



CAPUCHIN
FRANCISCAN FRIARS
AUSTRALIA

Code of Conduct

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1 Purpose

- 1.1 The Capuchin Friars Province of Australia (Capuchin Friars) Code of Conduct establishes principles for ethical conduct and provides clear information about conduct by personnel towards children and adults at risk that is not acceptable. It is a key component of implementing our commitment to safeguarding.
- 1.2 All personnel (religious and lay) must sign the Code of Conduct on commencement (and thereafter, every two years) to acknowledge that they have read it, agree to uphold it and understand the consequences of breaching it.

2 Scope

- 2.1 The Code of Conduct applies to all Capuchin Friars personnel (lay and religious), including volunteers and contractors, and should be read in conjunction with the following:
 - *Capuchin Friars Safeguarding Policy*
 - *Integrity in Our Common Mission*

3 Definitions

In this Code of Conduct the following definitions apply to the following terms:

Adult at risk: any person aged 18 years and over who is at increased risk of experiencing abuse. This may include people who are elderly; with a disability; who live with mental illness; who have diminished capacity; who have cognitive impairment; who have experienced abuse; who are experiencing transient risks (such as homelessness or family violence); who in receiving a ministry or service are subject to a power imbalance; who identify as Aboriginal and/or Torres Strait Islander; who are a refugee or migrant; who speak a first language other than English; who are of diverse gender or sexuality; who have any other impairment or adversity that makes it difficult for them to protect themselves from abuse.

Child: a person under the age of 18 years.

4 Ethical conduct

At all times you are expected to behave professionally, ethically and with integrity; demonstrate sound judgment; take responsibility for your own conduct; and exercise duty of care to protect the safety and wellbeing of yourself and others.

You are required to:

- reflect the beliefs and gospel values of the Catholic faith
- respect the dignity, rights and views of others
- act honestly 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
- take an inclusive approach that does not discriminate against or harass any person because of their cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity.

5 Safeguarding requirements

5.1 Safeguarding Commitment Statement

The Capuchin Friars are committed to fostering a culture of safety, care, and respect for all people, especially children and adults at risk and serving them with grace and humility.

Safeguarding is integral to our mission and ministry. Inspired by the Gospel and the example of St. Francis of Assisi, we strive to be instruments of peace, healing, and justice. We recognise the lifelong impact of abuse and are committed to walking with survivors in their journey of healing.

In alignment with the National Catholic Safeguarding Standards, Integrity in Our Common Mission, and the Child Safe Standards in New South Wales, Victoria and Queensland, we pledge to uphold this Safeguarding Commitment Statement in every aspect of our work to provide a safe environment for all people involved in our ministries.

Our commitments

- **Safety First:** We prioritise the physical, emotional, spiritual, and psychological safety of all individuals who engage with our ministries, communities, and services.
- **Zero Tolerance for Abuse and Harm:** We have zero tolerance for any form of abuse or harm. We are committed to preventing abuse and responding promptly and compassionately to any concerns raised.

- **Inclusive Safeguarding:** Our safeguarding practices extend to all people, with particular attention to children and adults at risk, including those who may be vulnerable due to age, disability, trauma, or social disadvantage.
- **Trauma-Informed and Culturally Safe:** We adopt trauma-informed approaches and promote cultural safety, especially for Aboriginal and Torres Strait Islander peoples, respecting their traditions, leadership, and healing journeys.
- **Empowerment and Participation:** We actively engage children, families, carers, and communities in safeguarding efforts, ensuring their voices are heard and respected.
- **Accountability and Transparency:** We uphold the highest standards of governance, integrity, and professionalism. We regularly review and improve our safeguarding practices and welcome external audits and feedback.
- **Education and Formation:** All friars, employees, and volunteers are trained in safeguarding principles and practices. We ensure ongoing formation to build awareness, competence, and commitment.
- **Legal and Ethical Compliance:** We comply with all relevant civil laws, Church laws, and professional standards in the jurisdictions where we have a presence.

5.2 Positive behaviours

5.2.1 You are encouraged and supported to demonstrate the following safeguarding behaviours:

- reflecting on your conduct in light of the Capuchin charism and the Church's mission
- promoting positive, respectful relationships that reflect the Gospel
- recognising and managing power imbalances
- maintaining appropriate physical, emotional, and sexual boundaries
- taking all reasonable steps to protect children and adults from harm and abuse
- treating all individuals with respect regardless of race, colour, sex, gender identity, sexual orientation, language, religion, political or other opinion, health status, national, ethnic, or social origin, culture, property, ability, or other status
- upholding the rights and dignity of individuals, including children
- listening to, valuing and appropriately responding to the ideas and opinions of individuals, including children
- welcoming children and their families and carers, and adults at risk, and encouraging them to participate in decisions around safety
- actively promoting safe and inclusive practices for children and adults at risk, including those with diverse needs, circumstances and backgrounds
- accurately recording and appropriately reporting any safety concerns

- respecting the privacy of children, their families, and adults at risk and keeping all information about safety concerns confidential
- treating victims and survivors with compassion and respect

5.3 Conduct towards children

5.3.1 **You must:**

- a) report any 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 physical contact with children is reasonable for the purpose of their management or care, and is appropriate given their age, maturity, health or other characteristics, e.g.:
 - assessing a child or young person who is injured or ill
 - comforting an upset child
 - guiding a child in a non-threatening manner
 - protecting a child from imminent danger to himself/herself or to others
 - demonstrating or guiding a particular action or skill as part of a lesson
- d) complete your duties in accordance with the directions provided by the relevant supervisor
- e) consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- f) adhere to an appropriate standard of dress when engaged in ministry.

5.3.2 **You must not** engage in the following conduct with children:

- a) any form of physical or sexual abuse
- b) grooming of a child for sexual abuse
- c) using sexually suggestive or explicit language or gestures
- d) engaging in conversations about sexual experiences or sharing sexual images
- e) being alone with a child away from the presence of other adults, including for the purpose of transportation, without express permission
- f) showering/using the toilet with an open door in the presence of a child
- g) helping children with intimate care if the child is capable of doing it on his or her own (e.g., toileting or changing clothes)
- h) not respecting the privacy of a child (e.g. when using the bathroom or changing)
- i) physically disciplining a child

- j) making excessive and/or degrading demands of a child
- k) making any kind of drug, alcohol or cigarettes available to children
- l) engaging in private electronic or online contact with a child
- m) engaging with a child in a way that is overly intimate or could be seen as involving favouritism or any form of special treatment, and
- n) taking or publishing photos of a child who is in the care of the Capuchin Friars outside of official duties or without consent.

5.4 Conduct towards adults at risk

5.4.1 **You must:**

- a) report 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 adults at risk 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. For example:
 - physical contact should be consistent with any specific management plan for the person, and
 - physical intervention (including physical restraint, removals or escorts) should be avoided and used only as a last resort to ensure safety and protection of the person and others
- d) complete your duties in accordance with any reasonable directions provided by the relevant supervisor
- e) consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- f) adhere to an appropriate standard of dress when engaged in ministry.

5.4.2 **You must not** engage in the following conduct with adults:

- 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
- e) not respecting the person's privacy

f) any form of financial abuse or exploitation

5.4.3 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. This includes ministries and/or services such as counselling, one-to-one tuition, the sacrament of reconciliation, coaching, spiritual direction and mentoring.¹ However, this will depend on the individual's circumstances, preferences and right to privacy. Prudent judgement is required on a case-by-case basis.

5.5 Reporting requirements

5.5.1 You must follow all internal and external reporting requirements outlined in the Safeguarding Policy and Safeguarding Reporting Policy & Procedures.

5.5.2 In addition to being a breach of this Code:

- it is a criminal offence for adults not to report to police if they know or believe that a child abuse offence has been committed
- people employed in child-related work may be subject to a criminal offence if they fail to reduce or remove the risk of a child becoming a victim of child abuse

6 Professional behaviour

6.1 In performing your duties, you must:

- maintain a high standard and quality of work
- maintain and develop knowledge and understanding of your area of expertise
- continuously seek to improve your performance and bring about improvements in the workplace
- comply and cooperate with legislative requirements and any reasonable instruction, policy or procedure
- use appropriate language
- maintain adequate records to support any decisions made
- maintain confidentiality and privacy

6.2 You must not:

- act in ways that adversely affect the health and safety of others
- come to work or stay at work while affected by alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to yourself or others

¹ Where the sacrament of reconciliation is celebrated using the first form of the Rite of Penance, that is, the Rite for Reconciliation Individual Penitents, this may occur in a chapel or other space within a church that is set apart for this purpose, but physical contact between the cleric and penitent is not permitted.

- consume any substance during working hours which would impair your ability to work safely and effectively and would be a risk to the safety of others
- bring alcohol onto work premises without permission
- smoke/vape in the workplace, including in stairwells, fire escapes and foyers and before, during and after normal office hours
- ignore work duties or waste time during working hours
- take or seek to take improper advantage of any information gained in the course of employment
- take improper advantage of your position to benefit yourself or others
- allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities
- 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
- make unfounded complaints with malicious, frivolous or vexatious intent against other personnel.

6.3 Fit and proper assessment

6.3.1 Personnel in leadership roles must be able to demonstrate they have relevant qualifications, training or experience in order to undertake their duties and be considered 'fit and proper' for this role. This could include maintaining relevant memberships with professional bodies, registrations, qualifications and certifications.

6.4 Gifts, benefits and hospitality

6.4.1 You must not solicit gifts, benefits or hospitality that might in any way compromise or influence you directly or indirectly in your capacity as Capuchin Friars personnel. You must declare any gifts, benefits or hospitality valued at \$50 or more.

6.5 Conflicts of Interest

6.5.1 The potential for a conflict of interest arises when personnel have private interests that could influence or appear to influence judgements made during the course of their professional duties. They also arise when there is a reasonable expectation of a personal benefit, direct or indirect, that could influence the performance of personnel's duties. This benefit may be financial or non-financial.

6.5.2 You must:

- a) conduct yourself in a manner which is consistent with Catholic values

- b) be objective, open and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of the of Capuchin Friars
- c) declare all private interests (including pecuniary and non-pecuniary) that conflict or may conflict with the discharge of their responsibilities to the Provincial Minister
- d) use your own judgement in determining the appropriateness of non-cash gifts and hospitality
- e) ensure all decisions are free of bias or apparent bias
- f) behave with integrity and impartiality
- g) ensure all processes are transparent and documented.

6.5.3 It is recognised that the giving and receiving of gifts and hospitality has an important role to play in the Church. However, it is important to ensure that these practices do not give rise to conflicts of interest, the misallocation of resources or impact on the reputation or work of the Capuchin Friars. Personnel must declare any gifts, benefits or hospitality consistent with the requirements above.

6.6 Secondary employment

6.6.1 You are required to undertake your duties with the highest degree of integrity and free from any safety risks, conflicts of interest or contractual breaches resulting from other paid employment. In some cases, secondary employment will not have any impact on a person's role with the Capuchin Friars. However, at other times, secondary employment could lead to a real or potential conflict of interest.

6.6.2 You are required to seek and obtain approval in writing from the Provincial Minister prior to engaging in any secondary employment or business activity, including during periods of paid or unpaid leave unless there is some other requirement in place governing an employment arrangement which prevents this from being necessary.

6.6.3 You may engage in voluntary work without seeking permission, as long as this work does not present a potential or actual conflict of interest. You should seek advice if you are unsure.

6.7 Management of resources

6.7.1 You must be careful, ethical, efficient and economical in your use and management of resources, including work time. Resources include (but are not limited to) money, facilities, equipment, vehicles, services (e.g. internet). Resources should be used only for their intended purpose, well maintained and secured against theft or misuse.

- 6.7.2 You are accountable for the appropriate use of working hours and resources. You should not use your working hours or resources for an outside interest, secondary employment or personal gain.
- 6.7.3 You have a duty to report any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability to the Provincial Minister. In doing so, you will be protected as far as reasonably practicable against victimisation and retaliation as result of a disclosure. You are not entitled to protection for disclosures which, on investigation, are found to be vexatious or malicious allegations, and may be liable for disciplinary action as a result.

6.8 Social media

- 6.8.1 You must exercise caution when using social media platforms for personal purposes outside your work hours. You must not make disparaging or offensive comments on social media about the Capuchin Friars, the Catholic Church, recipients of our ministry and service or colleagues.

6.9 Confidentiality

- 6.9.1 You must not divulge, either during employment or after, confidential information obtaining during your work with Capuchin Friars.
- 6.9.2 You 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 over-ride this as outlined in the Safeguarding Reporting Policy & Procedures.

7 Breaches of this Code

- 7.1 Breaching the Code of Conduct may constitute misconduct and result in disciplinary proceedings up to and including dismissal (with or without notice) and possible criminal proceedings. This may impact on the individual's ability to work with children and/or adults at risk in the future.
- 7.2 In relation to religious, breaching the Code of Conduct may lead to them being removed from ministry and dispensed from their vows or dismissed from the clerical state, as applicable.
- 7.3 Where a complaint about the sexual abuse of a child or adult by religious is substantiated under a civil standard, the Capuchin Friars will undertake a risk management process to determine the appropriate action, in keeping with Church protocols. Where a religious is convicted of a canonical offence relating to sexual abuse, they will be prohibited from exercising ministry until the process for imposing a penalty is completed by the relevant dicastery.
- 7.4 In addition, some types of unacceptable conduct may amount to

reportable conduct and/or criminal offences under state or Commonwealth laws. For further information see the Safeguarding Reporting Policy & Procedures.

8 Agreement to comply with Safeguarding Code of Conduct

I have read and agree to comply with the Safeguarding Code of Conduct.

Name

Click or tap here to enter text.

Role

Click or tap here to enter text.

Signature

Click or tap here to enter text.

Date

Click or tap to enter a date.

9 Document control

The Safeguarding Code of Conduct will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

Document	Safeguarding Code of Conduct	Uncontrolled Copy When Printed	
Custodian	Provincial Delegate, Professional Standards and Safeguarding	Version #	Version 1
Approved By	Provincial Minister		
Next Review Date	28 May 2027		

The below history of the document must be accurately updated. The Custodian must ensure that all previous versions have been appropriately removed from circulation.

Amended by	Changes made	Date
[Insert name]	[Describe reason for major changes]	Day Month, Year