



Code of Conduct Policy

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Context

We are committed to the highest standards of conduct in education, training and administration. To meet this commitment, we have issued this single Code of Conduct to more closely align staff conduct with the organisational values and ethics that underpin our policies and procedures.

Legislative Provisions

Anti-Discrimination Act 1977

<https://www.legislation.nsw.gov.au/#/search/inForceActs/title/exactwords=Anti-Discrimination%20Act%201977%20No%2048>

Community Relations Commission and Principles of Multiculturalism Act 2000

<https://www.legislation.nsw.gov.au/#/view/act/2000/77>

Crimes Act 1900

<https://www.legislation.nsw.gov.au/#/search/inForceActs/title/exactwords=Crimes%20Act%201900%20No%2040>

Fair Work Act 2009

http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/fwa2009114/

Independent Commission Against Corruption Act 1988

<https://www.legislation.nsw.gov.au/#/search/inForceActs/title/exactwords=Independent%20Commission%20Against%20Corruption%20Act%201988%20No%2035>

Industrial Relations Act 1996

<https://www.legislation.nsw.gov.au/#/search/inForceActs/title/exactwords=Industrial%20Relations%20Act%201996%20No%2017>

Work Health and Safety Act 2011

<https://www.legislation.nsw.gov.au/#/view/act/2011/10>

Ombudsman Act 1974

<https://www.legislation.nsw.gov.au/#/search/inForceActs/title/exactwords=Ombudsman%20Act%201974%20No%2068>

Privacy and Personal information Protection Act 1998

<https://www.legislation.nsw.gov.au/#/search/inForceActs/title/exactwords=Privacy%20and%20Personal%20Information%20Protection%20Act%201998%20No%20133>

Public Interest Disclosure Act 1994

<https://www.legislation.nsw.gov.au/#/view/act/1994/92>

Index of Contents

#	Title	Page
	Statement of Ethics	4
1	Introduction	5
2	What is the purpose of the code of conduct	5
3	Who has to comply with the code of conduct	5
4	Respect for people	7
5	What do we expect of our employees	9
6	Reporting concerns about employee conduct	11
7	What happens if I breach the code?	12
8	Identifying and managing a conflict of interests	13
9	Recruitment	15
10	Declaring gifts, benefits and bribes	16
11	Protecting confidential information	18
12	Private and secondary employment	20
13	Post separation employment	21
14	Signatures	22
15	Personal references	23
16	Using public resources wisely	24
17	Copyright and intellectual property	25
18	Record keeping	26
19	Duty of care	27
20	Professional relationships between employees and children, young people and students	28
21	Appropriate use of electronic communication and social networking sites	30
22	Use of alcohol, drugs and tobacco	31
23	Dress code for employees	33
24	Glossary - Appendix 1	34
25	Fair warning fair action factsheet - Appendix 2	36
26	Conflict of interest factsheet - Appendix 3	38

Statement of Ethics

We are committed to improving the social and economic well-being of the people of NSW through the provision of high-quality services to the community.

As employees, we have significant influence in developing an informed, dynamic and democratic society by providing experiences that inspire and facilitate personal development.

We can do this by creating inclusive and welcoming communities and workplaces and by promoting an organisational culture of innovative thinking and continuous self-development.

The values that underpin our work include **fairness, respect, integrity and responsibility.**

We demonstrate these values in our daily work by:

- Providing quality services whether in the community or the classroom;
- Being consistently honest, trustworthy and accountable;
- Being courteous and responsive in dealing with others;
- Being committed to social justice by opposing prejudice, injustice and dishonesty;
- Making decisions that are procedurally fair to people and which avoid discrimination, for example, on grounds such as gender, race, religion and culture;
- Promoting dignity and respect by avoiding behaviour which is, or might reasonably be perceived as, harassing, bullying or intimidating;
- Maintaining professional relationships with:
 - clients, customers and members of the public;
 - students and young people;
 - parents/guardians and carers;
 - colleagues; and
 - business partners.
- Working collaboratively with colleagues to reach our common goals;
- Maintaining and developing our professional and work practices;
- Acknowledging our stakeholders as partners in our work; and
- Behaving in ways that advance vibrant, sustainable, inclusive and responsible communities across NSW.

1. Introduction

This Code of Conduct applies to our community language school.

The *Code* draws on our Statement of Ethics and the values that underpin our work: fairness, respect, integrity and responsibility. The *Code* is based on NSW legislation, regulations and policies and procedures. If there is any conflict between this *Code* and legislation, the provision of the legislation will take precedence.

2. 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 our community language school.

This *Code* does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it sets out standards of behaviour expected and provides a broad framework that will help you decide on an appropriate course of action when you are faced with an ethical issue.

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.

3. Who Has to Comply with the Code of Conduct?

This Code of Conduct applies to all employees, whether employed on a permanent, temporary or casual basis.

3.1 By accepting employment with us, you must be aware of and comply with this *Code*.

Therefore, you must:

- i. Engage in personal or professional conduct that upholds the reputation of our community language school;
- ii. Apply our policies and procedures;
- iii. Act ethically and responsibly; and
- iv. Be accountable for your actions and decisions.

Contractors, Volunteers and Committee Members

3.2 Contractors, consultants, volunteers and committee members working with us must be aware of this *Code* and act in line with the conduct described in it. While contractors, consultants, volunteers and committee members are not subject to disciplinary action, conduct that would be assessed as being a serious breach of the Code of Conduct may result in their contract or volunteer activity being terminated.

3.3 If you are engaging or managing external consultants, contractors, volunteers or committee members, it is your responsibility to make them aware of our expectations of conduct during the period of their engagement. It is also your responsibility to take the necessary action to address any concerns about their conduct.

4. Respect for People

We are committed to a workplace that provides dignity and respect.

Our daily interaction with others reflects on our reputation. All employees are expected to be approachable, courteous and prompt in dealing with other people, including clients, members of the community, students and other employees (irrespective of their position or seniority).

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. Such a 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.

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

4.2. You must not discriminate against or harass your colleagues, students and young people or members of the public on a number of grounds including; sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual preference. Such harassment or discrimination may constitute an offence under the Anti-Discrimination Act 1977. In addition, you must not harass or discriminate on the grounds of political or religious conviction.

4.3. 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 the Principal/CEO.

4.4. 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.

4.5. You must not make unfounded complaints with malicious, frivolous or vexatious intent against another employee, clients, stakeholders or students and young people.

4.6. Employees who work with students and young people have a special responsibility in presenting themselves as appropriate role models for students and young people. Modelling effective leadership and respect in your interactions with staff, students and young people can have a profoundly positive influence on their personal and social development.

4.7. The Principal/CEO 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.

4.8. The Principal/CEO must take reports of discrimination, harassment and bullying seriously and take steps to prevent and correct the conduct. Most incidents can be addressed effectively if reported early.

5. What Do We Expect of our Employees?

As an employee, you should be aware of our policies, procedures and delegations, particularly those that apply to your workplace.

If you are uncertain about the scope or content of a policy with which you must comply, you should seek clarification from the Principal/CEO.

You should also be familiar with the legislation under which you are employed as this may specify requirements with which you need to comply.

5.1 You are expected to:

- i. Perform your duties to the best of your ability and be accountable for your performance;
- ii. Follow reasonable instructions given by the Principal/CEO;
- iii. Comply with a lawful direction;
- iv. Carry out your duties in a professional, competent and conscientious manner, while seeking suitable opportunities to improve your knowledge and skills, including through participation in relevant professional development;
- v. Act honestly and in good faith in providing advice or service that is honest, impartial and comprehensive, irrespective of your personal views on a matter;
- vi. Be courteous and responsive in dealing with your colleagues, students and young people and members of the public;
- vii. Work collaboratively with your colleagues;
- viii. Be mindful of your duty to the safety of yourself and others; and
- ix. Be aware that if your conduct has the potential to damage our reputation, even if it is in a private capacity, this could lead to disciplinary action.

An example of good management practice

Is a Principal/CEO who identifies an employee's skill levels by observing their work and regularly provides useful, positive feedback. An effective Principal/CEO deals with any issues early, provides feedback sensitively and constructively, and in negotiation with the employee, develops strategies that address any concerns in a positive fashion.

At times, you may not personally agree with all decisions made the Principal/CEO. You may also have personal views that differ from those of us.

However, your views should not interfere or be seen to interfere with the performance of your duties; nor can they take precedence over our policy and decisions.

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.

You are not prevented from seeking the advice of your Union and/or professional association at any time.

The Principal/CEO should be open to constructive questions or concerns regarding their instructions. They have a responsibility to respond appropriately.

6. Reporting Concerns about Employee Conduct

We are committed to supporting employees who report concerns about the conduct of their colleagues. Such conduct includes corrupt conduct, maladministration, serious and substantial waste and information contravention.

You can do this by reporting these matters to the Principal/CEO.

6.1 All employees are required by law to inform the Principal/CEO if they are charged with or convicted of a serious offence (those punishable by 12 months or more in gaol).

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

6.3 As an employee, you must report possible 'risk of harm' to children or young persons to the Principal/CEO. They must, in turn, determine whether a report to the Department of Family and Community Services is required.

6.4 You must also report your concerns about the inappropriate actions of any other employee that involves children or young people to the Principal/CEO.

6.5 All employees are required to report instances of suspected corrupt conduct, maladministration or serious and substantial waste to the Principal/CEO (identified in the procedures at 6.6).

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

6.7 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.

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

7. What Happens if I Breach the Code of Conduct?

As an employee, you hold a position of trust and you are accountable for your actions.

There will be some serious breaches of the Code of Conduct that require an immediate investigation and the employee's withdrawal from their workplace until the outcome is determined.

Refer to *Fair Warning - Fair Action* factsheet – Appendix 2

7.1 Consequences of inappropriate behaviour and breaches of this *Code* are described in the various employment legislation and regulations, and in the corresponding guidelines.

7.2 The Principal/CEO has a responsibility to address a possible breach of the Code of Conduct by any employee as soon as you become aware of it. Each case should be determined on the facts and circumstances when deciding on the appropriate action to take, including reporting of serious matters and those where an employee has failed to follow a lawful direction.

7.3 The issues to consider when deciding what action to take include:

- The seriousness of the breach;
- The likelihood of the breach occurring again;
- Whether the officer has committed the breach more than once;
- The risk the breach poses to employees, students and young people or any others; and
- Whether the breach would be serious enough to warrant formal disciplinary action.

Procedural fairness requires a decision-maker to:

- inform you of the allegations made against you
- give you an opportunity to respond, and
- have no personal interest in the outcome.

7.4 Actions that will apply to proven (after investigation) breaches of the *Code* can include management or remedial action, or disciplinary action ranging from a caution and reprimand to dismissal.

7.5 The outcome of criminal proceedings against employees may be considered as possible breaches of the Code of Conduct and action, including disciplinary action, may be taken.

8. Identifying and Managing a Conflict of Interests

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 our community language school.

8.1 As an 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.

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

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

8.3 When faced with a situation in which a 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 conflict 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?" "Is it pecuniary or non-pecuniary?"); and
- Report any conflict to the Principal/CEO.

8.4 A key issue to consider in determining whether a 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 our integrity?

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

Examples of Conflict of Interest situations include:

- Recruiting or approving the recruitment of a family member or close friend;
- 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 you or they have a financial interest;
- 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 you or they have a financial/business interest;
- Supervising a relative or a close friend and determining their promotions or pay increases:

- 8.6 If the Principal/CEO is in a conflict of interest situation then the Principal/CEO must declare their interest, with the ultimate decision falling onto the Management Committee and/or President.
- 8.7 The Principal/CEO is responsible for running the day to day operations and the ultimate decision making rests with the Management Committee.

9. Recruitment

The recruitment of employees is 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.

9.1 In order to avoid any possible accusation of bias, you must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any employee, or prospective employee, to whom you are related, or with whom you have a close personal or business relationship.

9.2 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 conflict of interests, 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.

9.3 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 8 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.

See *Conflict of Interests* fact sheet – Appendix 3.

10. 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 judgement when offered 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.

10.1 You must never ask for money, gifts or benefits and you must never accept any offer of money, or accept a gift or benefit greater than a nominal value (see 10.4). To do so may amount to bribery, which is a crime.

Bribery is soliciting, receiving or offering any undue reward to or by a person to influence the way that person acts. A reward can encompass anything of value and is not limited to money or tangible goods. The provision of services may amount to a reward.

10.2 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 the Principal/CEO. 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 Principal/CEO.

10.3 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 our reputation. You must not create the impression that any person or organisation is influencing our community language school or the decisions of any of its employees.

10.4 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 be declared to the Principal/CEO.

10.5 The Principal/CEO will record receipt of the gift and determine how it should be treated. Depending on the nature and value of the gift, it may be appropriate to record it as an approved gift for you, or as a donation to the workplace or as having been returned to the contributor.

10.6 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 our community language school. If you win a prize you must advise the Principal/CEO who will determine how the prize should be treated and recorded.

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.

It would not be acceptable to receive gifts or benefits in the following situations:

A company wanting to do business with us offers an employee two tickets to the VIP box at the football final.

11. Protecting Confidential Information

We collect and store a lot of confidential information. Unauthorised disclosures may cause people harm, or give an individual or agency an improper advantage.

Our integrity and credibility may be damaged if it cannot keep information secure.

11.1 As an employee, you must only use and collect official information for the work- related purpose it was intended.

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

11.3 You must make sure that confidential information, in any form, cannot be accessed by unauthorised people. Sensitive information should only be provided to people, either within or outside our community language school, who are authorised to have access to it.

11.4 You should always exercise caution and sound judgment in discussing other people's personal information with other employees. Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist us in carrying out our work because of their expertise.

11.5 Former employees must not be given access to confidential information.

Examples of inappropriate release of confidential information might include:

- An employee providing information to another person, department or agency involved in an investigation or complaint without permission from the Principal/CEO;
- An employee supplying confidential information to a company tendering for work;
- Employees accessing their colleagues' workplace records inappropriately.

11.6 De-identifying/Removing Information

De-identification means that a person's identity is no longer apparent or cannot be reasonably ascertained from the information or data. De-identified information is information from which the identifiers about the person have been permanently removed, or where the identifiers have never been included.

De-identification is important because it can make available data sources to agencies and enable information to be used while preserving an individual's privacy.

Importantly, de-identification can protect against an individual's or a group of individuals' identities from being revealed.

The key to de-identification is the removal of the 'identifiers' of personal information so that the information is not about an identifiable person.

For a list of laws and other regulatory agencies in the state, please see the Office of the Australian Information Commissioner website at:

<https://www.oaic.gov.au/privacy/privacy-in-your-state/>

11.7 All emails should conclude with the following disclaimer;

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

Committees and working groups

As a member of a committee, working group, advisory body or such like, where you represent our community language school, you need to:

- Be impartial;
- Discharge your responsibility efficiently and effectively;
- Not use any information obtained to gain a financial or other advantage for yourself, or any other person;
- Maintain the confidentiality of any information obtained unless otherwise directed;
- Not use any information to which you have access in a way which is disadvantageous to us or their interests;
- Ensure that your personal interests do not conflict with your duties or responsibilities to our community language school.

12. Private and Secondary Employment

It is permissible for employees to undertake paid secondary work within or outside our community language school, subject to policy and guidelines. However, employees must recognise their primary commitment is to their principal employment. Engaging in other employment, for example, tutoring or working as a consultant, may have the potential to compromise or be seen to compromise their duties as an employee.

12.1 If you are employed in a permanent full-time or temporary full-time position, you must seek approval in writing from the Principal/CEO prior to engaging in any secondary employment. You can only commence the private or secondary employment once you have received approval in writing. Approval must be obtained annually.

12.2 Permanent part-time, temporary part-time employees and casual employees, 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 us. However, these employees must ensure that their responsibility to us is not adversely affected and that no conflicts of interests arise.

12.3 In cases where a real or perceived conflict of interests exists, the employee must advise the Principal/CEO. The Principal/CEO must then assess the manageability of the conflict of interests and/or review the continuation of private or secondary employment.

An example of inappropriate secondary employment:

In addition to performing full-time employment for us, 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 was also falling behind in his work.

How the Principal/CEO dealt with it:

The Principal/CEO asked to meet with him and told him about his colleagues' reports and her concerns about his work. The employee explained 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 written approval was granted on this basis.

13. Post Separation Employment

Post separation employment

13.1 As an employee of our community language school, you must not use your position unfairly to improve your own prospects of future employment. If you allow your work to be improperly influenced by plans for, or offer of, employment outside of our community language school there is a conflict of interests and your integrity and that of the school is at risk.

13.2 You must return any property you have belonging to us.

After separation

13.3 When you cease employment with us, 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.

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

13.5 You must report any attempts made by former employees to influence or lobby you about our activities to the Principal/CEO.

14. Signatures

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

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

14.2 You must only sign your own name and must never permit or encourage anyone to sign a name other than their own. The Principal/CEO must not encourage or coerce their staff to sign a document with which the employee is not satisfied.

14.3 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.

14.4 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.

15. Personal References

A personal reference is a document, which provides information or makes assertions about another person's skills, conduct, performance, character, and suitability or non-suitability for employment.

You may agree to a request from an employee or student to write a personal reference. In doing so, you should comply with our policy.

Providing personal references in an official capacity

15.1 The Principal/CEO may provide referee reports as part of an internal or external recruitment selection process. If asked to provide such a report, it is your responsibility to be honest and objective, basing your feedback on evidence that can be verified. You must not make false or derogatory statements about an individual.

15.2 You are not to provide written personal references for any current or former staff member on our letterhead nor use your title and position for this purpose.

16. Using Resources Wisely

The resources you use at work are funded by our community language school. This includes your time.

16.1 As an employee, you have an obligation to:

- i. Use resources efficiently and effectively for official purposes;
- ii. Make decisions relating to the use of resources that are reasonable, are correctly authorised and can withstand public scrutiny;
- iii. Treat our property with due care and ensure it is secured against theft and misuse.

16.2 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.

16.3 You may use our resources in your personal time for work-related purposes only. If you wish to use our property and facilities for personal use, you must obtain approval from the Principal/CEO. To use our equipment off-site, you must seek approval from the Principal/CEO, preferably in writing.

Example of inappropriate conduct:

An employee uses her work 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 her community language school.

An employee appropriately takes a work car to attend a scheduled meeting. However, after the meeting, the employee picks up two friends and drives into the city for dinner.

17. Copyright and Intellectual Property

We rely on intellectual property to deliver its services. All employees play an important role in ensuring this intellectual property is properly identified, protected, used and where appropriate shared so as to ensure its benefit to the organisation and stakeholders.

17.1 When creating material, you need to ensure the intellectual property rights of others are not infringed and information is recorded about any third-party copyright/other rights included in materials.

17.2 We cannot give away or assign our intellectual property without the approval of the Principal/CEO and/or the Board/Management Committee.

We own all intellectual property rights (including copyright) in material created by its employees, pursuant to their employment.

17.3 If you develop material that relates to your employment with us, the copyright in that material will belong to our community language school. This may apply even if the material was developed in your own time or at home.

17.4 You must not use our intellectual property (including copyright) for private purposes without obtaining written permission from the Principal/CEO.

18. Record Keeping

A record serves an essential administrative, legal and historical purpose.

Records may be emails, electronic documents, digital image and audio recordings, correspondence, files, forms, plans, drawings, notes, photographs and films.

18.1 All employees have a responsibility:

- i. To create and maintain full, accurate and honest records of their activities, decisions and other business transactions; and
- ii. To capture or store records in our workplace.

18.2 You must not destroy records without appropriate authority.

18.3 Employees must maintain the confidentiality of all official information and documents which are not publicly available or which have not been published.

19. Duty of Care

A duty of care is the legal obligation to provide reasonable care while performing any acts or making any omissions that could foreseeably harm others. The duty encompasses a wide range of matters, including (but not limited to):

- The provision of adequate supervision;
- Ensuring grounds, premises and equipment are safe for employees, students and the general public;
- Implementing strategies to prevent bullying from occurring in the workplace; and
- Providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid an employee or community member who is injured or becomes sick in the workplace.

19.1 You must take reasonable care for the health and safety of yourself and others at the workplace and cooperate with your employer so far as reasonably practical, to enable compliance with the WHS legislation.

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

19.3 As an employee, you have a duty to take reasonable care for the safety and welfare if you have children and young people in your charge. That duty is to take all reasonable action to protect students, children and young people 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.

20. Professional Relationships between Employees and Children, Young People and Students

All students, children and young people have a right to a safe physical and emotional environment.

As an employee, you are expected to always behave in ways that promote the safety, welfare and well-being of students, 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 employees to understand and observe the child protection policies, particularly the *Responding to Allegations against Employees in the Area of Child Protection* procedures and the *Protecting and Supporting Children and Young People* procedures.

20.1 You must not impose physical punishment on a student, child or young person in the course of your professional duties.

20.2 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.

20.3 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.

20.4 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 the Principal/CEO, and it must be managed carefully.

20.5 Wherever practical, 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 the Principal/CEO.

20.6 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 the Principal/CEO and a parent or carer.

20.7 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.

20.8 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.

21. Appropriate Use of Electronic Communication and Social Networking Sites

We provide electronic communication facilities for our employees and students for educational or administrative purposes. We reserve the right to monitor and view any data stored or transmitted using our facilities.

By its nature, electronic communication is a fast and informal way of communicating. However, once a document or image has been sent there is no way to recall it and it exists forever.

21.1 You must comply with our Social Media Policy and:

- i. Exercise good judgment when using electronic mail, following the principles of ethical behaviour;
- ii. Use appropriate language in electronic mail messages;
- iii. 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;
- iv. Not send messages that are harassing, defamatory, threatening, abusive or obscene;
- v. Not invite students into your personal social network site;
- vi. Remember transmission, storage, promotion or display of offensive, defamatory, or harassing material is strictly forbidden;
- vii. Report any situations where you become aware of the inappropriate use of electronic communication and social networking sites.

21.2 You must never use our networks to view, upload, download or circulate any of the following materials:

- i. Sexually related or pornographic messages or material;
- ii. Violent or hate-related messages or material;
- iii. Racist or other offensive messages aimed at a particular group or individual;
- iv. Malicious, libellous or slanderous messages or material;
- v. 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 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.

22. Use of Alcohol, Drugs and Tobacco

We are committed to providing a productive, safe and healthy workplace.

22.1 You are responsible for ensuring your capacity to perform your duties is not impaired by the use of alcohol or drugs, and that the use of such substances does not put at risk you or any other person's health and safety.

21.2 As an employee, you must:

- i. Not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances;
- ii. 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;
- iii. 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;
- iv. Take action to resolve any alcohol or other drug-related problems that you have; and
- v. Immediately notify your supervisor if you are concerned about working with other employees who may be affected by drugs or alcohol.

Drugs

22.3 As an employee, you must not:

- i. Have illegal drugs in your possession while at work. Any illegal drugs found on our property or in the possession of any person on our property will be reported to the Police;
- ii. Give students, young people or other employees illegal drugs or restricted substances, or encourage or condone their use;
- iii. Supply or administer prescription or non-prescription drugs to students or children and young people. The Principal/CEO must report incidents involving illegal drug use to the Police.

Tobacco

22.4 You must not smoke or permit smoking in our buildings, enclosed area or on our grounds. This includes all buildings, gardens, sports fields, cars and car parks. Refer to Smoke Free Environment Act 2000.

22.5 You must not purchase tobacco or tobacco products for any student, child or young person, or give them tobacco or tobacco products.

Alcohol and Community Language Schools

22.6 You must not take alcohol to any community language class or consume it during community language school hours or at any community language school function at any time school students are present, including those events conducted outside the community language school premises. A community language school function is any occasion organised by the community language school and/or in the community language school's name, including dances, farewells, excursions, and fund-raising events.

22.7 As an employee:

- i. You must not purchase alcohol for, or give alcohol to, any student or person under the age of 18 years;
- ii. You must not encourage or condone the use of alcohol by school students or young people under the age of 18 years during educational or community activities unless prescribed by the curriculum.

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

Children and young people have a greater vulnerability to alcohol than adults.

23. Dress Code for Employees

Dress and personal appearance are important elements of professional presentation.

23.1 Employees have an obligation to dress appropriately and in a manner that:

- Maintains respect;
- Establishes credibility;
- Upholds the good reputation of our community language school

23.2 Employees must ensure their personal appearance and presentation are clean, tidy and appropriate for their work role and takes into account the particular circumstances of their workplace.

23.3 Employees must comply with relevant workplace health and safety regulations as they apply to apparel e.g. appropriate shoes, protective clothing, safety glasses and sun-safe attire when outdoors.

23.4 Employees must not wear revealing clothes such as those exposing bare midriffs, strapless tops/dresses or clothes that may be construed as suggestive and/or offensive.

23.5 Employees must not wear inappropriate clothes such as singlets, t-shirts, tracksuits or rubber thongs ripped or dirty clothes or clothes with inappropriate slogans e.g. advertising for tobacco and alcohol.

Benefit	A non-tangible item of value (e.g. a new job or promotion, preferential treatment or access to confidential information etc.) that one person or organisation confers on another.
Bribe	A gift or benefit offered to or solicited by a public official to influence that person to act in a particular way.
Bribery	The term 'bribery' also includes offences committed under section 249B and associated sections of the Crimes Act 1900 (NSW), involving acts of offering or soliciting a corrupt commission or reward to or by an official to influence that person to act in a particular way.
Breach of policy or procedures	The breaking or violation of a law, a right, an obligation, or a duty, either by commission or omission. It involves a breach of policies or procedures or internal policies or procedures.
Corrupt conduct	The abuse of public office (i.e. 'public trust') for private or personal advantage.
Gift	A gift is an item of value (e.g. gift voucher, entertainment, hospitality, travel, commodity, property etc) which one person or organisation presents to another. In the business context, gifts can have different meanings and purposes. The purpose of the gift, to a certain extent, affects how it should be managed.
Gift of influence	A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.
Gift of gratitude	A gift offered to an individual or agency in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.
Token gift	A gift that is offered in business situations to an agency or official representing an agency. Such gifts are often small office or business accessories (e.g. pens, calendars, folders) that contain the company logo. They are usually products that are mass-produced and not given as a personal gift.
Ceremonial gift	An official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency, not a particular individual.
Lawful direction	A lawful direction is a direction which falls within

the scope of the job description, involves no illegality and which is reasonable.

Maladministration

Inefficient, bad or improper administration. Maladministration is defined in the Protected Disclosures Act as 'conduct that involves action or inaction of a serious nature' that is:

- contrary to law, or
- unreasonable, unjust, oppressive or improperly discriminatory, or
- based wholly or partly on improper motives.

Nominal value

The acceptable monetary limit of gifts that conform to the community's norms, usually no more than \$50 (e.g. an inexpensive pen, tie, scarf, book, box of chocolates or bottle of wine).

Reasonable instruction

An 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 not specifically stated in the document.

Under the influence

A person is under the influence of alcohol or drugs when, because of drinking any amount of alcohol or taking drugs, their mental or physical faculties are so impaired as to reduce their ability to think and act with ordinary care.

Young person

A person who is aged 16 years or above but who is under the age of 18 years.

Appendix 2**FAIR WARNING, FAIR ACTION****Empowering the Principal/CEO to support professional behaviour*****What authority does the Principal/CEO have to deal with employees who repeatedly engage in unacceptable behaviour that does not reach the threshold of misconduct?***

The Code of Conduct outlines the standards of behaviour that is expected of employees. The *Code* is not an exhaustive or prescriptive list, but employees are expected to undertake their duties in a timely and professional manner and follow the reasonable instructions of executive staff.

If an employee engages in behaviours that are disruptive to the effective functioning of a workplace, the Principal/CEO should respond promptly by using a 'fair warning' approach to address the behaviours.

The Principal/CEO should initially counsel the employee. If the poor behaviour persists, the Principal/CEO should meet with the employee and provide them with an opportunity to respond to identified concerns. If necessary, the Principal/CEO may subsequently provide a written direction. If poor behaviour occurs again, the Principal/CEO has the authority to give the employee a further written direction not to engage in the conduct and a warning that repeated unacceptable behaviour will result in disciplinary action being taken.

If the Code of Conduct is breached a third time, the Principal/CEO has the authority to refer the matter to the Board/Management Committee with a recommendation that action be taken.

What sorts of behaviours may constitute misconduct?

The Principal/CEO must make a professional judgement about the sorts of behaviours that may constitute misconduct within the context of their workplace. For example, behaviours such as being consistently late for work, failing to attend duties, refusing reasonable instructions or treating colleagues discourteously may all constitute minor misconduct.

In some circumstances, however, the behaviour may be so extreme that it requires an immediate referral for investigation.

What might result from misconduct?

Depending on the nature of the misconduct, disciplinary actions include a caution and/or reprimand, a fine, demotion, a direction to resign or dismissal.

How is this different from the current processes?

It provides a clear, fair warning process for the Principal/CEO to follow. Currently, the Principal/CEO does not always feel they have the authority to act immediately to address employee behaviour, or do not refer matters to the Board/Management Committee until the relationship between the employee and the Executive has seriously deteriorated.

This has sometimes resulted in workers compensation claims and allegations of bullying from one or both parties.

Is this process procedurally fair?

Yes. An employee has the right to know the basis for any concerns about their conduct and the right to respond to those concerns and be fairly heard. The Principal/CEO must ensure they have clearly advised the employee about their concerns. This should be done in a face to face meeting. The employee may bring a support person to the meeting and respond at the meeting or within an agreed timeframe.

If an employee refuses to meet to discuss the concerns, the Principal/CEO should make a note of their efforts to meet with the employee and should then proceed with the process, which may include forwarding them a letter of direction.

Copies of written directions must be kept in a secure place and if required, forwarded to the Management Committee if the conduct matters are not resolved.

Appendix 3

CONFLICT OF INTEREST

All members of staff are responsible for declaring any conflict, or reasonably perceived conflict of interests, that may arise in their work.

What is a conflict of interest?

The term 'conflict of interest' refers to situations where conflict arises between public duty and private interest.

The term refers to circumstances where a member of staff could be influenced, or could reasonably be perceived to be influenced, by private interest when performing an official function.

Conflicts of interests can involve pecuniary interest (i.e. financial interests or other material benefits or costs) or non-pecuniary interest.

They can involve the interests of the staff member or his or her immediate family or relatives, friends, business partners or associates.

Animosity as well as friendship can give rise to an actual or reasonably perceived conflict of interest.

Where you make a decision that could affect the rights or interests of any person, you must apply the principles of procedural fairness. A key element of procedural fairness is the so-called 'rule against bias'. The basis of this rule is that even if a person is able to make an impartial judgement on a matter affecting his or her interests, the perceived bias would cast doubt on the impartiality of the decision.

Common conflicts

Recruitment

Where you are on an interview panel, you must disclose to your Principal/CEO and the other members of the panel (and in particular the independent member) at the time of reviewing the applications if the applicant is your personal friend or past or present close work colleague.

It is not appropriate to be on interview panel, or to ask a close colleague to replace you, where any applicant for the position is your relative (including a parent, sibling, child or past or present partner). It is acceptable to be a referee for somebody being interviewed, provided other referees are contacted prior to that person being appointed to the position. You should give the last reference.

Personal relationships

You must disclose where you are in an intimate relationship (or some other relationship that might lead to a perception of conflict) with a member of staff with whom you have a supervisory or management responsibility, or for whom you provide a reference.

Contracting

Where you are involved in the assessment or approval of a tender or contract, you must make a disclosure immediately you become aware of any person who has an interest in or may benefit from the contract is a relative, personal friend or business partner. In these circumstances you must remove yourself from the process.