

Policy Statement and Objective

The Code of Conduct provides standards and guidance for ethical and professional conduct.

The Commission has a unique and critical part to play in maintaining the integrity of the NSW health system and aims to be an organisation that operates effectively and with integrity in all things that we do. As such, it is an essential requirement that all employees are able to carry out their duties in an honest and consistent way, with uncompromising adherence to strong moral and ethical principles and values.

All staff are expected to do their work with impartiality, fairness, efficiency and in a manner that reflects the public confidence that is placed in the Commission.

The Code does not attempt to provide a detailed list of what to do in every aspect of your work, instead it provides an expected standard of behaviour and along with all Commission policies, helps you decide on an appropriate course of action.

This Code of Conduct has been developed using the [Code of Ethics and Conduct for NSW government sector employees](#) issued by the Public Service Commission, which sets out the mandatory requirements and best practice conduct for all government employees and agencies, consistent with the Ethical Framework for the Government Sector, under part 2 of the *Government Sector Employment Act 2013*.

Summary

	Topic	Key points
1	Scope	Outlines to whom the policy applies.
2	Legal and ethical obligations	Legal and ethical requirements.
3	Our vision, values and behaviours	Confirms public sector core values and confirms these for Commission employees.
4	Obligations regarding Commission information	Clarifies how to use and protect confidential information and when employees have authority to disclose information.
5	Making Unauthorised or Public Comment on Commission Work	Confirms employees' responsibilities when making public comments.
6	Conflicts of Interest	Refers to managing an actual, perceived or potential conflict.
7	Use of official facilities and resources	Outlines responsibilities for efficient and secure use of resources and equipment.
8	Outside Employment of other activities	Introduces the concept of secondary or outside employment.
9	Political, community and personal Activities	Clarifies employees' obligations relating to political and community activities and personal interests.
10	Intellectual Property	Confirms who owns the work developed, invented or created.
11	Drug and Alcohol Use	Outlines the responsible use of drug and alcohol.
12	Breaches of the Code	Outlines the actions to be taken if the Code is breached.
13	Relevant Legislation	Highlights the applicable legislation.
14	Further Information	Highlights the available additional information relating to conduct and ethics.

1. Scope

This policy applies to all Health Care Complaints Commission (**Commission**) employees, including temporary, short term or casual employees. It also includes consultants and contractors who are representing or providing a service to the Commission.

2. Legal and ethical obligations

You are expected to act in the public interest and must conduct yourselves in accordance with the *Government Sector Employment Act 2013* (GSE Act).

You are obliged to always act in accordance with the provisions of the legislation under which the Commission operates, in particular, the *Health Care Complaints Act 1993*.

In addition to your obligations under the GSE Act, you should also observe and be conversant with the principal provisions of other public sector legislation having general effect upon the Commission, including the *State Records Act 1998*, the *Government Information (Public Access) Act 2009*, the *Privacy and Personal Information Protection Act 1998*, the *Anti-Discrimination Act 1977*, the *Work Health and Safety Act 2011*, and the *Public Finance and Audit Act 1983*. The Commission has developed, where appropriate, specific policies and procedures to assist both staff and the office to comply with public sector legislation.

Part 2 of the GSE Act establishes the Ethical Framework for the NSW government sector. The objective, core values and principles of the Ethical Framework are to be demonstrated in the conduct of all government sector employees. The Ethical Framework recognises the role of the government sector in preserving the public interest, defending public values and adding professional quality and value to the commitments of the Government.

3. Our vision, values and behaviours

Our vision is to be influential and valued in ensuring the safe delivery of health services for the NSW Public.

The Commission is accountable to the public of NSW through the Parliament and the operations of the Commission in relation to its complaints handling and prosecutorial functions are independent.

Consistent with the Ethical Framework for the public sector the overriding obligation of the Commission is to the public interest and to the protection of public health and safety, which demands that the work of the Commission and the conduct of its staff must maintain public trust and confidence.

The Commission expects that you will act with fairness, integrity, and impartiality, and respecting all those with whom we deal (colleagues, complainants, stakeholders and other government agencies). This will assist to seek appropriate outcomes that will benefit the community and the health system as a whole.

During the course of your work, you should always:

- place the public interest over your personal interest
- uphold the law, institutions of government and democratic principles
- provide apolitical and non-partisan advice
- provide transparency to enable public scrutiny
- be fiscally responsible and focus on efficient, effective and prudent use of resources.

These overarching principles translate to our own Commission values and behaviours in the following ways:

Act with Integrity

We operate in an objective and independent way and are accountable and professional at all times. Acting with integrity incorporates aspects of independence, impartiality, self-responsibility and professionalism.

Complaints are handled in a non-political and objective way, considering the rights and interests of all of our customers. In the process of determining the most appropriate action in dealing with a complaint, all relevant available evidence is acted upon.

Within the work environment all employees must ensure that they act with a high degree of integrity, ensuring they are a trustworthy and reliable member of team, practice and encourage open and honest communication and are responsible for their own actions.

Some ways to demonstrate integrity in the workplace include:

- Be ethical and professional, and uphold and promote the public sector and Commission values
- Respect and adhere to Commission policies
- Lead by example
- Respect others' opinions, even if you don't agree with them
- Be accountable for your mistakes
- Speak up and report inappropriate behaviour and misconduct

Be Courageous

We tackle the real challenges in the performance of the health system and reflect openly on our own performance, with a commitment to continuously improve. Being courageous involves a quality of honesty in providing feedback, naming issues, trends and failures in both the health sector and the Commission's work.

Some ways to demonstrate being courageous in the workplace include:

- Participate in projects or groups outside of your role, team and division
- Taking accountability for and discussing improvements on errors or mistakes
- Speaking up at a meeting instead of only observing
- Have the challenging and difficult conversations
- Do not shame or blame

Value Collaboration

We share information, are active and constructive contributors in an effort to improve the health system and to building a collaborative and open culture within the Commission, are open to diverse views and respectfully seek out the expertise of others within and beyond the Commission.

The Commission is a small organisation with the need to be highly agile to deal with unpredictable fluctuations in complaints, investigations and prosecutions. Our success relies on ensuring that our culture is one of collaboration, respect and openness, whilst embracing different disciplinary frameworks and working explicitly across siloes to focus on the right outcome each time.

Collaboration in the workplace takes into account other's ideas, skills, experiences and opinions. When individuals work together openly, processes and goals become more aligned, leading the group towards higher success. The Commission expects all employees to establish and retain a judgement-free idea-sharing culture.

Create Empowerment

We value and learn from the voices of health consumers, providers and colleagues, and focus on the development and wellbeing of all Commission staff. The Commission is committed to fostering an

environment that values empowerment through learning, feedback, coaching and mentoring in order to improve quality and efficiency.

Empowering consumers and families, who will be heard and valued, of professionals, who will also have that experience, and of staff, whose professionalism and wellbeing will be explicit priorities.

Some ways to demonstrate creating empowerment in the workplace include:

- Set clear boundaries and expectations and delegate work and responsibility appropriately
- Provide constructive feedback and recognise excellence
- Be open to new ideas and input
- Be flexible and consistent
- Participate in special projects and cross-divisional training and learning opportunities

4. Obligations regarding Commission Information

Using and Protecting Confidential Information

Commission work involves access to sensitive and personal information while managing complaints. No information can be disclosed without clear authority. To do so may harm individuals, affect their information privacy, and breach duties of confidentiality owed to them. Maintaining the confidentiality of any information acquired during work is central to the integrity of the complaints handling processes and public confidence and trust in those processes.

Unauthorised disclosure of information is an offence. Section 99A of the Health Care Complaints (HCC) Act prohibits any person, including former employees, from disclosing information obtained during dealing with complaints, except:

- With the consent of the person to whom the complaint relates
- In connection with the executive and administration of the HCC Act
- For the purpose of legal proceedings arising out of the HCC Act
- With other lawful excuse.
- Commission files and other documents and information are not to be removed from the premises except in accordance with the Commission's security policies and procedures. If an employee has any doubt as to how to manage or secure sensitive material, they are to liaise with their manager.

Authorisation to Disclose Information

If an employee believes that disclosure of complaint-related information (other than as a part of a complaint-handling process) is justified or required, they should seek approval via their manager from the Commissioner.

Employees should also exercise caution and sound judgment in discussing such information with other Commission employees. Normally information should be limited to those who need it to conduct their duties, or who can assist in carrying out work because of their expertise.

You have a duty to report any unauthorised disclosure or release of confidential information.

Former Commission employees will not be given favourable treatment or access to confidential information.

Some of the Commission's information may be released to external parties who make an application under the Government Information (Public Access) Act. Any such applications must be forwarded immediately to the Executive Officer.

All employees must not use information to gain a personal or commercial advantage for ourselves or another person.

5. Making unauthorised or public comment on the Commission's work

The Commission deals with very sensitive issues. Employees should observe the confidentiality provisions of legislation when making comments. Employees should not make unauthorised comments about the Commission in any public forums, including on social media.

Public comments include speaking engagements, comments on radio, television, websites, social media (including blogs, Facebook, twitter or other social media) or other media and expressing views in letters, newspapers, books, journals, notices or where it might be expected that the publication or circulation of the comment will spread to the community at large.

Any media inquiries should be immediately referred to the Executive Officer. When an employee represents the Commission externally, prior notification must be given to the line manager and be authorised by the relevant director or the Commissioner.

Employees are able to refer to the content of Commission work that is already in the public domain, such as published reports and discussion papers, annual reports, public relations material, transcripts of public hearings, media releases, and public addresses. When discussing this content, employees should ensure that others are aware that the content is in the public domain. If uncertain as to whether information is in the public domain, employees are to consult their line manager or the Executive Officer.

While employees, as members of the community, have the right to make public comments and to enter public debate on political and social issues, there are some circumstances in which public comment is inappropriate. These include situations where the public comment, although made in a private capacity, may appear to be an official comment of the Commission. This type of comment should be strictly avoided. If in doubt, employees are to consult their line manager or director.

6. Conflicts of interest

A conflict of interest may arise when an employee could be influenced or perceived to be influenced by a competing interest when carrying out their public duty. They may arise through personal or private interests or through separate professional interests. A conflict of interest may be perceived, potential or an actual conflict.

A conflict may also arise when a public official has more than one role or roles in a number of organisations. These situations are usually described as competing interests or a conflict of duty.

For further information about Conflicts of Interest, review the Conflict of Interest and Privacy Policy.

7. Use of official facilities and resources

You must use any office resources and equipment economically and without waste. When using equipment you must exercise care and follow operating requirements. When using shared equipment, you must ensure that your use does not unnecessarily impede access by others or assume unreasonable priority. Never use public resources, including money, property, equipment or consumables, for your personal benefit or for an unauthorised purpose.

You must not use your work time or office stationery, equipment or postage for private purposes unless authorised. There are some reasonable exceptions to this rule. For example, you may use the phone for private local calls if they are short, infrequent and do not interfere with work and use our office internet so long as this use is reasonable, appropriate and does not interfere with the work of the office.

When using office resources for an authorised private purpose you must ensure that they are secure, properly cared for, used in your own time and do not interrupt the work of the office or access by colleagues for official purposes.

You must not remove any office equipment, data or software from the office without clear authorisation, either as set out in an office policy or that specifically authorises the proposed action.

When you leave the employment of the Commission or are on long term leave, you must return all equipment and documents that belong to the office.

If you are responsible for receiving, spending or accounting for money, ensure you know, understand and comply with the requirements of the *Public Finance and Audit Act 1983*, the *Public Works and Procurement Act 1912*, *The Public Works Procurement Regulation 2014* and the *Government Advertising Act 2011*.

You must not incur expenditure on behalf of the office unless authorised. If incurring authorised expenditure, you must adhere to all relevant requirements of the *Public Finance and Audit Act 1983*, Treasurer's Directions, office policies and any financial delegations you have.

This section should be read in conjunction with any and all policies relating to the use of communication and technology devices.

8. Outside Employment or other activities

You must not engage in any outside employment or remuneration that would conflict or compromise your duties as an employee at the Commission.

For further information about outside employment or other activities, review the Conflict of Interest and Privacy Policy.

9. Political, Community and Personal Activities

Commission employees have the right to participate in political and community activities and to pursue personal interests, provided they do so in a private capacity and do not allow a conflict of interest to arise.

Commission employees must ensure that any participation in political, community or personal activities do not conflict with the HCCC's primary duty to advance the public interest in a politically neutral manner.

If participating in any political, community and personal activity, employees must ensure that:

- Any comment made or discussed does not cast doubt on the Commission's ability or willingness to implement Commission policies and guidelines objectively.
- Commission employees do not participate in private political activities in the work environment.
- Commission resources are not used to assist in political, community or personal activities.
- Commission employees do not use information obtained during work at the Commission to assist in political, community or personal activities, or make such information known to any other person.
- Commission employees do not misrepresent the position of the Commission on any issue.

It is the Commission's obligation to ensure that any involvement in political, community or personal activities is understood to represent personal views as a private citizen. It is also an employee's responsibility to ensure that their manager is made aware of any association that may affect, or be perceived to affect, day to day work.

10. Intellectual Property

Anything developed, invented or created, either alone or in collaboration with others in the course of employment or engagement of the Commission, remains the intellectual property of the Commission, even when they have left the Commission.

On occasion, it may be in the public interest for the Commission to share its intellectual property with other agencies, but this must be authorised by the Commissioner.

11. Drug and Alcohol Use

You are responsible for making sure your capacity to perform your duties is not impaired by the use of alcohol or drugs (including those prescribed by your doctor), and that the use of such substances does not put your or any other person's health and safety at risk.

As an employee of the Commission, you must:

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

In addition, you must not have illegal drugs in your possession while at work. There is a prohibition on the use of illicit drugs:

- in the workplace, whether that be at the office or at a temporary location when required to Travel;
- on the way to or from work; or
- at Commission related functions.

The Commission is committed to safe and responsible use of alcohol when this is to be served at any internal or external function. The person responsible for organising any event where alcoholic beverages are served is accountable for ensuring that alcohol is served in a responsible manner which accounts for its potential to affect both health and safety.

Professional, responsible behaviour and good judgment is expected when representing the Commission where alcohol is available.

12. Breaches of the Code of Conduct or Commission Policies

All employees hold a position of trust and are accountable for their actions. If you see someone act in ways that are contrary to this Code, you should in the first instance discuss that person's behaviour with your immediate supervisor, line manager, or relevant director, then if required, it should be reported to People & Culture, the Director, Corporate Operations & CFO or the Commissioner.

Managers and directors are responsible for addressing a possible breach of the Code of Conduct or other Commission policy as soon as they become aware of it.

If it is alleged that you have acted in a way that is contrary to this code, you will have an opportunity to provide your version of events. How this will happen will be proportionate to the seriousness and nature of the matter.

If the allegation is minor or of a low level, your supervisor will usually discuss this matter directly with you. If the allegations are more serious, a formal process may be required.

Allegations of behaviour contrary to this code will be investigated in accordance with the principles of procedural fairness, specifically the Commission will ensure:

- procedural fairness for any person the subject of the allegation
- the investigation is handled as expeditiously as possible to minimise potential for breaches of confidentiality and to ensure procedural fairness
- confidentiality for all parties, where practicable and appropriate, until such time as the investigation process is complete
- comprehensive and thorough recordkeeping, including recording of reasons for all significant decisions.

The Code of Conduct is to be read in conjunction with all Commission policies, it is the employees responsibility to ensure they behave in an ethical and professional manner in relation to all aspects of work.

You should be aware of the various sanctions that may be applied for the breach of any provision in the legislation governing the work of the Commission or your employment under the provisions of the *Government Sector Employment Act 2013*. Sanctions may be applied if you are involved in:

- unacceptable behaviour, either in the course of your duties or in your private life that would bring discredit on the office of the Ombudsman
- breaches of this code
- breaches of your terms of employment
- breaches of any provisions of the Acts referred to in this code or any other legislation under which the Commission operates.

Any sanctions applied will depend on the seriousness and nature of the breaches and may include termination of employment, fines, reduction in remuneration, classification or grade, assignment to a different role, caution or reprimand.

Breaches of the Code or any of the principles and guidelines may lead to disciplinary action, up to and including termination. In serious cases, it may result in prosecution.

The nature of the breach will be considered in conjunction with relevant policies.

13. Relevant Legislation

- [Health Care Complaints Act 1993](#)
- [Government Sector Employment Act 2013](#)
- [Government Sector Finance Act 2018](#)
- [Anti-Discrimination Act 1977](#)
- [Government Information \(Public Access\) Act 2009](#)
- [Public Interest Disclosures Act 1994](#)
- [Independent Commission Against Corruption Act 1988](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Public Works and Procurement Act 1912](#)
- [Health Records and Information Privacy Act 2002](#)
- [Work Health and Safety Act 2011](#)
- [Government Advertising Act 2011](#)
- [Ombudsman Act 1974](#)
- [State Records Act 1998](#)

- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [Child Protection \(Working with Children\) Act 2012](#)
- [Crimes Act 1900](#)
- [Industrial Relations Act 1996](#)

13. Further Information

- [Public Service Commission – The Code of Ethics and Conduct for NSW government sector employees](#)
- [Public Service Commission – The Ethical Framework](#)
- [Public Service Commission – Behaving Ethically Guide](#)
- HCCC – Positive and Productive Workplace Policy and Grievance Resolution & Lodgement Procedure
- HCCC – Fraud and Corruption Prevention Policy
- HCCC – Conflict of Interest and Privacy Policy
- [Crown Employees \(Public Service Conditions of Employment\) Reviewed Award 2009](#)