required by law, strict confidentiality will be observed and all discussion and records will remain confidential.

**Policy Endorsement Date: 25<sup>th</sup> November 2008**

**Review Date: November 2010**