



nsw commission for
children & young people

Code of Conduct and Ethics

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1 Document Information

1.1 Purpose

The people of New South Wales have an expectation that business of the State will be conducted with efficiency, fairness, impartiality and integrity.

The Commission's Code of Conduct and Ethics is intended as a framework for ethical decision making by all staff engaged in the work of the Commission for Children and Young People.

1.2 Version Modification History

Version	Date Superseded	Comments
0.1	15 February 2006	Draft document
0.2	16 February 2006	Revised following review by Director, Operations.
0.3	27 February 2006	Revised following review by the Commissioner
1.0	28 March 2006	Final document for release following Executive review
1.1	25 June 2007	Revised due to establishment of the Office for Children
2.0	August 2011	Updated to reflect changes to legislation cited in this document and also changes within the CCYP

1.3 Scope

The Commission's Code of Conduct and Ethics applies to all staff engaged in the work of the Commission, members of committees, contractors, consultants and voluntary workers.

1.4 Document Review and Ratification

The following information identifies final review of the contents of this document and approval for release.

Title: Commissioner

Name: Megan Mitchell

Signature:



Date: November 2011

2 Introduction

As public sector employees, we have a unique obligation to the public interest. This demands that we demonstrate standards of conduct and ethics that maintain public confidence and trust. As employees of the Commission for Children and Young People (the Commission) we have an obligation to the children and young people of New South Wales to promote their safety, welfare and well-being and to actively engage them in decisions that affect their lives.

The Code sets standards of behaviour expected of us and provides a guide to solving ethical issues that may arise in the course of our work. The Code helps us maintain our reputation for integrity and fairness and to guide us in our decision making.

All employees, committee members and contractors are required to read this Code of Conduct and Ethics and sign the statement at the end of this policy certifying that they have read and understood the Code and agree to abide by the its contents.

3 Values embodied in the Code

The Code rests on the assumption that in performing our duties we act with integrity, are loyal to the public interest, impartial, conscientious, efficient, fair, and compassionate and support the Commission's values, which are based on:

- Respect
- Communication
- Honesty, trust and integrity
- Performance

4 Principles

The principal legislation applying to staff engaged in the work of the Commission, contractors and committee members is the [Commission for Children and Young People Act 1998](#) and the [Public Sector Employment and Management Act 2002](#) and the [Public Finance and Audit Act 1983](#) and associated relevant legislation, regulations, policies and procedures.

The following principles govern the work of the Commission:

- the safety, welfare and well-being of children are the paramount considerations;
- the views of children are to be given serious consideration and taken into account; and
- a co-operative relationship between children and their families, and between children and their community, is important for the safety, welfare and well-being of children.

The Commission's Code is also based on principles that apply to all New South Wales public sector Codes of Conduct. These include:

- **Public confidence** – the public has the right to expect that public sector organisations demonstrate the highest integrity and competence, treating all citizens fairly, reasonably and equitably; and
- **Rights of employees** – Public employees rights are the same rights of employees under the common law and they have the same protection under relevant legislation such as the *Public Interest Disclosures Act 1994* and the *Anti-Discrimination Act 1977*.

We need to know the responsibilities of our employment and be aware that they impose certain conditions on us. These include adherence to this Code of Conduct and Ethics. We should be aware that a breach of this Code may result in counselling or disciplinary action under the provisions of the *Public Sector Employment and Management Act 2002*, or even criminal charges or civil action. Allegations of corrupt conduct against a member of staff will always be properly investigated, and if found to be unfair, staff who have followed the Code may expect the Commission's support against such allegations.

5 Personal and Professional Behaviour

We are expected to:

- Put the best interests of children first;
- Carry out our duties in an efficient, effective and economical manner;
- Comply with all relevant legislative, industrial, policy or administrative requirements and financial delegations;
- Maintain adequate documentation to support any decision made, and make impartial decisions when using discretionary powers;
- Keep up to date with advances and changes in our area of expertise;
- Provide all necessary and appropriate assistance to members of the public;
- Treat members of the public and other employees with courtesy, respect and sensitivity;
- Adhere to child-safe and child-friendly work policies, practices and procedures;
- Provide impartial advice and implement relevant government policies effectively, regardless of which political party or parties are in office;
- Not take or seek improper advantage from authority or information gained in the course of our employment;
- Report unethical behaviour or suspected corrupt conduct to senior management; and
- Where appropriate, make disclosures through the internal reporting procedures in accordance with the *Public Interest Disclosures Act 1994*.

If you have an ethical or moral objection to a task you are asked to undertake, you should seek resolution of the issue through discussion with a senior manager.

When dealing with colleagues or members of the public, we must not harass or discriminate on the grounds of sex, marital status, pregnancy, age, race, colour, nationality, ethnic or national origin, physical or intellectual impairment, sexual preference, religious or political conviction or carer's responsibilities. Supervisors and managers should understand and apply EEO principles.

Behaviour while not on duty is not of concern to the Commission unless it is unlawful or brings, or has the potential to bring, discredit to the Commission or staff. Any private activity that may adversely affect a staff member's performance of their duties will be regarded as a work-related issue. Such behaviour could include harming a child, alcohol or drug abuse, violent behaviour or sexual misconduct. Where this behaviour involves the Commission, there may be ground for the Commissioner to take disciplinary action.

6 Engaging With Children and Young People

Being a child-centred organisation is a feature of the Commission that differentiates us. This culture enables us to promote relevant best practice in working with children and young people and in helping keep children and young people safe. We are therefore responsible for understanding and modelling 'child centredness' in all our work.

A high level of trust is placed on staff engaged in the work of the Commission by child-related employers, parents and children and young people. We are responsible for being aware of and adhering to the Commission's child-safe and child-friendly policies.

7 Fairness and Equity

We must make sure that all matters we handle are dealt with consistently, promptly and fairly. Matters must be dealt with in accordance with approved policies and procedures and without discrimination on any grounds.

All the relevant facts and merits of each case are to be considered when using discretionary powers. The rules of natural justice require that people affected significantly by a decision have a right to put forward their case and for the decision to be made impartially.

Where no established policy or procedure exists for an activity we need to consider each case on its merits, using the following principles:

- The best interests of children and young people will apply, where they are involved;
- Necessary information and access should be made equally available to all existing and potential clients;
- Decisions must be tested against the same criteria or conditions;

- Procedures must give no advantage, or disadvantage to any individual or organisation; and
- Decisions must be based on established facts.

8 Accountability

We are responsible for our own acts and omissions and are accountable for them. If you are a manager or supervisor you are responsible for the employees that you supervise understanding the duties of their position, the results expected, their obligations under this Code of Conduct and Ethics, the limits of their administrative and financial delegations and policies and procedures. Managers and supervisors have a responsibility to adhere to and promote the Code of Conduct and Ethics through guidance and example.

9 Conflicts of Interest

We are responsible for making sure that opportunities do not arise for our personal interests, associations and activities (financial or otherwise) to conflict with the proper exercise of our duties.

In many cases only you would be aware of the potential for conflict of interest. Any perceived potential or actual conflict of interest is to be notified to your supervisor, a senior manager or other relevant person (e.g. recruitment panel convenor).

Examples of conflicts of interest include:

- Serving as a member of a selection committee considering an application from a friend, relative or business partner;
- Providing advice in support of a decision that would have financial or other benefits for you, your friends, relatives or business partners;
- Exercising delegated powers to purchase goods, services or equipment from a supplier who then provides you with a hidden benefit eg purchase of a computer from a supplier who then provides you with a laptop for private use; and
- Recommending a contract be issued to a supplier who provides you with a benefit eg access to sporting events or other hospitality.

10 Acceptance of Gifts or Benefits

Staff must not accept a gift or benefit that may be regarded by the public as likely to influence the way you do your job.

Any offer of a gift or benefit to you, your family or other people personally connected with you must be reported to your supervisor or a senior manager. All gifts must be reported on the Commission's Gifts and Benefits Form. These are to be retained on the Commission's Gifts and Benefits Register. The Commissioner or Directors may approve the retention of token gifts under certain circumstances provided that there is no possibility that the recipient might be, or appear to be, compromised in the process.

Staff must advise the Commissioner of any bribes, favours or benefits offered or received. If you deal with, or have access to, sensitive matters or confidential information you should be particularly alert to inappropriate attempts to influence you.

11 Public Comment

Public comment includes public speaking engagements, comments on radio and television and views expressed via social media and in letters to newspapers or in books, journals or notices where it might be expected that the publication, circulation or electronic communication of the comment will spread to the community at large. Comments made in email messages may also be interpreted as public comment.

While employees, as members of the community, have the right to make public comments and to enter into public debate on political and social issues, there are some circumstances in which public comment is inappropriate. These include:

- Where it would be inferred that the public comment, although made in a private capacity, is in some way an official comment of the Commission; and
- Where public comment, even though unrelated to your normal duties, amounts to criticism sufficiently strong or persistent to give the impressions that you are not prepared to implement or administer the policies of the Commission.

Media enquiries should always be referred to the Commission's Communication team. Comments made on union matters by a member of the union in their capacity as a local delegate or union office holder employed by the Commission, are permissible under this Code.

12 Privacy Policy

The *Privacy and Personal Information Protection Act 1998* establishes a system for public sector agencies to handle personal information. The Commission has an obligation to deal with personal information in accordance with the Act and has its own Privacy Management Plan.

Key provisions of the Act are the Information Protection Principles which create obligations and restrictions relating to the collection, retention, use and disclosure of personal information.

It is important for us to understand the impact of this Act on the Commission's operations, as employees who breach the Act may be held accountable for their actions and, in some cases, be subject to substantial fines or imprisonment.

13 Security of Information and Premises

Security of information held by the Commission is critical to compliance with privacy obligations and fairness to individuals. Security of the Commission's premises is vital in this regard and also in regard to the personal safety of staff. We need to be familiar with the Commission's policies and procedures

regarding storage, use and distribution of information held by the Commission. This includes information held in both document and electronic formats.

Staff may not access information or records that are not relevant to the execution of their duties. We must not take the Commission's files or other records home or away from the Commission's premises without management consent. If in the course of your duties you need to remove files or records from the Commission's premises you must maintain the integrity and confidentiality of those documents.

We must be aware of and follow the Commission's procedures in respect of access of employees and visitors to the Commission's premises. Staff in charge of Commission premises should follow the procedures regarding the issue of keys and security passes, and for securing the premises after hours.

14 Use of Official Information

Much of the Commission's work involves access to confidential or sensitive documents. We must take care to maintain the integrity and security of official documents and information entrusted to us in the course of our duties. Such documents and information must only be used in the legitimate exercise of the Commission's functions.

Misuse of information is specifically included in the definition of corrupt conduct in the *Independent Commission Against Corruption (ICAC) Act 1988*, which states:

'any conduct of an official or former official that involved the misuse of information or material that he or she has acquired in the course of his or her official functions whether or not for his or her benefit or for the benefit of any other person.'

Misuse of information includes:

- Disclosing information to a member of the public or to other public servants or Government departments/agencies without proper authority;
- Accessing official information for personal benefit or advantage, or for the benefit or advantage of another person;
- Seeking to take advantage of another person on the basis of information held in official records;
- Providing or trading confidential information for use by private investigators, banks or credit agencies; and
- Speculating in shares, commodities or property on the basis of confidential information about the affairs of a business or of proposed Government actions.

We may only disclose official information when we have been given the proper authority, or when required to do so by law.

We must not:

- Destroy, mutilate or hide any official document, including electronic information;
- Alter or erase an entry in any official document;
- Knowingly make or sign a false statement in any official document;
- Wilfully or negligently make any false, misleading or incorrect statement; or
- Wilfully omit relevant facts or other information from statements or reports.

15 Use of the Commission's Resources

The Commission's resources include staff time and expertise, information technology, hardware and software, other communication devices, facilities and equipment, stationery, furniture and furnishings, goods, supplies and services.

All staff engaged in the work of the Commission are expected to:

- Be efficient and economical in their use and management of the Commission's resources;
- Be careful in the use of public property and services and not permit misuse by others;
- Obtain official permission before any use of the Commission's facilities and equipment for personal purposes beyond what is authorised in the Commission's policies and practices; and
- Have the necessary delegation before incurring or authorising and expenditure on behalf of the Commission.

1.1 Acceptable Use

All usage of the Commission's facilities should be lawful, appropriate and ethical. The Commission's facilities are not to be used in any way that:

- Could harm children and young people;
- Is misleading or deceptive;
- Could damage the Commission's reputation;
- Could result in victimisation, harassment or vilification;
- Is offensive, obscene, threatening or defamatory;
- Violates Australia or State regulations or laws – including 'compute hacking'; and
- Is intended to have a destructive effect on storage, processing or communications network facilities.

A more detailed explanation of the acceptable use of communication devices, including examples of reasonable private usage and monitoring arrangements is set out in the Commission's 'Staff Use of Communication Devices Policy and Procedures', available on the G:drive.

1.2 Private Use

Computers, telephones and other equipment and facilities are available to allow staff to perform their official duties and should, with the exception of the 'private use' concession, be only used when carrying out our duties .

A limited, 'reasonable' amount of private use of the Commission's facilities is allowed so long as the 'reasonable' private use conforms to the 'acceptable use' conditions described above.

Examples of 'reasonable' private use include:

- Using internet resources for short periods during breaks or outside working hours (unattended downloads or accessing inappropriate material is not considered 'reasonable').
- Using the telephone or facsimile for private calls, if they are short, infrequent and do not unduly interfere with work.

1.3 Monitoring

Personal use of the Commission's communication devices is not considered private, and in using this equipment we do not have the same personal privacy rights as we have when using private communication devices. Firewall software automatically monitors and records details of all incoming and outgoing traffic, including details of Internet sites accessed and transmission details of emails sent and received. These firewall logs are regularly reviewed to make sure that the policy is being followed.

16 External Employment

The Commissioner's approval is required if you wish to engage in any form of paid employment outside your official duties. This requirement also applies to new employees who have outside employment they wish to continue.

In all cases when outside employment is considered, we should give the Commission first consideration and avoid any situations that may give rise to, or appearance of, a conflict of interest.

17 Political Participation

Any participation in political matters should not conflict with our duties as public servants. This is important in maintaining the Commissioner's and the public's confidence in the impartiality of advice given and actions taken by public servants.

Staff experiencing a conflict of interest arising from political participation need to alert their manager and may need to take action to avoid that conflict.

When a staff member engaged in the work of the Commission is standing for election to State Parliament, they are not required to resign until declared elected. However, managers should advise employees who are intending to nominate as candidates, to consider appropriate leave arrangements to cover the election period.

18 Reporting Corrupt Conduct and Protected Disclosures

We have a responsibility to notify supervisors or an appropriate senior manager of any unethical behaviour or wrongdoing by another employee.

The Commission has an internal reporting system for disclosing information that indicates any corrupt conduct, maladministration, serious and substantial waste of public money by a public authority or public official, and government information contravention. The Commissions' Internal Reporting Policy and Guidelines provides staff with a system to disclose information confidentially to supervisors, the Commissioner or to the senior officers nominated in the Policy.

Alternatively, staff may make any such disclosures to the appropriate investigating authority under the *Public Interest Disclosures Act 1994*. Provision is also made in the *ICAC Act* for any person to report directly to ICAC. The Commissioner is required by law to report any instances of possible corrupt activity to ICAC.

The Act makes it an offence to act in reprisal against officers who make a protected disclosure.

19 Leaving the Commission

When leaving the Commission, staff must return all property of the Commission that is in their possession.

After leaving staff must not misuse any information gained as a consequence of their employment with the Commission.

All staff should be careful in their dealings with former employees of the Commission and make sure that they do not give them favourable treatment or access to privileged information.



COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Name:

Position:

This is to certify that I have read and understood the Commission for Children and Young People's Code of Conduct and Ethics. I agree to abide by the contents of the policy. If at any time I think that there is an issue where I cannot act in accord with the Commission's Code of Conduct and Ethics, I will bring this to the attention of my Manager and attempt to seek a resolution to the issue as soon as possible.

Signature:

Date:

Manager:

Signature:

Date: