



TEACHER HOUSING AUTHORITY

CODE OF CONDUCT

September, 2005

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POLICY STATEMENT

At the Teacher Housing Authority of NSW, we provide an economic, effective and efficient housing service to teachers in areas where the private rental market does not meet their needs.

Our efforts must be underpinned by staff who are committed to the highest efforts of professionalism and integrity and who embrace and exhibit values which the THA upholds.

These values include:

- providing professional and quality services;
- being accountable for our actions;
- carrying out our duties with diligence and integrity;
- being fair and impartial in our decision making; and
- treating other people with respect and dignity.

We must expect high ethical standards of ourselves and our colleagues in order to maintain community and stakeholder trust in us, and our own pride in belonging to the THA. We are individuals who bring to the workplace our own attitudes, beliefs, values system and standards of conduct which may not always be in accord with the expectations of our workplace.

This Code of Conduct has been developed to make these issues and your expected behaviour clear. It applies to all staff, agents, contractors and anyone who represents the THA.

We recognise that it is not possible to provide detailed guidance on how to deal with every situation which might arise, where our responses and behaviour might be compromised. For this reason, this Code should be used as a source of practical guidance based on a common sense approach to making decisions about ethical issues.

Your commitment to the values, principles and guidelines provided in this Code of Conduct will further enhance the professionalism and commitment already displayed by staff of the Teacher Housing Authority.

GENERAL MANAGER

1 SIGNIFICANT VALUES AND PRINCIPLES

In carrying out our work and making decisions on a day-to-day basis, staff are expected to base their decisions and behaviour on values and principles which require that we:

- act in a professional manner at all times, keeping in mind the effect of our conduct on the THA's reputation;
- maintain high ethical standards and perform our work impartially and with integrity;
- deal fairly with all people and organisations, either within or outside the THA, and respect the rights of the people whom we deal with without discrimination;
- present THA's view, not our personal view, in our dealings with stakeholders;
- make effective use of public resources and not be wasteful;
- not let matters of personal interest affect or compromise the work of the THA; and
- seek advice from an appropriate manager, at any time, if uncertain about the right thing to do.

2 RIGHTS AND RESPONSIBILITIES

2.1 STAFF MEMBERS: RIGHTS

- be treated fairly and with respect and without discrimination;
- have your professional expertise respected by your colleagues;
- be provided with opportunities to learn and develop in your role;
- be trusted and receive loyalty from your managers and peers;
- be provided with a safe work environment;
- work in a harmonious and productive work environment;
- receive open, inclusive and honest communication;
- be treated in a professional, helpful and courteous way; and
- contribute to the benefits of teamwork.

2.2 STAFF MEMBER: RESPONSIBILITIES

- treat individuals fairly and with respect and not engage in discrimination, harassment or bullying behaviour;
- comply with lawful instructions given by an authorised colleague;
- respect the professional expertise of colleagues;
- be professional, helpful and courteous to colleagues and clients;
- dress professionally and appropriately, relative to the position you hold;
- work diligently with respect for timeframes and associated commitments;
- trust and be loyal to colleagues and clients;
- respect and meet the needs of clients,
- work cooperatively with colleagues in a team based approach to work;
- be productive, work proactively and demonstrate initiative as appropriate;
- be open, inclusive and honest;
- represent the THA in a professional manner;
- be economical and efficient in the use of work-supplied resources;
- ensure that the work environment is safe;
- ensure that you do not use your position for personal gain; and
- ensure that your personal and professional conduct does not bring the THA into disrepute.

2.3 MANAGERS: EXPECTATIONS

- act as role models;
- value employees by treating them with respect, honesty and courtesy, respecting their rights;
- promote ethical conduct, fairness and equity in the workplace;
- value and encourage diversity and creativity;
- be alert to circumstances which may cause a staff member to be vulnerable to accusations of misconduct;
- report potential or actual incidents of misconduct in a confidential manner;
- promote open, honest and two-way communication in the workplace, and provide employees with access to all the information they need to understand and do their job;
- encourage employees in performing their duties, monitor and provide guidance as is appropriate to the situation;
- make sure performance problems are highlighted and dealt with as they arise;
- ensure equal access to training and development for all employees, and foster a learning environment within their area of responsibility;
- respond promptly to requests from management, employees and clients and keep them informed if there is a delay;
- manage resources in an economical and efficient manner; and
- always behave in ways consistent with the THA's corporate values.

3 PUTTING THE CODE OF CONDUCT INTO PRACTICE

3.1 ETHICAL DECISION MAKING

Because a Code of Conduct cannot provide guidance on every situation that an employee may face, the values, principles, roles and responsibilities outlined in sections 1 and 2 should be used as the basis for determining the appropriate course of action when you are faced with making a decision which has ethical considerations.

The following guide can assist in clarifying the issues and resolving the matter.

GUIDE TO ETHICAL DECISION MAKING

- **is it legal and consistent with government policy?**
- **is it consistent with the THA's values, principles and policies?**
- **what will the consequences be for me, my colleagues, the THA and others?**
- **do these outcomes raise a conflict of interest or lead to a personal gain to which I am otherwise not entitled?**
- **could this decision or conduct be perceived by a member of the public, colleague, client or supplier as inappropriate?**
- **would my decision withstand media scrutiny?**

There are four issues which have particular significance for our conduct and decisions at the THA. These are Conflicts of Interests, Gifts and Benefits, Using Public Resources and Secondary Employment. Each of these is dealt with below.

3.2 CONFLICTS OF INTEREST

Conflicts of interest, or *perceptions* of conflicts of interest, can arise when you have to choose between two or more interests in a matter; that is, when a personal interest could potentially interfere with, or *appear to interfere with*, the performance of your public duties.

For example:

- **you are a member of a recruitment panel and you have a relationship with one of the applicants for the position;**
- **you are assessing tenders/suppliers and realise you have a relationship with one of the people making a submission;**
- **you have a financial interest in a supplier or an operator with whom the THA does business; and/or**
- **you have a personal or financial relationship with a contractor who provides services to the THA.**

When this situation arises, public interest must always come first; this is necessary to ensure public confidence in the process of government.

You must report in writing to your manager if you become aware of an actual or potential conflict of interest. This report, including your manager's decision about the issue you raised, should be placed on the file of the matter in question.

It is preferable to err on the side of caution and disclose any interest that could affect, or be seen to affect, the unbiased and fair performance of your duties. In some situations, you may need to step aside from a role to ensure the integrity of a process.

3.3 GIFTS AND BENEFITS

During the course of your work at the THA, you may be offered gifts or other benefits. Gifts are items of value, while benefits are usually less tangible gifts, such as access to facilities, tickets, free accommodation or similar.

Acceptance of a gift or benefit can create a sense of obligation that may compromise honesty and impartiality. This may also affect the public perception of the integrity and independence of the THA and its employees. For these reasons, offers of gifts or benefits must be declined, except for token gifts, which are of nominal value. Token gifts include marketing objects such as key rings, pens and mugs.

Unsolicited gifts that are provided as marketing incentives, for example, cartons of wine or baskets of food at Christmas, should be returned, with a letter advising that it is against the policy of the THA to accept gifts.

If you have agreed to speak officially at a function, wherever possible, you should notify your host in advance that it is inappropriate for you to receive gifts or rewards. You should ensure that any fee that is payable for your participation is made payable to the THA.

Money and Bribery

You may not solicit any money, gift or benefit or accept any offer of money. To do so may involve the common law offence of bribery and may also be treated as an offence under the *Crimes Act 1900* and/or the *Public Sector Employment and Management Act 2002*.

A key concept in bribery is ‘undue reward’. A reward can encompass anything of value and is not limited to money or tangible goods; therefore, the provision of services may amount to a reward. If you believe that you or a colleague has been offered a bribe, you must provide immediately a detailed written report to your manager or senior member of staff.

WHAT YOU MUST DO

Offers of gifts and benefits must be reported in writing to your manager. In this report, you may notify that you declined the gift or benefit, or seek approval to keep the gift or benefit, or advise arrangements for their return. Following the manager’s endorsement or other decision, these reports should be forwarded to the Executive Officer, where they will be placed on the official Gifts and Benefits file.

Hospitality

As a consequence of conducting the Tenancy Liaison Service through local real estate agents, it is recognised that staff have the opportunity to generate hospitality, on behalf of the THA.

In this regard, staff involved in local meetings with real estate agents may host a working lunch or morning or afternoon tea when visiting those agents. Expenditure on these occasions should be modest and in keeping with public sector standards. Staff may also attend a modest lunch or similar hosted by an agent with whom the THA has established a management agreement, in line with the provisions of the Statement of Business Ethics.

Travel – Frequent Flyer Points

When travelling on official business, seeking or accepting frequent flyer points from any airline is not permitted.

Tendering and Procurement

The THA expects that tendering and procurement processes will be used to obtain goods and services that can be demonstrated to represent value for money and are for the exclusive use of the THA. Where the THA is involved in tendering, the companies which are bidding may want to demonstrate their product or service at their corporate offices or other location. In this situation, it is not appropriate to accept any offer of hospitality, beyond simple refreshments.

Procurement incentives, for example, buy 10, get 1 free offers, or the offers of a personal benefit, such as lunches from regular suppliers, should also be declined.

Further Advice

Further guidance on gifts is also available in the publication, *Gifts, benefits or just plain bribes? Guidelines for public sector agencies and officials*, on the Independent Commission Against Corruption (ICAC) web site at www.icac.nsw.gov.au.

3.4 USING PUBLIC RESOURCES

You have a responsibility to ensure all public resources are used efficiently, economically and without unnecessary extravagance or waste. This includes the equipment you use in your day-to-day work which should be maintained in good working order.

Authorised car hire must be economical, ie it must be in line with the nature of the itinerary. This means that 4WD vehicles, for example, are not to be hired unless off road or long range travel is required or there are adverse weather conditions which would favour the use of a 4WD vehicle.

Mobile phones, corporate credit cards and Cabcharge facilities are provided for work purposes only.

Using THA funds for expenditure such as petty cash and travel expenses is subject to the *Public Finance and Audit Act 1983*. Generally, you need to obtain approval before spending THA financial resources. ‘Borrowing’ from petty cash is not allowed.

Reasonable use of equipment is permitted for private purposes if:

- it does not conflict with your work or the work commitments of another employee;
- it does not involve significant cost to the THA;
- the activity is done in your own time;
- you do not benefit financially;
- there is no commercial interest to you or any other person; and
- the equipment is not taken off-site (unless approved by the General Manager).

Examples of permitted personal uses are:

- **THA landline phones and facsimile machines for private calls, provided these are short, infrequent and do not interfere with your work responsibilities or those of other staff;**
- **use of an office computer for private purposes such as the completion of university assignments in personal or study leave time;**
- **the internet for brief periods, while not on duty, provided that this does not interfere with any other staff member’s usage of the computer and the usage is in line with THA policy regarding acceptable IT usage.**

3.5 PRIVATE EMPLOYMENT

Employees who wish to take on a second job, whether paid or unpaid, must first obtain written approval from the General Manager. This is because secondary employment can lead to conflicts of interest, disclosure of confidential information and misuse of an organisation’s resources. Details of how to obtain approval are contained in the policy ‘Private Employment’ available in the Staff Handbook.

Your responsibilities to the THA must always come first.

You do not need approval if you do voluntary work for a non-profit organisation.

4 OTHER ISSUES

4.1 PARTICIPATION IN POLITICAL ACTIVITIES

THA employees may participate in party political activities provided they do so in a private capacity and do not allow a conflict of interest to arise.

If you do participate in any political activity you must ensure that:

- any comment or discussion does not cast doubt on your ability or willingness to implement Government and THA policies and guidelines objectively;
- no private political activities are carried out in the work environment;
- THA resources are not used to assist in your personal political activities;
- any information obtained through your work at the THA is not used to assist political activities, or to make such information known to any other person connected with these activities; and
- the position of the THA is not misrepresented on any issue.

Also, you may not post any notices on THA notice-boards that suggest support or encouragement of a particular political viewpoint on a matter in the public domain.

Workplace union delegates, acting on behalf of the Public Service Association (PSA), are able to use THA noticeboards for displaying material authorised by the union.

Any political involvement you have must be seen to represent your personal views as a private citizen, not as an employee of the THA.

4.2 USE OF OFFICIAL INFORMATION

During the course of your work, you may gain information on a number of areas, for example, Government policy, proposed legislation, Cabinet Minutes and information about suppliers with which the THA has contact.

This information may only be used for the purposes of your work at the THA. It is each employee's responsibility to maintain the THA's reputation for integrity and credibility in this area. The *Freedom of Information Act 1989* provides individuals with the right, under certain circumstances, to obtain information retained by the THA. Likewise, the *Privacy and Personal Information Protection Act 1998* imposes requirements on staff regarding 'personal information.'

Some simple rules apply:

- information may only be used for the purpose for which it was provided;
- information gained in your professional capacity may not be used for personal gain;
- confidential information, including Cabinet documents, emails and electronic information, must be properly secured; and

- information can only be released if you are satisfied the request is legitimate.

These requirements apply to any information you obtained during the course of your employment after you leave the THA. If you are uncertain about the status of information you receive, ask your manager.

4.3 RECORDS MANAGEMENT

Records management at the THA is governed by legislative requirements relating to record keeping, legal discovery orders, subpoenas, privacy, copyright and Freedom of Information legislation. You must ensure that you keep the records required by your position according to the required standards and procedures.

In general, official information in the form of files and records may not be removed from THA premises unless required for work purposes. At all times, THA documents must be properly and safely secured. This is particularly important if you are on a field trip, where you take with you files and similar records. You must ensure that these documents are stored securely at all times.

4.4 PUBLIC COMMENT

Public comment on THA matters, such as speaking to the media or writing letters to newspapers, can generally only be made through the General Manager, unless otherwise authorised.

Unless you are making an authorised comment, statements about the THA's work must be confined to material in the public domain, such as discussion papers, annual reports, public relations material and speeches. If you are unsure whether information is in the public domain, you should speak first to the General Manager.

As a community member, you may comment on issues of public and social interest, for example, you may write letters to newspapers. However it must be clear that you are speaking in a personal capacity and not on behalf of the THA. Also, your views should not give the perception that they are official comment.

4.5 ALCOHOL AND OTHER DRUGS

It is expected that staff will attend work free from the effects of alcohol and other drugs. You must not attend work or conduct business on behalf of the THA if you are under the influence of any drug or substances that is likely to affect your ability to carry out your duties or may pose a risk to yourself or other staff or members of the public.

The consumption of alcohol is not permitted during work hours. However, some staff may attend work related functions where alcohol is served. When attending these functions, a responsible approach to the consumption of alcohol must be taken.

You must ensure that any personal use of alcohol when representing the THA, does not affect your performance or safety or the performance or safety of others. If you consume alcohol,

the legal limit applicable to driving a motor vehicle must be observed. The use of so-called 'recreational' or illegal drugs on THA property or during business hours is not permitted.

4.6 USE OF THE INTERNET: PORNOGRAPHY

Staff should be in no doubt that the internet may only be used for work purposes, except for brief, personal use at legitimate sites during non-working hours, for example, occasional use of the internet to conduct personal banking transactions during lunch hour or before or after working hours. It may not be used in any circumstances to access, view, circulate, download or otherwise have contact with pornography.

4.7 POST SEPARATION EMPLOYMENT AND LEAVING THE THA

You should not use your position to obtain opportunities for future employment. You should not allow yourself or your work to be influenced by plans for, or offers of employment outside the THA. If you do, there is a conflict of interest and your integrity and that of the THA is at risk.

When you finish working at the THA, you must:

- return any documents, files, records, notes, etc relating to or obtained through your work with the THA;
- return any in-house resources such as manuals, mobile phones, laptops, keys, security passes, uniforms etc;
- not download information from the THA's computer system, unless the information is freely available to the public;
- not provide confidential information obtained during your employment to others.

5 ACCOUNTABILITY AND ENFORCEMENT

5.1 SUSPECT CORRUPT CONDUCT

If you become aware of an instance of corrupt conduct, maladministration, criminal conduct or serious waste at the THA, you must report this promptly to your manager. If the report concerns your manager, then report it to the General Manager. If the report concerns the General Manager, then report it to the Independent Commission Against Corruption (ICAC).

You may find the following policies useful:

- Grievance Resolution Procedures Manual;
- Complaints Handling System; and
- Protected Disclosure Policy and Procedures.

If you prefer, you can report the situation directly to the Independent Commission Against Corruption (ICAC), Audit Office or to the NSW Ombudsman.

Reporting the actions of colleagues or managers is difficult, especially in situations where the people involved have been friends or workmates for some time. These circumstances can

represent one of the most personally challenging situations an employee is likely to experience.

The *Protected Disclosures Act 1994* makes it an offence for detrimental action to be taken against a person for notifying about such matters. If you believe that you may have been adversely treated for having made a protected disclosure, you should report this directly to the General Manager.

5.2 ENFORCING THIS CODE OF CONDUCT

As an employee of the THA, you are responsible for your own actions and for ensuring you are working in a manner consistent with this Code. However, if you are faced with an unfamiliar situation, your manager will provide guidance and support.

If you become aware of unsatisfactory conduct by other staff members, you should report this to a senior staff member or the General Manager. If you are in a supervisory position, you need to exercise appropriate levels of leadership, management and supervision to ensure your staff understand their duties, know what they are expected to do and that their performance is reviewed continually.

If you are unsure about any aspect of the Code or require further information, speak to your manager, a senior member of staff, or the General Manager.

You should be aware that the THA may take disciplinary action for breaches of the Code. This action may include counselling, official notification of unsatisfactory performance or dismissal, according to NSW public sector legislative requirements and standards.

5.3 RELEVANT LEGISLATION

The main legislation that applies to State government employees is the *Public Sector Employment & Management Act 2002*. The following legislation and policy guidelines may also be relevant:

- Anti-Discrimination Act 1977;
- Occupational Health and Safety Act 2000;
- Public Finance and Audit Act 1983;
- Freedom of Information Act 1989;
- Protected Disclosure Act 1994;
- Privacy and Personal Information Protection Act 1988;
- Independent Commission Against Corruption Act 1988;
- Public Service of New South Wales Personnel Handbook; and
- Crimes Act 1900.



CODE OF CONDUCT

STAFF DECLARATION

I,

working as a

acknowledge that I have read and understood the contents of the Teacher Housing Authority of NSW Code of Conduct. I understand that the Code sets out standards of behaviour expected of me as an employee of the Authority.

Signature Date

Please return this declaration to: