



# HOW TO COMPLY WITH OUR CODE OF CONDUCT



GOVERNMENT OF  
WESTERN AUSTRALIA

**Department of Education**

**Standards and Integrity Directorate**

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**Acknowledgement**

The Director General would like to acknowledge all Departmental staff for their assistance and advice in the development of the staff conduct framework.

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First printed 2011

## BACKGROUND

This Handbook has been developed as part of a staff conduct framework and is to be read in conjunction with the *Staff Conduct and Discipline* policy and the *Code of Conduct (Code)*.

### Use of the Handbook

This Handbook is designed to provide further guidance to the general principles of staff conduct outlined within the Code and to identify specific areas of risk for employees and the Department of Education (the Department).

The Code and the Handbook do not cover every situation where Department employees are required to make a decision or to demonstrate ethical and accountable behaviour. In practice, deciding on the right course of action will often involve weighing up competing priorities and responsibilities. The examples capture and reflect common situations but are not all-inclusive. Conduct is judged on a case by case basis.

As a Department employee you are required to act both within the letter and spirit of the policy and the Code. It is not sufficient to think that your behaviour is ethical; it should also be seen to be so.

If you are unsure about what to do in a particular situation you should use the *Stop-Think-Act* approach. This involves asking:

- Am I doing the right thing?
- How would others judge my actions?
- How could my actions impact on others?
- Should I discuss this with someone else?

If you are still unsure, you should discuss the matter with your line manager and, where necessary, seek further advice from a colleague or another Department officer.

For further advice about how to use the Code and the Handbook, you are encouraged to undertake the Department's Accountable and Ethical Decision Making course, "Ethics and You". This course is available through face to face training or online on the Department of Education's Portal under the Professional Learning Tab. For further information please contact the Standards and Integrity Directorate on 1800 655 985.

## **PRINCIPLES**

### **1 PERSONAL BEHAVIOUR**

Personal behaviour in the workplace impacts on relationships with colleagues, students and members of the public, and can either positively or negatively impact on morale and productivity. As a Department of Education employee it is important that your personal behaviour upholds and demonstrates the values and principles of our organisation.

Personal behaviour encompasses a large range of areas, some of which are covered in Principles 2 to 6.

#### **1.1 Treating others with respect, courtesy and honesty**

It is your responsibility to:

- be responsive to all reasonable requests made by members of the public or the school community;
- be courteous, respectful and helpful to people at all times;
- make objective decisions based on honest and impartial consideration of all available information and options;
- where appropriate, make sure that all persons, within and outside the Department, are made aware of their rights and proper entitlements;
- maintain confidentiality and adhere to any relevant legislation or policy relating to the treatment of personal information;
- avoid offensive, abusive and discriminatory language and behaviour; and
- be sensitive to an individual's cultural and ethnic background.

#### **1.2 Treat colleagues with courtesy and respect**

In addition to the legal rules governing workplace behaviour (e.g., discrimination, occupational health and safety, anti-racism, harassment and the like), you are expected to:

- treat your colleagues with courtesy and respect;
- demonstrate just and equitable treatment to all;
- not make malicious or intentionally false statements about colleagues;
- not coerce or promise special treatment to colleagues in order to influence their professional decisions; and
- respect the confidentiality of any information acquired about colleagues in the course of your employment.

##### **1.2.1 Bullying in the workplace**

Bullying in the workplace is the repeated unreasonable or inappropriate behaviour directed towards an employee, or group of employees.

You are part of the shared responsibility to promote a workplace that is free from bullying and harassment. For information about bullying in the workplace, see the Department's *Workplace Bullying* policy.

#### Further Information

Department of Education policies and guidelines:

- *Anti-Racism*
- *Equal Employment Opportunity/Diversity*
- *Sexual Harassment Resolution for Employees and Students*

These documents are available at [www.def.wa.edu.au/policies](http://www.def.wa.edu.au/policies).

Module One of the Department of Education's *Accountable and Ethical Decision Making* course.

Standards and Integrity Complaints Advice Line: 1800 655 985.

### 1.3 MAINTAINING PROFESSIONAL BOUNDARIES WITH STUDENTS

Teachers and those people who work directly with students have an influential relationship with them. They have the ability to significantly impact on students' lives in important and long lasting ways. The relationships between staff members and students are characterised by differing roles and an imbalance of power based on factors such as age, authority and gender.

As an employee of the Department you are responsible for maintaining a professional role with the students you come into contact with. This means establishing clear professional boundaries with students that help to protect everyone from misunderstandings or a violation of the professional relationship.

The following examples are provided to assist you in establishing and maintaining appropriate boundaries:

Boundary	Examples of Violation
<b>Communication</b>	<ul style="list-style-type: none"> <li>• Inappropriate comments about a student's appearance including excessive flattering comments.</li> <li>• Inappropriate conversation or enquiries of a sexual nature (e.g. questions about a student's sexuality).</li> <li>• Use of inappropriate pet names.</li> <li>• Vilification or humiliation.</li> <li>• Jokes or innuendo of a sexual nature.</li> <li>• Obscene gestures and language.</li> <li>• Facilitating access to pornographic or overtly sexual material.</li> <li>• Failing to appropriately respond to sexual harassment between students.</li> <li>• Correspondence of a personal nature including letters, email, phone, SMS text, and on social networking sites i.e. Facebook, Twitter etc. (not including class postcards or bereavement cards, etc).</li> </ul>

<b>Personal disclosure</b>	<ul style="list-style-type: none"> <li>• Discussing the personal details of your lifestyle or the lifestyle of others. However, it may be appropriate and necessary at times to draw on relevant personal life experiences when teaching.</li> <li>• Sharing personal information about other staff or students.</li> </ul>
<b>Physical contact and interaction</b>	<ul style="list-style-type: none"> <li>• Unwarranted, unwanted and/or inappropriate touching of a student, personally or with an object such as pencil or ruler.</li> <li>• Initiating or permitting inappropriate physical contact by or on a student, e.g. massage, tickling games.</li> <li>• Inviting/allowing/encouraging students to your home.</li> <li>• Attending students' homes or social gatherings for purposes unrelated to your employment.</li> <li>• Being alone with a student for purposes or reasons that do not fall within a staff member's role or responsibilities.</li> <li>• Being present when students dress or undress when not in a supervisory role.</li> <li>• Driving a student unaccompanied, without appropriate consent.</li> </ul>
<b>Targeting individual students</b>	<ul style="list-style-type: none"> <li>• Offering personal gifts and special favours.</li> <li>• Adopting a welfare role that is the responsibility of another staff member e.g. a counsellor, or doing so without the knowledge of key staff members.</li> </ul>

Professional boundary violations represent a breach of trust. When you violate boundaries you risk:

- harmful consequences for the student;
- seriously undermining the learning process;
- seriously undermining your professional reputation;
- disciplinary action against you.

You are not to, under any circumstances, engage in an intimate, overly familiar or sexual relationship with a student. Improper conduct of a sexual nature by a staff member with a student encompasses all forms of sexual activity including, but not limited to, the following:

- kissing and/or caressing;
- obscene language or gestures of a sexual nature;
- suggestive remarks or actions;
- jokes or humour of a sexual nature;
- unwarranted and inappropriate touching;
- undressing in front of students;
- communicating or corresponding with students about sexual or personal feelings for the student; and

- exposure of students to sexual behaviour of others, other than in prescribed curriculum in which sexual and relationship themes are contextual.

### **1.3.1 Good practice in managing professional boundaries**

The following self-assessment questions may assist you in assessing your application of professional boundaries:

- Am I dealing with a particular student in a manner that differs from how I would deal with another student under the same circumstances?
- Is my dress/availability/language with a particular student different from usual?
- Would I do or say this if a colleague were present?
- Would I condone my conduct if I observed it in another adult?
- Could the consequences of my actions have negative outcomes for a student or for me?
- If I were a parent would I want an adult behaving this way towards my own children?

### **1.3.2 Professional conduct and social networking websites**

You are expected to model responsible and respectful conduct toward the students and young people with whom you work.

Most staff feel confident about their ability to do this in the workplace and in the general community. However, you also need to consider the electronic social environments in which you operate.

It is important to consider what information, or images, of yourself could be accessed by others and whether your role in working with children and young people is compromised by it.

- Would you be happy for that material to be accessed by students, young people, other staff and parents of the community within which you work?
- What judgement could be made about your suitability to have responsibility for children and young people?
- What misuse of the material could children or young people make?

### **1.3.3 Responding to inappropriate sexual behaviour of staff towards students**

Teachers in schools are mandated notifiers of Child Sexual Abuse and are required under the *Children and Community Services Act 2004* to report suspected child sexual abuse to the Mandatory Reporting Service (MRS) of the Department for Child Protection (DCP). For further information, see the Department's *Child Protection* policy. At the very least, any concerns should be discussed with your line manager and/or reported to the Standards and Integrity Complaints Advice Line: 1800 655 985.

### **1.3.4 Responding to inappropriate sexual behaviour of students towards staff**

Should a student engage in inappropriate behaviour of a sexual nature with you then immediate respectful steps are to be taken to discourage the student. The matter should be reported and documented promptly with appropriate personnel in the school and a plan of action developed to support both you and the student concerned.

The sexual harassment or assault of a staff member by a student is dealt with using standard behaviour management protocols including the involvement of parents and police. Consideration should also be given to the most appropriate counselling and support that can be provided to the student and their family. It is important to use these incidents as opportunities to organise meaningful interventions that address early sexual offending behaviours.

### 1.3.5 Managing boundaries for staff in specialist roles

Sometimes performing your professional role with students outside of the classroom requires you to work one-to-one with a student. Examples of this include counselling, conducting educational/physical assessments, home visits, or providing health care, mentoring, coaching or tutoring. All work of this kind is to occur as an authorised school activity with arrangements in place to minimise risk. These arrangements should consider:

- **Location:** As a general rule, the more visible the location the better. Where home visiting cannot be avoided parents should be present, or staff should visit in pairs.
- **Time:** Using normal school hours is preferable as opposed to out of school hours.
- **Consent/knowledge:** It is essential that parents be informed and consent to activities outside the classroom environment that involve their son/daughter in one-to-one unsupervised contact with you.

### 1.3.6 Physical Contact with Students

Appropriate physical contact with students is governed by Regulation 38 of the *School Education Regulations 2000* and the Department's *Behaviour Management in Schools* policy, and is subject to a test of reasonableness. Pursuant to both of these provisions, physical contact with students should only occur as is reasonable. Some examples of this contact include:

- the delivery of First Aid,
- during Physical Education; and
- where personal care of a student is required

**Care** – includes the administering of First Aid, during Physical Education, and where personal care of a student is required due to age or disability.

**Maintaining Order** – maintaining order should use only such force as is reasonable in the circumstances.

**Restraint** – restraining a student should only occur as a last resort. Some examples include the protection of the student or others from harm, for self protection, or to prevent damage to property.

#### Further Information

The Department of Education's *Child Protection* policy is available at [www.det.wa.edu.au/policies](http://www.det.wa.edu.au/policies)

Section 5.4 of the Department's *Behaviour Management in Schools* policy.



Module One of the Department of Education's *Accountable and Ethical Decision Making* course.

Standards and Integrity Complaints Advice Line: 1800 655 985.

## 2 COMMUNICATION AND OFFICIAL INFORMATION

Official information is all oral, written/printed and digital information that you come to know by virtue of your employment with the Department.

It is expected that you respect the confidentiality of information and knowledge that you are privy to during the course of your work. You are not to use any of this information, which is not generally available to the public, for your personal benefit or gain, either directly or indirectly.

There are occasions when a Department employee may release official information. These include, but are not limited to:

- where there is written authorisation from an officer from the Department with appropriate delegated authority to release the information;
- where the person to whom the official information relates has given written consent or authorisation and the release of the information is not subject to any further restrictions; or
- where the disclosure of the official information to whom it relates has given consent and the release is required by law.

### Further Information

Department of Education policies and guidelines:

- *Copyright for Schools*
- *Educational Institutions – Legal Aspects of Internet Compliance*
- *Information and Communication Technologies Security*
- *Moral Rights Introduced*
- *Music Copyright for Schools*
- *National Education Access Licence for Schools (NEALS) Policy and Procedures for DET Publications and Website*

These documents are available at [www.det.wa.edu.au/policies](http://www.det.wa.edu.au/policies)

Administrative Instruction 711 – *Official Information* available at [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au)

Module Two of the Department of Education's *Accountable and Ethical Decision Making* course.

Standards and Integrity Complaints Advice Line: 1800 655 985.

### 3 FRAUDULENT AND CORRUPT BEHAVIOUR

Fraud is a dishonest activity that causes actual or potential loss to a person or persons, or to the Department. Corruption is where an employee uses or attempts to use their position to gain a benefit or cause a detriment.

Examples of conduct that may constitute fraud or corruption, include, but are not limited to:

- using taxi vouchers for private purposes;
- taking workplace materials and/or equipment for personal use;
- claiming for a travel entitlement to attend a course and not attending the course;
- misapplying government grants;
- manipulating a tendering process;
- favouring an applicant for employment on criteria other than merit; and
- using corporate credit cards for personal purposes.

#### 3.1 Reporting fraudulent and corrupt behaviour

Staff are required to report any suspected fraudulent and corrupt behaviour. See the Department's *Corruption, Prevention and Detection* policy for information on how to make a report.

#### Further Information

*Corruption and Crime Commission Act 2003 (WA)*  
*Public Interest Disclosure Act 2003 (WA)*  
*Public Sector Management Act 1994 (WA)*

Module Three of the Department of Education's *Accountable and Ethical Decision Making* course.

Standards and Integrity Complaints Advice Line: 1800 655 985.

### 4 USE OF PUBLIC RESOURCES

You are accountable for official expenditure and are to use the resources of the State in a responsible and accountable manner.

Departmental assets, resources and equipment should be used in an efficient and professional way for legitimate business and professional purposes.

#### Further Information

Department of Education policies and guidelines:

- *Community Use of School Facilities and Resources*
- *Educational Institutions – Legal Aspects of Internet Compliance*
- *Financial Management in Schools: Assets and Resources*
- *Information and Communication Technologies Security*

- *Official Air Travel*
- *Procurement*
- *Purchasing Card Procedures*
- *Telecommunications Use*

These documents are available at [www.det.wa.edu.au/policies](http://www.det.wa.edu.au/policies)

*Financial Management Act 2006 (WA)* – The Department of Education and its employees are to manage financial resources in accordance with this Act. See Section 49.

*State Supply Commission Act 1991 (WA)* – The Department of Education and its employees are to comply with the supply policies outlined by the State Supply Commission pursuant to this Act.

Advice on Procurement may be accessed on the Department's *Buying Matters* webpage available at: [www.det.wa.edu.au/education/cps/](http://www.det.wa.edu.au/education/cps/)

Premier's Circulars: 2009/04 *Guidelines for Official Air Travel by Government Officers* available at [www.dpc.wa.gov.au](http://www.dpc.wa.gov.au)

Public Sector Commissioner's Circular 2009/18 *Guidelines for Expenditure on Official Hospitality* available at [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au)

Department of Treasury and Finance's *Strategic Asset Management Framework* available at [www.dtf.wa.gov.au](http://www.dtf.wa.gov.au)

Module Four of the Department of Education's *Accountable and Ethical Decision Making* course.

Standards and Integrity Complaints Advice Line: 1800 655 985.

## **5 RECORD KEEPING AND USE OF INFORMATION**

A government record is any record, created or received by a government organisation, or its employees in the course of their work, which records evidence of the agency's business activities or decisions.

To help you comply with the *State Records Act 2000* and relevant Departmental policies, procedures and record keeping practices you need to be aware of the following:

- the need to maintain security of records;
- the obligation to use information appropriately;
- compliance with the *State Records Act 2000*; and
- the need to follow appropriate storage practices.

### **5.1 Maintaining Security**

Whether a document is in hard copy or in electronic form, it is imperative that the document is secure so that it may only be accessed by authorised people.

In order to maintain the security of these records, the Department has procedures in place to secure and manage that record. You are expected to follow these procedures and to take care and be scrupulous at all stages in handling government records.

## 5.2 Use of Information

Information should only be used by you in connection with your official duties.

## 5.3 *State Records Act 2000*

The Department of Education is required to formulate and implement a recordkeeping plan in accordance with this Act.

You may be held individually accountable for breaches of this Act. Such breaches may include, but are not limited to:

- not keeping a government record in accordance with the organisation's recordkeeping plan;
- transferring, or offering to transfer, the possession of a government record to a person who is not entitled to possess that record, without lawful authority;
- destroying a government record, where the destruction is not authorised by an approved disposal authority and is in accordance with the Department's recordkeeping plan; or
- inappropriately disclosing or making use of government information or records which you have had access to during the course of your work.

## 5.4 Storing Records Appropriately

In storing and using any governmental record, you should ask yourself the following questions:

- Have I followed the Department's recordkeeping plan and any other relevant policies and procedures on recordkeeping and use of information?
- Is this the most secure and appropriate way to record and store this information?

### Further Information

Department of Education policies and guidelines:

- *Records Management*
- *Records Management Manual for School College and Campus Records*

These documents are available at [www.det.wa.edu.au/policies](http://www.det.wa.edu.au/policies)

Standards and Integrity Complaints Advice Line: 1800 655 985.

Module Five of the Department of Education's *Accountable and Ethical Decision Making* course.

*State Records Act 2000 (WA)*  
*Financial Management Act 2006 (WA)*  
*Freedom of Information Act 1992 (WA)*

## 6 CONFLICTS OF INTEREST

### Recognising a Conflict of Interest

A conflict of interest is a situation arising from a conflict between the performance of your public duty and private or personal interests.

Situations that may give rise to a conflict of interest include:

- relationships that you might have with people whom the Department is dealing with that go beyond the level of a professional working relationship;
- your financial interest in a matter that the Department is dealing with, or being aware of, friends or relatives with such an interest;
- shareholdings or other interests held by you in a company or business directly, or as a member of another company or partnership, or through a trust, any of which may bid and/or secure work with a government department or agency; and
- gifts or benefits that you might receive from people or businesses seeking government work and contracts, and/or seeking to influence your decision making.

### Reporting and Managing Conflicts of Interest

It is not necessarily wrong for a conflict of interest to arise. However, how you deal with the conflict is important.

If a potential conflict of interest does arise, you are to advise your line manager immediately and seek their guidance as to how to manage the situation.

#### 6.1 Additional Employment

It is important to recognise that concurrent outside work, on a paid or voluntary basis, in either the public or private sector may give rise to a real or perceived conflict of interest. This is particularly an issue where the outside work is in areas related to your official duties.

Section 102 of the *Public Sector Management Act 1994* provides that staff should not be engaged in private employment, unless given permission. Before you undertake any outside work you are required to obtain appropriate approval.

A copy of the Outside Employment Form may be found at:  
<http://intranet.def.wa.edu.au/resources/forms/>

#### 6.2 Use of position to promote personal views

Your participation in any personal, religious and/or political matters should not bring into conflict your primary duty as a public sector employee, which is, to serve the Government of the day in a neutral manner.

In this regard you:

- should not use your position to promote your personal, religious or political beliefs; and
- should not use any privileges granted through your position as a Department employee to promote political candidates or for partisan political activities.

### **Further Information**

The Corruption and Crime Commission provides resources to educate public officers on conflicts of interest and appropriate methods on managing such situations. These resources can be accessed at:

<http://www.ccc.wa.gov.au/preventionandeducation/Resources>

The Integrity Coordinating Group at the Office of the Public Sector Standards Commissioner has produced guidelines for dealing with conflicts of interest. They provide information on the identification and management of conflicts of interest, and are available at:

[http://www.opssc.wa.gov.au/icg/Publications\\_and\\_Resources](http://www.opssc.wa.gov.au/icg/Publications_and_Resources)

Public Sector Commissioner's Circular 2009/13 *Contact with Lobbyists Code and the Register of Lobbyists* available at:

<http://www.publicsector.wa.gov.au/AgencyResponsibilities/PSCCirculars/>

Module Six of the Department of Education's *Accountable and Ethical Decision Making* course.

Standards and Integrity Complaints Advice Line: 1800 655 985.