

NextSense Code of Conduct Policy

Policy Summary – Key Points

- This NextSense Code of Conduct Policy (“Code”) applies to all Staff and third parties' engaged by NextSense who conduct work on our behalf. Its aim is to clearly establish the expected standards of behaviour for all people employed or engaged by NextSense.
- You are expected to adhere to all responsibilities and obligations listed within this document and associated policies and procedures of NextSense.
- NextSense may take appropriate disciplinary action against you if you fail to comply with this Code or engage in conduct that is inconsistent with this Code or a breach of applicable legislation. This may include immediate termination of employment or cessation of engagement depending on the severity of the breach.
- It is a requirement that all Staff make themselves aware of reporting obligations contained in this Code, the *NextSense Mandatory Reporting Procedures* PRD00001 and, where applicable, the *NextSense Safeguarding Policy* POL00001 and its related Procedures.
- While employed or engaged by NextSense, the matters covered in this Code including any obligations expectations with respect to the expected standards of behaviour and reporting obligations apply to all Staff in the workplace and, in some instances, continue to apply to Staff outside of their place of work.

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Part 1 – Purpose

This Code is designed to ensure that NextSense operates at the highest standards, complies with applicable laws, regulations and professional standards, while maintaining a clear, unified understanding of what is expected from everyone within the organisation.

Each Staff member is responsible for upholding this Code, acting with integrity and inspiring others to do the same. By adhering to this Code, we aim to foster an inclusive, safe, productive, professional, and enjoyable workplace for our Staff, Clients and the community. We hold our Code in the highest regard as it reflects our core purpose and values. Failure to comply with this Code may result in disciplinary actions, which could include counselling, warnings, or termination of employment or engagement.

This Code is compliant with all applicable legislative obligations and is not intended to be contractual in nature or create any contractual obligations on NextSense. NextSense reserves the right, at its sole discretion, to amend, replace or discontinue this Code at any time.

Our Values

At NextSense, we embrace and operate under six core values:

1. *Integrity*: we make sure our words and actions align. Whether we're working with each other or our clients we're authentic—we say what we mean and we deliver on the commitments we make.
2. *Empowerment*: we each own our roles and responsibilities, making us accountable. This means we can create our own success and help others create theirs.
3. *Community*: we connect and collaborate. We know that we're better and stronger together, so we invest in relationships—within and outside our organisation. As a leader we recognise that lasting change means harnessing the power of many.
4. *Respect*: we all matter and have different strengths. We have a diverse range of experiences that we respect and celebrate. Our differences make us strong.
5. *Courage*: we look and go beyond fear. We got to where we are today because we challenged ourselves, and the status quo. When we're bold enough to speak up, try new things, and learn from our mistakes we can lift the limits on what's possible.
6. *Communication*: we share and communicate with purpose. We know that words matter. Whether the issue is big or small, we strive to talk about it in a respectful, empathetic way.

Incredible Colleagues Capabilities

At NextSense, we strive to be Incredible Colleagues. This means we support NextSense and are led by our values. We develop real and respectful relationships and deliver to a high standard. We support change, grow our skillset and contribute to NextSense success. We love making a difference to our clients, families and students.

Part 2 – Scope

2.1. To whom does this Code apply?

2.1.1. This Code applies to all employees, affiliates and volunteers of NextSense. This Code is also applicable to contractors and consultants. Reference to Staff in this Code is intended to cover all people who fall within the definition of Staff, as set out in Part 4 of this document.

2.2. When does the Code apply?

2.2.1. Examples of where this Code applies includes:

- In the office, any other work site and includes when working remotely.
- When working offsite, including at a client's home, another centre or school.
- Outside of work hours when there is a sufficient connection to the workplace or your role.
- When using any digital resources provided by NextSense or where reasonably connected to NextSense or your role (including your phone, laptop, messaging channels, etc).
- During work-related events, including conferences, training and social events, regardless of time or location.
- During overnight stays away from the workplace for work or work-related events.
- Or any other setting that is reasonably connected with your work with NextSense.

2.2.2. While this Code sets out the standards of conduct and behaviour expected by us, it is not exhaustive and may not address every possible situation that could arise in the workplace. Nothing in this Code should be taken to limit the circumstances in respect of which NextSense may take disciplinary or other appropriate action in respect of a person employed or engaged by NextSense. This Code complements, but doesn't replace, the importance of common sense and responsible behaviour.

Part 3 – Policy

3.1 Responsibilities and Obligations

All Staff

3.1.1 All Staff are expected to:

- Comply with this Code and adhere to all NextSense policies and procedures.
- Comply with all reasonable instructions given by their Manager and/or someone with the relevant authority at NextSense.
- Be respectful towards others, including respecting cultural, ethnic and religious differences. Rude or disrespectful behaviour, including verbal or non-verbal aggression, abusive, threatening or derogatory language and physical abuse or intimidation towards others is unacceptable.
- Dress appropriately, professionally and in a manner that maintains respect and upholds the good reputation of NextSense and is appropriate for child-related work.
- Behave in a courteous, cooperative, appropriate, responsive and respectful manner while being sensitive to Staff and clients regarding access, culture, race, religion, sexuality, and beliefs.
- Respect physical boundaries with colleagues, clients, children and students.
- Not seek to influence any person in order to obtain personal or other advantage.
- Ensure any complaints and/or allegations relating to inappropriate or unprofessional conduct are made in good faith and are not vexatious or malicious or designed to impede legitimate management action.
- Actively assist in managing workplace conflict that personally affects them or Staff under their supervision to create positive and constructive outcomes. This includes cooperating with the resolution process and abiding by any agreement, decision or reasonable directive resulting from the resolution process.
- Not engage in any activity likely to cause accident or injury, or that might otherwise endanger clients, children, students, vulnerable people, visitors, or other members of Staff.
- Respect NextSense intellectual property. Anything developed or created during the course of a Staff member's employment or engaged with NextSense, either alone, or in collaboration with others, remains the intellectual property of NextSense. Staff must also ensure that they comply with copyright legislation and regulations.

- When representing NextSense at events or activities, comply with venue and/or organiser rules and expectations and not engage in any conduct, intentionally, or recklessly, that may have an impact on NextSense's reputation.
- Be aware that if their conduct has the potential to damage the reputation of NextSense, even if it is in a private capacity, this could lead to disciplinary action, which may include termination of employment.

Managers

3.1.2 In addition to the above responsibilities, all Managers are expected to:

- Encourage a collaborative, collegial and supportive workplace.
- Ensure the workplace is safe, free from discrimination and harassment.
- Demonstrate fairness and equity in their relationships and decision making.
- Ensure they consult with and involve Staff in appropriate decision-making.
- Provide support and feedback to Staff, as appropriate.
- Establish systems within their area of responsibility which support effective communication.
- Exercise leadership by working with Staff to ensure that compliance with agreed expected competencies across all areas takes place by themselves and their Staff.
- Inform Staff of this Code and all relevant policies and make the documents available to them.
- Take appropriate action if a breach of the Code is found to have occurred.
- Comply with the reporting requirements and delegations in accordance with the *NextSense Safeguarding Policy* POL00001 and related Procedures, including ensuring compliance with the *Mandatory Reporting Procedures*.

3.2 Integrity, Productivity and Performance

3.2.1 Staff must:

- Maintain a high standard and quality of work.
- Not plagiarise the work of others.
- Ensure they carry out their duties in a professional, competent, conscientious and honest manner and that the standard of work reflects favourably upon NextSense.
- Treat all other members of Staff, in a harmonious and productive manner, promoting a collaborative and responsive teamwork approach.
- Not take or seek to take improper advantage of any information gained in the course of employment.

- Maintain and develop knowledge and understanding of their area of expertise and responsibility.
- Maintain adequate documentation to support any professional decision making.
- Continuously seek to improve work performance and bring about improvements in the workplace.
- Only provide advice and services where they are qualified by training and/or experience and authorised to do so based on their role at NextSense.
- Not allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities.
- Provide proper notification and reason for absence to their Manager when they are meant to be on duty.
- Acknowledge the genuine contributions that others make.
- Express constructive feedback respectfully.
- Ensure that all applicable licenses, clearances and accreditation are up to date in accordance with the applicable legislation.

3.3 Workplace Health and Safety

3.3.1 Staff must:

- Fulfil their obligations under the applicable Work, Health and Safety legislation to ensure they maintain a healthy and safe workplace for themselves, other Staff, children, students, vulnerable people, clients and visitors, both physically and psychologically.
- Comply with all obligations outlined in the NextSense Workplace Health and Safety Policy.
- Immediately report any injury, incident, hazard or near miss to their Manager and to the WHS Inbox.
- Not harass, bully or discriminate against Staff, children, clients, students or members of the public. Staff must ensure that their dealings with all others are non-discriminatory, respectful, consistent, timely, and equitable. Staff must be aware that bullying, discrimination or harassment of another Staff member, including physical, verbal and cyber bullying or sexual harassment will not be tolerated and may be sufficient cause for termination of employment.

3.4 Duty of Care

- 3.4.1** Staff, students, children and clients have the right to dignity and respect and to live free from abuse, neglect, violence, and exploitation.
- 3.4.2** Staff have a legal and moral obligation to take reasonable care for their own safety and the safety of students, children, clients and others whom they come into contact as part of their employment.
- 3.4.3** The duty of care is a non-delegable duty (meaning it cannot be assigned to another party) to take reasonable measures to protect students, children and clients against risks of injury which reasonably could have been foreseen.
- 3.4.4** These obligations will arise from the specific role and responsibilities of the member of Staff and may include the following:
- Providing adequate supervision.
 - Providing suitable and safe premises.
 - Implementing strategies to prevent reasonably foreseeable injuries whether physical or psychological, to students, children and clients.
 - Undertaking risk assessments for activities and events.
 - Ensuring that service sites, schools and the organisation complies with the National and applicable State Child Safe Standards and all relevant child protection legislation and regulations.
 - Delivering services in a way that maintains the rights, standards and principles underpinning the National Disability Insurance Scheme (NDIS).
 - Taking steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability in accordance with NDIS standards.
 - Taking other reasonable precautions to minimise the risk of child abuse by an individual associated with NextSense.
 - Ensuring that appropriate medical assistance is provided to a sick or injured student, child or client.
 - Managing Staff recruitment and engagement, conduct and performance.
- 3.4.5** The standard of care that is required needs to take into consideration various factors such as the student, child or client's maturity and ability. Failure to exercise appropriate duty of care to a student, child or client that results in actual harm or has the potential to cause significant harm may constitute misconduct, negligence, neglect and/or breach of this Code.

3.5 Appropriate Professional Relationships and Boundaries

3.5.1 Staff must not engage in high-risk behaviours that breach professional boundaries or may give rise to a reasonable perception of breach of professional boundaries.

3.5.2 Personal Relationships between Staff and Children

- Staff must not behave in a way that could reasonably be construed as involving an inappropriate or overly personal relationship with or focus on a child.
- Extreme care must be taken in any relationship between a member of Staff and a former client or student of NextSense, including one who is over 18 years of age. Relationships developed with a child during the course of their schooling or engagement with NextSense and pursued after the child has left the school or ceased interaction with NextSense could also be subject to criminal prosecution and may be in breach of this Code.
- Where a member of Staff has a personal relationship with a student or a child who is a client (such as a family relationship or friendships that involve the member of Staff and a child), that may appear to be questionable or inappropriate or may appear to be in breach of any law, this Code or other applicable policy, the member of Staff must report such relationship to the relevant member of the Senior Leadership Team and any potential or perceived conflict must be managed carefully.

3.5.3 Personal Relationships Between Staff and Clients

- Consistent with the NDIS Code of Conduct, when delivering services to clients, whether captured under the NDIS or not, Staff are expected to adhere to the highest standards of behaviour, be respectful and take every action to make sure people with disability are safe.
- Under no circumstances must Staff commit Sexual Misconduct or engage in an inappropriate relationship with people with disability or other clients they support. Such relationships may trigger mandatory reporting obligations pursuant to the NextSense Mandatory Reporting Procedures, including to the NDIS Commission and to the relevant State or Territory police and other statutory bodies. It may also result in serious disciplinary action, which may include termination of employment or cessation of engagement with NextSense.
- Where a member of Staff has a personal relationship with a client (such as a family relationship or friendship) that may appear to be questionable or inappropriate or may appear to be in breach of any law or regulatory documents, this Code or any other policy, the member of Staff must report

such relationship to the relevant member of the Senior Leadership Team and any potential or perceived conflict must be managed carefully.

3.5.4 Social Media and Activities

- Staff must comply at all times with the obligations outlined in the *NextSense Social Media Policy* POL00008.
- Staff must not invite a child or student they come into contact with as part of their work, to join their personal social media platforms and/or accept a child or student's invitation to join theirs.
- Staff must not engage in any form of communication with children, students or clients on their personal email accounts or social media platforms.
- Staff must not persuade children, students or clients that they have a special relationship by spending inappropriate time with them, giving gifts, inappropriately allowing clients, children or students to overstep the rules or workplace protocols, or asking the client, child or student to keep their relationship a secret.
- Staff must not take or share photographs/videos/recordings of students, children or clients, without an appropriate professional reason. Use of student, child or client photographs are strictly prohibited other than for approved purposes. Retention of student, child or client photographs or films on a personal device after the images have been uploaded onto the appropriate NextSense server may constitute a breach of this Code.
- Staff must not attend parties or socialise with clients, children or students or invite a client or a student to their home or another location or attend a client, child or student's home without an appropriate professional reason.
- It is acknowledged that in some instances, a Staff member may be a close family friend or family member of a client, child or student. Where this is the case, a Staff member may be exempt from some (for example, social activities), but not all, of the above restrictions. Given this, the Staff member should formally disclose the nature of such relationships to their Manager.

3.5.5 Transporting students, children, clients and other NextSense Stakeholders

- Staff must not transport a student, or a client who is a child, in a vehicle, except in the case of a prior existing personal relationship where permission has been granted by the parents or carers and with the knowledge of the Manager.
- Staff must not transport a client who is an adult, in a vehicle, in the course of employment, unless it is approved for work related purposes.
- Staff must not transport any stakeholder of NextSense (such as a donor), in a vehicle, in the course of employment, unless it is approved for work related purposes.

3.5.6 Physical Contact with Children and Navigating Challenging Child Behaviours

- Staff must not use corporal punishment in any circumstances or implement behaviour management strategies that are demeaning and/or not age appropriate for children or students.
- Staff must not intentionally or recklessly engage in inappropriate physical contact with children and students, or act in a way that may cause the child or the student to reasonably fear that unjustified force will be used against them.
- Staff must not physically enter a student, child or client's personal space/boundaries without an appropriate professional reason.
- Examples of inappropriate physical contact or force include:
 - Threatening to physically harm a child/ren or student/s
 - Throwing an object to gain the child or student's attention
 - Engaging in a hostile or an inappropriate physical manner towards or in the presence of a child/ren or student/s
 - Hitting, striking, kicking, punching or dragging a child or a student
 - Restraining a child or a student (unless it is part of an approved behaviour management strategy for the child/student)
- Staff must not correct or discipline a child or a student in excess of what is reasonable and appropriate with consideration of all factors. Discipline is considered excessive and inappropriate if it is a disproportionate response to a child or student's behaviour. Use of inappropriate forms of behaviour management towards a child or a student may constitute ill-treatment of a child or behaviour that causes emotional or psychological harm to a child, which may be considered as being in breach of child protection legislation, this Code and the *NextSense Safeguarding Policy* POL00001.
- It is acknowledged that conduct that is reasonably necessary to restrain a child or student from injuring others or themselves may be considered appropriate physical contact with consideration of all factors.

3.6 Sexual Misconduct and crossing of professional boundaries

3.6.1 Staff must not commit or engage in any actions that would constitute a sexual offence towards another person, including but not limited to children, students, clients, Staff and visitors.

3.6.2 Staff must not make personal comments or addressing children or students in an overly familiar way (for example, using pet names).

3.6.3 Staff must not develop or allow to develop a relationship with any child, student or client which could be interpreted as being personal rather than professional.

3.6.4 Staff must take extreme caution to not inappropriately extend a relationship outside of work.

3.6.5 Sexual Misconduct and crossing of professional boundaries

- Staff must not behave in a way that could reasonably be construed as involving an inappropriate or overly personal relationship with or focus on a child.
- Staff must not commit a sexual offence. This includes all criminal offences involving a sexual element that is committed against, with or in the presence of a child, regardless of consent.
- Under no circumstances will a sexual relationship between a member of Staff or anyone else within scope of this Code and a child be tolerated. Such relationships may be subject to criminal prosecution under applicable State or Territory legislation. It may also result in mandatory notification to other statutory bodies consistent with the *NextSense Safeguarding Policy* POL00001 and the *Mandatory Reporting Procedures* PRD00001. Such conduct may result in serious disciplinary action, which may include termination of employment or cessation of engagement with NextSense.
- Under no circumstances must Staff or anyone else within scope of this Code commit Sexual Misconduct or engage in an inappropriate relationship with people with disability or other clients they support. Such relationships may trigger mandatory reporting obligations pursuant to the *NextSense Mandatory Reporting Procedures*, including to the NDIS Commission and to the relevant State or Territory police and other statutory bodies. It may also result in serious disciplinary action, which may include termination of employment or cessation of engagement with NextSense.

- Sexual Misconduct towards clients, children and/or students include, but are not limited to:
 - Testing boundaries, for example by undressing in front of students, children or clients, encouraging inappropriate physical contact (even where it is not overtly sexual), talking about sex (other than in an appropriate approved context including educational or for client support or family planning needs) or ‘accidental’ intimate touching.
 - Exploring sexual, intimate or other personal feelings with a client, child or student.
 - Providing or permitting children, clients or students access to pornography or explicit material.
 - Inappropriate conversations of a sexual or overtly personal nature.
 - Making sexually explicit comments or engaging in other sexually overt or implied behaviour towards or in the presence of children, clients or students.
 - Using sexual innuendo or inappropriate language or material with clients, children or students.
 - Unwarranted and inappropriate touching.
 - Watching clients, children or students undress in circumstances where supervision is not required.
 - Exposure of clients, children or students to sexual behaviour of others.

3.6.6 Respect at Work

- All Staff must comply with the *NextSense Respectful Workplace Policy* POL00055.
- Staff must not enable, permit or subject others to a hostile work environment.
- Sexual or Sex-based harassment in connection with work is strictly prohibited. Engagement in such behaviour may result in disciplinary action, which may include termination of employment or cessation of engagement with NextSense.

3.6.7 Hate Speech

- Staff and Responsible Persons must not engage in conduct that is an offence under section 93ZAA of the Crimes Act 1900 (NSW). Hate speech of any kind will not be tolerated by NextSense.
- NextSense may take disciplinary or other appropriate action against a staff member or a Responsible Person if they are found to have engaged in hate speech as defined by the Act whether or not the staff member or Responsible Person has been charged or convicted.

3.6.8 Anti-discrimination

- NextSense is committed to fostering an inclusive, respectful, and equitable environment for all.
- Discrimination of any kind, whether based on race, ethnicity, gender, sex, sexual orientation, religion, age, disability, or any other characteristic, will not be tolerated.
- Any form of discriminatory language, behaviour, or actions that create an unwelcoming or hostile environment is strictly prohibited.
- Every individual has the right to work, learn, and engage in an environment free from prejudice, harassment, and discrimination. Staff are expected to treat each other and our clients, students and visitors with dignity and fairness.
- Everyone must report and address any discrimination they witness or experience, and NextSense will take appropriate steps to address concerns and ensure a safe environment for everyone.

3.7 Use of Drugs, Alcohol and Other Illicit Substances

3.7.1 Illicit substances and prohibited drugs

- Staff must not attend work, commence or return to work, while under the influence of alcohol and/or drugs.
- Staff must refrain from carrying out their duties under the influence of any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others.
- Staff must not manufacture, possess, distribute, sell, purchase, use or consume illegal drugs in the workplace. Such conduct constitutes serious misconduct and may result in summary termination of employment or cessation of engagement with NextSense. It may also constitute a criminal offence, in which case, NextSense may notify the police or other government authority.

3.7.2 Smoking and Vaping

- Smoking or vaping is not permitted at any of NextSense workplaces.
- Staff members who smoke or vape, must use designated smoking or vaping areas outside of NextSense workplaces and be mindful of complying with any smoking area restrictions.
- Smoking or vaping during work related activities (for example during meetings, including online meetings) is strictly prohibited. Engaging in such activities may constitute misconduct resulting in disciplinary action.

3.7.3 Prescription and Pharmacy Drugs

- Where a Staff member is taking prescription or pharmacy drugs for medical purposes, the Staff member will not be in breach of this Code, by attending work, if the Staff member:
 - Takes the prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
 - Does not misuse or abuse the use of prescription or pharmacy drugs;
 - Ensures they are able to perform their work effectively, competently and safety;
 - Informs themselves of the impact of the consumption of alcohol with prescription and pharmacy drugs and they limit consumption accordingly; and
 - checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles, operate machinery and safely perform their normal work duties. If a Staff member's ability to perform work competently, efficiently and safely is affected, the Staff member should obtain this advice in writing from the medical practitioner, or pharmacist, and provide it to their Manager or supervisor as soon as possible and before undertaking their work.
- If NextSense suspects that a Staff member's ability to safely perform work is affected, NextSense may take steps to address the issue in accordance with this Code.

3.7.4 Consumption of alcohol

- Staff are not permitted to drink alcohol in the presence of children, clients, students or at work.
- Provision of alcohol to any person under the age of eighteen (18) years of age is strictly prohibited. This may constitute serious misconduct and result in summary dismissal or cessation of engagement with NextSense. It may also constitute a criminal offence and NextSense may notify the police or other relevant government authorities.
- NextSense recognises that at some work-related functions, responsible consumption of alcohol is allowed, for example, at a Staff function, Christmas party or other stakeholder functions.
- Where the activity involves members from more than one department or relates to an event hosted by NextSense, compliance with the relevant NextSense policy, as applicable, must be met and approval in writing must be sought from the Director of People and Governance. NextSense recognises that, on occasion, such events may be attended by clients of NextSense.

- In circumstances where consumption of alcohol is permitted, the following restrictions apply at all work-related functions:
 - A Staff member drinking alcohol must consume alcohol responsibly
 - Staff members must not become intoxicated. Drunkenness does not diminish a Staff member's responsibility for misconduct or otherwise excuse any behaviour that is inconsistent with the expectations outlined in this Code.
 - Staff members must uphold an appropriate standard of behaviour at all times, consistent with this Code and other NextSense policies and procedures.
 - Staff members must ensure a safe means of transportation from work-related functions where alcohol is consumed. Staff members are reminded about the dangers of driving under the influence of alcohol and NextSense encourages Staff to use alternative transport. Staff must not drive any vehicle if they are over the legal blood alcohol limit for driving.
 - If a Staff member is required to return to work, or continue working after the work-related function, and the consumption of alcohol could adversely affect their ability to perform their work effectively and safely, consumption of alcohol by those Staff is not permitted.
 - If a Staff member breaches this Code at a work-related function, and acts inappropriately, the Staff member may be subject to disciplinary or other appropriate action.

3.8 Reporting and Disclosure Obligations

3.8.1 Mandatory Reporting of Child at Risk of Harm

- All Staff, irrespective of whether they are engaged in child-related work at NextSense, are deemed mandatory reporters pursuant to the *NextSense Safeguarding Policy POL00001* and must report any concerns in relation to the safety, welfare or wellbeing of a child, in the context of their employment, to their Manager or their delegate as soon as practicable after becoming aware of the information.
- There are specific State and Territory based legislation with respect to mandatory reporting requirements in each jurisdiction in which NextSense operates. Staff are required to comply with Mandatory Reporting obligations arising under the legislation and as set out in the *Mandatory Reporting Procedures PRD00001*. The Manager or their delegate must ensure they and their staff comply with all mandatory reporting obligations pursuant to specific State and Territory based legislation.

- Failure to comply with the Mandatory Reporting obligations is a serious breach of this Code and may result in disciplinary/appropriate action which may include termination of employment or cessation of engagement with NextSense.

3.8.2 Reporting Criminal Matters Relating to Child Abuse

- The legislation in each State or Territory in which NextSense operates, requires reporting to the relevant police authority any information held by a person that relates to an actual or possible child abuse offence. This includes sexual abuse, serious physical abuse or extreme neglect of a child. All Staff must comply with the reporting obligations set out in *Mandatory Reporting Procedures* PRD00001.
- Where the information arises in the context of work (for example if there is a disclosure of possible child abuse by a child or another person or if the information relates to a child, student or client of NextSense who is a child), the information must be reported to the Manager as soon as reasonably practicable for reporting to the relevant statutory bodies.
- Any suspected child abuse offence that has not arisen in the context of work must be reported by the Staff member to the Police in accordance with their legal obligations arising under applicable legislation in the State or Territory in which they work.
- Nothing in this document or related policies and procedures, restricts a member of Staff to make their own report to police.
- Concealing a child abuse offence or failing to protect a child from sexual abuse (in certain circumstances) is a criminal offence under the applicable criminal legislation in the State and Territory in which NextSense operates. In some circumstances, engaging in such conduct may also trigger additional reporting obligations and workplace investigation under applicable Reportable Conduct Scheme.

3.8.3 Mandatory Staff Disclosures Relating to Child Protection

- Staff must report to their Manager or the relevant member of the Senior Leadership Team, as soon as reasonably practicable:
 - Any charges, convictions or allegations of Reportable Conduct involving any Staff member;
 - Any information about a Reportable Incident or allegation of a Reportable Incident involving any Staff member;
 - If they are charged or convicted of an offence relevant to working in child-related employment, or if they have had any reportable allegation made against them in the context of Reportable Conduct or Reportable Incident;

- Any information or concerns about inappropriate behaviour by any Staff member that involves a child, client or a student, regardless of whether that behaviour occurred inside or outside of work;
- If their clearance to work with children as regulated by the applicable State and Territory in which they work for NextSense, has expired or is subject to any restrictions, including a bar, cancellation or risk assessment by the regulatory authority; or
- If they are subject to an Apprehended Personal Violence Order or a child protection order, howsoever named, in any State or Territory, that names a child as a protected person and/or enforces restrictions on the Staff member with respect to their interaction with a child or children.

3.8.4 NDIS Reporting Obligations

- NextSense has an obligation to implement and maintain an Incident Management System and notify the NDIS Commission of Reportable Incidents in accordance with the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* made under the *National Disability Insurance Scheme Act 2013* (Cth).
- Staff are required to report any Reportable Incident or information about any potential Reportable Incident to their Manager or a member of the Senior Leadership Team as soon as reasonably practicable in accordance with the *Mandatory Reporting Procedures* PRD00001.
- A failure to report any actual or potential Reportable Incident is a serious breach of this Code and may result in disciplinary/appropriate action which may include termination of employment or cessation of engagement with NextSense.

3.8.5 Record Keeping

- Staff must maintain appropriate and accurate records and data in relation to their professional practice in the care and protection of children, students, vulnerable people and clients. Records can include assessment records, electronic documents (including digital communication records), correspondence, statements, records of interviews, case notes, behaviour management plans and notifications to statutory bodies.
- Staff must maintain contemporaneous records of disclosure, observations or reports regarding a child protection or Reportable Incident matter, or any alleged breach of professional standards as stipulated in this Code.
- The records must be retained securely and confidentially as required by NextSense and guidance from the Manager.

3.9 Electronic Information and Communication Technology (ICT)

3.9.1 Appropriate use of ICT System

- Staff must comply with all relevant NextSense policies and procedures relating to the use of ICT.
- NextSense issued email accounts should be used for all professional and work-related communications. Such accounts and servers remain the property of the NextSense.
- NextSense reserves the right to deploy filtering, monitoring and/or logging on to the ICT infrastructure and any devices connected to the network.
- When using NextSense ICT infrastructure including servers, accounts and devices, it is expected that Staff will:
 - Exercise good judgment;
 - Use appropriate language, images and/or audio content;
 - Not upload, download, send, circulate, display or respond to any child abuse material, sexually related or pornographic messages, violent or hate-related messages or material, threatening or harassing messages or material, racist or other offensive messages or material, or messages or material related to illegal activities;
 - Communicate with children, students and clients in a manner consistent with their role and responsibilities and in relation to work related matters;
 - Report any situation where they become aware of the inappropriate use of ICT by another member of Staff; and
 - Not attempt to circumvent filtering, monitoring and/or logging rights of NextSense.
- Staff are reminded that:
 - NextSense, in accordance with its Policies and Procedures, reserves the right conduct an internal audit of its computer network, internet access facilities, computers and other ICT equipment, or commission an independent audit, if deemed necessary, which includes accessing any stored content and all aspects of use, including emails.
 - Staff are provided with unique passwords which must not be shared with others.
 - Any information stored, received, communicated, or sent on NextSense information systems and servers is the intellectual property of NextSense.

3.9.2 Appropriate Use of Social Media

- Staff must comply at all times with the obligations outlined in the *NextSense Social Media Policy* POL00008.
- NextSense recognises the importance of ensuring that Staff who use social media tools in their personal capacity are clear as to NextSense's expectations.
- Staff must not use social media or digital communication in a manner which would bring NextSense into disrepute.
- When using social media and/or other digital platforms for communication, Staff are expected to exercise good personal judgement and note the following expectations:
 - Staff are responsible for what they post on their personal social media platforms as well as on NextSense social media platforms as well as communication on any other digital platform (including telecommunication and emails).
 - If a member of Staff comes across feedback about NextSense, its Staff, client, students or stakeholders that is assessed as important, they should notify their Manager, or a member of the Senior Leadership Team, as appropriate.
 - NextSense respects its Staff's entitlement to the freedom of expression, however, colleagues, managers, supervisors, often have access to the online content a member of Staff may post. Keep this in mind when publishing content online that can be seen by more than family and friends and know that information originally intended for family and friends can be forwarded on. Staff must never disclose non-public or confidential information about NextSense, students, clients or members of Staff, on any platform or through any means, unless it is expressly authorised for a work-related purpose by NextSense.
 - Staff must be respectful of all individuals and communities with which they interact online. Staff must not use social media, telecommunication or other digital means to air the differences between Staff in an inappropriate manner. Any such disputes should be handled in accordance with the *NextSense Grievance Policy* POL00104.
 - The use of social media tools is prohibited on any mobile device or other company property owned by NextSense unless authorisation has been obtained.

3.9.3 Appropriate and responsible use of Artificial Intelligence

- Staff must comply with NextSense Artificial Intelligence (AI) Policy with respect to use of AI, including obligations relating to privacy, security,

intellectual property and the protection of confidential and sensitive information.

- When using approved AI tools, systems and data, Staff must ensure that all use is in a responsible, lawful and ethical manner.
- AI may only be used for approved business purposes within authorised platforms and with appropriate Staff oversight.
- Staff must not rely on AI to make decisions that carry legal, financial, safety, service quality or reputational risk, and must promptly report any suspected misuse, errors, or risks arising from AI-generated outputs.
- Staff are responsible for the content they create or use with AI and must ensure that all use aligns with NextSense values, professional standards and legal obligations.

3.9.4 Appropriate use of Facilities and Resources

- Staff must use NextSense facilities, equipment and resources economically and ethically and only for their intended purpose.
- Staff are fully accountable for the use of NextSense worktime and resources and must not use these resources for an outside interest, secondary employment, personal gain or misuse.
- Staff must report to their Manager any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration and accountability.

3.10 Communications and Reporting

3.10.1 Staff must report to NextSense, where they believe, they or anyone within their workplace, has breached NextSense policies, directions or guidelines, including this Code.

3.10.2 Staff must use all forms of communication, including social media, responsibly and appropriately and in line with the expectations outlined in this Code.

3.10.3 Staff must maintain confidentiality and privacy where required.

3.10.4 Staff have a duty to report to NextSense any illegal or improper conduct including child abuse and pornography, corrupt or fraudulent conduct or inadequate administration or accountability.

- 3.10.5** All matters pertaining to child protection concerns must be reported in accordance with the NextSense Safeguarding Policy POL00001 and its related Procedures. Failure to do so may result in disciplinary action.
- 3.10.6** In the first instance, reports can be made to the Manager or an appropriate member of the Senior Leadership Team, as soon as possible.
- 3.10.7** If a Staff member is concerned that they may suffer reprisal or detrimental treatment as a result of making a disclosure, they may make a disclosure in a safe and confidential environment in accordance with the NextSense Whistleblower Policy.

3.11 External Engagements

- 3.11.1** Staff must ensure that any request to speak at an external forum (including conferences, seminars, external networking events and external panels) receives prior approval from their Manager and the relevant member of the Senior Leadership Team. In some instances, it may be appropriate for another person to represent NextSense in the external forum.
- 3.11.2** Speaking at external forums requires notification to the NextSense Communications Team.
- 3.11.3** Staff must ensure that speaking at an external forum does not distract from the performance of the Staff member's usual duties and does not bring the reputation of NextSense into disrepute.

3.12 Public Commentary

- 3.12.1** Enquiries from the media must be forwarded immediately to the Director of Marketing & Communications and/or to the Head of Communications and Public Relations or their delegate and to their Manager.
- 3.12.2** All public comments are guided by the NextSense Media Relations Policy (POL00067).
- 3.12.3** Staff must not make or publish inappropriate or disparaging public comments about NextSense, including on their personal social media.

3.12.4 NextSense operates from an apolitical perspective. Staff involved in public communications on behalf of the organisation must ensure that the communications released are consistent with an apolitical perspective.

3.12.5 Staff must ensure that any political comment which they make in a personal capacity is not attributed to NextSense or attributed to their role within the organisation.

3.13 Identifying and Managing a Conflict of Interest

3.13.1 A conflict of interest includes any circumstance, whether actual or perceived, arising from a conflict between the performance of the Staff member's professional duties with NextSense and their personal interests.

3.13.2 Staff must take appropriate steps to disclose a conflict of interest (or a potential conflict) to their Manager or to a member of the Senior Leadership Team, as soon as they become aware of it and use the NextSense Conflict of Interest Policy as a guide.

3.13.3 Personal Relationships Between Staff

- Staff must ensure that their role at NextSense is not impacted by any competing, conflicting or outside interest including any personal, relational, filial or otherwise.
- Staff are required to disclose any personal relationship with another Staff member where they think there is a conflict of interest or where there might be a perception of a conflict of interest. In such circumstances, Staff are required to outline to the relevant member of the Senior Leadership Team any actual or perceived conflict of interest that the relationship between two staff members may cause and their plan for mitigating the conflict.
- It is expected that Staff will work in an objective and impartial manner and be seen to do so. Staff must not succumb to improper pressure that may affect, or be perceived to adversely affect, their ability to fulfil their professional obligations to NextSense.

3.13.4 Gifts and Benefits

- NextSense acknowledges that the giving and receiving of gifts, benefits and hospitality is not uncommon for Staff and can form part of building professional relationships, welcoming guests, celebrating achievements or as a token of appreciation.

- The giving and receiving of a gift, benefit or hospitality must be done in an ethical manner to not only protect the reputation of NextSense, and its Staff, but also to avoid a conflict of interests (actual or perceived).
- Staff must not solicit or accept, directly or indirectly, any gift, gratuity, benefit or favour, that might reasonably be seen to either directly or indirectly compromise or influence their professional duties with NextSense and/or call into question the ethics and integrity of the Staff member.
- Gifts or hospitality offered as an inducement to purchase, provide information or treat someone favourably are not acceptable regardless of their monetary value.
- Any offer of a gift or benefit should be notified to the People & Governance Directorate for appropriate action which will be guided by *NextSense Gifts Policy* (POL00033).

3.13.5 Secondary Employment

- Staff working for NextSense on a full-time or part-time basis must seek and obtain approval in writing from NextSense prior to engaging in any secondary employment or business activity by using the **Application Form for Approval for Secondary Employment**.
- Casual Staff must also seek approval to undertake secondary employment from NextSense if the employment may result in conflict of interest that could adversely impact on the staff member's ability to perform their duties with NextSense, or where the secondary employment may affect NextSense financial position, services, clients or standing in the community.
- Approval for secondary employment is still required when Staff are on leave, including during periods of leave without pay. Staff granted approval to undertake secondary employment must not solicit clients or potential clients of NextSense to receive comparable services from another provider or the Staff member in their capacity of undertaking the secondary employment.
- Failure to seek approval in writing from NextSense prior to commencement of secondary employment or failure to comply with the conditions of approval, once approval is granted, may be in breach of this Code, and inconsistent with the employment/engagement conditions with NextSense, resulting in appropriate disciplinary action.

3.14 Confidentiality

- **3.14.1** Staff must maintain confidentiality in relation to any matters of a sensitive, child protection or health service-related nature and treat confidential and personal

information about clients, students, their families, other Staff, or NextSense respectfully and only communicate such information to those who need to know in order to perform their professional role in accordance with the Privacy Policy (POL00011).

3.14.2 Staff must comply with relevant laws and regulations regarding the collection, dissemination, use and security of all such information. Sharing of confidential and personal information with external persons or agencies may only occur within the established guidelines and delegations for sharing of such communication and in accordance with any relevant legislation relating to the provision of such information.

3.15 Victimization

3.15.1 Staff must not take detrimental action (actual or reasonably perceived) against a complainant or person who reports information as required by legislation, this Code or other relevant policies and procedures. To do so may be regarded as serious misconduct and may result in disciplinary action.

3.15.2 Under child protection legislation in some States and Territories in which NextSense operates, Staff are protected from liability (including civil, criminal or disciplinary action) if a person, acting in good faith, reports or provides any information in accordance with the law or to ensure legal compliance.

3.16 Lawful Compliance and Consequences of Breach of the Code

3.16.1 Staff must act lawfully and comply with all legislative, contractual and industrial requirements while employed or engaged by NextSense.

3.16.2 Staff must also comply with NextSense policy documents and follow all reasonable and lawful directions given by NextSense.

3.16.3 Breach of the Code

- Staff hold a position of trust and are accountable for their actions or inactions. A breach or an alleged breach of this Code may require investigation in accordance with rules of procedural fairness consistent with the *Fair Work Act 2009* (Cth), the specific State and Territory based legislation in respect of child protection matters and the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework in respect of reportable incidents. Matters relating

to child protection concerns will be dealt with in accordance with the *NextSense Safeguarding Policy* POL00001 and its related Procedures.

- Failure to comply with the responsibilities and obligations required by legislation or this Code may result in disciplinary action, which may include (but is not limited to) immediate termination of employment, termination of contractor agreement, notification of alleged breach to external agencies and/or result in criminal prosecution. There are various factors that NextSense may consider when deciding what action to take for a sustained breach of the Code. This includes, but is not limited to, taking into consideration:
 - The seriousness of the breach;
 - The likelihood of the breach occurring again;
 - Whether the breach has occurred more than once;
 - Any risk (actual or perceived) to Staff, children, vulnerable people and others; and
 - Whether the breach would be serious enough to warrant formal disciplinary action.
- Whilst different arrangements for engagement may apply for affiliates, volunteers, contractors, tertiary students and trainees, they are still expected to conduct themselves in accordance with the principles underpinning this Code. Although affiliates, volunteers, contractors, tertiary students, and trainees are not usually subject to disciplinary action by NextSense, conduct that is assessed as being a potential or actual breach of this Code (including where allegations of breach arise) may result in notification of the matter to their employer (where relevant), their engagement being terminated and/or criminal prosecution, where applicable.

Part 4 – Definitions

Term	Definition
Affiliate	A person employed by an external entity who is formally affiliated with NextSense to conduct work as required by NextSense (for example Children’s Hospital Staff).
Child/Children	Means a person under the age of 18 years.
Manager	Means a workplace manager or supervisor, or their delegate, as appropriate.
Mandatory Reporting	Means legislated reporting obligations with respect to the safety and wellbeing concerns about a child or a class of children and child abuse matters to relevant statutory bodies in the applicable State and Territories. This extends to mandatory reporting requirements for potential criminal matters to the applicable State, Territory or Federal police.
Reportable Conduct	Means any allegation that is captured within the Reportable Conduct Scheme in New South Wales and Victoria, as applicable to NextSense and its Staff and reportable to the Office of the Children’s Guardian NSW (OCG) and the Commission for Children and Young People (CCYP) in Victoria, respectively. As it is an allegation-based scheme, findings that the alleged conduct did in fact occur is not required for the purposes of NextSense reporting the allegation
Reportable Incident	Pursuant to section 73Z(4) of the <i>National Disability Insurance Scheme Act 2013</i> (Cth) a reportable incident is an incident that occurs or is alleged to have occurred in connection with the provision of supports or services by a registered NDIS provider and includes: <ul style="list-style-type: none"> ▪ The death of a person with disability; ▪ Serious injury of a person with disability; ▪ Abuse or neglect of a person with disability; ▪ Unlawful sexual or physical contact with, or assault of, a person with disability; ▪ Sexual misconduct committed against, or in the

	<p>presence of, a person with disability, including grooming of the person for sexual activity; or</p> <ul style="list-style-type: none"> ▪ The use of a restrictive practice in relation to a person with disability, other than where the use is in accordance with an authorisation (however described) of a State or Territory in relation to the person. <p>Reportable Incident also captures allegations of the incidents described above.</p>
Sexual Misconduct (NDIS Code of Conduct)	<p>Consistent with the NDIS Code of Conduct, sexual misconduct includes, but is not limited to, inappropriate behaviour such as:</p> <ul style="list-style-type: none"> • Asking the person on a date • Touching any part of a person’s body in a sexual way • Touching a person in a way they do not wish to be touched • Displaying their genitals to the person • Coercing, by pressuring or tricking, a person to engage in sexual behaviours or acts • Making sexual or erotic comments to the person (in person or in any other digital format, including images, written and audio) • Making sexually suggestive comments or jokes • Intentionally staring at a person in a way that makes them feel uncomfortable • Making comments about a person’s sexuality or appearance • Making requests of a sexual nature • Showing content to the person that is sexual in nature <p>Ignoring or encouraging sexual behaviour between people with disability that is non-consensual or exploitative</p>
Staff	Includes paid employees (whether employed on a permanent, temporary or casual basis), affiliates, volunteers, contractors, tertiary students, and trainees.

Victimisation	Victimisation occurs when a person hassles or treats another person unfairly or differently because that person has made a complaint or a grievance or provided information for a complaint or grievance. Victimisation is against the law under various applicable legislation in Australia.
Vulnerable people	Means a child, or a person above the age of 18 years, who is, or may be in need of care services, or unable to take care of themselves, or protect themselves from harm or exploitation by reason of age, illness, trauma, disability, or any other reason. The definition, for the purposes of this policy, includes a person with disability who requires no or minimal additional supports to ensure they can access general safeguards to an extent equal to other members of the community.
Hate Speech	As defined by section 93ZAA of the <i>Crimes Act 1900</i> (NSW).

Part 5 – Related Documents

This policy document should be read in conjunction with:

Internal Related Policies and Procedures:

- [NextSense Respectful Workplace Policy](#) POL00055
- [NextSense Gifts Policy](#) POL00033
- [NextSense Conflict of Interest Policy](#) POL00102
- [NextSense Grievance Policy](#) POL00104
- [Mandatory Reporting Procedures](#) PRD00001
- [NextSense Media Relations Policy](#) POL00067
- [Privacy Policy](#) POL00011
- [Recruitment and Selection Policy](#) POL00026
- [Reportable Conduct Procedures New South Wales](#) PRD00002
- [Reportable Conduct Procedures Victoria](#) PRD00069
- [NextSense Safeguarding Policy](#) POL00001
- [NextSense Whistleblower Policy](#) POL00032
- [NextSense Social Media Policy](#) POL00008
- Statement of commitment to the safety of children and vulnerable people
- [Work Health and Safety Policy](#) and Procedures

Any other applicable NextSense Policy and Procedures document

Legislation:

- *Children (Education and Care Services) National Law 2010*
- *Disability Discrimination Act 1992 (Cth)*
- *Fair Work Act 2009 (Cth)*
- *National Disability Insurance Scheme Act 2013 (Cth)*
- *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018*
- *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018*
- *National Disability Insurance Scheme (Code of Conduct) Rules 2018*
- *Privacy Act 1988 (Cth)*

NSW

- *Anti-Discrimination Act 1997 (NSW)*
- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Children's Guardian Act 2019 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Education Act 1990 (NSW)*
- *Work Health & Safety Act 2011 (NSW)*

VIC

- *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Bill 2021 (Vic)*
- *Child Wellbeing and Safety Act 2005 (Vic)*
- *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)*
- *Children Youth and Families Act 2005 (Vic)*
- *Crimes Act 1958 (Vic)*
- *Disability Act 2006 (Vic)*
- *Occupational Health and Safety Act 2004 (Vic)*

QLD

- *Anti-Discrimination Act 1991 (QLD)*

- *Child Protection Act 1999* (QLD)
- *Criminal Code Act 1899* (QLD)
- *Work Health & Safety Act 2011* (QLD)

ACT

- *Children and Young People Act 2008* (ACT)
- *Crimes Act 1900* (ACT)
- *Discrimination Act 1991* (ACT)
- *Work Health & Safety Act 2011* (ACT)

NT

- *Anti-Discrimination Act 1992* (NT)
- *Care and Protection of Children Act 2007* (NT)
- *Criminal Code Act 1983* (NT)
- *Work Health and Safety (National Uniform Legislation) Act 2011* (NT)

Part 6 - Policy Status and Details

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Part 7 - Revision History

Revision Date	Version No.	Amendment Type	Change	Reference Sections
13.12.2022	5.0	Major	New Policy – replacement	All
3.10.2025	5.1	Minor	Structural updates, minor amendments to provisions	3.1.1, 3.2, 3.3, 3.5.4, 3.6, 3.9, 3.10, 3.12.4