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Summary	This policy outlines the standard of behaviour expected by all staff as NSW Government employees and as employees of the NSW Ombudsman.		
Related Policies:	Policy development and review; information security; media; Work, Health & Safety; disclosure of information; record keeping; access to information; procurement; public interest disclosures; use of office cars; use of communication devices; internal reporting; privacy management plan; conflict of interests; gifts and benefits		
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Policy Owner:	Assistant Ombudsman (Corporate)		
Distribution Method:	Staff are to be advised of all policies by email when they are approved by the Ombudsman. Because of the nature of this policy, staff will be required to acknowledge that they have read the policy. New staff will be required to acknowledge that they have read the policy as part of their induction to the office.		
Superseded Policy Reference:	Code of Conduct, dated 6 October 2011		
Public availability:	This policy will be made available on the Ombudsman's website		
Feedback:	Any comments or suggestions can be made to the Assistant Ombudsman (Corporate) or the Project Officer (Executive).		

CODE OF CONDUCT

PREFACE

We aim to be an effective organisation. Our staff are expected to do their work with efficiency, fairness, impartiality and integrity. This will promote public confidence and trust in the office.

This Code of Conduct has been developed using the Code of Ethics and Conduct issued by the NSW Public Service Commission, which sets out mandatory requirements and best practice conduct for all government sector employees and heads of government sector agencies consistent with the Ethical Framework for the government sector, under Part 2 of the *Government Sector Employment Act 2013* (GSE Act).

Additional topics, which reflect the specific needs of this office, have been included in this code acknowledging our unique role and our responsibility to maintain public confidence and trust in the institution of the Ombudsman.

PURPOSE

This code outlines the standards of behaviour expected of all staff. However, it cannot cover every possible situation. If you are uncertain of what to do in a particular situation, ask your supervisor, your division manager, senior executive, or a statutory officer for guidance.

RESPONSIBILITY

This code applies to the Ombudsman and all staff of the office, whether by way of appointment, secondment, contract, temporary arrangement or on a fee-for-service basis. Any individual having employee functions or acting in an employee capacity, including a volunteer, is a member of staff for the purpose of this policy. This code does not apply to any person doing work under a contract with the Ombudsman, where that contract includes applicable provisions of this code of conduct.

LEGISLATIVE/POLICY FRAMEWORK

Ombudsman Act 1974

Police Act 1990

Community Services (Complaints, Reviews and Monitoring) Act 1993

Government Sector Employment Act 2013

Public Finance and Audit Act 1983

Anti-discrimination Act 1977

Government Information (Public Access) Act 2009

Public Interest Disclosures Act 1994

Independent Commission Against Corruption Act 1988

Privacy and Personal Information Protection Act 1998

Public Works and Procurement Act 1912

Health Records and Information Privacy Act 2002

Work Health and Safety Act 2011

Government Advertising Act 2011

State Records Act 1998

Children and Young Persons (Care and Protection) Act 1998

Child Protection (Working with Children) Act 2012

Crimes Act 1900

Public Service Commission, *Behaving Ethically: A guide for NSW government sector employees*

Department of Premier and Cabinet, *Personnel Handbook Chapter 8: Model Code of Conduct*

DEFINITIONS

Disclosures coordinator	The disclosures coordinator for our office is the Deputy Ombudsman (Public Administration)
Disclosures officers	In this policy refers to the Ombudsman, statutory officers, senior executives and division managers.
Division manager	Staff with ‘Division manager’ or ‘branch manager’ in their title and includes acting division or branch manager
Ombudsman	Includes Acting Ombudsman
Senior executive	Public service senior executives under the <i>Government Sector Employment Act 2013</i> (staff with ‘Director’ in their title)
Senior officer group	A deliberative body that forms the principal council of advice for the Ombudsman on major matters of policy and office management. The SOG consists of the Ombudsman, the four Deputy Ombudsman, the Assistant Ombudsman (Corporate) and the Assistant Ombudsman (Strategic Projects)
Statutory officer	Staff with ‘Deputy Ombudsman’ or ‘Assistant Ombudsman’ in their title

POLICY STATEMENT

1. *Our vision and values*

The Ombudsman is accountable to the public of NSW through Parliament and the operations of the office are essentially independent of the government of the day. The office has a prime obligation to the public interest which demands that the work of the office and the conduct of its officers and staff must maintain public confidence and trust.

Our vision is to improve the standard of accountability, integrity, fairness and service delivery to the citizens of NSW.

Our purpose is to:

- help organisations to identify areas for improvement to service delivery, and ensure they are acting fairly, with integrity and in the public interest
- deal effectively and fairly with complaints and work with organisations to improve their complaint-handling systems
- be a leading integrity agency
- be an effective organisation.

The public has a right to quality service from the Ombudsman. That service will be characterised by all staff. The Ombudsman expects that all staff will act with fairness, integrity and impartiality, respecting all those with whom we deal, to seek practical solutions and improvements that will benefit the community, including demonstrating the following values:

- **Integrity** – acting lawfully, honestly, ethically with good judgement and high professional standards.
- **Impartiality** – acting in a non-political manner, neither an advocate for complainants nor responding agencies but as an advocate for the public interest independent of government.
- **Fair play** – focusing internally and externally on fair and reasonable procedures, consistency and proportionality.
- **Adding value** – bringing clarity to problems and identifying practical solutions and improvements that benefit the community rather than simply apportioning blame.
- **Respect** – treating all complainants, stakeholders and colleagues with dignity and respect.

2. *Legislative obligations*

All staff are expected to act in the public interest and must conduct themselves in accordance with the *Government Sector Employment Act 2013* (GSE Act).

You are obliged to always act in accordance with the provisions of the legislation under which the office undertakes its functions, in particular, the *Ombudsman Act 1974*, *Police Act 1990*, *Community Services (Complaints, Reviews and Monitoring) Act 1993*, *Public Interest Disclosures Act 1994*, *Witness Protection Act 1995*, *Law Enforcement (Controlled Operations) Act 1997*, *Telecommunications (Interception)(New South Wales) Act 1987*.

You are to become and remain fully conversant with those pieces of legislation under which you are delegated functions.

In addition to your obligations under the GSE Act, you should also observe and be conversant with the principal provisions of other public sector legislation having general effect upon the office, including the *State Records Act 1998*, the *Government Information (Public Access) Act 2009*, the *Privacy and Personal Information Protection Act 1998*, the *Anti-Discrimination Act 1977*, the *Work Health and Safety Act 2011*, and the *Public Finance and Audit Act 1983*. The office has developed, where appropriate, specific policies and procedures to assist both staff and the office to comply with public sector legislation.

3. Compliance with office policies

The Ombudsman's policies provide guidance and set boundaries for what behaviour and which decisions are consistent with the office's vision, purpose and goals, as well as the GSE Act. You must act in accordance with all office policies, directions and delegations as set out in memoranda and procedure manuals. In particular, you must conduct operational matters and exercise any delegated power in accordance with applicable policies.

4. Ethical framework for the government sector

The Ombudsman's policies support our staff in meeting their responsibilities under the GSE Act and other relevant legislation.

Part 2 of the GSE Act establishes the [Ethical Framework for the NSW government sector](#). The objective, core values and principles of the Ethical Framework are to be demonstrated in the conduct of all government sector employees and heads of government sector agencies.

The Ethical framework recognises the role of the government sector in preserving the public interest, defending public values and adding professional quality and value to the commitments of the Government of the day.

5. Government sector core values

All staff should perform their duties in accordance with government sector core values and their principles.

a) Integrity

- consider people equally without prejudice or favour
- act professionally with honesty, consistency and impartiality
- take responsibility for situations, showing leadership and courage
- place the public interest over personal interest.

b) Trust

- appreciate difference and welcome learning from others
- build relationships based on mutual respect
- uphold the law, institutions of government and democratic principles
- communicate intentions clearly and invite teamwork and collaboration
- provide apolitical and non-partisan advice.

c) Service

- provide services fairly with a focus on customer needs
- be flexible, innovative and reliable in service delivery
- engage with the not-for-profit and business sectors to develop and implement service solutions
- focus on quality while maximising service delivery.

d) Accountability

- recruit and promote employees on merit
- take responsibility for decisions and actions
- provide transparency to enable public scrutiny
- observe standards for safety
- be fiscally responsible and focus on efficient, effective and prudent use of resources.

There is no hierarchy among the core values and each is of equal importance.

Nothing in the Ethical Framework gives rise to, or can be taken into account in, any civil cause of action.

6. Mandatory conduct under the Ethical Framework

a) All staff

All staff have responsibilities to:

- demonstrate high levels of personal conduct consistent with the Ethical Framework
- seek assistance when unsure about how to implement the Ethical Framework
- promote the implementation of the Ethical Framework to their colleagues
- report possible breaches of the Ethical Framework to relevant officers.

b) Statutory officers, senior executives and managers

All statutory officers, senior executives, division managers and managers have additional responsibilities to:

- lead and promote implementation of the Ethical Framework in their workplace
- ensure their workplace culture, practices and systems (including recruitment and promotion) operate consistently with the Ethical Framework
- recognise and promote employee and team conduct that exemplifies the Ethical Framework
- ensure that any real or perceived conflicts of interests are avoided or effectively managed.

Statutory officers and senior executives (including an acting senior executive) must declare in writing private interests that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior officer group.

c) Ombudsman

The Ombudsman has additional responsibilities to:

- lead and promote implementation of the Ethical Framework in the office
- ensure the general conduct and management of the functions the office are in accordance with the core values of the Ethical Framework
- oversee the implementation of the Ethical Framework and make improvements where necessary.

7. Acting in the public interest

The ethical framework is to be applied at all times in working relations with colleagues, complainants, other stakeholders and other government agencies.

You should treat all people equally without prejudice or favour and with honesty consistency and impartiality.

During the course of your work, you should always:

- place the public interest over your personal interest
- uphold the law, institutions of government and democratic principles
- provide apolitical and non-partisan advice
- provide transparency to enable public scrutiny
- be fiscally responsible and focus on efficient, effective and prudent use of resources.

Acting in the public interest requires leadership, courage and innovation to develop practical recommendations and actions that are consistent with the core values and help achieve the objectives of the Ombudsman.

Acting in ways that are expedient or convenient, but which do not promote the integrity, trust, service and accountability of the public sector, is not in the public interest.

8. *Guide to deciding and acting ethically*

To assist in fostering a climate of ethical awareness, conduct and decision-making in this office, staff should use the Public Service Commission's [Good practice guide – deciding and acting ethically](#) to make the best available decision.

9. *Conflicts of interests*

A conflict of interests would exist when it is likely that an employee could be influenced, or could be reasonably perceived to be influenced, by a personal interest in carrying out their public duty.

To maintain the integrity of the office, personal interests (financial or otherwise), associations and activities must not conflict with your duties. The Ombudsman is entitled to know if there is even a remote possibility of a conflict arising.

Conflicts of interests may arise when:

- there is a direct conflict between your current duties and responsibilities and your private interests (an 'actual' conflict of interests)
- when a person could reasonably perceive that your private interests are likely to improperly influence the performance of your official duties, whether or not this is in fact the case (a 'reasonably perceived' conflict of interests), or
- when you have a private interest that could conflict with your official duties in the future (a 'potential' conflict of interests).

You must make full and frank disclosure to a statutory officer, senior executive or your division manager of any conflict, either actual, 'reasonably perceived' or potential, which may be seen to impact on the impartial exercise of your duties.

All conflicts of interests are to be noted in the conflicts register maintained by the Assistant Ombudsman (Corporate). This register contains all disclosures by staff of matters that are or could potentially result in conflicts of interest arising out of the performance of their duties with this office.

If necessary, you may need to disqualify yourself from having any involvement in particular matters where that conflict arises, subject to the agreement of your statutory officer.

If you are in any doubt whether to disclose a potential conflict of interest, you have an obligation to consult your division manager, senior executive, statutory officer or the Assistant Ombudsman (Corporate). Such consultations will be treated confidentially and may avoid harm or embarrassment to the office and you.

This section should be read in conjunction with the conflicts of interests policy and any memorandum issued by the Ombudsman in relation to this issue.

10. *Professional conduct*

You are expected to discharge your duties thoroughly and with care, and comply with all lawful instructions.

Staff must act with:

- honesty and integrity
- accuracy and completeness
- consideration of all relevant facts
- particular merits of the case
- impartiality and procedural fairness

- equity and natural justice
- accountability
- consistency, all things being equal
- office policy
- discretion and tact
- avoidance of conflicts of interests.

You must maintain adequate documentation to support any decisions made. You must not unduly delay taking action or making decisions.

Any verbal communications on sensitive or important matters are to be recorded accurately and immediately and if necessary or appropriate be brought to the attention of your division manager, senior executive or statutory officer.

11. Consultation

You have a duty to consult your colleagues or supervisor when you have any doubt about the way in which you should exercise your delegated powers or fulfil your duties.

You have a duty to seek approval for any action that you do not have delegated authority to take. You must also seek approval if any specific direction or policy of the Ombudsman, a statutory officer, senior executive or a division manager requires consultation or approval before the action can be taken.

12. Reporting

You have a duty to report any operational problem or difficulty you identify to your supervisor, or where appropriate, to a senior executive, your division manager or a statutory officer. In particular, you must report any unauthorised disclosure or release of confidential information.

You must report any observed or suspected security weakness in, or threats to, office premises, equipment or systems to the Risk, Information and Security Committee (this may be via your supervisor, division manager, senior executive or statutory officer). A standard incident reporting form has been developed and is available in ADM/65.

You must report any observed or identified work, health and safety issues to your immediate supervisor, your work area's Health and Safety Representative and/or Personnel.

You must report without delay to the relevant senior executive, your division manager or statutory officer any complaint that is made about the exercise of the functions of the Ombudsman or the conduct of yourself or another staff member. You must inform the Ombudsman of any case where there is reason to suspect corrupt conduct within the meaning of the *Independent Commission Against Corruption Act 1988* whether occurring within or outside the office. The Ombudsman has an obligation under that Act to notify the Independent Commission Against Corruption of any matter that he or she suspects on reasonable grounds concerns or may concern corrupt conduct.

You must report any breaches of this code to the Ombudsman, a statutory officer, or a senior executive officer.

13. Making a public interest disclosure

Staff are urged to report suspected serious maladministration, corrupt conduct, serious and substantial waste of public resources and any failure to properly fulfil functions under the *Government Information (Public Access) Act 2009*. The *Public Interest Disclosures Act 1994* provides certain protection against reprisals for employees who report such matters either to the principal officer (ie the Ombudsman) or to one of the other investigative bodies - the Independent Commission Against Corruption, Police Integrity Commission, the Inspector General of the Police Integrity Commission or the Auditor General.

Disclosures may also be made to any statutory officer or senior executive under the office's internal reporting policy for the purposes of the *Public Interest Disclosures Act 1994*.

All statutory officers, senior executives and division managers must ensure that staff have information about the office's internal reporting policy. The person dealing with the public interest disclosure should notify the staff member who made the disclosure of the action taken or proposed to be taken in relation to the disclosure, and the outcome of such action.

If you believe certain conduct is not just unethical, but may also be a serious and substantial waste of government resources, maladministration or a breach of privacy rights, then you must report your concerns to our disclosures coordinator, a disclosures officer or the Ombudsman.

This section should be read in conjunction with the internal reporting policy and any memorandum issued by the Ombudsman in relation to this issue.

14. General accountability

You are responsible for any of your own acts and omissions that do not occur in the performance of your public official functions, and will be held responsible for them.

If you have a supervisory role, you will also be held responsible for any such foreseeable acts and omissions of your staff which, by their seriousness, repetition or common occurrence, are matters that you should know of and correct if you are exercising responsible management, leadership and supervision.

If you have a supervisory role, you therefore have a duty to ensure that the staff you manage or supervise have a clear understanding of their duties, how they are expected to perform those tasks, and what results are expected.

You must notify the Ombudsman, your division manager, senior executive or statutory officer of any significant precautionary or remedial action that is necessary to take in respect of any staff under your leadership or supervision or any function or responsibility of the Ombudsman, which you are unable to take yourself.

15. Acceptance of gifts or benefits

You must not accept any gift or benefit that could be reasonably perceived by a member of the public as intended or likely to cause you to do your job in a particular way, or deviate from usual procedures.

Any such offers should be declined except in cases where the offer is of some token kind and it would be rude or offensive to refuse, or where the offer is also made to associates who share a common task and purpose and which does not impose any obligations that may conflict with your duties eg. modest hospitality offered on visits to institutions, during meetings of working parties, selection committees etc.

You must always decline offers from individuals or organisations that are complainants to the office or that you know to be the subject of an investigation by this office.

You must never solicit any money, gift, benefit, travel or hospitality in association with your duties. Using or declaring your position as an officer of the Ombudsman to gain, or attempt to gain a personal advantage in any non-work related interaction with any person or organisation within our jurisdiction is unacceptable.

The Ombudsman's gifts and benefits policy provides more guidance on this topic, including the need to declare gifts and benefits.

16. Discrimination and harassment

All staff have a responsibility to ensure that the workplace is free from all forms of harassment and discrimination. Specifically, it is unlawful under the *Anti-Discrimination Act 1977* and related Commonwealth legislation to discriminate against any person with whom you have business dealings, including a colleague or a member of the public, on the grounds of race, sex, disability, age, homosexuality, marital status, pregnancy or on the grounds that a person is a carer or is a transgender person. Under the Act it is also unlawful to sexually harass a person, or to vilify a person because of

their race, because they have HIV/AIDS or because they are a homosexual or transgender person. In addition, staff must not harass or discriminate on the grounds of political or religious conviction.

Supervisors in particular must make sure that the workplace is free from all forms of harassment and discrimination. They should understand and apply the principles of equal employment opportunity and ensure that the staff they supervise are informed of these principles. Supervisors should also take all necessary steps, such as training and other active measures to prevent and deal with harassment and discrimination in their work area.

This section should be read in conjunction with the good working relationships policy and any memorandum issued by the Ombudsman in relation to this issue.

17. Fairness and acting within authority

Issues or cases being considered by employees should be dealt with consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures, in a non-discriminatory manner and in conformity with natural justice.

When using any discretionary powers, staff should ensure that they take all relevant facts into consideration, have regard to the particular merits of each case, and not take irrelevant matters or circumstances into consideration.

18. Public comment on the work of the office

You must not engage in public comment, whether through public speaking engagements, comments to newspaper, radio or television journalists, letters or articles to newspapers, social media, social networking sites or other publications that:

- comments on the work of the office unless you have prior permission or delegated authority of the Ombudsman, or
- is the expression of private views but by implication is capable of being perceived as official comment from this office.

You can disclose official information that is ordinarily given to members of the public seeking that information. If discussing our work outside the office, you must confine yourself to material that has entered the public domain by way of annual reports, special reports to Parliament, reports of the Parliamentary Joint Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission, media releases authorised by the Ombudsman or public addresses given by the Ombudsman or other statutory officers.

You must refer all media enquires to the Project Officer (Community Liaison), Executive Officer, or the Project Officer (Executive), unless you are a designated officer to take media calls in relation to some specific issue.

The constraints on public comment and the obligations to observe and protect confidentiality continue to apply when you leave the employ of the Ombudsman. This section should be read in conjunction with the media policy, disclosure of information policy and any memorandum issued by the Ombudsman about this issue.

19. Use of social media

As a general rule, staff should avoid using social media or social networking sites on the internet to comment on the work of the office unless you have prior permission or delegated authority of the Ombudsman. Examples of social media may include (but are not limited to) Facebook, Twitter, LinkedIn, blogs, video/photo sharing sites, online forums and discussion groups etc.

Staff should be mindful that laws relating to employment continue to apply outside the workplace and that any comment made on a social networking site that refers to the Ombudsman, a client or a fellow staff member or any work-related activities may be in breach of office policy, legislation or secrecy provisions.

This section should be read in conjunction with the social media policy, the disclosure of information policy, the good working relationships policy and any memorandum issued by the Ombudsman about this issue.

20. Protecting confidential information

You must always comply with the obligations of secrecy, privacy and confidentiality in respect of the work of the office prescribed by the legislation under which the office undertakes its investigations, monitoring and reporting, the relevant provisions of the *Privacy and Personal Information Protection Act 1998*, any relevant privacy codes or practice made under that Act and the office Privacy Management Plan.

You must not access or disclose any of the sensitive information that the office receives or has access to (including the confidential databases of other agencies) except with the consent of the person or agency that provided the information or for the purpose of discharging a statutory function in the proper performance of your duties (section 34, Ombudsman Act).

You must not use any information that you obtain in the course of your duties to gain improper advantage for yourself or for any other person that would cause harm or discredit to the office or any person, or would be inconsistent with your duties.

You must not, otherwise than in connection with the lawful exercise of your official functions, intentionally disclose or use any personal information about another person to which you have or had access in the exercise of your official functions (section 62, Privacy and Personal Information Protection Act).

You must ensure that confidential information, in any form (including electronic), cannot be accessed by unauthorised people and that information obtained by you in the course of performing your official functions is only discussed with people, either within or outside the office, who are authorised to have access to it.

21. Drugs and alcohol

You are responsible for making sure your capacity to perform your duties is not impaired by the use of alcohol or drugs (including those prescribed by your doctor), and that the use of such substances does not put your or any other person's health and safety at risk.

As an officer of the Ombudsman, you must:

- not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances
- not endanger your own safety or the safety of any other person in the workplace by consuming alcohol, illegal drugs or non-prescribed or restricted substances
- notify your supervisor if you are aware that your work performance or conduct could be adversely affected as a result of the effect of a prescribed drug
- take action to resolve any alcohol or other drug-related problems that you have (remember that you have access to counselling support from our Employee Assistance Program (EAP)), and
- consult with your supervisor if you are concerned about working with other employees who may be affected by drugs or alcohol.

As an Ombudsman employee, you must not have illegal drugs in your possession while at work.

There is a prohibition on the use of illicit drugs:

- in the workplace, whether that be at the office or at a temporary location when required to travel,
- on the way to or from work, or
- at Ombudsman related functions.

22. Use of official facilities and resources

You must use any office resources and equipment economically and without waste. When using equipment you must exercise care and follow operating requirements. When using shared equipment, you must ensure that your use does not unnecessarily impede access by others or assume unreasonable priority. Never use public resources, including money, property, equipment or consumables, for your personal benefit or for an unauthorised purpose.

You must not use your work time or office stationery, equipment or postage for private purposes unless authorised. There are some reasonable exceptions to this rule. For example, you may use the phone for private local calls if they are short, infrequent and do not interfere with work and use our office internet so long as this use is reasonable, appropriate and does not interfere with the work of the office.

When using office resources for an authorised private purpose you must ensure that they are secure and properly cared for, used in your own time, do not interrupt the work of the office or access by colleagues for official purposes, and supply any consumables yourself.

You must not remove any office equipment, data or software from the office without clear authorisation, either as set out in an office policy or that specifically authorises the proposed action.

When you leave the employ of the Ombudsman you must return all equipment and documents that belong to the office.

If you are responsible for receiving, spending or accounting for money, ensure you know, understand and comply with the requirements of the *Public Finance and Audit Act 1983*, the *Public Works and Procurement Act 1912*, and the *Government Advertising Act 2011*.

You must not incur expenditure on behalf of the office unless authorised. If incurring authorised expenditure, you must adhere to all relevant requirements of the *Public Finance and Audit Act 1983*, Treasurer's Directions, office policies and any financial delegations you have.

This section should be read in conjunction with the use of office cars policy, the use of communication and technology devices policy, and any memorandum issued by the Ombudsman in relation to this issue.

23. Secondary employment

You must not engage in any outside employment or remuneration that would conflict or compromise your duties as an officer of the Ombudsman.

You must obtain approval from your division manager, senior executive, or statutory officer for any outside employment that you intend to engage in.

You must disclose, in accordance with the conflicts of interest policy, any voluntary work that you do for any agency whose work or activities are within the jurisdiction of the Ombudsman.

24. Political and community participation

Staff must make sure that any participation in party political activities does not conflict with their primary duty as an officer of the Ombudsman to perform their duties in a politically neutral manner.

Within the context of the requirements of this code, staff are free to fully participate as volunteers in community organisations and charities, and in professional associations.

25. Post separation employment

Staff should not use their position to obtain opportunities for future employment. They should not allow themselves or their work to be influenced by plans for, or offers of, employment outside the office.

Former staff members should not use, or take advantage of, confidential information obtained in the course of their official duties for any purposes.

All staff should be careful in their dealings with former staff members and make sure that they do not give them, or appear to give them, favourable treatment or access to confidential information.

26. Dress and appearance

Your dress and appearance need to be appropriate to your duties and the people you are dealing with. You should behave in a way that upholds the reputation of the Ombudsman and our professionalism means our appearance and dress should reflect pride in our office and respect for those we work and deal with, particularly the public. What this means in practice for our staff:

- maintain a clean, neat and tidy appearance
- it is not appropriate to wear clothing that is dirty or unkempt
- dress to a standard appropriate to your duties – for example, if involved in a section 19 hearing, you are expected to dress to a standard that would be expected of legal representatives in a court
- the style of clothing may vary according to the type and place of duties, who you are dealing with, local climate and community standards
- dress appropriately for our office environment
- even if you will have no public contact in carrying out your duties, it is important to dress in a way that could not reasonably be seen to be offensive to your colleagues and ensure the good reputation of the Ombudsman is upheld by those who associate you with the Ombudsman
- clothing and other attire must not present a health or safety risk
- clothing must not contain or display political material or slogans that clients and colleagues may find offensive, or that compromises the apolitical nature of our office.

No dress code can cover all contingencies, so you are expected to apply good judgement in your choice of clothing to wear to work. If you are uncertain about what is acceptable, you should talk to your supervisor.

27. Security

You must take all necessary and appropriate steps to maintain the security of the office, any keys or access cards that you have been issued and your password. You are also responsible for the security of any file in your care. This includes complaint files as well as administrative files.

To help ensure that proper security is maintained for the office:

- you must only use the office for work related purposes, or authorised purposes (for example study),
- you must only access the office outside ordinary working hours if your division manager, a senior executive or a statutory officer has authorised your being in the office during that time,
- you must exercise discretion in relation to bringing guests into the office,
- you must ensure that all guests of staff are accompanied and supervised at all times by a member of staff, and
- you must ensure that all other people allowed into this office who are not members of staff are accompanied and supervised at all times by a member of staff
- you must not disclose your computer access password to any other person.

The use of IT equipment, regardless of ownership, outside the office for the purpose of official business is subject to the following:

- personal computers should not be used at home for business activities if virus controls are not in place

- when travelling, equipment, software, computer disks, files and the like should not be left unattended in public places and portable computers should be carried as hand luggage
- when travelling, laptops should be provided with an appropriate form of access protection, eg passwords or encryption.

You must familiarise yourself with any security procedures followed in the office including emergency and fire procedures. This section should be read in conjunction with the information security policy.

28. Sanctions

If it is alleged that you have acted in a way that is contrary to this code, you will have an opportunity to provide your version of events. How this will happen will be proportionate to the seriousness and nature of the matter.

If the allegation is minor or of a low level, your supervisor will usually discuss this matter directly with you. If the allegations are more serious, a formal process may be required.

Allegations of behaviour contrary to this code will be investigated in accordance with the principles of procedural fairness, specifically the Ombudsman will ensure:

- procedural fairness for any person the subject of the allegation
- the investigation is handled expeditiously to minimise potential for breaches of confidentiality and lack of procedural fairness
- confidentiality for all parties, where practicable and appropriate, until such time as the investigation process is complete
- meticulous recordkeeping, including recording of reasons for all significant decisions.

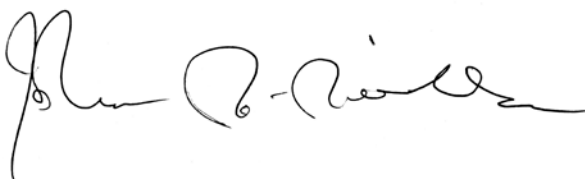
You should be aware of the various sanctions that may be applied for the breach of any provision in the legislation governing the work of the Ombudsman or your employment under the provisions of the *Government Sector Employment Act 2013*.

Sanctions may be applied if you are involved in:

- unacceptable behaviour, either in the course of your duties or in your private life that would bring discredit on the office of the Ombudsman
- unsatisfactory performance of your duties
- breaches of this code
- breaches of your terms of employment
- breaches of any provisions of the Acts referred to in this code or any other legislation under which our office operates.

Any sanctions applied will depend on the seriousness and nature of the breaches and may include termination of employment, fines, reduction in remuneration, classification or grade, assignment to a different role, caution or reprimand.

OMBUDSMAN APPROVAL



**Professor John McMillan
ACTING OMBUDSMAN**

**NSW OMBUDSMAN
CODE OF CONDUCT**

UNDERTAKING

I have read and understand the NSW Ombudsman's Code of Conduct and agree to abide by its terms.

I acknowledge that the Code of Conduct may be amended from time to time. I agree to read any amendment of the policy provided to me from time to time. I also agree to raise with my supervisor any concerns regarding any amendment, including if I do not understand the amendment. I agree to abide by the terms of any amendment.

Name:.....

Signed:.....

Date:

Policy: Code of Conduct (policy number 2)

This undertaking relevant to version number: 10

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