



Code of conduct



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Contents

Foreword	3	Summary of references	14
Terms and acronyms	4	Legislation	14
Why do we have a Code of Conduct?	5	Office Policies.....	14
How this code works	5	Appendix one:	
Responsibilities	6	<i>Ombudsman Act 2001</i>	15
Employees.....	6	Appendix two:	
Managers	6	Frequently asked questions	16
Ombudsman, Senior Executive Service and Senior Officers.....	6	How does the code impact on my professional and personal ethics?	16
Upholding the code	6	What happens if my conduct is inconsistent with the provisions of the code?.....	16
When does the code apply?	7	Appendix three:	
Principle and values	8	Applying the Queensland Ombudsman Code of Conduct and values	17
1. Integrity and impartiality.....	8	Behaviours	17
2. Promoting the public good.....	10	Workplace dress and personal presentation	18
3. Commitment to the system of government	11	Employee acknowledgement	19
4. Accountability and transparency.....	12		

Foreword

The Code of Conduct is designed to provide staff with guidance on appropriate ethical standards for work-related behaviour. The code is based on the ethical principles and values contained in the Public Sector Ethics Act 1994 (the PSE Act) and has been developed in consultation with Queensland Ombudsman staff.

In everything we do, we value the following:

- Integrity
- Impartiality
- Diligence

In performing our official duties as public sector employees, we are expected to act 'in the public interest', and exercise a duty of care with due regard for the present and foreseeable interests of the whole community. We must also carefully balance many considerations when we provide advice, make decisions or administer policy.

As public sector employees, we must ensure our powers and influence are used lawfully.

The community has a right to expect that public funds will not be wasted. Public sector managers of finance and other resources have an ethical obligation to ensure those resources are applied efficiently and appropriately.

In our everyday interactions with others, we are expected to:

- act fairly and independently
- perform our duties in a timely manner
- deal confidentially with information given to us
- give clear explanations about our role
- communicate regular progress on matters
- give clear reasons for our decisions
- provide reasonable access to our services.

The code applies at all times when we are performing official duties, including representing the Office at conferences, training events, on business trips and attending work-related social events.

I am committed to this code and the principles upon which it is based.



Phil Clarke
Queensland Ombudsman
6 December 2019

Terms and acronyms

The following terms and acronyms have been used throughout this code. References to singular will also include the plural.

Term/acronym	Meaning
CCC	Crime and Corruption Commission
Corrupt conduct	Refer to the definition provided in Division 2 of the <i>Crime and Corruption Act 2001</i>
Employee	An officer employed under s.76 of the <i>Ombudsman Act 2001</i> or a temporary or casual employee employed under s.78 of the <i>Ombudsman Act</i> Any work experience student, contractor, consultant or anyone who works in any capacity for the Queensland Ombudsman
Manager	Permanent or acting members of the Ombudsman Management Group and other employees who may have managerial responsibilities in their role descriptions
Office	Office of the Queensland Ombudsman
Ombudsman	Queensland Ombudsman
OMG	Ombudsman Management Group, comprising the Ombudsman, the Deputy Ombudsman, Assistant Ombudsman and the Manager Corporate Services Unit
PSE Act	<i>Public Sector Ethics Act 1994</i>
SES	Senior Executive Service
SO	Senior Officer

Why do we have a Code of Conduct?

The Office, as a public sector entity, is required by the PSE Act to have a Code of Conduct.

The PSE Act imposes responsibilities on the Ombudsman to ensure that a Code of Conduct is developed with adequate consultation. The code must be made available to all employees and be available

for inspection by any person. The Ombudsman is also responsible for ensuring appropriate education and training of employees in relation to public sector ethics and for ensuring the procedures and practices of the Office have proper regard to the code and the PSE Act. The Ombudsman is required to report to parliament on these issues in each annual report.

How this code works

The Code of Conduct applies the ethics principles, values and associated standards of behaviour as prescribed in the PSE Act.

The ethics principles are:



Each principle is underpinned by a set of values and behaviours that demonstrate that principle. This code explains how to put the principles and values into practice.

Responsibilities

Employees

For the purpose of this document only, employees are defined as:

- an officer employed under s.76 of the Ombudsman Act 2001 or a temporary or casual employee employed under s.78 of the Ombudsman Act
- any work experience student, contractor, consultant or anyone who works in any capacity for the Office.

All employees have a personal responsibility to ensure that their conduct and actions comply with the provisions of this code.

Employees must be familiar with the contents of this code and ensure their behaviour and communication are consistent with the expectations set out in it.

The Office recognises the important role employees play in identifying wrongdoing and improving the integrity of the Office. Employees who report genuine concerns of wrongdoing will be supported and any such reports will be managed in a fair, efficient and consistent manner.

Managers

Managers and supervisors have a responsibility to model and promote this code.

Managers are also responsible for ensuring employees have a clear understanding of the ethical responsibilities outlined in the code and any other relevant legislation, delegations, policies or other information required to satisfactorily perform their duties and are able to access learning and development opportunities. Managers are also expected to discuss issues and clarify expectations with employees.

Managers have a responsibility to make fair, transparent and consistent decisions regarding any allegations of behaviour that do not uphold this code.

Ombudsman, Senior Executive Service and Senior Officers

The Ombudsman, Senior Executive Service (SES) and Senior Officers (SO) have a responsibility to demonstrate and uphold the principles and values of the PSE Act. These senior leaders have a role in promoting an organisational culture that values high ethical standards and behaviour and ensure employees have access to training in the operation of this code and in ethical decision-making.

Upholding the code

The Office is committed to ethical workplace practices and the internal reporting of wrongdoing is encouraged. Employees should report any conduct that is inconsistent with this code as outlined in the Managing employee complaints policy and procedure.

Public interest disclosures (PIDs) may be made by employees under the Public Interest Disclosure Act 2010. The Office's PIDs management plan and procedure provide guidance about making such a disclosure.

When does the code apply?

The code applies:

- in an employee's regular workplace, even if not working
- in any temporary alternative workplace
- during overnight stays away from the workplace on Office business
- during attendance at work-related functions, including training, educational and social activities
- in any situation which may involve a conflict of interest

- while employees are on leave or not otherwise working in accordance with the Hours of work policy. In particular, the code relates to employment-related conduct while on leave or when not working. That is conduct that could:
 - adversely affect the reputation of the Office, and/or
 - have a substantial or adverse effect on workplace relations and workplace performance.

If an employee is on secondment, the code of conduct of the secondment agency applies. Any breach of that agency's code of conduct that results in serious disciplinary action must be disclosed to the Office as per the Discipline policy.

Principle and values

1. Integrity and impartiality



Employees hold positions of public trust in an office of significant reputation and are required to:

- commit to the highest ethical standards
- manage conflicts of interest
- contribute to public discussion in an appropriate manner
- manage participation in external organisations
- demonstrate a high standard of workplace behaviour and personal conduct.

Standards of behaviour

1.1 Commit to the highest ethical standards

Employees must ensure that their conduct meets the highest ethical standards when discharging their responsibilities.

Employees will apply the following standards of behaviour:

- provide advice that is objective, independent, apolitical and impartial
- ensure decision-making is ethical
- engage with the community in a way that is consultative, respectful and fair
- report suspected wrongdoing, including conduct not consistent with this code, to an appropriate manager or by accessing Managing employee complaints policy and procedure
- avoid influencing any person improperly to obtain information, appointment, promotion, advancement, transfer, or any other advantage, either personally or on behalf of another.

1.2 Manage conflicts of interest

A conflict of interest involves a conflict between an employee's official duty and the employee's personal interests or private activities. The conflict may arise from a range of factors, including personal relationships, employment outside the Office, membership of special interest groups, or ownership of shares, companies, or property.

Each employee holds a position of trust in an office with a significant reputation. Private interests and activities must be managed so they do not adversely affect the performance of the employee's official duties.

A conflict of interest is not unusual and is not a wrongdoing in itself. Employees are also private individuals and there may be occasions when private interests come into conflict with public duty.

What is important is what an employee does (or doesn't do) when they become aware of the conflict of interest.

All conflicts of interest must be:

- openly disclosed
- managed transparently
- managed in consultation with the employee's manager and/or the Ombudsman.

Please refer to the following Office policies for further information around conflicts of interest:

- Conflict of interest policy and procedure
- Gifts, benefits and hospitality policy in the *Financial Management Practice Manual (FMPM)* which is available on the intranet under *The Office/Finance*.

1.3 Contribute to public discussion in an appropriate manner

An employee must not make any public comment that could be construed as expressing Office policy or the Ombudsman's position on an issue. These are matters for the Ombudsman.

If an employee receives a request for information from a journalist, the matter must be referred directly to the Communication Officer or to the Ombudsman.

Like any other citizen, an employee of the Office has the right to contribute to public discussions on community and social issues in a private capacity.

In doing so, an employee is required to:

- ensure that any public comment made as a private citizen is understood to represent the employee's personal views (and not the policy or position of the Office)
- maintain the confidentiality of information accessed for work purposes which is not publicly available
- be aware that personal comments about a public issue may compromise the employee's capacity to perform duties in an independent, unbiased manner.

1.4 Manage participation in external organisations

Employees of the Office maintain their rights as private citizens to be active in political parties, professional organisations or trade unions.

In pursuing such activity, an employee should be careful to ensure that it does not result in an apparent or actual conflict of interest. An employee must remain politically non-partisan in performing official duties.

If an employee anticipates standing as a candidate in a local, state or federal election, the employee should seek the advice of the Manager, Corporate Services Unit regarding employment obligations before, during and after elections.

An employee elected as a workplace representative or official of a trade union or professional association is not required to seek permission before speaking publicly in that capacity. However, the employee should ensure that any public comment is clearly on behalf of that organisation (and not the Office).

In all instances, an employee must comply with the appropriate laws governing privacy, confidentiality and information management.

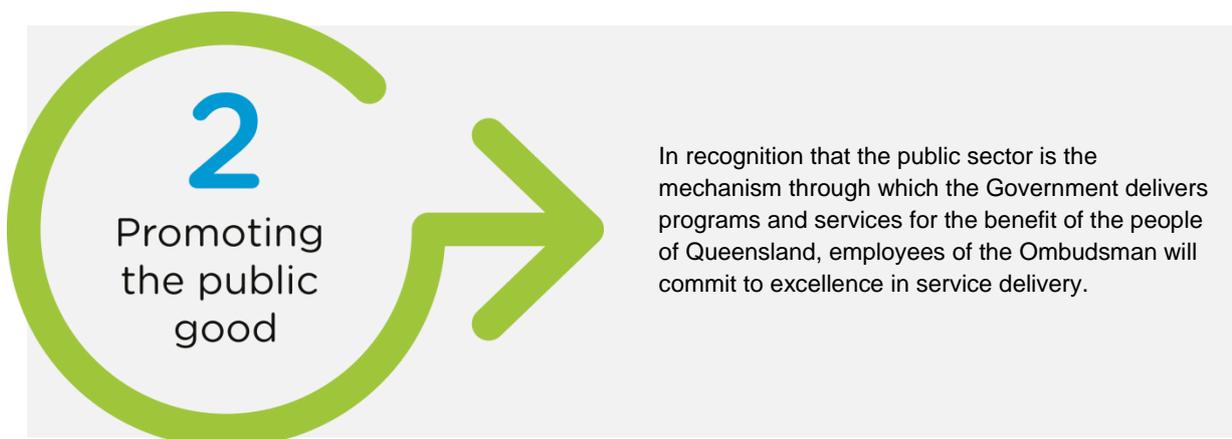
1.5 Demonstrate a high standard of workplace behaviour and personal conduct

The Ombudsman is an officer of the Queensland Parliament and as such the reputation, professional image and conduct of employees is to be of the highest standard in line with what would be reasonably expected by clients and other stakeholders engaging with the Office.

Employees are required to:

- treat co-workers, clients and members of the public with courtesy and respect, maintain appropriate relationships with them, and recognise that others have the right to hold differing views
- behave in a way that reflects the Office's commitment to a workplace that is inclusive and free from harassment and discrimination
- ensure the safety, health and welfare of themselves and others in the workplace, whether co-workers or clients
- ensure private conduct maintains the integrity of the Office
- comply with legislative and/or policy obligations to disclose any criminal charges and convictions
- dress in a way that maintains the professional image of the Office.

2. Promoting the public good



Standards of behaviour

2.1 Commit to excellence in service delivery

The Office is entrusted with public funds to develop and deliver services to the community. Employees have a responsibility to:

- deliver services fairly, courteously, effectively, and ensure resources are used efficiently and economically
- assist all members of the community, particularly Aboriginal and Torres Strait Islanders, people with disabilities, those who speak languages other than English, and those who may find it difficult to access our services
- treat complaints from clients and the community seriously and respond to constructive feedback as an opportunity for improvement.

3. Commitment to the system of government



Employees have a duty to uphold the system of government and the laws of the state, Commonwealth and local government.

This does not limit the responsibility of the Office to act independently of government. The independence of the Office is required by legislation (Ombudsman Act 2001).

Employees will:

- commit to the public service role
- carry out lawful instructions.

Standards of behaviour

3.1 Commit to the public service role

Employees are required to:

- comply with the laws of state, Commonwealth and local government
- comply with the directions of the Ombudsman, including approved policies and procedures of the Office, faithfully and impartially
- act in the public interest
- exercise powers lawfully and impartially.

3.2 Lawful instructions

While at work employees are required to carry out all reasonable and lawful instructions. An employee may question an instruction if the employee believes:

- the instruction is unlawful
- there is an apparent clash with a professional code of ethics
- the instruction has the potential to pose a risk to the health or safety of the employee or others
- the instruction goes beyond what is reasonable in all the circumstances, for example, the employee does not have the resources or competence to comply
- there is an objection on the basis of a religious belief and/or an issue of conscience.

To question an instruction, refer to Managing employee complaints policy and procedure.

4. Accountability and transparency



Public trust requires high standards of public administration. Accordingly, employees must:

- show diligence, care and attention
- ensure appropriate use of office resources, public property and facilities
- ensure appropriate use and disclosure of official information
- commit to continuous performance improvement.

Standards of behaviour

4.1 Diligence, care and attention

An employee has an obligation to maintain high standards of behaviour and industriously undertake official duties. Employees must:

- give priority to official duties over personal activities during working hours (keeping private activities during working hours to an absolute minimum)
- apply knowledge and skills to the best of the employee's ability in performing official duties
- be familiar with and follow all the legislation, guidelines, standards, policies, and procedures which are relevant to the performance of the employee's role
- make all reasonable efforts to provide high standards of service to clients by exercising due care, particularly with members of the public who may rely upon the services provided
- adhere to any relevant professional standards of conduct that are consistent with official duties, professional capacity, and with this code
- exercise obligations in relation to workplace health and safety
- take responsibility for any actions or decisions for which the employee is accountable as part of official duties
- not allow conduct to distract or prevent other employees from performing their duties diligently
- meet deadlines, targets and other work-related requirements.

An employee must not allow the use of alcohol, prescription drugs or other substances to adversely affect work performance, employee safety and the

safety of others, or the reputation, image or integrity of the Office.

An employee is obligated to inform his/her manager if the use of a prescription drug may adversely affect behaviour or work performance.

Employees must not consume alcohol on Office premises, 53 Albert Street, at any time , , without the Ombudsman's prior approval.

4.2 Ensure appropriate use of office resources, public property and facilities

The infrequent and minor use of public resources (e.g., computers, telephones, photocopiers) for non-official purposes may be acceptable. However, as public resources are provided at public expense, the use for non-official purposes should be kept to an absolute minimum.

Except in performing official duties, employees are not to deliberately access, store or forward information using the Office's internet or email system where that action might reasonably be considered to:

- be illegal
- prejudice relations between the Office and external parties, or
- contain offensive or libellous material.

Employees are to ensure that lawful private activities on public information services networks (e.g. the internet) are not identified with the Office where those activities could be reasonably construed as contrary to Office interests.

All employees must be aware of, and adhere to, the Use of information and communication technology facilities and devices policy and procedure available on the intranet under ICT Services/Policies.

4.3 Ensure appropriate use and disclosure of official information

Information privacy legislation protects against the misuse of personal information. Employees have an obligation to ensure the lawful collection and handling of personal information.

Official information must not be treated carelessly or left in circumstances where unauthorised persons may inadvertently gain access to it.

Employees must:

- comply with Part 10, s.92 of the Ombudsman Act
- treat official information with care and use it only for the purpose for which it was collected or authorised
- store official information securely, and limit access to those persons requiring it for legitimate purposes
- not use confidential or privileged information to further personal interests
- continue to respect the confidentiality of official information after ceasing employment with the Office.

Further details are available in the [Office's Privacy Plan](#).

4.4 Commit to continuous performance improvement

Employees must:

- maintain and develop professional skills and knowledge
- take reasonable steps to identify and apply for development opportunities relevant to career objectives within the work environment
- actively participate in the annual achievement planning cycle.

Further information: *Queensland Ombudsman Achievement planning policy and procedure*.

Summary of references

Legislation

Ombudsman Act 2001

Anti-Discrimination Act 1991

Crime and Corruption Act 2001

Ombudsman Act 2001

Public Service Act 2008 Public Sector Ethics Act 1994

Public Interest Disclosure Act 2010

Work Health and Safety Act 2011

Information Privacy Act 2009

Right to Information Act 2009

Office Policies

Hours of work policy and procedure

Discipline policy and procedure

Managing employee complaints policy and procedure

Achievement planning policy and procedure

Gifts, benefits and hospitality policy (in the FMPM)

Work health and safety policy

Work health and safety guidelines

Workplace diversity policy

Conflict of interest policy & procedure

Use of information and communication technology facilities and devices policy and procedure

Appendix one: Ombudsman Act 2001

Part 2 of the Ombudsman Act deals with the functions of the Ombudsman. Sections 12 and 13 of the Ombudsman Act provide as follows:

12 Functions of ombudsman

The functions of the ombudsman are—

- (a) to investigate administrative actions of agencies—
 - (i) on reference from the Assembly or a statutory committee of the Assembly; or
 - (ii) on complaint; or
 - (iii) on the ombudsman's own initiative; and
- (b) to consider the administrative practices and procedures of an agency whose actions are being investigated and to make recommendations to the agency—
 - (i) about appropriate ways of addressing the effects of inappropriate administrative actions; or
 - (ii) for the improvement of the practices and procedures; and
- (c) to consider the administrative practices and procedures of agencies generally and to make recommendations or provide information or other help to the agencies for the improvement of the practices and procedures; and
- (d) the other functions conferred on the ombudsman under this or any other Act.

13 Ombudsman not subject to direction

Subject to any other Act or law, the ombudsman is not subject to direction by any person about—

- (a) the way the ombudsman performs the ombudsman's functions under this Act; or
- (b) the priority given to investigations.

Part 8 of the Ombudsman Act deals with the establishment and control of the Office. Sections 73 to 75 of the Ombudsman Act provide as follows:

73 Office of the Ombudsman

- 1) An office called the Office of the Ombudsman is established.
- 2) The ombudsman office consists of the ombudsman and the officers of the ombudsman.

74 Control of office

The ombudsman controls the ombudsman office.

75 Officers not subject to outside direction

An officer of the ombudsman is not subject to direction by any person, other than from within the ombudsman office, about—

- (a) the way the Ombudsman's powers for investigations are to be exercised; or
- (b) the priority given to investigations.

Section 76 of the Ombudsman Act provides that:

- 1) The ombudsman may employ the officers the ombudsman considers necessary for staffing the ombudsman office.
- 2) Officers are appointed under this Act and not the *Public Service Act 2008*.
- 3) Subject to this Act, the conditions of service of officers of the ombudsman are those decided by the Governor in Council.

Appendix two: Frequently asked questions

How does the code impact on my professional and personal ethics?

The PSE Act and this code are concerned with your ethics as they relate to and impact on the performance of your official duties. The code is not concerned with your personal ethics or moral standards outside the workplace, except of course where particular conduct may be directly related to the workplace.

Possible conflicts may arise between different standards of conduct. Such conflicts usually focus on:

- job-related standards arising from the duties of your position
- 'professional ethics' as defined by traditional professional bodies such as 'legal ethics' or 'journalists' ethics' (especially in the case of those staff who are employed to act in a professional capacity)
- your personal ethics.

Your personal standards, to the extent that they are broadly consistent with the values of the community, can provide a relevant basis for critical evaluation of the standards of conduct expected of you as a public employee.

As an employee you have a right and a duty to test what appears to be an unreasonable or unconscionable instruction against the standards of the community, for example, in relation to moral or human rights matters.

Conflicts between these various ethical standards which cannot be resolved within the relevant work unit are to be referred to the Ombudsman.

What happens if my conduct is inconsistent with the provisions of the code?

Obviously, situations may arise from time to time where your conduct may appear to be inconsistent with the provisions of the code. Often possible breaches of the code result from genuine mistakes.

If you are concerned that your actions may have been contrary either to a specific provision or the spirit of the code, you must discuss the matter with your manager as soon as possible to enable circumstances that gave rise to the situation to be examined and the matter rectified (if necessary). This will assist in either establishing that no breach of the code has occurred or minimising any adverse consequences arising from the breach for both yourself and the organisation.

The PSE Act does not create any new offences for wrongdoing by public sector employees. Where warranted, however, a breach of the code, without reasonable excuse, may be dealt with under existing disciplinary provisions. Other options also exist for dealing with breaches of the code and these may include informal or formal counselling, and/or the application of procedures for the management of diminished performance.

Employees will not be adversely treated where their conduct reflects a genuine and reasonable attempt to meet the spirit of this code and the PSE Act.

Serious breaches of the code (e.g. a breach that involves fraud, theft, assault or corruption) are criminal matters and must be brought to the Ombudsman's notice for referral.

Under the *Crime and Corruption Act 2001*, the Ombudsman must refer to the CCC all matters suspected to involve corrupt conduct.

Protection would generally be available under the Public Interest Disclosure Act 2010 if you make a disclosure regarding another person's breach of the code.

The code should be read in conjunction with the terms and conditions of service of employees as determined by the Governor in Council from time to time under s.76(3) of the Ombudsman Act, and by the Ombudsman under s.78 in the case of a temporary/casual employee. The terms and conditions are available on the intranet under HR Matters/Conditions of service.

Appendix three: Applying the Queensland Ombudsman Code of Conduct and values

The Queensland Ombudsman's (QO) vision is to be a trusted expert in fair and just public administration. In working toward this vision, QO officers are guided by the office's Code of Conduct and values.

The code gives officers broad responsibilities for ensuring their personal conduct meets required ethical standards. The QO's values provide additional guidance about expected behaviours towards co-workers and community members.

Officers are expected to model QO values of:

- Integrity –we are ethical and honest in our work.
- Impartiality – we treat everyone equitably, respond without bias and do not take sides.
- Diligence- we produce timely and high quality work that makes a difference.

This statement provides additional information and guidance about expected workplace behaviours, including presentation and grooming, to reflect QO Code of Conduct and values.

Behaviours

The QO Code of Conduct 2015 provides a clear statement of how all officers must conduct dealings with each other. In particular, standard 1.5 states that:

“.. conduct of employees is to be of the highest standard in line with what would be reasonably expected by clients and others stakeholders engaging with the office.”

Behaviours that model this standard include:

- responding to enquiries and requests from clients, colleagues and stakeholders in a helpful, timely and courteous way
- respectfully acknowledging the rights and views of others, including different personal values, beliefs, cultures and religion, and responding with effective service
- building respectful, professional and appropriate working relationships with colleagues and stakeholders
- using language respectfully and appropriately in the workplace and avoiding abusive and discriminatory language and behaviour
- making decisions and taking actions fairly and equitably
- informing colleagues and stakeholders about their rights and entitlements.

Supervisor/manager behaviour

Managers, in addition to the general expectations, also have responsibilities to:

- lead by example by demonstrating the Code of Conduct and values through their daily work
- build teamwork and model cooperative behaviours that contribute to efficiency and effectiveness
- promote a culture of honesty, openness and direct face-to-face communication
- fairly and respectfully develop the capabilities of staff through coaching, development opportunities and performance feedback
- acknowledge and act on employee concerns and resolve workplace conflict at the earliest possible opportunity
- monitor their own performance to ensure they are making a positive contribution to the organisation and the work environment.

Workplace dress and personal presentation

Dress and personal presentation, including personal appearance and hygiene, are important elements of workplace behaviour.

The QO Code of Conduct 2015 states all officers will

“.. dress in a way that maintains the professional image of the office.”

Officers’ dress and personal presentation also reflect the QO values of *fairness and respect*. Appropriate presentation is a means of demonstrating respect to others in the workplace and the wider community.

Officers are expected to take personal responsibility for ensuring their dress and personal presentation is consistent with the QO Code of Conduct and values. Expectations of the standard of dress and presentation are the same for male and female officers.

Specific dress and personal presentation behaviour expectations include:

- ensuring that personal presentation (including dress, footwear and grooming) is professional, modest and consistent with the expectation and standards of the broader community
- ensuring that footwear is appropriately matched to other elements of professional dress and protects safety
- ensuring that branded clothing (Ombudsman polo shirt and work shirts etc) are only worn in a work environment or while travelling directly to and from work.

At meetings/events outside the office, officers’ may wear clothing/footwear that is likely to reflect stakeholder dress standards while maintaining a professional image and protecting safety. When not meeting with stakeholders, a more casual standard of dress in the office may be acceptable.

Version 3, 6 December 2019
(approved: Phil Clarke, Ombudsman)

Employee acknowledgement

I acknowledge that I have read the Queensland Ombudsman Code of Conduct 2015 and I understand my responsibility to ensure that my conduct and actions comply with the provisions of this code.

Signed:	
Employee name:	
Date:	