



Corrective Services NSW

Guide to Conduct and Ethics

2010 Edition

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The Guide to Conduct and Ethics is available to download from the Corrective Services NSW intranet.

Contact the Corruption Prevention Unit for advice on ethical and professional conduct.

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Commissioner's Foreword



I am pleased to introduce Corrective Services New South Wales (CSNSW) revised *Guide to Conduct and Ethics 2010* and commend it to you as an excellent source of reference for your professional conduct and ethical decision making.

The *Guide to Conduct and Ethics 2010* is the result of extensive input from employees, unions and others with an interest in Corrections.

It is our role to deliver correctional programs to the highest standard. A major concern for me in undertaking this work is ensuring the safety and security of employees, visitors and offenders.

High standards of safety and security are most easily achieved when employees behave in an ethical and professional manner. This document clearly sets out the expected standards of behaviour which our colleagues and the public expect, and quite rightly deserve from us.

The *Guide to Conduct and Ethics 2010* is designed to help employees maintain a professional level of conduct at all times. It lists the relevant legislation, policies, procedures and Commissioner's Instructions with which employees must comply.

The vast majority of CSNSW employees consistently perform their work with diligence and care. I believe this enhances our public image and increases public confidence in the work we do.

As your Commissioner, it is my responsibility to provide all employees with the *Guide to Conduct and Ethics 2010*. I trust that you will read it and apply the information it contains to support you in your work in CSNSW.



Ron Woodham
Commissioner
December 2010

Introduction

All employees of Corrective Services NSW (CSNSW) are public servants. The people of New South Wales expect us to work with efficiency, fairness, impartiality and integrity. A prime responsibility of CSNSW employees is to place the public interest above their own and to demonstrate the virtues of honesty, openness, accountability and courage in the face of any pressure to do the wrong thing.

This Guide provides standards of conduct and ethical behaviour that are expected from all CSNSW employees to ensure they carry out their work professionally and meet the expectations of the public.

The Guide is not intended as a 'rule book' that will be used to initiate disciplinary processes. However, any breach of its principles may constitute misconduct.

Part One consists of the CSNSW Statement of Purpose and Ethical Principles.

Part Two deals with general guidelines and assists employees to put into practice the principles in Part One by defining employees' responsibilities and expected standard of conduct.

Part Three discusses the employee's obligation to report wrongdoing in the workplace, advises of the support and protection provided to employees who report wrongdoing and the sanctions that can be used against those who choose to do the wrong thing.

The relevant Commissioner's Instructions, policies, legislation and related documents which apply to various sections of the Guide are listed at the end of each section.

It is also the responsibility of all employees to acquaint themselves with references listed in Appendix B, which can be accessed via the CSNSW's intranet.

Part One

STATEMENT OF PURPOSE AND ETHICAL PRINCIPLES

1.1 STATEMENT OF PURPOSE AND VALUES OF CORRECTIVE SERVICES NSW

Statement of purpose

Corrective Services NSW delivers professional correctional services to reduce re-offending and enhance community safety

CSNSW provides custodial and community-based services as an important element of the criminal justice system. These services include correctional centre custody of remand and sentenced offenders, home detention, parole, pre-sentence reports and advice to courts and releasing authorities, community service orders and other forms of community-based offender supervision. Offenders in custody and supervised in the community are assessed for relevant interventions to reduce their risks of re-offending.

CSNSW works in partnership with other government and non-government justice and human service agencies in regard to inmates in custody and offenders in the community.

Values

Justice and Equity

- Regard for community expectations and public interest
- Safety, welfare and positive development of offenders
- Secure and humane management of offenders
- Commitment to cultural and linguistic diversity
- Understanding of, and regard for, Aboriginal history and aspirations

Accountability and Transparency

- Continuous organisational improvement
- Ethical use of public assets and resources
- Quality in service delivery

Collaboration and Communication

- Engagement with relevant government and non-government agencies to achieve corporate goals
- Effective and appropriate external and internal information exchange

Responsibility and Respect

- Professionalism
- Safety and well-being of staff
- Continuous learning and professional development of staff

1.2 A MODEL OF PUBLIC DUTY

a) Serving public above private interests

Making decisions because they benefit the public, not the employee making the decision.

b) Acting with integrity by being:

Honest

- Obeying the law
- Following the letter and spirit of CSNSW policies and procedures
- Fully disclosing actual or potential conflicts of interest
- Observing relevant professional and ethical codes of conduct

Accountable

- Recording reasons for decisions
- Submitting to scrutiny
- Keeping proper, accessible records
- Establishing audit trails

Objective

- Being fair to all
- Considering only relevant matters
- Being fully informed
- Merit selection in recruitment
- Equity in the purchase and sale of government resources

Open

- Giving reasons for decisions, where appropriate
- Communicating with clarity and sensitivity
- Providing all options available to the client or business
- When authorised, giving all relevant information

Courageous

- Giving advice fearlessly and frankly where required
- Doing the right thing even in the face of adversity
- Reporting and dealing with suspected wrongdoing
- Acting ethically above loyalty to colleagues or supervisors

c) Demonstrating ethical leadership

Promoting a sense of public duty to others in CSNSW, to other agencies and the community.

1.3 STATEMENT OF ETHICAL AND PROFESSIONAL PRINCIPLES

The following is a set of principles by which CSNSW operates:

- Place public interest and integrity above private interest;
- Respect and protect the dignity and human rights of all persons;
- Perform official duties in a professional and responsible manner;
- Follow the principles of good working relationships;
- Work with economy and efficiency;
- Implement the policies and decisions of the Government;
- Provide a quality service.



ETHICAL PRINCIPLES IN PRACTICE

2.1 THE CORPORATE CONTRACT

CSNSW recognises its responsibility to all employees by providing adequate resources to enable them to operate to the best of their ability.

In return, CSNSW expects all employees to act conscientiously and with integrity and honesty, to provide appropriate and timely advice fearlessly and frankly and to make full disclosure of all relevant information.

2.2 ETHICAL LEADERSHIP

Ethical leadership is a quality strongly encouraged in all public servants and it is essential that managers reinforce this quality by demonstrating ethical behaviour in all aspects of their work. Managers should model the standard of professional and ethical conduct for their employees to adopt. Employees will value their managers' leadership if they act reasonably, fairly and display a high standard of ethical leadership.

Managers should:

- Communicate clearly and show respect when communicating with employees;
- Ensure the work location is free from discrimination, harassment and bullying;
- Model desired values and behaviours;
- Develop a firm, fair and equitable management style;
- Not be afraid to make decisions;
- Keep employees informed of issues that relate to their work practices, security and welfare;
- Bring ethical issues to the attention of employees and advise them of the relevant sections of this Guide and other relevant documentation;
- Promptly address all reported and observed inappropriate workplace behaviour, including discrimination, harassment and bullying and ensure it is managed in a confidential, impartial manner in accordance with the principles of natural justice and relevant CSNSW policy and procedure;
- Provide impartial advice to employees, including superiors, according to the facts of a situation;
- Be open to reasonable feedback from employees and respond without recrimination.

2.3 DRESS AND PRESENTATION

All employees should be mindful of the way in which they present themselves in the workplace, particularly if they are in contact with offenders or members of the community. Clothing should always be appropriate to the workplace, consistent with occupational health and safety standards and enable employees to respond in an emergency.

Dress and presentation should at all times project an image that is consistent with accepted community standards and the charter of CSNSW as a criminal justice agency.

All employees should ensure that they are wearing required identification whilst in any CSNSW workplace.

Reference: Commissioner's Memorandum 2010/56 : Wearing of Identification Badges
Corporate Wardrobe and Dress Code for Non-Custodial Staff Policy

2.4 CHILD PROTECTION

Child wellbeing and protection is a relevant issue when managing offenders. If, during the course of their work, an employee identifies, and where there are reasonable grounds to suspect, a child as being at risk of significant harm a report has to be made to the Community Services Helpline on 13 3627. This might arise if risk of significant harm is identified during a home visit, during visits by a child to a correctional facility, or while monitoring offenders' phone or mail contacts.

By law, all CSNSW employees are bound to collaborate and exchange information with other government agencies and non-government agencies in order to promote the safety, welfare or well-being of children or young people.

Procedures for reporting risk of significant harm are in the Offender Management Policy and Procedures.

For more information contact the CSNSW Child Protection Co-ordination and Support Unit on (02) 8346 1502.



Reference: Commissioner's Memorandum 2009/59 : New Legislation – Chapter 16A Children and Young Persons (Care and Protection) Act 1998 regarding information exchange
Commissioner's Memorandum 2009/64 : Legislative Changes – Children and Young Persons (Care and Protection) Act 1998 – Raising the Threshold for Reporting a Child at Risk of Significant Harm
Children and Young Persons (Care and Protection) Act 1998
www.keepthemsafe.nsw.gov.au

2.5 REPORTABLE CONDUCT

Pursuant to the Ombudsman Act 1974, all CSNSW employees must report to their supervisor if they or a colleague are convicted of, or an allegation has been made against them or a colleague relating to, reportable conduct involving children (*ie*; a person under the age of 18 years).



This applies to situations at work or in their private life.

Reportable conduct means any sexual offence or sexual misconduct committed against, with or in the presence of a child, including child pornography offences, or any assault, ill-treatment or neglect of a child, or any behaviour that causes psychological harm to a child.

Employees are also required to report if an Apprehended Violence Order has been issued against them where a child is recorded as requiring protection from them, or if a report to Community Services has been made about their conduct which meets the definition of reportable conduct.

All employees have an obligation to ensure the Commissioner is made aware of any convictions or allegations of reportable conduct as soon as practicable.

Employees should report this information to their supervisor or directly to the Professional Standards Branch on (02) 8346 1083.

Reference: Commissioner's Instruction 03/2009 : Responsibility to Report Child-Related Allegations or Convictions Involving Departmental Employees Policy

2.6 CONFLICTS OF INTEREST

CSNSW is committed to honesty, transparency and accountability in the lawful conduct of its business. However, CSNSW recognises that the personal interests of employees may at times come into conflict with the fulfilment of their duties and the public interest.

All employees must promote confidence in CSNSW and always act in the public interest, rather than their own interest. No employee should seek to advantage themselves at the expense of CSNSW and should be aware of any perception by others that they are doing so.

A conflict of interest exists, is perceived to exist or has the potential to exist where an employee has personal interests which could improperly influence the performance of their official duties. A conflict of interest that adversely affects, or may be perceived to affect, or has the potential to affect, an employee's decision-making may lead to corrupt conduct and may undermine public confidence in the integrity of CSNSW as well as the employee.

Conflicts of interest arise in any situation where an individual's moral judgement is challenged by divided loyalties between the organisation as opposed to self-interest, this includes where employees are involved in:

- situations, financial or otherwise, where a relative, friend or associate has a personal interest in a work-related matter;
- contact with, or a family connection to, an offender;
- receipt of an offer of a gift or benefit;
- other paid employment;
- approving or authorising an action in which the employee has a personal interest.

CSNSW therefore requires that:

- all conflicts of interest must be reported in writing to their manager immediately, or on the next occasion the employee attends duty;
- management action must be taken immediately to assess and reduce the risk to CSNSW and to employees and make a decision as to what action is required;
- all action taken to resolve conflicts of interest must be transparent, accountable and properly documented.

Reference: Conflicts of Interest Policy
Commissioner's Instruction 2010/02 : Conflicts of Interest

a) Personal contact with offenders

It is inevitable that some employees of CSNSW will have social or off-duty contact with offenders to whom they are related or with whom they are otherwise involved. While there is no absolute prohibition on any such relationship, it is recognised that the moral choices of employees may be challenged by divided loyalties and so can create a conflict of interest.



To maintain public confidence in the integrity of CSNSW as well as the individual employee, all personal relationships and/or social or off-duty contact with offenders must be disclosed to avoid false perceptions and manage any actual or potential risks.

Managers are required to assist the employee by providing written advice/directions about appropriate ways to manage any contact and by taking appropriate action to avoid any negative consequences.

Failure to report or misrepresentation of the personal or social contact between an employee and an offender is a serious breach of discipline and may give rise to a presumption of inappropriate conduct, leading to further investigation and possible disciplinary action.

Reference: Contact with Offender Policy
Conflicts of Interest Policy
Commissioner's Instruction 2010/02 : Conflicts of Interest
Crimes (Administration of Sentences) Regulation 2008, clause 252

b) Offers of gifts or benefits

All employees should perform their duties without demand or expectation of any gift, benefit or reward. The soliciting of personal gifts or benefits by an employee of CSNSW is strictly prohibited.

You should therefore:

- never offer or solicit gifts or benefits;
- avoid accepting gifts or benefits, in particular money;
- always consider the value and purpose of a gift or benefit before making any decisions about offering or accepting it;
- immediately declare any offer of a gift or benefit to your supervisor.

In most circumstances, you will be expected to refuse or politely decline any offer of a gift or benefit that is offered to you in relation to any duty, responsibility or function you have as an employee.

The acceptance of gifts or benefits in the course of employment has the potential to create a conflict of interest, or the appearance of a conflict of interest, and could lead to corrupt conduct.

Any gift or benefit, regardless of value, offered to you in the course of your employment should be reported to your manager who should, in accordance with CSNSW policy, record the offer in a local gift register and make a decision on whether or not the gift or benefit may be accepted.

In making a decision on whether a gift can be accepted and what should be done in the circumstances, all relevant factors should be taken into account, including the context in which the gift is offered. Managers should give reasons for their decision.

It is considered bribery if an attempt is made to offer you a payment, gratuity, benefit or service, corrupt inducement or reward in order to induce you to neglect your duty, give preferential treatment or act in any way other than in accordance with the proper discharge of your duties and must be reported in writing immediately to your manager. Bribery in any form is illegal and will be reported to the NSW Police.

Reference: Gifts and Benefits Policy
Conflicts of Interest Policy
Commissioner's Instruction 2010/02 : Conflicts of Interest

c) Other paid employment

As public sector employees, our public employment must always take priority over any other paid employment or voluntary activities. Other paid employment should only be performed in private time and should not detract from the performance of CSNSW official duties.

Where a full time employee proposes to undertake other paid employment, the employee must seek written approval. A part time employee (permanent or temporary) or casual employee is required to submit details of any proposed other paid employment. An assessment by the employee's manager must be carried out to determine whether a conflict of interest exists or whether the employee's duties may be adversely affected by the other paid employment. If permission is refused, the employee is entitled to a reason for the decision with reference to CSNSW policy.

If you wish to continue to engage in approved other paid employment, an Assessment to Undertake Other Paid Employment is to be resubmitted to your manager annually for consideration.

CSNSW encourages voluntary participation in community organisations, charities and professional associations. Such participation does not require approval unless the involvement is likely to conflict with or affect the efficiency or performance of the employee's official duties.

Reference: Other Paid Employment Policy
Commissioner's Instruction 2010/02 : Conflicts of Interest
Commissioner's Memorandum 2010/21 : Other Paid Employment

d) Use of offender labour for private purpose

All employees of CSNSW are prohibited from using the skills and/or work of offenders for private or personal gain.

Reference: Commissioner's Instruction 2010/02 : Conflicts of Interest

2.7 PRIVATE CONDUCT

a) Conduct whilst off duty

As members of a law enforcement organisation employees should, even when off duty, act in accordance with the law and the content of this Guide. Employees need to ensure that they do not discredit themselves as private citizens or CSNSW. All employees should model exemplary behaviour and act as a positive influence in the community.

Any private activity which may adversely affect an employee's ability to perform their public duty is regarded as a work-related issue. Such activity includes alcohol misuse, drug misuse, including steroids, or violent behaviour. Section 43(2)(a) of the Public Sector Employment and Management Act 2002 provides that action can be taken for misconduct which occurs when an employee is off duty. Conviction for a criminal offence may jeopardise employment, whether or not the offence was committed in the course of employment.

Public sector employees must report to a senior officer if they have been charged with or convicted of a serious criminal offence, that is, an offence which is punishable by imprisonment for 12 months or more. Other work related offences should also be reported such as child related offences or a loss of licence if you are required to drive as part of your duties.



Reference: Management of Professional Conduct in the Department of Corrective Services Policy
Public Sector Employment and Management Act 2002, Section 43(2)(a)

b) Public comment on the work of CSNSW

Employees should not make any public comment, provide information or give an opinion on the work of CSNSW or any CSNSW employee unless authorised to do so. Prior to responding to any request for public comment, employees are to contact the Commissioner's Media Unit to seek advice.

The Commissioner may authorise the release of certain information to the public in connection with the Crimes (Administration of Sentences) Act 1999.

Public comment includes public speaking engagements, comments on radio, television or in newspapers as well as expressing views in books, journals or notices, including social networking sites on the internet, such as Facebook, MySpace and Twitter.

An employee's public comments about their work or the activities of CSNSW could be construed as representing the official position of CSNSW and may cause embarrassment to the government or the Commissioner.

Employees must not discuss work-related matters in a public place or on public social networking sites on the internet.

Comments made on union matters by a member of a union in their official capacity as a delegate or office holder are not subject to the requirements of this Guide.

Reference: Privacy and Personal Information Protection Act
s257 Crimes (Administration of Sentences) Act 1999
Commissioner's Instruction 08/2007 : Unauthorised Release of Information
Commissioner's Instruction 09/2002 : Public Comment on the work of the Department
Media Policy

c) Political participation

Public servants are able to take part in lawful political activity outside of working hours, as long as it does not interfere with their normal duties. However, it should be remembered that employees are required to serve the government in an impartial manner. This is particularly important to maintain public confidence and to underline the impartiality of any action taken by employees in the course of their duties.

Special arrangements apply to employees who have been pre-selected as candidates for or who propose to contest State or Federal elections. Details of these arrangements can be obtained from the NSW Government Personnel Handbook.

d) Future employment

Employees should not use their current position improperly to secure opportunities for future employment or allow their actions to be influenced by future employment prospects. To act in that manner would put the integrity of CSNSW at risk and would constitute a conflict of interest.



On taking up new employment, former employees should not use or take advantage of confidential information obtained in the course of their employment with CSNSW.

e) Intellectual property

Documentation such as policies, programs, manuals, courses, training resources and the like, written, developed or produced by an employee during the course of their employment with CSNSW remains the property of CSNSW and is not to be used for personal benefit.

Reference: Intellectual Property Management Framework for the NSW Public Sector

2.8 PROFESSIONAL CONDUCT TOWARDS OFFENDERS

CSNSW expects employees to be accountable, impartial, consistent and fair in their contact with offenders whether in a correctional facility or in a community setting and to act with integrity and compassion towards offenders. Individuals have the right to be treated fairly and with proper regard for their human rights. CSNSW recognises that different workplaces may have their own aims and objectives which affect the way in which they manage offenders and former offenders. The treatment of offenders should encourage their self-respect and a sense of personal responsibility.

a) Professional boundaries

Employees who work with offenders must be professional and transparent at all times and must not overstep boundaries established for the performance of their role.

Employees should be aware of the dangers inappropriate contact with offenders could lead to, including manipulation, exploitation or compromise. This includes contact through social networking sites on the internet, such as Facebook, MySpace or Twitter.

Offender Management and Community Offender Services employees often have contact with offenders in both the custodial and community environments which may also include contact with the offender's friends and family. Employees should be aware of the importance of being professional in all contact with offenders, their families and friends in the community.

It may sometimes be appropriate for employees who work in the community to maintain ongoing community contact with offenders. This may only be conducted within a regulated framework that is consistent with "Throughcare", is recorded and is known to the employee's manager.

CSNSW recognises that employees may face additional pressures or challenges when managing offenders, or in their contact with community members, as a result of a shared linguistic, cultural, indigenous, ethnic, religious or other background. Where this is or may be perceived to be an issue, employees are encouraged to discuss it with their supervisor or manager so that appropriate action can be taken to manage any risk.

2.9 PROFESSIONAL CONDUCT TOWARDS EMPLOYEES AND OTHERS

All employees have the right to work in a safe, harmonious and equitable workplace. This right is reinforced by occupational health and safety and equal employment opportunity legislation. All employees have a responsibility to contribute to and maintain such an environment. Clear and respectful communication is an important aspect of good working relationships and employees should act accordingly. To achieve this all employees should be accountable for their own actions. Workplace gossip, "jokes" about race, sexual preference or other unacceptable behaviour can result in negative consequences.

Poor communication and behaviour may be perceived by others as harassment and/or bullying. To live up to the principles of respect and dignity, employees should give close consideration to the way employees interact with one another, with other public sector employees, other service providers, with offenders and members of the public. In addition, managers need to give careful consideration to their management style in order to provide sound ethical and professional leadership.



a) General Principle

CSNSW employees should strive at all times to relate professionally and respectfully to colleagues and other public sector employees, contractors and members of the public, and to act with courtesy and fairness. In all dealings, employees should ensure they do not prejudice the operations, security or reputation of CSNSW.



b) Fairness, equity and consistency

All employees should understand the importance of managing issues consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures, in a non-discriminatory manner, and consistent with the rules of natural justice.

Acts of unfairness involving favouritism, inconsistency or discrimination adversely affect morale and good working relationships.

There are established procedures for recruitment, selection, promotion and conditions of employment, which are based on equal employment opportunity and anti-discrimination legislation. Employees are required to comply with these procedures at all times.

Reference: Equal Employment Opportunity Policy
NSW Government Personnel Handbook

c) Discrimination and harassment

Employees are expected to treat all people fairly, without reference to their race, gender, ethnic origin, religion, language, disability or sexual orientation. CSNSW recognises that NSW is a diverse community and values the qualities contributed by people from all backgrounds and does not tolerate harassment or discrimination against anyone. Employees should not behave in a way that is unwelcome, demeaning or offensive to an individual or a group of people; neither should they allow such behaviour to go unchallenged.

Discrimination means treating someone less favourably because they belong to a particular group. Harassment is generally defined as any form of behaviour that humiliates and/or intimidates someone and is intended to cause offence.

Discrimination and harassment on the grounds of sex, marital status, pregnancy, age, race, ethnic or ethno-religious background, disability, sexual preference and transgender status are unlawful. Employees are expected to demonstrate a commitment to working collaboratively to resolve workplace disagreements and/or differences in a constructive, co-operative and timely manner in accordance with the relevant policy and procedures of CSNSW.

Reference: Grievance Management Policy
Managing Work-Related Bullying and Harassment Policy
Anti-Discrimination Act 1977

d) Respectful language in the workplace

Employees have the right to expect that they will be spoken to in a reasonable manner by fellow workers and managers. The use of coarse, obscene, insulting or abusive language to a colleague, offender or visitor to a CSNSW workplace is inappropriate, as is sexual banter and suggestive behaviour. Such language and behaviour should not be tolerated as it causes offence and may constitute harassment.

The use of such language by a senior officer to a subordinate is particularly unacceptable as senior officers have a duty to promote professional conduct in the workplace and to eradicate unacceptable behaviour.

Offensive language is equally unacceptable toward offenders as it sets a poor example and could provoke an offender which could lead to unnecessary conflict.

Reference: Commissioner's Memorandum 02/2007 : Use of Inappropriate Language and Sexual Banter in the Workplace Crimes (Administration of Sentences) Regulation 2008, clause 258

e) Borrowing and lending money

Borrowing money from or lending money to a fellow employee may prejudice professional working relationships and lead to a conflict of interest or to personal animosity. It is not appropriate in the workplace. Under no circumstance are employees to lend money to or borrow money from an offender or a family member or friend of an offender.

Reference: Commissioner's Instruction 05/2002 : Borrowing and Lending Money



f) **Gambling**

Gambling in the workplace, other than harmless team building activities such as workplace Lotto syndicates, football or other sport tipping competitions or Melbourne Cup sweeps, is inappropriate as it may lead to conflict, indebtedness and perceptions of impropriety. Employees must not engage with an offender or a family member or friend of an offender in any form of gambling, tipping or solicitation of bets or information.



Reference: Commissioner's Instruction 06/2002 : Gambling

g) **Alcohol and Other Drugs**

Employees and other persons at CSNSW workplaces have the right to work in an environment where the use of alcohol or other drugs does not add to the inherent risks of their work. Accordingly, safeguards in the workplace have been developed, such as random, target, critical incident and alcohol impairment testing, as per the Employee Alcohol and Other Drugs Policy.

If an employee is taking prescribed medication that may affect the performance of official duties this is to be disclosed to their direct manager.

CSNSW is committed to providing support and assistance to employees who are experiencing difficulties with the use of alcohol and other drugs, including anabolic steroids. As such CSNSW provides a range of counselling and support services to employees who need them. This can be accessed through Staff Support Programs. In addition, the CSNSW Employee Assistance Program can be contacted on 1300 363 202 to obtain counselling.

Reference: Employee Alcohol and Other Drugs Policy
Employee Alcohol and Other Drugs FAQ on CSNSW Intranet
AOD Fact Sheets on CSNSW Intranet

2.10 PERFORMANCE OF OFFICIAL DUTIES

Decisions and actions should be reasonable, fair, appropriate to the circumstances and based on consideration of all the relevant facts available. Employees should be prepared to justify their actions, keep records where necessary and to communicate their decisions clearly and appropriately.

All public servants should be mindful that they are providing a service to the NSW community and should ensure that the service provided is responsive and of the highest standard.

a) Responsibilities of positions and post duties

Every position in CSNSW has specific duties and responsibilities. Managers should ensure that their employees clearly understand the role and responsibilities of their position which can be found in position descriptions and/or post duties. They should periodically review their employees' work performance consistent with relevant position descriptions and/or post duties and provide their employees with constructive feedback.

Employees must remain vigilant at all times devoting the whole of their attention to the performance of their duties and must not do anything that is calculated to distract another employee from the performance of their duties.

For CSNSW to operate effectively there are policies, rules and procedures in place. If employees encounter operational difficulties with current procedures, they should discuss the difficulty with their supervisor or manager so that issues can be resolved professionally and as quickly as possible.

All employees are to comply with all lawful instructions and should be aware that there may be sanctions against them if they do not do so.

Reference: Crimes (Administration of Sentences) Regulation 2008, clauses 252 and 261

b) Leading by example

Employees are expected to act professionally at all times and aim to be respected by both colleagues and offenders. Our actions speak much louder than words so positive results can be achieved by displaying high ethical principles and setting a good example.



c) Professional development

Employees are strongly encouraged to expand their knowledge and skills. This will provide a better understanding of their duties and the functions of CSNSW and lead to opportunities for personal development, increased confidence, improved communication and enhanced workplace relations.

Reference: Staff Development Policy and Guidelines and relevant Brush Farm CSNSW Academy policies



d) Safe work practices

All employees should assume responsibility for working safely to avoid risks to themselves and to others. Employees should report in writing to managers, OH&S representatives or OH&S committees any incident which could lead to injury, loss or damage.

Employees must not smoke in a non-smoking area or alter, damage or remove any sign or notice relating to a non-smoking area.

Managers are responsible for OH&S compliance within their area of responsibility.

Reference: Crimes (Administration of Sentences) Regulation 2008, clause 259

e) Misleading statements and official documentation

All employees must be honest and truthful at all times and must not make any verbal or written statement they know, or ought reasonably to know, to be false or misleading and must not destroy or mutilate, or alter or erase any entry in, an official document.

Employees should ensure that all official statements and records are truthful and accurate to the best of their knowledge. As facts are often challenged and memory is blurred over time, it is important to record information as soon as possible after the event.

Sanctions apply to employees who knowingly make false or misleading statements or entries on official documentation.

Reference: Commissioner's Instruction 07/2002 : Misleading Statements and Official Documentation
Crimes (Administration of Sentences) Regulation 2008, clause 260 (Honesty)

f) Confidentiality of official information

The integrity and security of CSNSW is maintained by keeping information confidential.

All information gained in the course of official duties should be treated with respect and confidentiality to protect the privacy and safety of others and for the proper security of the operations of CSNSW. Confidential information should only be disclosed to others on a 'need to know' basis. Employees must not exchange confidential information in a public place or forum on a social networking internet site such as Facebook, MySpace or Twitter.

Reference: Commissioner's Instruction 08/2007 : Unauthorised Release of Information
Crimes (Administration of Sentences) Act 1999, section 257
Privacy and Personal Information Act 1998
Intellectual Property Management Framework for the NSW Public Sector

g) Use of CSNSW resources

CSNSW is committed to the ethical use of public assets and resources. Employees should be efficient and economical in the use of CSNSW resources. "Time theft" is unacceptable and time at work should be used in the best interests of CSNSW.

Employees should responsibly use work vehicles, computers, internet access and email facilities. The internet should be used for work-related purposes and not to access prohibited sites. Email facilities are provided to fulfil business requirements and are to be utilised in a manner conducive to effective, efficient and legitimate business. Employees are to ensure the appropriate, lawful, efficient, proper and ethical use of the email system and in the content of messages transmitted.

Employees may make occasional and limited use of some facilities and equipment for private purposes, provided such use is not for personal gain and does not disrupt work processes. This may include short private local phone calls, limited private use of facsimile equipment and short emails.

Employees are not to use the skills and/or work of offenders for any private or personal objective.

Reference: Transport Policy and Procedure Manual
Information Classification and Ownership Policy v.2.2
Internet Usage Policy
Commissioner's Instruction 12/2002 : Use of Departmental Resources for Private Use
Commissioner's Instruction 01/2007 : Inappropriate Email
Commissioner's Instruction 2010/02 : Conflicts of Interest
Information Security Policy
Electronic Mail Policy
Wireless Network Policy

h) **Responsible Financial Management**

Public servants should be aware that the money they spend during the course of their duties comes from the public. Employees should use public resources wisely and work towards improved performance and higher standards of public administration. Responsible financial management is the responsibility of all employees, not just those with a financial delegation.



Those employees who have responsibility for finance (expenditure, procurement, receipting and payment) should take care, be familiar with and closely follow the procedures laid down by legislation, Treasurer's Directions and CSNSW instructions. These procedures are designed to provide transparency, accountability and reduce the risk of corrupt conduct and must be followed.

Reference: Statement of Business Ethics for Contractors and Suppliers to Corrective Services NSW
Public Finance and Audit Act 1983
CSNSW Accounting Policy and Handbook
CSNSW Procurement Manual
Treasurer's Directions

Part Three

ACCOUNTABILITY AND ENFORCEMENT

3.1 REPORTING MISCONDUCT, INCLUDING CORRUPT CONDUCT

CSNSW is committed to preventing misconduct, including corrupt conduct. To ensure that all employees are guided and encouraged to behave with integrity, clear policy and procedure are available. Supervision and monitoring serve as checks to ensure that misconduct, including corrupt conduct, is disclosed and dealt with appropriately.

Corrupt conduct* can take many forms including when a public official:

- improperly uses, or tries to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others;
- acts dishonestly or unfairly, or breaches public trust;
- allows a member of the public to influence, or try to influence, them to use their position in a way that is dishonest, biased or breaches public trust.

It is important that such conduct be promptly reported in accordance with related Commissioner's Instructions.

All managers and supervisors must ensure they understand CSNSW Protected Disclosure and internal disclosure procedures and also ensure all employees have appropriate information about CSNSW procedures for reporting misconduct.

* Definition taken from the *Independent Commission Against Corruption Act 1988*

a) The principle of disclosure and employee responsibilities

As public officials, employees should observe, promote and encourage the highest standards of honesty and integrity. Employees should feel proud of the work they do and the organisation they work for and ensure they work in a safe and secure environment.

CSNSW employees have a duty to disclose alleged misconduct of other colleagues regardless of their position. This includes criminal offences, corrupt or unethical conduct, serious mismanagement and substantial waste of public resources. Employees are also encouraged to challenge inappropriate and unprofessional behaviour.

Anyone who knowingly makes false allegations against another person may be subject to disciplinary action.

b) Making an Internal/Protected Disclosure

Misconduct can be reported to any employee of a more senior rank or grade, or to any of the contacts as listed in Appendix A. Reports may be verbal or written.

The Protected Disclosures Act 1994 enables public servants to make a confidential report regarding corruption, maladministration, substantial waste of public money or failure to comply with the Government Information (Public Access) Act 2009 (GIPA Act).

Whilst it is preferable for the matter to be reported internally in the first instance, an employee can report corrupt conduct directly to the Independent Commission Against Corruption (ICAC), maladministration may be reported to the Ombudsman, matters involving serious and substantial waste of public money can be reported directly to the Auditor-General and any failure to comply with GIPA Act 2009 may be reported to the Information Commissioner. Criminal matters such as theft or assault can be reported directly to the Police. Contact details are in Appendix A.

The CSNSW Internal/Protected Disclosure policy is available on the intranet and employees may obtain advice from those listed in Appendix A of this Guide.

CSNSW supports employees who report suspected corrupt conduct and all reasonable steps are taken to protect their identity and protect them from any reprisals. This is the case whether a Protected Disclosure is made under the Act or an internal disclosure is made under the Public Sector Employment and Management Act 2002.



Reference: Internal/Protected Disclosure Policy
Commissioner's Instruction 2010/57 : Reporting Protected Disclosures to nominated CSNSW Officials
Crimes (Administration of Sentences) Regulation 2008, clause 262

3.2 SANCTIONS FOR MISCONDUCT

An employee who commits misconduct may be subject to disciplinary or other remedial action. This can result in a fine, demotion, or even dismissal.

Reference: Management of Professional Conduct Corrective Services NSW Policy

APPENDIX A

A GUIDE TO ETHICAL DECISION MAKING

The key questions to consider in terms of ethical conduct and decision-making are:

- Is the conduct or decision lawful?
- Is the conduct or decision consistent with government policy and in line with CSNSW policies, procedures, objectives and these guidelines?
- Does the decision support CSNSW corporate values?
- Is the decision in line with the Model of Public Duty?
- What will the outcomes be for me, my colleagues, to CSNSW and other parties?
- Does the outcome raise a potential conflict of interest or lead to private gain at public expense?
- Would I be confident in justifying my actions to an external authority?
- How would this decision be perceived by the public?

If you still have doubts, seek advice from your supervisor or manager. Create a written record of your decision-making process where it is required or is a reasonable step.

Employees who are open and honest from the outset will generally avoid difficulties later on. If you later recognise you have made a mistake, admit it and seek to put the situation right. Remember that each individual employee is responsible for their own actions and decisions.

Where to go for advice on ethical and professional conduct

Ethics Officers, Corruption Prevention Unit, CSNSW (02) 8346 1769
0437 493 002
0438 190 413

Executive Director, Professional Standards Branch, CSNSW (02) 8346 1518

Independent Commission Against Corruption (ICAC) (02) 8281 5999

NSW Ombudsman's Office (02) 9286 1000

Auditor General (Audit Office of NSW) (02) 9275 7100

Office of the Information Commissioner (NSW) Free call - 1800 463 626

APPENDIX B

RELEVANT LEGISLATION AND OPERATIONAL INSTRUCTIONS

Legislation by which CSNSW operates

The main legislation that applies to NSW public service employees is the Public Sector Employment and Management Act 2002 and the Public Finance and Audit Act 1983. A number of provisions of the Crimes (Administration of Sentences) Act 1999 and Regulation apply to all employees of CSNSW. The principal Acts and Regulations relevant to employees of CSNSW are listed below. It should be noted this list is not exhaustive, may change from time to time and all amendments will appear on the Intranet.

Anti-Discrimination Act 1977

Bail Act 1978

Child Protection (Offenders Registration) Act 2000

Children (Detention Centres) Act 1987

Commission for Children & Young People Act 1998

Coroner's Act 2009

Crimes Act 1900

Crimes (Administration of Sentences) Act 1999

Crimes (Administration of Sentences) Regulation 2008

Crimes (Domestic and Personal Violence) Act 2007

Crimes (Forensic Procedures) Act 2000

Crimes (Interstate Transfer of Community based Sentences) Act 2004

Crimes (Interstate Transfer of Community based Sentences) Regulation 2004

Crimes (Sentencing Procedures) Act 1999

Crimes (Serious Sex Offenders) Act 2006

Criminal Procedure Act 1986

Criminal Records Act 1991

Drug Court Act 1998

Evidence (Audio & Audio Visual Links) Act 1998

Fines Act 1996

Freedom of Information Act 1989 (will be replaced by the Government

Government Information (Public Access) Act 2009

Health Records and Information Privacy Act 2002

Human Rights & Equal Opportunity Commission Act 1986 (Federal)

Independent Commission Against Corruption Act 1988

Industrial Relations Act 1996

International Transfer of Prisoners (NSW) Act 1997

Mental Health Act 2007

Mental Health (Forensic Provisions) Act 1990

Occupational Health and Safety Act 2000

Ombudsman Act 1974

Parole Orders (Transfer) Act 1983
Prisoners (Interstate Transfer) Act 1982
Prisoners (Interstate Transfer) Regulation 2009
Privacy and Personal Information Protection Act 1998
Protected Disclosures Act 1994
Public Finance and Audit Act 1983
Public Sector Employment and Management Act 2002
Public Sector Employment and Management (General) Regulation 2009
Road Transport (Driver Licensing) Act 1998
Road Transport (Safety and Traffic Management) Act 1999
Sheriff Act 2005
State Records Act 1998
Summary Offences Act 1988
Terrorism (Police Powers) Act 2002
Workers Compensation Act (1987)

CSNSW Policy and Procedures documents

Alcohol and Other Drugs Policy
Commissioner's Instructions (in accordance with Section 235B of the Crimes
(Administration of Sentences) Act 1999)
Commissioner's Memoranda
Community Policy & Procedures Manual
Community Supervision Guidelines
Conflicts of Interest Policy
Contact with Offenders Policy
Corporate Wardrobe and Dress Code for Non-Custodial Staff Policy
Corrective Services Academy Staff Code of Practice
CSI Code of Conduct
CSI Policy Manual
Electronic Mail Policy
Gifts and Benefits Policy
Good Working Relationships Policy
Information Classification and Ownership Policy
Inmate Classification & Case Management Procedures
Intellectual Property (IP) Management Policy
Internal Reporting Policy
Management of Professional Conduct Policy
Managing Bullying and Harassment Policy
Operations Procedures Manual
Parole Policy & Procedures Manual
Privacy Code of Practice (when completed)
Privacy Management Plan (when completed)
Protected Disclosures Policy
Reportable Conduct Policy
Staff Development Policy and Guidelines
Working Where Close Personal Relationships Exist Policy

EMPLOYEE ACKNOWLEDGEMENT

Corrective Services NSW Guide to Conduct and Ethics

In line with an ICAC recommendation* it is a requirement for all employees of Corrective Services NSW to acknowledge that they have read and understood the Corrective Services NSW Guide to Conduct and Ethics and agreed to uphold all the values promoted in the Guide and comply with all its provisions.

To confirm acknowledgement employees have to complete an electronic form on the intranet by clicking on the Guide to Conduct and Ethics title on the Corrective Services NSW intranet home page.

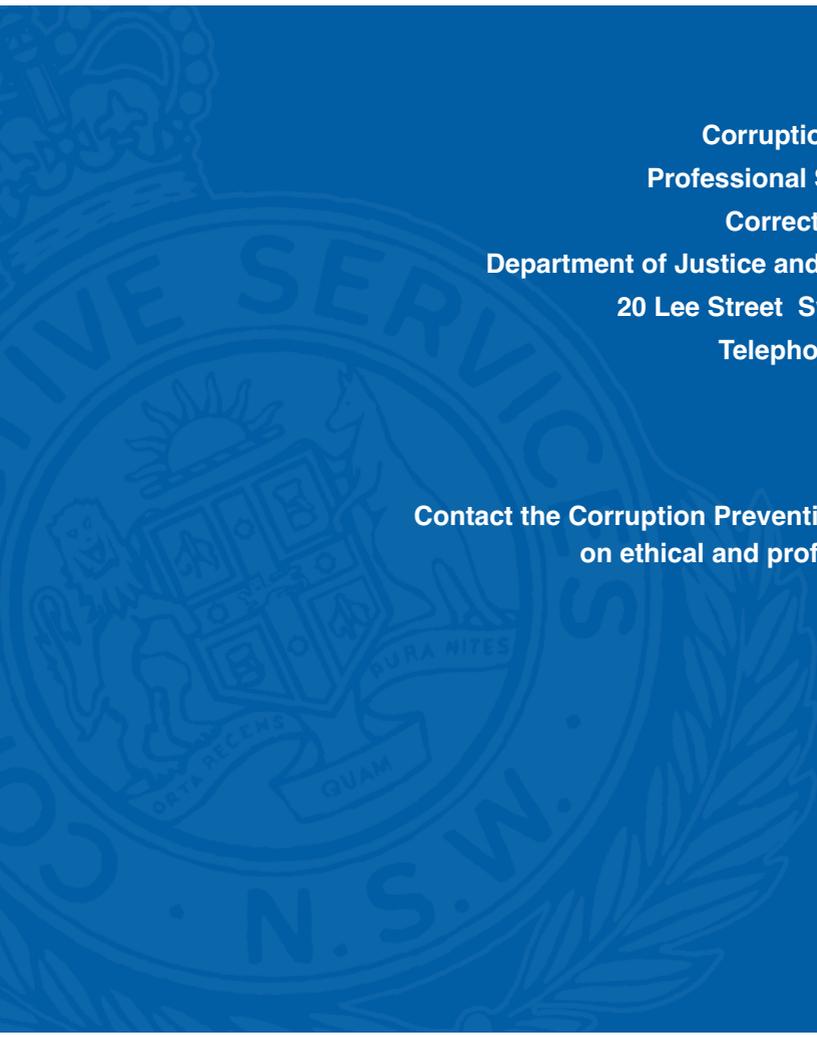
Click on Employee Acknowledgement then enter your Employee Serial Number and your details will appear.

Click on the box next to the text to confirm you have read and understood the Corrective Services NSW Guide to Conduct and Ethics 2010 and also understand that sanctions may be applied for any breach of relevant legislation, Corrective Services NSW policy, procedures, Commissioner's Instructions or requirements of this Guide.

Then click on the Submit icon.

A confirmation email will be sent to you, your manager and to the Payroll and Personnel Unit to be placed on your Personal file.

* Acknowledgement is consistent with Recommendation 12 (page 16) of ICAC Report on Cover Up of Assault on an Inmate at Parramatta CC, published June 2006.



**Corruption Prevention Unit
Professional Standards Branch
Corrective Services NSW
Department of Justice and Attorney General
20 Lee Street Sydney NSW 2000
Telephone: 8346 1769
0437 493 002
0438 190 413**

**Contact the Corruption Prevention Unit for advice
on ethical and professional conduct.**