

## Introduction

### In this section:

[Overview](#)

[Using this Code of Conduct](#)

[Who must comply with the code?](#)

[When does the code apply?](#)

[Ethical Dilemmas - Deciding the right course of action](#)

[What happens if I breach the code?](#)

[Who determines whether the code has been breached without reasonable excuse?](#)

[Reporting breaches of the code](#)

[Obtaining advice](#)

[Obtaining training](#)

[Updating the Code](#)

### Overview

This *Code of Conduct* is important for everyone associated with the Department of Education and the Arts and its activities. As public service employees, we hold a special position of trust. We are employed at public expense for community benefit, as identified and determined by the elected government of the day. In our respective roles, we exercise powers that can have a significant impact on the lives of children and young people, and the general community who expect and trust that these powers will be used properly and with prudent stewardship.

The *Code of Conduct* sets the context of our work, including how that work is to be performed, and how we should conduct our relationships with others. The code provides direction and guidance on our responsibilities as employees and how we should use the powers and discretion that come with our official position. It also establishes standards for our conduct and performance that are consistent with attaining the mission and objectives of the department.

The *Public Sector Ethics Act 1994* defines the ethical principles and the obligations arising from those principles that we must all observe. These ethical principles and obligations form the basis of this *Code of Conduct* and have been applied to the department's core business of providing high quality educational services to the people of Queensland.

The *Whistleblowers Protection Act 1994* complements the *Public Sector Ethics Act* by providing legal protection for the reporting of certain wrongdoing that adversely affects the public interest.

Central to our work is the attainment of optimum learning outcomes for students across Queensland. The department's ***Student Protection Policy*** is integral to providing a safe learning environment for students. Compliance with this policy is essential to safeguarding students from harm. **A breach of the *Student Protection Policy* (SMS-PR-012: Student Protection**

**</strategic/eppr/students/smspr012/>** is a breach of this ***Code of Conduct***.

### Using this Code of Conduct

The code sets out the five principles of public sector ethics that we must observe in the performance of our duties:

- Respect for the law and system of Government
- Respect for Persons
- Integrity
- Diligence
- Economy and Efficiency.

These principles are not prioritised, as each is fundamental to good public administration.

Each principle creates mandatory obligations for employees. The code expands on these obligations by establishing standards for conduct that are applicable to the departmental context. The code aims to be clear and concise in its standard setting to avoid confusion or misunderstanding about departmental expectations.

The code includes references to relevant policies and documents. Changes to these references will be updated as necessary on the electronic *Code of Conduct* available on the department's intranet and Internet site.

### **Who must comply with the code?**

The Code applies to and binds all employees of Education Queensland and those employed in the education division of the Department of Education, Training and the Arts, including public service employees seconded to perform work for the Department, and people engaged by the department on a traineeship, work performance or interchange arrangement.

While the Code is not binding for contractors, consultants, volunteers and any other person working with the Department of Education, Training and the Arts, the continued association with the department of these persons / organisations depends upon them observing and complying with the Code. A condition of a contract between the department and another individual or organisation requiring compliance with this Code of Conduct would be binding.

### **When does the code apply?**

The requirements of the Code apply at all times, when performing your work duties. However, it is important to note that misconduct for the purposes of determining liability for disciplinary action under the Public Service Act 1996 includes disgraceful or improper conduct in a private capacity that reflects seriously and adversely on the public service. School based employees should note that the code and the department's *Student Protection Policy SMS-PR-012: Student Protection* <http://iwww.qed.qld.gov.au/strategic/eppr/students/smspr012/> also apply while escorting students on camps, excursions, and tours within or outside Australia.

### **Ethical dilemmas - deciding the right course of action**

Public sector ethics concerns how one should behave as a public official. In most circumstances, the answer should be clear. However, there may be occasions when the answer is less obvious. For example, there may be circumstances:

- that involve a conflict between two or more ethical obligations,
- where there is a conflict between your ethical obligation as a public official and your own personal/professional ethics,
- when it is not clear what decision actually serves the public interest.

While this *Code of Conduct* provides guidance and direction, you may need to exercise judgement when applying weight to competing obligations. In any of these circumstances, it is important to realise that support is available. You can:

1. raise issues with your Principal, Manager or Supervisor or other people in your workplace: -
2. refer to departmental and whole-of-government policies, procedures and guidelines: -
3. raise issues at staff meetings, in-service or other forums: -
4. consider potential outcomes, obligations on you and how other people might view various courses of action: -
5. consider any issues of benefit or loss to yourself, students, the department or the community: -
6. raise any unresolved questions or doubts with your supervisor, Principal, Manager, or the department's Workforce Standards and Performance Unit before you make your decision.

Finally, before proceeding, ask yourself:

1. Is the act legal and consistent with Government policy?
2. Is it consistent with Departmental goals and this *Code of Conduct*?
3. Is it the proper thing to do?
4. What will the outcome be for:
  - The department and the public interest;
  - My colleagues;
  - Others;
  - Me.
5. Can the action be reasonably justified by objective standards?
6. Would the act stand up to public scrutiny? <sup>1</sup>

(<sup>1</sup> Work adapted from the *Criminal Justice Commission*.)

### **What happens if I breach the code?**

As employees who hold special positions of trust, we must be accountable for our actions. Consequences of inappropriate behaviour and breaches of the Code can come from the common law and the disciplinary provisions of Part 6 of the *Public Service Act 1996*. A minor or technical breach of the Code may be dealt with through management correction and guidance.

A breach of the Code of Conduct will not incur a disciplinary penalty if there is a reasonable excuse for the breach. A reasonable excuse is not the same as mitigating circumstances, which may still incur liability for discipline.

A key principle of public service employment is that employees should be treated fairly and reasonably, and due regard should be given to principles of natural justice. A determination about whether liability for discipline exists from a breach of the code is ultimately determined by an examination of all the circumstances, including the explanation of the employee for the breach.

Disciplinary penalties that may apply to proven breaches of the code without reasonable excuse, include, in the case of public service officers:

- an official reprimand;
- reduction of salary level or deduction from salary of up to two periodic payments;
- forfeiture or deferral of salary increment or increases;
- reduction in employment classification level;
- compulsory transfer;
- redeployment;
- termination of employment.

Note that public service officers include permanent teachers.

The disciplinary penalties that would be applied to temporary and casual employees include a reprimand or termination of employment.

All these disciplinary penalties would be in addition to any penalty issued by a Court for a breach of the general law.

### **Who determines whether the code has been breached without reasonable excuse?**

As your employing authority, the Director-General of Education, Training and the Arts (or delegate) decides this. The Honourable Premier of Queensland would decide this in the case of the Director-General of Education, Training and the Arts.

### **Reporting breaches of the code**

Specific instances of either suspected or actual breaches of this code that must be reported to either the department, or another appropriate public sector entity are established in the *Code of Conduct*. The *Public Sector Ethics Act 1994*, *Whistleblowers Protection Act 1994* and the department's *Student Protection Policy SMS-PR-012: Student Protection*

<http://iwww.qed.qld.gov.au/strategic/eppr/students/smspr012/>

provide further guidance on reporting requirements.

### **Obtaining advice**

Depending on the nature of particular issues or concerns, advice and support on the *Code of Conduct* and ethical issues may be obtained from your Principal, Manager, Supervisor, or contact the department's Workforce Standards and Performance Unit. If these people not have immediate access to the specific information you require, they will be able to direct you to other people and agencies for help and support.

### **Obtaining training**

All employees should read this *Code of Conduct*, either before or soon after joining the department. The *Public Sector Ethics Act 1994*, the *Whistleblowers Protection Act 1994* and other relevant legislation can be found at the web site of the [Office of the Queensland Parliamentary Counsel](#). Employees should be familiar with the departmental policies and procedures in the Education Policy and Procedures Register (EPPR) /strategic/eppr/ that apply to their particular work

The department will provide appropriate education and training about public sector ethics based on the contents of this code. Contact your Principal, Manager, Supervisor, or the Workforce Standards and Performance Unit to arrange this training.

On line training is available for employees of the department through the department's online learning facility "The Learning Place", "Blackboard" on as follows:

Register for Code Of Conduct training through the Learning Place. When you receive your confirmation email follow the instructions to access the content.

Register through the course calendar at:

<http://education.qld.gov.au/learningplace/onlinelearning/courses/course-calendar.html>

Or register directly via these:

Register for school-based training

<http://education.qld.gov.au/lpas/public/course/ViewCourseOccurrence.aspx?OccurrenceId=25204&bt=1162167624589>

Register for non-school based training

<http://education.qld.gov.au/lpas/public/course/ViewCourseOccurrence.aspx?OccurrenceId=26110&bt=1162167583381>

### **Updating the code**

The *Code of Conduct* aims to be a current and relevant publication that supports employees in the proper performance of their duties. New concerns about ethical issues for public officials / professionals can arise in a rapidly changing world. The department welcomes recommendations for future revisions of the Code. These recommendations should be forwarded to the Director of the Workforce Standards and Performance Unit.

## **Principle 1: Respect for the law and the system of Government**

### **In this section:**

[Obligations](#)

[Standards](#)

[Giving and carrying out lawful and reasonable directions](#)

[Challenging official decisions or directions](#)

1.1.1 Our system of Government is a parliamentary democracy consisting of three related components, the legislature, the executive, and the judiciary. Each component, (including the public service which is the administrative arm of the executive government), is established and operates in accordance with the rule of law.

1.1.2 As public officials, we are required to faithfully serve the elected Government of the day by:

implementing Government policy;

providing impartial and accurate advice to the Government of the day;

administering laws passed by the Parliament; and

providing responsive service to the community in accordance with Government policy.

### **1.2 Obligations**

1.2.1 Each of us has an obligation to:

- respect the rule of law and our system of parliamentary democracy by upholding:
  - Commonwealth, State and Local laws and regulations including any local area alcohol management plan restrictions such as in remote indigenous communities: -
  - applicable professional standards and codes of practice that do not conflict with government or departmental policy: -
  - Department of Education and the Arts and whole-of-government directives, policies and procedures: -
  - applicable industrial awards and agreements.
- respond prudently to known breaches of the law, departmental policies, whole-of-government policies and directives, as well as misconduct and maladministration (Refer to the glossary for definitions of misconduct and maladministration): -
- impartially administer legislation on behalf of the Minister for Education and the Arts: -
- faithfully implement the policies and mandate of the elected government, particularly with reference to the education portfolio: -
- provide responsive service to the community and impartial advice to the government of the day: -
- adhere to caretaker conventions when a Queensland state election is called: -
- observe the convention of political neutrality in the performance of our duties: -
- respect the principle of equality before the law and extend due and fair process to individuals and organizations: -
- comply with lawful and reasonable directions from your supervisor, a delegated authority, or your employing authority: -
- make decisions and give reasonable and lawful directions within our delegated authority: -
- strive to create and implement high quality education services that are consistent with government policy: -
- advance student learning and the public interest: -
- be familiar with legislation, regulations, (professional) codes or standards that are relevant to our work role.

1.2.2 These obligations do not detract from your duty to act independently of the government of the day, if that independence is required by legislation or government policy, or is a customary feature of your work.

### **1.3 Standards**

The following sections outline the standards you must adopt in your daily work for the department:

#### **1.3.1 Giving and carrying out lawful and reasonable directions**

- Employees should promptly, conscientiously and effectively comply with all lawful and reasonable decisions and directions from their supervisor, a delegated authority, or employing authority. An employee shall not knowingly or deliberately by overt or covert acts or omissions impede compliance or implementation of a lawful and reasonable decision or direction.
- A supervisor shall make competent decisions and give guidance and directions to an employee that are fair and reasonable, having regard to their legal and organizational responsibilities and delegations.

#### **1.3.2 Challenging official decisions or directions**

- All employees are encouraged to be receptive to constructive feedback about how they can better achieve the department's mission and objectives.
- Consistent with this approach, an employee may challenge or question a decision or direction if they believe it to be unlawful, unethical, unfair or unreasonable.
- Before challenging or questioning a decision or direction (that does not involve misconduct), an employee should seek to discuss the matter with their supervisor and attempt to understand the basis for the decision or direction. The employee should only then express the reasons for their concerns or reservations about the decision or direction. Trivial and vexatious objections are unacceptable.
- Wherever possible, the person whose decision or direction is challenged or questioned by an employee should listen to the concerns and reservations of the employee, and review their decision or direction in the light of this discussion.
- If the concerns remain unresolved after this review, the employee may communicate their objection to more senior officers in the department. The employee may elect to use the department's grievance procedure, if attempts at informal resolution are unsuccessful or inappropriate to use in the circumstances.
- In the case of serious matters that are unlawful, dangerous or unsafe or where there is evidence of official misconduct, employees must notify an appropriate authority that is authorised to receive that type of information.
- Employees are generally obliged to comply with decisions or directions while consideration is given to their objection, except when:
  - the matter involves a genuine risk to the health and/or safety of a person;
  - the act or omission is reasonably considered to be unlawful;
  - the matter involves an "issue of conscience" where there is a conflict between a genuine religious or similar belief and the performance of a specific authorised work activity.
- If the review finds that the decision or direction is lawful, ethical, fair and reasonable, an employee must comply with the decision or direction.
- If an objection involves an issue of conscience, the department will seek to work co-operatively with the employee to resolve the conflict. Employees and their supervisors should explore the issue in an open and constructive way. The affected employee may make a suggestion on how the conflict could be reasonably resolved.

#### **Example 1: Challenging a decision - Appropriate challenge, response and action**

A teacher disagrees with the decision of their principal to allocate school funds to one project in preference to another. The teacher invites the principal to share her thinking behind the decision. The teacher describes his concerns about the implications if the other project is not funded. The principal listens to the concerns and discusses possible options with the teacher. After further discussion, the principal acknowledges the teachers concerns, but finds her original decision should stand. The

decision is lawful, ethical, fair, and reasonable. The teacher complies with the action required to implement the decision.

**Example 2: Challenging a direction - Inappropriate challenge, response and action**

After a year of planning, developing curriculum, and preparing program material, teaching staff are directed by their principal to trial new methods of educating students in numeracy skills. One teacher refuses to adopt the new program, as the teacher believes the materials that have been developed are not as effective as the current materials being used. Open and professional discussion occurs between the teacher, resource professionals and the school principal. The principal has ensured that appropriate consideration and review of the objection has been given, but believes that the effectiveness of the trial will be jeopardised if the teacher does not comply. The principal's decision to implement the trial is lawful, ethical, fair and reasonable. The teacher remains aggrieved at the decision and continues to use their own method of teaching while lobbying other people to challenge the decision. The conduct of the teacher is inappropriate.

**Example 3: Non-compliance with a lawful and reasonable decision - Inappropriate conduct**

An employee asks his supervisor if he can use their accrued time entitlement next Friday to go to the beach with his family. The supervisor declines to approve the request explaining that some new and unexpected urgent work needs to be completed by the following Monday. The supervisor suggests that the employee take a day off after this deadline. The employee is unhappy with this decision, does not attend for duty on Friday, and claims accrued time on his time sheet. The employee has engaged in misconduct and would be liable for disciplinary action.

**1.3.3 Employee obligations to report charges and convictions of offences under various legislations and liability for disciplinary action by this Department**

Employees are reminded of their obligations under Section 13 of the Public Service Regulation 1997 as follows:

**13 Employee must give employing authority notice if charged with an indictable offence or convicted of any offence**

- (1) This section applies if a public service employee is—
  - (a) charged with an indictable offence; or
  - (b) convicted by a court of any offence.
  
- (2) The employee must give the employing authority written notice stating—
  - (a) if the employee has been charged with an indictable offence—
    - (i) that the employee has been charged; and
    - (ii) the details of the alleged offence; or
  - (b) if the employee has been convicted of an offence—
    - (i) that the employee has been convicted of an offence; and
    - (ii) the details of the offence; and
    - (iii) the penalty imposed on the employee.
  
- (3) The notice must be given—
  - (a) if the employee has been charged with an indictable offence—immediately after the employee is charged; or
  - (b) if the employee has been convicted of an offence—immediately after the employee is convicted.
  
- (4) In this section—

**convicted** includes a finding of guilt, whether or not a

conviction is recorded.

Note: An indictable offence is **an offence of a serious criminal nature that may or must be dealt with before a judge and jury. Check with the Workforce Standards and Performance Unit if you require further information on this matter.**

Employees who are registered teachers are reminded of their obligation to also notify the Queensland College of Teachers if **they have a change in their criminal history (i.e. they are charged with and/or convicted of a criminal offence. See the Qld College of Teachers website for further information and the necessary form to send to the College.**

In accordance with the **Commission for Children and Young People and Child Guardian Act 2000**, employees who have a positive suitability notice from the Commission for Children and Young People and Child Guardian (Blue Card holders) must notify their Principal if there is a change in their criminal history (i.e. if they are charged with or convicted of an offence). The Principal must then notify the CCYP & CG using the form available on the CCYP & CG website:

[http://www.childcomm.qld.gov.au/pdf/bluecard/change\\_criminalhistory.pdf](http://www.childcomm.qld.gov.au/pdf/bluecard/change_criminalhistory.pdf)

As well as any action taken by the College of Teachers or the CCYP&CG a conviction for a criminal offence may render an employee liable for disciplinary action even if the offence is not directly related to their employment or official duties. Section 25 (h) of the Public Service Act 1996 requires that a public service employee must ensure that their personal conduct does not reflect adversely on the reputation of the public service. It is a ground for discipline under Section 87 of the Public Service Act 1996 if an employee's conduct in a private capacity is disgraceful or improper and reflects seriously and adversely on the public service.

## **Principle 2: Respect for Persons**

### **In this section:**

[Obligations](#)

[Standards](#)

[Respecting the dignity, rights and views of others](#)

[Protecting students from harm](#)

[Interactions with parents / caregivers](#)

[Leadership and supervisory behaviour](#)

[Aggressive behaviour by others](#)

[Procedural fairness](#)

[Personal appearance](#)

[Workplace and sexual harassment](#)

[Unlawful discrimination](#)

[Equal employment opportunity](#)

2.1.1 We all come into contact with a range of people such as students, work colleagues, parents/guardians and members of the general public while performing our work duties. These people have a diverse range of views, aspirations, expectations and behaviour. It is vitally important that we extend and demonstrate respect for others in all our communications and interactions. In turn, we can expect to be treated with respect and dignity by others. The positive relationships we build with others both internal and external to the Department will influence how well we achieve our individual work goals and the Department's mission and objectives.

2.2.2 Our daily interactions with others reflect on the Department and on us as individuals. It is therefore important to our individual and collective reputation that we conduct our relationships in a professional and respectful way. Employees whose work involves communicating with students, have a special responsibility in providing an appropriate role model for those students. Modelling effective leadership in our interactions with students can have a profoundly positive influence on a student's personal and social development.

2.2.3 Demonstrating respect for persons can be achieved by adopting a consultative approach to decision-making, informing people of their rights, entitlements and responsibilities, and fulfilling a duty of care to others.

### **2.2 Obligations**

2.2.1 Each of us has an obligation to:

- Treat all people with dignity and respect at all times
- Respect and be sensitive to an individual's cultural and ethnic background
- Be responsive, engaging and helpful to the reasonable requests of students, parents/guardians, work colleagues and members of the general public
- Be familiar with and uphold the department's *Student Protection Policy*
  - SMS-PR-012: Student Protection  
<http://www.qed.qld.gov.au/strategic/eppr/students/smspr012/Actively> discourage any form of harassment or unlawful discrimination
- Ensure decisions that adversely affect the rights or interests of others are procedurally fair, reasonable, honest, and impartial
- Ensure our personal appearance and presentation is clean, tidy and appropriate for the work role performed.

### **2.3 Standards**

The following sections outline the standards you must adopt in your daily work for the department in a number of areas.

### 2.3.1 Respecting the dignity, rights and views of others

Employees must respect the dignity, rights and views of others by:

- listening to and seeking to understand different points of view (This does not necessarily mean agreeing with the point of view)
- respecting cultural, ethnic and religious differences
- valuing and acknowledging the genuine contributions of others make in meeting the department's mission and objectives
- expressing constructive feedback that is considered and moderate in its tone
- being courteous, sensitive, and honest in communications, and being considerate to the needs of others
- actively managing workplace conflict involving yourself or employees in your supervision to create positive and constructive outcomes
- informing people of their rights and entitlements where appropriate
- working co-operatively and collaboratively with others to achieve common goals and a harmonious work environment
- supporting the personal and professional development of others.
- Demonstrated failure to respect the dignity, rights and views of others will amount to a breach of this Code.

#### **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 alternate views. The employees seek to explore and understand the basis for their different viewpoints.

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.

The supervisor of the work unit identifies the difficulty and strategically designs team building processes that address the impediment to open communication and relationship building.

### 2.3.2 Protecting Students from Harm

- All students have a fundamental right to a safe and trusted physical and emotional environment that is free from harm.
- Employees must read, understand, and comply with the Department's [Student Protection Policy](http://www.qed.qld.gov.au/strategic/eppr/students/smspr012). SMS-PR-012: Student Protection <http://www.qed.qld.gov.au/strategic/eppr/students/smspr012>/Employees must actively seek to prevent harm to students and to support students who have been harmed.
- Employees must not impose corporal punishment on a student in the course of their professional duties.
- Employees must not engage in sexual misconduct with a student. Sexual misconduct is defined as:

**Conduct towards any person that would constitute a criminal offence of a sexual nature; or**

**Conduct that is sexual harassment as defined in section 119 of the *Anti-Discrimination Act 1991*; or**

**Any other sexual conduct by a school based employee directed towards or involving:**

**any student under the age of 18 years where a professional relationship exists; or**

**any student attending the school/s where the employee works; or**

**in the case of an employee employed under the Teachers' Award -State, any student under the age of 18 years attending any Queensland state school or Queensland state secondary college; or**

**a student aged 18 years or older which could reasonably be regarded as creating an apparent or actual conflict of interest between the employee's private interests and her/his professional duties.**

**Sexual conduct is any behaviour that might reasonably be interpreted as being designed or intended to arouse or gratify sexual desires.**

**A school-based employee is an employee who normally performs some or all of their daily duties within a school or schools whether on a temporary, permanent or contract basis"**

- The following behaviour would also constitute either misconduct or sexual misconduct:
  - unwarranted and inappropriate touching of students
  - suggestive remarks or action of a sexual nature
  - sexual exhibitionism
  - 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.
- Employees must discourage and reject any advances of a sexual nature initiated by a student with whom they have a professional relationship, or where a prohibition on sexual conduct applies.
- Employees must not engage in behaviour that raises a reasonable suspicion that they have engaged in or will engage in sexual misconduct, or that the standards applying to the professional employee / student relationship has or will be breached. Employee's interactions with students must be and be seen to be professional at all times.
- Examples of behaviour that raise a reasonable suspicion that the standards applying to the professional employee-student relationship have or will be breached include:
  - flirtatious behaviour directed at 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.
- 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 contravene this *Code of Conduct*
- a change of circumstances mean that an employee who was in a lawful private relationship that did not contravene this code is now in a relationship that contravenes this *Code of Conduct* - 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 of the Workforce Standards and Performance Unit. Failure to make this declaration may create liability for disciplinary action.

Once a confidential declaration is made, the department will co-operate 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 the employee's private relationship and the performance of their work duties must be resolved in favour of the public interest.

The department will respect the privacy of the employee's 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 the employee and the student, the department is required to advise the complainant/notifier (if known) that it is aware of, and has sanctioned 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 17-year-old non-state school student that does not contravene this Code of Conduct. The student then enrolls in a state school.

A school-based janitor is in a lawful private/sexual relationship with a 16-year-old student that does not contravene this Code of Conduct. The student then enrolls in the school where the janitor works.

- An employee who makes a notification of suspected sexual misconduct and is advised by the Department that it is a sanctioned relationship must respect the confidentiality of this advice.
- An employee must not cause, or arrange for detriment to be caused 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 improper 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.
- Teachers should strive to establish, build and maintain positive relationships with students that enhance the student's self-esteem and social development.

#### **2.3.3 Interactions with parents / caregivers**

- Employees should be responsive to all reasonable requests of parents/guardians in relation to their child's education, and should encourage professional partnerships that create optimal learning environments and opportunities for students.
- School based 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.
- Employees should avoid or take steps to resolve any conflict of interest that arises between their private relationship with a student's parent / caregiver, and the impartial performance of their work duties.

#### **2.3.4 Leadership and supervisory behaviour**

- All 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 school volunteers) have further important responsibilities.
- Supervisors should:
  - be role models and encourage and promote behaviour consistent with this Code
  - treat other employees fairly and reasonably
  - adopt a consultative approach about how work is to be performed where appropriate
  - encourage initiative, resourcefulness, responsiveness and leadership amongst employees
  - regularly acknowledge the good work of employees
  - be receptive to and considerate of divergent thinking, ideas and modes of operation that may better achieve the mission of the department
  - exercise their delegations conscientiously and prudently
  - encourage professional development of employees by providing appropriate learning opportunities and regular constructive feedback through performance review and planning processes where applicable
  - ensure that written reports about a employee's work performance are accurate in content and temperate in tone
  - accept responsibility for their professional learning and development.

#### **2.3.5 Aggressive behaviour by others**

- At times, a member of the community may act aggressively or in an offensive matter, despite an employee's best efforts to be helpful and understanding. In these circumstances, the employee is entitled to suspend further contact with the

person until it can be established there will not be a repetition of the aggressive behaviour. An employee must not reciprocate the aggressive behaviour. If a person attempts to physically attack an employee, any employee may use reasonable and necessary force to defend the employee against the attack.

- Aggressive behaviour by students directed towards school based employees must be managed in accordance with the school's behaviour management plan, the Department's Student Protection Policy,
- SMS-PR-012: Student Protection  
<http://iwww.qed.qld.gov.au/strategic/eppr/students/smspr012/>

#### **Example: Managing aggressive behaviour - Appropriate response**

A parent arrives at a school and proceeds to complain to the principal about a school decision that affects their child. The principal seeks to explain the background to the decision and the reasons for it. The parent becomes verbally abusive and the principal requests that the parent stop using abusive language. The parent continues to use abusive language and the principal indicates that they will not continue the conversation until they stop using abusive language.

#### **2.3.6 Procedural fairness**

- Procedural fairness refers to a decision-making process that is free from bias, includes only relevant considerations, and where the decision-maker hears from affected persons before a decision is made. Employees who make decisions that may adversely affect the rights or interests of others shall observe procedural fairness where reasonably possible.

#### **2.3.7 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.
- 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 and in good order.

#### **2.3.8 Workplace and sexual harassment**

- All staff, students and anyone else involved with the Department of Education have the right to work in an environment that is free from intimidation, threat, humiliation and workplace harassment. For detailed information, refer to the department's [Workplace Harassment, Bullying and Violence Policy](#).
- Sexual harassment is unlawful and will not be condoned within the department. Employees shall not engage in workplace harassment. (Refer to the glossary for definitions of sexual and workplace harassment).
- Offensive, abusive, bullying, belittling or threatening behaviour towards individuals or groups of people, performed in the course of one's work duties does not demonstrate respect for other people and amounts to a breach of this code.

#### **Example: Workplace harassment and inappropriate supervisory behaviour**

A supervisor is constantly critical in a negative and personal way of an employee's work performance but fails to initiate arrangements to establish a supportive performance improvement plan in co-operation with the employee. The supervisor isolates the employee, allocates menial duties to them and seeks to have them transferred from the section without consulting the employee.

#### **2.3.9 Unlawful discrimination**

- Employees must not unlawfully discriminate against any person. Except where exempted by law (refer to the [Anti-Discrimination Act 1991](#) new window), it is unlawful to directly or indirectly discriminate against a person on the basis of the following attributes:
  - sex
  - relationship status
  - pregnancy
  - parental status

- breastfeeding
- age
- race
- impairment
- religious belief or religious activity
- political belief or activity
- trade union activity
- lawful sexual activity
- gender identity
- sexuality
- family responsibilities
- association with, or relation to, a person identified on the basis of any of the above attributes.

**Example: Unlawful Discrimination**

A parent complains that a teacher should not be allowed to teach human relationships education because the teacher is a homosexual. It is not disputed that the teacher performs their duties to a very high standard. The principal withdraws the teacher from this role based on the parent's complaint. The principal's decision to withdraw the teacher in these circumstances amounts to unlawful discrimination.

For more information, refer to the department's [Unlawful discrimination booklet](#)

**2.3.10 Equal employment opportunity**

- The Department of Education is an equal opportunity employer. Employees must ensure that their involvement in recruitment and selection processes conform with legal and Departmental requirements, and are consistent with the Department's equal employment opportunity management plan.

**Example: Equal employment opportunity - Appropriate response**

As part of a planned and ongoing professional development program for the staff, a manager of a work area decides to implement an equitable rotating system for suitable employees who express an interest in acting in higher duty vacancies. This is communicated to all staff in the work area.

## **Principle 3: Integrity**

### **In this section:**

[Obligations](#)

[Standards](#)

[Conflict of interests](#)

[Declaring and registering personal interestss](#)

[Receiving and giving gifts and benefits](#)

[Donations and sponsorship](#)

[Receiving prizes in the course of duties](#)

[Using and disclosing official information](#)

### **DisplayText cannot span more than one line!**

[Making public comment](#)

[Standing for elected political office](#)

[Party political, professional and trade union activity](#)

[Research](#)

3.1.1 Upholding the ethical principle of integrity is central to maintaining the probity of our conduct in our dealings with others, in the exercise of public powers, and in the proper use of public resources. An employee's integrity is highly valued by the Department because it reflects positively on them as a person and the Department as a whole. Observing the ethical principle of integrity supports the reciprocal relationship of trust that must exist between an employer and an employee.

3.1.2 As custodians of public powers and resources, we must adhere to the highest standards of integrity if we are to enhance public confidence and trust in the Department and the whole of the public service. We must avoid any conduct that would amount to a breach of trust of the position that each of us holds.

3.1.3 School based employees hold special positions of trust because of the relationships they form with vulnerable students in their care. The professional relationships formed with students play a significant part in the educational and social development of the future citizens of Queensland. Maintaining integrity in all dealings with students is fundamental if the department's mission is to be attained.

### **3.2 Obligations**

3.2.1 Each of us has an obligation to:

- ensure that our official our official powers or position are not used improperly
- ensure that any public comment made as a representative of the department, or where we might reasonably be perceived to be a representative of the department, is authorised by the department and accurately reflects the department's position
- identify, declare, and avoid any apparent or actual conflict of interests or resolve conflicts in favour of the public interest. (Refer to the glossary for a definition of conflict of interests)
- report knowledge of matters relating to public service conduct or administration that seriously and adversely affect the public interest to a public sector entity authorised to receive that type of information;
- manage official information and records in a manner consistent with the law, information standards, and departmental policy.

### **3.3 Standards**

The following sections outline the standards you must adopt in your daily work for the department in a number of areas.

### 3.3.1 Conflict of interests

- Employees should understand what is meant by an apparent or actual conflict of interests (refer to the definition in the glossary). An undeclared and unresolved apparent or actual conflict of interests can seriously undermine the impartiality of departmental operations and decision-making, and reduce public confidence in the public service.
- Employees should be aware that an apparent or actual conflict of interest may arise between:
  - their private financial and business interests, or personal/familial relationships and
  - the impartial and proper performance of their work duties.
- Senior Officers and members of the Senior Executive Service are encouraged to seek advice from the Integrity Commissioner concerning the identification and resolution of a potential or actual conflict of interest. In accordance with Section 29 of the Public Sector Ethics Act 1994 such requests for advice must be accompanied by an authority signed by the Director-General requesting the advice.
- Employees must immediately identify any apparent or actual conflict between their private interests and work duties, and resolve the conflict in favour of the public interest. Resolution of the conflict includes either:
  - altering one's private interests to resolve the conflict; or
  - declaring the conflict to the Director-General or delegate, and in conjunction with the department, making alternative organisational arrangements to remove the conflict.
- Employees may be directed by the department to resolve the conflict in a particular way. Failure to promptly identify and initiate resolution of the conflict in favour of the public interest is a breach of this code.
- A private relationship between employees must be managed in a manner that does not adversely impact on the work of the department, or create an apparent or actual conflict of interest between their private relationship and the proper performance of their work duties.
- 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.

#### **Example: Conflict between private interests and public duty and improper condonation by employee**

A teacher employed by the Department has special expertise in the behaviour management of students. The principal of the school where the teacher works, pays the teacher to prepare and deliver an in-service on student behaviour management to staff at the school. The conduct of both the principal and the teacher is improper as the service delivered by the teacher is one the teacher could reasonably be expected to provide as part of the teacher's standard paid employment.

- An employee must not use their employment position to pursue private interests to gain an improper private advantage for themselves or others.

#### **Example: Conflict between private interests and public duty**

A speech pathologist provides speech pathology services to in a private capacity for personal profit to the same students whom the speech pathologist provides services to in their employment for Education Queensland.

#### **Example: Conflict between private interests and public duty / misuse of public resources**

An employee uses his departmental phone number on his private business card, and receives regular private business calls during the employee's work time. The employee spends extended periods of work time responding to his private business interests to the detriment of his work area.

- Employees are required to act independently, objectively and impartially when performing their work duties - for example, when making purchasing decisions, recruitment and selection, and management decisions affecting staff and students.

Employees must immediately declare any apparent or actual conflicts of interest that would affect their ability to act independently, objectively, and impartially and should resolve the conflict in favour of the public interest.

- To aid decision-making, employees should ask: 'Taking into account all the relevant circumstances, would a reasonable person consider that I might not be able to bring an impartial and unbiased mind to this task?' If the answer is yes or maybe, there is probably a conflict. If the answer is no, there is probably not a conflict.

**Example: Proper resolution of conflict of interests - Recruitment and selection**

An employee who is a member of a selection panel discovers that his best friend's wife whom he knows very well on a personal and social basis has applied for the vacancy. Because of his close personal association with the applicant, the employee declares the conflict of interests to the other members of the selection panel, withdraws completely from the selection panel, and is replaced by another employee.

**3.3.2 Declaring and registering personal interests**

- The Director-General of Education may require certain employees to declare and register relevant personal interests in accordance with a directive of the Public Service Commissioner, currently No. 8/96 'Declaration of Interests Public Service Employees (other than Chief Executives)'. ([http://www.opsme.qld.gov.au/directives/8\\_96.htm](http://www.opsme.qld.gov.au/directives/8_96.htm))
- The Director-General of Education must declare certain pecuniary and non-pecuniary interests, and changes thereto, to the Minister for Education in accordance with a directive of the Public Service Commissioner currently No. 1/96 "Declaration of Interests – Chief Executives" ([http://www.opsme.qld.gov.au/directives/1\\_96.htm](http://www.opsme.qld.gov.au/directives/1_96.htm).)

**3.3.3 Receiving and giving gifts and benefits**

- Employees must comply with the Government wide guidelines on Gifts and Benefits issued by the Public Service Commissioner. The following points are departmental standards that are consistent with the guidelines that are available at the following website: <http://www.opsme.qld.gov.au/directives/gifts.htm>
- Employees must not ask for or encourage the giving of any form of gift or benefit in connection with the performance of their work duties. Employees may not accept a monetary gift in connection with their work duties under any circumstances.
- Employees must not ask for, obtain or receive any property or benefit on account of anything done, or omitted to be done by the employee, that alters or appears to alter the honest and impartial performance of that employee's work duties.

**Example: Improper Receipt of Benefit Affecting Impartial Performance of Work Duties**

A school registrar accepts a parent's offer of the use of a holiday unit in exchange for improperly altering the student's school results.

- An employee must not offer or encourage another government official to accept a gift or benefit with the intent of seeking to alter the honest and impartial performance of that official's work duties.
- An employee may give, or accept an unsolicited gift that is of nominal value (i.e. less than \$50), that is offered in accordance with social custom, such as when the employee retires or leaves the workplace.
- A school-based employee may accept gifts of nominal value (i.e. less than \$50) from students or parents as a customary expression of appreciation for their work efforts, such as at the end of the school year.
- Gifts accepted by an employee with a value of greater than \$50.00 are significant gifts and must become departmental property and must be formally declared to the employee's supervisor within 14 days of receipt. Gifts accepted by an employee from the same source within one year that has a cumulative value of greater than \$50.00, become the property of the department and must be formally declared to their supervisor within 14 days of receipt of the gift that

exceeds the \$50-00 limit. (NB. Non-tangible gifts, such as hospitality or entertainment, singularly valued at more than \$50-00, or cumulatively over one year from the same source, must be declared to one's supervisor, but do not become departmental property.) Gifts singly or cumulatively valued at more than \$250.00 are reportable gifts, and must be registered and dealt with in accordance with Part 5, Division 7 of the [Financial Management Standard 1997](#) new window

- A reportable gift or benefit given to a public service employee is the property of the agency. However, at the discretion of the accountable officer, the public service employee may purchase the gift or benefit by paying to the agency the difference between the fair value of the reportable gift or benefit and the reportable gift or benefit threshold (currently \$250).
- An employee must not accept any gift, benefit or hospitality from a person or company where it is foreseeable or possible that the employee will be involved in evaluating that person or company in a competitive evaluation process for a contract or appointment or other engagement of value.
- An employee must not accept for private use, any gift or benefit offered by a seller of goods and services, as a result of purchasing items for departmental use. An employee may accept for such a gift or benefit for departmental use only, where such acceptance does not create a perception of gaining an improper personal benefit. If the gift or benefit is unable to be used for the work of the department, the employee must decline it.
- Alcohol will not be provided at Departmental expense at official Department of Education and the Arts functions and/or residential workshops unless the Director-General has provided prior approval. Employee may choose to purchase alcohol at their own expense where activities are being conducted outside officer's usual working hours. Employees are reminded of the need for moderation and caution when consuming alcohol particularly when they are seen as representing the Department.

#### **Example 1: Use of a gift for official purposes - Appropriate conduct**

A printer cartridge manufacturer is offering two cartridges for the price of one. An employee purchases the cartridge and accepts two cartridges to be used for the school computer.

#### **Example 2: Acceptance and use of a gift for private purposes - Inappropriate conduct**

The same manufacturer offers two free movie tickets to the purchaser of another cartridge. The employee purchases the cartridge for the department and accepts the movie tickets for their private use.

- An employee must not use frequent flyer points accrued for departmental travel for private use. Such frequent flyer points may only be used for other departmental travel.
- An employee must not use loyalty points accrued from government purchasing for private use. Such loyalty points may only be used for departmental purposes.

#### **3.3.4 Donations and sponsorship**

- Any employee who receives an offer of a donation to the department or their school should immediately notify their supervisor. Donations may be accepted on behalf of the department for departmental use, but must be registered in accordance with the requirements of Part 5, Division 7 of the *Financial Management Standard 1997* When accepting a donation, an employee 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.

**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.

- Acceptance of offers 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](#).

**3.3.5 Receiving prizes and awards in the course of duties**

- An employee, who receives a prize with a value greater than \$100.00 in the course of performing their work duties, must declare receipt of the prize and forward it to the department for management.
- An employee who receives an award for significant contribution or excellence must declare receipt of such award to their principal or supervisor. If the award is the result of the employee performing their official duties they 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 by the employee. Principals and supervisors must seek advice from the Director Workforce Standards and Performance 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.

**3.3.6 Using and disclosing official information**

- An employee must only use the department's official information, proprietary knowledge and intellectual property for departmental work, except where express consent of the department has been given for another purpose. This requirement continues to apply to persons after they have left the department's employment. In the case of publicly available information, appropriate acknowledgement of the source must be given.

**Example: Seeking consent for use of intellectual property - Appropriate conduct**

A state school teacher is writing a textbook based upon teaching materials developed in the course of their work duties. The teaching materials are the intellectual property of the Department of Education. The teacher seeks the department's consent to include the materials in the textbook.

- An employee must manage the personal information of individuals and organisations held by the department and collected in the course of their work duties in accordance with the privacy principles contained in [Information Standard 42, Information Privacy Guidelines](#) new window
- An employee must respect the confidentiality of privileged information received in the course of their work duties. Privileged information is information that is not normally available or generally provided to the public, and includes, but is not

limited to, information that is secret by its security classification; information deemed by law to be confidential; information attracting legal professional privilege; and personal and commercial information. For example, special confidentiality provisions apply to student records.

- An employee must not use or disclose privileged information without proper authority, or delegation, or in any way that is inconsistent with government and departmental policy.
- An employee must manage the preservation, storage, security and disposal of departmental records in accordance with the *Public Records Act 2002*, [Information Standard 42](#) new window and departmental procedures.
- Any deliberate mismanagement of departmental records such as unauthorised destruction, or improper alteration to show incorrect or misleading information, or hiding of records is a breach of this code.
- Reports on and/or assessments of student or staff performance must be prepared and completed fairly, accurately and without any bias or unlawful discrimination. A detrimental employee record must be dealt with in accordance with sections 15 and 16 of the *Public Service Regulation 1997* (available at [www.legislation.qld.gov.au/Legislation.htm](http://www.legislation.qld.gov.au/Legislation.htm) and departmental policy).

**Example: Inappropriate release of official information - Breach of privacy**

A principal gives parents' names and addresses to a company marketing a new educational game without the parents' consent in return for a cash 'donation' to the school's sport fund.

The disclosure of information was improper because it did not have the consent of the parents, and the disclosure was not authorised for a purpose, other than the official purpose for collecting the information. The principal's action was also a breach of the donation/gift policy.

**3.3.7 Disclosing fraud, corruption, maladministration, official misconduct, misconduct, waste of public funds, or risk to public health or safety**

- An employee must report knowledge of public service fraud, corruption, maladministration, official misconduct, misconduct, negligent management resulting in substantial waste of public funds, or a substantial risk to public health or safety to an appropriate public sector entity which is authorised to receive that type of information.
- For example, the report may be made to their supervisor, a senior manager, an appropriate external authority, or in the case of suspected official misconduct, the department's Workforce Standards and Performance Unit.
- The principal of a state school must promptly report in writing any insubordination or suspected misconduct by a staff member to the Director-General (or delegate) (refer to section 6(b) of the [Education \(General Provisions\) Regulation 2000](#) new window)
- An employee must not cause, or arrange for detriment to be caused to another person because an employee has properly reported a matter in accordance with the law, departmental policy, public service directives, or this Code.
- An employee must not make a knowingly false or misleading statement concerning an allegation of improper conduct to another employee or authority. An employee must not make a vexatious complaint about another person.
- Employees shall not disclose evidence of public service fraud, corruption, maladministration, official misconduct, misconduct, negligent management resulting in substantial waste of public funds, or a substantial risk to public health or safety to the media, or members of the Queensland Parliament, (other than Ministers of the Crown) who are not acting in their role as a member of a Parliamentary Committee, in circumstances that would jeopardise the capacity of the department, the government, or another authorised agency to properly respond to and correct the matter.
- The *Whistleblowers Protection Act 1994* 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.

- An employee must co-operate with an investigation being conducted in connection with the administration, management and operation of the department.

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

Two Department of Education employees attend a workshop interstate, and on their return to duty lodge travel claims for their 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 their knowledge 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.

**3.3.8 Making public comment**

- An employee must comply with the departmental policy [Communications and Marketing Branch \(CM-07\)](#) when making a public comment about the department's work.
- As a private citizen, an employee has the same rights as any member of the community to enter into discussion of community and social issues, but with the following limitations:
- Unless authorised to make public comment as a representative of the department, an employee must ensure that any public comment made by the employee is clearly seen to be made in a private capacity; and
- An employee's public comments must not raise reasonable doubts about their capacity and preparedness to continue to perform their role as a public service employee within the Department; and
- An employee's public comments do not create a conflict of interests between their private interests and the proper performance of their work duties; and
- An employee's public comments do not misrepresent the facts concerning government or departmental policy or administration.
- As a private citizen, an employee has the right to communicate with any Member of Parliament on any issue affecting them as a private citizen, where there is no conflict of interest with the impartial performance of their work duties.

**Example 1: Appropriate public comment - Contact with local state member of parliament on the opposition front bench**

An employee writes to their local state member who is on the opposition front bench to express concerns about the government's land clearing policy. The employee's work duties are completely unrelated to the implementation of this policy.

**Example 2: Inappropriate public comment**

The same employee writes to their local state member criticising the government's consideration of an unannounced plan to introduce a new equipment levy on parents of students attending Queensland state schools. The employee knows of the plan through the performance of their work duties.

- An employee must use the department's established internal and external communication channels concerning the work of the department.
- Employees should note that section 54(2) of the [Public Service Act 1996](#) new window provides that the Director-General of Education must act independently, impartially and fairly in making decisions about particular individuals. An employee who is aggrieved about an employment decision affecting them should not appeal to the Office of the Minister for Education about the decision, as the final Departmental responsibility for the decision rests with the Director-General or delegate. Other independent and external appeal processes exist such as those conducted by the Office of the Public Service Commissioner.

### **3.3.9 Standing for elected political office**

- Any employee wishing to stand for election to the federal or state parliaments must observe the procedures set out in the whole-of-government policy on [\*Public Service Employees Contesting State or Federal Elections\*](#).
- Any employee wishing to contest a seat in a local Government election should advise their principal, supervisor or manager in this regard and apply for leave at a time when the employee is unable to meet their employment obligations due to a conflict of interests, such as engaging in active campaigning.
- If an employee is elected to a local government, they may wish to negotiate possible leave arrangements with the department, with regard to resolving any conflict of interests in favour of the public interest. If the employee is unsuccessful in contesting the election, they may return to their employment at the same classification level.

### **3.3.10 Party political, professional and trade union activity**

- An employee must ensure that any political, professional or trade union activity in which they are engaged does not create an apparent or actual conflict of interest with the impartial and proper performance of their work duties.
- **Example: Inappropriate response to a conflict of interest with trade union activity**
- An employee who is a workplace delegate of an industrial union receives confidential information in the course of their work duties about a confidential government policy proposal that they know would be opposed by their industrial representatives. The employee leaks this information to the union.

### **3.3.11 Research**

- Employees whose work duties involve conducting research within or for the department should comply with ethical standards for research equivalent to those applied to staff of Australian Universities in their respective faculties. For further information, refer to the National Statement on Ethical Conduct in Research Involving Humans.

## **Principle 4: Diligence**

### **In this section:**

[Obligations](#)

[Standards](#)

[Performing your duties](#)

[Maintaining knowledge of legislation, codes, policies and delegations](#)

[Self-development](#)

[Fitness for duty - alcohol, drugs and medication](#)

[Smoking](#)

[Safety, health and welfare](#)

[Secondary Employment](#)

[Personal conduct](#)

4.1.1 The ethical principle of diligence requires us to perform our work duties to the best of our ability and provide a "fair day's work for a fair day's pay". By accepting employment with the department, we agree to perform our work duties diligently and professionally, and to demonstrate a high standard of stewardship over the responsibilities entrusted to us.

4.1.2 We are expected to

- exercise proper application, care, and attention when carrying out our work duties;
- act responsibly and be accountable for our official decisions and actions;
- exercise a duty of care to those we have contact with in the course of our work duties, or who may reasonably be affected by the work we do.

4.1.3 Together, we seek to:

- deliver a world-class public education system to the people of Queensland;
- instil an ethos that values life long learning;
- be a genuine learning organisation that develops its employees, its products and services, and their systems of delivery.

### **4.2 Obligations**

4.2.1 All of us have an obligation to:

- Ensure that our work duties are performed with care, responsibility, accountability, attention to detail and diligence;
- Support or deliver high standards of teaching and student care while adhering to the strong ideal of excellence in public education and administration;
- Refrain from using alcohol, legal drugs or other substances in a way that could have an adverse effect on our work performance, our behaviour, or reputation;
- Maintain and enhance our competencies while remaining supportive of our colleague's similar efforts.

### **4.3 Standards**

The following sections outline the standards you must adopt in the administration and stewardship of your duties.

#### **4.3.1 Performing your duties**

- An employee must perform their work duties competently and responsively, with a focus on delivering or supporting the delivery of high-quality educational services to students, and delivering high-quality services to other internal and external departmental clients.
- An employee has a responsibility to maintain the accuracy, integrity and appropriate confidentiality of all departmental information.
- An employee who is engaged by the department to work in a particular professional capacity shall observe any professional code of ethics applying to

their work. If there is a conflict between the requirements of a professional code of ethics and this code, the employee should seek guidance from the Workforce Standards and Performance Unit. If guidance is not sought, the provisions of this code prevail.

- All employees are accountable for their official decisions and conduct.
- An employee must only take leave of absence from their work duties when authorised to do so.
- Employees who supervise students in the instruction of the department must take reasonable steps to protect them from foreseeable injury and harm.
- An employee should act in a way that enhances their personal and professional reputation and the reputation of the department.
- All employees must observe the principles of public service management and employment as prescribed in sections 23 and 24 of the [Public Service Act 1996](#)  
new window

#### **4.3.2 Maintaining knowledge of legislation, codes, policies and delegations**

- Employees should maintain a current understanding of the law, professional ethics, delegations, departmental policies and procedures and other codes of practice to a standard that enables them to competently perform their work duties. Be aware that the law will prevail over a policy to the extent of any conflict.
- All departmental policies are contained on the department's [intranet site](#) or can be provided upon request from the Workforce Standards and Performance Unit. [Current legislation](#) is available. The [Board of Teacher Registration Code of Ethics](#) for Queensland teachers is also available.

#### **4.3.3 Self-development**

- An employee must take responsibility for developing their skills and knowledge, remaining abreast of advances and changes within their work area, and fields of expertise.
- Supervisors must provide fair and equitable access to training for staff and assist the department fulfil identified and agreed training goals and objectives.

#### **4.3.4 Fitness for duty - alcohol, drugs and medication**

- An employee must ensure that their consumption of alcohol, drugs or other medications does not adversely affect their work performance or endanger the health and safety of others.
- An employee suffering from a drug or alcohol problem that adversely affects their work performance must actively seek professional assistance to correct the problem. This requirement does not apply to unavoidable side effects resulting from the intake of medication prescribed by a medical practitioner. Failure to actively address a drug or alcohol problem that leads to diminished work performance, may be regarded as a breach of this code and may result in disciplinary or other management action.

#### **Example: Fitness for Duty - Inappropriate Employee Response**

An employee is regularly observed returning from early and long lunches smelling of alcohol and having a slow reaction time to work demands. There has been a gradual decline in the employee's productivity in the past month. The employee's supervisor raises these observations with the employee and seeks to encourage and facilitate provision of appropriate assistance to the employee on a number of occasions. The employee declines all offers of assistance and the behaviour and low productivity continues.

In these circumstances, it is open to the department to take disciplinary or other management action to correct the low productivity should the employee continue to decline to correct the causes of the low productivity.

#### **4.3.5 Smoking**

- Smoking is prohibited in government buildings, vehicles and facilities. Employees are reminded that smoking in many public places is illegal and on the spot fines can be issued. School employees are reminded that they must not smoke in the

presence of students (see policy HLS-PR-001: Creating Smoke Free Environments <http://iwww.qed.qld.gov.au/strategic/eppr/health/hlspr001/>)

- Smokers must ensure that this activity does not adversely interfere with the service delivery of their work area. (For more information, refer to the [Queensland Government Smoking Policy](#))

#### **4.3.6 Safety, health and welfare**

- As an employer, the department has a responsibility to ensure the workplace health and safety of its employees. An employee must comply with all departmental instructions about workplace health and safety.
- An employee must be alert to actual or potential health or safety risks and hazards, and should act within their delegation to remove or secure the risk or hazard, or alert an appropriate authority.
- An employee must not wilfully place the health and safety of any person at the workplace at risk. The workplace includes school sites and off school sites where approved educational activities are held.
- An employee must not place their health and safety at risk except where there is a real and substantial risk to the health and safety of others, and the action was necessary to remove the risk.
- An employee must not wilfully injure themselves at the workplace or in the course of performing their work duties.
- An employee must meet their duty of care to students under their control and supervision. When supervising students, the law requires an employee to take such steps as are reasonable in the circumstances to protect them from reasonably foreseeable injury. All teachers are expected to exercise the degree of care that a reasonably skilled and experienced teacher would take in the circumstances.

#### **4.3.7 Secondary Employment**

- An employee must ensure that any secondary private employment undertaken by them does not constitute a conflict of interest with their work duties, or adversely affect their work performance.

#### **Example: Secondary employment - Inappropriate action and appropriate response**

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.

#### **4.3.8 Personal conduct**

- Employees are reminded of their obligation under Section 25(h) of the Public Service Act: "In recognition that public service employment involves a public trust, a public service employee's work performance and personal conduct must be directed towards –(among other things) ensuring that the employee's personal conduct does not reflect adversely on the reputation of the public service.
- Conduct that is disgraceful or improper and reflects seriously and adversely on the public service is grounds for disciplinary action under Section 87 of the Public Service Act 1996.
- Personal conduct by an employee raising concerns about the safety of children or the employees trustworthiness with money or resources would be viewed very seriously by the community and the Department.

## **Principle 5: Economy and Efficiency**

### **In this section:**

#### [Obligations](#)

#### [Standards](#)

#### [Efficient resource management](#)

#### [Using equipment and consumable resources](#)

#### [Using the departmental internet, intranet, and electronic mail](#)

#### [Motor Vehicles](#)

#### [Commercial Use of Departmental Resources](#)

Provision of alcohol at Official Functions and Residential Workshops

5.1.1 The ethical principle of economy and efficiency in public administration seeks to obtain value for every public dollar spent by the Department. We possess stewardship of a range of valuable financial resources and public assets that are used to provide high quality educational services to the Queensland community.

5.1.2 We must ensure that these public resources are not wasted, abused, or used improperly or extravagantly. These resources include financial and material resources as well as intellectual, information, system and knowledge reserves that underpin the work of the Department. Work time is also a valuable resource that must be managed effectively to create productive outcomes.

5.1.3 The ethical principle of economy and efficiency must be applied in all our strategic planning for the future delivery of educational services to the Queensland community. We must constantly strive to:

- develop more effective and innovative ways of delivering educational services;
- find and create ways of using the department's existing resource allocation to add value;
- flexibly adapt to changing priorities.

5.1.4 The principal of economy and efficiency does not necessarily mean doing more with less as there are obvious limits to such an approach. Rather, this principle challenges us to consider the question, 'How can I add value to the services that I deliver that ultimately benefit student education in Queensland?'

### **5.2 Obligations**

5.2.1 Each of us has an obligation to:

- ensure that all departmental resources are used for official purposes (or approved limited exceptions) and not wasted or used extravagantly
- ensure that any claims for expense payments are made in accordance with whole-of-government and departmental policy and procedures, and only for costs incurred to conduct departmental business
- ensure that all electronic communication systems are used appropriately in accordance with government and departmental policy
- follow Departmental policies and procedures in respect to approved asset management and user charging policy where Departmental resources have been approved for use by the community or non-Government entities.

### **5.3 Standards**

The following sections outline the standards you must adopt in your daily work for the department in a number of areas.

#### **5.3.1 Efficient resource management**

- Employees whose work duties involve purchasing or managing resources on behalf of the department must act within their delegated authority and comply with the legal framework, policies and procedures for the purchase, use and disposal of any departmental resource.

- Employees responsible for purchasing, using and disposing of any departmental resource, employees should comply with the requirements of:
- the government's [State Purchasing Policy](#);
- the [Financial Administration and Audit Act 1977](#) new window and [Financial Management Standard 1997](#) new window ;
- the departmental policies on [Purchasing Procedures](#) FNM-PR-014: Purchasing Goods and Services <http://iwww.qed.qld.gov.au/strategic/eppr/fleet/flmpr001/> and [Equipment Management](#) ESM-PR-002: Equipment Management <http://iwww.qed.qld.gov.au/strategic/eppr/equipment/esmpr002/> accessible from the Education Policy and Procedures Register (EPPR)

### 5.3.2 Using equipment and consumable resources

- An employee must ensure that all departmental equipment, resources, and consumable items are used only for the work and business of the department. The following limited and occasional private use of department equipment and resources may occur providing it does not adversely affect the performance of an employee's work duties, or the work duties of others, or the reputation of the department (**see below for vitally important information regarding employees being dismissed for certain activities involving use of ICT facilities and devices**):
  - limited, occasional and brief private telephone calls and faxes
  - limited and occasional use of a photocopier
  - limited and occasional use of the Departmental email and Internet system subject to the government policy on use of the Internet and electronic mail (see below for details)
  - limited and occasional use of computers
  - limited and occasional use of meeting rooms.
- An employee must ensure that departmental equipment is maintained and used in accordance with the manufacturer's requirements, and that all use is both safe and legal.
- An employee must have approval to use departmental equipment and resources off site for work purposes, and must ensure they are safely stored and secured.
- An employee must ensure they do not breach copyright law or licensing arrangements when copying any departmental property, such as software, library and reference materials, or copying other property for departmental use.
- All principals, managers, and other officers in charge must observe the department's asset management policy ESM-PR-002: Equipment Management <http://iwww.qed.qld.gov.au/strategic/eppr/equipment/esmpr002/>

### 5.3.3 Using the departmental internet, intranet, and electronic mail

- In accordance with the Queensland Government Information Standard 38 – The Use of ICT Facilities and Devices; ([http://www.governmentict.qld.gov.au/02\\_infostand/standards/is38.htm](http://www.governmentict.qld.gov.au/02_infostand/standards/is38.htm)) **employees are advised that they will be dismissed if they are found intentionally downloading, storing or distributing pornography using Government owned information and communication technology facilities and devices.**
- An employee must comply with the government's [principles and policy statement](#) on the use of the departmental Internet and electronic mail system, and the departmental policy WFR-PR-003: Use of Intranet, Internet and Electronic Mail Services and ICT Devices by Staff <http://iwww.qed.qld.gov.au/strategic/eppr/workforce/wfrpr003/>
- Except for official purposes, it is a breach of this code 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 shall be deemed to be offensive if:
  - it shows a lack of respect for persons; and
  - a reasonable person finds the material offensive; and

- the material is not a complaint, report or notification about alleged improper conduct of a person made in accordance with an authorised procedure.

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

An employee who alleges that he is the subject of workplace bullying by his supervisor details the allegations in a departmental email and forwards it to numerous people that he knows in and outside the department who have no authority to respond or intervene in the matter. The employee's action has left him 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.

**5.3.4 Motor Vehicles**

- Departmental motor vehicles must always be acquired, maintained and used in accordance with the department's. FLM-PR-001: Fleet Management <http://www.qed.qld.gov.au/strategic/eppr/fleet/flmpr001/>

**5.3.5 Commercial Use of Departmental Resources**

- Departmental resources, such as school buildings, grounds and sporting equipment, can be made available for community and commercial use in accordance with the departmental Code of Practice - [Commercial Activities in Schools](#).

**5.3.6 Provision of alcohol at Official Functions and Residential Workshops**

- As a general rule alcohol will not be provided at departmental expense at official functions and/or residential workshops unless the Director-General has provided prior approval.
- Staff may however chose to purchase alcohol at their own expense where activities are being conducted outside officers' usual working hours.

## **Glossary of Terms**

### **Conflict of Interests**

An apparent conflict of interests (also known as potential or perceived conflict of interest) exists when an employee's private interests have the potential to interfere with the proper performance of their work duties. An actual conflict of interests exists when a reasonable bystander, in possession of the relevant facts, would conclude that the employee's private interests are likely to interfere with the proper performance of their work duties. An apparent or actual conflict of interests must be identified, declared and avoided or resolved in favour of the public interest.

### **Corruption (Official)**

Asking for, receiving or obtaining, or agrees or attempts to receive or obtain, any benefit of any kind for yourself, or any other person on account of anything done or not done, or to be afterwards done or not done, in the discharge of your work duties.

### **Duty of Care**

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

### **Employee**

In this code means permanent, temporary, casual or contract employees of the department.

### **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**

Any detrimental effect of a significant nature on the student's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental harm not involving negligence or misconduct. Harm to a student includes minor harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the student if allowed to continue. Harm can be caused by amongst other things: physical, psychological or emotional abuse or neglect; or sexual abuse or exploitation; or domestic or family violence; or student bullying; or self harm; or female genital mutilation.

### **Intellectual Property**

includes documents, publications, manuscripts, audio-visual presentations, inventions, original research, products, and any other materials recorded in any form that are developed for departmental or government use in the course of your work duties.

### **Interchange Arrangement**

Refer to section 82 of the [Public Service Act 1996](#) new window

### **Maladministration**

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

### **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**

Refer to sections 14 and 15 of the *Crime and Misconduct Act 2001* (new window)

### **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.

### **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.

**Proprietary Knowledge**

Information held by the department, that is not publicly available, not official information, and not intellectual property.

**School Based Employee**

An employee who normally performs some or all of their daily duties within a school or schools whether on a temporary, permanent or contract basis.

**Sexual Harassment**

Happens if a person:

subjects another person to an unsolicited act of physical intimacy; or  
makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or  
makes a remark with sexual connotations relating to the other person; or  
engages in any other unwelcome conduct of a sexual nature in relation to the other person;

and the person engaging in the conduct described in paragraphs (a), (b), (c) or (d) does so -

with the intention of offending, humiliating or intimidating the other person; or  
in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

**Sexual Misconduct**

Includes the following conduct:

conduct towards any person that would constitute a criminal offence of a sexual nature; or

conduct that is sexual harassment as defined in section 119 of the

[Anti-Discrimination Act 1991](#) new window <;

any other sexual conduct by a school based employee directed towards or involving:

any student under the age of 18 years where a professional relationship exists; or

any student attending the school/s where the employee works; or

in the case of employees employed under the Teachers' Award - State, any student under the age of 18 years attending any Queensland state school or Queensland state secondary college; or

a student aged 18 years or older which could reasonably be regarded as creating an apparent or actual conflict of interest between the employee's private interests and her/his professional duties.

Sexual conduct is any behaviour that might reasonably be interpreted as being designed or intended to arouse or gratify sexual desires.

**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.

**Work Performance Arrangement**

Refer to the definition in section 82 of the *Public Service Act 1996* (new window )

**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 to be offensive, intimidating, humiliating or threatening for the individual worker or group of workers in all the circumstances.