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SCOPE AND PURPOSE

The NSW Ombudsman Code of Ethics and Conduct (the Code) incorporates the:

- [Code of Ethics and Conduct for NSW government sector employees](#)
- [Managing Gifts and Benefits: Minimum Standards](#)

The Code applies to statutory officers and all employees of the Ombudsman's Office (Office) being all persons undertaking work for or engaged by the Office in either a paid or unpaid capacity (staff). This includes:

- ongoing, temporary, casual and employees on secondment to the Office
- contractors and agency staff engaged to perform work for, or on behalf of the Office
- students and volunteers
- consultants where their engagement requires adherence to the Code.

The Code applies from the date of issue, may be amended from time to time, and is regularly reviewed. The Code must be applied at all times in working relations with colleagues, clients and customers, stakeholders and the government of the day.

Together with the Code, staff must comply with any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.

Staff are also required to familiarise themselves and comply with:

- all Office policies and procedures
- relevant government directives, circulars and memoranda.

LEGISLATIVE AND COMPLIANCE FRAMEWORK

1. The Ethical Framework for the government sector

The Ethical Framework for the government sector is established under Part 2 of the *Government Sector Employment Act 2013* (GSE Act).

The Ombudsman is responsible for the general conduct and management of the Office, in accordance with the core values specified in the Ethical Framework. The objectives, core values and principles of the Ethical Framework are to be demonstrated by staff and the Ombudsman in their working relations with other government sector employees, clients and customers, stakeholders and the government of the day.

2. The Code of Ethics and Conduct for NSW government sector employees

The *Code of Ethics and Conduct for NSW government sector employees* identifies mandatory requirements and best practice conduct for all government sector employees and heads of government sector agencies which is consistent with the Ethical Framework.

In accordance with Public Service Commissioner Direction No 1 of 2015, the Ombudsman must implement the *Code of Ethics and Conduct for NSW government sector employees* for staff and require staff to comply.

3. Managing Gifts and Benefits: Minimum Standards

In accordance with Public Service Commissioner Direction No 1 of 2014, the Ombudsman must implement the *Managing Gifts and Benefits: Minimum Standards* and require staff to comply.

ROLES AND RESPONSIBILITIES

Ombudsman

The Ombudsman is responsible for:

- leading and promoting the Code within the Office
- ensuring the general conduct and management of the functions and activities of the Office are in accordance with the core values of the NSW public sector and the Office
- overseeing the implementation of the Code and making improvements where necessary.

Staff

Staff are responsible for:

- understanding and abiding by the Code
- understanding legislation and Office policies and procedures that support professional and ethical behaviour, and demonstrating those behaviours
- seeking assistance from a manager when unsure of what behaviour or action is expected
- promoting the Code to their colleagues through demonstrating ethical and professional behaviour
- reporting possible breaches of the Code to relevant officers

Managers and Executive

In addition to the above staff responsibilities, members of the Executive and managers responsible for supervising staff are responsible for:

- leading, modelling and promoting implementation of the Code and ethical, fair and professional conduct within the Office
- ensuring Office culture, practices and systems (including recruitment and promotion) operate consistently in accordance with the Code
- ensuring relationships with suppliers and other contractors remain on a professional footing
- acknowledging staff and team conduct that exemplifies the Code
- implementing strategies that may assist in preventing breaches of the Code, including but not limited to:
 - ensuring that any real or perceived conflicts of interests are avoided or effectively managed
 - ensuring staff have been issued with the Code and understand its requirements
 - ensuring staff complete all compulsory training on the Code and associated policies
- act promptly and with due process to address and investigate alleged breaches of the Code

Legal Counsel

The Legal Counsel is responsible for:

- approving the appropriate disposal of surrendered gifts and benefits in accordance with the Code.

Manager, People and Culture

The Manager, People and Culture is responsible for:

- ensuring training on the Code is included in Induction for new starters and regular cyclical training for staff.

Senior Governance and Risk Officer

The Senior Governance and Risk Officer is responsible for:

- monitoring the implementation of and maintaining the Code in accordance with relevant compliance requirements
- registering conflicts of interests, gifts and benefits and personal interest declarations in accordance with the Code
- receiving, registering and storing surrendered gifts and benefits in accordance with the Code
- providing reports to the Executive regarding the Office's implementation of activities to support staff awareness of the Code, and Office compliance with related legislation and relevant government directives.

CORE VALUES

The following core values of the NSW government sector and the Ombudsman's Office must be demonstrated by all staff at all times:

NSW government sector values
<p>Integrity</p> <ul style="list-style-type: none"> • 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.
<p>Trust</p> <ul style="list-style-type: none"> • 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.
<p>Service</p> <ul style="list-style-type: none"> • 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.
<p>Accountability</p> <ul style="list-style-type: none"> • 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.

Office values
<p>Integrity We act lawfully, honestly, ethically and are committed to producing high-quality work in a consistent manner.</p>
<p>Impartiality We operate independently from government and act in a non-partisan manner, providing services informed by evidence to advocate for the public interest.</p>
<p>Fairness We strive to ensure people are treated fairly and reasonably by the government agencies with which they interact. We treat complainants and the employees of the agencies whose conduct we investigate fairly.</p>
<p>Transparency We document our operations and processes and communicate openly with our stakeholders and provide key information about the findings, recommendations and outcomes of our work.</p>

Professionalism

We work with government agencies and non-government organisations through relationships based on professionalism, trust and respect to find proactive and positive resolutions in the interest of the people and communities of NSW. We interact with the public and external stakeholders to understand their diverse contexts and emerging needs.

Respect

We work with complainants, stakeholders and our colleagues in an inclusive manner, treating them with dignity and respect, and mindful of diversity.

ACTING IN THE PUBLIC INTEREST

Staff must:

- place the public interest over their personal interest
- provide apolitical and non-partisan advice.

CONFLICTS OF INTERESTS**1. What is a conflict of interests?**

A conflict of interests exists where a reasonable, informed observer would perceive a staff member's public duty might be influenced by their own, or someone else's, private interests.

A conflict of interests has three elements:

(i) Public duty

The staff member's duty as an Ombudsman officer – what their role requires them to do.

(ii) Private interest

The staff member's personal interests, or the interests of a member of their immediate family, relatives, friends, acquaintances, or business or community associates of any kind. A private interest may be material (involving money or some other tangible benefit) or non-material. Private interests can arise from relationships, memberships, work or educational history, property ownership, political affiliations, religious beliefs or experiences (positive or negative) you have had with a particular individual or organisation.

(iii) Conflict

A connection between the private interest and the performance of a particular public duty where a reasonable person would consider the private interest could influence that performance.

The chances of a conflict arising, and the type of conflict that arises, will depend in part on the staff member's role. Someone working in corporate will face different types of conflicts to someone working in investigations.

Managing conflicts of interests involves disclosure, management and, where possible, avoidance.

2. Avoiding conflicts of interests

Taking action to avoid conflicts of interests where possible is ideal. This might include declining social invitations from agencies that the Ombudsman oversees or suppliers, not pursuing secondary employment opportunities and declining social media interactions or invitations from agencies the Ombudsman oversees.

3. Disclosing conflicts of interests

Staff must declare in writing any conflict of interests they have or believe they might have when:

- commencing employment or changing roles within the Office
- commencing a new investigation or major project
- participating in recruitment selection or procurement panel
- they have a change in manager
- new circumstances arise that might give result in a conflict.

The Ombudsman and each member of the Executive are also required to declare annually, or when appointed to a new role, any private, financial, business, personal or other interests or relationship that may give rise to conflicts of interests.

4. Conflicts of interests register

All declarations are recorded by the Senior Governance and Risk Officer on a central register which may only be accessed by the Ombudsman and Senior Governance and Risk Officer. Executive members and Managers may be provided with reports of conflicts of interests pertaining to their supervisees by request to the Senior Governance and Risk Officer.

De-identified statistical reports may be provided to the Ombudsman and Executive for the purposes of ensuring visibility and effective management of risks.

5. Managing conflicts of interests

All conflicts, whether potential or actual must be managed. Key steps in managing conflicts are as follows:

(i) Assess the risk

Determining the level of risk is an important step in determining appropriate management action. Factors to consider in assessing risk are outlined in the conflict of interests declaration form.

(ii) Consideration of management options

One or a combination of the following four options may be selected to manage a conflict:

- take no further action (usually for low risk conflicts)
- change the staff member's relevant activities
- manage the staff member's personal interest
- increase probity through additional documentation, monitoring and/or assurance.

(iii) Documentation

Management action must be clearly documented and emailed to the Senior Governance and Risk Officer.

(iv) Implementation and monitoring

Managers are responsible for the implementation and monitoring of management action and staff must comply with the identified strategies.

GIFTS AND BENEFITS

1. What are gifts and benefits?

A gift or benefit is any item, service, prize, ticket, meal, hospitality or travel, provided by a customer, client, applicant, supplier, potential supplier or agency the Office oversees, which has an intrinsic value and/or a value to the recipient, a member of their family, relation, friend or associate.

2. Prohibited gifts and benefits

Staff must never seek or solicit a gift or benefit.

Staff must not accept a gift or benefit:

- as an inducement to act a certain way
- where there could be a perception that it has been offered as an inducement to act in a certain way or to create a sense of obligation
- where there could be a perception that the staff member would be influenced in the way they do their work
- if the staff member might feel an obligation to the giver
- if it is cash, cheques, money-orders, gift vouchers, debit cards, pre-paid cards, or is similar to cash
- if it is to be provided to a family member, relation, friend or associate
- if acceptance could be perceived as undermining the core values of trust, integrity, service and accountability of the NSW public sector
- if acceptance does or could create a conflict of interests
- if it relates to any involvement in or influence over any procurement activity or the Office has a business agreement relationship with the giver
- if its value is more than \$25 and it does not meet the criteria for acceptance as detailed in the Code (see section 5 below)
- where it should be refused because of one of the other provisions in the Code
- if the staff member is unsure whether to accept it

Inadvertent acceptance of a prohibited gift or benefit in good faith will not be a breach of the Code provided the staff member declared and surrenders the gift or benefit as soon as possible in accordance with the process in section 5 below.

3. Risk factors and roles prohibited from accepting gifts and benefits

In assessing whether or not to accept a gift or benefit it is important for staff to consider the specific risks that relate to their work. Roles that involve investigative, oversight, procurement, contract management or similar functions, or have a high level of discretionary power, have a high level of risk attached to them in relation to gifts and benefits. Roles of this nature are prohibited from accepting a gift or benefit.

4. Reporting of bribes

If a staff member is offered a gift or benefit and they believe the intention of the person was to influence the way they do their work, or that might otherwise be considered a bribe, they must refuse the offer. Any attempt to bribe a staff member, or acceptance of a bribe, is corrupt conduct and must be reported immediately to a member of the Executive. It may also constitute a criminal offence.

5. Value thresholds, management of gifts, and benefits and when to declare

(i) Under \$25

Where gifts or benefits, either in a single instance or cumulatively from the same source within a six month period, are valued below \$25 and there is nothing in the Code indicating they should be refused, they may be accepted and retained by the receiver without approval, and are not required to be declared or recorded in the register. Staff must reasonably estimate the retail value of the item before opting to accept and retain. Staff must not seek to underestimate the value in order to avoid declaring and surrendering a gift or benefit.

(ii) \$25 - \$100

Gifts or benefits valued between \$25 and \$100, either in the single instance or cumulatively from the same source within a six month period, may only be accepted where the gift or benefit is not prohibited (see section 2 above) and there are strong reasons why they should be accepted. Approval by the receiving staff member's manager is required and the item must be declared and recorded in the register and surrendered to the Senior Governance and Risk Officer.

All offers of gifts or benefits over \$25, whether accepted or not, must be declared and recorded in the register.

(iii) Over \$100

Gifts or benefits over \$100, either in the single instance or cumulatively from the same source within a six-month period, must be declined. Where it is not possible to decline acceptance, the gift or benefit must be registered and then surrendered to the Senior Governance and Risk Officer, who will inform a member of the Executive.

All offers of gifts or benefits over \$100, whether accepted or not, must be declared and recorded in the register.

(iv) Inadvertent acceptance of a gift or benefit

Occasionally a gift or benefit may be inadvertently accepted, such as a card which following receipt is found to contain a gift voucher or money, or a wrapped gift not opened in front of the giver. If an accepted gift is found to be prohibited, it must be immediately declared and advice sought from an Executive member as to the appropriate disposal. If not prohibited, the gift or benefit must be managed in accordance with the Code.

6. Disposal of surrendered gifts and benefits

Legal Counsel is responsible for determining appropriate disposal of gifts or benefits which have been surrendered to the Senior Governance and Risk Officer in accordance with the Code.

In the case of perishable items such as chocolates or food hampers, an appropriate method of disposal is often to share the item amongst staff or donate to charity. Where it is required that the gift will be shared amongst staff then a physical surrender of the gift is not required, however the disposal method must be recorded in the register.

All non-perishable goods will be stored in a secure cupboard and an inventory of contents maintained by the Senior Governance and Risk Officer. At the end of the financial year a review of the contents will be conducted against the inventory. The disposal of the gifts must occur at least once per year and be recorded.

7. Recording of declarations and gifts and benefits register

Staff must declare gifts and benefits as soon as practical by completing the declaration form and providing to their manager. If the gift or benefit was accepted, the manager must complete the relevant section regarding how it will be disposed. Once complete this form must be emailed to the Senior Governance and Risk Officer who will review the approved action for compliance with the Code and update the Gifts and Benefits Register.

8. Hospitality

Acceptance of hospitality should be considered in terms of risk.

Examples of low risk hospitality include:

- functions where the recipient attends in an official capacity representing the Office
- hospitality provided as part of a conference package where the Office has paid a fee for the staff member to attend
- catered briefings or lunches where invitees from a range of organisations are present
- occasional working lunches, where the hospitality is incidental and of low value

Examples of higher risk hospitality include:

- restaurant meals
- invitations to corporate boxes or marquees
- invitations to functions held in private homes
- invitations which extend to family members, relations, friends and associates.

High risk hospitality should not be accepted. If hospitality is accepted in good faith, but a third party attempts to use the occasion to raise a materially significant matter relating to their business or private affairs, staff should politely decline to discuss the matter and, if appropriate, propose that a formal meeting be organised for a later date.

The value thresholds and declaration requirements outlined in section 5 above apply to the receipt of hospitality.

9. Travel and accommodation

From time to time staff may be offered travel or accommodation upgrades when travelling for work. Staff should never seek or solicit an upgrade from a travel or accommodation provider in relation to official travel.

Where a travel or accommodation provider seeks to upgrade a staff member for operational reasons, at no charge to the staff member or the Office, they may accept the upgrade, but must declare it.

10. Offering gifts, benefits and hospitality

Staff providing gifts, benefits and hospitality must ensure:

- it is provided for a business purpose
- costs are proportionate to the benefits obtained and would be considered reasonable in terms of community expectations
- the gift or benefit is purchased through a transparent and appropriate process and appropriately documented
- expenditure must not provide a personal benefit to staff members or their families or friends

- generally, hospitality should not be extended to consultants or other providers of goods or services unless authorised by a member of the Executive.

SECONDARY EMPLOYMENT AND POST SEPARATION EMPLOYMENT

Staff must comply with Office policies regarding secondary and post separation employment.

USE OF OFFICIAL RESOURCES

Staff must use our office resources efficiently and prudently. Any use of public resources for private purposes must be minimal, reasonable and in accordance with relevant Office policies.

Staff must not use office resources in the context of any secondary employment or for other personal remuneration.

Staff must:

- ensure decision making relating to the use of resources, facilities and equipment is reasonable, and appropriately authorised
- treat Office property and assets with care and ensure it is secured against theft or misuse
- not create a risk or liability for the Office by the use of facilities or equipment (e.g. by breaching software copyright)
- be economical in the use of Office facilities and equipment, including the use of motor vehicles, travel and credit cards.

Staff responsible for receiving, spending or accounting for money must ensure they know, understand and comply with the requirements of the *Government Sector Finance Act 2018*, the *Public Works and Procurement Act 1912* and the *Government Advertising Act 2011*.

1. Appropriate use of information and communication technology (ICT)

Staff must comply with Office policies regarding the appropriate use of ICT.

2. Procurement

Procurement activity must follow clear principles, processes and procedures in order to maximise the benefits of valuable supply chain management. Staff must ensure that public money is spent appropriately and responsibly, undertaking each engagement with integrity and ensuring accountability for outcomes.

Staff are responsible for making themselves familiar and complying with the Office's Procurement Policy in relation to all procurement activities.

3. Intellectual property and copyright

Staff must comply with Office policies regarding copyright and intellectual property.

PARTICIPATION IN POLITICAL OR OTHER ACTIVITIES

Staff must implement the policies and decisions of the government of the day in an impartial manner.

Staff have a right to participate in political and community activities and to pursue private interests, provided that:

- participation does not interfere with their official duties

- participation does not conflict with their duty as a public servant to serve the government of the day in a politically neutral manner and
- any conflict of interest (actual, perceived or potential) that arises is dealt with in accordance with the Code.

PUBLIC COMMENT

1. Definition of public comment

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. This includes public comment through open social media accounts. Staff must not make any comment on behalf of the Ombudsman unless authorised to do so. All media inquiries must be referred to the Communications, Media and Training Manager.

As private individuals, staff have the right to participate in public debate on political and social issues. However in doing so, staff must not make any comment that is capable of being perceived as official comment by the Office.

Staff must not engage in unlawful or improper conduct, even in a private capacity that has the potential to damage public trust in the Office.

When exercising their right to participate in public debate in a private capacity, staff must ensure that their conduct:

- is not incompatible with their duties as a staff member and
- complies with Office policies on use of official resources and communication technology.

2. Public comments by union delegates and office holders

If staff are elected or nominated as spokesperson for a professional association or union, they are entitled to make public comments in relation to Office matters in so far as it is clear that those comments represent the association or union views, and not necessarily those of the Ombudsman. If staff are making such public comments, they must clearly acknowledge the capacity in which they are expressing their views.

PROFESSIONAL BEHAVIOUR

1. Workplace health, safety and security

Staff are expected to understand their responsibilities and obligations under work, health and safety legislation and be proactive in ensuring the workplace is safe and secure for everyone, including identifying, assessing and reporting safety risks and hazards.

Staff have a duty to:

- take reasonable care for the health safety and welfare of themselves and others when performing their work
- adhere to Office security policies and procedures
- co-operate with managers to ensure compliance with relevant work, health and safety laws.

2. Professional presentation

Staff must present themselves professionally at all times. This includes maintaining a clean, neat and tidy appearance. Staff must dress appropriately to their duties including when attending external meetings, hearings, presentations or other activities which involve engaging in person

with external stakeholders including the public. Clothing and attire must not present a health or safety risk nor be reasonably seen to be offensive to colleagues or external stakeholders.

3. Use of alcohol and drugs

Staff are responsible for ensuring that their capacity to perform their duties is not impaired by the use of alcohol or drugs, and that use of such substances does not put staff or any other person's health and safety at risk. Staff must not be under the influence of alcohol or other drugs while at work.

Staff are encouraged to disclose any alcohol or drug-related problems they may be experiencing so that appropriate action can be taken to provide relevant support and maintain a safe workplace. Staff may access counselling support from the Employee Assistance Provider.

4. Working with others

All staff are to treat their colleagues, customers, clients and internal and external stakeholders with dignity and respect, and in accordance with the following:

- considering people equally without prejudice or favour
- acting professionally with honesty, consistency and impartiality
- taking responsibility for situations, showing leadership and courage
- placing the public interest over personal interest
- appreciating difference and welcoming learning from others
- building relationships based on mutual respect
- upholding the law, institutions of government and democratic principles
- communicating intentions clearly and inviting teamwork and collaboration
- providing apolitical and non-partisan advice
- providing services fairly with a focus on customer needs
- being flexible, innovative and reliable in-service delivery
- engaging with the not-for-profit and business sectors to develop and implement service solutions
- focusing on quality while maximising service delivery
- recruiting and promoting staff on merit
- taking responsibility for decisions and actions
- providing transparency to enable public scrutiny
- observing standards for safety
- being fiscally responsible and focused on efficient, effective and prudent use of resources.

The Ombudsman expressly prohibits any form of discrimination, harassment and bullying. This includes comments or posts on social media. Such behaviour may also be unlawful.

Deliberately submitting a workplace complaint or allegation with false statements or for malicious, vexatious or frivolous purposes may attract misconduct action.

5. Lobbyists

Staff must comply with the NSW Government Lobbyist Code of Conduct published on the Department of Premier and Cabinet's website and as amended from time to time.

REPORTING CHILDREN AT RISK

1. Reportable conduct scheme

The Ombudsman is a 'public authority' for the purpose of the *Children's Guardian Act 2019* (CG Act). This means that if staff become aware of reportable allegations or a conviction that the person considers is a reportable conviction, they must report the matter to the Ombudsman. The Ombudsman must then give the Children's Guardian written notice of the reportable allegation or conviction considered to be a reportable conviction.

Information about reportable allegations, reportable convictions and the reporting obligations that the Ombudsman has under the CG Act can be found at www.kidsguardian.nsw.gov.au.

2. Mandatory reporters

Staff whose functions include the delivery of welfare service to children, and managers of those staff, are 'mandatory reporters' for the purposes of the *Children and Young Persons (Care and Protection) Act 1998* (CYP Act).

If a mandatory reporter has reasonable grounds to suspect that a child is at risk of significant harm, and those grounds arise during the course of the performance of their functions as an Ombudsman officer, they have a duty to report, as soon as practicable, the name (or a description) of the child, and the grounds for suspecting that the child is at risk of significant harm, to the Department of Communities and Justice.

The secrecy obligations imposed by the *Ombudsman Act 1974* do not prevent a report from being made. An individual who makes a report or provides information in good faith also has the protection afforded under the CYP Act.

3. Other staff

Any other staff member who, in the course of their duties, receives information that leads them to suspect or believe that a child or young person, or class of child or young persons, is at risk of significant harm, should report the grounds for that suspicion or belief to the Department of Communities and Justice, in accordance with the CYP Act.

The secrecy obligations imposed by the *Ombudsman Act 1974* do not prevent a report from being made. An individual who makes a report or provides information in good faith also has the protection afforded under the CYP Act.

REPORTING CONDUCT

1. Self-reporting bankruptcy and serious criminal offences

If a staff member becomes bankrupt, they must immediately notify their manager and the Manager, People and Culture.

Staff must immediately notify their manager if they are charged, convicted or found guilty of:

- a serious offence; or
- any offence which may impact their ability to undertake part or all of the inherent requirements of their role.

A 'serious offence' means an offence punishable by imprisonment for life or for 12 months or more (including an offence committed outside NSW that would be an offence punishable if committed in NSW). Following careful consideration, the Ombudsman may suspend a staff member suspected of misconduct from duty until misconduct proceedings or the criminal charge has been dealt with.

2. Reporting suspected wrongdoing of staff

Staff must report all information they become aware of that they honestly believe, on reasonable grounds, shows or tends to show, instances of:

- corrupt conduct (as defined in the *Independent Commission Against Corruption Act 1988* (ICAC Act))
- maladministration (action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives)
- serious and substantial waste of public money (the uneconomical, inefficient or ineffective use of resources which results in a loss/wastage of public funds/resources)
- government information contravention (a failure to exercise functions in accordance with the *Government Information (Public Access) Act 2009*).

Staff must familiarise themselves with the Internal Reporting Policy and refer to that policy for more information.

BREACHES OF THE CODE

If a staff member sees another member of staff act in a way that is contrary to the Code, they must report the incident to their supervisor or manager, unless reporting as a public interest disclosure. If the breach is by the staff member's supervisor or manager, it must be reported to another manager or member of the Executive.

If a staff member believes that the behaviour they are aware of is not just unethical conduct or a breach of the Code, but is corrupt conduct, a serious and substantial waste of public money, serious maladministration or government information contravention, they must report their concerns in accordance with the Internal Reporting Policy.

Staff members who have any concerns about making reports may wish to speak with the Manager People and Culture or a member of the Executive. All reasonable steps will be taken to support staff who make reports.

If it is alleged that a staff member has breached the Code, they will be afforded the opportunity to provide their version of events. How this will happen will be proportionate to the seriousness of the matter. In those cases where the allegation is minor or of a low level, the staff member's manager will usually discuss the matter with them. If the allegations are more serious, a formal process may be required.

Staff investigating an allegation of a breach of the Code must ensure decision-making is fair and reasonable and act consistently in accordance with the following principles:

- procedural fairness should be afforded to all parties
- investigations should be handled expeditiously
- confidentiality should be maintained to the degree possible
- recordkeeping should be thorough, including recording of reasons for all significant decisions.

When deciding what, if any, action should be taken in relation to a breach of the Code, each case should be considered on its own facts and circumstances. Aspects to consider when deciding what action to take include:

- the seriousness of the breach
- the likelihood of the breach occurring again
- whether the staff member has committed the breach more than once

- the risk the breach poses to staff, stakeholders, and any other persons
- whether the breach would be serious enough to warrant action for misconduct.

A breach of the Code may constitute misconduct under the GSE Act and may result in any of the following actions:

- termination of employment
- imposition of a fine
- reducing remuneration
- reducing classification or grade
- assignment to a different role
- caution or reprimand.

A breach of the Code may also constitute corrupt conduct as defined in the ICAC Act. In addition to any misconduct action taken by the Office, criminal proceedings may be commenced against staff if there is evidence of their involvement in criminal activity.

The subject matter of any misconduct may relate to an incident or conduct that happened outside of work or before the commencement of their employment.

Staff may be suspended from duty (with or without pay) until an allegation of misconduct or criminal charge or investigation of corrupt conduct has been dealt with. Breaches of the Code by contractors, consultants, volunteers or students may result in their contract/placement being terminated.

Staff will be afforded procedural fairness throughout any process that is initiated in relation to alleged breaches of the Code and are entitled to have a support person present for any related meetings or interviews.

OMBUDSMAN APPROVAL

A handwritten signature in black ink, appearing to read 'Paul Miller', written in a cursive style.

Paul Miller

ACTING OMBUDSMAN