Chapter 10. Professional Conduct and Discipline

10.1 Introduction
This Chapter outlines the policy and procedures members of the profession of military advocates will implement. The code applies to all ATDP Members when practicing as an advocate, and is additional to the ATDP-specific code of conduct in Library 4, Chapter 2.

The SGB Chair has advised that the policy and procedures are also to be observed by non-Government members of the Strategic Governance Board.

As with all content of the Policy and Procedures Manual, CoP/VC/ESOs are encouraged to adopt the policy and procedures in this Chapter.

10.2 Characteristics of a Profession
A profession has the following characteristics:

- defined body of knowledge,
- education programmes that incorporate formal assessment,
- formal code of ethics,
- members have control over their work, and
- professional association.

ATDP meets the definition of a profession, except for formal association. It is up to advocates, trainers, mentors, workplace supervisors, and assessors to ensure that advocacy services are delivered in a professional manner.

10.3 Professional Advocate
There are as many lists of the qualities of a professional as there are leadership and management gurus. In alphabetical order, the qualities that a professional military advocate will demonstrate include:

- Active collaboration with fellow advocates.
- Actively expanding knowledge and skills.
- Committed service to the ‘Defence Family’.
- Determination and persistence.
- Flexibility and adaptability.
- Integrity and commitment to ethical behaviour.
- Probity in linking client’s conditions and needs with legislated entitlements.
- Professional work ethic.
- Technical competency.
10.4 Professionalism
As discussed in Library 3, Chapter 4, professionalism is a shared value that manifests in the attitudes and aspirations that drive the profession of military advocacy. Amongst other things, the ethos of professionalism focuses military advocates, mentors, workplace supervisors and assessors to:

- within the legislation and policy, striving for the best possible outcome for the Defence Family; and
- accepting personal responsibility for actions and outcomes; and
- being a totally trustworthy member and representative of the profession of military advocates at all times; and
- learning from one’s own and others’ failure, as much as from success.

10.5 Code of Conduct
As the core of their professional behaviours, Advocates, Mentors and Candidates are expected to voluntarily abide by the Code of Conduct at Annex A.

The purpose of the code of conduct is to:

- identify the values and ethics that underpin professional veterans’ advocacy practice;
- provide a guide and standard for professional advocacy conduct and accountable service delivery;
- provide veterans advocates with a foundation for ethical reflection and professional decision making;
- guide veterans advocates when determining their reciprocal rights with their ESO/VSC/YVO, colleagues and ATDP as a Government-funded Program;
- link veterans advocates’ professional standards with the VITA Protocols for professional indemnification insurance; and
- hold members accountable for their ethical practice and act as a basis for investigation and adjudication of formal complaints about unethical conduct.

10.6 Key Responsibilities
CFMG and RIG members, learning facilitators and especially mentors are the key to inculcating professional conduct by candidates and advocates.

Their key actions follow:

- The CFMG will promulgate the military advocacy ethos.
- The NTM will ensure ATDP learning facilitators set an example of professional behaviour and compliance with the code of conduct.
- National Training Team Learning Facilitators will ensure that candidates:
  - are aware of the advocacy vision and ethos, and
  - build compliance with the Code of Conduct into their practice.
Mentors will include the Code of Conduct in advocates’ CPD programs.

Regional Managers will ensure that VC/ESO executives are aware of the code of conduct, and are prepared to:
- ensure their advocates comply with the code, and
- cancel an advocate’s authorisation to practice in the event of serious or repeated offences.

### 10.5 Infractions

Except for a violation of the law such as discrimination, serious harassment or bullying, defamation or libel, the Code of Conduct is the benchmark against which an infraction is assessed.

An infraction is a serious breach of the Code of Conduct that has affected, or has the clear potential to affect:
- the reputation of military advocacy, and/or
- the delivery of advocacy services, and/or
- ATDP’s learning and development operations, and

is either:
- persistent, or
- deliberate, or
- legally significant.

### 10.6 Response to Infractions

ATDP accepts that, despite an ethos of professionalism, errors of commission will arise not only by ATDP members but also by advocates and mentors in CoP, VC and ESOs. As a ‘learning organisation’, the issue is that infractions be recognised, lessons learned by all, and similar infractions avoided in future. To ensure the lessons are learned the following process will be followed:

- the member who becomes aware of an infraction will:
  - if the person responsible: advise the person to whom they report
  - if not the person responsible: advise the member responsible

- the member receiving advice of an infraction will be:
  - for ATDP Members: either a Regional Mentor/Manager, the CFMG Chair or the SGB Chair
  - for CoP/VC/ESO members: the CoP Coordinator, VC/ESO President

- the member receiving advice will review the nature of the infraction:
  - for possible release of personal information, slander or libel:
    - report immediately and formally to the Secretariat
    - cc to the Regional Manager, CFMG Chair and SGB Chair
  - for errors of fact or interpretation:
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- ensure the responsible member is fully aware of the accurate information to be disseminated
- if appropriate, provide guidance on how errors of commission might be avoided in future
- task the responsible member to share the lessons learned with peers
- for serious or repeated infractions by an ATDP member:
  - advise the CFMG or SGB Chair, as appropriate
  - advise the Secretariat
  - for all infractions by a CoP/VC/ESO member:
    - advise the Regional Manager
    - Regional Manager reports to the CoP Coordinator, VC/ESO President

10.7 Discipline

10.7.1 Minor Breach. Accepting that almost all ATDP members are volunteers and/or members of a CoP/VSC/ESO, the following series of escalating responses to minor breaches would be used:

- Caution: oral or written depending on nature of infraction.
- Reprimand: oral or written depending on nature of infraction.
- Formal Warning in writing, advising the consequences of a further infraction.

10.7.2 Major Breach. In the event of an infraction, the following one or more of the following disciplinary actions would be used:

- For candidates:
  - removal from an ATDP training and development activity currently underway, and/or
  - disallowance from future engagement in ATDP training and development activities.

- For CoP/VSC/ESO mentors and advocates:
  - suspension from the Advocacy Register for a period appropriate to the potential or actual consequences, or
  - deletion from the Advocacy Register, or
  - recommendation to the member’s VSC/ESO that authorisation to practice be revoked, and/or
  - possible consideration by DVA of the member’s CoP/VSC/ESO eligibility for BEST Grant Funding.

10.8 Procedural Fairness

Procedural fairness must be followed scrupulously before, during and after any disciplinary action. For detailed information see:

10.9 Right of Appeal
A member that has been disciplined has the right of appeal against the decision taken by the investigating member. An appeal will be regarded as a dispute and will be heard in accordance with the procedure at Library 4, Chapter 22, Grievance and Dispute Resolution, para 22.7.

Annex A: Code of Conduct
Military Advocate’s Code of Conduct

Introduction
This code of conduct identifies the values and principles that guide the behaviours expected of accredited advocates.

Compliance with this code of conduct is a requirement for advocates to maintain their authorisation to practice.

General Principles
Advocates are required to conform to high standards of personal and professional behaviour in their dealings with members of the Defence Family, fellow advocates, Commission delegates and VRB/AAT members, DVA staff, and staff of other agencies or departments, and service providers.

Advocates are accountable. That is, they are responsible to DVA clients and answerable to their VSC/ESO/YVO for the quality, accuracy and comprehensiveness of the advocacy services they deliver. When acting on a client’s behalf, advocates must understand and comply with all applicable legislation and VSC/ESO/YVO policy and procedures.

Professional Behaviour
In all their actions, advocates must:

- cooperate with Commission delegates, VRB/AAT members, DVA and other Departmental staff, and rehabilitation and wellbeing service providers in all dealings with a client’s claim/appeal or support
- not impose political opinions or religious beliefs upon clients, colleagues or staff
- not discriminate on the basis of gender, race, ethnicity, religion, sexual orientation or social status
- not provide services or advice while under the influence of alcohol, illicit drugs, or prescription medication that may affect their cognitive ability
- treat everyone with courtesy and respect, and refrain from swearing, abuse and offensive/threatening behaviour
- not use social media or other public forums to air grievances concerning their work, VSC/ESO/YVO or the performance of Commission Delegates, VRB/AAT members, DVA or other Departmental staff, or rehabilitation and wellbeing service providers
• comply with the complaints-handling procedures detailed at Library 4, Chapter 21, and those established by their VSC/ESO/YVO
• not charge a service fee, or solicit donations, for services they are providing, other than the fee permitted in VITA Protocols for administrative costs relating directly to the handling of a case.

Practice
In providing services or advice, advocates must:
• only undertake work to the level at, and the professional discipline in, which they have been accredited under 10620NAT Course in Military Advocacy
• act on their client’s instructions; however, in doing so, act lawfully and in the best interests of the client
• in accordance with the Privacy Act 1988 keep personal information secure and not disclose information to a third party without the expressed consent of the client, unless there is a legal duty to so
• give full, accurate and truthful information to clients, the Commissions/VRB/AAT/DVA in relation to pensions, appeals, benefits and services
• create a client file and as each case progresses, maintain a log of events and include any information or advice given to the client and any notes made relating to the case
• ensure client files are accessible to another advocate if likely to be absent from the workplace for an extended period

Professional Development
Commit to:
• maintaining a reflective journal (see Library 3, Chapter 11)
• sharing lessons learned
• continuous development of knowledge and skills
• continuous improvement of professional practice
• active engagement in the ATDP CPD Program
• a self-directed program of professional reading

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1 Case notes should clearly state the name and address of the client, and include the name of the advocate and authorising VC/ESO