2010 Code of Conduct PowerPoint presentation

Facilitator notes

Précis

The presentation provides information to staff about the 2010 revised Code of Conduct, which will commence from the beginning of the 2010 school year i.e. 27 January 2010.

Outcomes

As a result of participating in this workshop participants will have increased their understanding about:

- the changes to the Code of Conduct
- their responsibility as employees to be aware of and adhere to the Code of Conduct

Handouts

Ensure you print enough double-sided handouts ‘Statement of Ethics and Executive Summary’

Activities

Scenarios to discuss in groups

Note

In order to shorten the presentation, the facilitator may choose those sections that are more relevant to their worksite. You might also consider using the website to access the vodcasts during your presentation.
What are the main changes?

The new code

- is preceded by a Statement of Ethics, and
- is written in plain English and in an inclusive style which speaks to you, the reader

It provides guidance for the use of social networking, blogs and wiki sites.
It will be on both the internet and intranet and will include vodcasts and examples of appropriate and inappropriate conduct.

Information provided by the facilitator

The Department routinely reviewed the Code of Conduct during 2009. (The Director Employee Performance and Conduct facilitated the review.)

Employees were given an opportunity to provide input to the review by completing an online survey. There were also a number of focus groups held with both Schools and TAFE managers.

Various drafts of the document were sent to all stakeholders including the Teachers Federation, the PSA, the Ombudsman, ICAC and the P&C Association for comment. Changes were made to the document based on the comments they made.

The main changes people wanted to see were that the Code:

- be easily accessible
- be easy to read
- be shorter, and
- state what will happen when the Code is breached.

A Statement of Ethics precedes the new Code. It articulates the Department’s values – fairness, respect, integrity and responsibility. We can all realise these values by using common sense and good judgement.

Given the dramatic increase in the use of electronic communication, a new section has been added to the Code to give some guidance on this. However, other policies will give more detailed instructions.
The Code of Conduct has its own webpage, which you can access from the DET Internet at Employment with Us with links to Our Policies. The website includes vodcasts of employees speaking about various aspects of the Code. It also includes links to relevant legislation policies and procedures.
What is the purpose of the Code of Conduct?
Who has to comply with the Code of Conduct?
What does the Department expect of its employees?
What happens if I breach the Code?

Information provided by the facilitator

The Code is divided into sections
- About the Code of Conduct
- Professional Conduct
- Your Responsibilities, and
- Resources

The first section generally describes why we have a code, to whom it applies, what the conduct is that is expected of us and what might happen if the code is breached.

What is the purpose of the Code of Conduct?

The aim of this Code is to establish a common understanding of the standards of behaviour expected of all employees of the Department.

It includes everyone from the Director General to the casual and contracted staff and volunteers.

It does not attempt to and never will be able provide a detailed and exhaustive list of what to do in every aspect of your work.

It represents a broad framework that will help you decide on an appropriate course of action when you are faced with an ethical issue.

It explains that: ‘The Department’ is often referred to as one entity, which is responsible for all decisions and outcomes. The reality is it is a large and complex organisation that can only
achieve good outcomes when we as individual employees exercise sound judgement when doing our job.

This also requires managers to supervise, support and provide training to staff.

Possible discussion point:

‘Why do people feel more comfortable blaming the organisation rather than that the individual?’

The facilitator could provide their own examples or use the following.

Examples:

An employee or parent might say,

“The Department really did nothing about bullying. I had to leave because I couldn’t take it anymore. No-one did anything.” Or “I had take my child out. The public school system doesn’t care.”

Who is the Department? Who is the public school system? Discuss what our individual and collective responsibilities are when we are bullied, or witness bullying or receive a complaint from someone about a person being bullied.

A stakeholder might say,

“That place (school, centre, office) is really slack. I leave messages but no one ever gets back to me.”

Discuss how this might happen. It may be one or two people who are falling down on the job; it may be a systemic fault causing the messages not to get through, or it maybe a false perception on the part of the complainant. What can we do individually and as a workplace to address these things?

Employees might say

“That Directorate is so hopeless at processing everything. They get my leave (or pay, or stationery order) wrong every time.”

Discuss how staff might manage a situation such as this appropriately and professionally.

The Code places an obligation on all of us to take responsibility for our own conduct and work with colleagues cooperatively to establish consultative and collaborative workplaces where people are happy and proud to work.
Who has to comply?

By accepting employment with the Department, all employees must be aware of and comply with the Code of Conduct. That puts a responsibility on managers to ensure that all employees are provided with or given access to the Code of Conduct when they begin working for the Department. For example, it should be a mandatory inclusion in an induction program. Managers should also regularly remind all staff of the Code by including it as a topic in staff development planning.

Managers are also responsible for ensuring that contractors and volunteers are aware of the Code before beginning work.

What does the Department expect of its employees?

The Code provides an explanation of what the Department expects of its employees:

- Perform duties professionally and competently and comply with reasonable instructions
- Behave in a courteous and responsive manner
- Work collaboratively with colleagues
- Be mindful of the duty to consider the health and safety of yourself and colleagues.

People sometimes feel uncomfortable about the words ‘reasonable instruction’ because they believe that managers can force them to do anything and call it ‘a reasonable instruction’. For an instruction to be reasonable, the employee must have the necessary knowledge, skill, capability and ability to carry out the instruction.

Instructing an employee to do something, which they clearly cannot do, is unfair and unreasonable.

The instruction must fall within the ambit of the job. Sometimes it is not always clear whether or not a particular task falls within the parameters of an employee’s job description, when it is not specifically stated, for example, whose job is it clean out the stationery cupboard or answer the phones when the clerical officer is away.

It would be unreasonable to ask a Year 2 teacher to teach Year 10 maths or visa versa. However, it would not be unreasonable to ask a Year 2 teacher to teach Kinder or Year 6.

The Code also states:

You are required to comply with reasonable instructions related to your work. If you consider an instruction unreasonable, you should say so to the person issuing the instruction in a civil manner, giving your reasons for concern and allowing the person an opportunity to respond.

If, after the response, you are still concerned or object to the instruction, you may seek advice at the next management level. You are not prevented from seeking the advice of your Union at any time.
Managers should be open to constructive questions regarding their instructions. They have a responsibility to respond appropriately and promote collaborative and collegial workplaces.

**Possible discussion point**
Discuss ideas about how we might inform student teachers and/or volunteers about the Department’s expectations of their behaviour before, or as soon as, they start work.

**What happens if I breach the Code of Conduct?**

Any employee may have remedial or disciplinary action taken against them because of a breach of the *Code*.

If an employee makes an honest mistake in their judgement, that does not mean they will necessarily be subject to disciplinary action.

All factors are considered before deciding that disciplinary action is warranted for a breach of the *Code*. They include:

- the seriousness of the breach
- the likelihood of it occurring again
- whether the employee has committed the breach more than once
- the risk the breach poses to other employees, students or anybody else, and
- whether the breach would be serious enough to warrant formal disciplinary action.

We all have an occasional bad day and sometimes we have lapses in good judgement. In many minor cases, a simple explanation and/or apology can rectify the matter. In some circumstances systems remedies may be put in place to avoid a similar mistake recurring or alternatively remedial action (or no action) may be taken.
Information provided by the facilitator

Respect for people

The Code outlines the Department’s commitment to a workplace that provides dignity and respect.

Everyone has the right to be heard whatever his or her circumstance.

How we behave reflects on the Department’s reputation.

Therefore, all employees are expected to be

- approachable
- courteous and
- prompt in dealing with other people, including students, other employees (irrespective of their position or seniority) and members of the community.

In dealing with other people, you should be able to accommodate and tolerate different opinions and perspectives, and sort out your disagreements by rational discussion.

Rational discussion presupposes that there is open communication and the freedom to voice another point of view.

The discussion should not involve verbal abuse or physical intimidation. For example, you may criticise a person’s ideas but you should not criticise the person; and you should not verbally abuse, vilify or belittle students or colleagues (including your supervisors) personally or to others.

Managers and principals must lead by example and must take all necessary steps to ensure that workplaces and classrooms are free from all forms of harassment, bullying and unlawful discrimination, and that their staff are informed of the principles of equal opportunity and anti-discrimination.
If you believe you or anyone else in your workplace is being treated in a discriminatory or harassing manner, it is your obligation to report the behaviour to your supervisor or director.

Most incidents can be addressed effectively if reported early.

You must not make unfounded complaints with malicious, frivolous or vexatious intent against another employee or students.

Modelling effective leadership and respect in your interactions with students can have a profoundly positive influence on a student's personal and social development.

It is important for you to treat your colleagues with respect. Rude or insulting behaviour, including verbal and non-verbal aggression, abusive, threatening or derogatory language and physical abuse or intimidation towards other employees is unacceptable.

You must not use information and communication technologies, such as email, mobile phones, text or instant messaging and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm, or make them feel unsafe.

### Possible discussion points

- What types of behaviour are OK? What jokes, conversation and discussion?
- How can managers give accurate feedback and not be accused of bullying or harassment?
- How can you complain and what would you expect to happen?
- What can we do as a workplace to ensure that we all feel valued and respected?

### Professional relationships between employees and students

All students have a right to a safe physical and emotional environment.

You are expected to promote the safety, welfare and well-being of children and young people. **You must actively seek to prevent harm to children and young people, and to support those who have been harmed.**

While not all employees are required to manage and supervise students, it is important for all departmental employees (this includes people at regional and state offices, to understand and observe the Department’s child protection policies.

- You must not impose physical punishment on a student in the course of your professional duties.
- You must not develop a relationship with any student that is, or that can be misinterpreted as having a personal rather than a professional interest in a student.
- You must not have a sexual relationship with a school student. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual or condoned by parents or caregivers.
• TAFE employee must not enter into a romantic or sexual relationship with any student (including any adult student) that you are responsible for teaching, tutoring, advising, assessing, or for whom you provide pastoral or welfare support.

To do so raises serious questions of conflict of interests, trust, confidence, dependency, and of equality of treatment. These relationships may also have a negative impact on the teaching and learning environment for other students and colleagues, and may carry a serious reputational risk for the Department.

Where a personal relationship, such as family relationship or close friendship exists between you and a student, or where there is a pre-existing sexual relationship with an adult student attending the same workplace, you must report the conflict of interest, or any potential conflict, to your supervisor or principal, and it must be managed carefully.

If you possibly can, you should avoid teaching or being involved in educational decisions involving family members or close friends. Where it is not practical to avoid such situations completely, another member of staff should make any significant decisions relating to the student’s assessments and have those endorsed by a supervisor.

Your professional relationship may be compromised if you:

• invite students to join your personal electronic social networking site or accept students’ invitations to join theirs
• attend parties or socialise with students
• invite a student or students back to your home or attend theirs without an appropriate professional reason and without the consent of their parent or carer
• transport a school student in your car without prior approval from a supervisor and a parent or carer.

**Possible discussion points**

How do we deal with these issues in rural schools or colleges? What strategies can you put in place if you want to attend a student’s birthday party or have dinner with a student’s family?

If you are teaching your child, or, a friend or neighbour’s child, what should you do not only to ensure that you treat them equally, but you are also seen by other students and parents to be treating them equally?

The boundaries of the professional relationship will be breached if you:

• have a sexual relationship or develop an intimate relationship with a student
• use sexual innuendo or inappropriate language and/or material with students
• hold conversations of an intimately personal nature, where you disclose private information about yourself
• have contact with a student via written or electronic means including email, letters, telephone, text messages or chat lines, without a valid context
• give students gifts of a personal nature that encourages them to think they have an individual and special relationship with you.
You are reminded of:

- the law prohibiting sexual relations with a person under the age of consent (16 years)
- the law prohibiting sexual relations between a teacher and their student under the age of 18 years
- the law prohibiting child pornography.

**Appropriate use of electronic communication and social networking sites**

We will deal with this on the next slide

**Use of drugs, alcohol and tobacco**

As a departmental employee, you must:

- not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances
- not endanger your own safety or the safety of any other person in the workplace by consuming alcohol, illegal drugs or non-prescribed and/or restricted substances
- notify your supervisor if you are aware that your work performance or conduct could be adversely affected as a result of the effect of a prescribed drug
- take action to resolve any alcohol or other drug-related problems that you have (remember that you have access to counselling support form [Employee Assistance Program (EAP)], and
- consult with your supervisor if you are concerned about working with other employees who may be affected by drugs or alcohol.

**Drugs**

As a departmental employee, you **must not**:

- give students or other employees illegal drugs or restricted substances, or encourage or condone their use
- supply or administer prescription or non-prescription drugs to students unless following the directions set down in the [Administering Prescribed Medication at School procedures](#)
- have illegal drugs in your possession while at work. Any illegal drugs found on departmental property or in the possession of any person on departmental property will be reported to the Police

Managers and principals must report incidents involving illegal drug use to the Police or to the [School Safety and Response Hotline](#)

**Alcohol**

Being under the influence of alcohol while you are ‘on duty’ could affect your ability to work safely and efficiently, especially when you have a responsibility to supervise students or work in close proximity to them.
You must not take alcohol to a school or consume it during school hours or at any school function at any time school students are present, including those events conducted outside school premises. A school function is any occasion organised by the school and/or in the school’s name, including dances, farewells, excursions, sporting fixtures and fund raising events. (Refer to the Drugs in Schools policy)

Children and young people have a greater vulnerability to alcohol than adults. To provide alcohol to a person under the age of 18 years is against the law.

Therefore:

• you must not purchase alcohol for, or give alcohol to, any school student or other person under the age of 18 years

• you must not encourage or condone the use of alcohol by students of any age during educational activities unless prescribed by the curriculum (such as TAFE NSW hospitality courses).

The Community Use of School Facilities Policy Statement and Implementation Procedures 1994 contain information on the consumption of alcohol on school premises by community groups.

In the case of cross-sectoral sites (eg joint school/TAFE NSW sites), the Executive staff may need to define the term “school premises”. Refer to Alcohol and Other Drugs: Policy Framework for TAFE NSW Institutes

**Tobacco**

You must not smoke or permit smoking in any departmental buildings, enclosed area or on departmental grounds. This includes all buildings, gardens, sports fields, cars and car parks, other than those clearly defined areas on TAFE NSW campuses. (Refer to Smoke Free Environment Act 2000).

You must not purchase tobacco or tobacco products for any school student, or give them tobacco or tobacco products.

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### Possible discussion points

Do we, in this workplace (school, college, Directorate) know what the acceptable and unacceptable use of alcohol and cigarettes is? On what occasions can we have a drink? Where can we smoke?
Identifying and managing conflicts of interests

What is a conflict of interests?

It is when personal views or private interests can, or have the potential to, influence a person’s capacity to perform their duties and in turn compromise their integrity and that of the Department.

As a departmental employee, you must be objective and impartial, and be seen to be so.

A conflict of interests can involve:

- pecuniary interests i.e. financial gain or loss or other material benefits
- non-pecuniary interests i.e. favours, personal relationships and associations.

It may not only be about your own interests. It may include:

- the interests of members of your immediate family or relatives (where these interests are known)
- the interests of your own business partners or associates, or those of your workplace
- the interests of your friends.

Hostility as well as friendship can also give rise to actual or perceived conflicts of interests.

A conflict exists when a reasonably minded and informed person would form that view.

When faced with a situation in which conflict of interests may be present, you should:

- assess the situation and the surrounding circumstances that could affect any decisions or actions you may take in the matter (Ask yourself “What is my public duty?” and “What is my personal interest?”)
- identify whether any conflicts of interests exist (“Could my personal interest influence my performance of the public duty?”)
- determine the type of conflict of interests (“Is it actual, perceived or potential?” “What type of advantage is it?”), and
- report any conflict to your manager.

A key issue to consider in determining whether conflict of interests exists is what the perceptions of others might be.

Questions you might ask yourself would be:

- What assessment would a reasonable or fair-minded member of the public make of the circumstances?
- Could my involvement in this matter cast doubt on my integrity or on the Department’s integrity?

You should also report situations where a superior or colleague who has an identified conflict is, or may be perceived as, unduly influencing your decision.

As a manager or supervisor, you are required to develop appropriate management strategies to deal with any conflicts of interests and document your decisions and actions.
Possible discussion points

Conflicts of interests are not uncommon.

Without disclosing personal or confidential information, can you think of ways that we can be compromised or be seen to be compromised in our jobs?

Examples of Conflicts of Interests Situations include:

- an employee taking part in the evaluation and selection of textbooks, reference books or learning materials which were written or edited by a relative or close friend, or published by a company in which they have a financial interest
- an employee taking part in the selection and appointment of a supplier or contractor who is a relative or a close friend, or owns a company in which they have a financial/business interest
- an employee supervising a relative or a close friend and determining their promotions or pay increases
- a teacher tutoring or coaching students from their school or workplace in return for payment
- a teacher referring their students to attend private tutorial sessions in which they have, or a relative or a close friend has, a financial/business interest.

Protecting confidential information

As a departmental employee, you must only use official information for the work-related purpose it was intended.

Unless authorised to do so by legislation, you must not disclose or use any confidential information without appropriate approval.

You must make sure that unauthorised people cannot access confidential information, in any form.

Post separation employment

When you cease employment with the Department, you should not use or take advantage of any confidential information obtained in the course of your official duties until it has become publicly available.

As a current employee, you must be careful in your dealings with former employees of the Department and make sure that you do not give them, or appear to give them, favourable treatment or access to privileged information.

You should report any attempts made by former employees to influence or lobby you about the Department’s activities to your supervisor or line manager.
Your responsibility

- Reporting concerns about employee conduct
- Duty of care
- Record keeping
- Recruitment
- Declaring gifts, benefits and bribes
- Private and secondary employment
- Using public resources wisely
- Signatures and providing personal references
- Managing political, community and personal activities
- Lobbying
- Copyright and intellectual property

Information provided by facilitator

Reporting concerns about employee conduct

1. Serious offences

All employees are required by law to inform the Director-General Managing Director TAFE NSW, if they are charged with or convicted of a serious offence (those punishable by 12 months or more in gaol).

If you become aware of a serious crime committed by another person, you are required to report it to the police.

2. Child protection

As a departmental employee, you must report possible ‘risk of harm’ to children or young persons to your supervisor or principal. They must in turn determine whether a report to the Child Wellbeing Unit or the Department of Community Services is required. For guidance on reporting, refer to the Department’s policy Protecting and Supporting Children and Young People.

You must also report your concerns about the inappropriate actions of any other employee that involves children or young people to your supervisor or principal, or directly to the Employee Performance and Conduct Directorate. This Directorate will deal with the information in line with the policy Responding to Allegations against Employees in the Area of Child Protection.

3. Corrupt conduct

All employees are required to report suspected instances of

- corrupt conduct
- maladministration and
- serious and substantial waste.
The Department is committed to supporting employees who report concerns about the conduct of their colleagues.

You can do this by reporting these matters to your manager or to a Nominated Disclosure Officer or directly to the Employee Performance and Conduct Directorate.

Employees reporting matters of suspected corrupt conduct, maladministration or serious and substantial waste may be subject to the protections offered by the Protected Disclosures Act 1994.

The Department’s Protected Disclosures - Internal Reporting Procedures explains this in more detail. If you are aware that such a report has been made, it is essential that you do not take detrimental action against the complainant in reprisal for reporting it. This includes any action that could reasonably be perceived to be detrimental action in reprisal.

Anyone who takes detrimental action against an employee in reprisal for having made a Protected Disclosure is committing a criminal offence, which could result in imprisonment if convicted. Detrimental action will also be treated as serious misconduct by the Department and would be dealt with as a disciplinary matter, which could lead to dismissal.

Duty of care

As a departmental employee, you have a duty to take reasonable care for the safety and welfare of the departmental school and TAFE students in your charge. That duty is to take all reasonable action to protect students from risks of harm that can be reasonably predicted.

For example, risks from known hazards and from foreseeable risk situations against which preventative measures can be taken. The standard of care that is required, for example the degree of supervision, needs to be commensurate with the students’ maturity and ability.

Duty of care to students applies during all activities and functions conducted or arranged by schools and TAFE where students are in the care of employees. The risks associated with any activity need to be assessed and managed before the activity is undertaken.

You also have a duty to ensure your safety and that of others in your work.

Considerations of safety relate to both physical and psychological wellbeing of individuals.

Possible discussion points

Can you identify some high-risk areas in relation to our duty of care in this workplace?

What strategies exist or should we implement to ensure that we meet our duty?

Record keeping

All employees have a responsibility:

- to create and maintain full, accurate and honest records of their activities, decisions and other business transactions, and
- to capture or store records in the Department’s records systems in line with the DET

Records may be class rolls, student assessment records, emails, electronic documents, digital image and audio recordings, correspondence, files, forms, plans, drawings, notes, photographs and films

Recruitment

All recruitment must be conducted in line with the relevant legislation, industrial instruments, policies and procedures.

Recruitment and staff selection processes must meet the principles and the standards of merit selection. It must be ethical, fair and effective.

These are outlined in the Merit Selection Guide for NSW Public Sector Panels – Picking the Best Person for the Job

You must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for a relative or anyone who is a close personal friend or business partner.

Selection panel members need to declare to the panel any prior personal knowledge or interest in any of the applicants. This is to ensure that any conflicts of interest, which might unduly influence that person in the panel’s deliberations is carefully managed. Prior knowledge of the applicant does not necessarily amount to a conflict of interests or exclude participation in the selection process.

Where the selection panel considers a conflict of interests could prejudice the outcome of the process, it must be resolved or managed according to the conflict of interests’ provisions in section 12 of these procedures. This includes the requirement to document any perceived or actual conflict and the requirement of the panel member to disclose to the convenor or other person appointing them to the panel if they have a conflict of interests arising from the work of the panel.
Declaring gifts, benefits and bribes

As an employee, you may be offered a gift or benefit as an act of gratitude. There are some circumstances when to refuse a gift would be perceived as rude, insulting or hurtful.

You are expected to exercise sound judgment when deciding whether to accept a gift or benefit. It is important that the acceptance of a gift does not influence or is not seen to influence your decision-making.

You must never ask for money, gifts or benefits and you must never accept any offer of money, gifts or benefits. To do so may amount to bribery, which is a crime.

If you are offered a bribe (i.e. anything given in order to persuade you to act improperly), you must refuse it, explain why it is not appropriate, and immediately report the matter to a senior line manager.

Any attempt to bribe an employee or the acceptance of a bribe by an employee, is an act of corrupt conduct and must be reported to the Employee Performance and Conduct Directorate.

Accepting gifts and other benefits has the potential to compromise your position by creating a sense of obligation and undermining your impartiality. It may also affect the reputation of the Department and its officers. You must not create the impression that any person or organisation is influencing the Department or the decisions of any of its employees.

Always consider the value and purpose of a gift or benefit before making any decision about accepting it. A gift that is more than nominal value ($50) must not become personal property. You should either politely refuse it or advise the contributor that you will accept it on behalf of your school or workplace.

When such a gift is accepted, you must advise your manager or Principal. They will determine how it should be treated and make a record of its receipt. Depending on the nature and value of the gift, it may be appropriate to record the gift in the asset register as a donation or other such record established for that purpose.

Sometimes employees might, in the course of their work, win a prize of significant monetary value e.g. a computer, from another organisation. Prizes are usually considered the property of The Department. If you win a prize you must advise your principal or manager who will determine how the prize should be treated and recorded.

Examples

It would be acceptable to receive gifts in the following situations:

- if, after giving a presentation at a meeting or seminar, you are presented with a small gift as thanks for your time and effort
- when parents or students arrive with a small gift for a teacher at the end of the school year
- a parent gives $1000 dollars to the Principal, specifically requesting that the money be donated to the school library for the purchase of audio-books because her son has poor vision.
would not be acceptable to receive gifts or benefits in the following situations:

- a company wanting to do business with the Department offers an employee two tickets to the VIP box at the football final
- a parent gives the school $1000 dollars for sporting equipment on condition that her son is chosen for the cricket team
- at the end of Term 2, a parent gives a teacher an envelope containing $150 and says “I hope this will help you enjoy your holiday. Have a dinner on me.”
- a parent gives a teacher an obviously expensive gift e.g. an item of jewellery.

**Possible discussion point**

Do we have a gifts register in our workplace? Where is it? Who is responsible for maintaining it?

**Private and secondary employment**

It is permissible for employees to undertake paid secondary work within or outside the Department, subject to Private and Secondary Employment Policy and guidelines. However, you must recognise that your primary commitment is to your principal employment in the Department. Engaging in other employment; for example, part-time university lecturing or tutoring, or working as a consultant, may have the potential to compromise or be seen to compromise your duties as a departmental employee.

If you are employed in a permanent full-time or temporary full-time position, you must seek approval from your manager prior to engaging in any secondary employment.

You can only commence the private or secondary employment once you have received approval. Approval must be obtained annually.

Permanent part-time and temporary part-time employees, casual employees, and temporary SAS staff (employed for less than 10 weeks) are not required to gain approval for other employment, providing the other paid work is not undertaken during the period that the person is employed to discharge duties for the Department.

However, these employees must ensure that their responsibility to the Department is not adversely affected and that no conflicts of interests arise.

In cases where a real or perceived conflict of interests exists, the employee must advise their immediate supervisor. The supervisor must then assess the manageability of the conflict of interests and/or review the continuation of the private or secondary employment. Further conditions are contained in the Private and Secondary Employment Policy and guidelines.

Special arrangements apply to employees who are contesting State or Federal elections. Details of these arrangements are in Premier’s Memo C2006-41 Public Sector Employees Contesting Elections.
Specific advice is available for staff considering private employment in the tutoring industry in Memo DN/09/00198 Advice to Staff Considering Undertaking Private Employment in the Tutoring Industry.

An example of *inappropriate* secondary employment would include the following scenario:

In addition to performing full-time employment for the Department, an employee worked the 6.00pm to 3.00am taxi shift on three nights a week without prior approval for secondary employment. His colleagues observed him sleeping at various times during the day. He explained to his supervisor that he was experiencing significant financial difficulties and needed additional income. They reached an agreement that he would only drive a taxi on Friday and Saturday nights and approval was granted on this basis.
Using public resources wisely

The facilitator should refer to the factsheet attached in the Resources section of the Code.

The resources you use at work are publicly funded assets. This includes your time.

As a departmental employee, you have an obligation to:

- use public resources efficiently and effectively for official purposes
- make decisions relating to the use of public resources that are reasonable, are correctly authorised and can withstand public scrutiny
- treat departmental property with due care and ensure it is secured against theft and misuse.

You should be economical and avoid waste and extravagance in your use of resources such as office facilities and equipment, including the use of motor vehicles, travel and catering.

You may use departmental resources in your personal time for work-related purposes only. If you wish to use departmental property and facilities for personal use, you must obtain approval from your manager. To use departmental equipment off-site, you must seek approval from your office manager, preferably in writing.

Examples of inappropriate conduct –

- An employee uses her departmental phone number on her private business card, and receives regular private business calls during work time. She spends extended periods of work time responding to her private business interests to the detriment of the Department.
- An employee appropriately takes a departmental car to attend a scheduled meeting. However, after the meeting, the employee picks up two friends and drives into the city for dinner.

Refer to the Use of Equipment document in the Resources section for further information.

Possible discussion point

Do we have an assets register and equipment movement register in our workplace? Where is it? Who is responsible for maintaining it?

Signatures and providing personal references

As a departmental employee, you are accountable for any documents that you sign. Therefore, you should carefully read all documents you are asked to sign.

You must not sign a document, which you know is not true and correct.

You must only sign your own name and must never permit or encourage anyone to sign a name other than their own. Managers and supervisors must not encourage or coerce their staff to sign a document with which the employee is not satisfied.
You should only use your own name when, for example, sending emails, and should not give the impression that you have the authority of another person without their permission.

You should never give another person your staff portal password and you should take care to ensure that you have ‘logged off’ fully from your computer before leaving it unattended.

Managing political, community and personal activities

As a departmental employee, you are required to 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 line with Government policy.

As an elected or nominated spokesperson for a professional association or a union, you are entitled to make public comments in relation to education and training matters as long as it is clear that those comments represent the association or union views, and not necessarily those of the Department. You are required to clearly acknowledge the capacity in which you are expressing such views.

As an individual, you have the right to participate in political and community activities and to pursue personal interests, provided any conflict that arises is recognised and adequately managed.

It is your obligation to ensure that your involvement in any political party, industrial organisation, or community and personal activity is understood to represent your view or those of the organisation you represent, and not those of the Department.

In participating in any political, community and personal activity, you must:

- not make any comment that may cast doubt on your capacity to implement departmental policies and guidelines objectively
- not participate in private political activities in the work environment
- not use the Department’s resources to assist your political, community or personal activities
- not use information obtained through your work at the Department to assist your political, community or personal activities, or make the information known to any other person, and
- not misrepresent the position of the Department on any issue.

Examples of inappropriate conduct include people who identify themselves as departmental employees, especially on public social networking and blog sites and make:

- disparaging comments about the Government or the Department
- public comment about their dissatisfaction with current Government policy to the media, or
• public comment about their own political or religious beliefs while purporting to represent the Department.

Refer to the Department’s Media Relations Policy for more information.

**Lobbying**

*This may only involve a few worksites and may not be necessary for all worksite presentations*

Lobbying is the practice of influencing the decisions of Government officials and legislators by an external person, organisation or agency. A lobbyist is a person who tries to influence legislation on behalf of a special interest or a member of a lobby. Governments often define and regulate organised group lobbying.

"A lobbyist" does not include:

• an association or organisation constituted to represent the interests of its members eg a trade union or the Parents and Citizens Association

• a religious or charitable organisation; or

• an entity or person whose business is a recognised technical or professional occupation.

As a departmental employee, you must comply with the [NSW Government Lobbyist Code of Conduct](#).

It states:

A Government Representative shall not at any time permit lobbying by:

a. a Lobbyist who is not on the Register of Lobbyists;

b. any employee, contractor or person engaged by a Lobbyist to carry out lobbying activities whose name does not appear in the Lobbyist’s Details noted on the Register of Lobbyists in connection with the Lobbyist;

c. any Lobbyist or employee, contractor or person engaged by a Lobbyist to carry out lobbying activities who, in the opinion of the Government Representative, has failed to observe any of the requirements of clause 4.3 of the Code.

**Copyright and intellectual property**

Advice relating to sharing or licensing the Department’s intellectual property should be sought from the unit/directorate that created the intellectual property and the Department’s Copyright prior to any arrangement taking place.

The Department cannot give away or assign its intellectual property without the approval of the Attorney-General’s Department.

The Department owns all intellectual property rights (including copyright) in material created by its employees, pursuant to their employment. Refer to the fact sheet [Copyright Ownership when DET Staff Create Material](#) and to the [TAFE NSW Intellectual Property Policy and Guidelines](#) for more information.
If you develop material that relates to your employment with the Department, the copyright in that material will belong to the Department. This may apply even if the material was developed in your own time or at home.

You should not use the Department’s intellectual property (including copyright) for private purposes without obtaining written permission from the directorate or unit that

<table>
<thead>
<tr>
<th>Possible discussion point</th>
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<tr>
<td>What are the main points educators must understand about Copyright and Intellectual Property?</td>
</tr>
<tr>
<td>How do you deal with those issues routinely?</td>
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<tr>
<td>Do you need more information on the subject? Should you contact the Copyright Unit to get further information?</td>
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Appropriate use of electronic equipment

Use appropriate language in email and text messages
Do not send threatening, abusive or obscene messages
Do not invite students into your personal social network site, if it contains inappropriate personal information or comments or images
Report any situations where you are aware of inappropriate use
Be aware that if email or sms’ become the subject of a legal dispute, then those emails must be produced in court

Never use the Department’s networks to view, upload, download or circulate
- Sexually related or pornographic messages or material.
- Violent or hate-related messages or material
- Racist or other offensive messages aimed at a particular group or individual
- Malicious, libellous or slanderous messages or material
- Subversive or other messages or material related to illegal activities

Information provided by facilitator

You must comply with the Department’s Employer Communication Devices Acceptable Use Guidelines and:
- exercise good judgment when using electronic mail, following the principles of ethical behaviour
- use appropriate language in electronic mail messages
• be aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be discoverable: that is, the court and all parties to the dispute would be entitled to see them
• do not send messages that are harassing, defamatory, threatening, abusive or obscene
• do not invite students into your personal social network site, if it contains personal information or inappropriate comments or images
• remember transmission, storage, promotion or display of offensive, defamatory, or harassing material is strictly forbidden
• report any situations where you become aware of the inappropriate use of electronic communication and social networking sites.

You must never use the Department’s networks to view, upload, download or circulate any of the following materials:
• sexually related or pornographic messages or material
• violent or hate-related messages or material
• racist or other offensive messages aimed at a particular group or individual
• malicious, libelous or slanderous messages or material
• subversive or other messages or material related to illegal activities.

People sometimes respond too quickly or express their thoughts and feelings with undue frankness when using electronic communication.

Avoid getting personal in electronic mail or in blogs, wikis or social networking sites.

Remember, people can't hear the tone of your voice in an electronic message and you can easily be misunderstood, particularly if your message is provided out of its original context.

Possible discussion point

What types of blogging information or conversation on public social networking sites would breach the code?
When is it appropriate to use electronic communication to talk with students and parents?
What types of conversations or comments would be concerning?

That is the end of the presentation. Are there any questions?
If you have any personal questions or concerns, who can you see? (provide some options)
The facilitator should ensure that people know to whom they can speak if they have questions or concerns.