

CODE OF CONDUCT AND ETHICS



NSW Department of
Community Services

CODE OF CONDUCT AND ETHICS

Corporate Human Resources

NSW Department of Community Services

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May 2004

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INTRODUCTION

The role of the Department and its staff

The NSW Department of Community Services (DoCS) is the government agency primarily responsible for the protection and wellbeing of children and young people in New South Wales. We also work with government and non-government agencies as well as individuals to provide services to vulnerable families, children and young people and Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse and rural and remote communities.

As a DoCS staff member you may deal either directly or indirectly with 'vulnerable clients' often in very difficult circumstances. Therefore, achieving the best possible outcome for those clients will require a high level of dedication, skill and sensitivity from staff.

For our work to be effective, both individual clients and the community need to have a high level of trust and confidence in the Department and its staff. To develop and maintain this high level of trust and confidence, it is important that all staff members (not just those directly in contact with clients) maintain high standards and ethics in the performance of their duties. Our decisions and actions must be shaped by the core values we all share. These values are the foundation of the way we work. They are: respect, trust, openness, fairness and teamwork.

The Code of Conduct and Ethics

As New South Wales public servants, all staff members are expected to abide by the standards of conduct contained in the *Code of Conduct* issued by the Premier's Department. A copy of this document is contained in the *Personnel Handbook* for the Public Service of NSW.

In addition, all DoCS staff members must be familiar with, and observe the standards contained in, the Department's *Code of Conduct and Ethics*. The Department's *Code of Conduct and Ethics* is designed to:

- provide you with guidance about the standards of behaviour expected of you in the performance of your duties
- inform the public about the standards of behaviour they can expect from staff members when dealing with the Department.

The *Code of Conduct and Ethics* is designed to assist staff in providing clients with the best possible service and to manage and resolve workplace issues. As well as setting out the legal guidelines for complying with rules and directions, the *Code of Conduct and Ethics* encourages staff to aspire to high standards of professional and personal conduct to maintain integrity in the important work we do.

Staff members should be aware that the *Code of Conduct and Ethics* sets out a number of obligations and standards that, if breached, can lead to further action up to and including formal discipline.

Principles behind the *Code of Conduct and Ethics*

The *Code of Conduct and Ethics* is based on the following principles which require that all staff members should:

- 1 **Have respect for the law and the system of government** under which they carry out their duties of employment.
- 2 **Perform their duties with professionalism, objectivity, honesty, integrity and compassion**, and in the best interests of the people who access the services of the Department.
- 3 **Show respect for all persons** (clients, colleagues and members of the public) **and their rights**.
- 4 **Observe fairness and equity in all official dealings** with the public and with other public sector employees.
- 5 **Avoid real or perceived conflicts of interest**.
- 6 **Ensure the proper use of official information**.
- 7 **Maintain proper standards of confidentiality when considering making public comment**.
- 8 **Ensure the efficient and effective use of public resources** in the public interest.
- 9 **Report suspected corrupt behaviour** by other staff members.

Using the *Code of Conduct and Ethics*

The *Code of Conduct and Ethics* is simply a guide; it cannot address all the possible ethical challenges that you may face in your employment, therefore the Department provides more specific policies and guidelines for certain matters. You should refer to those documents as well. The Department's intranet site lists the current legislation and policy related to our work.

If you are unsure about whether the *Code of Conduct and Ethics* applies to a particular situation, or what the appropriate course of action to be adopted is, discuss the matter with your supervisor, the Manager Human Resources (HR) or the Director Corporate Human Resources.

Ultimately, all staff and senior managers of the Department need to be responsible for their own behaviour and work in an ethical way.

1 RESPECT FOR LAW AND SYSTEM OF GOVERNMENT

1.1 Knowledge of legislation and delegations

You should be aware of the Department's legislation. The Department's *Annual Report*, the Statement of Affairs produced under the requirements of the *Freedom of Information Act 1989* and the Legal Services intranet site list the legislation and policies administered by the Department.

Examples of legislation that DoCS must comply with are outlined in the following table.

For example:

- *Children (Care & Protection) Act 1987* for children's employment
- *Commission for Children & Young People Act 1998* and *Child Protection (Prohibited Employment) Act 1998* for employment screening
- *Freedom of Information Act 1989*
- *Adoption Act 2000* when providing services in relation to adoption matters
- *Children and Young Persons (Care & Protection) Act 1998* when dealing with the care and protection of children and the provision of accommodation, support or other services to children and their families
- *Community Welfare Act 1987* when dealing with general grants and disaster welfare matters
- *Community Welfare (Complaints, Appeals & Monitoring) Act 1993* when dealing with complaints and appeals especially in relation to persons in care

- *Public Sector Employment & Management Act 2002* and *Protected Disclosures Act 1994* when documenting information about the conduct of staff members, complaints and disciplinary matters
- Anti-discrimination legislation and policies when managing staff members or dealing with clients and colleagues
- Public finance and audit legislation and delegations when purchasing goods or services.

Managers should ensure that copies of relevant legislation, delegations and associated administrative procedures are available and accessible to staff members in their work groups.

1.2 Following instructions

You are expected to carry out all reasonable and lawful instructions by the appropriate delegated officer related to your work.

Where an instruction is, or appears to be, unlawful you may refuse to comply and report the matter to an appropriate senior officer.

Where an instruction appears unreasonable you should let the person giving the instruction know, and give them the chance to respond. If you are still unsure, raise the issue with a supervisor or through the Department's Grievance Procedure. You should record your objections and reasons, and seek to have the instruction confirmed in writing.

In the interim you are generally obliged to carry out the instruction, unless you think that there is a danger to a person's health and safety or that criminal conduct is involved.

You should accept that you may not personally agree with all decisions made by your manager.

You should comply with the requirements of this *Code of Conduct and Ethics* and other policies/guidelines about your conduct.

Managers should be open to positive and constructive questions about their instructions, and prompt to respond. If an employee objects to an instruction on genuine conscientious grounds, you should not force them to comply. Rather you should attempt to negotiate and resolve the matter on a basis that the person is able to accept.

1.3 Conflicts with professional ethics standards

Where a conflict arises involving professional ethics standards and the requirements of the *Code of Conduct and Ethics* you should recognise the right of the employer to determine what is to be done in the provision of professional services to the clients of the Department.

You should raise any concerns with your supervisor and your professional association so that you receive guidance on the interpretation of the profession's ethical standards.

1.4 Criminal charges and convictions

The Department conducts criminal history checks for all new appointees.

You must notify the Director-General or your supervisor if you have been charged with an offence with a possible penalty of imprisonment for 12 months or more, or convicted of any such criminal offence. Failure to do so may result in disciplinary action.

1.5 Parliamentary Committees and Commissions of Inquiry

Parliamentary Committees and Commissions of Inquiry are used to investigate aspects of government administration.

You should notify the Director-General or delegated officer if you are called to represent the Department before a Parliamentary Committee or a Commission of Inquiry, unless you are specifically advised by the Committee or Commission not to do so.

2 PERSONAL AND PROFESSIONAL BEHAVIOUR

2.1 Diligence, care and attention

You are required to do your job effectively, impartially and to the best of your ability.

You should make every effort to:

- maintain and develop your knowledge of the Department, its purpose and corporate plan
- maintain and develop knowledge of your professional field
- understand and follow any policies, operations manuals, procedures, guidelines and practice frameworks which apply to your work
- make accurate records and keep files associated with your work up to date
- know and understand the duties of your position as set out in the position description for your job or your statement of duties
- work toward the attainment of the agreed objectives and outcomes established with your manager, including through the Department's performance planning and review process
- carry through any agreed plans for improving work performance
- carry out tasks according to agreed time frames
- fulfil your conditions of employment with regard to hours of duty and leave provisions.

Managers should make every effort to ensure staff members who report to them are familiar with all the requirements and objectives of their position, and have access to the information, training, supervision, feedback and work conditions needed to achieve these (see 2.7 Managerial behaviour).

2.2 Workplace behaviour and personal conduct

You should:

- ensure that use of alcohol and other drugs does not result in unsatisfactory work performance, impairment of your judgment or unacceptable behaviour
- be familiar with and comply with any Departmental policies regarding smoking and the use of alcohol and other drugs in the workplace
- ensure that your conduct does not wilfully distract, or otherwise prevent, other employees from performing their duties, such as by bullying or harassing behaviour
- maintain a standard of dress and appearance that is appropriate to the type and location of the work you perform
- ensure your behaviour and performance is appropriate when you are representing the Department
- ensure you do not engage in any misconduct (even when you are not on duty) in terms of S43 of the *Public Sector Employment and Management Act 2002*.

For example:

- if you are attending a residential workshop, training course
- if you attend a conference or public function as a Departmental representative
- while travelling away from head-quarters on Departmental business
- if you attend a function for a community organisation in your own time which you have contact with in your work capacity.

2.3 Duty of care

You have a general legal duty to take reasonable care to avoid causing harm to another person. You are required to exercise the degree of care that could reasonably be expected from a person in that job.

You should avoid negligent conduct by giving sufficient attention to your actions and decisions, and by obtaining the direction and advice of your supervisor or other appropriate Departmental officer if you are unsure how to proceed.

2.4 Providing advice and making decisions

Procedural fairness should be applied whenever you exercise official powers in situations where there may be an adverse impact on a person (see 4.1 Procedural fairness).

Any advice you provide to managers, co-workers and clients should be honest, frank, based on an accurate and balanced representation of all the known relevant facts and should, if necessary, identify the consequences of all known options realistically available.

You should ensure you have taken reasonable steps to obtain necessary material to make a decision and be reasonably satisfied that the material is factually correct and relevant. You should record and file the basis for your decision.

Managers should make every effort to ensure all current policies, procedures and guidelines are accessible, clearly stated, explained and understood by staff.

2.5 Use of authority

You should not use your official duties, status, powers or authority to improperly influence a Departmental decision or action.

For example:

- falsification, editing or destruction of official records
- seeking to obtain a more favoured status for a funding application or for services to a particular client
- instructing a staff member to do any of the above.

Official references concerning a staff member's work performance should only be given by your direct supervisor and only in relation to those areas for which supervision is given.

You should be honest and objective in reporting the skills and qualities of staff members in testimonials, references and performance reports.

Where your personal views conflict with the performance of your official duties or you believe you cannot act impartially, you should tell your supervisor and try to resolve the conflict (refer to 1.2 Following instructions).

Ways to resolve conflicts between your personal views and your official duties include:

- not being involved in making a decision on a matter, for example stepping down from a selection panel
- negotiating with your manager to exchange certain duties or tasks with another staff member
- negotiating with your manager and colleagues to re-distribute client case management responsibilities.

2.6 Self development obligations

You should make every effort to:

- improve both your own performance and service delivery to clients of the Department
- develop skills and knowledge relevant to your job by keeping up-to-date with advances and changes
- seek feedback on your work performance.

2.7 Managerial behaviour

As a manager you have a responsibility to:

- set good examples for your staff members through your own behaviour, especially in relation to upholding the standards set in this *Code of Conduct and Ethics*
- maintain open, honest, respectful and thorough communication with all staff members
- allocate work fairly
- provide information to staff about the objectives and duties of their positions, and have access to any operations manuals, policies, procedures, guidelines and practice frameworks applicable to their work
- inform staff of performance standards expected of them and objectively assess their performance against these standards
- provide the optimum working environment for staff members within available resources, and meet occupational health and safety standards
- ensure staff members know about and have access to information, training and development opportunities
- ensure staff members have access to information about their rights and responsibilities under legislation and policies, including those relating to equal employment opportunity and anti-discrimination
- support the right of staff members to pursue grievances and complaints using internal and external processes

- ensure you provide staff members with equal opportunity to develop their personal and professional skills, both through the allocation of tasks and in providing opportunities to act in more senior positions
- ensure that staff members are not subjected to harassment in the workplace, and that all staff members are familiar with and comply with the Departmental policy about this.

3 RESPECT FOR PERSONS

3.1 Respect for the rights, dignity and views of others

You should:

- treat clients, members of the public and colleagues with dignity and respect
- be tolerant of the views held by others which are different from your own
- make efforts to develop and maintain cross cultural awareness and skills, especially in relation to Aboriginal and Torres Strait Islander culture, applicable to your job
- ensure that your conduct is not discriminatory or harassing to clients, members of the public and other officials.

Examples of unacceptable conduct are:

- offensive, abusive, belittling or threatening behaviour directed at an individual or group
- restricting access to training or promotional opportunities on the basis of age, gender, disability, marital status, pregnancy, sexual preference, race, or ethnic or national origin
- any behaviour of a sexual nature which is unwelcome
- any behaviour of a sexual nature towards clients
- refusing to make any reasonable adjustment to enable a person with a disability to perform a job (such as provision of equipment or job redesign).

As a manager, it is important to promote cultural awareness to ensure that cultural issues can be properly and appropriately addressed wherever they are relevant to any decision-making or provision of services.

3.2 Working with clients

You should ensure that your relationships with clients are professional and respectful of their rights and dignity.

For example:

- you should use language and terms of address that are courteous and respectful, and which do not promote negative social stereotypes
- any abusive behaviour toward a client constitutes misconduct
- sexual relationships with clients are unacceptable.

You should make every effort to ensure that all clients have fair, reasonable and equitable access to available services and information provided by government.

You should make every effort to ensure that the rights and dignity of clients are safeguarded and upheld.

For example:

- ensuring clients are informed of and have access to advocacy and grievance mechanisms
- advising an appropriate senior officer when you believe a policy or administrative decision will offend or significantly disadvantage particular individuals or groups in the community.

3.3 Working with colleagues

You are expected to be honest and sensitive when dealing with co-workers.

You should observe merit and equity in recruitment and promotion.

For example:

- recruiting which is open, fair, equitable and free of conflict of interest
- selecting staff based on criteria which are objective and specific to the job.

When providing references for other staff members you should provide an honest assessment, that can be substantiated, of the applicant's ability to meet specific selection criteria for the job in question.

For example:

- you should not exaggerate or understate the substance or relevance of a person's competence, qualifications or experience in a manner likely to create a misleading impression
- you should disclose any matter which could be seen as creating bias in your views (eg. personal relationships).

3.4 Privacy and confidentiality

Where it is necessary to record personal information, you should make every effort to ensure that there is a legitimate legal need to record the information, that the recording is factual and that information of a confidential nature is kept secure and not discussed with anyone who does not have a legitimate right to know. The *Privacy and Personal Information Act 1989* provides for the protection of personal information and for the protection of the privacy of individuals generally.

Only certain staff members specifically delegated by the Director-General can provide access to information requested under the *Freedom of Information Act 1989*. The guidelines issued by the Ombudsman and Premier's Department will guide Freedom of Information (FOI) staff in making determinations for FOI applications.

You should not reveal personal information such as home addresses or telephone numbers to enquirers, even when they claim to be a relative or friend. You should offer to take the enquirer's details and pass them on to the person concerned.

3.5 Workplace health and safety

You are expected to comply with the *Occupational Health & Safety Act 2000*, the *Occupational Health & Safety Regulation 2001* and Departmental instructions on workplace health and safety. You also have an obligation not to wilfully place at risk or injure yourself and others in the workplace.

As a manager, you should ensure that staff members have access to information and services to assist them maintain a safe and healthy workplace. Policy and guidance material is available on the Occupational Health and Safety intranet site.

4 FAIRNESS AND EQUITY

4.1 Procedural fairness ('natural justice')

Procedural fairness (or 'natural justice') is the principle concerned with ensuring that a fair decision is reached by an objective decision-maker. When making a decision or recommending a course of action that could adversely affect a person's rights or interests, you should follow the rules of natural justice. This means that you should ensure that:

- the person concerned is informed about the matter under consideration, and is given an opportunity to present their case
- you have no personal interest in the matter to be decided or bias as to the outcome, and that you act in good faith (see 5 - Conflict of interest).

You should document and be able to justify any decisions that affect staff or members of the public.

When making decisions or taking action, you should ensure that proper consideration is given to any adverse effects any person or group may suffer from the decision/action. This should then be balanced against the intended purpose of the decision.

When exercising a discretionary power you should ensure that the power is being used properly, impartially, equitably and consistently with relevant guidelines or delegations.

Decisions and actions should be made in a timely fashion, so that persons affected by the decision are not disadvantaged by undue delay.

When applying procedural fairness in coming to decisions that affect staff, eg. deferral of increments, leave requests, etc you should consider:

- access to information - before the decision or action is taken, the person affected by the decision should be informed of all relevant factors, given the opportunity to put forward his/her case, including commenting on information provided by others, and referred to support
- fact finding - all reasonable steps should be taken to find out the facts which are important and relevant to the decision
- assistance in representation - the person may be assisted or represented in the procedure except where it is specifically prohibited by legislation
- reasons for decision - the person concerned should be informed of the reasons for the decision within a reasonable time
- indication of remedies - the notification of the decision or action should indicate any rights of appeal or normal remedies as well as the relevant time limits.

5 CONFLICT OF INTEREST

5.1 Conflict between public duty and private interests

Conflict of interest can bring into doubt any decisions made by a staff member about a person, an issue and/or a subject-matter on the grounds of perceived bias or even corruption, and therefore must be notified to the relevant line manager.

For example, conflict of interest may arise from:

- expressed personal values or beliefs (including those based on more general religious, cultural or other values)
- other professional ethics
- personal or professional relationships
- financial or proprietary interests
- the person's status or roles (professional or personal).

You should declare private interests which conflict, or might reasonably be thought to conflict, with your public duties to your manager.

Where a conflict occurs between your private interests and public duties you should resolve the conflict in favour of the public interest.

The manager should discuss the matter with the staff member concerned to decide whether:

- there is or could be a conflict of interest
- the staff member should be authorised to continue his or her duties in this area
- the staff member should be removed from the particular decision making process, eg. recruitment process, dealing with a related client
- the staff member should be requested to dissociate himself or herself from the private interest, or
- a suitable transfer may be arranged to an equivalent position with duties involving no such actual or potential conflict.

The ultimate decision concerning the appropriate course of action is to be made by the Director-General or the delegated officer. Assistance is available from Corporate HR.

Examples of conflicts of interest that should be notified to the line manager:

- relatives, friends or acquaintances of a staff member being employed to provide a service paid for by a client
- a staff member working in child protection who has personal links with a member of the client family
- a staff member in a position that could influence, or be perceived to influence, funding allocations (such as accepting appointments to executive or management positions in organisations that receive or seek to receive funding from the Department)
- a staff member being recommended by a sponsoring community organisation to receive grants funded by the Department.

You should be aware that Section 58 of the *Public Sector Employment & Management Act 2002* requires any officer who:

- becomes bankrupt, or
 - makes a composition, arrangement or assignment for the benefit of creditors
- to immediately notify the Director-General.

5.2 Acceptance of gifts and benefits

You should not ask for or encourage the offer of personal benefits or gifts in connection with your work.

You should not accept an offered gift or benefit, except where this is of no significant or lasting real value or where the cultural values of the person or group would suggest that the gift should be accepted (in which case the gift should be accepted on behalf of the Department and should be regarded as the property of the Department). You should politely refuse gifts or benefits which may bring your integrity and impartiality, or that of the Department, into question.

Examples of acceptable gifts:

- a gift of token value at Christmas time to an officer from the family of a client
- normal hospitality when visiting families or communities
- a bunch of flowers as thanks for speaking at a seminar.

A gift of more than token value may not be kept or used for personal benefit and should be refused. If unavoidable, such gifts are the property of the Department, and must be reported to and registered by Finance Branch through your manager.

A staff member who accepts a personal benefit from a person or organisation in return for favourable treatment of the donor may be guilty of misconduct.

5.3 Party-political, professional and trade union activity

You should be aware that party-political, professional and trade union activity can give rise to perceived conflicts of interest. You should not make improper use of your position as a public servant in any of these activities.

It is recognised that as a union official you will at times advocate for individuals and groups. However, you should not attempt to use the influence of any professional, political or union connections to obtain an improper advantage, either personally or on someone else's behalf.

If you are required to recommend or make a decision under legislation, you should not take account of any attempt to improperly influence your decision. Any attempt of this kind should be reported to your manager.

If you are a workplace representative or an official of a trade union or professional association, you are not required to seek Departmental permission before publicly expressing the union's or association's view on a matter. You should, however, make it clear that any such comment is on behalf of the union or association which you represent and not on behalf of the Department.

5.4 Secondary employment

You are obliged, under Section 59 of the *Public Sector Employment & Management Act 2002*, to obtain permission before engaging in any employment outside of your official duties. You should not engage in private employment that may affect your work performance or create a conflict of interest with your official duties.

A conflict of interest could occur where:

- the proposed private employment is in areas related to your work in the Department
- the proposed private employment is to provide goods or services to clients of the Department
- there is a financial, contractual or regulatory relationship between the proposed employer and the Department, or the proposed employer is currently a client of the Department.

Requests for permission to engage in outside employment should be submitted in writing to the appropriate delegated officer (refer to Administrative Delegations, Sections 5-9 and 8-9 of the *Personnel Handbook*).

6 USE OF OFFICIAL INFORMATION

6.1 Disclosure of official information

Members of the public generally have a right to access the finalised policy documents of the Department. However, you may have access to information that is not available to the general public, for example:

- documents prepared or submitted for the consideration of Cabinet
- information protected by statute
- information on policy or program development
- information of commercial sensitivity or
- information of a highly personal nature about clients and employees.

You should keep this information and knowledge confidential, and where possible, any documentation placed in secure locations.

In NSW the *Freedom of Information Act 1989* gives people the right to obtain access to information held by the Department. Applications under the FOI legislation are handled by the FOI Unit.

Confidential and personal information about clients, staff or others with whom the Department does business should not be disclosed without the consent of the supplier of the information unless:

- the supplier was aware that the information was to be disclosed prior to providing it
- there is a lawful authority for its disclosure.

The *Privacy and Personal Information Act 1989* provides for the protection of personal information and for the protection of the privacy of individuals generally.

6.2 Sensitive and confidential records

You should be aware of the specific legal and Departmental requirements for confidentiality which apply to any information you have access to in your job.

For example you may have access to:

- cabinet minutes or sensitive draft policy documents
- information about children who have been notified to the Department as being in need of care
- staff information
- a disclosure of misconduct
- adoption records.

When disclosing information to another person/body, you should, where necessary:

- have clarified as far as possible what information is being sought, by what authority and for what purpose
- have made inquiries to establish the authority of the person/body to receive the information requested and also whether the information sought may lawfully be provided to that person/body (and in what circumstances)
- have taken into account any relevant legislation or policy (including any privacy considerations) when considering the request, and obtained any necessary consents to the release of information from the person(s) about whom the information relates

- have informed the person/body receiving the information of their own responsibilities for maintaining the confidentiality of that information, including any relevant statutory requirements, as well as any conditions which apply to the release of information
- have provided only relevant information, avoiding any excessive disclosure of information
- have informed any person who should be informed about the request for information and its supply.

Guidance on the disclosure of information can be obtained from the Information Exchange Unit.

6.3 Misuse of information

You must not misuse information gained in your official capacity.

Section 8(1) of the *Independent Commission Against Corruption Act 1988* includes in the definition of corrupt conduct, "any conduct of a public official or former public official that involves the misuse of information or material acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person". Section 309 of the *Crimes Act 1900* also makes misuse of information a criminal offence.

Misuse includes:

- speculation in shares on the basis of confidential information about the affairs of a business or of proposed government actions
- seeking to take advantage for personal reasons of another person on the basis of information about that person held in official records
- inappropriately disclosing confidential information held in official records.

6.4 Departmental network and public information services networks ('internet' etc)

You should be familiar with and abide by the Department's policy on use of your computer (including the use of internet, e-mail and other computer facilities). This is outlined in the *Acceptable Use of the Computer* document during the log-in process when you access your computer.

You should not deliberately access, store or forward information you know to be contrary to:

- the provisions of State and Commonwealth legislation
- stated NSW Government policies and protocols
- Departmental policies and standards and protocols, or
- this *Code of Conduct and Ethics*.

For example:

- using e-mail to post messages which are discriminatory or offensive
- the use of internet access provided to you at work for private commercial purposes.

You should ensure that your private use of the Department's intranet, internet and e-mail facilities is reasonable and not identified with your position as a public servant. Use of these facilities is not appropriate if those activities could reasonably be viewed as damaging public confidence in the integrity of government administration.

6.5 Intellectual property

The State owns copyright in material made by, or under the direction or control of, the State. Whether you are an employee or contractor, copyright of the material you produce in your work belongs to the Crown.

For example:

- if you produce a training course, resource kit or computer software application as part of your employment, the State owns the copyright.

6.6 Copyright

You must seek permission to reproduce material from the responsible authority or copyright holder.

You must seek permission from the Director-General before entering into any arrangements regarding the publication or disclosure of any articles or materials produced as part of your work. Research carried out within the public sector is copyright in the name of the Crown.

6.7 Confidentiality and post-separation employment

You should recognise that when you leave the Department you must still respect the confidentiality of official information that may have been available to you in the course of your duties (see 6.1 - Disclosure of official information).

7 PUBLIC COMMENT

7.1 Public comment on Government policy and administration

You have the same rights as any member of your community to discuss community and social issues in a private capacity.

You should recognise that taking part in a public discussion about Government policy or administration in a private capacity may be seen as speaking about the Government or the Department in a privileged position.

Depending upon the circumstances and content, public comment (if you are identified as a DoCS staff member) includes:

- a letter to the editor
- an article for a professional journal
- a contribution to a panel discussion on radio or television
- a public demonstration
- a speech to an interest group.

You should take all reasonable steps to ensure that any comment will be understood as representing your personal views as a private citizen or as a representative of a trade union, association or political body (refer to 5.3 – Party-political, professional and trade union activity).

Making public comment in an official capacity is only acceptable where:

- providing information on Government policy or programs is part of your official role or has been authorised by the Director-General
- you do not misrepresent the facts about the Government or Department
- the comment could not reasonably be misunderstood.

You should attempt to resolve complaints about Departmental administration internally, without recourse to public comment or criticism.

7.2 Communication with Ministers and other Members of Parliament

As a private citizen you have the right to communicate directly with a Member of Parliament on any issue affecting you as a private citizen.

Communication with Members of Parliament on matters which are relevant to your official duties or the affairs of the Department should follow Departmental procedures.

8 USE OF DEPARTMENTAL RESOURCES

8.1 Use of Departmental resources

In general, Departmental resources should only be used for the official purposes for which they were provided and intended. You should therefore ensure that resources, funds or equipment entrusted to you are used effectively and economically, and for their proper purposes.

It is understood that from time to time you will need to use Departmental resources to conduct your day-to-day personal activities. This may include short private local telephone calls and limited private use of e-mail and facsimile equipment that does not disrupt your official work.

Examples where private use is permitted:

- preparing a public service job application and supporting documents using a Departmental computer
- reasonable use of Departmental resources for union activities.

Permission should be sought from your manager for any other non-official use of public resources.

The use of client telephones is not permitted except in exceptional circumstances. Where such an occasion does arise, the call must be recorded and paid for, and you should always ask permission first.

Departmental resources such as phones or office equipment are not to be used in connection with any secondary employment unless permission has been obtained.

8.2 Use of motor vehicles

You should only use vehicles for purposes permitted by stated Government and Departmental guidelines (refer to *Financial procedures*, Section 15).

You should follow current administrative instructions in relation to maintaining vehicle log books and purchasing fuel.

Vehicles owned by clients are not to be used by staff members for any purposes other than transporting the owner(s).

9 REPORTING OF CORRUPT BEHAVIOUR

9.1 Corrupt conduct and the Department's duty of care to clients

The role and functions of the Department require that staff must exercise the highest standards of professionalism and integrity in order to meet the duties of care and responsibility the Department owes to its clients, many of whom are vulnerable and/or in crisis.

Any matters that have the potential to bring the professional integrity of a staff member, and therefore the reputation of the Department, into disrepute are considered most serious. This includes allegations of corrupt conduct.

9.2 The Director-General's obligation to disclose corrupt conduct

Under the *Independent Commission Against Corruption Act 1988*, the Director-General has a responsibility to report certain forms of corrupt conduct to the Independent Commission Against Corruption (ICAC). Corrupt conduct involves the misuse of public office, for example:

- dishonesty
- partiality (ie. bias)
- breach of trust (ie. misuse of one's position), or
- misuse of government information

where such conduct could amount to a criminal offence, a disciplinary offence or give reasonable grounds for dismissal of a staff member.

You are encouraged to disclose any suspected corrupt conduct that you are aware of to your supervisor, a more senior officer, or Corporate HR. You can also report any conduct that breaches the standards contained in this *Code of Conduct and Ethics*. You can make a protected disclosure within the Department to Corporate HR or to ICAC directly.

The Department is also required to report any allegations against staff relating to the abuse of children to the Ombudsman and the Commission for Children and Young People.

If you are aware of, or have information about, misconduct within your work group, you can report this to your manager. If the information concerns another work group, you can report it to the manager of that work group, to a more senior officer or to Corporate HR.

For example you can report:

- any abuse or neglect of a client by a staff member
- stealing money or property belonging to a client or the Department
- claims for reimbursement of expenses which have not been incurred
- use of Departmental property or funds for improper or unauthorised purposes
- evidence of staff members' private interests improperly influencing the awarding of contracts, consultancies, appointments, grants, funding, licences, etc
- misuse of confidential information
- fraudulent recording, alteration or destruction of official documents
- discrimination, harassment or intimidation by a staff member against another staff member or a client.

The Department's procedures for grievances and the *Protected Disclosures Act 1994* provide information about making disclosures (refer to the Legal Services intranet site, Protected disclosures page). A 'protected disclosure' is where the disclosure is made to the Department or an investigating authority (ICAC, the Ombudsman or the Auditor General) concerning:

- corrupt conduct (dishonesty, bias, breach of trust, misuse of information) – ICAC
- maladministration (action/inaction that is contrary to law, oppressive, discriminatory, unjust or based on improper motives) – NSW Ombudsman, or
- serious or substantial waste of public funds or resources – Auditor General.

The provisions of the *Protected Disclosures Act 1994* provide protection from reprisal for anyone who makes a protected disclosure as described in the Act.

Managers who receive reports of misconduct should liaise with their Regional Director and Corporate HR to ensure that these are responded to and investigated promptly and thoroughly, according to stated Government and Departmental procedures. Where managers receive reports of misconduct which are protected disclosures, advice and assistance can be obtained from Corporate HR on how the matter can be managed.