Standard of Practice
MESSAGE FROM THE DIRECTOR-GENERAL

One of the strengths of the Department of Education, Training and Employment (DETE) is its employees’ strong commitment to providing excellent education and training to people of all ages.

The contribution each employee makes to supporting and delivering these services makes a difference to the future wellbeing of children, young people and adults, to the social and economic success of Queensland, and to the future of our nation.

Our professionalism and high standard of ethical conduct is shown in all our work activities and is supported in this Standard of Practice by a clear statement of what is expected of us and is aligned to the Code of Conduct for the Queensland Public Service which assists employees in supporting ethical standards of behaviour and expectations across government.

This Standard of Practice does not cover every possible scenario but provides further guidance on the intention of the four ethics principles:-

1. Integrity and impartiality
2. Promoting the public good
3. Commitment to the system of government
4. Accountability and transparency

This Standard of Practice helps us deliver on these fundamental principles. It also provides advice and guidance for employees in making ethical decisions, especially in circumstances where the ‘correct’ or ‘best’ course of action may not be clear.

I consider it essential and therefore mandatory that all staff not only read this Standard of Practice in conjunction with the Code of Conduct for the Queensland Public Service but also undertake and maintain up to date training to develop a clear understanding of the ethical principles, values and standards of conduct that support our daily work in the Department.

Annette Whitehead
Director-General, Education, Training and Employment
The section numbering in this document aligns with the section numbering of the Code of Conduct for the Queensland Public Service

1 Integrity and impartiality

The Public Sector Ethics Act 1994 states:

Recognising that public office involves a public trust, public sector entities seek to promote confidence in the integrity of the public service and:

a. are committed to the highest ethical standards
b. accept and value their duty to provide advice which is objective, independent, apolitical and impartial
c. acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest
d. demonstrate respect for all persons, including towards employees, clients and the general public, and
e. are committed to honest, fair and respectful engagement with the community.

1.2 Manage conflicts of interest

Other (secondary) employment

It is important to recognise that concurrent employment in both the public and private sector may give rise to a real (actual) or perceived conflict of interest. Whilst it is not prohibited to engage in other employment concurrent to your employment with the Department, you must ensure that you meet your obligations under the Code of Conduct and this Standard of Practice particularly those regarding use of official information and resources, and managing conflicts of interest.

Departmental staff engaged in other employment that may present a real or perceived conflict of interest according to the Notification of other employment procedure must submit a Notification of Other Employment form to their supervisor or manager. The Public Service Commission Directive 3/10: Declaration of Interest – Public Service Employees (other than departmental Chief Executives) provides further clarification of matters which must be disclosed.

If engaged in concurrent employment, you have an ethical obligation to ensure your ability to fulfil your duties with your primary employment is not adversely affected and the integrity of the Department is not compromised. You must also ensure you do not use your position as a public official, public resources, facilities or intellectual property to advise, promote or benefit your private interests either financially or in kind.

Employees must not engage another employee or allow themselves to be separately engaged by the Department to provide goods or services that could reasonably be expected to be provided as part of their standard paid employment.

Employees with private interests should be mindful that the law precludes them, in certain circumstances from being contracted to their employer. If you are considering engaging in
business with DETE, it is incumbent on you to seek advice before signing contracts or agreements, which may inadvertently breach the law. Managers or those officers responsible for the management of contracts with staff, who are already employed in any capacity, should similarly seek advice from the Ethical Standards Unit. Section 89 of the Criminal Code provides, ‘Any person who, being employed in the public service, knowingly acquires or holds, directly or indirectly’ … ‘a private interest in any contract or agreement which is made on account of the public service with respect to any matter concerning the Department of the service in which the person is employed, is guilty of a misdemeanour, and is liable to imprisonment for 3 years, and to be fined at the discretion of the court’.

Example: Inappropriate action and appropriate response - Other (secondary) employment

In addition to performing full-time employment for the Department, an employee worked the 10.00pm to 6.00am taxi shift on three week-nights. The employee was observed seemingly asleep at various times during their working day.

The employee explained they were experiencing significant financial difficulties. The supervisor assisted the employee to contact a financial counsellor and agreement was reached that the employee would only drive a taxi on Friday and Saturday nights.

1.5 Demonstrate a high standard of workplace behaviour and personal conduct

Fitness for duty

You are to obey the law regarding the possession or use of illicit drugs.

If you are using medication that may affect your work performance you should notify your supervisor or manager. If you are a supervisor or manager, you will need to consider the options available for assisting an employee who may be required to take legally prescribed drugs and whose level of performance may become impaired.

You are not to consume alcohol or be under the influence of alcohol when performing your duties generally and in particular when you have responsibility for the care of students. For example: at a state educational facility; or outside of a state educational facility on a camp, excursion or study tour.

Should you be suffering from a drug or alcohol problem that adversely affects your work performance you must actively seek professional assistance to correct the problem.

Conflict resolution

Actively manage workplace conflict you may become involved in. For those in a supervisory role you also have the responsibility to manage workplace conflict between employees under your supervision to create positive and constructive outcomes.
Example: Managing conflict resolution - Appropriate response

A new employee with strong views on a number of issues joins a work team. Another employee strongly expresses alternative views. Both employees seek to understand the basis for their different viewpoints and are acting appropriately in demonstrating their responsibility as individuals to manage conflict situations in a respectful manner.

Another employee takes offence at the new employee’s views and privately decides to avoid all contact with that employee. This breakdown in communication adversely affects the information sharing process within the work unit and is not appropriate. The supervisor of the work unit identifies the difficulty and introduces strategies to address the impediment, to open communication and relationship building. It is important that the supervisor intervenes appropriately so that the situation is not escalated.

Use of social media

Personal use of social media

Social media may include social networking sites such as, Facebook, Myspace, or Linkedin. It can also include instant messaging (SMS), geo-spatial tagging such as, Foursquare and video or photo sharing websites such as, Youtube. The Department recognises that you may use these and other social media in your personal time (outside of working hours) and does not intend to discourage nor unduly limit your personal communications or online activities. However, you should recognise the potential for damage to be caused (either directly or indirectly) to the Department and possibly other client groups in certain circumstances through personal use of social media, particularly, if you can be identified as a departmental employee. Therefore, you should be aware of the risks and ensure that any risk of damage or detriment is minimised. You are responsible for the content you publish from your social media platform.

You should not:

- Post material that is, or might be construed as, threatening, harassing, bullying, discriminatory or disparaging towards another employee of the Department.
- Imply that you are authorised to speak on behalf of the Department or the government, or give the impression that any views you express are those of the Department or the government.
- Use or disclose any confidential information or personal information obtained in your capacity as an employee of the Department.

Reasonable/unreasonable personal use of departmental ICT facilities and devices, including intranet, extranet, internet and network access and usage

Staff can use departmental ICT networks for “limited personal use”, which means infrequent and brief, generally occurring during personal time, for example during a lunch break. Limited personal use does not include use for private business dealings; personal gain or profit that may impede the efficiency of the intranet, internet or email services, or that would violate or breach any State or Federal legislation and regulation.
When accessing social media via the Department's Internet, intranet and extranet systems, you must do so in accordance with the Department's procedure Using the Department's corporate ICT network, which requires you to use these resources 'reasonably', in a manner that does not interfere with your work, and is not inappropriate or excessively accessed.

Examples of reasonable use would include:
- Briefly email a family member or friend using appropriate content during your personal time. E.g. lunch break
- Doing online banking or paying your bills online
- Accessing breaking news or other online media sites

Examples of unreasonable use would include:
- Access to or the posting of any material that is fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory or otherwise inappropriate or unlawful
- Using the Department's Internet and computer resources to provide comments to journalists, politicians and lobby groups other than in the course of their official duties
- Spending extended periods of time during working hours using social media that is not related to your work

Protecting students from harm

Interactions with students

All students have a fundamental right to a safe and trusted physical and emotional environment that is free from harm. Departmental employees hold a special position of trust arising from the nature of the work. As employees we exercise powers that have a significant impact on the lives of students and consequently there is a community expectation that these powers will be properly and prudently used. Therefore, employees should strive to establish, build and maintain positive relationships with students so that the self-esteem and social development of students are enhanced.

Employees must actively seek to prevent harm to students and support those students who have been harmed.

Employees must read, understand, and comply with the Department's Allegations against employees in the area of student protection procedure and the Student Protection procedure, and be aware of their duty of care at common law. Employees must be aware of their responsibilities in preventing and responding to harm or risk of harm to all students.

An employee must not impose corporal punishment on a student in the course of their professional duties.

An employee must not misuse their professional relationship with a student for personal or private gain.

Employees should strive to establish, build and maintain positive relationships with students so that the self-esteem and social development of students are enhanced.
Inappropriate student interactions

Examples of inappropriate interactions (behaviours that raise a reasonable suspicion that the standards applying to the professional employee - student relationship have or may be breached) include:

- flirtatious behaviour directed towards a student
- dating a student
- spending significant time alone with a student other than to perform one’s professional duties or without reasonable explanation
- expressing romantic feelings towards a student in written or other form
- private live chat conversations on the Internet with students e.g. Facebook, SMS
- providing a personal mobile or home telephone number to students; other than for justifiable educational or safety purposes
- taking students for coffee, the movies or other social events alone
- disregarding appropriate physical distances from students; other than for justifiable educational or safety purposes
- using disrespectful language, including swearing, either directed at, or in the presence of students
- privately giving a student money or a gift

Sexual misconduct

Employees must not engage in behaviour that raises a reasonable suspicion that they have engaged in or will engage in sexual misconduct with a student, or that the standards applying professional employee/student relations have or will be breached. Employee interactions with students must be and seen to be professional at all times including outside of school hours.

Sexual misconduct is defined in the glossary section of this Standard of Practice.

You must discourage and reject any advances of a sexual nature initiated by a student with whom you have a professional relationship, or where a prohibition on sexual conduct applies.

Both the Code of Conduct for the Queensland Public Service and the Standard of Practice draw their legislative authority from Part 4 of the Public Sector Ethics Act 1994. This Act, and by definition both the Code of Conduct and Standard of Practice, has been interpreted to apply strictly to employees whilst they are carrying out work related duties or attending work activities.

Whilst inappropriate interactions between employees of DETE and students outside of school hours remains prohibited, such behaviour where proven may be actionable as a disciplinary breach referred to as 'misconduct' under section 187(1)(b) of the Public Service Act 2008.

Section 187(4) (b) defines misconduct to include, inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.

Exemption

The following scenarios relating to pre-existing relationships which are exempt from the general prohibition of sexual misconduct and related behaviour:
• a person who is in a lawful private relationship commences employment with the Department and the continuation of the relationship would normally contravene this Standard of Practice

• a change of circumstances meaning an employee who is in a lawful private relationship that does not contravene this Standard of Practice is now in a relationship that would contravene this Standard of Practice - for example, their partner begins studying at the school where they work

These exceptions to the general prohibition are subject to the employee immediately declaring the relationship or change in circumstances to the Director, Ethical Standards Unit. Failure to make this declaration may be cause for disciplinary action.

Following a confidential declaration, the Department will cooperate with the employee to resolve any real or perceived conflict of interest to enable the relationship to continue. However, any real or perceived conflict of interest between your private relationship and the performance of work duties must be resolved in favour of the public interest.

The Department will respect the privacy of the relationship and maintain the confidentiality of the declaration, within the law. If a person makes an honest complaint or notifies the Department in good faith about suspected sexual misconduct between an employee and a student, the Department is required to advise the complainant/notifier (if known) that it has acknowledged the relationship, because it fell within the exceptional category of a pre-existing relationship.

**Examples of a change of circumstances to a pre-existing private/sexual relationship requiring confidential declaration**

• A teacher is in a lawful private/sexual relationship with a 17 year old student from a non-state school or private educational facility, which does not contravene this Standard of Practice. The student then enrolls in a state educational facility.

• A cleaner is in a lawful private/sexual relationship with a 16 year old student that does not contravene this Standard of Practice. The student then enrolls in the state educational facility where the cleaner works.

An employee suspects an inappropriate relationship between another employee and a student and reports the matter as suspected sexual misconduct. If that employee is advised by the Department that it is an acknowledged relationship, then the employee must respect the confidentiality of this advice.

**Electronic communication/social networking**

All telephone, email, SMS and other social networking contact by employees with students must be authorised by the principal or manager. Records of the approval and the nature of the communication should be kept on file by the principal or manager who will advise the parent/custodian of the communication as appropriate.

The following standards relate to all employees who have any form of contact with students.

Unless in exceptional circumstances, electronic communication with students, particularly those under 18 years of age, is unacceptable unless:
● for justifiable appropriate educational reasons; or
● approval is gained from the employee’s principal or manager.

A record of the approval is to be kept by the employee and the employee’s principal or manager.

Communication must not occur with students using a personal or departmental mobile phone, either verbally or by text message unless:

● for justifiable appropriate educational reasons; or
● prior approval has been given by the employees principal or manager.

A record of the approval is kept by the employee and the employee’s principal or manager.

Communication must not occur with students from a private or personal email address. Departmental policies allowing for communication with students via departmental email states that communication must be for official purposes.

Employees must not use personal social networking sites including Facebook and Twitter, to contact or access students enrolled in any state educational facility. Employees must discourage students from communicating with them in this manner.

Employees must not use any official departmental social media site for inappropriate or non-work related communication. They must only establish an official social media presence / site with approval from their principal or manager.

Employees must not use personal cameras or mobile phones to photograph students unless prior approval has been given by their principal or manager. The use of a personal or departmental mobile phone or camera to photograph students must be for official purposes only. Parental or custodial approval must be given for the publication of photographs of students.

**Interactions with parents/caregivers**

Employees should be responsive to all reasonable requests of parents or caregivers in relation to their children’s education and should encourage professional partnerships that create optimal learning environments and opportunities for students under the age of 18 years.

Employees should engage in open and professional communication with parents/caregivers and report on a student’s achievements and learning options in a way that promotes successful educational outcomes.

Any conflict of interest that arises between an employee’s private relationship with a student’s parent/caregiver and the impartial performance of their work duties should be avoided or resolved in the best interests of the student.

**Leadership and supervisory behaviour**

Employees should be encouraged to demonstrate leadership in the performance of their work duties. Employees who supervise the work of other employees (or other people, such as student teachers or volunteers) have further important responsibilities.

Supervisors should:
set the standard of ethical conduct by encouraging and promoting behaviour consistent with this Standard of Practice

- treat employees fairly, equitably, with consistency and respect
- ensure that all employees are made aware of their responsibilities under this Standard of Practice and any legislation, policies and procedures relevant to their duties
- ensure that the Department's policy and procedural requirements are met
- ensure that demands placed on employees are reasonable in the circumstances (e.g. employees have sufficient resources, assistance and/or skills to perform the work, and are given appropriate support)
- maintain open, honest and thorough communication with all employees
- ensure all employees understand the standards of conduct expected of them
- monitor their own performance as managers or supervisors to ensure their performance is making a positive contribution to the Department and work environment
- ensure workloads are equitably distributed amongst team members.

Private conduct

The Code of Conduct does not cover misconduct in a private capacity; however, private conduct that is misconduct is defined under section 187 (4) (b) of the Public Service Act 2008 as inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service and in this capacity misconduct is subject to disciplinary action under section 187(1) (b) Public Service Act 2008.

Personal appearance

Dress, personal appearance and hygiene are important elements of professional presentation. Employees must ensure their personal appearance and presentation is clean, tidy and appropriate for their work role and environment.

Employees who wear a uniform or other apparel identifying them as an employee of the Department must ensure that the uniform or apparel is clean, complete and in good order. If an employee is wearing a departmental uniform, or is otherwise identifiable as a departmental employee while off duty, they are expected to avoid conduct which may adversely affect the image of the Department.

2 Promoting the public good

The Public Sector Ethics Act 1994 states:

Recognising that the public sector is the mechanism through which the elected representatives of the people of Queensland deliver programs and services for the benefit to the people of Queensland, public sector entities:

a. accept and value their duty to be responsive to both the requirements of government and to the public interest
b. accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions
c. accept and value their duty to manage public resources effectively, efficiently and economically
d. value and seek to achieve excellence in service delivery, and
e. value and seek to achieve enhanced integration of services to better service clients.

3 Commitment to the system of government

The Public Sector Ethics Act 1994 states:

Recognising that they have a duty to uphold the system of government and the laws of the State, Australia and local government, public sector entities:

a. accept and value their duty to uphold the system of government and the laws of the State, Australian and local government
b. are committed to supporting official public sector priorities, policies and decisions professionally and impartially, and
c. accept and value their duty to operate within the framework of Ministerial responsibility to government, Parliament and the community.

4 Accountability and transparency

The Public Sector Ethics Act 1994 states:

Recognising that public trust in public office requires high standards of public administration, public sector entities:

a. are committed to exercising proper diligence, care and attention
b. are committed to using public resources in an effective and accountable manner
c. are committed to managing information as openly as practicable within the legal framework
d. value and seek to achieve high standards of public administration
e. value and seek to innovate and continuously improve performance, and
f. value and seek to operate within a framework of mutual obligation and shared responsibility between public sector entities and public officials.

4.1 Ensure diligence in public administration

Disclosing fraud, corruption, maladministration, official misconduct, misconduct, waste of public funds, or risk to public health or safety

A public interest disclosure (PID) is a disclosure of certain information made by a public official or any person about a wrongdoing in the public sector, to the Department. Reporting suspected wrongdoing is vital to the integrity of the Department and the Queensland Public Sector.
The Public Interest Disclosure Act 2010 provides a framework on who can make a disclosure of wrongdoing; the types of matters that can be disclosed; how PIDs can be managed; and how protections can be offered to those persons who make a PID. Employees must follow departmental procedures and guidelines for making and managing a public interest disclosure if they are reporting a suspected wrongdoing.

Employees must report knowledge of suspected wrongdoing in the workplace to an appropriate public sector entity or proper authority authorised to receive such information. Reports of alleged wrongdoing could be about public service fraud, corruption, maladministration, official misconduct, misconduct and reprisal action, negligent or improper management resulting in waste of public resources, substantial or specific danger to persons with a disability or the environment in the public interest. As an employee, to report this type of wrongdoing about a public official is to make a PID.

Employees must not engage in intimidating or harassing behaviour, adverse discrimination or treatment, or cause damage to the reputation of an employee or any person because that person has appropriately disclosed a wrongdoing or has evidence of wrongdoing.

Employees must not knowingly make a false or misleading statement concerning an allegation of improper conduct by an employee to a proper authority. Employees must not make a vexatious complaint about another person.

Under the Crime and Misconduct Act 2001, the Director-General has a responsibility to refer all matters involving suspected official misconduct, including allegations received from anonymous sources, to the Crime and Misconduct Commission (CMC).

Employees must co-operate with an investigation being conducted in connection with the administration, management and operation of the Department to ensure the best possible outcomes.

Employees of the Department are obliged, when requested, to participate in an investigation process as a complainant, subject officer or witness, either by interview or the provision of a written statement.

**Example 1: Reporting suspected official misconduct - Appropriate action taken**

Two employees attend a workshop interstate, and upon their return to duty lodge travel claims for expenses to be reimbursed. One employee learns that items and expenses claimed by the other were not incurred as reported, and therefore has reason to suspect that a knowingly false claim has been made. The employee reports this to their supervisor. The supervisor advises the Ethical Standards Unit of the employee's report.

**Example 2: Making a Vexatious Complaint - Inappropriate Action Taken**

Darren's behaviour has been the subject of an employee complaint properly lodged by Julie. Upset at being the subject of a complaint, Darren decides to cause Julie distress by lodging a complaint against her in which he makes allegations of improper conduct without any reasonable basis for the complaint.
Employee responsibilities in relation to the investigation of suspected breaches of the Code of Conduct for the Queensland Public Service, Standard of Practice and departmental policies and procedures

All employees are expected to participate in any misconduct investigation authorised under relevant departmental guidelines.

Participation in this context includes attending, where and when required, an interview and responding to questions from the relevant authorised officer in an open and honest manner.

The purpose of a misconduct investigation is to determine whether there has been a breach of the Code of Conduct for the Queensland Public Service, Standard of Practice and/or departmental policies and procedures and as such whether the employee is liable to a disciplinary sanction under the Public Service Act 2008.

An employee's participation in a misconduct investigation process is a requirement under the Standard of Practice and should not be considered voluntary.

4.2 Ensure transparency in our business dealings

Donations and sponsorship

If you receive an offer of a donation to the Department, your worksite or school, you should immediately notify your supervisor. Donations may be accepted on behalf of the Department for departmental use, but must be registered in accordance with the requirements of Part 2, of the Financial and Performance Management Standard 2009. When accepting a donation, it should be made clear to the donor where necessary and appropriate, that acceptance of the donation creates no implicit or explicit obligation upon the Department towards the donor. If the 'gift or donation' is conditional, it should only be accepted if the conditions do not affect or will not be seen to have an effect on the impartial performance of an employee's duties.

Acceptance of offers of sponsorship from individuals and organisations and the soliciting of sponsorship for departmental activities must be managed and dealt with in accordance with the Queensland Government Sponsorship Policy.

Example 1: Acceptance of a donation for official purposes - Appropriate conduct

An individual offers to donate $1000.00 on the condition that it is spent only on the purchase of school library books. The donation is accepted and recorded in the school financial system as the condition does not affect the impartial performance of departmental functions.

Example 2: Offer of a donation with unacceptable conditions - Appropriate conduct

A parent offers to donate $1000.00 to purchase school sporting equipment if the school guarantees their son will be selected for the school football team. Selection for the football team is based on a student’s level of skill and expertise. The principal declines the offer, advising the parent of the process for selection to the football team and the school's policy on providing equal opportunity to students.
Receiving prizes and awards in the course of duties (from a non-government source)

Should an employee in the course of performing their work duties, receive a prize with a value greater than $150.00, they must declare receipt of the prize and forward it to the Department for management.

Should an employee receive a prize or a gift as an award for significant contribution or excellence, they must declare receipt of such award to their principal or supervisor. If the award is the result of them performing their official duties they will generally be permitted to retain the award as long as there is no conflict of interest associated with the retention of the award. Principals, directors and supervisors may seek advice from the Director, Ethical Standards Unit in cases where employees notify them of receiving such awards.

Example: Declaration of Receipt of Prizes - Appropriate response

An employee attends a workshop in the course of performing their work duties and receives a ticket for a lucky door prize. The employee wins the prize, which is a new computer valued at $2000.00. The employee declares receipt of the prize and forwards the computer to the Department for management.

During the lunch break at the seminar, the employee attends the local casino and wins $1000.00. The employee keeps the $1000.00 as the casino visit was in their personal time and not part of their work duties.

Appointments to Boards

Public officials are in a unique position of trust and responsibility. In some instances, public officials may be appointed by name, as a government or departmental representative to a government board due to their experience within a Department or the public service, without the appointment being linked to a specific position.

In these circumstances, public service officers appointed to government boards as government or departmental representatives have an ethical obligation to formally resign from such appointments if they cease employment in the public service or with the Department or agency relevant to the board position. Enabling legislation will usually specify to whom the resignation should be tendered. For boards not constituted under legislation and where the Minister is the appointing authority, a written resignation should be tendered to the Minister. Where there is doubt to whom the resignation should be tendered, advice should be sought from the Department responsible for the administration of the board.

4.3 Use official resources, public property and facilities appropriately

Post-employment responsibilities

When an employee ceases employment with the Department, they have an obligation to maintain confidentiality of official information formerly available to them as a public official, and to return any property belonging to the Department.
Using the departmental Internet, intranet, and electronic mail

In accordance with the Queensland Government Information Standard 38 - The Use of ICT Facilities and Devices, an employee may be dismissed if they are found intentionally downloading, storing or distributing pornography using government owned information and communication technology facilities and devices. Employees must comply with the Government’s Policy and Principles Statement: Use of Internet and Electronic Mail Policy and Principles Statement, which advises employees will be disciplined and potentially dismissed for the misuse of the internet or electronic mail in respect of material which is offensive or unlawful, although not pornographic. A pattern of behaviour (for example, repeated use), is a factor for consideration in determining disciplinary measures (including dismissal).

Except for official purposes, it is a breach of this Standard of Practice to use the departmental Internet or electronic mail system to access, store, or transmit words or images that are sexually explicit, violent or contain other offensive material. Material will be deemed to be offensive if it shows a lack of respect for persons and a reasonable person finds the material offensive.

Networks such as the Intranet and its connections to the Internet represent a potential risk to the integrity of the Department and the security of its computer systems. For example, unauthorised access and use of confidential information can severely damage the reputation of the Department and its officials, undermine personal privacy and expose the Department to costly litigation.

Limited personal use of communication and information devices is permissible, in keeping with the Queensland government’s commitment to the development of a responsive and flexible public sector in which there is recognition of family and community responsibilities and their impact on work.

Limited personal use means infrequent and brief, generally occurring during personal time; for example, during a lunch break. Limited personal use does not include use for private business dealings, personal gain or profit that may impede the efficiency of intranet, internet or email services, or that would violate or breach any State or Federal legislation and regulation or any departmental policy or procedure.

When accessing the Department’s ICT facilities and devices employees must do so in accordance with the Department’s procedure Acceptable Use of the Department’s Information, Communication and Technology (ICT) Network and Systems.

The following principles apply to the use of communication and information networks and devices within the Department.

- The Department will not tolerate computers being used deliberately for sending, receiving, and/or copying inappropriate material.
- Employees may only transmit information via communication and information networks and devices if they are authorised to do so and in accordance with the relevant departmental protocols.
- Employees may not share their password/s with another person, share another person’s password/s, or record password/s where they may be found by others.
- Electronic messages, telephone and facsimile bills, and electronic files are subject to record keeping, archiving, Right to Information (RTI) requests, and audit requirements.
- The Department monitors the use of these networks and devices, and employees may be called upon to explain their usage.
When using the Department's computer systems, employees must not deliberately access, store or forward communication where doing so might result in a breach of the Copyright Act 1968 (Cth), the departmental Information Standards and Guidelines or this Standard of Practice.

Example: Inappropriate employee use of departmental email

An employee who alleges they have been subjected to workplace harassment by their supervisor details the allegations in a departmental email and forwards it to numerous people they know in and outside the Department who have no authority to respond or intervene in the matter. The employee's action has left them vulnerable to legitimate complaint by their supervisor. The appropriate course of action would have been for the employee to communicate this information to sources authorised to receive it, such as a departmental employee advisor, the employee's industrial association, or to use the Department's managing employee complaints process.

Commercial Use of Departmental Resources

Departmental resources, such as school and TAFE institute facilities, grounds and sporting equipment, can be made available for community and commercial use in accordance with the relevant departmental procedures.
REFLECT - A guide for ethical decision-making

The ethical decision making guide below is in the form of a series of questions, which employees may consider in light of their obligation under the Standard of Practice. It will not make the decision for them, but it will help them to analyse all the relevant facts and circumstances surrounding a situation where they need to reach a decision.

**ETHICAL Decision-making model**

**REcognise a potential issue or problem**
- Recognise a potential issue.
- What is the issue or problem with this behaviour?
- Examine the situation.
- Is there more than one obvious problem with this behaviour, or is there more I need to consider?
- What is the context of the situation?

**Find relevant information**
- Find facts and gather evidence.
- What does the Code of Conduct say? Do I need to find out more information?

**Liaise and consult**
- Liaise and consult with peers and supervisors.
- Should I talk to someone about this?
- What behaviour is expected of me? Has this been done before?

**Evaluate the options**
- Evaluate the options.
- What is the best thing to do based on the information I’ve found? What are the risks? If someone finds out about my decision, what will they think?

**Come to a decision**
- Come to a decision.
- Do I need to get permission to do what I want to do?
- Have I recorded my actions?

**Take time to reflect**
- Take time to reflect.
- Am I happy with my decision?
- Would I do the same thing next time?
GLOSSARY

Confidential
Information of a sensitive, personal, medical, commercial or political nature made available to you in connection with your role as a public official that could cause harm to individuals or the State if disclosed other than in accordance with its intended purpose or target audience.

Conflict of interest
Refers to a conflict between an employee’s private interest and their official duty. For example, being in a position to use public office knowledge, access to resources or influence for improper purposes or private interests.

A real (actual) conflict of interest exists when a reasonable person, in possession of the relevant facts, would conclude that an employee’s private interests interfere, or is likely to interfere, with the proper performance of their official duties.

Some examples may be:
- a public official who is in a position to authorise contracts for services and who has a direct or indirect private interest in the contracted company;
- a public official who provides private sector consultancy services in a field of work which is the same as or in direct competition with their public sector role; or
- a public official who allows their personal beliefs to interfere with the impartial implementation of government policy.

A perceived (apparent) conflict of interest exists when it appears that a public official’s private interests interfere with the proper performance of their official duties although, in reality, this may not be the case. The old saying ‘justice must not only be done, but it must also be seen to be done’ applies here.

An example of a perceived conflict of interest might be where an employee is involved in a selection panel where they are required to impartially consider the merits of job applicants and one of the applicants is a very close friend of that panel member.

Even if the panel member is confident of not being affected by personal bias, there may be a strong perception by the other applicants that the panel member will give preferential treatment to their friend.

Corruption
Criminal behaviour that may involve fraud, theft, the misuse of position or authority or other acts unacceptable to a Department and which may cause loss to the Department, its clients or the general community. It may also include other elements such as breaches of trust and confidentiality. For more information you may refer to ‘Facing the facts - A Crime and Misconduct Commission guide for dealing with suspected official misconduct in Queensland public sector agencies’.

Crime and Misconduct Commission (CMC)
Under the terms of the Crime and Misconduct Act 2001 the CMC has the duty to combat and reduce the incidence of major crime, to improve the integrity of the public sector and to reduce the incidence of misconduct in the public sector.
Department
Refers to the Department of Education, Training and Employment

Disciplinary action
Refers to the action taken as a result of the disciplinary process. The penalties provided for substantiated misconduct allegations are outlined in section 187 of the Public Service Act 2008.

Discrimination
When a person is treated more or less favourably than another person would be in substantially the same circumstances. Discrimination is unlawful when it is on the basis of an attribute described in the Anti-Discrimination Act 1991 (i.e. sex, marital status, pregnancy, parental status, breastfeeding, age, race, impairment, religion, political belief or activity, trade union activity, lawful sexual activity; or association with, or relation to, a person identified on the basis of any of the above attributes).

Duty of care
A duty of care is the duty all DETE employees have to do everything reasonably practicable to protect others from harm.

Employee
In the Standard of Practice an employee means any person employed by the Department to work in a state educational facility or corporate support role in a permanent, temporary, casual, volunteer, student or contractual capacity.

Ethics
Personal - an individual's personal standards of conduct which may or may not be consistent with public sector ethics.

Professional - standards of conduct established by organisations representing professions that apply to individuals in their professional capacity.

Fraud
Any deliberate deceitful conduct or omission designed to gain an advantage to which a person or entity is not entitled. It is the intentional use of false representations or deception to avoid an obligation, gain unjust advantage or in the context of public administration, commonly referred to as 'rorting the system'. Fraudulent conduct by departmental employees may fall within the category of official misconduct under the Crime and Misconduct Act 2001. The offence of fraud is set out in section 408C of the Criminal Code Act 1899.

Gift
Includes entertainment, hospitality, travel, or other benefits (tangible or intangible), whether of a personal nature or otherwise. Some examples of gifts include; ornate and precision display items, clocks, furniture, figurines, works of art, jewellery, personal items containing precious metals or stones and fine art work.

Harm to a student
Student harm is any significant detrimental effect on a student’s physical, psychological or emotional wellbeing caused by an employee, other than confirmed accidental harm not involving negligence or misconduct. Harm to a student includes minor harm that is cumulative in nature that would significantly hurt or injure a student, if allowed to continue. Harm can be caused by physical, psychological or emotional abuse or neglect, sexual abuse or exploitation.
Impartiality
In the context of public administration, impartiality means implementing the law and government policies and serving the community without bias or favour, regardless of which political party forms the government.

Integrity
In the context of public administration, integrity means public officials are to act honestly and be seen to be acting honestly.

Intellectual property
An invention, original work, the results of scientific research or a product development, which can be protected under legislation and common law depending on the type of intellectual property involved. Examples include: computer software, illustrations, written documentation.

Interest
Used in relation to declaring personal interests or conflicts of interest, the term 'interest' means direct or indirect personal interests of a public official. Interests may be pecuniary (i.e. financial or economic forms of advantage) or non-pecuniary (i.e. non-financial forms of advantage).

Lawful
Warranted or authorised by the law, or alternatively, neither contrary to nor forbidden by the law.

Limited personal use
Limited personal use is expected to take place during an employee’s non work time, incurs minimal additional expense to the Department, is infrequent and brief, does not interfere with the operation of the Department and does not violate any Department, State or Federal legislation or regulation.

Maladministration
An administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory, or taken for an improper purpose.

Manager
A general term, meaning a person with supervisory or resource management responsibilities at any level.

Misconduct
The Public Service Act 2008 defines misconduct as:
(a) inappropriate or improper conduct in an official capacity; or
(b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.

Example of misconduct—
victimising another public service employee in the course of the other employee’s employment in the public service

Official information
Information contained within departmental records or imparted in an official capacity.

Official misconduct
Section 15 of the *Crime and Misconduct Act 2001* describes official misconduct as, conduct that could, if proved, be a criminal offence, or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment. Conduct may still be official misconduct irrespective of where or when it occurred or whether the person is still employed in the public sector. Trying to influence a public official to act improperly is also classed as official misconduct.

**Pornography**

Pornography is any material that is sexually explicit, such as, a description or exhibition of obscene literature, art or photography, generally intended to stimulate erotic rather than aesthetic or emotional feelings.

**Prize**

A prize is something that is won in a raffle, competition or similar.

**Procedural fairness (natural justice)**

A process that ensures a fair decision is reached by an objective decision-maker. Decisions affecting the rights of individuals are to be reached only after individuals have been made aware of the specific allegation(s) made against them, or of decisions which are adverse to their interests, and they have had the opportunity to present their claims in relation to the allegation(s) and the decisions proposed to be taken affecting them. It is an individual’s right of reply.

The decision-maker must not have a personal interest in the matter that would render them bias. Care should be exercised to exclude real or perceived bias from the process. In cases of official misconduct or maladministration, it is the investigating authority (e.g. Crime and Misconduct Commission, Ombudsman) that will decide when it is appropriate to make allegations known to individuals.

**Professional relationship**

A fiduciary relationship in which trust and confidence are necessarily reposed by one party, investing in the other party a corresponding amount of power. A fiduciary relationship exists where, as a result of one person’s relationship to another, the former is bound to exercise rights and powers in good faith and for the benefit of the latter.

**Public interest**

For a public official, acting in the public interest means acting lawfully and/or in accordance with government policy under the direction of the Minister. In the absence of legal or policy frameworks, it means acting for the common good of the community. It is the collective interest of the entire community – not the sum of individual interests nor the interest of a particular group.

**Public sector ethics**

Those principles and standards governing correct conduct by government officials. They provide guidance in situations where there are no specific rules or where matters are unclear but where the ultimate objective is to serve the public interest. The relevant public sector ethics principles are described in the *Public Sector Ethics Act 1994* and the Department’s Standard of Practice.

**Reprisal**

Reprisal occurs when a person causes, attempts or conspires to cause, detriment to another person because of, or in the belief that another person has made, or may make, a public interest disclosure. The detriment could be an action (or threats of action) that results in:

- a physical or psychological injury;
• loss or damage to property;
• intimidation or harassment; and
• discrimination or disadvantage to your career, employment or business.

Any person, whether the person did or did not make a public interest disclosure, is protected from reprisal. Reprisal is unlawful under both civil and criminal law.

Responsive
To respond readily and comprehensively, appropriate to the circumstances.

Sexual harassment
Occurs when a:
• person subjects another person to an unsolicited act of physical intimacy;
• person makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person;
• person makes a remark with sexual connotation relating to the other person;
• person engages in any other unwelcome conduct of a sexual nature in relation to the other person and the person engaging in the conduct mentioned above does so with the intention of offending, humiliating or intimidating the other person; or
• reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Sexual misconduct
Is described as a range of behaviours, a pattern of behaviour or an act aimed at the involvement of a student in sexual acts. It includes:

• conduct towards any person that would constitute a criminal offence of a sexual nature
• sexual abuse of a student by an employee
• conduct that is sexual harassment as defined in section 119 of the Anti-Discrimination Act 1991 (Qld)

Some of these behaviours may include:
• any sexual relationship with a student;
• inappropriate conversations of a sexual nature with a student;
• comments that express a desire to act in a sexual manner with an individual student;
• unwarranted and inappropriate touching of a student;
• sexual exhibitionism in the presence of a student;
• personal correspondence (including electronic communication) with a student in respect of the employee’s sexual feelings for that student;
• possession of pornography;
• suggested remarks or action of a sexual nature;
• obscene gestures, language, jokes containing sexual references or deliberately exposing students to the sexual behaviour of others in any form, other than in the case of prescribed curriculum material in which sexual themes are contextual;
• making a remark to another person with sexual connotation;
• a pattern of behaviour aimed at engaging in or ‘grooming’ a student as a precursor to sexual abuse. Grooming is a separate offence from the actual sexual abuse; or
• encouraging or failing to discourage romantic or inappropriate advances by a student.

Standard of Practice
The Standard of Practice is a supplementary document to the Code of Conduct for the Queensland Public Service and is to be used in conjunction with the Code of Conduct. The Standard of Practice provides agency relevant examples, which directly relate to how the Code of Conduct is to be applied within the Department.

**State educational facility**
Includes state schools and other institutions established under section 13, 14 or 15 of the *Education (General Provisions) Act 2006*, TAFE institutes, Statutory TAFE Authorities and any other educational facility where DETE employees work.

**Student**
For the purposes of this Standard of Practice, a student is a person regardless of age, who is enrolled in and attends a state educational facility.

**The Act**
Refers to the *Public Sector Ethics Act 1994*.

**Vexatious complaint**
A written or verbal report of alleged improper conduct made to an authority intending the report to be acted upon, where there is a demonstrable absence of reasonable grounds for suspecting the improper conduct, and the report is made to cause distress.

**Workplace**
Where employees are on departmental duty or are representing the department. The term workplace can include areas beyond the work location and activities outside of work hours. It can include activities such as school camps and excursions, residential or external training courses, Christmas parties and other functions that are officially supported by the department.

**Workplace harassment**
Workplace harassment is the repeated, unreasonable behaviour, other than behaviour amounting to sexual harassment by one or more people in the workplace that:
- is unwelcome and unsolicited;
- the employee considers to be offensive, intimidating, humiliating or threatening; and
- a reasonable person would consider offensive, intimidating, humiliating or threatening.

Workplace harassment can include vilification.

The term ‘workplace harassment’ has replaced what has been more commonly understood as ‘workplace bullying’. The Department recognises ‘workplace bullying’ to have the same definition as ‘workplace harassment’ and, as such, it is considered inappropriate behaviour.

‘Repeated behaviour’ refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

‘Unreasonable behaviour’ means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening.

Workplace harassment does not include reasonable action taken by management to address issues of employee performance. It does not include reasonable action taken by the chief executive in connection with a person’s employment.
Workplace health and safety obligations
These obligations refer to your workplace health and safety responsibilities, which are prescribed in the *Workplace Health and Safety Act 1995*. 