Code of Conduct

Ombudsman's Message

The Ombudsman's office has built a reputation for achieving timely, high quality complaint resolution, proportionate, evidenced-based administrative improvements, and undertaking many additional activities and projects that support our business. This is accomplished through the dedication, commitment and professionalism of our employees.

Our good conduct is essential to our reputation, which in turn will influence our business activities. This Code of Conduct (which applies equally to employees, contractors and consultants) provides a framework of guiding principles for behaviour, the way we conduct our business activities and the way we interact with each other.

I acknowledge that it is neither possible, nor desirable, to write prescriptive policies for every situation we may face at work. Accordingly, it is important that we all comply with the spirit of the Code of Conduct which relies on the notion that we all accept personal responsibility for our behaviour, such behaviour being what we would expect of a person employed to serve the interests of the citizens of Western Australia.

It is therefore important that we all read and understand this Code. All employees are required to acknowledge their understanding and acceptance of this Code of Conduct at Attachment A.

Chris Field
Ombudsman

Our Values

In all our operations and relationships we value being:

- **Fair**: We observe procedural fairness at all times, use a 'no surprises' approach in all our work and provide our services equitably to all Western Australians.
- **Independent**: The Ombudsman is an officer of the Parliament, independent of the Government of the day and independent of all parties in dispute.
- **Accountable**: We should be, and are, accountable for our performance and proper expenditure of taxpayers' money. Being accountable means being:
    - **Rigorous**: We undertake work that is important to the community and our decisions are supported by appropriate evidence.
    - **Responsible**: All recommendations for change to public administration must be practical and proportionate to the problem identified and must demonstrate a net public benefit.
    - **Efficient**: We undertake our work in a timely way at least cost. We value working with other agencies that further good public administration but we should never duplicate their work.

Legislative and Policy Framework

All staff of the Ombudsman's office are required to act according to relevant legislative requirements, Ombudsman policies and ethical codes that apply to personal conduct.

Ombudsman policies relating to personal conduct, including the Code of Conduct, are available on the Ombudsnet.

The standards of conduct and integrity to be complied with by all public sector employees are expressed in the Western Australian Public Sector Code of Ethics.

Personal Behaviour

All staff of the Ombudsman's office are required to:

- Treat members of the public and colleagues professionally, courteously and with appropriate sensitivity, be honest and fair in our dealings with people, and have proper regard for their interests, rights, safety and welfare;
- Maintain a working environment free from harassment (including sexual harassment), bullying or discrimination; and
- Contribute to a harmonious, safe and productive work environment through your work habits, and professional workplace relationships.

Policies relating to anti-discrimination, bullying and grievance resolution procedures are available on the Ombudsnet.

General Considerations when Dealing with Complainants

Staff of the Ombudsman's office who undertake investigations of complaints are required to:

- Handle complaints professionally, efficiently and fairly;
- Keep people informed of the progress of their complaint;
- Give reasons for decisions; and
- Treat all parties with courtesy and respect.

We recognise that complainants who lodge a complaint with the Ombudsman's office may:

- Be already dissatisfied;
- Have had unpleasant dealings with government agencies, police or local government;
- Believe that they have not been listened to adequately;
- Take personally the decision or action against them;
- Come to the Ombudsman as a last resort and the decision to make a complaint is not usually made lightly;

- Be emotionally affected by the decision or action about which they are complaining and be unhappy, angry, tense and distrustful; and
- Have unrealistic expectations about what the role and powers of the Ombudsman are.

As a result, the way in which we deal with complainants must be sensitive to these matters as well as sensitive to the usual issues involved in the way an organisation deals with its clients. We consider that certain complainants have special needs due to a variety of factors and that it is our responsibility to be aware of these needs.

We make a commitment to be sensitive to the needs of all complainants, but especially to Indigenous complainants, complainants from culturally and linguistically diverse backgrounds, young people, old people, people who are not functionally literate or people with physical or mental disabilities.

Dealing with Difficult Complainant Conduct

We are committed to providing reliable, efficient and effective service to our clients. All complainants will be treated professionally, courteously and with appropriate sensitivity.

When dealing with difficult complainant conduct, staff are required to:

- Maintain a professional manner at all times;
- Continue to be courteous;
- Inform the person that contact will be terminated if they are abusive;
- Report the details of the incident to a supervisor if it is necessary to terminate the contact; and
- Record the incident on the file.

Communication and Official Information

All staff of the Ombudsman's office are required to:

- Not disclose information or documents acquired in the course of their employment, other than as required by law or where proper authorisation is given;
- Not misuse official information for personal or commercial gain for themselves or another;
- Adhere to legislative requirements and Ombudsman policies and procedures; and
- Respect the confidentiality and privacy of all information as it pertains to individuals.

Confidentiality

Officers should not disclose or use any information obtained in course of their employment unless this is authorised under the provisions of the Parliamentary Commissioner Act

1971. Staff have taken an oath (or affirmation) to this effect on commencing employment. For example, it is prohibited to:

- Give information relating to the business of the Office or of any other government agency or private person to unauthorised persons;
- Disclose the contents of any papers - including internal reports, information obtained during the course of an investigation in any form, or any other documents;
- Use information in pursuing a private interest.

The obligation of confidentiality is prescribed by the Parliamentary Commissioner Act 1971. Staff should be aware that this obligation remains after employment with the Office of the Ombudsman has ceased.

The Criminal Code makes the disclosure of confidential information by a public officer illegal.

Public Comment by Staff

Employees may only provide public comment in an official capacity on government policies, programmes and administration when expressly authorised to do so. In all cases it is inappropriate to give personal views; speculate on future policy directions; publicly criticise any political party, its actions or policies.

Use of Public Resources

All staff of the Ombudsman's office are required to:

- Be accountable for official expenditure, including ensuring public resources are used efficiently and purchases provide value for money;
- Use public-funded resources diligently and efficiently. These include office facilities and equipment, vehicles and corporate credit cards;
- Use corporate credit cards only for authorised work-related expenditure;
- Not use office time or resources for party political work or for personal gain, financial or otherwise;
- Adhere to Ombudsman's policies and guidelines relating to the personal use of office resources including use of computing and communication facilities and use these resources in a responsible and practical manner; and
- Be careful to ensure that any travel undertaken for official purposes is only done so when absolutely necessary. Frequent flyer points or benefits under other incentive or loyalty schemes accumulated in the course of official air travel will not be used for private purposes whilst employed within the Western Australian public service/sector. They may be used only for further official purposes.

Policies relating to the topics covered by the use of public resources are available on the Ombudsnet.

Intellectual Property

The ownership of and title to all intellectual property of any description created in the course of employment of any staff member is held by the Ombudsman unless otherwise agreed by separate contract.

Record Keeping and Use of Information

All staff of the Ombudsman's office are required to:

- Record actions and reasons for decisions to ensure transparency;
- Ensure the secure storage of sensitive or confidential information;
- Comply with Ombudsman's record keeping requirements; and
- Where permissible, share information to encourage efficiency and creativity.

Policies and procedures relating to record keeping are available on the Ombudsnet.

Conflicts of Interest & Gifts

All staff of the Ombudsman's office are required to:

- Ensure personal or financial interests do not conflict with the individual's ability to perform his/her official duty in an impartial manner;
- Manage and declare any conflict between their personal and public duty; and where conflicts of interest do arise, ensure they are managed in the public interest; and
- Manage and declare gifts received and ensure all gifts are registered.

What is a Conflict of Interest?

A conflict of interest arises when an officer is influenced, or the perception may reasonably arise that an officer may be influenced, by personal interests in carrying out official duties. In other words, a conflict of interest may exist (or be perceived to exist) where loyalties are divided (or may reasonably be perceived as likely to be divided). This could occur where the officer's involvement in a work related matter may provide the officer, a family member or friend or other associate (such as a political party or charitable body the officer is closely associated with) with a benefit of any sort from a decision or action involving the officer.

Examples where conflicts (real or perceived) may arise include:

- being involved in a tender/purchasing process where a tender/offer is received from a family member;

- participating in a selection panel when you have had a personal relationship with an applicant;
- receiving gifts, favours or hospitality from a person who may be affected (positively or negatively) by a decision or action you are a party to; or
- undertaking external employment that could conflict with the duties of the officer.

The Public Sector Management Act 1994, and the Western Australian Public Sector Code of Ethics require public sector bodies and employees to act with integrity.

Public sector employees have an obligation to disclose interests that could reasonably create a perception of bias, or an actual conflict of interest. Employing authorities have the responsibility to inform employees of their duty to disclose, to assess such disclosures, and to take appropriate action to minimise any perception of, or to avoid, conflicts of interest.

Policies relating to Conflicts of Interest are available on the Ombudsnet.

Gifts

When carrying out their duties it is inappropriate for officers to accept or give gifts or hospitality. This is because the receipt of gifts may:

- Compromise or appear to compromise an officer's judgment;
- Appear to give rise to a conflict of interest;
- Damage relationships with others; or
- Indicate favouritism, or prejudice or pre-disposition towards or against any particular person or group of people.

Gifts are often given for an ulterior motive and may amount to a bribe.

Money

Under no circumstances should a gift of money or a loan be accepted.

Gifts of Nominal Value

Gifts of nominal value, such as pens, key rings, diaries, can be retained by staff. However all gifts must be registered.

Gifts which become the property of the Ombudsman

There are two situations in which a gift may be retained and becomes the property of the Ombudsman:

- The gift is of more than nominal value and for some reason cannot be returned.

- The gift relates to the work of the Ombudsman or has a public benefit.

If officers have any doubts about gifts, they should discuss the matter with any member of the Corporate Executive.

Policies relating to gifts, including reporting and registering gifts, are available on the Ombudsnet.

Fraudulent and Corrupt Behaviour

All staff of the Ombudsman's office are required to:

- Not engage in fraud or corruption;
- Report any fraudulent or corrupt behaviour to the proper authority; and
- Report any breaches of the Ombudsman's Code of Conduct.

Corruption

The Criminal Code provides that any public officer who obtains, or seeks or agrees to receive, a bribe is guilty of a crime and is liable to imprisonment for 7 years. Likewise, the Criminal Code provides that corrupt conduct is a crime, whether for personal benefit or the detriment of another person, and carries a maximum of 7 years imprisonment.

Fraud

Fraud includes any action whereby an officer receives a direct or indirect benefit through deceit or any practice that involves deceit with the objective of obtaining a direct or indirect benefit from the Government.

The management and staff of the Office recognise our moral and legal obligations with respect to fraud. All staff are responsible for reporting suspected fraud or corruption, and management will take appropriate action where fraud or corruption is suspected.

Outside Employment

Where a staff member is considering employment outside the Ombudsman's Office on any basis, approval must be sought and gained from the Ombudsman before the external employment is undertaken. In circumstances where, in the opinion of the Ombudsman, the proposed employment could compromise an officer's ability to function effectively, or create an actual or perceived conflict of interest, permission may be denied.

This does not include unpaid work, such as serving on a board or committee of a community organisation, unless such a position gives rise to a potential conflict of interest.