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Guide - Developing a code of conduct

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GUIDE
DEVELOPING A CODE OF CONDUCT

A well-developed code of conduct provides clear and useful guidance on expected standards of behaviour in the workplace. It motivates staff to act ethically, honourably and responsibly. It also constitutes a framework within which breaches of these standards will be clearly and easily identifiable, and therefore enable any appropriate enforcement or disciplinary action to be taken.

This guide has been developed to assist public authorities develop their own codes of conduct.

Specifically, this guide will help those who are not subject to the *State Service Act 2000*, such as government business enterprises, State-owned companies and local government to:

- **develop and write a code of conduct; and**
- **implement and review a code of conduct.**

STEP 1
RESEARCH

Consultation

Each code must be tailored to, and suit the needs of, the organisation's environment and employees. Therefore, it is important to develop a code in conjunction with employees. Consulting with employees will give a full understanding of both difficult and commonplace ethical issues that affect them in their daily work.

During this consultation period, it is beneficial to gain feedback on the relevance and applicability of any existing code of conduct.

The consultation process is also an opportunity to identify areas for further education and guidance.

Review complaint data

External complaints and internal grievances are useful to determine trends in relation to employee conduct and ethical issues in the workplace. As the Integrity Commission develops its understanding of trends and misconduct issues, the Commission may also be able to provide advice on emerging issues.



STEP 2
WRITING THE CODE

Effective codes are brief and concise to ensure that:

- the expected behaviour is clearly outlined;
- there is compliance with the code; and
- breaches of the code can be readily identified.

Structure

The use of headings in the document layout will enable staff to quickly and easily reference areas of concern or interest.

The following template may assist in developing the code.

PREAMBLE

This is a short statement that states the purpose of the code. A concise and well-written preamble will help engage employees in taking ownership of the code. By making the purpose of the code clear, it will motivate officers to comply with it.

THE VALUES

This section includes a statement indicating the way the code relates to the values and ethical principles of the organisation.

AUSTRALIAN LAW AND POLICIES

A statement should be made affirming that employees must comply with all relevant laws, policies and procedures.

CODE ENFORCEMENT

This covers how the organisation will enforce the code, including all applicable consequences for breaching the code.

THE CODE

Specific statements identified from the research and review stage should be stated in the body of the code. These statements must address specific behaviours rather than broad principles that are open to misinterpretation.



Codes should start with the most common ethical conduct issues faced by employees, scaling down to finish with the least common.

It may be appropriate to provide a guidance section on these specific behaviours. The 'guidance' section can refer employees to relevant policies and legislation, clarify and define terms, provide details on how to comply with the code, and provide examples of behaviour that might constitute a breach of the code. This guidance may need to be provided in an appendix or separate document to be read in conjunction with the code.

An example of an ethical issue that may be included in a code is: –

Conflict of Interest

Employees must disclose, and take reasonable steps to avoid or resolve any conflict of interest, financial or non-financial, that arises or is likely to arise, between their personal interest and their duties in connection with their employment.

Employees are personally responsible for disclosing, managing and preventing, wherever possible, any such conflicts of interest.

All conflicts of interest are to be resolved promptly in favour of the public interest.

REVIEW

It should be stated when the code will be reviewed.

Language

Codes, in general, should:

- use plain English with a personal tone; and
- use active, positive and prescriptive language such as "must", "will" and "should", which will encourage compliance and support the code's enforcement. Additionally, robust language provides reassurance to employees and to the public that standards are clear and will be upheld.



STEP 3
ACHIEVING SUCCESS

Effective codes of conduct can enhance and achieve ethical conduct through motivation, guidance and compliance. Best practice in embedding codes of conduct involves a number of actions:

- ensuring that employees are aware of the code through its internal distribution, induction processes, performance management, and other means;
- ensuring that employees understand what the code of conduct requires, through the provision of training in ethical conduct, standards of behaviour and the code itself; and
- external publication of the code so that members of the public and/or stakeholders are aware of the standards of ethical conduct expected of employees. This can be achieved by publishing the code on the organisation's website, if it has one.

The ethical framework that supports a code should also be reviewed in order to address any gaps identified, strengthen areas of weakness and identify areas where either a lack of management, supervision or auditing could enable misconduct to occur. Such a review could also consider how the code is enforced and address any practical difficulties experienced in using or complying with the code.

STEP 4
TRAINING

Under section 32 of the *Integrity Commission Act 2009* the principal officer of a public authority is responsible for providing training and education relating to the authority's code of conduct (and other matters).

It is essential that employees receive training in the code during their induction and subsequent refresher training. Employees should be able to access training in ethical conduct and code compliance on a regular basis, as part of promoting awareness of the code and compliance with the standards that are required of them.



ACKNOWLEDGMENT

In developing this guide the Commission has drawn on the outcomes of its research project, Codes of Conduct for Members of Parliament, Ministers and Ministerial Staff in Tasmania, tabled as a report in State Parliament in June 2011. The project identified national and international best practice in the development and implementation of codes of conduct.

It has also taken into account other materials that address the development and implementation of codes of conduct for public sector agencies, including the Australian Standard AS 8002-2003: Organisational Codes of Conduct and Codes of Conduct: The Next Stage, a corruption resistance resource produced by the Independent Commission Against Corruption in New South Wales.