



Standard of Practice

February 2016







Message from the Director-General

One of the strengths of the Department of Education and Training is its employees' commitment to integrity and good governance.

Our high standard of ethical conduct is supported by this *Standard of Practice*, which provides guidance on the application to our daily work of the four ethics principles set out in the *Public Sector Ethics Act 1994* and the *Code of Conduct for the Queensland Public Service (the Code)*:

1. Integrity and impartiality
2. Promoting the public good
3. Commitment to the system of government
4. Accountability and transparency

It is mandatory for all staff to read this *Standard of Practice* in conjunction with the Code and also to undertake public sector ethics training at induction and then regularly as directed by the department. In that way we will ensure our clear understanding of and ability to implement the ethical principles, values and standards of conduct that are to be applied to our daily work in the department.

Dr Jim Watterston
Director-General
Department of Education and Training

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Introduction

Queensland's *Public Sector Ethics Act 1994* (the Ethics Act), sets out four ethics principles which are fundamental to good public administration. All public sector entities, and their employees, must promote these principles in their internal and external relationships.

Each principle is strengthened by a set of values which describes behaviour that will demonstrate that principle.

The principles and values are equally important.

Public sector ethics principles and values

Principles	Values
Integrity and impartiality	1.1 Commit to the highest ethical standards
	1.2 Manage conflicts of interest
	1.3 Contribute to public discussion in an appropriate manner
	1.4 Manage participation in external organisations
	1.5 Demonstrate a high standard of workplace behaviour and personal conduct
Promoting the public good	2.1 Commit to excellence in service delivery
	2.2 Ensure appropriate community engagement
	2.3 Work as an integrated service
Commitment to the system of government	3.1 Commit to our roles in public service
	3.2 Maintain appropriate relationships with Ministerial staff
	3.2 Ensure proper communication with Members of Parliament
Accountability and transparency	4.1 Ensure diligence in public administration
	4.2 Ensure transparency in our business dealings
	4.3 Ensure appropriate use of official resources, public property and facilities
	4.4 Ensure appropriate use and disclosure of official information
	4.5 Commit to innovation and continuous performance improvement

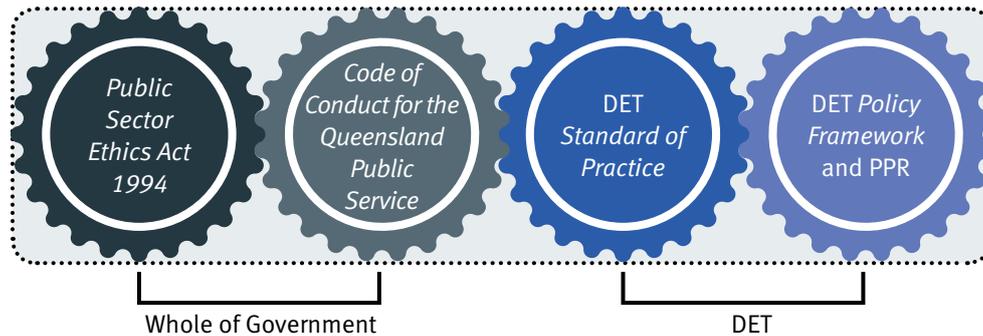
The *Code of Conduct for the Queensland Public Service* (the Code), which describes how public sector employees are to conduct themselves in delivering services to the Queensland community, is based on the Ethics Act. As well as containing the ethics principles and values, the Code of Conduct contains standards of conduct for each ethics principle.

This *Standard of Practice* (this Standard) is a departmental publication which supports the Code. It provides further ethical guidance to departmental employees about applying the Code's principles, values and standards of conduct to our daily work.

The Standard is supported by the department's *Policy Framework*.

The *Policy Framework* consists of policy through law, policy through government action, directives, standards, procedures, authorisations and delegations, guidelines and supporting documents.

All departmental policy instruments are available to staff and the public from the department's *Policy and Procedures Register* (PPR).



While this Standard covers a number of ethics-related issues that could potentially arise during your day to day employment, it is not able to provide guidance on every possible ethical scenario. If you feel you would benefit from further discussing the issues discussed below, or discussing any other ethical issue, please refer the issue to your supervisor, manager, principal or the department's Ethical Standards Unit.

For ease of reference, the section numbering in this document aligns with the section numbering of the Code.



Principle 1 – Integrity and impartiality

The *Public Sector Ethics Act 1994* states:

“In recognition that public office involves a public trust, public service agencies, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and:

- are committed to the highest ethical standards; and
- accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and
- show respect towards all persons, including employees, clients and the general public; and
- 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; and
- are committed to honest, fair and respectful engagement with the community.”

1.2 Declare and manage conflicts of interest

A conflict of interest occurs where a conflict exists between our duty as public service employees to serve the public interest, and our personal interests. Conflicts may arise from a range of factors including personal relationships, employment outside the public service, membership of special interest groups or ownership of shares, companies or property.

A real conflict of interest exists when a reasonable person, in possession of the relevant facts, would conclude that an employee’s private interests interfere, or are likely to interfere, with the proper performance of their official duties.

A perceived conflict of interest exists when it appears that a public official’s private interests interfere with the proper performance of their official duties although, in reality, this may not be the case.

A potential conflict of interest exists where there is no real or perceived conflict of interest apparent at the present time, but a scenario could allow for conflict in the future.

Examples of conflict of interest include:

- a public official who is in a position to authorise contracts for services and who has a direct or indirect private interest in the contracted company
- a public official who provides private sector consultancy services in a field of work which is the same as or in direct competition with their public sector role or
- a public official who allows their personal beliefs to interfere with the impartial implementation of government policy.

Other (secondary) employment

It is not prohibited to engage in other employment while employed by the department, but there is an obligation upon all employees to ensure they demonstrate continued compliance with the Code and this Standard while doing so.

Departmental staff engaged in other employment that falls within the parameters of the [Notification of Other Employment procedure](#) must submit a Notification of Other Employment form to their supervisor or manager. If any conflict of interest exists related to their secondary employment, they must ensure it is resolved in the public interest.

The Public Service Commission Directive 3/10 [Declaration of Interest – Public Service Employees \(other than departmental Chief Executives\)](#) provides further clarification of matters which must be disclosed. There is also a specific directive for departmental Chief Executives ([Directive 1/15](#)) and a policy for [Senior Executive Service or equivalent employees](#), based upon Directive 3/10.

If engaged in other employment while employed with DET, employees have an ethical obligation to ensure their ability to fulfil their departmental duties is not adversely affected by that employment and that their concurrent employment does not compromise the department's integrity.

They must also ensure they do not use public resources, facilities, intellectual property or their position as a public official, to advance, promote or benefit their private interests either financially or in kind.

Employees must not engage another employee nor allow themselves to be separately engaged by the department to provide goods or services that could reasonably be expected to be provided as part of their standard paid employment.

Example: Employee's secondary employment affecting their ability to fulfil their duties with the department – appropriate management

In addition to performing full-time employment for the department, an employee worked the 10.00 pm to 6.00 am shift as a taxi driver on three weeknights. The employee was observed seemingly asleep at various times during their working day.

When the issue was raised by their supervisor, the employee explained they were experiencing significant financial difficulties. The supervisor assisted the employee to contact a financial counsellor and agreement was reached that the employee would only drive a taxi on Friday and Saturday nights.

Contracting back to the department

Employees with private interests should be mindful that the law precludes them, in certain circumstances from being contracted to their employer. Section 89 of the *Queensland Criminal Code Act, 1899* states:

“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”.

If an employee is considering engaging in business with DET, it is incumbent upon them to seek advice before signing contracts or agreements which may breach the law.

Managers or those officers responsible for the management of contracts with staff, who are already employed with the department in any capacity, should seek advice from the Legal and Administrative Law Branch before progressing with the contract.



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. You are also required to ensure that consumption of alcohol or other legal drugs, including prescription and over the counter medications does not adversely affect the performance of your official duties. 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 on a camp, excursion or study tour. Should you be suffering from a drug or alcohol problem that adversely affects your work performance, you must seek professional assistance to correct the problem.

If you have a medical condition or disability that affects your capacity to satisfactorily undertake your duties, you should provide your manager or supervisor with sufficient information to enable them to consider whether there are some reasonable adjustment strategies that might assist you in performing the duties required of your role.

Domestic and family violence may be a factor in an employee's performance and presentation at work. Recognising the signs of domestic and family violence, responding appropriately and sensitively and referring the employee to a domestic and family violence service or the department's Employee Assistance Program are the responsibilities of all staff. The department's Employee Assistance Program provides a free confidential counselling service for all employees of the department who would like to discuss any work or personal issues impacting on their life. The department's EAP can be accessed by contacting Optum, on 1800 604 640.

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. Both employees seek to understand the basis for their different viewpoints and are acting appropriately in demonstrating their responsibility as 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.

Workplace bullying or workplace harassment may arise out of conflict, but workplace bullying can also exist where no conflict is evident. **Workplace bullying** is defined as repeated, unreasonable behaviour directed towards a worker or a group of workers, that creates a risk to health and safety. The department does not tolerate workplace bullying and encourages staff who believe they have been victims of workplace bullying by colleagues, or who have witnessed bullying, to report this to their supervisor for prompt and sensitive response and management.

Workplace bullying complaints should be managed and responded to under the department's Managing Employee Complaints procedure.

Appropriate use of social media

The following principles relate to social networking sites including, but not limited to, Facebook, Snapchat, LinkedIn and Twitter, instant messaging, SMS, gaming, geo-spatial tagging and video or photo-sharing websites such as Instagram and YouTube.

The department acknowledges the growing popularity of social media both as a communication and educational tool and supports its appropriate use. However, it also acknowledges the potential for damage to be caused (either directly or indirectly) to the department and possibly other client groups in certain circumstances through personal use of social media.

Accordingly, because employees are responsible for the content they publish on social media platforms, it is important that all employees understand that even outside their working hours, they should not:

- post material that is, or might be construed as, threatening, harassing, bullying, discriminatory or disparaging towards the department, another employee of the department, the Queensland Government or its agencies
- falsely imply they are authorised to speak on behalf of the department or the government, or that any views you express are those of the department or the government or
- use or disclose on social media any confidential information or personal information obtained in their capacity as an employee of the department.

Reasonable/unreasonable personal use of departmental ICT facilities and devices, including intranet, extranet, internet and network access and usage

Staff are permitted to access departmental ICT networks for "limited personal use". The Information Communication and Technology procedure defines "limited personal use" as being infrequent and brief, occurring during off-duty hours (such as a lunch break) not impeding any employee's ability to do their jobs and not violating any State or Commonwealth legislation, regulation or agency policy.

Limited personal use does not include the use of departmental ICT networks for the purpose of generating income for an employee or other individual (i.e. private business, personal gain or profit).

The department's procedure also applies to employees accessing social media via the department's internet, intranet and extranet systems.

Examples — reasonable use of departmental ICT facilities

- *briefly email a family member or friend using appropriate content during your personal time, for example, your lunch break*
- *doing online banking or paying your bills online.*

Examples — unreasonable use of departmental ICT facilities

- *access to or the posting of any material that is fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory or otherwise inappropriate or unlawful*
- *spending extended periods of time during working hours using social media that is not related to your work.*



Employee interactions with students

All students have a fundamental right to a safe and trusted physical and emotional environment that is free from harm. Departmental employees hold a special position of trust arising from the nature of their work. As employees, we exercise powers that have a significant impact on the lives of students and consequently there is a community expectation that these powers will be properly and prudently used. Therefore, employees should strive to establish, build and maintain positive professional relationships with students to enhance the self-esteem and social development of students. Employees must actively seek to prevent harm to students and support those students who have been harmed.

Employees must read, understand, and comply with the department's *Allegations against Employees in the Area of Student Protection* procedure and the *Student Protection* procedure, and be aware of their duty of care at common law. Employees must be aware of their responsibilities in preventing and responding to harm or risk of harm to all students.

An employee must not impose corporal punishment on a student in the course of their professional duties, or misuse their professional relationship with a student for personal or private gain.

Employees must not engage in behaviour that raises a reasonable suspicion that they have engaged in, or will engage in, sexual misconduct with a student, or that the standards applying to professional employee/student relations have been or may be breached.

Employee interactions with students must be, and be seen to be, professional at all times. For clarification, this includes outside school hours.

Examples of inappropriate interactions (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 reasonable explanation
- expressing romantic feelings towards a student in written or other form
- private live chat conversations via mobile phone or on the internet with students e.g. Facebook, SMS
- providing a personal mobile or home telephone number to students; other than for justifiable educational or safety purposes with manager/principal approval
- taking students for coffee, the movies or other social events alone, or in small groups
- disregarding appropriate physical distances from students; other than for justifiable educational or safety purposes
- privately giving a student money or a gift
- using disrespectful language, including swearing, either directed at, or in the presence of students
- friending, liking a post or image, "following" or contacting students on or through social media.

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.

To assist employees maintain appropriate professional standards in their relationships with students, the department's publication *Allegations against Employees in the Area of Student Protection – Guidelines* provides examples of appropriate and inappropriate employee/student interaction, including :

- touching
- physical intervention/restraint
- verbal communication
- verbal intervention and
- non-physical behaviour.

It also provides examples of behaviour classified as physical assault, sexual misconduct and sexual abuse.

Exemptions

The following scenarios relate to pre-existing relationships which 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
- a change of circumstances meaning an employee who is in a lawful private relationship that does not contravene this Standard is now in a relationship that would contravene this Standard – for example, their partner begins studying at the school where they work.

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 which does not contravene this Standard, with a 17 year old student from a non-state school or private educational facility. The student then enrolls in a state educational facility.*
- *A cleaner is in a lawful private/sexual relationship which does not contravene this Standard, with a 16 year old student. The student then enrolls in a state educational facility.*

These scenarios require the employee to immediately declare the relationship or 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 real or perceived conflict of interest in favour of the public interest.

The department will respect the privacy of the 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.

If an employee suspects an inappropriate relationship between another employee and a student and reports the matter as suspected sexual misconduct, they must respect the confidentiality of any advice received from the department that it is an acknowledged relationship.



Electronic communication between employees and students

All telephone, email, SMS and other social networking contact by employees with students must be authorised by the employee's principal or manager. Records of the approval and the nature of the communication should be kept on file by the principal or manager who will advise the parent/custodian of the communication if required.

The following standards relate to all employees who have any form of contact with students.

Unless in exceptional circumstances, electronic communication with students is unacceptable unless:

- for justifiable appropriate educational reasons and
- approval has been obtained from the employee's principal or manager.

A record of the approval is to be kept by the employee and the employee's principal or manager.

Communication must not occur with students using a personal or departmental mobile phone, either verbally or by text message unless:

- for justifiable appropriate educational reasons and
- prior approval has been obtained from the employee's principal or manager.

A record of the approval is to be kept by the employee and their principal or manager.

Communication must not occur with students from an employee's private or personal email address and employee communication with students via departmental email must be for official purposes only.

Example: appropriate electronic communication between employee and students

A teacher uses their departmental email to provide assignment feedback to a student via the student's departmental email address.

Example: inappropriate electronic communication between employee and students

A teacher uses their personal email to provide assignment feedback to a student via the student's departmental email address.

A teacher uses their departmental email to provide assignment feedback to a student via the student's personal email address.

A teacher uses their personal email to provide assignment feedback to a student via the student's personal email address.

Employees must not use personal social networking sites including Facebook and Twitter, to contact or access students enrolled in any state educational facility.

They must, to the best of their ability, prevent students from communicating with them or accessing their personal information via social media platforms. This includes restricting access to posts inappropriate for student viewing.

Employees must not use any official departmental social media site for non-work-related communication, or work-related communication that would be more appropriately addressed to a manager, principal or their regional office. They must only establish an official social media presence / site with approval from their principal or the Director-General.

Employees must not use personal cameras or mobile phones to photograph students unless prior approval has been given by their principal or manager. The use of a personal or departmental mobile phone or camera to photograph students must be for official purposes only. Parental or caregiver approval must be obtained before the publication of student photographs. More information on the department's consent procedure can be found in its *Obtaining and Managing Student and Individual Consent* procedure.

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. Where agreement is made for staff to assist in extraordinary circumstances, (e.g. preventing truancy by arranging a student's transportation to school), this must be approved by the student's parents/carers and the employee's principal or manager.

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 are 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 are required to:

- set the standard of ethical conduct by encouraging and promoting behaviour consistent with the Code and this Standard
- ensure employees are aware of the work performance and personal conduct expected of them, the values of the public service and of the department and what constitutes corrupt conduct under the *Crime and Corruption Act 2001*
- treat employees fairly, equitably, with consistency and respect
- ensure that all employees are made aware of their responsibilities under the Code and this Standard and any legislation, policies and procedures relevant to their duties
- ensure 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 employees understand the standards of conduct expected of them
- monitor their own performance as managers or supervisors to ensure their performance is making a positive contribution to the department and work environment
- ensure workloads are equitably distributed amongst team members.

Misconduct in a private capacity

The Code does not cover misconduct in a private capacity. However, Section 187 (4) (b) of the *Public Service Act 2008* defines "misconduct" as inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.

Accordingly, in that capacity, private conduct may be subject to disciplinary action under section 187(1) (b) of the *Public Service Act 2008*.

Personal presentation

Each of us has a responsibility to conduct and present ourselves in a professional manner and treat co-workers, clients and members of the public with courtesy and respect. In addition, we have an obligation to ensure our own safety, health and welfare in the workplace. All officers are required to ensure their private conduct maintains the integrity of the public service.



Accordingly, as representatives of the department, it is essential we ensure that our personal appearance and presentation is professional.

As a general guide, the appearance and dress of departmental employees should be clean, tidy and appropriate to their duties and the people with whom they are dealing. Examples of inappropriate dress for DET's work environment include thongs, singlets, revealing clothing or clothing with offensive slogans.

Employees who wear a uniform or other apparel identifying them as an employee of the department must ensure that their uniform or apparel is clean, complete and in good order.

In addition, if an employee is wearing a departmental uniform, or is otherwise identifiable as a departmental employee while off duty, they are expected to avoid conduct which may adversely affect the image of the department.

Each of us also needs to ensure that in compliance with our duty of care under the [Work Health and Safety Act 2011](#), and the requirements of the Code, we do not wear clothing or footwear that could put our own workplace health and safety at risk.



Principle 2 – Promoting the public good

The *Public Sector Ethics Act 1994* states:

“In recognition that the public sector is the mechanism through which the elected representatives of the people of Queensland deliver programs and services for the benefit of 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.”

Public service agencies are entrusted with public funds to develop and deliver services to the community on behalf of government. Accordingly, departmental employees have a responsibility to deliver services fairly, courteously and effectively and ensure they use public resources efficiently and economically.

They are required to assist all members of the community, particularly people with disabilities, those who speak languages other than English and those who may find it difficult to access government services.

Complaints from clients and the community should be treated seriously and constructive feedback seen as an opportunity for improvement.

Where appropriate and in accordance with their official duties, employees should ensure appropriate community engagement by responding to issues and concerns raised by individuals or communities, consulting with the public when developing public policy and assisting in raising community awareness of public issues and policies.

Employees are also required to work with other public service agencies where appropriate and in accordance with their official duties, to enhance the seamless delivery of services, generate economies and efficiencies, collectively plan and deliver related programs and services, and work cohesively at the local, regional, state and national levels to provide integrated services.



Principle 3 – Commitment to the system of government

The *Public Sector Ethics Act 1994* states:

“In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and public officials –

- a. accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government;
- b. are committed to effecting 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.”

As public servants, departmental employees are required to undertake their duties and implement the policies of the elected government professionally and impartially.

They are required to comply with the laws of Australian state and local governments, all relevant awards, certified agreements, subsidiary agreements, directives, whole-of-government policies and standards. They are also required to adhere to departmental policies, organisational values and organisational documents.

The Code requires that public officials maintain appropriate relationships with Ministerial staff. Where departmental employees provide advice to Ministers they should ensure their interactions are positive and productive when engaging with Ministerial staff.

Departmental employees retain their right to communicate directly with a Member of Parliament on any issue affecting them as a private citizen. In communicating with Members as private citizens, employees have an ethical obligation to maintain confidentiality of information accessed due to their roles that is not publicly available.

Principle 4 – Accountability and transparency

The *Public Sector Ethics Act 1994* states:

“In recognition that public trust in public office requires high standards of public administration, public service agencies, public sector entities and public officials –

- a. are committed to exercising proper diligence, care and attention; and
- b. are committed to using public resources in an effective and accountable way; and
- c. are committed to managing information as openly as practicable within the legal framework; and
- d. value and seek to achieve high standards of public administration; and
- 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 service agencies, public sector entities and public officials.”

4.1 Ensure diligence in public administration

Disclosing fraud, corruption, maladministration, corrupt conduct, misconduct, waste of public funds, or risk to public health or safety

The department is committed to creating and maintaining a work environment that encourages and facilitates the disclosure of information that relates to:

- unlawful, corrupt, negligent or improper conduct that could amount to corrupt conduct
- fraud, corruption and maladministration
- substantial misuse of public resources
- substantial and specific danger to public health and safety
- substantial or specific danger to the health and safety of a person with a disability and
- danger to public health and safety and the environment.

Example: Reporting suspected misconduct – appropriate reporting

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 Ethical Standards Unit of the employee’s report.

Example: Making a vexatious complaint – inappropriate reporting

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

Public Interest Disclosures

As part of its ethical culture, the department ensures appropriate consideration is given to the interests of employees who make a Public Interest Disclosure (PID).

For a report to be considered a PID and provide the discloser with the protections set out in the *Public Interest Disclosure Act 2010* (the Act), it must be an appropriate disclosure about public interest information. A disclosure of information can be made by any person whether a public officer (employee) or a member of the public. The disclosure must be made to a proper authority.



The department will ensure that any person involved in a PID is offered support and protection from reprisal. The term 'reprisal' is contained under the Act and the subsequent offence generally occurs when a person causes detriment to another person in the belief they or someone else has made or intends to make a PID. Under the Act, 'detriment' must be in response to the making of or intention to make a disclosure; and includes personal injury or prejudice to safety, intimidation or harassment, adverse discrimination or treatment and damage to reputation.

When a PID is reported the department is committed to managing the disclosure thoroughly, impartially and in a timely manner. The management of the PID includes initial evaluation, including a risk assessment and the determination of appropriate action, which may include investigation. If an investigation is conducted, the discloser will be kept informed of its progress and outcome.

For further information, please refer to the department's *Making and Managing a Public Interest Disclosure* procedure.

Under the *Crime and Corruption Act 2001*, the Director-General has a responsibility to refer all matters involving suspected corrupt conduct, including allegations received from anonymous sources, to the Crime and Corruption Commission (CCC).

Employee responsibilities in relation to the investigation of suspected breaches of the Code, Standard and departmental policies and procedures

It is mandatory for departmental employees to participate in the department's misconduct investigation process as a complainant, subject officer or witness, if required to do so.

This will usually mean attending an interview or interviews where and when required. At interview, employees are expected to respond to questions from the relevant authorised officer in an open and honest manner.

The authorised officer may determine, at their discretion, that a written response may be sufficient, in lieu of attendance at interview.

The purpose of a misconduct investigation is to determine whether there has been a breach of this Code, Standard and/or departmental 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 misconduct investigation process is a mandatory requirement under this Standard.

4.2 Ensure transparency in our business dealings

Donations, sponsorship and endorsements

Donations

If you receive an offer of a donation to the department, your worksite or 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 of the *Financial and Performance Management Standard 2009*.

When accepting a donation, it should be made 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 have an effect on the impartial performance of an employee's duties.

Example: Acceptance of a donation for official purposes — appropriate conduct

An individual offers to donate \$1,000 on the condition that it is spent only on the purchase of school library books. The donation is accepted and recorded in the school financial system as the condition does not affect the impartial performance of departmental functions.

Example: Refusal of a donation with unacceptable conditions — appropriate conduct

A parent offers to donate \$1,000 to purchase school sporting equipment if the school guarantees their son will be selected for the school football team. Selection for the football team is based on a student's level of skill and expertise. The principal declines the offer, advising the parent of the process for selection to the football team and the school's policy on providing equal opportunity to students.

Sponsorship

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.

Endorsement

Endorsement involves acting on behalf of a company to sell, recommend or endorse a company's products or services, or any other activity that could create a public perception that a school, other departmental unit or staff member is promoting or recommending an external organisation.

Endorsement is not an acceptable practice under the department's *Advertising* and *Sponsorship* procedures.

Examples of product endorsement include a letter from a principal to parents endorsing, recommending or promoting a company's products or services; or state school teachers providing favourable comment on an educational product on that product's website, where they identify themselves as departmental employees.

Where departmental units (including schools) offer advertising opportunities via newsletters or other communication devices, they must ensure that all advertising arrangements are transparent, available to all acceptable organisations and do not suggest or imply endorsement of third parties.

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

If an employee receives a prize with a value greater than \$150 in the course of performing their work duties, they must declare receipt of the prize and forward it to the department for management in accordance with the *Receipt of Gifts and Benefits by Employees of the Department* procedure.

If they receive a prize as an award for significant contribution or excellence, they must declare receipt of such award to their principal or supervisor. If the award is the result of their performance of official duties they will generally be permitted to retain the award, as long as there is no conflict of interest associated with it.

Principals, directors and supervisors may 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 conduct

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 laptop computer valued at \$2,000. 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 purchases a scratchie ticket from the local newsagent and wins \$1,000. The employee keeps the \$1,000 and is not required to declare it as they visited the newsagent in their personal time and not as part of their work duties.



Appointments to boards

Public officials are in a unique position of trust and responsibility. In some instances, public officials 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. 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

Using the departmental internet, intranet, and electronic mail

In accordance with the *Queensland Government Information Standard 38 – The Use of ICT Facilities and Devices*, an employee may be dismissed if they intentionally download, store or distribute pornography using government owned information and communication technology facilities and devices.

Employees must comply with the Government's Policy: *Use of Internet and Electronic Mail Policy and Principles Statement* which states employees 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.

Except for official purposes, it is a breach of this Standard 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. As this applies regardless of the source of such material, departmental employees should be mindful of the content of externally-owned devices, for example USB drives, when used on departmental ICT devices.

When accessing the department's ICT facilities and devices employees must do so in accordance with the department's procedure *Acceptable Use of the Department's Information, Communication and Technology (ICT) Network and Systems*.

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

- The department will not tolerate the deliberate use of computers to send, receive or copy inappropriate material.
- Employees may only transmit information via communication and information networks and devices if they are authorised to do so and in accordance with the relevant departmental protocols.
- Employees may not share their 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 accounts, 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 employees may be called upon to explain their usage.
- When using the department's computer systems, employees must not deliberately access, store or forward communication where doing so might result in a breach of the *Copyright Act 1968* (Cth), the Ethics Act, the department's *Information Standards and Guidelines* or this Standard, or other legislative or policy instruments.

Example: Inappropriate employee use of departmental email

An employee who alleges they have been subjected to workplace harassment by their supervisor details the allegations in a departmental email and forwards it to numerous people 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 a person authorised to receive it, such as a departmental employee advisor, the employee's industrial association, or via the department's managing employee complaints process.

Commercial use of departmental resources

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





4.4 Ensure appropriate use and disclosure of official information

Post-employment responsibilities

When an employee ceases employment with the department, they have an obligation to maintain confidentiality of official information formerly available to them as a public official, and to return any property belonging to the department.



REFLECT - A guide for ethical decision-making

Employees may consider the ethical decision-making guide below in light of their obligations under this Standard. It will not make the decision for them, but it will help them to analyse all the relevant facts and circumstances surrounding a situation where they need to reach a decision.

REFLECT ethical decision-making model

Recognise the issue

- What is the issue or problem with this behaviour?

Examine the situation

- Is there more than one obvious problem with this behaviour?
- Is there more I need to consider?
- What is the context of the situation?

Find facts and evidence

- What does the Code say?
- Do I need to find out more information?

Liaise and consult

- Should I talk to someone about this?
- What behaviour is expected of me?
- Has this been done before?

Evaluate the options

- What is the best thing to do, based on the information I have found?
- What are the risks?

Come to a decision

- Do I need to get permission to do what I want to do?
- Have I recorded my actions?

Take time to reflect

- Am I happy with my decision?
- Would I do the same thing next time?

(Adapted from REFLECT model, Australian Public Service Commission)



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.

Corrupt conduct

Section 15 of the *Crime and Corruption Act 2001* defines corrupt conduct as:

Conduct by a person that adversely affects, or could adversely affect a unit of public administration or a person holding an appointment within that unit in a way that is:

- not honest or not impartial or
- involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly or
- involves the misuse of official information or material.

To meet the definition of “corrupt conduct”, the conduct must be engaged in for the purpose of providing a benefit to either the person or another person, or causing a detriment to another person. The conduct in question, if proven, must also amount to either a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person’s services. Corrupt conduct includes neglect, failure and inaction and conspiracy to engage in conduct and attempt to engage in conduct. Anyone who tries to corrupt a public sector officer can also be guilty of corrupt conduct if the matter involves a criminal offence.

Corruption

Criminal behaviour that may involve fraud, theft, the misuse of position or authority or other acts unacceptable to a 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 *‘Corruption in focus — a guide to dealing with corrupt conduct in the Queensland public sector agencies’*.

Crime and Corruption Commission (CCC)

Under the terms of the *Crime and Corruption Act 2001*, the CCC is responsible for achieving the Act’s purposes of combatting and reducing the incidence of major crime; and reducing the incidence of corruption in the public sector.

Department

Refers to the Department of Education and Training.

Disciplinary action

Action taken as a result of the disciplinary process. The penalties provided for substantiated misconduct allegations are 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 treated 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 of care is the duty all DET employees have to do everything reasonably practicable to protect others from harm.

Employee

In this Standard ‘an employee’ means any person employed by the department to work in a state educational facility or corporate support role in a permanent, temporary, casual, volunteer, student or contractual capacity.

Ethics

Personal — an individual’s personal standards of conduct.

Professional — standards of conduct that apply to individuals in their professional capacity.

Ethics Act

The [Public Sector Ethics Act 1994](#).

Fiduciary relationship

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.

Fraud

Any deliberate deceitful conduct or omission designed to gain an advantage to which a person or entity is not entitled. It is the intentional use of false representations or deception to avoid an obligation or gain unjust advantage. In the context of public administration, fraud is commonly referred to as ‘robbing the system’. Fraudulent conduct by departmental employees may fall within the category of corrupt conduct under the *Crime and Corruption Act 2001*. The offence of fraud is set out in section 408C of the *Criminal Code Act 1899*.

Gift

Includes entertainment, hospitality, travel, or other benefits (tangible or intangible), whether of a personal nature or otherwise. Some examples of gifts include; 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 a 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.

Limited personal use

Limited personal use is expected to take place during an employee’s non-work time, incurs minimal additional expense to the department, is infrequent and brief, does not interfere with the operation of the department and does not violate any departmental, state or federal legislation or regulation.

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 any level.

Misconduct

The *Public Service Act 2008* defines misconduct as inappropriate or improper conduct in an official capacity, or inappropriate 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.

Pornography

Material that is sexually explicit, such as a description or exhibition of obscene literature, art or photography, generally intended to stimulate erotic rather than aesthetic or emotional feelings.

Prize

A prize is something that is won in a raffle, competition or similar.

Procedural fairness (natural justice)

A process that ensures a fair decision is reached by an objective decision-maker.

The decision-maker must not have a personal interest in the matter that would render them biased. Care should be exercised to exclude real or perceived bias from the process. In cases of corrupt conduct or maladministration, it is the investigating authority (e.g. Crime and Corruption Commission, Ombudsman or the Ethical Standards Unit) that will decide when it is appropriate to make allegations known to individuals.

Professional relationship

A fiduciary relationship in which one party necessarily places trust and confidence in another, investing the second party with a corresponding amount of power.

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. It is the collective interest of the entire community – not the sum of individual interests nor the interest of a particular group.

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](#), the Code and this Standard.

Reprisal

Reprisal occurs when a person causes, attempts or conspires to cause, detriment to another person because of, or in the belief that another person has made, or may make, a public interest disclosure. The detriment could be an action (or threats of action) that results in:

- a physical or psychological injury
- loss or damage to property
- intimidation or harassment and
- discrimination or disadvantage to a person's career, employment or business.

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
- a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Sexual misconduct

A range or pattern of behaviour involving in sexual acts.

It includes:

- conduct towards a student 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
- exposing a student to pornography
- suggestive remarks or actions of a sexual nature to a student
- 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
- making a remark with sexual connotation, to or within the hearing or presence of a student
- 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

The Standard is a supplementary document to the Code and is to be read in conjunction with the Code. It provides agency-relevant examples, which directly relate to how the Code is to be applied within the department.

State educational facility

Includes state schools and other institutions established under section 13, 14 or 15 of the *Education (General Provisions) Act 2006* and any other educational facility where DET employees work.

Student

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

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

Where employees are on departmental duty or are representing the department. The term workplace can include areas beyond the work location and activities outside of work hours. It can include activities such as school camps and excursions, residential or external training courses, Christmas parties and other functions that are officially supported by the department.

Workplace harassment

Workplace harassment is the repeated, unreasonable behaviour, other than behaviour amounting to sexual harassment by one or more people in the workplace that:

- is unwelcome and unsolicited
- the employee considers to be offensive, intimidating, humiliating or threatening and
- a reasonable person would consider offensive, intimidating, humiliating or threatening.

Workplace harassment can include vilification.

The term 'workplace harassment' has replaced what has been more commonly understood as 'workplace bullying'. The department recognises 'workplace bullying' to have the same definition as 'workplace harassment' and, as such, it is considered inappropriate behaviour.

'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range of behaviours over time. 'Unreasonable behaviour' means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening.

Workplace harassment does not include reasonable action taken by management to address issues of employee performance or reasonable action taken by the chief executive in connection with a person's employment.

Workplace health and safety obligations

These obligations refer to your workplace health and safety responsibilities, which are prescribed in the [Work Health and Safety Act 2011](#).

