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# ***Standard of Practice***

*to support the Code of Conduct*

*1 January 2011*

**MESSAGE FROM THE DIRECTOR-GENERAL**

One of the strengths of the Department of Education and Training (DET) is its employees' strong commitment to providing excellent education and training to people of all ages.

The contribution that each employee makes to supporting and delivering these services makes a difference to the future wellbeing of children, young people and adults, to the social and economic success of Queensland, and to the future of our nation.

Our professionalism and high standards of ethical conduct are shown in all our work activities and are supported in this *Standard of Practice* by a clear statement of what is expected of us and is aligned to the Queensland's Public Service *Code of Conduct* which assists employees in supporting ethical standards of behaviour and expectations across government.

This *Standard of Practice* does not cover every possible scenario but provides further guidance on the intention of the four ethics principles:-

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency

This *Standard of Practice* helps us deliver on these fundamental principles. It also provides advice and guidance for employees in making ethical decisions, especially in circumstances where the 'correct' or 'best' course of action may not be clear.

I consider it essential and therefore mandatory that all staff not only read this *Standard of Practice* in conjunction with the *Code of Conduct* but also undertake and maintain up to date training to develop a clear understanding of the ethical principles, values and standards that support our daily work in the Department.

**Julie Grantham**  
**Director-General, Education and Training**

The section numbering in this document aligns with the section numbering of the Code of Conduct for the Queensland Public Service

## 1 Integrity and impartiality

The *Public Sector Ethics Act 1994* states:

Recognising that public office involves a public trust, public sector entities seek to promote confidence in the integrity of the public service and:

- a are committed to the highest ethical standards
- b accept and value their duty to provide advice which is objective, independent, apolitical and impartial
- c acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest
- d demonstrate respect for all persons, including towards employees, clients and the general public, and
- e are committed to honest, fair and respectful engagement with the community.

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### 1.2 Manage conflicts of interest

#### Other (secondary) employment

It is important that you recognise that concurrent employment in both the public and private sector may give rise to a real or apparent conflict of interest. Whilst it is not prohibited to engage in other employment concurrent to your employment with the Department, you must ensure that you meet your obligations under the Code of Conduct and this Standard of Practice particularly those regarding use of official information and resources, and managing conflicts of interest.

Staff who are engaged in employment other than public sector employment which presents a real or apparent conflict of interest according to [Directive 03/07 Public service employees engaging in other employment](#) must submit a **Notification of Other Employment** form to their supervisor or manager.

If engaged in concurrent employment, you have an ethical obligation to ensure that your ability to fulfil your duties with your primary employment is not adversely affected and that the integrity of the Department is not compromised. You must also ensure that you do not use your position as a public official, or public resource, facilities or intellectual property, to advise, promote or benefit your private interests either financially or in kind.

Employees must not engage another employee or allow themselves to be separately engaged by the Department to provide goods or services that they could reasonably be expected to provide as part of their standard paid employment.

Employees with private interests should be mindful that the law precludes them, in certain circumstances from being contracted to their employer. If you are considering engaging in business with DET, it is incumbent on you to seek advice before signing contracts or agreements which may, even inadvertently breach the law. Managers or those officers responsible for the management of contracts with staff, who are already employed in any capacity, should similarly seek advice from the Ethical Standards Unit. Section 89 of the *Criminal Code* provides, 'Any person who, being employed in the public service, knowingly acquires or holds, directly or indirectly' ... 'a private interest in any contract or agreement

which is made on account of the public service with respect to any matter concerning the Department of the service in which the person is employed, is guilty of a misdemeanour, and is liable to imprisonment for 3 years, and to be fined at the discretion of the court'.

**Example: Inappropriate action and appropriate response - Other (secondary) employment**

In addition to performing full-time employment for the Department, an employee worked the 10.00pm to 6.00am taxi shift on three week-nights. The employee was observed seemingly asleep at various times during the workday.

The employee explained that he was experiencing significant financial difficulties. The supervisor assisted the employee to contact a financial counsellor and agreement was reached that he would only drive a taxi on Friday and Saturday nights.

## **1.5 Demonstrate a high standard of workplace behaviour and personal conduct**

### **Fitness for duty**

You are to obey the law regarding the possession or use of illicit drugs.

If you are using medication that may affect your work performance you should notify your supervisor or manager.

If you are a supervisor or manager, you will need to consider the options available for assisting an employee who may be required to take legally prescribed drugs and whose level of performance may become impaired.

You are not to consume alcohol or be under the influence of alcohol when performing your duties generally and in particular when you have responsibility for the care of students. For example: at a state educational facility; or outside of a state educational facility on a camp or excursion.

Should you be suffering from a drug or alcohol problem that adversely affects your work performance you must actively seek professional assistance to correct the problem.

### **Conflict resolution**

Actively manage workplace conflict you may become involved in. For those in a supervisory role you also have the responsibility to manage workplace conflict between employees under your supervision to create positive and constructive outcomes.

**Example: Managing conflict resolution - Appropriate response**

A new employee with strong views on a number of issues joins a work team. Another employee strongly expresses alternative views. The employees who seek to explore and understand the basis for their different viewpoints are acting appropriately in demonstrating the responsibility of individuals to manage conflict situations in a respectful manner.

Another employee takes offence at the new employee's views and privately decides to avoid all contact with that employee. This breakdown in communication adversely affects the information sharing process within the work unit and is not appropriate.

The supervisor of the work unit identifies the difficulty and introduces strategies to address the impediment to open communication and relationship building. It is important that the supervisor intervenes appropriately so that the situation is not escalated.

### **Protecting students from harm**

All students (refer to Glossary for definition) have a fundamental right to a safe and trusted physical and emotional environment that is free from harm.

You must read, understand, and comply with the Department's SMS-PR-042: Allegations against employees in the area of student protection procedure and be aware of your duty of care at common law.

You must actively seek to prevent harm to students and support students who have been harmed.

You must not impose corporal punishment on a student in the course of your professional duties.

### **Sexual misconduct**

You must not engage in sexual misconduct with a student. Sexual misconduct is defined in the glossary section of this *Standard of Practice*.

### **Interactions with students**

You must discourage and reject any advances of a sexual nature initiated by a student with whom you have a professional relationship, or where a prohibition on sexual conduct applies.

Your interactions with students must be and be seen to be professional at all times; that is, you must not engage in behaviour that raises a reasonable suspicion that you have engaged in, or will engage in, sexual misconduct; or that the standards applying to the professional employee student relationship have or will be breached.

You must not communicate with students using a personal mobile phone, either verbally or by text message unless prior approval has been given by your Principal or supervisor. You must discourage students from such communication with staff. Use of a departmental mobile phone must be for official purposes only.

You must ensure you do not communicate with students from a private or personal email address. Departmental policies which allow for communication with students via departmental email must be for official purposes only.

You must not use personal cameras or mobile phones to photograph students unless prior approval has been given by your Principal or supervisor. The use of a personal or departmental mobile phone or camera to photograph students must be for official purposes only. Parental or custodial approval must be given for the publication of photographs of students.

You must not use social media sites such as Face Book, Twitter, My Space or You Tube to contact or access students enrolled in any state educational facility.

You must not use any official departmental social media site for inappropriate or non-work related communication.

You must only establish an official social media presence / site with approval from an appropriate manager.

If you use private social media sites in your personal time you must ensure that the content is appropriate and private, and that you restrict access to people who are not students.

An employee must not directly or indirectly cause detriment to another person because a person has made an honest report or complaint in good faith to an appropriate authority about actual or suspected harm to a student.

An employee must not misuse their professional relationship with a student for personal or private gain.

The decisions an employee makes about a student's academic work and/or conduct must be fair and reasonable in the circumstances.

Employees should strive to establish, build and maintain positive relationships with students so that the self-esteem and social development of students are enhanced.

Examples of inappropriate interactions (that is, behaviours that raise a reasonable suspicion that the standards applying to the professional employee - student relationship have or may be breached) include:

- flirtatious behaviour directed towards a student
- dating a student
- spending significant time alone with a student other than to perform one's professional duties, or without other reasonable explanation
- expressing romantic feelings towards a student in written or other form
- disregarding appropriate physical distances from students
- using disrespectful language, including swearing, either directed at, or in the presence of students.

### Exemption

The following scenarios relating to pre-existing relationships are exempt from the general prohibition of sexual misconduct and related behaviour:

- a person who is in a lawful private relationship commences employment with the Department and the continuation of the relationship would normally contravene this *Standard of Practice*
- a change of circumstances meaning that an employee who was in a lawful private relationship that did not contravene this *Standard of Practice* is now in a relationship that contravenes this *Standard of Practice* - for example, their partner begins studying at the school where they work.

These exceptions to the general prohibition are subject to the employee immediately declaring the relationship or the change in circumstances to the Director, Ethical Standards Unit. Failure to make this declaration may be cause for disciplinary action.

Following a confidential declaration, the Department will cooperate with the employee to resolve any apparent or actual conflict of interest to enable the relationship to continue. However, any apparent or actual conflict between your private relationship and the performance of work duties must be resolved in favour of the public interest.

The Department will respect the privacy of your relationship and maintain the confidentiality of the declaration, within the law. If a person makes an honest complaint or notifies the Department in good faith about suspected sexual misconduct between an employee and a student, the Department is required to advise the complainant/notifier (if known) that it has acknowledged the relationship, because it fell within the exceptional category of a pre-existing relationship.

### Examples of a change of circumstances to a pre-existing private/sexual relationship requiring confidential declaration

A teacher is in a lawful private/sexual relationship with a 17 year old student from a non-state school or private educational facility, which does not contravene this *Standard of Practice*. The student then enrolls in a state educational facility.

A cleaner is in a lawful private/sexual relationship with a 16 year old student that does not contravene this *Standard of Practice*. The student then enrolls in the educational facility where the cleaner works.

An employee who makes a notification of suspected sexual misconduct and is advised by the Department that it is an acknowledged relationship must respect the confidentiality of this advice.

### Interactions with parents/caregivers

Employees should be responsive to all reasonable requests of parents or caregivers in relation to their children's education, and should encourage professional partnerships that create optimal learning environments and opportunities for students under the age of 18 years.

Employees should engage in open and professional communication with parents/caregivers and report on a student's achievements and learning options in a way that promotes successful educational outcomes.

Any conflict of interest that arises between an employee's private relationship with a student's parent/caregiver and the impartial performance of their work duties should be avoided or resolved in the best interests of the student.

### Leadership and supervisory behaviour

Employees should be encouraged to demonstrate leadership in the performance of their work duties. Employees who supervise the work of other employees (or other people, such as student teachers or volunteers) have further important responsibilities.

Supervisors should:

- set a good example of ethical conduct by encouraging and promoting behaviour consistent with this *Standard of Practice*
- treat employees fairly, equitably, with consistency and respect
- ensure that all employees are made aware of their responsibilities under this *Standard of Practice* and any legislation and policies relevant to their duties
- ensure that the Department's policy and procedural requirements are met
- ensure that demands placed on employees are reasonable in the circumstances (e.g. employees have sufficient resources, assistance and/or skills to perform the work, and are given appropriate support)
- maintain open, honest and thorough communication with all employees
- ensure all staff understand the standards of conduct expected of them
- monitor their own performance as managers or supervisors to ensure that their performance is making a positive contribution to the Department and work environment
- ensure workloads are equitably distributed amongst team members.

## Personal appearance

Dress, personal appearance and hygiene are important elements of professional presentation. Employees must ensure their personal appearance and presentation is clean, tidy and appropriate for their work role and environment.

Employees who wear a uniform or other apparel that identifies them as an employee of the Department must ensure that the uniform or apparel is clean, complete and in good order. If you are wearing a departmental uniform, or you are otherwise identifiable as a departmental official while off duty, you are expected to avoid conduct that may adversely affect the image of the Department.

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## 2 Promoting the public good

The *Public Sector Ethics Act 1994* states:

Recognising that the public sector is the mechanism through which the elected representatives of the people of Queensland deliver programs and services for the benefit to the people of Queensland, public sector entities:

- a accept and value their duty to be responsive to both the requirements of government and to the public interest
- b accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions
- c accept and value their duty to manage public resources effectively, efficiently and economically
- d value and seek to achieve excellence in service delivery, and
- e value and seek to achieve enhanced integration of services to better service clients.

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## 3 Commitment to the system of government

The *Public Sector Ethics Act 1994* states:

Recognising that they have a duty to uphold the system of government and the laws of the State, Australia and local government, public sector entities:

- a accept and value their duty to uphold the system of government and the laws of the State, Australian and local government
- b are committed to supporting official public sector priorities, policies and decisions professionally and impartially, and
- c accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

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## 4 Accountability and transparency

The *Public Sector Ethics Act 1994* states:

Recognising that public trust in public office requires high standards of public administration, public sector entities:

- a are committed to exercising proper diligence, care and attention
- b are committed to using public resources in an effective and accountable manner
- c are committed to managing information as openly as practicable within the legal framework
- d value and seek to achieve high standards of public administration
- e value and seek to innovate and continuously improve performance, and
- f value and seek to operate within a framework of mutual obligation and shared responsibility between public sector entities and public officials.

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## 4.1 Ensure diligence in public administration

### **Disclosing fraud, corruption, maladministration, official misconduct, misconduct, waste of public funds, or risk to public health or safety (Whistleblowing)**

You must report knowledge of public service fraud, corruption, maladministration, official misconduct, misconduct, reprisal, negligent or improper management resulting in waste of public funds, or danger to persons or the environment in the public interest to an appropriate public sector entity which is authorised to receive that type of information.

You must follow departmental policy and procedure when reporting on suspected official misconduct.

Under the *Crime and Misconduct Act 2001*, the Director-General has a responsibility to refer all matters involving clear or suspected official misconduct, including allegations received from anonymous sources, to the Crime and Misconduct Commission.

You must not directly or indirectly cause detriment to another employee because that employee has correctly reported a matter in accordance with the law, departmental policy, public service directives or this *Standard of Practice*.

You must not make a knowingly false or misleading statement concerning an allegation of improper conduct to another employee or authority. You must not make a vexatious complaint about another person.

The *Public Interest Disclosure Act 2010* provides information about and examples of matters that can be disclosed by a public service employee to an appropriate public sector entity, and the legal protections that apply to those disclosures.

You must co-operate with an investigation being conducted in connection with the administration, management and operation of the Department to ensure the best possible outcomes.

As an employee of the Department you are obliged, when requested, to participate in an investigation process as a complainant, respondent officer or witness, either by interview or the provision of a written statement.

#### **Example 1: Reporting suspected official misconduct - Appropriate action taken**

Two employees attend a workshop interstate, and upon their return to duty lodge travel claims for expenses to be reimbursed. One employee learns that items and expenses claimed by the other were not incurred as reported, and therefore has reason to suspect

that a knowingly false claim has been made. The employee reports this to their supervisor. The supervisor advises the Department's Crime and Misconduct Commission Liaison Officer of the employee's report.

#### **Example 2: Making a Vexatious Complaint - Inappropriate Action Taken**

Darren's behaviour has been the subject of a grievance properly lodged by Julie. Upset at being the subject of a grievance, Darren decides to cause Julie distress by lodging a grievance against her in which he makes allegations of improper conduct without any reasonable basis for complaint.

### **Employee responsibilities in relation to the investigation of suspected breaches of the Code of Conduct for the Queensland Public Service, DET *Standard of Practice* and DET policies and procedures**

All employees are expected to participate in any disciplinary investigation authorised under relevant departmental guidelines.

Participation in this context includes attending, where and when required, any interview and responding to questions from the relevant authorised officer in an open and honest manner.

The purpose of a disciplinary investigation is to determine whether there has been a breach of the Code of Conduct, *Standard of Practice* and/or DET policies and procedures and as such whether the employee is liable to a disciplinary sanction under the *Public Service Act 2008*.

An employee's participation in a disciplinary investigation process is a requirement under the *Standard of Practice* and should not be considered voluntary.

## **4.2 Ensure transparency in our business dealings**

### **Donations and sponsorship**

If you receive an offer of a donation to the Department, your worksite or your school, you should immediately notify your supervisor. Donations may be accepted on behalf of the Department for departmental use, but must be registered in accordance with the requirements of Part 2, Division 7 of the *Financial and Performance Management Standard 2009*. When accepting a donation, you must be certain, and should make it clear to the donor where necessary and appropriate, that acceptance of the donation creates no implicit or explicit obligation upon the Department towards the donor. If the 'gift or donation' is conditional, it should only be accepted if the conditions do not affect or will not be seen to affect the impartial performance of departmental functions.

Acceptance of offers of sponsorship from individuals and organisations, and the soliciting of sponsorship for departmental activities must be managed and dealt with in accordance with the Queensland Government Sponsorship Policy.

#### **Example 1: Acceptance of a donation for official purposes - Appropriate conduct**

An individual offers to donate \$1000.00 on the condition that it is spent only on the purchase of school library books. The donation is accepted and registered in the gift register as the condition does not affect the impartial performance of departmental functions.

**Example 2: Offer of a donation with unacceptable conditions - Appropriate conduct**

A parent offers to donate \$1000.00 to purchase school sporting equipment if the school guarantees that the parent's son will be selected for the school football team. Selection for the football team is a merit-based selection. The principal declines the offer, advising the parent of the merit-based selection process and the school's policy of providing equal opportunity to students.

**Receiving prizes and awards in the course of duties (from a non-government source)**

Should you in the course of performing your work duties, receive a prize with a value greater than \$150.00, you must declare receipt of the prize and forward it to the Department for management.

Should you receive a prize or a gift as an award for significant contribution or excellence, you must declare receipt of such award to your principal or supervisor. If the award is the result of the employee performing their official duties you will generally be permitted to retain the award as long as there are no conflict of interest issues associated with the retention of the award. Principals, Directors and supervisors must seek advice from the Director, Ethical Standards Unit in cases where employees notify them of receiving such awards.

**Example: Declaration of Receipt of Prizes - Appropriate response**

An employee attends a workshop in the course of performing their work duties and receives a ticket for a lucky door prize. The employee wins the prize, which is a new computer valued at \$2000.00. The employee declares receipt of the prize and forwards the computer to the Department for management.

During the lunch break at the seminar, the employee attends the local casino and wins \$1000.00. The employee keeps the \$1000.00 as the casino visit was not part of their work duties.

**Appointments to Boards**

Public service officers are in a unique position of trust and responsibility. In some instances, public service officers may be appointed by name, as a government or departmental representative to a government board due to their experience within a Department or the public service, without the appointment being linked to a specific position.

In these circumstances, public service officers appointed to government boards as government or departmental representatives have an ethical obligation to formally resign from such appointments if they cease employment in the public service or with the Department or agency relevant to the board position. Enabling legislation will usually specify to whom the resignation should be tendered. For boards not constituted under legislation and where the Minister is the appointing authority, a written resignation should be tendered to the Minister for Education and Training. Where there is doubt to whom the resignation should be tendered, advice should be sought from the Department responsible for the administration of the board.

## 4.3 Use official resources, public property and facilities appropriately

### Post employment responsibilities

When you cease employment with the Department, you have an obligation to maintain the confidentiality of official information formerly available to you as a public official, and to return any property belonging to the Department.

### Using the departmental Internet, intranet, and electronic mail

In accordance with the [Queensland Government Information Standard 38](#) - The Use of ICT Facilities and Devices you are advised that you may be dismissed if you are found intentionally downloading, storing or distributing pornography using government owned information and communication technology facilities and devices. You must comply with the Government's Policy and Principles Statement: [Use of Internet and Electronic Mail Policy and Principles Statement](#) which advises that you will be disciplined and potentially dismissed for the misuse of the internet or electronic mail in respect of material which is offensive or unlawful, although not pornographic. A pattern of behaviour (for example, repeated use), is a factor for consideration in determining disciplinary measures (including dismissal).

Except for official purposes, it is a breach of this *Standard of Practice* to use the departmental Internet or electronic mail system to access, store, or transmit words or images that are sexually explicit, violent or contain other offensive material. Material will be deemed to be offensive if it shows a lack of respect for persons and a reasonable person finds the material offensive.

Networks such as the Intranet and its connections to the Internet represent a potential risk to the integrity of the Department and the security of its computer systems. For example, unauthorised access and use of confidential information can severely damage the reputation of the Department and its officials, undermine personal privacy and expose the Department to costly litigation.

Limited personal use of communication and information devices is permissible, in keeping with the Queensland government's commitment to the development of a responsive and flexible public sector in which there is recognition of family and community responsibilities and their impact on work.

The following principles apply to the use of communication and information networks and devices within the Department.

- The Department will not tolerate computers being used deliberately for sending, receiving, and/or copying inappropriate material.
- You may only transmit information via communication and information networks and devices if you are authorised to do so and in accordance with the relevant departmental protocols.
- You may not share your password/s with another person, share another person's password/s, or record password/s where they may be found by others.
- Electronic messages, telephone and facsimile bills, and electronic files are subject to record keeping, archiving, *Right to Information (RTI)* requests, and audit requirements.
- The Department monitors the use of these networks and devices, and you may be called upon to explain your use of them.
- When using the Department's computer systems, you must not deliberately access, store or forward communication where doing so might result in a breach of the [Copyright Act 1968](#) (Cth), the departmental [Information Standards and Guidelines](#) or this *Standard of Practice*.

**Example: Inappropriate employee use of departmental email**

An employee who alleges they are subject of workplace bullying by their supervisor details the allegations in a departmental email and forwards it to numerous people that they know in and outside the Department who have no authority to respond or intervene in the matter. The employee's action has left them vulnerable to legitimate complaint by their supervisor.

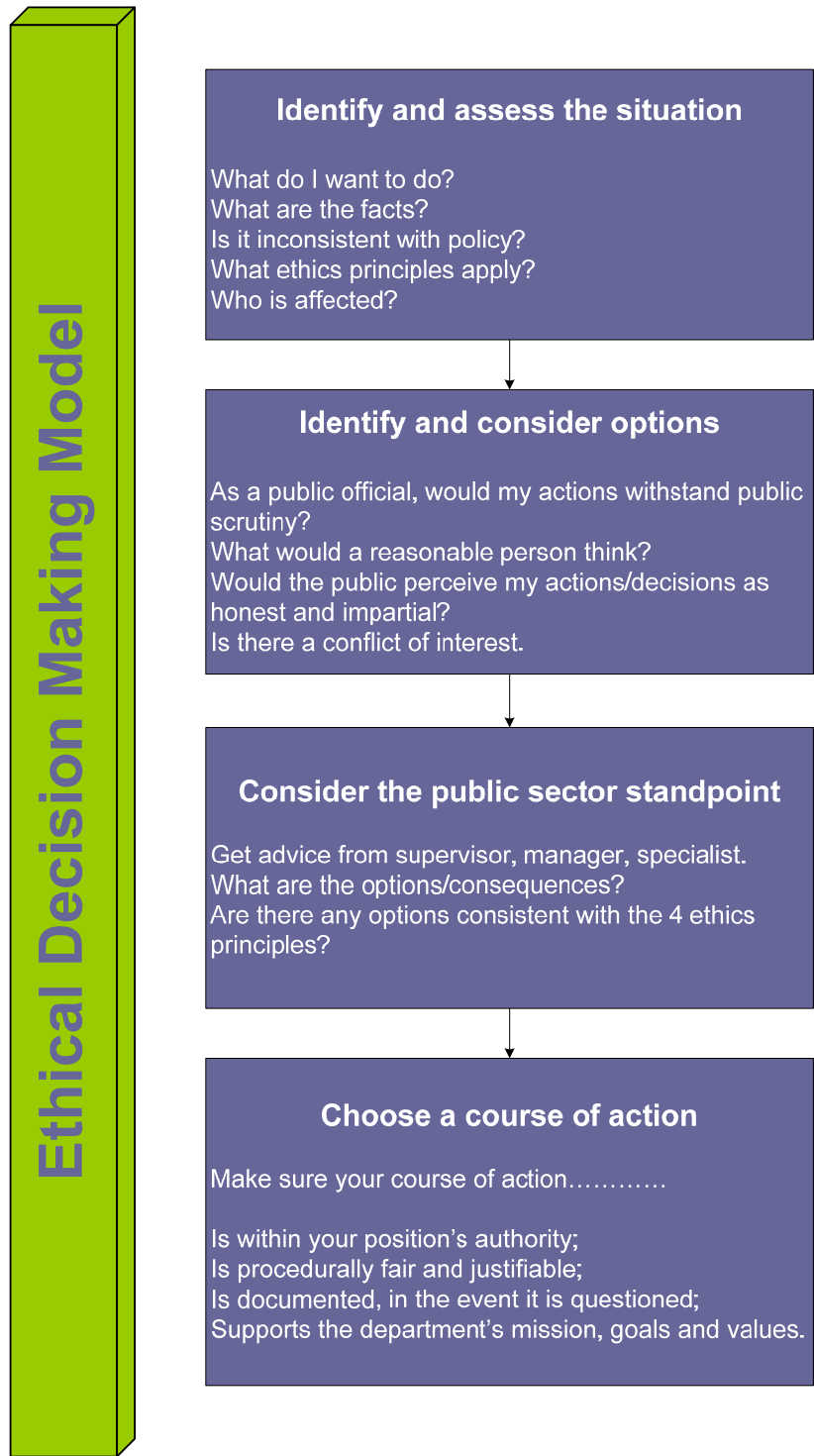
The appropriate course of action would have been for the employee to communicate this information to sources that are authorised to receive it, such as a departmental employee advisor, the employee's industrial association, or to use the Department's grievance resolution process.

**Commercial Use of Departmental Resources**

Departmental resources, such as school and institute facilities, grounds and sporting equipment, can be made available for community and commercial use in accordance with the relevant departmental procedures.

## A guide for ethical decision-making

The guide below is in the form of a series of questions, which you may consider in light of your obligations under the *Code of Conduct Standard of Practice*. It will not make the decision for you, but it will help you to analyse all the relevant facts and circumstances of a situation to reach a decision.



## GLOSSARY

### **Confidential**

Information of a sensitive, personal, medical, commercial or political nature made available to you in connection with your role as a public official that could cause harm to individuals or the State if disclosed other than in accordance with its intended purpose or target audience.

### **Conflict of interest**

Refers to a conflict between an employee's private interest and official duty. For example, being in a position to use public office knowledge, access to resources or influence for improper purposes or private interests.

A real (or actual) conflict of interest exists when a reasonable person, in possession of the relevant facts, would conclude that the official's private interests interfere, or are likely to interfere, with the proper performance of his or her official duties. Some examples may be: you are in a position to authorise contracts for services when you have a direct or indirect interest in the contracted company; providing private sector consultancy services in a field of work which is the same or in direct competition with your public sector role; allowing your personal beliefs to interfere with the impartial implementation of government policy.

An apparent conflict of interest exists when there is an appearance that an official's private interests may interfere with the proper performance of his or her official duties although, in reality, this may not be the case. The old saying 'justice must not only be done, but it must also be seen to be done' applies here. One example may be where you are on a selection panel to impartially consider the merits of job applicants, one of whom is a very close friend of yours.

Even if you are confident of not being affected by personal bias, there may be a strong perception by other applicants that you will give your friend preferential treatment.

### **Corruption**

Criminal behaviour that may involve fraud, theft, the misuse of position or authority or other acts that are unacceptable to an Department and which may cause loss to the Department, its clients or the general community. It may also include other elements such as breaches of trust and confidentiality. For more information you may refer to '[Facing the facts](#) - A CMC guide for dealing with suspected official misconduct in Queensland public sector agencies'.

### **Crime and Misconduct Commission (CMC)**

Under the terms of the [Crime and Misconduct Act 2001](#) the CMC has the duty to combat and reduce the incidence of major crime, to improve the integrity of the public sector and to reduce the incidence of misconduct in the public sector.

### **Department**

Refers to the Department of Education and Training.

### **Disciplinary action**

Action taken as a result of the disciplinary process and is always the outcome of a substantiated allegation or assessment which involves a penalty as outlined in section 187 of *the Public Service Act 2008*.

### **Discrimination**

When a person is treated more or less favourably than another person would be in substantially the same circumstances. Discrimination is unlawful when it is on the basis of an attribute described in the [Anti-Discrimination Act 1991](#) (i.e. sex, marital status, pregnancy, parental status, breastfeeding, age, race, impairment, religion, political belief or activity, trade union activity, lawful sexual activity; or association with, or relation to, a person identified on the basis of any of the above attributes).

**Duty of care**

A duty to do everything reasonably practicable to protect others from harm.

**Employee**

In this *Standard of Practice* means any person employed by the Department to work in an educational facility or in a corporate support role in a permanent, temporary, casual, volunteer, student or contractual capacity.

**Ethics**

Personal - an individual's personal standards of conduct which may or may not be consistent with public sector ethics.

Professional - standards of conduct established by organisations representing professions that apply to individuals in their professional capacity.

**Fraud**

The intentional use of false representations or deception to avoid an obligation, gain unjust advantage or, in the context of public administration, commonly referred to as 'rorting the system'.

**Gift**

Includes entertainment, hospitality, travel or other benefit or an item of property, whether of a personal nature or otherwise, including, for example, ornate and precision display items, clocks, furniture, figurines, works of art, jewellery, personal items containing precious metals or stones and fine art work.

**Harm to a student**

Student harm is any significant detrimental effect on a student's physical, psychological or emotional wellbeing caused by an employee, other than confirmed accidental harm not involving negligence or misconduct. Harm to a student includes minor harm that is cumulative in nature that would significantly hurt or injure a student, if allowed to continue. Harm can be caused by physical, psychological or emotional abuse or neglect, sexual abuse or exploitation.

**Impartiality**

In the context of public administration, impartiality means implementing the law and government policies and serving the community without bias or favour, regardless of which political party forms the government.

**Integrity**

In the context of public administration, integrity means public officials are to act honestly and be seen to be acting honestly.

**Intellectual property**

An invention, original work, the results of scientific research or a product development, which can be protected under legislation and common law depending on the type of intellectual property involved. Examples include: computer software, illustrations, written documentation.

**Interest**

Used in relation to declaring personal interests or conflicts of interest, the term 'interest' means direct or indirect personal interests of the public official. Interests may be pecuniary (i.e. financial or economic forms of advantage) or non-pecuniary (i.e. non-financial forms of advantage).

**Lawful**

Warranted or authorised by the law, or alternatively, neither contrary to nor forbidden by the law.

**Maladministration**

An administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory, or taken for an improper purpose.

**Manager**

A general term meaning a person with supervisory or resource management responsibilities at whatever level.

**Misconduct**

Disgraceful or improper conduct in an official capacity; or disgraceful or improper conduct in a private capacity that reflects seriously and adversely on the public service.

**Official Information**

Information contained within departmental records, or imparted in an official capacity.

**Official Misconduct**

Official misconduct means conduct that could, if proved, be a criminal offence, or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. Conduct may still be official misconduct irrespective of where or when it occurred or whether the person is still employed in the public sector.

**Pornography**

The explicit description or exhibition of obscene literature, art or photography, generally intended to stimulate erotic rather than aesthetic or emotional feelings.

**Prize**

Something that is won in a raffle or the like.

**Procedural fairness (natural justice)**

A process that ensures that a fair decision is reached by an objective decision-maker. Decisions affecting the rights of individuals are to be reached only after the individuals have been made aware of the specific allegation/s made against them, or of decisions which are adverse to their interests, and they have had the opportunity to present their claims in relation to the allegation/s and the decisions proposed to be taken affecting them.

The decision-maker must not have a personal interest in the matter that would render him or her not impartial. Care should be exercised to exclude real or perceived bias from the process. In cases of suspected or actual official misconduct or maladministration, it is the investigating authority (e.g. Crime and Misconduct Commission, Ombudsman) that will decide when it is appropriate to make allegations known to individuals.

**Professional relationship**

A fiduciary relationship in which trust and confidence are necessarily reposed by one party, investing in the other party a corresponding amount of power. A fiduciary relationship exists where, as a result of one person's relationship to another, the former is bound to exercise rights and powers in good faith and for the benefit of the latter.

**Public interest**

For a public official, acting in the public interest means acting lawfully and/or in accordance with government policy under the direction of the Minister. In the absence of legal or policy frameworks, it means acting for the common good of the community.

**Public sector ethics**

Those principles and standards governing correct conduct by government officials. They provide guidance in situations where there are no specific rules or where matters are unclear but where the ultimate objective is to serve the public interest. The relevant public sector ethics principles are described in the [Public Sector Ethics Act 1994](#) and the Department's *Standard of Practice*.

**Reprisal**

Occurs when a person causes, attempts or conspires to cause, detriment to another person because of a belief that anybody has made, or may make, a public interest disclosure. Every person, whether the person did or did not make the public interest disclosure, is protected from reprisal. Reprisal is unlawful under both civil and criminal law.

**Responsive**

To respond readily and comprehensively, appropriate to the circumstances.

**Sexual harassment**

Occurs when a:

- person subjects another person to an unsolicited act of physical intimacy;
- person makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person;
- person makes a remark with sexual connotation relating to the other person;
- person engages in any other unwelcome conduct of a sexual nature in relation to the other person and the person engaging in the conduct mentioned above does so with the intention of offending, humiliating or intimidating the other person; or
- reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

**Sexual misconduct**

Is described as a range of behaviours, a pattern of behaviour or an act aimed at the involvement of a student in sexual acts. It includes:

- conduct towards any person that would constitute a criminal offence of a sexual nature
- sexual abuse of a student by an employee
- conduct that is sexual harassment as defined in section 119 of the [Anti-Discrimination Act 1991 \(Qld\)](#)

Some of these behaviours may include:

- any sexual relationship with a student;
- inappropriate conversations of a sexual nature with a student;
- comments that express a desire to act in a sexual manner with an individual student;
- unwarranted and inappropriate touching of a student;
- sexual exhibitionism in the presence of a student;
- personal correspondence (including electronic communication) with a student in respect of the employee's sexual feelings for that student;
- possession of pornography;
- suggested remarks or action of a sexual nature;
- obscene gestures, language, jokes containing sexual references or deliberately exposing students to the sexual behaviour of others in any form, other than in the case of prescribed curriculum material in which sexual themes are contextual;
- a pattern of behaviour aimed at engaging in or 'grooming' a student as a precursor to sexual abuse. Grooming is a separate offence from the actual sexual abuse; or
- encouraging or failing to discourage romantic or inappropriate advances by a student.

**Standard of Practice**

Refers to the Code of Conduct *Standard of Practice* for Queensland Government employees.

**State Educational Facility**

Includes state schools, TAFE institutes, Statutory TAFE Authorities and any other educational facility where employees work.

**Student**

For the purposes of this *Standard of Practice* a student is a person regardless of age, who is enrolled in and attends a state educational facility.

**The Act**

Refers to the [Public Sector Ethics Act 1994](#).

**Vexatious complaint**

A written or verbal report of alleged improper conduct made to an authority intending the report to be acted upon, where there is a demonstrable absence of reasonable grounds for suspecting the improper conduct, and the report is made to cause distress.

**Workplace harassment**

Is repeated behaviour by an employee, other than behaviour that is sexual harassment, that:

- is directed at an individual worker or group of workers; and
- is offensive, intimidating, humiliating or threatening; and
- is unwelcome and unsolicited; and
- a reasonable person would consider being offensive, intimidating, humiliating or threatening for the individual worker or group of workers in all the circumstances.

**Workplace health and safety obligations**

These obligations refer to your workplace health and safety responsibilities, which are prescribed in the [Workplace Health and Safety Act 1995](#).