

Policy

Business Ethics Statement

February 2021

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1. Purpose of this policy

Our Business Ethics Statement guides commercial partners and suppliers on how to work with us.

The Office of the Children's Guardian (OCG) promotes integrity, ethical conduct and accountability in all areas of public administration.

We rely on the support of commercial partners and suppliers to deliver public value.

Commercial partners and suppliers can expect OCG employees to behave ethically and comply with the Code of Ethics and Conduct. Employees refers to all individuals employed, appointed or otherwise engaged. This includes permanent, temporary and casual employees, as well as consultants, contractors and agency employees engaged to perform work for or on behalf of the OCG.

The OCG also expects high standards of behaviour from firms and individuals that do business with us.

2. What we ask of commercial partners and suppliers

When doing business with the OCG, all commercial partners and suppliers are required to:

- comply with applicable NSW Government procurement frameworks, policies, and codes of practice
- act ethically, fairly and honestly in all dealings
- not offer OCG employees, contractors and consultants any financial inducements or any gifts, benefits, or hospitality
- declare actual or perceived conflicts of interest as soon as such matters arise
- prevent the disclosure of confidential OCG information and protect OCG intellectual property
- assist the OCG to prevent fraud, corruption and unethical practices in business relationships by reporting wrongdoing (refer to practical guidelines below).

3. Why commercial partners and suppliers should comply

In order to conduct business in a fair and ethical manner, all commercial partners and suppliers must comply with:

- basic principles of probity management
- NSW Procurement Board's Procurement Policy Framework
- this Business Ethics Statement.

Non-compliance with the ethical requirements above, as well as corrupt or unethical conduct, could lead to:

- termination of contracts
- loss of future work
- loss of reputation
- investigation for corruption
- matters being referred for criminal investigation.

4. What commercial partners and suppliers can expect from our employees

OCG employees are bound by the core public sector values of integrity, trust, service and accountability as well as the additional OCG values of respect and empathy.

They are also expected to comply with the Code of Ethics and Conduct, as well as:

- ensure decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts, and supported by relevant legislation, policies and procedures
- accept responsibility and be accountable for their actions in accordance with delegated functions, accountabilities, and the requirements of the Code of Ethics and Conduct
- promote the integrity and reputation of the public sector by always acting in the public interest and not engage in any activities that would bring the public sector into disrepute
- treat the NSW Government, stakeholders, clients, suppliers and each other ethically, fairly and professionally
- provide relevant and responsive service to clients and customers in accordance with agreed service standards
- act with care and diligence, utilising the OCG's resources in a proper manner.

5. Practical guidelines

5.1 Incentives, gifts, benefits and hospitality

Commercial partners and suppliers must not offer or give gifts to our employees and there is no expectation from our employees that any gifts will be provided. Our employees will decline gifts, benefits, or travel offered during the course of their work. Cash gifts or equivalent (for example, gift vouchers) are never acceptable.

Commercial partners and suppliers must not pay or offer to pay for any form of entertainment for OCG employees. Entertainment includes tickets to sporting or social events, social meals at restaurants, travel expenses to attend either local or interstate meetings or conferences, or accommodation expenses. The OCG meets all such business costs for employees. Employee participation in some modest forms of hospitality is permitted where:

- there is a clear underlying business purpose exists
- it is in the normal course of business
- it relates to the work of the OCG
- it has a public benefit
- it is disclosed by the employee.

Offers, acceptance, and non-acceptance of gifts, benefits and hospitality must be disclosed by employees in accordance with the OCG Gifts and Benefits Policy.

We acknowledge that judgement by both commercial partners and suppliers and employees needs to be exercised regarding the offer and acceptance of such hospitality – the essence is that it must be modest (both actual and in perception) and not be encumbered by obligation. It must also not be offered at a time that could raise general concerns about conflicts of interest (for example, during a tender or contract negotiation period). Modest hospitality could include basic refreshments at meetings or a light working lunch.

5.2 Conflicts of interest

All OCG employees are required to disclose any actual, perceived, or potential conflicts of interest. This includes conflicts of interest that can, or could, arise from personal relationships between our employees and staff of commercial partners and suppliers. This requirement is extended to all commercial partners and suppliers of the OCG.

5.3 Sponsorship

We will not ask for, entertain, or enter into any sponsorship or similar arrangement that is not open and transparent or where such activity creates a perception that it could be part of an attempt to improperly influence decision-making processes. Where applicable, specific policies and processes developed within the OCG for sponsorship arrangements are to be adhered to.

5.4 Confidentiality and intellectual property

Confidential information in any format must be treated as such and protected as appropriate. The specific requirements of copyright laws and individual contracts must be adhered to.

5.5 Communication and cooperation

In line with applicable NSW Government procurement frameworks, policies, and codes of practice, the OCG and commercial partners, contractors, sub-contractors and suppliers will maintain business relationships based on:

- open and effective communication
- respect
- trust
- adopt a non-adversarial approach to dispute resolution.

5.6 Private employment and post-separation employment

OCG employees must obtain the approval of the Children's Guardian prior to entering into any private or secondary employment arrangement. Secondary employment will not be approved if it has the potential to create an actual or perceived conflict of interest between the employee's public official role and their private interests. Our employees are not to use either their position, government information, or intellectual property developed while serving the NSW Government to secure private employment.

Commercial partners and suppliers must not offer our employees private employment which conflicts with their public duties. Former employees who have dealings with the OCG need to ensure that they do not seek, or appear to seek, favourable treatment or access to confidential information.

5.7 Expectations regarding contractors

All contractors and sub-contractors are expected to comply with the OCG’s Business Ethics Statement. Commercial partners and suppliers are responsible for making any of their sub-contractors aware of this statement.

5.8 Public comment

Non-OCG employees must not make any public comment or statement that would lead anyone to believe that they are representing the OCG or expressing its views or policies. This includes comments and statements at public and community meetings, via the media, or when it is reasonable that comments or statements will become known to the public at large.

Our employees are not permitted to provide public endorsement, on the OCG’s behalf, of companies or their products.

5.9 Public interest disclosures

We do not tolerate corrupt conduct, maladministration, serious and substantial waste of public money and other forms of serious wrongdoing.

Commercial partners and suppliers must report all information that they become aware of that they honestly believe, on reasonable grounds, shows or tends to show, serious wrongdoing inside or outside the OCG and its related entities.

Individuals and corporations (and employees or officers of these corporations) engaged by the OCG under a contract to provide services to, or on behalf of, the OCG are classified as ‘public officials’ under the *Public Interest Disclosures Act 1994*. The Act protects public officials from reprisal or detrimental action when disclosing corrupt conduct or other specific wrongdoing in line with requirements of the Act. The Act also ensures that disclosures are appropriately investigated and dealt with.

6. Further assistance

If you have questions regarding this Business Ethics Statement, or you have concerns about a possible breach or any conduct that could involve fraud, corrupt conduct, maladministration, or serious and substantial waste of public funds, please contact:

Manager, Corporate and Strategic Coordination
Office of the Children’s Guardian
Locked Bag 5100
Strawberry Hills NSW 2012
Tel: (02) 8219 3600

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Appendices

Nil.

Office of the Children’s Guardian

www.ocg.nsw.gov.au

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