

This *Code of Conduct* underpins the Justice Health commitment to a duty of care to all patients and clients receiving services.

Staff in Health Services, like other public sector organisations, must conduct themselves in a way that promotes public confidence and trust in them. They have a duty of care to those utilising services. Staff must ensure the interests of patients in decision-making are within their duty of care to patients as well as patients.

Code of Conduct 2006

Justice Health has an obligation to maintain and promote standards of every and professional behaviours that will sustain public confidence trust. The community is entitled to expect that Justice Health

Letter from Chief Executive



Dear Staff Member

Re: Code of Conduct

Please find enclosed the revised Justice Health Code of Conduct. This is an important document and you are urged to read it very carefully.

The purpose of the Code of Conduct is to provide you with a framework for decisions and actions in relation to the minimum standard of behaviour expected from you. It underpins Justice Health's commitment to a duty of care to all patients receiving our services.

This policy is set out in two parts:

Part 1: NSW Health Code of Conduct applicable to all staff of NSW Health.

Part 2: Additional provisions specific to Justice Health staff.

Justice Health staff must comply with all aspects of the NSW Health Code of Conduct as set out in Part 1. Due to Justice Health's relationship with the Department of Corrective Services (DCS) and the Department of Juvenile Justice (DJJ) additional provisions are required for Justice Health staff as outlined in Part 2 of this Code of Conduct.

Should you wish to discuss any issue or if you are in any doubt as to the standards set out in this policy, you should refer the matter to your immediate line manager.

Yours sincerely



Dr Richard Matthews
Chief Executive

May 2006

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Preface

This *Code of Conduct* applies to all staff of Justice Health. For the purpose of this policy “staff” has the same meaning as that defined in the NSW Health Code of Conduct. Justice Health has an obligation to maintain and promote standards of delivery and professional behaviours that will sustain public confidence and trust. The community is entitled to expect that Justice Health operations are carried out efficiently, effectively, economically, fairly, impartially and with integrity. This *Code of Conduct* underpins the Justice Health commitment to a duty of care to all patients and clients receiving services.

Objective

To provide a framework for decisions and actions in relation to the minimum standard of behaviour expected from Justice Health staff.

Outcomes

To achieve compliance with NSW Health Department Policy Directive PD2005_626 and to make Justice Health staff aware of additional obligations which result from working in a correctional environment.

To ensure staff are aware of and comply with obligations set out in this policy.

To provide a framework that ensures staff know what is expected of them and others while at work.

Policy Content

This policy is set out in two sections:

Part 1: NSW Health Code of Conduct applicable to all staff of NSW Health.

Part 2: Additional provisions specific to Justice Health staff.

Justice Health staff must comply with all aspects of the NSW Health Code of Conduct as set out in Part 1. Due to Justice Health’s relationship with the Department of Corrective Services (DCS) and the Department of Juvenile Justice (DJJ) additional provisions are required for Justice Health staff as outlined in Part 2 of this *Code of Conduct*.

If a staff member is in any doubt as to the standards set out in this policy, he or she should refer the matter to their immediate manager for resolution.

Legislative Responsibilities

Some requirements covered by this *Code of Conduct* are the subject of specific provisions of various Acts and Regulations, such as the *Anti-Discrimination Act 1977*, and the *Independent Commission Against Corruption Act 1988*. Other requirements are generally acknowledged conventions that reflect community expectations or principles considered appropriate to maintain integrity.

Compliance

Staff must comply equally and fully with Parts 1 and 2 of this *Code of Conduct*.

For further details regarding compliance, please see paragraph 11.1 of the NSW Health Code of Conduct.

Purpose and scope of document

This document outlines the NSW Health Code of Conduct and applies to staff working in any permanent, temporary, casual, termed appointment or honorary capacity within any NSW Health facility.

NSW Health provides a comprehensive range of health and health related services covering health protection, health promotion and education, research, health screening, diagnosis, treatment, transport, acute care, rehabilitation, continuing care for chronic illness, counselling, support and palliative care. These services are provided in a wide range of settings from primary care outposts to metropolitan based tertiary health centres and within patients/clients' homes and are supported by a range of policy, corporate services and administrative functions.

The environment in which this Code of Conduct operates is a complex one. This Code of Conduct has been developed to assist staff by providing a framework for day to day decisions and actions while working in Health Services.

Specifically this document will:

- State the standards expected of staff within Health Services in relation to conduct in their employment
- Assist in the prevention of corruption, maladministration and serious and substantial waste by alerting staff to behaviours that could potentially be corrupt or involve maladministration or waste
- Provide a resources list to assist staff to gain further information or more detailed guidance.

Structure of the Document

The document is divided into two parts. **Part 1** of the document is the **NSW Health Code of Conduct (PD2005_626)** and outlines the specific standards and behaviours required from staff. **Part 2** of the document is **Justice Health Policy 2.010** and outlines additional provisions specific to Justice Health Staff.

Additional explanatory information regarding the NSW Health Code of Conduct is available in the Justice Health Policy Manual and from your manager on request.

Values and Principles underpinning this Code of Conduct

Staff in Health Services, like other public sector organisations, must conduct themselves in a way that promotes public confidence and trust in their organisation.

Staff have a duty of care to the patients and clients utilising services as well as to other staff. Staff must ensure that, as far as practicable, the best interests of patients and clients are maintained in decision-making and when undertaking duties within the Health Service, having regard to the duty of care the Health Service has to staff as well as patients and clients.

The reputation of the public sector and its standing in the community are built on the following principles and these principles must be incorporated into the decisions, actions and behaviour of all staff:

- Competence
- Courtesy and respect for individuals
- Cultural sensitivity
- Ethical behaviour
- Fairness and impartiality
- Transparency, openness, honesty and accountability
- Responsibility and
- Efficiency and effectiveness.

(based on NSW Ombudsman, *Good Conduct and Administrative Practice*, August 2003)

Staff must not be subjected to unnecessary employment conditions simply because they work in the public sector. Staff retain all the usual rights under common and statute law.

Key definitions

Corrupt Conduct – is broadly defined in sections 8 and 9 of the Independent Commission Against Corruption Act 1988. The key notion is the misuse of public office. Commonly this involves the dishonest or partial use of power or position that results in one person/organisation being advantaged over another.

Corruption can take many forms including (but not limited to):

- Official misconduct
- Bribery and blackmail
- Unauthorised use of confidential information
- Fraud and
- Theft

Health Service – for the purposes of this policy, Health Service refers **individually** to the NSW Department of Health, public health organisations, Public Health System Support Division, the Health Professionals Registration Boards, Institute of Psychiatry, Mental Health Review Tribunal and the Ambulance Service of NSW.

Maladministration – is defined in the Protected Disclosures Act 1994 as conduct that involves action or inaction of a serious nature that is:

- Contrary to law
- Unreasonable, unjust, oppressive or improperly discriminatory or
- Based wholly or partly on improper motives.

NSW Health – for the purposes of this policy, NSW Health refers **collectively** to the NSW Department of Health, public health organisations, Public Health System Support Division, the Health Professionals Registration Boards, Institute of Psychiatry, Mental Health Review Tribunal and the Ambulance Service of NSW.

Introduction to NSW HEALTH Code of Conduct

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Public Health Organisation – is defined by the Health Services Act 1997 as an Area Health Service, statutory health corporation, and an affiliated health organisation in respect of its recognised establishments and recognised services.

Serious and Substantial Waste – is defined in the Protected Disclosures Act 1994 and refers to any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in significant loss/wastage of public funds or resources.

Staff – for the purposes of this policy staff refers to any person working in a permanent, temporary, casual, termed appointment or honorary capacity within NSW Health. It includes volunteers, patient advocates, contractors, visiting practitioners, students, consultants and researchers performing work within NSW Health facilities.

Note: This Code of Conduct applies to the conduct of Visiting Medical Officers and other contract staff at any time in which they are receiving payment (including fee for service or sessional payment) for work done within a Health Service or where they are acting in an official capacity on behalf of the Health Service.

Violence – is defined as any incident in which an individual is abused, threatened or assaulted and includes verbal, physical or psychological abuse, threats or other intimidating behaviours, intentional physical attacks, aggravated assault, threats with an offensive weapon, sexual harassment and sexual assault.

1.0 Competence and professionalism

All staff will carry out their duties to the best of their ability and to follow the highest standards of conduct.

1.1 Personal and professional behaviour

I will carry out my job with:

- Courtesy and respect for everyone
- Openness, honesty and accountability.

I will be mindful and accepting of the needs of people from different backgrounds and cultures when doing my job.

My decisions will be fair and impartial.

I will take care in my duties and will always present myself for work in a fit and proper condition. I will never present myself for work under the influence of alcohol, drugs or other substances that could affect my ability to work safely and efficiently.

When carrying out my tasks I will always:

- Observe any laws, professional codes of conduct and ethics relevant to my profession.
- Follow lawful directions from a person in authority. If I have a concern about following any lawful direction, I may appeal either through my workplace complaint/grievance procedures or to the Chief Executive of the Health Service or his or her delegate.
- Behave with honesty and openness. I have a duty to report other staff who are behaving in a way that breaches this Code of Conduct.
- Report to an appropriate person or authority any situations that may affect clinical or professional standards.
- Try to work to a standard that reflects favourably on NSW Health.
- Follow the policies of the Health Service, whether or not I agree with these policies. If a situation arises where I cannot comply with a policy because of my personal or clinical views I will discuss the matter with my immediate supervisor to try and resolve the situation.

1.2 Good faith

- I will undertake all my duties in good faith and in the spirit of honesty, correct purpose and with the best motives. I will ensure that my actions are appropriate and totally within the area of my authority.

1.3 Professional standards

- If I find any conflict between my professional standards and this Code of Conduct I will take up the matter with my immediate supervisor or the Health Service Chief Executive or his or her delegate.
- I will fulfil my professional responsibilities by continuing to maintain and enhance my skills, knowledge and competence while undertaking my Health Service duties.



1.4 Personal relationships with patients or clients

- I will not have personal relationships with patients or clients that result in any form of exploitation, obligation or sexual gratification.
- If a family member/spouse/partner becomes a patient or client of the service where I work, I will report this to my immediate supervisor so she or he can assess any conflict of interest issues.

Dealing with finance or property for patients or clients

- As a general rule I will not become involved in any transaction that involves dealing with cash, bank accounts, credit cards or property.
- Where a patient or client requires such services, especially if they live at home and cannot conduct such transactions for themselves, I will discuss low risk alternatives with them. If they give their consent I will do the following:
 - Contact relatives
 - Contact other agencies that can assist in such matters (eg Department of Community Services)
 - Contact patient or client's bank etc. and advise them of the situation and make appropriate accountable arrangements.
 - Use accountable methods, such as a 'non-negotiable' cheque made payable to the appropriate payee.
- I will contact the Guardianship Tribunal if I am concerned that a patient or client's capacity to manage financial affairs may be impaired.

Management of employment, promotion and transfer where close relationships exist

- Where I am required to work with a close relative or another person with whom I share a close personal relationship, potentially compromising circumstances may occur. I will advise my immediate supervisor that a real and/or perceived conflict of interest may arise in the course of my work.

1.5 Sexual relationships with patients of clients

- I will not exploit my relationship of trust with patients or clients in any way because I recognise that such behaviour is a breach of professional and ethical boundaries and amounts to serious misconduct.
- I will not have a sexual relationship with a patient or client during the professional relationship.

1.6 Quality service

- To the best of my ability, I will provide accurate, frank and honest information to decision-makers, as required.
- I am responsible for helping to create and maintain a public health system that provides safe and high quality health care.
- I will ensure that I get good value for any public money spent, and avoid waste.
- I will ensure that all the money I spend is for legitimate items related to the work of the Health Service, and not for personal benefit.

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- While at work, my attention will remain focussed on my duties.
 - I will carry out my duties within the agreed time frames. If resource issues prevent me from fulfilling my duties or meeting the time frames, I will report this to my immediate supervisor for advice and action.

2.0 Conflicts of interest

Staff will avoid and resolve any conflict of interest and be open and honest in all activities where personal interests may clash with work requirements.

2.1 Managing conflicts of interest

- I will perform my duties fairly and ensure that my decisions are not influenced by self-interest or personal gain.
- I will avoid situations that give rise to conflicts of interest.
- I will report any actual, potential or perceived conflicts of interest to my immediate supervisors, my Health Service Chief Executive or his or her delegate at the first available opportunity, preferably in writing. A decision can then be made as to what action should be taken to avoid or to deal with the conflict.
- If I am not sure whether a conflict exists, I will discuss the matter with my immediate supervisor to try and resolve the matter.
- If I am aware that another staff member has a real, potential or perceived conflict of interest I will report the matter to my immediate supervisor.

2.2 Bribes, gifts and benefits

- I will not allow the offer of any gift or bribe to change the way I work or the decisions I make.
- I will never accept gifts of cash and as a general rule I will not accept any gifts or benefits.
- I will take all reasonable steps to ensure that neither myself nor my immediate family members accepts gifts or benefits that an impartial observer could view as a means of securing my influence or favour.

Token gifts

- I may accept token or inexpensive gifts offered as a gesture of appreciation, and not to secure favour.
- I will report the acceptance of the gift to my supervisors and seek their agreement to retain the gift.

Non token gifts

- As a general rule I will not accept gifts that are more than a token.
- If I do receive a non-token gift I will declare it to my immediate supervisor straight away.
- I will only accept a gift or other benefit that is more than a token (including modest acts of hospitality) in the following cases:
 - Where these are given for reasons other than my job or status

- Where the gift is given to me in a public forum in appreciation for the work, assistance or involvement of myself or the health service, and refusal to accept the gift would cause embarrassment or affront eg an overseas delegation (the issue of causing embarrassment or affront does not apply to gifts offered by commercial organisations)
- Where there is no chance that accepting the gift could reflect badly on myself or the Health Service
- In circumstances generally approved by the Chief Executive or delegate of my Health Service. Otherwise I need the formal written approval of the Chief Executive or delegate, preferably in advance.
- If I accept a gift in these circumstances, I will indicate that I am accepting the gift on behalf of my Health Service. The Chief Executive or delegate will determine the most appropriate use of the gift.
- If any offer or suggestion of a bribe is made directly or indirectly to me, I will report the facts to my immediate supervisor as soon as possible.
- I am particularly alert to attempts to influence me when I am dealing with, or have access to, sensitive or confidential information.

2.3 Recommending services

- I will not recommend a particular private service provider to patients or their relatives for either my own personal gain or to benefit my family members or friends.
- If patients or clients request a list of private practitioners, I will include the statement that the Health Service does not recommend or favour these services and does not accept responsibility for any private practitioners whose names are included on the list. I will do this even when the list contains names of practitioners who work within the facility.
- In all circumstances, I will make it clear that the information is provided to assist the patient, client or relative in making informed decisions between a wide range of alternative and appropriate services. These may be private or public, clinical or non-clinical.

2.4 Outside employment and business activities

- If I work full-time in a Health Service and want to undertake another paid job or participate in other business activities (including a family company or business) I will seek the approval of my Health Service Chief Executive or his or her delegate.
- If there is any real, potential or perceived conflict of interest, I will put the duties of my Health Service job first or reach an agreement on ways to resolve the conflict.
- If I work for a Health Service on a part-time or casual basis (includes permanent, sessional (less than 10 sessions per week), temporary or contract) I will advise my Chief Executive or delegate of any actual, potential or perceived conflict of interest between my job in the Health Service and any other employment.

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- I will provide details of any other employment to my Health Service in the event of allegations of conflict of interest.
 - Any work I perform outside my Health Service employment will:
 - Be performed outside my normal working hours
 - Not conflict with Health Service work
 - Not adversely affect my work performance
 - Not affect my safety or the safety of colleagues, patient, clients or the public
 - Not involve the use of Health Service resources.
 - I will not misuse my Health Service position to obtain opportunities for future employment and will not allow myself to be inappropriately influenced by plans for, or offers of, outside employment.

2.5 Party political participation

- I will carry out my duties in a politically neutral manner.
- When participating in political activities, I will ensure that I present my views as my own and not as the views of NSW Health.
- I will also ensure, as far as possible, that others do not present my views or actions as an official comment of NSW Health, but as my individual views or those of the political organisation I am representing.
- I will not undertake political activities in paid Health Service time.
- I will meet the special requirements that exist if I contest State or Federal elections.

2.6 Participation in voluntary organisations, charities and Professional Associations

- When participating in voluntary organisations, charities or professional associations, I will ensure that I present my views as my own and not as the views of NSW Health and ensure I do not commit my Health Service to any action without approval to do so.
- If I wish to join the Rural Fire Service Volunteers/State Emergency Service I will seek the approval of my Chief Executive or delegate, in the same way as seeking approval to undertake secondary employment.

2.7 Public comment

- If I make public comment and publicly debate political and social issues, I will make it clear that I am presenting my own views and not speaking as a Health Service staff member representing an official position of NSW Health.
- I will not use my job title when making such comment as this may create the impression that I am officially representing the views of the Health Service.
- I may make official comment on matters relating to NSW Health or my Health Service if I am:
 - Authorised to do this by my Chief Executive or delegate
 - Giving evidence in court or
 - Authorised or required by law.
- I will only release official information when given authority to do this.

3.0 Use of official resources

Staff will use all equipment, goods and materials provided to them at work for work related purposes only.

3.1 Using official resources

- I will use official resources lawfully, efficiently and only for official purposes.
- I understand that it is illegal to use official resources to:
 - Intentionally create, transmit, distribute or store any offensive information, data or material that violates Commonwealth or State laws
 - Produce, disseminate or possess child pornography images
 - Transmit, communicate or access any material that may discriminate against, harass or vilify colleagues, patients/clients or the public.
- I will not use official resources to display, access, store or distribute inappropriate or objectionable (non work related) material that may be offensive to others.
- I understand that this includes material that depicts, expresses or deals with matters of nudity, sexual activity, sex, drug misuse or addiction, crime, cruelty or violence in a manner that a reasonable adult would generally regard as unsuitable.
- I will only use official resources for non-official purposes if I have obtained permission from my Chief Executive or his or her delegate beforehand.
- If I am authorised to use official resources for non-official purposes I will:
 - Take responsibility for maintaining, replacing and safeguarding the property and follow any special directions or conditions that apply to its use for non-official purposes
 - Ensure the resources are used effectively and economically.
- I will not use official resources for any private commercial purposes, under any circumstances.

4.0 Use of official information

All staff will ensure that they keep all information they may obtain or have access to, in the course of their work, private and confidential. The trust of our patients and clients is paramount.

4.1 Using official information

- I will **never**:
 - Use official information without proper authority or for purposes that breach privacy law
 - Use or disclose official information acquired in the course of my employment outside of my workplace or professional relationships (eg Professional Colleges) unless required by law or given proper authority to do this
 - Misuse information gained while undertaking my work role for personal gain.

4.2 Personal health information

- I will always comply with the *Privacy and Personal Information Protection Act 1998*, *Health Records and Information Privacy Act 2002* and *PD2005_362 (Privacy Manual)* with regard to personal information held by my Health Service.
- In doing this I will:
 - Follow privacy and security procedures in relation to any personal information accessed in the course of my duties
 - Preserve the confidentiality of this information
 - Inform the appropriate person immediately if a breach of privacy or security relating to information occurs
 - Only access personal information that is essential for my duties. This includes accessing any records relating to other staff
 - Ensure that any personal information is used solely for the purposes for which it was gathered
 - Only divulge personal information to authorised staff of the Health Service who need this information to carry out their duties.

4.3 Security of official information

- I will:
 - Ensure that unauthorised parties cannot readily access confidential and/or sensitive official information held by me, in any form whether documents, emails, computer files etc
 - Maintain the security of confidential and/or sensitive official information overnight and at all other times when my place of work is unattended
 - Only discuss confidential and/or sensitive official information with authorised people, either within or outside NSW Health.

4.4 Staff information

- If I am requested to release information about staff of the Health Service to external bodies (eg in response to Freedom of Information or Health Care Complaints Commission requests) I will first obtain appropriate legal authority and the authorisation of my Chief Executive or delegate.

4.5 Providing referee reports

- I will:
 - Provide honest and accurate comments when giving verbal or written references for other staff members, or people outside the Health Service
 - Take care to avoid making statements that could be regarded as malicious
 - Keep a record of what was said, when providing verbal references
 - Avoid using Health Service letterhead for writing references.

4.6 Using intellectual property

- I will respect other people's/parties intellectual property rights.

5.0 Employment screening and reporting of serious offences

Staff must report serious criminal charges against them to their Chief Executive.

5.1 Employment screening

- I will undergo probity screening (criminal record checks and working with children checks as appropriate) when working in any capacity in NSW Health.

5.2 Reporting serious offences

- I will report any charges and convictions against me relating to any serious sex or violence offence in writing to my Chief Executive within 7 days of the charge being laid or of conviction.
- As a visiting practitioner, if I have a finding of unsatisfactory professional conduct or professional misconduct made against me under any relevant health professional registration Act, I will, within 7 days of receiving notice of the finding, report the fact to my Chief Executive. I will provide a copy of the finding.
- I will report to my Chief Executive any charges brought against me relating to the production, dissemination or possession of child pornography.

6.0 Fairness in decision making

Staff must be fair, in all actions, when making decisions at work.

6.1 Fairness in decision making

- I will:
 - Deal with issues, cases or complaints consistently, promptly, openly and fairly
 - Act fairly and reasonably when using any statutory or discretionary power that could affect individuals within or outside of NSW Health
 - Avoid any unnecessary delay in making decisions or taking action
 - Follow the principles of equal employment opportunity in employment-related decisions
 - Take all reasonable steps to ensure that the information I act or decide on is factually correct and relevant.

6.2 Use of statutory power

- When I make a decision based on a statutory power (ie power defined in legislation), I will ensure that:
 - I am authorised by the law to make the decision
 - I comply with any required procedures
 - I document my decision and the reasons for it.

6.3 Use of discretionary power

- I will only exercise discretionary power (ie power to act according to my own judgement) for proper purposes and on relevant grounds.

6.4 Appealing decisions

- I will promptly inform individuals who are adversely affected by or who wish to challenge a decision, of their rights to object, appeal or obtain a review. I will also inform them how they can exercise those rights.

7.0 Discrimination, harassment, bullying and violence

Staff must treat all people in the workplace with dignity and respect.

7.1 Discrimination, harassment and bullying

- I will **never**:
 - Harass, discriminate or bully other staff, patients or members of the public
 - Encourage or support other staff in harassing, discriminating or bullying staff, patients or members of the public
 - Discriminate against someone because of their sex, race, ethnic or ethno-religious background, marital status, pregnancy, disability, age, homosexuality, transgender or carers' responsibilities
 - Victimise or take detrimental action against individuals
 - Make malicious or vexatious allegations.

7.2 Violence

- I will not act violently or knowingly place myself at unnecessary risk of violence.

8.0 Occupational health and safety

Staff must look out for their safety and the safety of all others in the workplace.

8.1 Occupational health and safety

- I will:
 - Follow all occupational health and safety policies and safe working procedures
 - Take reasonable care for the health and safety of people who are at my place of work and who may be affected by anything that I do or fail to do
 - Cooperate with my Health Service to comply with OHS legislative requirements including reporting workplace hazards when I become aware of them
 - I will never intentionally or recklessly interfere with or misuse anything provided to me in the interests of health, safety or welfare (eg personal protective equipment such as safety glasses, gloves etc).

8.2 Injury management

- I will take care and cooperate with my Health Service to prevent work related injuries to myself and others.
- If I am injured in the workplace I will register my injury in the *Register of Injuries* and, if appropriate, seek first aid or medical attention.

Part 1: NSW HEALTH Code of Conduct

9.0 Complying with reporting obligations

Staff must abide by all legal and policy reporting obligations.

9.1 Complying with reporting obligations

- I will meet all the legal reporting obligations that apply to me including those related to:
 - Corruption, maladministration and serious and substantial waste
 - Public health issues
 - Reportable conduct related to child protection (eg sexual misconduct, assault, neglect)
 - Other criminal matters.

9.2 Child protection

- I will follow NSW Health and Health Service policy in relation to the care and treatment of children and young people.
- I will report any behaviour or circumstance that leads me to suspect reportable conduct towards a child by another staff member to my supervisor or the designated person within my Health Service.

9.3 Reporting corrupt conduct, maladministration and serious and substantial waste

- I will report any suspected instances of possible corrupt conduct, maladministration and serious and substantial waste of public resources to my Chief Executive or delegate or the appropriate external body. I will refer to local Health Service policy to determine reporting procedures.

9.4 Protected disclosures

- I will not take action against or victimise another person for making a protected disclosure.

10.0 Conduct of former staff members

Former staff must not take workplace information or property with them when they leave.

10.1 Conduct of former staff members

- When I leave my current employment I will not use or take advantage of confidential information obtained in the course of my official duties until this information is publicly available.
- I will not take documents that are the property of the Health Service to another position prior to or after my resignation without approval.
- I will not give, or appear to give, favourable treatment or access to privileged information to former staff of NSW Health.

11.0 Breaches of the NSW Health Code of Conduct

Staff must be aware of, and abide by, this Code of Conduct.

11.1 Breaches of this Code of Conduct

- I am aware that additional explanatory information regarding the NSW Health Code of Conduct is available in the Justice Health Policy Manual and on request from my manager. I will familiarise myself with that information to ensure I have a clear understanding of all of the standards of behaviour required in this Code of Conduct.
- If I do not understand any issue covered in this Code of Conduct I will discuss it with my immediate supervisor or my Health Service Human Resource or Internal Audit Manager.
- I will abide by the standards outlined in this Code of Conduct and the legislation, policies and procedures it reflects. Breaches of this Code of Conduct may lead to disciplinary action.
- Certain sections of the Code of Conduct reflect the requirements of legislation, and I am aware that breaches of these conditions may be punishable under law.
- If I become aware of a breach of this Code of Conduct, by either myself or by other staff members, I will immediately report the matter to my supervisor.

About this Document

Title

NSW Health Code of Conduct

Copies may be obtained at <http://internal.health.nsw.gov.au/>

Responsibility

Employee Relations Policy, NSW Department of Health

Version

October 2005

Updates and feedback

Feedback is welcome and should be addressed to the Manager, Employee Relations Policy, NSW Department of Health.

Further information

At list of policy directives and other reference documents are included in the attachments to PD2005_626. Policy directives require compliance while the other reference documents listed provide additional information to staff. Additional explanatory information regarding the NSW Health Code of Conduct is available in the Justice Health Policy Manual and from your manager on request.

If staff have any questions on the issues outlined in this document they should discuss the matter with their immediate supervisor or contact their Health Service Human Resource or Internal Audit Manager.

Communicating the Code of Conduct

Health Services should refer to Policy Directive PD2005_627 which outlines policy and best practice for the communication and implementation of the NSW Health Code of Conduct.

1.0 Additional Provisions Specific to Staff of Justice Health

In addition to the provisions set out in the NSW Health Code of Conduct, Justice Health staff must also be aware of and comply with the following additional provisions.

Associations with inmates/detainees

Initial Declaration

- Upon being recruited to a position, Justice Health staff are required to sign a declaration stating whether a relative or person with whom a personal relationship is shared, is in custody in NSW. Staff must also disclose if they have a personal relationship with any former inmates/detainees.

Ongoing Declarations

- During a person's employment with Justice Health, staff must disclose to their immediate line manager or to their Executive Director, if any person enters into custody with whom they have a personal relationship. If a declaration is made, the Executive Director in consultation with the Manager Employee Services is to conduct a risk assessment.
- Relationships formed with inmates/detainees upon their release from custody must also be declared to the staff member's immediate line manager.

Contact and Acceptable Communication with Inmates/Detainees and their Families

- All official dealings with inmates/detainees will be professional, transparent, accountable and fair.
- Justice Health staff must contact inmate/detainee's families for official purposes only and in accordance with Justice Health policy.

Relationships with Inmates/Detainees During and After Incarceration

- Inappropriate relationships with inmates/detainees can lead to manipulation or compromise. While staff based in correctional/juvenile justice facilities will have regular interaction with offenders, they must be aware of the danger of 'crossing the line' or becoming vulnerable. As stated above, all relationships with inmates/detainees past or present must be declared to the staff member's immediate line manager.

Dealing with Financial Matters for Inmates/Detainees

- Staff must not become involved in any transaction that involves dealing with cash, bank accounts, credit cards or property of inmates/detainees. Any such request must be directed to an appropriate correctional officer. Justice Health staff must under no circumstances provide or arrange to provide any substance, advice, goods or services to any inmate/detainee patient outside of their official duties. If a staff member is in any doubt about this matter, he or she must refer the matter to their immediate line manager for resolution.

Giving/Receiving Gifts

- Staff must discourage and politely decline any gift, no matter how small to ensure a professional relationship is maintained with the inmate/detainee. Equally staff must never give any item or gift to an inmate/detainee.

Advocating

- Justice Health staff are not permitted to advocate on behalf of or provide references for current or former inmates/detainees. Formal Justice Health correspondence regarding current or former clients will be in respect of clinical care only, as per Justice Health policies on discharge planning and divulging of information to courts and solicitors.

2.0 Involvement with Department of Corrective Services/Department of Juvenile Justice

Periodic Criminal Record Check

- Justice Health, DCS and/or DJJ may require periodic criminal record checks after employment begins. These are most likely to be done annually. When these are required all existing staff must undergo the additional criminal record checks.

Ongoing Criminal Declarations

- Whilst employed with Justice Health, a staff member must disclose to their immediate line manager, if they are convicted of any criminal activity.

Administration of Justice Health

- All staff are to note that as staff of Justice Health they are not to involve DCS/DJJ in any administrative issue related to their employment. It is to be noted that employment administration, conditions and policies are significantly different from Justice Health's and should not be referred to.
- As separate public sector agencies there are also limits on the release of information between these agencies and Justice Health. Staff are not to release any information to DCS/DJJ relating to their employment or decisions and actions by Justice Health.
- If Justice Health staff have a concern about another Justice Health staff member, they are to report the issue to their manager and not to DCS/DJJ unless there is an immediate concern about security in which case the staff member is to contact their manager with the details of what action they have taken following their report to DCS/DJJ.

Policy and Procedures

- Justice Health staff are obliged to adhere to Justice Health policies and procedures.
- DCS and DJJ policies and procedures generally do not apply to Justice Health staff.
- Local procedures dealing with the security and management of a facility are to be followed.
- If a staff member is in any doubt about which policy should be followed, he or she should discuss the matter with their immediate manager in the first instance.

Complying with Justice Health Directions

- Justice Health staff are obliged to follow Justice Health management directions in all cases.
- In addition, Justice Health staff must co-operate fully with DCS or DJJ as regards security procedures. This includes emergency situations such as fire, riot and inmate/detainee disturbances.

Part 2: JUSTICE HEALTH Code of Conduct

- Justice Health staff must also communicate any security and safety concerns they may have to DCS or DJJ.

Justice Health Investigations

- From time to time investigations are undertaken into incidents including staff behaviour.
- Senior members of DCS/DJJ may be involved in Justice Health investigations, which relate to inappropriate staff behaviour in a correctional environment or matters related to the security and good behaviour of the centre.
- DCS/DJJ will not be involved in investigations that concern clinical concerns or performance matters that are not related to the security and good order of the centre.
- Justice Health staff are not to discuss or divulge information in relation to a Justice Health investigation to DCS or DJJ without prior approval.

Release of Patient Information

- Inmates/detainees have a right to confidentiality as regards their health information. Justice Health staff must respect this right and pay particular attention to it in their dealings with DCS/DJJ.
- Information regarding an inmate/detainee's healthcare should not generally be provided to DCS/DJJ staff. However Justice Health staff do have a responsibility under the terms of duty of care to advise DCS/DJJ staff of actual, or potential "at-risk" health problems of inmates/detainees under their care. The Justice Health *Medical Alert Form* has been designed for this purpose (see Policy No.1.260 for further guidance). The Health Problem Notification Form (HPNF) communicates Justice Health advice and recommendations regarding a patient's clinical status to DCS/DJJ. This information may concern placement or possible signs of conditions and illness, such as substance use withdrawal or asthma (see Policy No.1.231 for further guidance).

Working Relationship with DCS/DJJ Staff

- If during the course of their duties, a Justice Health staff member believes that what they have been asked to do by DCS/DJJ staff may compromise patient care or is inconsistent with Justice Health policy, they should immediately consult with their line manager or the After Hours Nurse Manager for advice.

Respectful Language in the Workplace

- Staff in the correctional environment have the right to expect that they will be spoken to in a reasonable manner by colleagues and managers.
- Coarse and obscene language is inappropriate in any workplace as is sexual banter and suggestive behaviour, whether written, spoken or in images.
- The use of such language causes offence and may constitute harassment.
- No staff member should use or tolerate such language.
- Offensive language is equally unacceptable toward inmates/detainees.