

# Policy

## Code of Ethics and Conduct

September 2022

[www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au)

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# 1. Introduction

The Code of Ethics and Conduct outlines the standards of behaviour expected of employees and those performing work for the Office of Childrens’ Guardian (OCG).

It is the essential guidance informing who we are and how we work. It provides a framework for appropriate behaviour during our interactions with customers, stakeholders and each other, and outlines the standards required to guide our decisions, actions and ethical behaviour in the performance of our duties.

To meet these expectations, we are all responsible for understanding the requirements of the Code of Ethics and Conduct which must be read together with other OCG policies and procedures.

We are all accountable for our actions and behaviours, including any failure to act, where required. You must seek guidance from your manager if you require further clarification, or if you find yourself in a position where you are unsure how to behave or respond.

Each year, we ask our employees to make a declaration to ensure everyone understands and is up to date with the Code of Ethics and Conduct.

In addition to complying with the OCG Code of Ethics and Conduct all employees must also comply with the Code of Ethics and Conduct that applies to all NSW Government sector employees.

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## 2. The Code and its importance

We are all responsible for our own actions. This Code identifies standards of behaviour and direction for all employees and anyone performing work for the OCG, no matter where or how we are working. It supports us to respond appropriately when considering, ‘What is the right thing to do?’.

The Code is a practical guide, setting out the NSW public sector expectations and your responsibilities and provides crucial information for your day-to-day work.

It is consistent with the values of integrity, trust, service and accountability detailed in [Part 2 of the Government Sector Employment Act 2013](#) (GSE Act) which establishes an ethical framework for a merit-based, apolitical and professional government sector, as well as the additional OCG values of Respect and Empathy.

The OCG has adopted the NSW public sector values of Integrity, Trust, Service, Accountability. We have extended the core values to also include Respect and Empathy.



The Code of Ethics and Conduct assists us with building a values-based organisation ensuring it is a great place to work and where we can make a difference.

Are your actions consistent with the ethical framework? Here's a values assessment:

- **Integrity:** Would your colleagues say you have considered the views of all stakeholders and customers and acted in the right way when making decisions, even if it was to your disadvantage?
- **Trust:** Would your actions, if they became public, build confidence in the OCG and the public sector?
- **Service:** Would your customers say that your actions improve the quality of the services they receive?
- **Accountability:** Would the affected public say that your actions are transparent, accurate, impartial, diligent, in the public interest and compliant with the law?
- **Respect:** Would your colleagues say that you genuinely listen and ask open questions for understanding and clarity?
- **Empathy:** Would your colleagues say you are able to genuinely see things from the perspective of others?

Refer to the Strategic Plan and Values support documents to learn more about implementing these values.

Our [Statement of Business Ethics](#) provides the ethical standards that apply to our vendors/suppliers and business partners. The Statement sets out the service principles that guide you in all your interactions with customers, whether internal or external.

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### 3. Why must we act in the public interest?

As a public sector employee, you must always act in the public interest. In other words, you are accountable to the public for your decisions and actions.

This means you need to treat everyone you have contact with in your work, including colleagues, equally without prejudice or favour, and with honesty, consistency and impartiality.

We must ensure our decisions:

- place the public and OCG interests above your private interests
- uphold the law, the institutions of government and our democratic principles
- provide apolitical and non-partisan advice
- are transparent and support public scrutiny
- reflect our awareness that unconscious bias may impact our decision making; that we are aware of its presence and affect and are committed to implementing practical strategies to counteract such bias
- follow internal policies and procedures
- are financially responsible and focus on efficient, effective and prudent use of all government resources
- promote our values
- align with our overall organisational objectives.

If you have delegation to make decisions on behalf of the OCG, the decisions must be able to withstand external scrutiny. This includes holding and maintaining adequate records of decisions and actions, including the reasons for those decisions.

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## 4. Who must comply with this Code?

Everyone working for the OCG must comply with this Code.

The Code applies whenever you are representing the OCG, whether in your daily work, or during work-related activities such as conferences, functions, travelling for work or participating in training activities.

It also applies wherever you are working – from home, in another office, in the field or based in the OCG office – or how you are working – on the phone, using Teams or digital tools to communicate with colleagues, customers or stakeholders.

In certain circumstances, the Code may also apply to your activities outside of work, where there is a connection to your role including activity on social media. Refer to the [Social Media Policy](#) for further guidance.

Specifically, this Code applies to:

- all Public Service Senior Executives, including the Guardian and Deputy Guardian
- all employees, including managers and supervisors, whether employed on a permanent, temporary, casual, graduate, intern or cadetship basis
- all contractors and agency workers performing work for or on behalf of the OCG
- any employee of another public sector agency on secondment to the OCG
- work experience students and volunteers
- all vendors/suppliers, in addition to the [Statement of Business Ethics](#) and the [Supplier Code of Conduct](#) where relevant.

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## 5. Employee responsibilities

We must all work ethically. To work ethically means you must:

- treat our colleagues, customers and stakeholders fairly, consistently with dignity and respect and demonstrate high standards of personal behaviour consistent with our values
- behave in a lawful, professional and reasonable manner and always act in the best interest of the OCG
- understand the duties, responsibilities and accountabilities of your role and perform these safely, honestly, courteously and fairly
- declare in writing any and all of your private interests that may be an actual or a perceived conflict of interest with your work
- work in a safe, responsible and effective manner that ensures not only your own safety but the safety of others
- comply with all instructions issued to protect your health and safety or the health and safety of others
- maintain the integrity and security of official documents and information, including when you are working remotely or from home
- not share internal knowledge that has not been made public with anyone
- clearly document reasons for your decisions
- comply with all organisational policies and procedures
- report possible breaches of the GSE Act to your manager or appropriate senior colleague

- always comply with the law and understand how relevant legislation impacts your work.

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## 6. Manager responsibilities

Managers are responsible for the fair and effective management of their employees. As a manager, you have additional responsibilities to promote and demonstrate ethical conduct, fairness and equality, and lead by good example.

In addition to the above responsibilities, all **managers** and **directors** must also:

- model ethical, efficient and safe work practices required of all public sector employees
- champion the implementation of the ethical values at work
- recognise and celebrate employee and team conduct that exemplifies these values
- be open, honest, respectful and comprehensive in your communication with all employees, including about standards of conduct and behaviour in the workplace
- ensure our workplace culture, practices and systems (such as recruitment and promotion) are consistent with the ethical values
- promote a workplace that is free from discrimination, bullying, harassment and inappropriate conduct
- support the right of employees to raise workplace concerns, grievance complaints or allegations of discrimination, harassment and workplace bullying through internal and external processes, including the [Positive and Productive Workplace Guidelines](#)
- proactively identify situations that may lead to corrupt conduct and ensure these are managed in accordance with relevant policies and procedures
- inform employees of their duties, responsibilities and expected performance standards with adequate information, guidance and feedback so they can undertake them effectively, efficiently and safely
- facilitate a positive workplace environment through open, honest, two-way constructive communication.

In addition to the above responsibilities, the **Guardian, Deputy Guardian** and **directors**, have responsibilities to:

- ensure the general conduct and management of the functions and activities of the OCG or your agency accord with the government sector and OCG values
- oversee the implementation of these values and make improvements to systems, processes and culture where necessary
- fulfil the obligations of the [Independent Commission Against Corruption Act 1988 \(section 11\)](#) and report a complaint about a matter that concerns, or may concern, corrupt conduct.

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## 7. My professional responsibilities

At work, we all expect a high standard of professionalism. To support this, you must:

- obey a lawful and reasonable direction or instruction given to you by a manager with the appropriate delegation
- present for work in a fit state and not attend work while under the influence of alcohol, illicit drugs or performance impacting medication.

- not smoke in any of our work sites or enclosed public spaces managed by the OCG or at any work-related functions
- use the [Public Service Commission's Positive and Productive Workplace Guidelines](#) to help resolve workplace grievances
- undertake your personal transactions through the OCG's regular, public channels
- decline or disclose any gifts, benefits and hospitality offered and follow our [Gifts and Benefits Policy](#)
- protect any confidential, personal and private data or information by following our information management policies
- make clear records of your work decisions and actions
- comply with the [ICT Acceptable Use Policy](#) and understand your information security responsibilities
- practice high standards of health and safety by following our work health and safety processes
- use public resources – money, property, equipment or supplies – efficiently and effectively and never use them for your personal benefit or for an unauthorised purpose
- identify, declare and manage conflicts of interest that arise from your private activities
- manage conflicts of interest in close personal relationships at work
- seek approval from your immediate manager or director for any secondary employment prior to commencing the secondary employment – follow the OCG process for approval of secondary employment, putting request in writing on the prescribed form
- seek approval from the Manager Media and Communications before commenting publicly on the work of the OCG. Ensure any social media comments are made in line with the [Social Media Policy](#)
- if you maintain a relationship with someone who has left the OCG, be careful to ensure you do not give them, or appear to give them, favourable treatment or access to OCG information, including and especially customer/client information
- not meet or discuss your work with a person listed on the [NSW Register of Third Party Lobbyists](#) without approval of the Guardian
- should you become bankrupt, report it to the Guardian
- should you be issued with a Court Attendance Notice, charged with or convicted of an offence which carries a maximum penalty of 12 months imprisonment or more, report it to your Director
- report corrupt conduct, maladministration, waste and contravention of government information to the Manager Corporate and Strategic Coordination
- make an annual declaration that you commit to working ethically and that you understand and apply this Code of Ethics and Conduct in your work by completing the Commitment and Declaration of Interests form in myCareer
- make a declaration that you apply the [Supplier Code of Conduct](#), Probity and Confidentiality when conducting any procurement within the OCG.

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## 8. What else does this Code cover?

This Code covers all aspects of our work communications, interactions and working relationships. It applies to communications and interactions with work colleagues outside of usual working hours, and at work functions, events, team lunches, team building activities, offsite training and conferences.

The next section provides information that will help you comply with the Code, understand our processes and find further information.

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## 9. Managing workplace conflict

We all have a responsibility to contribute to a harmonious workplace. Sometimes though, there will be workplace tension. Our [Positive and Productive Workplace Guideline](#) provides information on the steps you can take to resolve conflict with colleagues. Remember, it is not always necessary to begin the grievance process to resolve matters.

The OCG offers an Employee Assistance Program, provided by Converge International. Converge provide an eight stream service addressing the key areas in life that are known to cause concern to employees.

Speak to your manager or director, refer to the OCG intranet for resources and information, and contact the OCG People and Culture team if you need to.

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## 10. Intellectual property and copyright

The copyright of material created by any of us in the course of our work belongs to the OCG, even if the material was developed in our own time or at home. You must:

- seek permission from the Guardian or delegate before entering into any arrangements regarding the publication or disclosure of any research, articles, presentations or other materials produced as part of your work
  - not use OCG intellectual property (including copyright) for private purposes.
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## 11. Conflicts of interest

It is not necessarily wrong or unethical to have a conflict of interest. What is important is that the conflict of interest is identified, declared and managed appropriately.

Outside of work, you have the right to participate in political and community activities and to pursue personal interests, provided that:

- your involvement does not conflict with your responsibilities as a public sector employee to serve the government of the day in a politically neutral manner
- any conflict of interest that arises is dealt with in accordance with this Code and the [OCG Conflict of Interest Policy](#).

There are three different types of conflicts of interests that you need to understand:

1. *Actual* – a real and direct conflict between your current duties and responsibilities and your existing private interests
  2. *Potential* – when you have private interests that could conflict with your work duties or responsibilities in the future
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3. *Perceived* – where it could be perceived by a third party (such as a customer, vendor/supplier or colleague), that your private interests could improperly influence the performance of your duties or responsibilities, whether or not this is in fact the case.

All three types of conflicts of interest are serious and you need to declare and manage any interests that may present a conflict for you. You may have complex conflicts of interest because of where you live and/or the nature of your current job, previous jobs or associations, and/or work situations where you deal with people you know outside of work.

Speak with your manager or director about your personal circumstances and ensure that all actual, potential or perceived conflicts are disclosed and managed appropriately.

Our mandatory conflicts of interest training includes scenarios that will help you determine if you have any conflicts of interest and how to manage them. You must:

- complete the conflicts of interest training and complete your conflict of interest declaration when you commence working with the OCG
- update your conflict of interest declaration annually, or earlier if new conflicts arise.

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## 12. Public service senior executives private interests

A senior executive (including an acting senior executive) must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive.

Where a senior executive has no such private interests to declare, they must declare a “nil return”.

After a senior executive makes an initial declaration, a fresh declaration must be made:

- As soon as practicable, following any relevant change in the senior executive’s private interests
- As soon as practicable, following the senior executive’s assignment to a new role or responsibility
- At least annually.

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## 13. Gifts and benefits

Gifts or benefits between colleagues or that come from external organisations may be perceived as being used to create favourable impressions and gain preferential treatment. You must not ask for gifts, benefits or hospitality for yourself or anyone else in connection with your employment at OCG.

The acceptance of certain gifts and benefits has the potential to compromise current and future impartial decision making. Refer to the [Gifts and Benefits Policy](#).

You must report attempts of bribery, and the offer and acceptance of certain gifts and benefits in accordance with the [Gifts and Benefits Policy](#). You are also responsible for ensuring relevant gifts and benefits, including those that are declined, are declared and recorded on the Gifts and Benefits Register.

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## 14. Private (Secondary) employment

When considering private employment, you must assess whether it may adversely affect the performance of your OCG duties and responsibilities or give rise to a conflict of interest. This applies regardless of whether you are working full time, part time or on a temporary basis.



You must obtain written approval from a delegated officer within OCG before engaging in any form of secondary employment outside of your OCG role. This applies to new employees who, upon joining have outside employment they wish to continue.

Employees involvement in unpaid Union activities or Union activities for which an honorarium is paid is not considered secondary employment.

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## 15. Positive and productive workplaces

The Positive and Productive Workplaces Guideline sets out the principles for addressing incidents of bullying where it occurs.

It focuses on prevention and early intervention, and is based on evidence that bullying is less likely to occur in organisations that have:

- a positive, respectful and productive workplace culture
- strategies for an immediate response to behaviours that are likely to escalate into bullying.

This is based on the evidence that bullying is less likely to occur in organisations that have a positive, respectful and productive workplace culture, coupled with a strategy of immediate response to any symptoms of behaviour likely to escalate into bullying.

Prevention and early response to unreasonable behaviour are more effective in eradicating bullying than lengthy processes after bullying has occurred.

The OCG has adopted the Public Service Commission's Positive and Productive Workplaces Guideline: Respect. Reflect. Reset as the basis for the development of the OCG specific guide.

If it is not addressed, bullying becomes a clear indicator of the standard of behaviours that an organisation's leaders and employees will accept.

Leaders and managers are primarily responsible for creating a positive organisational culture, monitoring the workplace climate and promptly addressing poor behaviour.

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## 16. Criminal conduct

If you are charged or convicted with any offence which may impact on your ability to undertake part or all of the inherent requirements of your role, you must immediately notify your director. You must immediately notify your director if your Working with Children Check clearance is barred or if, for any reason, you cease to hold a valid clearance.

If you are charged or convicted with an offence punishable by imprisonment for 12 months or more (including an offence committed outside NSW that would be an offence so punishable if committed in NSW), you must immediately notify your director.

If there is sound evidence that you have committed a criminal offence at work or related to work, the OCG may take disciplinary action against you as well as notifying the police or other relevant external authority.

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## 17. Use of official resources

Official resources include laptops, telephones, photocopiers, email and the internet.

You are expected to be economical and considerate in the use of management of official resources. Minimal personal use of official resources, is permitted, provided the use does not interfere with the performance of your work and complies with relevant agency policies and procedures.

Reasonable access to and use of official resources by union delegates is permitted in accordance with relevant industrial instruments.

You are responsible and accountable for the security of any official property issued to you during the course of your duties.

You must take reasonable care of all equipment, so that they are safe and reliable for all employee members to use.

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## 18. How I report behaviour that breaches the Code

At any point during your work, or even outside of your work, you may observe, become aware of or suspect another employee is acting contrary to this Code and/or other departmental policies and/or the sector's ethical values.

It is your responsibility to raise the employee's behaviour with your immediate manager or director or report your concerns to the Manager Corporate and Strategic Coordination or any member of the OCG Executive Leadership Forum.

If you know of behaviour that breaches this Code and choose not to report it there may be consequences.

If the behaviour also presents a risk/hazard to a safe workplace you also lodge a work health and safety incident report as soon as possible. The incident report will be escalated for review by management.

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## 19. Protecting yourself when reporting suspected breaches

When you voluntarily report or disclose matters that you consider to be fraudulent or corrupt, you are protected by the Public Interest Disclosures Act 1994. Under the Act, it is both a criminal offence and misconduct to make reprisals against an employee who makes a public interest disclosure.

To be protected under the Act, you must make your report as follows:

- internally – to the person or persons nominated in the OCG Fraud and Corruption Control Policy
- externally – through any of the following agencies, depending on the nature of the disclosure:
  - disclosures concerning corruption should be made to the Independent Commission Against Corruption
  - disclosures concerning maladministration should be made to the NSW Ombudsman
  - disclosures concerning serious and substantial waste of public money should be made to the Auditor-General
  - disclosures concerning government information contravention should be made to the NSW Information Commissioner.

If you are unsure about whether you should report a situation or activity or which agency is best to disclose to, speak with our Manager Corporate and Strategic Coordination.

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## 20. Possible consequences of breaching the Code

All breaches of this Code and/or any conduct that is contrary to the NSW Government sector core values will be dealt with appropriately.

If you are found to have breached this Code, an authorised public service agency executive (such as the Guardian, the Deputy Guardian or a director) may take the following actions:

- caution or reprimand you
- commence counselling
- implement a Performance Improvement Plan (PIP)
- assign you to a different role
- reduce your salary
- reduce your classification or grade
- terminate your employment after giving you an opportunity to resign
- terminate your employment without giving you an opportunity to resign
- refer matter to other Government Agencies, such as the Police and/or Independent Commission Against Corruption.

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## 21. Further guidance

This Code builds on the Public Service Commission’s [Code of Ethics and Conduct for NSW Government employees](#) and is tailored to the OCGs operations.

The [NSW Public Service Commission](#) provides many resources for public service employees including [Behaving ethically: A guide for NSW government sector employees](#).

You can also seek assistance from the OCGs People and Culture team.

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## Policy metadata (Table 1)

Category	Description
Status	Final
Date of approval	27 April 2022 (PSA feedback incorporated 22 July 2022; Section 12 inserted as a result of Public Service Commissioner Direction No 2 of 2022 19 September 2022)
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Next review date	September 2024
Superseded document	All previous versions of OCG Codes of Ethics and Conduct
Document Reference	A4877224

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# Appendices

Appendix 1 – Declaration of private interests template

## **Office of the Children’s Guardian**

[www.ocg.nsw.gov.au](http://www.ocg.nsw.gov.au)

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