

1 Purpose

This Code of Conduct is used to promote adherence to the Public Sector Values and other relevant requirements referenced in this policy by the employees of Sunraysia Institute of TAFE (the Institute) in the execution of their duties.

2 Scope

This policy applies to all Sunraysia Institute of TAFE employees, contractors and volunteers.

3 Policy

3.1 Forward

The code of conduct is a public statement about how the Institute will behave and expects to be perceived and ultimately judged.

The actions of each and every Institute Board member or employee, no matter what their role, will shape the way their department and the Institute as a whole is perceived.

Every employee is expected to adhere to the values and expectations outlined in the Code of Conduct in the execution of their day to day duties.

3.2 Sunraysia Institute of TAFE Values

3.2.1 Responsiveness – employees should demonstrate responsiveness by:

- Providing frank, impartial and timely advice to colleagues;
- Providing high quality service to the community; and
- Identifying and promoting best practice.

3.2.2 Integrity – employees should demonstrate integrity by:

- Being honest, open, courteous, and transparent in their dealings with others and when making decisions;
- Using powers responsibly;
- Reporting improper conduct;
- Avoiding real or apparent conflicts of interest; and
- Striving to earn and sustain trust at a high level.

3.2.3 Impartiality – employees should demonstrate impartiality by:

- Making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest;
- Acting fairly by objectively considering all relevant facts and fair criteria; and
- Implementing Institute policies, procedures and programs equitably.

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3.2.4 Accountability and Professional Behaviour – employees should demonstrate accountability and professionalism by:

- Working to clear objectives in a transparent manner;
- Accepting responsibility for their decisions and actions;
- Seeking to achieve best use of resources; and
- Submitting themselves to appropriate scrutiny.

3.2.5 Respect for others – employees will demonstrate respect for colleagues, other public officials and members of our community by:

- Treating all people justly, irrespective of gender, sexual orientation, race, disability, religion, marital status, age, political conviction or other attributes;
- Treating others fairly and objectively; and
- Ensuring freedom from discrimination, harassment and bullying and using their views to improve outcomes on an ongoing basis
- Respecting cultural backgrounds of staff, students, and clients and conducting activities sensitive to the cultural context in which Board members, staff and contractors are representing the Institute;
- Protecting the privacy of others and maintaining appropriate confidentiality in commercial matters;
- Responsibly controlling the use of substances that could adversely affect behaviour or performance;
- Reporting fraud, or corrupt conduct to appropriate internal or external authorities;
- Conducting activities in a manner that supports health, safety and wellbeing, for all members of the Institute community; and
- Dressing and maintaining an appearance in accordance with standards appropriate to the duties undertaken and the responsibilities held.

3.2.6 Leadership – employees should demonstrate leadership by actively implementing, promoting and supporting these values.

3.2.7 Human Rights – employees should respect and promote the human rights set out in the *Charter of Human Rights and Responsibilities* by:

- Making decisions and providing advice consistent with human rights; and
- Actively implementing, promoting and supporting human rights.

3.3 Avoiding Conflict of Interest

3.3.1 All staff performing Institute duties are required to act in good faith toward the Institute.

3.3.2 Employees of the Institute must:

- a) seek approval for all Paid Outside Work in accordance with the Institute's Paid Outside Work Procedure, this includes involvement in associations,

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committees or board membership where the involvement of the individual attracts payment.

- b) ensure that there is no conflict of interest between their personal interests and their duties, obligations and responsibilities to the Institute. Where such a conflict occurs, the interests of the institute will be balanced against the interest of the staff.
- c) abstain from involvement in official decisions and actions which could reasonably be seen to be compromised by their private interests and affiliations.
- d) avoid private action in which they could be seen to have an improper advantage from inside information they might have access to because of their official duties.
- e) not use their official position or Institute resources for private gain.
- f) ensure that there can be no perception that they have received an improper benefit that may influence the performance of their official duties in accordance with the Institute's Gifts, Benefits & Hospitality Policy.
- g) not take improper advantage of their official position or privileged information gained in that position when seeking employment outside the Institute; and
- h) disclose actual or potential conflicts of interest to the Director Organisational Capability for inclusion in the appropriate register. Save where disclosure is required to comply with statutory obligations, confidentiality is to be maintained.

3.3.3 Failure of staff to disclose a potential or actual conflict of interest constitutes a breach of Institute policy and may result in disciplinary action. Dependent on the nature and impact of the conflict of interest situation, other action (including legal) may be instigated.

3.3.4 Breaches of this policy may be dealt with under the Institute's Fraud and Corruption Control Policy.

3.4 Social media

3.4.1 This Code of Conduct applies when participating in social media in the same way as when participating in any other media, public forum or engagement with the community. This applies out of hours as well as during work hours.

3.4.2 Staff members must comply with the Institute's Social Media Guidelines and a breach of Social Media Guidelines may result in disciplinary action.

3.5 Safety of children

3.5.1 All staff are responsible for supporting the safety of children at the Institute by:

- Adhering to the Institute's Child Safe Policy and Child Safe Procedure and upholding the Institute's commitment to child safety at all times.

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- Listening and responding to the views and concerns of children, particularly if they tell a staff member that they or another child has been abused or that they are worried about their safety/the safety of another child, and reporting these to the Institute's Child Safe Officer.
- Promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children, children with culturally and/or linguistically diverse backgrounds and children with a disability.

3.5.2 When meeting with a child one-on-one:

- Meet with the student in an area where they are visible to other people (where not of a confidential nature e.g. counselling);
- In counselling situations, counselling staff should be matched to same gender students where possible.
- If meeting in a classroom, leave the classroom door open;
- If there are concerns about the student and any potential student perceptions of, or representations of the teacher's behaviour, to organise a third party to attend the meeting, or to monitor the meeting within sight and hearing of the meeting.

3.5.3 Staff must not:

- Ignore or disregard any suspected or disclosed child abuse.
- Develop any 'special' relationships with children that could be seen as favouritism.
- Exhibit behaviours with children which may be construed as unnecessarily physical, or initiate unnecessary physical contact with children.
- Put children at risk of abuse e.g. by locking doors.
- Initiate and engage in open discussions of a mature or adult nature, or use inappropriate language in the presence of children e.g. swearing, sexually explicit or suggestive language.
- Exchange personal contact details such as phone number, social networking sites or email addresses.
- Initiate or seek physical contact or contact with children outside the Institute.
- Photograph or video a child without the consent of the parent or guardians.

3.6 Staff Uniform and Dress

- 3.6.1 The Institute's Dress Code and Uniform Procedure outlines the expected standards of dress for Institute staff and defines clothing that constitutes the Institute uniform.
- 3.6.2 At all times, staff are required to adhere to appropriate dress when in areas that are controlled by Personal Protective Equipment (PPE) legislation.
- 3.6.3 Managers are responsible for ensuring that their staff are aware of the Staff Dress Code and Uniform Procedure, and remain compliant at all times.

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3.7 Improper Conduct

3.7.1 For the purpose of this Policy, Improper Conduct is defined as:

- corrupt, fraudulent or other illegal conduct or activity;
- conduct that is contrary to, or a breach of the Institutes Code and Policies;
- a substantial mismanagement of the Institutes resources;
- conduct involving substantial risk to public health or safety; or
- conduct involving substantial risk to the environment;

3.7.2 that would, if proven, constitute by the Institute or its employee/s:

- a criminal offence;
- reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of an employee/s who was, or is, engaged in that conduct; or
- reasonable grounds for disciplinary action.

3.8 Adverse Action

3.8.1 For the purpose of this Policy, Adverse Action means any actual, or threatened, dismissal, demotion, harassment, discrimination or victimisation of, or any other action or conduct that causes detriment or threatens to cause detriment to, an employee as a result of that employee making a Protected Disclosure.

3.8.2 For the purpose of this Policy, a Protected Disclosure is defined as: "...any good faith communication based on reasonable grounds that discloses or demonstrates an intention to disclose information that may evidence an improper conduct."

3.9 Complaints

3.9.1 Disclosures of Improper Conduct or Adverse Action by any person should be made as soon as possible.

3.9.2 Employees can report incidences of Improper Conduct by following the Staff Complaints and Appeals Procedure.

3.10 Breaches of this policy

3.10.1 A breach of this policy may lead to disciplinary action, including but not limited to termination of employment.

4 Definitions

Acronym/Term	Definition
Benefits	Preferential treatment, privileged access, favours or any other advantages offered.
Bribes	Bribes are money or other inducements given or promised to employees to corrupt or influence the performance of their role. Bribery of a public servant is punishable by up to ten years imprisonment.
CEO	Chief Executive Officer
Child	Anyone aged under 18

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Conflict of interest	A situation where there is an actual, potential or perceived divergence between the individual interests of a staff member and their professional and work related obligations to the Institute, such that an independent observer might reasonably believe that the staff member's code of conduct may have been influenced by his or her own private interests.
Employee	Any person employed by Sunraysia institute of TAFE whether on salary or wages
Good Faith	Acting honestly and without fraud or deception
Institute	The Sunraysia Institute of TAFE
Paid Outside Work	Any work activity (including work in one's own business) undertaken outside a staff member's normal scheduled duty hours at the Institute from which income is derived.
Participation on a Committee or Board	Circumstances where involvement would attract payment. This includes (but is not limited to) membership or participation with external organisations, committees or boards, contracted services, continued assistance with an external organisation that is conducted in, or impacts the staff member's identified working hours or employment with the Institute.
Principles of Natural Justice	<p>Principles of Natural Justice: have been identified by the Human Rights and Equal Opportunity Commission (HREOC):</p> <ul style="list-style-type: none"> • The person who is the subject of concern must know all the allegations in relation to their behaviour. • They must have a full opportunity to put their case forward. • All parties relevant to the issue must have the right to be heard. • All relevant submissions and evidence must be considered. • Matters that are not relevant must not be taken into account. • The person who raises the concern must not have responsibility in establishing the process. • The decision-maker must be fair and just.
Private interests	An 'interest' in this context means anything that can have an impact on an individual or group. The term 'private interests' includes not only an employee's own personal, professional or business interests, but also the personal, professional or business interests of individuals or groups with whom they are closely associated.

5 Legislative Context

- Constitution Act 1975
- Crimes Act 1958
- Equal Opportunity Act 1995
- Financial Management Act 1994
- Freedom of Information Act 2000
- Gifts, Benefits and Hospitality Policy Framework Victorian Public Sector - Revised February 2015

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- Department of Education and Training Gifts, Benefits and Hospitality Policy – Revised February 2015
- Code of Conduct for Victorian Public Sector Employees.
- Public Administration Act 2004 - Section 7(b) (iv) of the (the Act) requires all public sector employees and other public officials to avoid any real or apparent conflicts of interest.
- Victorian Public Service Conflict of Interest Framework.
- Privacy Amendment Act 2012
- Occupational Health and Safety Act 2004
- Public Sector Management and Employment Act 1998
- Racial and Religious Tolerance Act 2001
- Protected Disclosure Act 2012
- Crimes Act 1914
- Disability Discrimination Act 1992
- Human Rights and Equal Opportunity Commission Act 1986
- Marriage Act 1961
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

6 Associated documents

6.1.1 Associated Policies

- Access and Equity Policy
- Child Safe Policy Community Service Policy
- Equal Opportunity Policy
- Fraud corruption and Control Policy
- Goods and Services Tax Policy
- Protected Disclosure Policy
- Staff Complaints and Appeals Policy
- Sponsorship Policy
- Motel Usage Policy
- Staff Discipline Policy

6.1.2 Associated Procedures

- Paid Outside Work Procedure
- Staff Complaints and Appeals Procedure
- Staff Discipline Procedure
- Staff Dress Code and Uniform Procedure

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- Transporting Students to Appointments Procedure

6.1.3 Associated Forms

- Conflict of Interest form

6.1.4 Other associated documents

- Board Governance Statement
- Gifts Register
- Conflict of Interest register

7 Responsibility

The Director Organisational Capability is responsible for ensuring compliance with this policy, and its associated procedures and systems.

8 Review Frequency

This policy is to be reviewed annually and remains in force as amended from time to time, until rescinded.

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