

Code of Conduct

Policy Number 2.010

Policy Function Leadership and Management

Issue Date 5 September 2016

Summary Justice Health & Forensic Mental Health Network (JH&FMHN) 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 JH&FMHN operations are carried out efficiently, effectively, economically, fairly, impartially and with integrity. This *Code of Conduct* policy underpins the JH&FMHN commitment to achieve these standards.

Responsible Officer Executive Director Governance & Commercial Services

Applicable Sites

- Administration Centres
- Community Sites (e.g. Court Liaison Service, Community Integration Team, etc.)
- Health Centres (Adult Correctional Centres or Police Cells)
- Health Centres (Juvenile Justice Centres)
- Long Bay Hospital
- The Forensic Hospital

Previous Issue(s) Policy 2.010 (November 2014, February 2010, February 2006)

Change Summary

- Added that if JH&FMHN staff are banned for any reason by Corrective Services NSW from entering any Correctional Centre across NSW, their employment will be terminated.
- Added if JH&FMHN staff are advised by their patients or become aware of any potential security or safety threats, e.g. planned riot by inmates, they must notify their JH&FMHN manager who will advise CSWNSW or JJNSW immediately.
- Updated reference to new NSW Ministry of Health (MoH) policy directive (PD) PD2015_049 Code of Conduct at end of this policy.

TRIM Reference POLJH/2010

Authorised by Chief Executive, Justice Health & Forensic Mental Health

1. Preface

The policy applies to all Justice Health & Forensic Mental Health Network (JH&FMHN) staff, whether they are employed in the custodial setting, Forensic Mental Health Services or in the community. This policy includes the NSW Ministry of Health (MoH) [PD2015 049 Code of Conduct](#) and the additional provisions specific for JH&FMHN staff.

JH&FMHN 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 JH&FMHN operations are carried out efficiently, effectively, economically, fairly, impartially and with integrity. The NSW MoH [PD2015 049 Code of Conduct](#) underpins the JH&FMHN commitment to achieve these standards. It will provide direction to all JH&FMHN staff in relation to the acceptable standard of behaviour expected of them and others while at work.

2. Policy Content

2.1 Mandatory Requirements

This policy is set out in two sections:

Section 1: NSW MoH [PD2015 049 Code of Conduct](#) applicable to all staff of NSW Health.

Section 2: Additional provisions specific to JH&FMHN staff.

JH&FMHN staff must comply with all aspects of the NSW MoH [PD2015 049 Code of Conduct](#). Due to JH&FMHN's relationship with Corrective Services NSW (CSNSW) and Juvenile Justice NSW (JJNSW) additional provisions are required for JH&FMHN staff as outlined in this JH&FMHN policy [2.010 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 his/her immediate line manager for resolution.

Staff must comply equally and fully with all aspects of the NSW MoH [PD2015 049 Code of Conduct](#) and the JH&FMHN policy [2.010 Code of Conduct](#). For further details regarding compliance, refer to paragraph 2.2 of the NSW MoH [PD2015 049 Code of Conduct](#).

2.2 Roles and Responsibilities

All JH&FMHN staff must comply with this policy.

3. Procedure Content

In addition to the provisions set out in the NSW MoH [PD2015 049 Code of Conduct](#), JH&FMHN staff must also be aware of and comply with the following additional provisions.

3.1 Associations with Inmates/Detainees/Patients

3.1.1 Initial Declaration

Upon being recruited to a position, JH&FMHN staff are required to sign a JH&FMHN EMP107 *Declaration of Association, Criminal Charges and Offences* form 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/patients. This information will be reviewed by Workforce and a risk assessment will be conducted by the Director of Workforce and the respective Executive Director to determine the level

of risk to JH&FMHN. This information may be disclosed to CSNSW/JJNSW if the Chief Executive or Director Workforce determines that the JH&FMHN staff member's relationship with former or current inmates/detainees/patients may pose a risk to either of those organisations.

3.1.2 Ongoing Declarations

During a person's employment with JH&FMHN, staff must disclose to their immediate line manager on JH&FMHN EMP107 *Declaration of Association, Criminal Charges and Offences* form, if any person enters into custody or care of JH&FMHN with whom they have or previously have had a personal relationship. The line manager must disclose this information to his/her Service Director. If a declaration is made, the Service Director must conduct a risk assessment in consultation with the Director Workforce and forward to the Executive Director. This form is to be placed in the staff member's personnel file. This information will be considered in the same pathway as in [Section 3.1.1](#).

Relationships formed with inmates/detainees/patients upon their release from custody must also be declared to the staff member's immediate line manager, who must conduct a risk assessment for possible further action and report to the Service Director.

3.1.3 Contact and Acceptable Communication with Inmates/Detainees/Patients and their Families

All dealings with inmates/detainees/patients will be professional, transparent, accountable and fair.

JH&FMHN staff must contact inmate/detainee/patients' families for official purposes only and in accordance with JH&FMHN policy, and after approval by CSNSW/JJNSW or Forensic Mental Health Services. JH&FMHN staff of the Connections Program, Community Forensic Mental Health Services and the Integrated Care Service may be required as part of their duties to contact patients' families to confirm accommodation or other issues post release.

JH&FMHN staff working with forensic patients or patients who have been diagnosed with a mental illness or mental disorder, have additional mandatory obligations under mental health legislation to provide information to the designated/principal carer(s) including the patient's details of admission, Mental Health Review Tribunal hearings, classification or reclassification of security status, proposed treatment by Electroconvulsive Therapy (ECT), proposed surgery, absence without leave, transfer of care planning, discharge planning, transfer and release from custody. These obligations are considered to be part of the employee's normal duties and are therefore implicitly authorised. However, JH&FMHN staff must liaise with CSNSW/JJNSW, where relevant, to determine whether there are local security issues in relation to the particular patient/inmate/detainee, as well as whether there are Apprehended Violence Orders in place or the proposed contact is a registered victim under the [Crimes \(Administration of Sentences\) Act 1999](#). In relation to forensic patients, staff should check with the Mental Health Review Tribunal, which can advise whether there are any registered victims.

JH&FMHN staff working with any patient/inmate/detainee who has a mental illness or mental disorder should, as far as practicable, adhere to best practice, as set out in the principles for care and treatment under section 68 of the [Mental Health Act 2007](#). These principles include the directives that "every effort that is reasonably practicable should be made to involve persons with a mental illness or mental disorder in the development of treatment plans and plans for ongoing care" and that "the role of carers for people with a mental illness or mental disorder and their rights to be kept informed should be given effect." However, in complying with these tenets, staff should be sensitive to the issue that carers, families and significant others may also be victims of the offence committed by the patient/inmate/detainee.

JH&FMHN staff must ensure that staff personal contact details, including any other personal details and information, and/or that of any other staff member, are not revealed directly or indirectly to the

patient/inmate/detainee. Dates of patient/inmate/detainee external appointments and transfers or other security-related information must not be revealed directly or indirectly to patient/inmate/detainees or their designated/principal carers.

3.1.4 Relationships with Inmates/Detainees/Patients during and After Incarceration

Staff must not have a personal relationship with an inmate/detainee patient during the course of the professional relationship.

Inappropriate relationships with former or current inmates/detainees/patients may lead to manipulation or compromise. While staff involved in the criminal justice or forensic mental health systems will have regular interaction with inmates/detainees/patients, they must be aware of the danger of crossing professional boundaries or becoming vulnerable to manipulation. As stated above, all relationships with inmates/detainees/patients past or present must be declared to the staff member's immediate line manager, who must disclose through Line Management to the Executive Director.

3.1.5 Dealing with Matters for Inmates/Detainees/Patients

Staff must not become involved in any personal matters of inmate / detainee / patients, or any transaction that involves dealing with cash, bank accounts, credit cards or property of inmates / detainees / patients. Any such request must be directed to an appropriate correctional officer. The only exceptions in dealing with financial matters on behalf of patients is in the Forensic Hospital, or for release planning and linking patients to financial counselling by the Connections Program (see below). JH&FMHN staff must, under no circumstances, provide, or arrange to provide, any substance, money, advice, goods or services to any inmate / detainee / patients outside of their official duties. Formal JH&FMHN correspondence regarding current or former clients must relate only to clinical care or service delivery, in accordance with JH&FMHN policies on discharge/release planning and divulging of information to courts and solicitors. 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.

a) Patients Admitted to the Forensic Hospital

JH&FMHN staff ('staff') must not provide patients with financial advice on investing their money. Patients must only obtain investment advice from a qualified financial advisor.

Only authorised staff are permitted to assist patients with their finances. Authorised staff are: the Patient Fees & Trust Accounting Officer, Finance staff, Allied Health staff and staff authorised in writing by the Service Director, Forensic Hospital and Executive Director, Governance & Commercial Services for a specific purpose.

Staff, other than authorised staff, may be approached by patients seeking information and assistance regarding their finances. If this occurs, staff must listen to and acknowledge the patient in a professional and engaged manner. Staff must then direct the patient to the Patient Fees & Trust Accounting Officer or Allied Health staff for assistance.

When authorised staff assist patients with their finances, they must do so in accordance with legislation, NSW MoH and JH&FMHN policies and procedures.

The Patient Fees & Trust Accounting Officer and Finance staff are only permitted to assist patients with matters relating to Forensic Hospital trust accounts. Allied Health staff are permitted to assist patients with matters relating to their Forensic Hospital trust accounts and personal finances.

b) Patients under the care of the Connections Program or Community Forensic Mental Health Services or the Integrated Care Service

Staff working in the Connections Program or Community Forensic Mental Health Services or the Integrated Care Service may be approached by patients seeking assistance and information regarding

their finances. Staff must listen to and acknowledge the patient in a professional and engaged manner. While inmate/detainee/patients are in custody, staff must refer them to CSNSW staff about financial matters. Where there are financial matters in the community, staff can support patients in accessing the appropriate services to assist them.

3.1.6 Giving/Receiving Gifts

Staff must discourage and politely decline any gift from inmates/detainees/patients or their families, no matter how small, to ensure a professional relationship is maintained with the inmate/detainee/patient. Equally staff must never give any item or gift to an inmate/detainee/patient. Greeting cards are not deemed as gifts, and therefore are acceptable for staff to receive; however food, cigarettes, money and other objects are not acceptable. Even the smallest objects have the potential to take the role of currency in a custodial or inpatient setting, and have the potential to be subject to abuse.

Staff must not accept any gifts or benefits, and must not let the offer of any gift or bribe to influence the way they work or decisions he or she makes. Staff must report offers of non token gifts or bribes to their supervisor. Staff may accept token or inexpensive gifts from vendors or business associates, only if the gift is a gesture of appreciation, and not to secure favour. Token gifts must be declared to his or her supervisor, who can assist determining if the gift is indeed "token". Token gifts refer to gifts of nominal value. If you are unsure whether a gift is "token" or not, the best thing is to thank the vendor/ business associate for the offer, but politely decline the gift.

Gifts of money or alcohol of any kind are not considered token and must be declined.

3.1.7 Ethical / Medico-legal Issues

JH&FMHN staff must ensure Executive Director's authorisation for any involvement in, or provision of clinical services, either public or private, when the service is not clinically indicated, or when the clinical service is not routinely provided in the public sector, or could involve ethical or security concerns for either JH&FMHN, CSNSW or JJNSW.

JH&FMHN staff must ensure that significant clinical practice or care issues and ethical and medico-legal issues or concerns are identified and reported to line managers for appropriate consultation and management with the respective Executive Director.

3.2 Criminal Record and Declarations

3.2.1 Periodic Criminal Record Check

JH&FMHN, CSNSW and/or JJNSW 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.

3.2.2 Ongoing Criminal Declarations

Whilst employed with JH&FMHN, a staff member must disclose to their immediate line manager, if they are charged with, or convicted of, any criminal activity. Through the line management they must then inform his/her Executive Director.

3.3 Partnering Agencies

JH&FMHN staff must not involve other agencies in any issue related to their employment conditions. Other agencies' employment administration, conditions and policies may significantly differ from JH&FMHN'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 JH&FMHN. Staff are not to release any information to other

agencies relating to their own employment or related to other JH&FMHN staff or decisions and actions by JH&FMHN. If JH&FMHN staff have a concern about another JH&FMHN staff member, they are to report the issue to their line manager and not to another agency, unless there is an immediate concern about security in which case the staff member is to contact their line manager with the details of what action they have taken following their report to the other agency. The JH&FMHN line manager must contact Workforce and their Executive Director for advice.

3.3.1 Policy and Procedures

JH&FMHN staff are required to adhere to JH&FMHN policies and procedures. CSNSW and JJNSW policies and procedures generally do not apply to JH&FMHN staff, although JH&FMHN considers the requirements of CSNSW/JJNSW in the development of their policies. 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 line manager in the first instance.

3.3.2 Complying with Justice Health & Forensic Mental Health Network Directions

JH&FMHN staff are required to follow JH&FMHN management directions in all cases. In addition, JH&FMHN staff must co-operate fully with CSNSW or JJNSW with regards to security procedures. This includes emergency situations such as fire, riot and inmate/detainee/patient disturbances. JH&FMHN staff must also communicate any security and safety concerns they may have to their line manager who will advise CSNSW or JJNSW.

If JH&FMHN staff are advised by their patients or become aware of any potential security or safety threats, e.g. planned riot by inmates, they must notify their JH&FMHN line manager who will advise CSNSW or JJNSW immediately.

If JH&FMHN staff are banned for any reason by Corrective Services NSW or Juvenile Justice Centres from entering any Correctional Centre/JJ Centre across NSW, their employment will be terminated.

3.3.3 Justice Health & Forensic Mental Health Network Investigations

When indicated, investigations are undertaken into incidents including staff behaviour. From time to time senior members of CSNSW/JJNSW may be involved in JH&FMHN investigations, which relate to inappropriate staff behaviour in a correctional environment or matters related to the security and good order of the centre. CSNSW/JJNSW will not be involved in investigations that concern clinical concerns or performance matters that are not related to the security and good order of a centre. JH&FMHN staff are not to discuss or divulge information in relation to a JH&FMHN investigation to CSNSW or JJNSW unless approval to do so has been granted by the Chief Executive of JH&FMHN.

3.3.4 Release of Patient Information

All inmates/detainees/patients have a right to confidentiality of their health information. JH&FMHN staff must respect this right and pay particular attention to this in their dealings with CSNSW/JJNSW. Information regarding an inmate/detainee/patient's healthcare should not generally be provided to CSNSW/JJNSW staff. However JH&FMHN staff do have a duty to advise CSNSW/JJNSW staff of actual or potential "at-risk" health problems of inmates/detainees/patients under their care. The JH&FMHN [Health Problem Notification Form](#) and functions in PAS, communicates JH&FMHN advice and recommendations regarding a patient's clinical status and/or management requirements to CSNSW/JJNSW. This information may concern placement or possible signs of a condition or illness, such as substance use withdrawal or asthma. Refer to JH&FMHN policies [1.231 Health Problem Notification Form \(Adults\)](#), [1.235 Health Problem Notification and Escort Form \(Adolescents\)](#), or [4.030 Requesting and Disclosing Health Information](#) for further guidance.

3.3.5 Working Relationship with CSNSW/JJNSW Staff

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

3.4 Respectful Language in the Workplace

Staff working in the criminal justice system, inpatient and community services have the right to expect that they will be spoken to in a reasonable manner by colleagues and managers. Harassment, bullying and discrimination of any kind is not tolerated, refer to JH&FMHN policy [3.100 Harassment, Bullying and Discrimination](#) for further information. Coarse, loud, abusive and/or 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 or intimidation. No staff member should use or tolerate such language. Offensive language is equally unacceptable toward inmate, detainee, patients, and members of other agencies working with JH&FMHN.

4. Definitions

Detainees

Young people in custody as referred to by Juvenile Justice NSW (JJNSW).

Inmates

Adults in custody as referred to by Corrective Services NSW (CSNSW).

Must

Indicates a mandatory action required that must be complied with.

Patients

Detainees / Inmates receiving medical care provided by JH&FMHN.

Personal relationship

Any social, business or familial relationship.

Should

Indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

Staff

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

5. Legislation and Related Documents

Legislation

[Crimes Act 1900](#)

[Crimes \(Administration of Sentences\) Act 1999](#)

[Health Records and Information Privacy Act 2002](#)

[Health Services Act 1997](#)

[Mental Health Act 2007](#)

[Privacy Act 1988 \(Cth\)](#)

[Privacy and Personal Information Protection Act \(1998\)](#)

JH&FMHN Policies
and Forms

- 1.141 [Release Planning and Transfer of Care Policy - Adult Ambulatory Setting](#)
- 1.142 [Discharge Planning - Medical Subacute and Aged Care Rehab Unit, LBH](#)
- 1.231 [Health Problem Notification Form \(Adults\)](#)
- 1.235 [Health Problem Notification and Escort Form \(Adolescents\)](#)
- 1.325 [Referrals, Admission and Transfer of Care \(Adults\) Forensic Hospital](#)
- 1.327 [Referral, Admission & Transfer of Care \(Adolescents\) Forensic Hospital](#)
- 1.335 [Referrals to the Community Integration Team](#)
- 2.020 [Corruption Prevention and Fraud Control](#)
- 2.140 [Public Interest Disclosures](#)
- 3.020 [Conduct and Discipline](#)
- 3.100 [Harassment, Bullying and/or Discrimination](#)
- 4.030 [Requesting and Disclosing Health Information](#)

EMP107 *Declaration of Association, Criminal Charges and Offences*

JUS050.001 *Health Problem Notification and Escort form (Adults)*

JUS050.002 *Health Problem Notification and Escort form (Adolescents)*

NSW MoH Policy
Directives

- PD2005_593 [Privacy Manual for Health Information](#)
- PD2015_049 [NSW Health Code of Conduct](#)