



Human Services

Juvenile Justice

Code of Conduct

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Message from the Chief Executive

I am pleased to present Juvenile Justice's revised *Code of Conduct* (the code) which promotes the agency's values of ethical and honest behaviour; professionalism and responsibility; fairness and equity; learning and innovation; and collaboration. The revised code draws upon the principles of the previous code, which has served the agency well.

The code forms the framework for standards of behaviour and links to, and is supported by, the agency's policies, procedures and guidelines. The code outlines the duty of care all staff owe to clients and one another in the workplace and articulates how all staff in the agency should fulfil their responsibility to model ethical behaviour and maintain a professional and safe work environment. It supports a motivated, productive and professional workplace that values the contribution and diversity of staff.

The code will assist staff and managers in dealing with conflicts of interest, appropriate ways to treat clients, colleagues and others with dignity and respect.

A handwritten signature in black ink, appearing to read 'Peter Muir', written in a cursive style.

Peter Muir
Chief Executive

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PART 1 WHAT DRIVES OUR CONDUCT

1.1 Introduction

All members of staff within Juvenile Justice (the agency) are public servants. Therefore the people of New South Wales have a right to expect us to work with a high level of efficiency, fairness, impartiality and integrity.

Our prime responsibility is to place the public interest above our own personal interests and to demonstrate the values of ethical and honest behaviour; professionalism and responsibility; fairness and equity; learning and innovation; and collaboration.

The *Code of Conduct* (code) does not attempt to provide a detailed and exhaustive list of what to do in every aspect of our work, instead it represents a broad framework that will help all staff decide on an appropriate course of action when faced with an ethical issue or professional decisions.

Part One of this code recognises that not all ethical and professional decisions are straightforward. Sometimes we are asked to make difficult judgements and Part One provides assistance in making those difficult decisions.

Part Two outlines expectations in relation to professional behaviour in our dealings with clients, their families, staff and the public.

Part Three deals with how staff are expected to behave in public, when on duty, off duty, when officially representing the agency and when they may be seen to be representing the agency.

Part Four identifies our responsibility to use agency resources appropriately, when to report corrupt conduct in the workplace and the obligation of staff to comply with legislation, policies, procedures and guidelines.

1.2 Who does the code apply to?

This code applies to all staff members of Juvenile Justice, whether employed on a permanent, temporary or casual basis, including Youth Justice Conference Convenors. It also applies to members of the Senior Executive Service (SES).

By accepting employment with the agency, you must be aware of and comply with this code.

Therefore, you must:

- engage in personal and professional conduct that upholds the reputation of the agency;
- apply the agency's policies, procedures and guidelines;
- act ethically and responsibly, and;
- be accountable for your actions and decisions.

1.2.1 Contractors, consultants, volunteers and students

Contractors, consultants, volunteers and students working within the agency must be aware of this code and act in line with the conduct described in it. While contractors, consultants, volunteers and students are not subject to disciplinary action, conduct that would be assessed as being a serious breach of the code may result in their contract/placement being terminated.

If you are engaging or managing external consultants, contractors, volunteers or students, it is your responsibility to make them aware of the agency's expectations of conduct during the period of their engagement. It is also your responsibility to take the necessary action to address any concerns about their conduct.

1.3 What happens if I breach this code?

Intent: As a staff member of the agency, you hold a position of trust and are accountable for your actions.

Consequences of inappropriate behaviour and breaches of this code are outlined in various employment legislation and regulations, and in the corresponding guidelines (see section 4.3.2).

As a manager or supervisor, when deciding what, if any action should be taken in relation to a breach of this code, you should remember to consider each case on its own facts and circumstances.

The options to consider when deciding what action to take include:

- the seriousness of the breach;
- the likelihood of the breach occurring again;
- whether the staff member has committed the breach more than once;
- the risk the breach poses to staff, clients or any others; and
- whether the breach would be serious enough to warrant disciplinary action.

Staff members must report breaches of the code by colleagues to their supervisor or manager. If the breach is by their supervisor or manager then it should be reported to the next line manager.

Matters involving a breach of the code may constitute misconduct and be referred to the Employment Relations, Conduct and Entitlements Unit for consideration by the Professional Conduct Committee.

Section 43(1) of the *Public Sector Employment and Management Act (NSW) 2002* states that misconduct includes, but is not limited to, any of the following:

- (a) a contravention of any provision of the *Public Sector Employment and Management Act (NSW) 2002* or the *Public Sector Employment and Management Regulations (NSW) 2009*,
- (b) performance of duties in such a manner as to justify the taking of disciplinary action,

- (c) taking any detrimental action (within the meaning of the *Protected Disclosures Act (NSW) 1994*) against a person that is substantially in reprisal for the person making a protected disclosure within the meaning of that Act,
- (d) taking any action against another officer that is substantially in reprisal for an internal disclosure made by that officer.

If a matter proceeds to an investigation, the investigation is conducted in accordance with the *Public Sector Employment and Management Act (NSW) 2002* and the associated guidelines, which require compliance with the principles of procedural fairness.

Procedural fairness, also known as natural justice, applies in situations where a decision is to be taken which could have a detrimental effect on the rights, interests or legitimate expectations of an individual. Any person who might suffer detriment as a result of a decision (be they the complainant or the respondent) should be afforded procedural fairness.

Procedural fairness refers to a process that provides fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond to them and the right to information regarding the status of the complaint.

Procedural fairness dictates that:

- the officer must be advised in writing of the alleged misconduct and that the allegation may lead to disciplinary action;
- the officer must be given an opportunity to respond to the allegation/s;
- the officer must be provided with a copy of documents the decision maker is relying upon to make a decision in relation to disciplinary action;
- the officer must be provided with an opportunity to make submissions in relation to disciplinary action that the decision maker is considering; and
- the officer must be provided with an opportunity to request a meeting with the decision maker in relation to disciplinary action that the decision maker is considering.

Procedural fairness also encompasses matters such as:

- making reasonable inquiries or investigations prior to making a decision; and
- ensuring that the decision maker has no direct interest and is unbiased in the matter.

Proven breaches of the code, which constitute misconduct, may result in remedial action or disciplinary action ranging from a caution through to dismissal. Breaches by contractors, consultants, volunteers, students and others may lead to a review of their engagement.

Unlawful conduct at work or whilst off duty may also involve a breach of the code and may constitute misconduct.

Staff convicted of a serious offence/s may be liable to court imposed sanctions and may also be liable to disciplinary action.

1.4 Our values

The agency's values provide a guide to what behaviours are important and expected of staff.

Value	Expected Behaviour
Ethical and Honest Behaviour	You are expected to act ethically and in a manner that places honesty and integrity above all other considerations. You must not use your position to gain any advantage for yourself, members of your family, associates or friends.
Professionalism and Responsibility	<p>You are expected to behave in a courteous and sensitive manner when dealing with the public, staff and young people and behave in a manner which demonstrates professionalism, integrity, and shows respect for others and models appropriate behaviour.</p> <p>You should ensure that your decisions and actions are reasonable, fair and appropriate to the circumstances and based on all the relevant facts available.</p>
Fairness and Equity	You are expected to be fair minded and equitable in all your dealings.
Learning and Innovation	<p>You are expected to keep up to date with advances and changes in your area of expertise, and look for ways to improve your work performance.</p> <p>You should use your authority, available resources and information only for the work-related purposes intended.</p>
Collaboration	We must work co-operatively with a shared understanding and commitment to achieve results.

1.5 Principles for professional behaviour

Intent: A professional always aims to give the best they can

1.5.1 What the agency expects of its staff members

You must be aware of the agency's policies, procedures, guidelines and delegations, particularly those that apply to your work. Many of these are available online; others may be made available to you through induction and training and development programs. If you are uncertain about the scope or content of a policy, procedure or guideline with which you must comply, you should seek clarification from your supervisor.

You must also be familiar with the legislation under which you are employed as this may specify requirements with which you need to comply.

As a staff member, you are expected to:

- perform your duties to the best of your ability and be accountable for your performance;
- follow reasonable instructions and/or directions given by a supervisor;
- comply with a lawful direction;
- carry out your duties in a professional, competent and conscientious manner while seeking suitable opportunities to improve your knowledge and skills, including through participation in relevant professional development;
- act honestly and in good faith in providing advice or service that is honest, impartial and comprehensive, irrespective of your personal views on a matter;
- be courteous and responsive in dealing with your colleagues, clients, their families and members of the public;
- work collaboratively with your colleagues;
- be mindful of your duty to the safety of yourself and others; and
- be aware that if your conduct has the potential to damage the reputation of the agency, even if it is in a private capacity, this could lead to disciplinary action.

If your role requires you to manage or supervise staff, in addition to the above responsibilities you are also expected to:

- promote collaborative workplaces by developing a positive working environment in which all staff contribute to the ongoing development of the agency;
- exercise leadership by working with your staff to implement performance and development processes that are consistent with the conduct and performance framework of the agency;
- provide ongoing support and feedback to your staff;
- establish systems within your area of responsibility which support effective communication and consult with, and involve your staff in, appropriate decision-making; and
- take appropriate action if a breach of the code occurs.

1.5.2 Professional Principles

The agency operates under the following professional principles and staff are required to:

- Respect and protect the dignity of all persons;
- Perform official duties in a professional and responsible manner;
- Maintain professional boundaries;
- Create and maintain good working relationships;
- Place public interest and integrity above private interest;
- Work with economy and efficiency;
- Implement the policies and decisions of the government; and
- Provide a quality service.

1.6. Professional and ethical decision-making

Intent: As staff members we are accountable for our actions. Therefore our decisions must be based on all the relevant facts available and must be fair, consistent and impartial.

We often find ourselves in situations where we are required to make decisions and take action that may not be specifically covered by this code, policies, procedures or guidelines of the agency.

When making a decision you should:

1. consider whether the action or decision is consistent with legislation, government policy and in line with the agency's policies, procedures, guidelines and this code;
2. consider whether the decision supports our corporate values;
3. consider whether the decision is in line with the *Principles for Professional Behaviour* (outlined in 1.5 above);
4. consider the outcomes for yourself, other staff, the agency and other relevant parties. Consider if the outcome:
 - a. raises a potential conflict of interest or
 - b. leads to private gain at public expense or
 - c. results in a negative impact on a client, staff member or others
5. be confident in justifying your actions to an external authority; and
6. be aware of how this decision will be perceived by the public.

If you are open and honest from the outset you will generally avoid difficulties later on. If you later recognise that you have made a mistake, admit it and seek to put the situation right. Remember you are acting on behalf of the agency and are accountable for your actions and decisions.

1.6.1 Conflicts of Interest

A conflict of interest occurs when a public official is in a position to be influenced by their private interests when doing their job. Real or perceived conflicts of interest exist when it is likely that a staff member could be influenced or could be perceived to be influenced by a personal interest when performing their official duties. Conflicts of interest may lead to biased decision making, which may constitute corrupt conduct.

1.6.2 Conflict of Interest relating to personal interest

Examples of conflict of interests relating to a personal interest may include (but are not limited to) situations where you have:

- a financial interest or you are aware that a family member, relative, friend or associate has a financial interest in a matter you deal with in the course of your work;
- a personal relationship that could be seen to unduly affect your decision, for instance, when conducting a job selection;
- a close personal relationship with another staff member;
- personal beliefs or attitudes that could influence, or may be perceived to influence, your impartiality;
- secondary employment which conflicts with your duties; and
- participation in political activities or making political comments that may relate to, or be seen as relating to, the work of the agency.

Conflicts of interest either real or perceived must be reported to your supervisor, who then has an obligation to document the conflict and any action taken to resolve it and file the document on a file relevant to the matter.

1.6.3 Conflict of Interest relating to gifts and benefits

You may be offered a gift or benefit as an act of gratitude. There are some circumstances when to refuse a gift would be perceived as rude, insulting or hurtful. You are expected to exercise sound judgment when deciding whether to accept a gift or benefit. It is important that the acceptance of a gift does not influence, or is not seen to influence your decision making.

As a general rule, you must not solicit or accept gifts or benefits of any sort from anyone under any circumstance. You must never accept money in any form. You, or a member of your family, may accept a gift of nominal value (\$50 or less) but you must inform your supervisor. Examples of nominal gifts are:

- inexpensive pens
- pencils
- notepads
- key rings

You, or a member of your family, must not accept a gift of more than nominal value (over \$50) or receive a number of gifts of nominal value from one giver. If you, or a member of your family, are offered a gift or benefit of more than nominal value, you must inform your supervisor. Examples of gifts of more than nominal value include:

- tickets to sporting events
- discounted products for personal use
- use of holiday homes
- free 'training excursions'

Bribery is soliciting, receiving or offering any undue reward to or by a person, to influence the way that person acts. A reward can encompass anything of value and is not limited to money or tangible goods. The provision of services may amount to a reward.

If you are offered a bribe (i.e. anything given in order to persuade you to act improperly), you must refuse it, explain why it is not appropriate, and immediately report the matter to your supervisor or manager. Any attempt to bribe a staff member or the acceptance of a bribe by a staff member, is an act of corrupt conduct and must be reported to the Employment Relations, Conduct and Entitlements Unit.

Sometimes it is difficult to refuse a gift, for example if it is offered in a public way, such as to a guest speaker at a conference. All gifts, if accepted, must be regarded as the property of Juvenile Justice. The agency will take responsibility for their use or disposal.

If you are offered or given a gift or benefit that you cannot refuse, that is of more than nominal value, you are required to orally report the incident to your supervisor and surrender the gift immediately. You must follow up this report with a note in writing including the following information:

- date, time and place of the incident;
- to whom the gift or benefit was offered;
- who offered the gift or benefit and contact details (if known);
- the response to the offer;
- any other relevant details of the offer; and
- your signature and the date.

Your supervisor must document the offer of the gift and any action taken and file the document on a file relevant to the matter. The Employment Relations, Conduct and Entitlements Unit keeps a register of all gift offers over nominal value. All gift offers over nominal value are to be reported to this unit. Your supervisor will make this report.

If in doubt, consult with and inform your supervisor.

1.6.4 Resolution of conflicts of interest

To resolve or manage a conflict of interest which occurs or could occur, a range of options are available depending on the significance of the conflict. These include:

- the supervisor recording the details of the conflict and taking no further action in relation to the conflict because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
- the supervisor removing the staff member from the particular activity or decision where the conflict arises and documenting this;
- the staff member transferring from the area of work or particular task where the conflict arises without disadvantage;
- the supervisor of the staff member with the conflict checking and endorsing (if appropriate) all action with respect to the matter creating the conflict;
- the supervisor referring the decision to a senior staff member who is expert in the issue and independent of the situation;

- the staff member relinquishing the personal interest;
- the staff member restricting their personal interest so that it does not impinge on the workplace.

For further detailed information relating to conflict of interest, please refer to the following documents.

Conflict of Interest
Independent Commission Against Corruption (ICAC) Managing Conflicts of Interest in the Public Sector Guidelines
Ombudsman's Fact Sheet Fact Sheet
Fraud Control and Corruption Prevention Policy

PART TWO: PROFESSIONAL BEHAVIOUR

2.1 Treating people with dignity and respect

Intent: We are committed to providing a safe and harmonious work environment free from intimidation, harassment and bullying.

All staff have the right to be treated with respect, and it is everyone's responsibility to ensure this occurs. You are to treat your colleagues, clients, their families and members of the public with respect, fairness and consistency. Staff are to be courteous and sensitive to the needs of others and provide all necessary and appropriate assistance as practicable.

You are responsible for helping to make the workplace a bullying and harassment free zone by treating others with respect and fairness. This also means not participating in, or condoning any behaviour that may result in another person feeling bullied and/or harassed.

You are entitled to ask for support when you make a report of bullying and/or inappropriate conduct. You may gain support from a support person or your supervisor. A support person may be a friend or union representative, but cannot be someone involved in the matter.

Staff who have had a complaint made against them must not take detrimental action against the complainant in reprisal for reporting their conduct. This includes any action that could reasonably be perceived to be detrimental action in reprisal.

For more detail and procedures for dealing with bullying, harassment and the management of grievances, refer to the agency's *Dignity and Respect Policy and Guidelines*.

Specific responsibilities include:

Managers/Supervisors

- modelling ethical behaviour and maintaining a professional work environment;
- promoting an atmosphere of trust through clear communication and by being approachable;
- receiving and resolving workplace grievances;
- addressing work issues and promoting conflict resolution;
- advising and supporting staff in relation to incidents involving bullying and harassment;
- treating all staff involved in the grievance process fairly, equally and with respect;
- handling grievances impartially, promptly and without victimisation; and
- maintaining confidentiality and abiding by privacy requirements; and
- providing effective supervision of staff.

Staff

- modelling ethical behaviour and maintaining professional conduct;
- helping to promote a harmonious work environment by treating others with respect and fairness;
- reporting all incidents of bullying and harassment to their manager/supervisor;
- following all agency policies, procedures and guidelines;
- participating in relevant training and/or mediation processes; and
- examining your own behaviour and following standards of professional and ethical behaviour outlined in this code.

2.2 Professional behaviour towards clients

Intent: Staff are obliged to maintain professional and therapeutic relationships with clients and their families, to ensure best outcomes are achieved.

You must act with integrity, impartiality and compassion towards clients and their families.

All official dealings with clients and their families should be professional, transparent, accountable and fair.

The professional relationship between staff and clients relies on trust and the obligation of staff to act in the best interests and welfare of the client.

The therapeutic context should be a safe one for clients. A proper and professional relationship is one where the welfare and rehabilitation of the client is the primary concern.

All clients have a right to a safe physical and emotional environment. As a staff member, you are expected to always behave in ways that promote the safety, welfare and well-being of children and young people. You must actively seek to prevent harm to children and young people, and to support those who have been harmed. While not all staff are required to manage and supervise clients, it is important for all staff to understand and observe child protection legislation and to comply with the agency's policies, procedures and guidelines relating to child protection.

2.2.1 Inappropriate behaviours

You must not develop a relationship with any client that is, or that can be misinterpreted as having a personal rather than a professional interest. To do so raises serious questions of conflict of interest, trust, confidence, dependency, and of equality of treatment.

You must not enter into a romantic or sexual relationship with any client or former client. It is a breach of this code and unprofessional for staff to engage in sexual activity of any kind with clients or former clients, regardless of whether the person is now over the age of consent.

2.2.2 Contact with clients

Across the agency staff will interact with clients and their families in a range of ways, from therapeutic to case management interactions, which affect the way in which they relate to them. However, all staff should be aware of the dangers of inappropriate relationships that could lead to manipulation or compromise.

By the very nature of their role, staff working with clients (including both centre and community staff) will have interaction with clients in situations where they may become particularly vulnerable to manipulation for improper purposes. It is paramount therefore that a strictly professional relationship is maintained.

You are to act in a caring and supportive manner towards clients, since that is an important part of your job, but you must always maintain professionalism.

You must not use any social media sites to maintain relationships with and/or have any communication or interaction with clients, former clients, their family or friends (see 3.1.3).

2.2.3 Unavoidable personal contact with clients, former clients, their families and friends

As a general rule, you must not knowingly have a personal, social or business association with a client, former client, their family or friends.

The agency recognises that given the over-representation of Aboriginal and Torres Strait Islander young people in the juvenile justice system, that it is difficult for Aboriginal and Torres Strait Islander staff not to have contact with clients, former clients, their families and friends.

The agency also recognises that you may have difficulty in not having contact with clients, former clients, their family and friends in the following circumstances where they:

- come from the same cultural community
- come from the same indigenous community
- may be related or have a kinship connection to you or
- live in close proximity – especially in rural/remote locations

For example, in attending family gatherings, community meetings, cultural and sporting events, you may come into contact with clients, former clients, their families and friends.

In the circumstances outlined above, you must report the connection and discuss it with your supervisor or manager. This report enables transparency and consistency. There is no negative connotation with a report, it simply protects the staff member by having the connection known by the agency and provides that appropriate action can be taken to manage any possible risk of actual or perceived conflict of interest. For the same reasons, you are also not to be professionally involved in any casework or official decisions relating to the young person.

2.2.4 Maintaining client confidentiality and privacy

Clients receiving support from the agency and its staff have a right to privacy of their personal information and a right to this information being kept confidential and secure.

In acting with a high level of professionalism you will only use client information for the purpose it was given and must not publicly disclose any identifying information about any client. You may only disclose official information or documents:

- in the course of your official duties;
- when proper authority has been given;
- when required, or authorised to do so by law; or
- when called to give evidence in court.

It is an offence to unlawfully disclose information about clients under the following Acts:

- *Children (Detention Centres) Act (NSW) 1987;*
- *Children (Community Service Orders) Act (NSW) 1987;*
- *Young Offenders Act (NSW) 1997;* and
- *Privacy and Personal Information Protection Act (NSW) 1998.*

Unlawfully disclosing information could result in a fine or period of imprisonment or both. You may also be liable to disciplinary action if you improperly access, use or disclose sensitive or confidential information. For example, it would be a breach of the confidentiality provisions of this code to tell your neighbour that a certain young person was a client of the agency.

For further detailed information relating to professional behaviour toward clients, please refer to the following documents:

Professional behaviour towards clients
Client Protection Policy
Juvenile Justice Centre Procedures
Ombudsman's Fact Sheet on Child Protection Fact Sheet No 06
Juvenile Justice Community Services Procedures
Practitioners Guide to Information Sharing For Effective Human Service Delivery
ICAC - Protecting identity information and documents

2.3 Professional behaviour towards staff and others

Intent: We aim to maintain professional and co-operative relationships with each other to ensure a harmonious working environment.

As professionals we must strive at all times to relate professionally to our colleagues, clients, their families and members of the public and to act with courtesy and fairness. In our dealings with others we should ensure that we do not prejudice the operations, security or reputation of the agency.

In performing your duties you are required to act consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures and in a non-discriminatory manner.

Acts of unfairness involving favouritism, inconsistency or discrimination adversely affect morale and good working relationships and should not occur in the workplace.

There are established procedures for recruitment, selection, promotion and conditions of employment, which are based on equal employment opportunity and anti-discrimination legislation. Recruitment practices are driven by the *Public Sector Employment and Management Act (NSW) 2002* with guidance contained in the *NSW Public Sector Handbook* and the *Merit Selection Guide for NSW Public Sector Panels – Picking the Best Person for the Job*.

You should also note that personal information about recruitment and appointment processes are confidential and you may not disclose any personal information about another candidate or colleague throughout this process. You should also understand that often sensitive negotiations about matters such as criminal record check results are handled confidentially and sensitively with the person involved.

Under the *Anti-Discrimination Act (NSW) 1977*, it is unlawful to discriminate in employment or in providing a service on the grounds of:

- a person's actual or presumed/perceived sex (including pregnancy), race, disability, marital status, age, homosexuality, transgender or carer's responsibilities; and
- the actual or presumed/perceived sex (including pregnancy), race, disability, marital status, age homosexuality or transgender of their associate or relative.

Discrimination and/or harassment will not be tolerated by the agency and disciplinary action may be taken against any staff member who engages in discrimination and/or harassment.

2.3.1 Respectful language in the workplace

You must use courteous and respectful language in your interactions with your colleagues, clients, their families and members of the public.

We all have the right to expect that we will be spoken to in a reasonable manner by colleagues and managers. Coarse and obscene language is inappropriate in any agency workplace, as is sexual banter and suggestive language.

The use of such language may constitute harassment. No member of the agency should tolerate such language and if witnessed, must report it to the staff member's supervisor.

2.3.2 Maintaining staff confidentiality, privacy and appropriate records

We all have a right to expect that our personal information is private and confidential.

In acting with a high level of professionalism you will ensure that information about your colleagues remains confidential and private. You should always exercise caution and sound judgment in discussing other peoples' personal information with other staff. Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist us in carrying out our work because of their expertise. Gossiping about other staff members or unauthorised disclosure of private information (personal phone numbers, address etc) is considered to be unprofessional and a breach of this code.

In relation to the maintenance of appropriate records, a record serves an essential administrative, legal and historical purpose. Records may be emails, electronic documents, digital images and audio recordings, correspondence and files.

All staff members have a responsibility:

- to create and maintain full, accurate and honest records of their work activities, decisions and other business transactions, and
- to capture or store records in line with the agency's *Records Management Policy* and the *State Records Act (NSW) 1998*.

Managers have a responsibility to ensure that the staff reporting to them comply with their records management obligations. You must not destroy records without appropriate authority.

Staff must maintain the confidentiality of all official information and documents which are not publicly available or which have not been published.

2.3.3 Signatures

You are accountable for any documents that you sign. Therefore, you should carefully read all documents you are asked to sign. You must not sign a document, which you know is not true and correct.

You must only sign *your own* name and must never permit or encourage anyone to sign a name other than their own. Managers and supervisors must not encourage or coerce their staff to sign a document with which the staff member is not satisfied.

You should only use *your own* name when, for example, sending emails, and should not give the impression that you have the authority of another person without their permission. In addition, when using electronic signatures of a manager or supervisor, you must have their express approval on each occasion the electronic signature is used.

You should never give another person your user password and you should take care to ensure that you have 'logged off' fully from your computer before leaving it unattended.

For further detailed information relating to professional behaviour toward staff and others, please refer to the following documents:

Professional behaviour towards staff and others
<u>Dignity and Respect Policy and Guidelines</u>
<u>ICAC - Protecting identity information and documents</u>
<u>Privacy Policy</u>
<u>Records Management Policy</u>
NSW <u>Personnel Handbook – Chapter 2 Recruitment, Selection & Appointment</u>
<u>Merit Selection Guide for NSW Public Sector Panels – Picking the Best Person For The Job</u>
<u>State Records Act (NSW) 1998</u>
<u>Information Security Policy</u>

2.4 Use of alcohol, drugs and tobacco

The agency is committed to providing a productive, safe and healthy workplace. You are responsible for ensuring that your capacity to perform your duties is not impaired by the use of alcohol or drugs, and that the use of such substances does not put you or any other person's health and safety at risk.

You must:

- not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances;
- not endanger your own safety or the safety of any other person in the workplace by consuming alcohol, illegal drugs or non-prescribed and/or restricted substances;
- notify your supervisor if you are aware that your work performance or conduct could be adversely affected as a result of the effect of a prescribed drug;
- take action to resolve any alcohol or other drug-related problems that you have (remember that you have access to counselling support from the Employee Assistance Provider); and
- consult with your supervisor if you are concerned about working with other employees who may be affected by drugs or alcohol.

It is also a breach of clause 37B of the *Children (Detention Centres) Act (NSW) 1987* to bring or attempt to bring into a detention centre any alcohol, drug or other thing of any kind; or to deliver or attempt to deliver to a detainee any alcohol, drugs or other thing of any kind, without lawful authority.

If you are required to take prescription medication at work and require a safe storage location you must discuss with your supervisor, to determine a safe and secure storage location.

2.4.1 Drugs

You *must not*:

- have illegal drugs in your possession while at work. Any illegal drugs found on agency property or in the possession of any person on agency property will be reported to the Police; and
- give clients or colleagues illegal drugs or restricted substances, or encourage or condone their use.

2.4.2 Alcohol

When at work, the agency's *Alcohol and Other Drugs Policy* allows a blood alcohol level of no more than 0.02 grams of alcohol per 100mL of blood (the detectable level).

2.4.3 Tobacco

Juvenile Justice has a responsibility to, so far as is reasonably practicable, ensure that all staff members, clients and visitors whilst at a Juvenile Justice worksite, are safe from injury and risks to health.

Smoking is prohibited:

- within all agency buildings;
- in all agency vehicles;
- in the presence of clients; and
- in the grounds of any Juvenile Justice worksite.

Employers who continue to allow smoking in their workplace may be liable for prosecution under the *Occupational Health and Safety Act (NSW) 2000*. This Act requires employers to:

- Provide working environments that are safe and without risks to health; and
- Ensure the health and safety of clients, visitors and anyone working in the agency.

For further detailed information relating to alcohol, drugs and tobacco please refer to the following documents.

Alcohol, drugs and tobacco
Employee Assistance Program Provider
Alcohol and Other Drugs Policy
Alcohol and Other Drugs Procedure for Staff
OHS Procedure – Smoke Free Environment
Clause 37B of the <i>Children (Detention Centres) Act (NSW) 1987</i>
Occupational Health and Safety Act (NSW) 2000

PART THREE: PROFESSIONALLY REPRESENTING THE AGENCY

3.1 Representing the agency

Intent: We aim to professionally represent the agency whether in the course of our official duties or in our private lives.

3.1.1 Conduct whilst off duty

As members of a public sector organisation we must, even when off duty, act in accordance with the law and the content of this code. In so doing we ensure that we do not bring discredit to ourselves as private citizens or to the agency, and that we model exemplary behaviour and act as a positive influence in the community.

Staff should be aware that unlawful or unprofessional conduct, even in a private capacity, which may damage, or has the potential to damage, the reputation of the agency, may constitute misconduct and attract disciplinary action by the agency (see 1.3 for definition of misconduct).

Section 43(2)(a) of the *Public Sector Employment and Management Act (NSW) 2002* provides that action can be taken for misconduct which occurs when an officer is off duty.

If you are charged with a serious offence or are declared bankrupt, you are required to immediately notify your manager. A serious offence is an offence that is punishable by imprisonment for 12 months or more.

Conviction (even where no conviction is recorded) for a serious offence may jeopardise your employment, whether or not the offence was committed in the course of your employment.

3.1.2 Public comment

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes the following:

- speaking engagements
- comment made:
 - on social networking sites (such as “Facebook,” “Linked In,” and “Twitter”);
 - on radio, television or in newspapers (including letters to the editor);
 - in books, journals or notices;
 - on the internet, including media-related websites that seek comments on their stories
 - ‘anonymously’ e.g where a face on the television is obscured; and
 - in e-mail messages

As a private individual, you have the right to participate in public debate on political and social issues. In exercising this right, you also have the responsibility to make it very clear you are speaking as a private individual and not representing the official views of the agency or the Government.

In participating in any political, community and personal activity, you must:

- not make any comment where it could be inferred that the public comment, although made in a private capacity, is in some way an official comment of the Government or of Juvenile Justice;
- not make public comment, where the comment, even though unrelated to your normal duties, amounts to criticism sufficiently strong or persistent to give the impression that you are not prepared to implement or administer the policies, procedures and guidelines objectively of the agency or the Government;
- not participate in private political activities in the work environment;
- not use the agency's resources to assist your political, community or personal activities;
- not use information obtained through your work at the agency to assist your political, community or personal activities, or make the information known to any other person; and
- not misrepresent the position of the agency on any issue.

Comments made on matters relating to union business by members of unions in their capacity as a local delegate within the agency or by union office holders employed by the agency are permitted under this code, as long as the individual makes clear that the comments are about matters that are only related to union business and are made in a union capacity and not as a staff member or on behalf of the agency.

Staff are frequently required to represent the agency in an official capacity at interagency meetings, community forums and other meetings with outside agencies and individuals. In representing the agency you must ensure that you have the appropriate delegation and authorisation to do so and that you are sufficiently briefed on the issues likely to be raised and the appropriate agency responses.

You must have the approval of a delegated officer (Chief Executive or Deputy Chief Executives), before agreeing to address or be involved in seminars or conferences run by professional associations, other organisations or non-profit bodies where the program is relevant to the public sector.

As a general rule, you may only disclose official information that is already in the public domain, such as the Annual Report or official media releases and avoid offering a personal comment. The provision of information should also be consistent with agency and Government policy.

The agency's *Media Policy* outlines circumstances where it is and is not appropriate to make comment to media. Staff must not approach the media on agency-related matters, or discuss agency business with the media unless authorised to do so by the Corporate Communications Unit and the Chief Executive.

3.1.3 Social media and public websites

When engaging in social media you must make it very clear you are engaging in discussion as a private individual and not representing the official views of Juvenile Justice or the NSW Government.

You may only disclose official information that is already in the public domain and does not breach confidentiality requirements. You must show respect for the individuals and communities with which you interact.

It is important to note that this section of the code does not apply to a staff member's personal use of social media platforms where the staff member makes no reference to agency related issues, unless it has the potential to impact the workplace and bring the staff or the agency into disrepute.

Social media includes:

- social networking sites eg Facebook, MySpace;
- video and photo sharing websites eg Flickr, YouTube;
- micro-blogging sites eg Twitter;
- weblogs;
- forums and discussion boards eg Whirlpool, Yahoo, Google Groups, News Ltd, Fairfax;
- online encyclopaedias eg Wikipedia; and
- any other web sites that allows individual users or companies to use simple publishing tools.

Remember that unlawful or unprofessional conduct, even in a private capacity, which may damage, or has the potential to damage the reputation of the agency, may attract disciplinary action by the agency. This includes comments made in social media or public websites in which you are representing the agency or it may be perceived that you are representing the agency. This extends to comments made on sites including Facebook or Twitter which, because of your employment with the agency, is inconsistent with your professional responsibilities or has the potential to adversely affect the reputation of the agency (including using such sites to bully and/or harass colleagues.)

You must not use any social media sites to maintain relationships with and/or have any communication or interaction with clients, former clients, their family or friends.

You should also be mindful of making private comment on public media websites such as Four Corners and News Ltd websites, ensuring that any comment you make is not referable to the agency and does not bring discredit to the agency.

3.1.4 Political and community participation

As public servants we are all free to take part in lawful political activity outside of working hours, so long as it does not interfere with our normal duties.

However, you should remember that in your public life you are required to serve the government of the day in an impartial manner.

Where any political activity may create, or has created, a potential or actual conflict of interest, you must discuss this with your manager immediately.

Special arrangements apply to public employees who have been pre-selected as candidates for, or who propose to contest, State or Federal elections. Details of these arrangements can be obtained from the NSW Personnel Handbook.

3.1.5 Lobbying

As an agency staff member, you must comply with the *NSW Government Lobbyist Code of Conduct*. It states:

A Government Representative shall not at any time permit lobbying by:

- a Lobbyist who is not on the Register of Lobbyists;
- any employee, contractor or person engaged by a Lobbyist to carry out lobbying activities whose name does not appear in the Lobbyist's Details noted on the Register of Lobbyists in connection with the Lobbyist;
- any Lobbyist or employee, contractor or person engaged by a Lobbyist to carry out lobbying activities who, in the opinion of the Government Representative, has failed to observe any of the requirements of clause 4.3 of the lobbyist code.

3.1.6 Personal references

You are not permitted to use agency letterhead when writing a personal reference for a staff member that is considered your personal assessment or opinion, and not those of the agency.

If asked to provide a referee report in relation to a recruitment action, it is your responsibility to complete the report honestly and based on information that can be verified. You must not make false or derogatory statements about an individual.

For further detailed information relating to professional behaviour when representing the agency, please refer to the following documents:

Professional behaviour when representing the agency
Electronic Communications Devices Policy
Media Policy
Corporate Dress Policy
NSW Government Lobbyist Code of Conduct
Public Sector Employment and Management Act (NSW) 2002 - Definition of Misconduct
Public Sector Employment and Management Regulation (NSW) 2009 – Clause 27 - Report of charges and convictions for serious offences

3.2 Working a second job or volunteering

Intent: We aim to ensure that our first priority is to deliver highly professional services in our work for the agency.

As public sector employees, our public employment should always take priority over any secondary employment. The *Public Sector Employment and Management Act (NSW) 2002* states that a person employed in the public service is not to undertake any other paid work without the permission of the appropriate department head. In some specific circumstances approval may be given on the basis that any secondary employment will only be performed in our private time and should not detract from the performance of our official duties.

3.2.1 Secondary employment

Secondary employment includes furthering the aims, objectives or interests of any of the below for actual or prospective gain:

- any employment for an employer other than Juvenile Justice, even when on leave;
- self-employment;
- the private practice of any profession, occupation or trade;
- engaging in or undertaking any commercial business, whether as principal, agent, partner or employee;
- provision of consultancy services;
- accepting or holding office, other than in the agency, with any government of a state, the Commonwealth or any local government;
- writing or editing of books, articles and other published documents;
- lecturing, teaching and tutoring in universities, recognised professional associations and other recognised educational bodies;
- commercial activity associated with owning or participating in the ownership of a primary producing property where the commercial activity is related to your duties;
- any position with a corporation, company or firm; and
- any other paid work or position within the agency which is in addition to your principle full time employment with the agency.

Approval of secondary employment can only be given for periods of up to 12 months. Staff who seek to renew an existing approval must do so in writing at least four weeks prior to the anniversary date or expiration date (whichever is the sooner) of the approval.

Whilst unpaid work does not require approval, if it creates an actual, or a perceived conflict of interest then you must advise your supervisor or manager.

Staff engagement in secondary employment can create both advantages and problems. The advantages include the experience and expertise gained or maintained by the staff member and the benefit to the community. The problems include the potential for a conflict of interest, the risk of release of confidential information, the misuse of the employer's resources (including time, intellectual property, equipment and communication devices), neglect of official duties, and bias in the performance of duties.

The agency will consider applications for secondary employment so long as the following conditions are met:

- the nature of the proposed work is clearly defined;
- the number of hours of the proposed work are clearly defined;
- the activity is not in competition with or has links to the agency;
- consideration is given to any potential conflict of interest;
- the work will not damage the reputation of the agency;
- your services to the agency take precedence during contracted working hours;
- the work will not create a conflict of interest;
- no agency time, staff, intellectual property, facilities, or equipment are to be used in connection with secondary employment (unless the work is for the agency);
- the secondary employment must not interfere with the proper and efficient performance of usual duties; and
- the secondary employment does not pose an occupational health and safety risk to the staff member (including working excessive hours without sufficient breaks between work).

You must not use your official position for personal advantage in pursuit of private income. Where a conflict of interest arises during the secondary employment it must be referred to the officer who approved the secondary employment immediately, and if it cannot be managed then approval for secondary employment should be withdrawn.

You must obtain written approval for secondary employment via submission to a delegated officer (Executive Directors, Chief Financial Officer, Regional Directors, Directors, Project Directors and above). The delegated officer must maintain a record of all applications for secondary employment and their outcome. The submission will be kept on your personnel file for secure record keeping. You should also retain a copy of the written approval for inspection when required.

You have an obligation to seek approval for any proposed variations to your approved secondary employment from the delegated officer in writing.

Casual staff, contractors and part time staff are not required to gain approval for other employment provided that:

- the work is undertaken during the period that the person is not required to discharge duties for the agency;
- that the discharge of duties for the agency is not adversely affected; and
- the secondary employment does not pose an occupational health and safety risk to the staff member (including working excessive hours without sufficient breaks between work).

3.2.2 Volunteering

The agency encourages voluntary participation in community organisations, charities and professional associations. Such participation does not require approval unless the involvement is likely to conflict with or affect the efficiency or performance of the staff member's official duties, or if the agency provides funding to the community organisation, charity or professional association concerned.

Volunteers/students coming into the agency must be properly inducted into the agency by a supervisor (including completion of the agency's on-line induction).

Volunteers in some high risk roles must complete a Working with Children Check – Applicant Declaration and Consent. These are volunteers who mentor disadvantaged children in family-like relationships, or provide intimate personal care (e.g. bathing or toileting) for disabled children. All other volunteers or students on placement working with children must sign the Volunteer/Student Declaration prior to commencing with the agency.

It is an offence for prohibited persons to apply for or attempt to obtain, undertake or remain in child-related employment in any capacity, whether paid, volunteering or self employed.

3.2.3 Code applies to contractors, consultants, volunteers, chaplains and students

Contractors, consultants, volunteers, chaplains, students and employees of other organisations with which the agency has contracts or agreements must be aware of this code and act in line with the conduct described in it. Where the contract or agreement refers to this code then this code applies.

Casual or part time staff and contractors are likely to have other employment. In some situations this could create a conflict of interest. This real or potential conflict should be discussed with the supervisor or person entering into the contract on behalf of the agency and steps taken to resolve or manage it (see section 3.2.1 Secondary Employment).

Contractors owe their first allegiance to their own company and its profitability. Therefore they are not to be placed in positions where they would be expected to safeguard the agency's interests at the expense of the interests of their company. For example, it would be unreasonable to expect a contractor to undertake an activity which could have a negative impact on another client of their own company.

For further detailed information relating to undertaking secondary employment, please refer to the following documents:

Secondary Employment
<i>Public Sector Employment and Management Act (NSW) 2002 section 59</i>
Volunteer/Student Declaration Form

3.3 After you leave the agency

Intent: We aim to act professionally and confidentially even after we leave the agency.

3.3.1 Prior to leaving

You must not improperly use your position to improve your own prospects of future employment. If you allow your work to be improperly influenced by plans for, or offers of, employment outside the agency there is a conflict of interest and your integrity and that of the agency is at risk.

You must return any property you have belonging to the agency prior to leaving.

3.3.2 After separation

When you cease employment with the agency, you should not use or take advantage of any confidential information obtained in the course of your official duties unless it has become publicly available.

As a current staff member, you must be careful in your dealings with former staff members of the agency and make sure that you do not give them, or appear to give them, favourable treatment or access to privileged information.

You should report to your supervisor or line manager any attempts made by former staff members to influence or lobby you about the agency's activities.

PART FOUR: ACCOUNTABILITY

4.1 Agency resources

Intent: We are expected to use public resources wisely and work towards improved performance and high standards of public administration.

Whilst at work your primary responsibility is to perform your official duties efficiently and use agency resources economically.

You must be familiar with the procedures relating to:

- management of finances;
- use of agency motor vehicles;
- use of meeting rooms and equipment; and
- completion of flex sheets (if relevant to your position).

You should also be vigilant in ensuring that the agency's resources are not misused. You must responsibly use work computers, Internet access and email facilities. For more information, please see the agency's *Electronic Communication Devices Policy*.

All employees are to undertake their duties in accordance with agency policy and procedures and are encouraged to participate in forums that provide an opportunity to provide advice or suggestions on development of innovative evidence based programs that create efficiencies and improved outcomes. Sharing our ideas and knowledge is an important part of working together as a team.

4.1.1 Electronic communication devices

The agency provides electronic communication facilities for administrative purposes. The agency reserves the right to monitor and view any data stored or transmitted using the agency's facilities. By its nature, electronic communication is a fast and informal way of communicating.

You must, therefore, comply with the agency's *Electronic Communication Devices Policy*, and:

- exercise good judgment when using electronic mail, following the principles of ethical behaviour;
- use appropriate language in electronic mail messages;
- be aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be 'discoverable': that is, the court and all parties to the dispute would be entitled to see them;
- not send messages that are harassing, defamatory, threatening, abusive or obscene;
- not invite clients and former clients into your personal social network site;
- remember transmission, storage, promotion or display of inappropriate, offensive, defamatory, or harassing material is strictly forbidden;
- report any situations where you become aware of the inappropriate use of electronic communication and social networking sites.

You must never use the agency's networks to view, upload, download or circulate any of the following materials:

- inappropriate material;
- sexually related or pornographic messages or material;
- violent or hate-related messages or material;
- racist or other offensive messages aimed at a particular group or individual;
- malicious, libellous or slanderous messages or material; and
- subversive or other messages or material related to illegal activities.

4.1.2 Intellectual property

Documentation such as policies, programs, manuals, courses, training resources, written, developed or produced by you or a colleague during the course of your employment with the agency remains the property of the agency. You must not use such material for personal benefit.

For further detailed information relating to professional behaviour in using agency resources, please refer to the following documents:

Professional behaviour in using agency resources
Electronic Communication Devices Policy
Motor Vehicle Fleet Policy
Corporate Credit Card Policy
Code of Practice for Procurement
Petty Cash Policy and Procedures
Australia Post Policy and procedures
Procedure for use of departmental mobile telephones

4.2 Reporting suspected wrong-doing

Intent: We aim to make sure that any breaches of our policies, procedures, guidelines and *Code of Conduct* are identified early and addressed.

4.2.1 Report suspected wrong-doing

If you witness wrong-doing or suspected wrong-doing you should discuss the matter with your supervisor or manager. If you witness wrong-doing or suspected wrong-doing of a serious nature, you may be required to complete a *Summary of an Allegation or Complaint Against an Employee Form*, which should be discussed with, and provide to, your manager for referral to the Employment Relations, Conduct and Entitlement Unit.

It is a breach of this code for staff to engage in reportable conduct. Reportable conduct is defined as:

- (a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- (b) any assault, ill-treatment or neglect of a child, or
- (c) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Staff are mandatory reporters and must report allegations of reportable conduct to their supervisor or manager for referral to the Employment Relations, Conduct and Entitlement Unit.

4.2.2 Duty to report corrupt conduct

You have a public duty to report any:

- corrupt conduct;
- maladministration; and
- serious and substantial waste of public resources.

Please refer to the agency's *Internal Reporting Policy* for information on how to make your report.

Corrupt conduct is defined as the abuse of public office for private or personal advantage.

Maladministration is generally defined as inefficient, bad or improper administration. The definition in the *Protected Disclosures Act (NSW) 1994* is: 'conduct that involves action or inaction of a serious nature that is: contrary to law, or unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives.'

Serious and substantial waste of public resources is defined by the NSW Auditor-General as that which encompasses 'uneconomical, inefficient or ineffective use of resources authorised or unauthorised, which results in significant loss or wastage of public funds or resources'. In addressing any complaint of serious or substantial waste, the nature and materiality of the waste is considered.

4.2.3 Right to support and protection in relation to a Protected Disclosure

You are entitled to ask for support and protection when you make a report of corrupt conduct, maladministration or waste of public resources. To gain this support, you must follow the reporting procedures set out in the agency's *Internal Reporting Policy* (this protection does not apply in cases of vexatious or malicious allegations).

If you are aware that such a report has been made, it is essential that you do not take detrimental action against the complainant in reprisal for reporting corrupt conduct, maladministration or waste of public resources. This includes any action that could reasonably be perceived to be detrimental action in reprisal.

Anyone who takes detrimental action against a staff member in reprisal for having made a *Protected Disclosure* is committing a criminal offence, which could result in imprisonment if convicted. Detrimental action will also be treated as serious misconduct by the agency and will be dealt with as a disciplinary matter, which could lead to dismissal.

For further detailed information relating to reporting wrong doing, please refer to the following documents:

Reporting corrupt conduct, maladministration and waste
Summary of an Allegation or Complaint Against an Employee Form
Ombudsman's Fact Sheet No 11: Knowledge of wrong conduct
Ombudsman's Fact Sheet No 06: Frankness and Candour
Ombudsman's Fact Sheet No 13: Maladministration
Ombudsman's Fact Sheet No 20: Transparency and accountability
Internal Reporting Policy
ICAC - Corruption Resistance Guide
Protected Disclosures Act (NSW) 1994

4.3 Compliance with agency policies, procedures & guidelines

Intent: We aim to make sure that we are compliant with all agency policies, procedures and guidelines.

All staff have a responsibility to comply with legislation, agency policies, procedures, guidelines, this code and perform their duties effectively.

4.3.1 Where to get more information

If you have any questions about the content of this code, please seek advice from your supervisor or manager in the first instance, and then the Human Resources Branch.

4.3.2 Relevant legislation and sources of authority

You are expected to be aware of the Acts and Regulations that legally govern the way you undertake your work. This code does not stand alone and should be read in conjunction with the following legislation:

- *Anti-Discrimination Act (NSW) 1977;*
- *Children and Young Persons (Care and Protection) Act (NSW) 1998;*
- *Children (Community Service Orders) Act (NSW) 1987;*
- *Children (Criminal Proceedings) Act (NSW) 1987;*
- *Children (Detention Centres) Act (NSW) 1987;*
- *Crimes Act (NSW) 1900;*
- *Government Information (Public Access) Act (NSW) 2009;*
- *Independent Commission Against Corruption Act (NSW) 1988;*
- *Industrial Relations Act (NSW) 1996;*
- *Occupational Health and Safety Act (NSW) 2000;*
- *Occupational Health and Safety Regulation (NSW) 2001;*
- *Ombudsman Act (NSW) 1974;*
- *Privacy and Personal Information Protection Act (NSW) 1998;*
- *Protected Disclosures Act (NSW) 1994;*
- *Public Finance and Audit Act (NSW) 1983;*
- *Public Sector Employment and Management Act (NSW) 2002;*
- *State Records Act (NSW) 1998;*
- *Workers Compensation Act (NSW) 1987;*
- *Workplace Injury Management and Workers Compensation Act (NSW) 1998; and*
- *Young Offenders Act (NSW) 1997.*

Other legislation, such as the *Health Administration Act (NSW) 1982* or the *Psychologists Act (NSW) 2001* may be relevant to a particular professional area of responsibility. Practising professionals who are employees of the agency should be familiar with and comply with the legislation and codes of conduct and/or codes of practice relating to their area.

You are expected to be aware of the policies, procedures and guidelines that apply to your work. This code does not stand alone and must be read in conjunction with all agency policy, procedures and guidelines. For all Juvenile Justice Policies and Procedures [click here](#).