

<b>Policy Adopted by Board</b>	
Policy Name	<b>Responsible Conduct Policy - Public</b>
Version number	4.0
Policy date	December 2023
Date to be reviewed	December 2026
Responsibility	CEO with delegation to Executive Manager Public Participation
Related YPRL Policies and Procedures	Employee Code of Conduct Closed Circuit Television (CCTV) Surveillance Policy Internet Access Policy Privacy Policy Child Safety and Wellbeing Policy Unattended Children Procedure Social Media Policy Incident Management and Reporting Procedure Responsible Conduct Procedures

## Purpose

The purpose of the Responsible Conduct Policy (the Policy) is to contribute to Yarra Plenty Regional Library (YPRL) Service being:

- a safe place
- a welcoming place
- a respectful place, where:
  - needs and interests can be pursued freely.
  - people show due regard to the needs, sensitivities, and rights of others.
- a place where collections, services and programs are inclusive of people where we support the rights of all people regardless of age, gender, ability or background.

YPRL actively supports the substantive rights outlined in the [Charter of Human Rights and Responsibilities Act 2006 \(Vic.\)](#), notably those of relevance to the role and function of public libraries including freedom of thought, conscience, religion and belief, freedom of expression, taking part in public life and cultural rights.

The Policy defines the commonplace standards of behaviour on which fulfilment of this purpose depends and establishes how YPRL staff respond when these standards are not observed.

YPRL staff are empowered to determine whether or not behaviour is unacceptable for the purposes of the policy.

## Scope

The Policy applies to:

- Council premises assigned to YPRL to deliver library services from and anybody occupying those premises.
- YPRL Mobile Library and Outreach vehicle and anybody occupying the Mobile Library
- Communication with YPRL staff conducted from outside YPRL premises, by mail, telephone, email, other Internet service or any other means.

## Related Legislation

The Policy is supported by:

- Internet Access Policy
- *Privacy and Data Protection Act 2014 (Vic) (PDP Act)*
- Child Safe Standards 2022
- Charter of Human Rights and Responsibilities ACT 2006 (Vic)

## Definitions

Term	Definition
<b>Senior Officer in charge</b>	Any YPRL staff member who is designated supervisor during that shift.
<b>Inconsiderate or offensive behaviour</b>	Behaving in a way that may cause offence to a reasonable person.
<b>Infringement of security and safety</b>	Events, actions, or behaviours that harm, create risk of harm or threaten harm.
<b>Incident Report</b>	A report that is prepared following an infringement of security or when a client refuses to cooperate with staff enforcing the Policy.
<b>The Policy</b>	The Responsible Conduct Policy
<b>VPS</b>	Victoria Police Service
<b>Yarra Plenty Regional Library premises</b>	Branch libraries at Greensborough, Eltham, Ivanhoe, Rosanna, Watsonia, Lalor, Mill Park, Thomastown, Mernda and Whittlesea; any transport service operated by the YPRL and any other premises or areas that YPRL has leased, hired, or otherwise contracted to use. Surrounding common areas are subject to the Policy only if the YPRL has contracted the use of those areas.

## Policy

### Standards of behaviour

YPRL libraries welcome and are here for everyone in our communities (*YPRL Library Plan first principle*).

This Policy reflects YPRL's values of inclusion and acceptance and is underpinned by the [Charter of Human Rights and Responsibilities Act 2006 \(Vic.\)](#), notably the role and function of public libraries including freedom of thought, conscience, religion and belief, freedom of expression, taking part in public life and cultural rights. This is applied through the observance of two commonplace standards of behaviour:

- that the security and safety of people or property is not infringed.
- that due regard is shown for the needs, interests and rights of others.

Failure to observe these standards is considered unacceptable.

### Inappropriate conduct

#### Inconsiderate or offensive behaviour:

This is including, but not necessarily limited to:

- communication that causes offense or disturbance to others;
- displaying material to other members the public that is offensive, objectionable or illegal, such as pornography, expressions of racial hatred, and representations of violence;
- being noisy in designated quiet areas (including receiving and conducting telephone or online calls);
- personal hygiene or appropriate dress reflective of community norms and compliant with any Occupational Health and Safety (OH&S) requirements;
- canvassing or hawking;
- interference with personal property;
- abuse of YPRL property, or behaviour that puts YPRL property at risk, including misuse of furniture and eating or drinking in non-designated areas;
- abuse of YPRL systems and processes (e.g. deliberately misfiling library material, circumventing booking systems).
- refusal to comply with any government mandated regulations (such as during a state of emergency).
- YPRL is a child safe organisation and has zero tolerance for child abuse or neglect.
- Consumption of alcohol is not permitted except for an authorised program or event.

### Response to inconsiderate or offensive behaviour

The initial response to inconsiderate or offensive behaviour is to encourage the person responsible to behave in a more considerate manner. Ejecting a person from YPRL premises or terminating communication with YPRL staff conducted from outside YPRL premises is a last resort, only ever warranted after conciliatory approaches have failed, or in response to infringements of security.

#### Initial response

With reference to the detailed description in the Responsible Conduct Procedures document, the response of YPRL staff to inconsiderate or offensive behaviour is to:

- Respectfully point out the possible adverse impacts of the client's behaviour on others;
- support the person in using the YPRL effectively.

## **Second response and ejection**

A person on YPRL premises whose behaviour is unacceptable, and who fails to heed initial approaches by YPRL staff, will be informed by the Branch Manager or the senior officer in charge that under the Policy they will be ejected from the premises.

When a person is being ejected from YPRL, the person is told (by the Branch Manager or Senior Officer in charge) why they are being ejected, that the ejection is occurring under the Policy and that they will not be permitted to re-enter YPRL premises until the next day.

**Infringing the security and safety** of people or property includes:

- events, actions or behaviours that harm, create risk of harm or threaten harm, including intimidation and harassment;
- theft or malicious damage of property, including personal property and the property of YPRL;
- trespass, including unauthorised entry to non-public areas and unauthorised access to YPRL information systems.

## **Response to infringements of security and safety**

YPRL staff are required to refer all apparent infringements of security to their Manager and then complete an incident report.

## **Photography and filming in YPRL premises**

To ensure the safety and wellbeing of other library patrons, filming and photography are prohibited in YPRL libraries without prior approval. When permission has been given, filming or photographing another person without their consent is prohibited. Any person who is found to be photographing or filming on library premises without permission will be asked to cease and if this request is refused will be ejected from the premises.

## **Termination of communication with YPRL staff conducted from outside YPRL premises**

A person who behaves unacceptably in communicating with YPRL staff from outside YPRL premises (by being abusive, for example) will be informed that communication will be terminated unless the behaviour ceases. Communication will be immediately terminated unless the person complies.

### Incident Report

An Incident Report should be completed following any of the circumstances described above.

In the case of a client leaving the premises prior to Branch Manager's involvement and ejection, staff should complete an Incident Report.

## **Authority**

The authority to initiate the ejection of a person from YPRL premises under the Policy is delegated to the Branch Manager or most senior officer available.

Authority to terminate communication by any person from outside YPRL premises under the Policy is delegated to all staff.

## **Bans**

### **Grounds**

A person may be banned from entering YPRL premises or communicating with YPRL staff from outside YPRL premises on the following grounds:

- infringements of security or safety;
- they have been the subject of multiple Incident Reports or had communication with YPRL staff from outside YPRL premises terminated three times within a 6 month period;
- A person may be banned only on condition that their identity can be positively established.

**Note that** Branch Manager Reports with reference to YPRL clients may be taken into consideration by the CEO regarding the issuing of a ban.

## **Authority**

The CEO has the authority to issue bans for up to four (4) weeks and YPRL will notify the relevant council about the ban. Any behaviours that the CEO considers worthy of a ban longer than four (4) weeks will be issued in consultation with the relevant member council.

## **Consequences**

A person who has been banned may be issued with a letter on the premises or may be informed by registered letter of the ban. The letter will include a summary of incidents leading to the ban, the basis of the ban in policy, the duration of the ban and appeal rights and procedures.

The duration of a ban is at the discretion of the CEO or ELT member and is determined by circumstances leading to the ban and whether the banned person has been previously warned or banned.

A banned person who is seen on YPRL premises will be immediately asked to leave by the Branch Manager or most senior officer available.

Entering or attempting to enter YPRL premises during the term of a ban is grounds for extending the ban.

## Appeals

A person who has been banned may appeal to the CEO to reduce the duration of the ban. The CEO may delegate consideration of the appeal of the ban to an ELT member but not to the ELT who originally issued the ban.

The determination of the appeal will be made by consideration of the available Incident Reports and records, and any case put forward by the person seeking the review.

The appeal should be settled within 1 week of its receipt and client informed of the outcome as soon as is practicable.

A person who has been banned may also escalate their case to the [Victorian Human Rights Commission](#). Information regarding the appeals process will be included in the letter issued to the person who has been banned.

## Register of bans

A register of current bans is maintained and kept at YPRL Library Support Services (LSS) offices. It may be viewed on request by library service staff. The Register may include a copy of the ban notice and other information identifying banned people, including photographs.

## Protection of Yarra Plenty Regional Library Property

YPRL may seek restitution for serious damage to, or theft of YPRL property resulting from apparently intentional or reckless actions.

## Information privacy

Under the State Government's *Privacy and Data Protection Act 2014 (Vic)* and its own Freedom of Information Statement, YPRL is committed to protecting the privacy of clients.

Formal records are made of infringements of security or a clients' refusal to cooperate with staff enforcing the Policy. These records serve the enforcement of the Policy, and inform improvement of the Policy, related Procedures and staff training.

A record made in the enforcement of the Policy is treated as confidential and subject to strict controls:

- Records are registered in YPRL's central files
- Records are made available within YPRL only for purposes related to the enforcement of the Policy and only with the sanction of the CEO or an ELT. Incident Reports are routinely distributed to:
  - Executive Leadership Team members
  - Branch Managers
  - OH&S Committee

- Records are made available outside YPRL only with the specific permission of the Yarra Plenty Regional Library CEO and only if this is required under law, is reasonably necessary for the enforcement of the criminal law, or there are reasonable grounds for believing that any person's life or health would be put at risk by not disclosing the information.
- Members of the public have access to their personal records created in the enforcement of the Policy in accordance with the Information Privacy Act 2000.

YPRL staff will discuss and disclose information about individual's conduct only when reporting incidents or debriefing with supervisors or managers.

## **Training and Development**

This Policy will be included in the induction pack supplied to YPRL staff upon commencement. Managers will ensure staff training is offered each year about this Policy.

## **Responsibilities**

The Responsible Conduct Policy and Procedures will be reviewed every three years, to ensure a shared understanding of the policy and procedures and to ensure most effective application of the policy at YPRL.

**[END OF RESPONSIBLE CONDUCT POLICY – PUBLIC 2023]**