



Code of Conduct Policy

Message from the Director General

Our vision is to deliver a safe, high quality, sustainable health system for all Western Australians, regardless of location or circumstance.

We aim to achieve this by promoting and protecting the health of all Western Australians by caring for individuals and the community, using resources and funds efficiently and effectively and working in a way that is collectively supportive and respectful.

This Code seeks to provide the basis for developing a positive workplace culture. It builds upon the standards explained in the Public Sector Code of Ethics to reflect our own CORE values of Collaboration, Openness, Respect and Empowerment.

Everyone working across the WA health system deserves to be treated with mutual respect, compassion and fairness. The standards of behaviour expected of employees are outlined in the Principles of Conduct. These Principles support the WA health system to deliver high quality care to patients, promote professional and collaborative working relationships, and contribute to an overall improved workplace culture.

I ask everyone working across the WA health system to familiarise themselves with the Code and commit to implement and adhere to the Code in all the work they do.

Dr DJ Russell-Weisz
DIRECTOR GENERAL

1. Purpose

The WA health system Code of Conduct (Code) identifies our CORE values fundamental in all of our work and translates these values into principles that guide our conduct in the workplace. It defines the standards of ethical and professional conduct and outlines the behaviours expected of all Staff within the WA health system, as defined in this policy.

The intent of the Code is to promote a positive workplace culture by providing a framework to support ethical day-to-day conduct and decision making. It is not practicable for it to cover every situation that may arise in the workplace.

This Policy is a mandatory requirement for Health Service Providers under the *Employment Policy Framework* pursuant to section 26(2)(l) of the *Health Services Act 2016*.

This Policy is a mandatory requirement for the Department of Health (DOH) pursuant to section 29 of the *Public Sector Management Act 1994*.

This Policy supersedes the previous *Code of Conduct* MP 0031/16.

2. Applicability

This Policy is applicable to all WA health system entities, as defined in this policy.

3. Policy requirements

CORE Values

The WA health System CORE values are underpinned by the Western Australian Public Sector Code of Ethics, which refers to the principles of personal integrity, relationships with others and accountability.

All WA health system entities must ensure that their values and principles are consistent with the WA health system CORE values.

The WA health system CORE values are:

1. Collaboration
2. Openness
3. Respect
4. Empowerment.

Collaboration

- We value the contribution of our Staff, who work together as a cohesive team to deliver an excellent level of care to all Western Australians.
- Our teams are strong and successful because we collaborate and always seek ways to improve.
- Our leaders are role models of our CORE values and trust their teams.

Openness

- We display confidence and cooperation through open and honest communication.
- We communicate clearly and with integrity.

- Our performance is open to public scrutiny and we welcome feedback to perform better.
- We value open communication and encourage those around us to voice their ideas as well as their concerns.

Respect

- We treat each other, patients, clients and members of the public with respect, compassion and fairness.
- We have zero tolerance for bullying, harassment and discrimination.

Empowerment

- We encourage and support local decision making and accept responsibility and accountability.
- We encourage and recognise outstanding performance and innovation.
- We are all responsible for workplace culture and performance.
- We empower everyone to make a difference and strive to improve our workplace culture and performance.
- We provide high quality, accessible and safe health care services to all Western Australians.

Principles of Conduct

The WA health system CORE values underpin the Principles of Conduct. Staff must comply with the Principles of Conduct.

The Principles of Conduct are:

1. Act professionally and ethically.
2. Demonstrate honesty and integrity.
3. Promote a positive work environment.
4. Maintain professional relationships.
5. Communicate and use official information responsibly.
6. Use public resources responsibly.
7. Not engage in fraudulent or corrupt behaviour.
8. Maintain records in accordance with expected standards.

1. Act professionally and ethically

Staff must:

- 1.1. Comply with all lawful and reasonable directions.
- 1.2. Comply with all applicable WA health system policy frameworks.
- 1.3. Perform their duties diligently to the standard reasonably required of them.
- 1.4. Avoid conduct that could bring the WA health system or any of its Staff, patients or clients into disrepute, including when using social media.
- 1.5. Act in a way that protects and promotes the interests of the WA health system.
- 1.6. Not absent themselves from the workplace without proper notification or reason, when meant to be at work.
- 1.7. On presentation and while at work be in a fit and proper condition and not impaired by alcohol or drugs.
- 1.8. Dress in a way that is appropriate for the work they do, and comply with any dress or uniform policies and procedures.

- 1.9. Immediately report to a more senior member of Staff, any incident of clinical care which raises concerns about standards of clinical care.
- 1.10. Report any charges or convictions against them involving a serious offence as defined in section 80A of the PSMA to their Chief Executive or the DG (as relevant) within seven days of the charge being laid or a conviction recorded (in accordance with section 145(1) of the HS Act and section 92 of the PSMA).
- 1.11. If they are health professionals:
 - report all changes in their professional registration (such as the imposition of conditions or suspension of registration) to their manager;
 - maintain and enhance their professional standards and skills and keep up to date with best practice;
 - report all changes in their professional membership or eligibility for membership of their professional association if impacting on their ability to practice;
 - report any misconduct finding made against them under the *Health Practitioner Regulation National Law (National Law)* to the responsible authority, within 7 days of receiving notice of the finding (in accordance with section 145(2) of the HS Act); and
 - observe all laws, professional codes of conduct and ethics relating to their profession.

2. Demonstrate honesty and integrity

Staff must:

- 2.1. Act with honesty and transparency in all of the work that they do.
- 2.2. Make decisions based on fair and objective processes.
- 2.3. Use the powers granted to them responsibly for the purpose and manner they are intended.
- 2.4. Avoid situations which may give rise to pecuniary or other conflicts of interest and immediately declare any conflicts of interest, or possible perceptions of such conflicts of interest, to their manager.
- 2.5. Disclose any personal or professional matters that may lead to actual or perceived conflicts of interest.
- 2.6. Ensure their actions and decisions are not influenced by self-interest, considerations of personal gain or other improper motives.
- 2.7. Not accept inducements or incentives that are intended to influence their decisions or actions.
- 2.8. Not accept gifts which are, or could reasonably be interpreted to be, designed to secure influence or preferential treatment in favour of the giver.
- 2.9. Disclose any gift or benefit received or intended to be accepted in accordance with the *Gifts Benefits and Hospitality Policy*.
- 2.10. Familiarise themselves and act in accordance with the *Managing Conflict of Interest Policy and Guidelines*, *Gifts Benefits and Hospitality Policy*, and section 102 of the PSMA.
- 2.11. Not make claims that are malicious or vexatious in relation to the WA health system or any of its Staff, patients or clients.

3. Promote a positive work environment

Staff must:

- 3.1. Collaborate and treat each other in a way that promotes harmonious and productive working relationships.

- 3.2. Treat each other, patients, clients and members of the public with courtesy and respect.
- 3.3. Not bully or harass, or support colleagues to bully or harass, each other, patients, clients or members of the public.
- 3.4. Take reasonable care to ensure their own safety and that of others in the workplace.
- 3.5. Not discriminate against each other, patients, clients or members of the public on the basis of age, breastfeeding, family responsibility, family status, gender history, impairment, marital status, political conviction, pregnancy, religious conviction, race, sex or sexual orientation.
- 3.6. Familiarise themselves and act in accordance with the *Equal Opportunity, Discrimination and Harassment Policy*.

4. Maintain professional relationships

Staff must:

- 4.1. Not use their position with patients, clients, anybody under their care or supervision (including those close to the patient such as their carer, guardian, spouse or the parent of a patient) to:
 - establish or pursue a sexual, exploitative or other inappropriate relationship;
 - take unfair advantage of, or exploit any relationship (whether physical, emotional sexual or financial); or
 - obtain possession or control of their finances and/or private property.
- 4.2. Avoid expressing personal beliefs to patients or clients in a way that exploits their vulnerability or is likely to cause them distress.
- 4.3. If they are health professionals, familiarise themselves and act in accordance with the standards relevant to their profession as prescribed by the relevant Board established under the *Health Practitioner Regulation National Law (WA) Act 2010* (National Law Act) or their professional association.
- 4.4. Familiarise themselves and act in accordance with *Use of Official Information, Digital Services (Social Media) and Public Comment Policy*.

5. Communicate and use official information responsibly

Staff must:

- 5.1. Maintain confidentiality about any personal or other information that becomes available to them in the course of their employment and only use the information in connection with their role.
- 5.2. Not use official information obtained through the course of their employment to provide public comment or communicate in writing, online or via social media, without written authorisation from the relevant delegated authority.
- 5.3. Familiarise themselves and act in accordance with *Use of Official Information, Digital Services (Social Media) and Public Comment Policy*, the PSMA and related Administrative Instructions 102, 711 and 728.

6. Use public resources responsibly

Staff must:

- 6.1. Use resources of the State Government in a responsible and accountable manner.
- 6.2. Use equipment and facilities for legitimate and approved purposes only.

- 6.3. Familiarise themselves and act in accordance with the *Acceptable Use of Information and Communications Technology Policy* and *Intellectual Property Management in WA Health Policy*.

7. Not engage in fraudulent or corrupt behaviour

Staff must:

- 7.1. Act ethically and not engage in conduct which is, or may be interpreted as, fraudulent or corrupt.
- 7.2. Not engage in conduct which is dishonest or may cause harm to a person.
- 7.3. Not engage in acts of minor or serious misconduct as defined in the *Corruption, Crime and Misconduct Act 2003* (WA) (CCM Act).
- 7.4. Familiarise themselves and act in accordance with their relevant *Discipline Policy*, the HS Act, PSMA, CCM Act and relevant health professional codes of conduct.

8. Maintain records in accordance with expected standards

Staff must:

- 8.1. Ensure all information is properly recorded, managed and maintained.
- 8.2. Record actions and decisions to ensure transparency of decision making processes.
- 8.3. Maintain confidentiality of all records and personal information obtained through the course of their employment and not disclose without written authorisation from the relevant delegated authority.
- 8.4. Ensure secure storage of confidential or sensitive information.
- 8.5. Familiarise themselves and act in accordance with any relevant policies and procedures governing records management.

Reporting Suspected Breaches of the Code

The reporting of a suspected breach of the Code contributes to promoting the integrity of the WA health system. As part of demonstrating commitment to the Code, all Staff must take responsibility to identify and report conduct that is not consistent with the Code.

Any Staff member that has reason to believe that a breach of the Code has occurred should refer the matter to their manager in the first instance. If the Staff member is not comfortable reporting a suspected breach to their manager, they should report the matter to a more senior officer.

All suspected breaches of the Code must be reported, in accordance with any relevant HSP processes or policies, to the Responsible Area (RA) as soon as reasonably practicable. The RA will assess whether the suspected breach is Notifiable or Reportable Conduct and notify the Corruption and Crime Commission (CCC) and/or the Public Sector Commission (PSC), the Western Australian Police, and/or the Department CEO.

This Policy does not limit the reporting of suspected breaches of the Code, directly to the relevant external oversight agency, such as the CCC or the PSC.

For health professionals, some suspected breaches may be deemed Notifiable Conduct as defined in section 140 of the National Law Act. These breaches must be reported to AHPRA in accordance with sections 141 and 142 of the National Law Act.

For more information refer to the *Notifiable and Reportable Conduct Policy*.

The WA health system seeks to protect all persons who report a suspected breach of the Code. Staff must not attempt to intimidate, coerce, take reprisal or retaliate against Staff who have disclosed a suspected breach of the Code. Any attempt to do so will be treated seriously and may result in disciplinary action.

The *Public Interest Disclosure Act 2003* (PID Act) facilitates the disclosure of wrongdoing within the State public sector to support accountability in Government.

Consequences of Breaching the Code

The range of consequences that may occur for breaches of this Code will depend on the nature and seriousness of the breach.

A breach of the Code may result in Improvement Action or Disciplinary Action in accordance with the *Discipline Policy*.

For Contracted Medical Practitioners a breach of the Code will be managed in accordance with the *Disputes About the Professional Conduct of a Contracted Medical Practitioner Engaged Under a Medical Services Agreement Policy*.

4. Compliance monitoring

All WA health system entities are required to monitor Staff compliance with this Policy.

The System Manager may:

- request a report that outlines the strategies employed to implement the Policy
- request further information in order to evaluate the effectiveness of this Policy.

5. Related documents

Staff must comply with all WA health system policy frameworks.

The following are related to this Policy:

- N/A

6. Supporting information

The following information is not mandatory but informs and/or supports the implementation of this Policy:

- N/A

7. Definitions

The following definition(s) are relevant to this Policy.

Term	Definition
Health Service Provider	A Health Service Provider established by an order made under section 32 (1)(b) of the HS Act.
Integrity	For the purpose of this Policy, Integrity broadly refers to the expected standards of behaviour and actions of Staff which reflect honesty, accountability, transparency, impartiality, and acting with care and diligence.
Responsible Area	<p>For the purpose of this Policy, the Responsible Area is the Health Service Provider's designated area responsible for:</p> <ul style="list-style-type: none"> • receiving complaints/information that may concern Notifiable or Reportable conduct; and/or • assessing information/complaints for the purpose of reporting/notifying Notifiable or Reportable conduct professional misconduct and unsatisfactory professional performance; and/or • assessing information/complaints for the purpose of notifying misconduct; and/or • ensuring that notifications are made where required; and/or • case management of discipline matters including central coordination of a matter with relevant stakeholders; and/or seeking/providing human resource and industrial advice).
Staff	<p>For the purpose of this Policy, Staff means:</p> <ol style="list-style-type: none"> i. Staff members of a Health Service Provider as defined by the HS Act means: <ol style="list-style-type: none"> a) an employee in the Health Service Provider; b) a person engaged under a contract for services by the Health Service Provider. ii. Employees of the Department of Health. iii. Trainees, students, volunteers, researchers, contractors for service (including all visiting health professionals and agency staff) and persons delivering training or education within a Health Service Provider or the Department of Health.
WA health system entities	<ul style="list-style-type: none"> • All Health Service Providers as established by an order made under section 32(1)(b) of the <i>Health Services Act 2016</i>; <u>and</u> • The Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the <i>Public Sector Management Act 1994</i>. <p>Note: Contracted health entities are not considered WA health system entities</p>

8. Policy contact

Enquiries relating to this Policy may be directed to:

Title: Executive Director
Directorate: Governance and System Support
Email: EmploymentPolicyFramework@health.wa.gov.au

9. Document control

Version	Published date	Effective from	Review date	Amendment (s)
MP 0124/19	31 October 2019	31 October 2019	October 2022	Original version.
MP 0124/19 v.1.1	26 February 2020	26 February 2020	October 2022	Minor amendment detail below.
Removed reference to superseded Operational Directives: <ul style="list-style-type: none">• 0327/11 Policy on Use of Official Information and Public Comment• 0656/16 Employee Use of Social Media Policy. and replaced with <i>MP0128/20 Use of Official Information, Digital Services (Social Media) and Public Comment Policy</i> in section 3 requirements 4.4 and 5.3.				
MP 0124/19 v.1.2	10 July 2023	10 July 2023	October 2022	Minor amendment detail below.
Policy updated to reference the amendment to section 145 of the <i>Health Services Act 2016</i> requiring the reporting of misconduct findings made against a registered health practitioner including findings made by tribunals in other Australian jurisdictions to the Health Service Provider by the practitioner within 7 days.				
MP 0124/19 v.1.3	15 December 2023	15 December 2023	October 2022	Amendment detailed below.
<ul style="list-style-type: none">• Purpose section updated to reference the transfer from the Integrity Policy Framework to the Employment Policy Framework.• Policy contacts section updated to reflect the transfer of the policy ownership from System-wide Integrity Services to the Executive Director Governance and System Support Directorate (ED GSSD).				

10. Approval

Approval by	Dr David Russell-Weisz, Director General, Department of Health
Approval date	25 October 2019

This document can be made available in alternative formats on request for a person with a disability.

© Department of Health 2023

Copyright to this material is vested in the State of Western Australia unless otherwise indicated. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the provisions of the *Copyright Act 1968*, no part may be reproduced or re-used for any purposes whatsoever without written permission of the State of Western Australia.