

# ETHICAL CONDUCT

POLICY NO. A6

ACT CORRECTIVE SERVICES



**ACT**  
Government

Justice and Community Safety

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## 1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that all employees uphold the highest standards of ethics and integrity at all times. Integrity, respect, and professionalism are critical to maintaining safety, security, and public confidence in the operations of ACTCS.

This policy provides instructions on the ethical conduct requirements for all ACTCS employees.

## 2 SCOPE

This policy applies to all ACTCS employees, contracted service providers and volunteers.

This policy must be read in conjunction with the [ACT Public Service Code of Conduct 2022](#).

## 3 DEFINITIONS

### Ethics

Ethics are values and principles used during decision-making. Ethics help us determine whether our actions are right or wrong. Ethics are different from 'morals'.

Morals tend to be a personal and individual sense of what is right and wrong, while ethics are often collective, meaning they are common within an organisation or group.

### Ethical conduct

Ethical conduct includes the actions, language, and behaviours which align with the ethical standards and expectations of our role as ACT Public Servants.

### Conflict of interest

A conflict of interest may occur when an employee has a conflict between their personal, financial, social or other interests, and their responsibilities as part of their employment.

An **actual conflict of interest** occurs when an employee acts in favour of their own personal interests, often to the detriment to their professional responsibilities.

A **perceived conflict of interest** arises when an employee's personal interest could come into conflict with their professional responsibilities, but this does not eventuate.

## **Integrity**

Integrity is the quality of being honest, having sound moral character and adherence to moral and ethical principles. It means the exercise of authority in accordance with the stated values and principles of the ACTPS and the control of fraud and corruption. It also means pursuing high standards of professionalism, both in what we do and how we do it.

### **Reportable Conduct**

Reportable conduct includes allegations or convictions of child abuse or misconduct towards children. It includes:

- neglect
- psychological harm
- misconduct of a sexual nature
- sexual or physical offences and convictions where a child is a victim or is present
- inappropriate discipline or not protecting children from harm.

### **ACT Reportable Conduct Scheme**

The Reportable Conduct Scheme aims to improve child protection within organisations in the ACT. The scheme requires certain organisations who work with children to:

- report allegations of child abuse and misconduct to the ACT Ombudsman, and
- develop policies and procedures to prevent and respond to child abuse.

ACTCS – along with all ACT Government Directorates – is covered by the scheme and is required to report allegations of reportable conduct by employees or volunteers.

### **Reportable Conduct Officer**

Reportable Conduct Contact Officers have been appointed in each Directorate for the purposes of managing the implementation of, and ongoing responsibilities under, the scheme. If you are made aware of an allegation of reportable conduct, you should contact the relevant Reportable Conduct Contact Officer in your Directorate. The current list of Reportable Conduct Contact Officers is located on the [ACTPS Employment Portal](#).

### **ACTPS Integrity Framework**

The ACTPS Integrity Framework outlines how we as ACTPS employees make decisions, behave appropriately and ensure the reputation of the ACTPS is maintained. It requires us to understand

the value of integrity within the workplace through leading by example and developing a culture that supports good integrity.

## 4 PRINCIPLES

- 4.1 All ACTCS staff members must:
- a. uphold and demonstrate the [ACT Public Service Code of Conduct 2022](#) and the highest standard of ethical conduct at all times during their employment
  - b. maintain and promote a high standard of integrity and treat all people with respect and dignity in accordance with the [Human Rights Principles for ACT Correctional Centres](#)
  - c. maintain and promote positive professional relationships with offenders, and model appropriate behaviours
  - d. exercise duty of care by humanely and securely managing offenders and maintaining professional boundaries
  - e. actively seek to provide role modelling and opportunities for each offender to rehabilitate and reintegrate into the community
  - f. declare conflicts of interest, including for any association or relationship with a current or former offender, and where the offender is also a family member
  - g. take responsibility for their own actions
  - h. present in a manner that reflects a high standard of professionalism when engaging with stakeholders, including offenders, ACT Public Service (ACTPS) peers, government officials, external professionals, and members of the public
  - i. contribute to a safe working environment.
- 4.2 All ACTCS staff members wearing visible ACTCS or ACT Government identification outside of work must avoid conduct that could adversely affect the image or reputation of ACTCS and the ACT Government.
- 4.3 Where this policy requires staff members to submit an [Integrity Report](#), the report can be submitted anonymously.

## 5 PROFESSIONAL BEHAVIOUR

- 5.1 The conduct of staff members must always be consistent with the [ACT Public Service Code of Conduct 2022](#) and this policy.
- 5.2 Staff must uphold the highest standards of professional ethical behaviour at all times, including but not limited to:
- a. respecting, maintaining, and upholding the dignity of all persons in accordance with the [Human Rights Act 2004 \(ACT\)](#) and the [Human Rights Principles for ACT Correctional Centres](#)
  - b. treating all persons with politeness and respect
  - c. demonstrating care and respect for workplace property and facilities, and the property of offenders
  - d. maintaining the security, confidentiality and privacy of all information accessed as a part of the staff member's employment
  - e. demonstrating fairness, impartiality and non-discrimination at all times
  - f. respecting the presumption of innocence for all un-sentenced offenders
  - g. taking into consideration the specific needs of diverse offender cohorts, including Aboriginal and Torres Strait Islander peoples, women, Culturally and Linguistically Diverse people, LGBTIQ+ people, older people and people with disabilities.
- 5.3 Staff must ensure they are aware of the delegations for their position and always act within those delegations.
- 5.4 Staff must perform their duties within the scope of their responsibilities and adhere to policies, operating procedures, and legal obligations.
- 5.5 Staff must uphold professional boundaries by ensuring that their communication and behaviour is always appropriate and acceptable.
- 5.6 Communications and behaviours considered inappropriate include, but are not limited to:
- a. jokes, statements, comments, or behaviours which are discriminatory, sexually inappropriate, racist, prejudiced, or that trivialise or promote violence
  - b. innuendo and gossip
  - c. any form of bullying, harassment, or discrimination

- d. physical contact outside of procedural requirements or handshakes, including any gesture of intimacy towards an offender or member of the community.
- 5.7 Staff are encouraged to maintain professional behaviours with a former offender once their sentence or order has been finalised.
- 5.8 Custodial officers should, as a matter of professional courtesy, stand when an officer at the rank of Correctional Officer Grade 3 (CO3) or higher enters their area of responsibility. Custodial officers must greet senior ranking staff and report the status of the area.
- 5.9 As with ethical conduct matters discussed below in section 6 of this policy, any concerns regarding a staff member's professional behaviour must be notified via an Integrity Report (by sending email to [ACTCS-Integrity@act.gov.au](mailto:ACTCS-Integrity@act.gov.au)). Staff may also seek advice from the Integrity Assurance Officer and/or their Divisional Executive.

## **6 ETHICAL CONDUCT REQUIREMENTS**

- 6.1 Staff must report any breach or suspected breach of the [ACT Public Service Code of Conduct 2022](#) or this policy. Conduct to be reported includes but is not limited to:
  - a. misconduct, as identified in the [ACT Public Service Code of Conduct 2022](#) or relevant Enterprise Agreement
  - b. behaviours that constitute bullying, sexual harassment and/or discrimination
  - c. criminal offences, including unlawful drug use
  - d. inappropriate associations with current or former offenders
  - e. failure to uphold professional boundaries between a staff member and an offender or visitor
  - f. any relationship, including intimate, familial, or commercial, between a staff member and a current or former offender, that has not been declared as a conflict of interest
  - g. social media or public comments revealing any information gained as a result of a staff member's employment that is not already available on the public record, or that may bring ACTCS or the ACT Public Service into disrepute

- h. the receipt of any gift or reciprocity between a staff member and a third party, that has not been officially reported.
- 6.2 Failure to uphold the requirements of this policy – including a failure to report conduct under section 6.1 – may constitute misconduct and may be investigated.
- 6.3 If staff are unsure whether an employee’s conduct should be reported, they may seek advice from the Integrity Assurance Officer by sending an email to [ACTCS-Integrity@act.gov.au](mailto:ACTCS-Integrity@act.gov.au).
- 6.4 Staff may nominate to keep their report anonymous when using the online Integrity reporting portal or may indicate in their email to [ACTCS-Integrity@act.gov.au](mailto:ACTCS-Integrity@act.gov.au) that they wish for their report to remain anonymous.

## **7 REPORTING MISCONDUCT OR UNETHICAL CONDUCT**

- 7.1 Misconduct and/or unethical conduct may be reported internally to ACTCS, or to an appropriate external body.
- 7.2 Options for reporting internally include:
  - a. the ACTCS Integrity Unit
  - b. your Manager, Director, and/or Divisional Executive
- 7.3 Options for reporting externally include:
  - c. the Police (where misconduct may also be a crime)
  - d. the ACT Human Rights Commission (to report bullying, sexual harassment and/or discrimination)
  - e. the ACT Integrity Commission (for conduct that involves corruption, maladministration (which is substantial mismanagement) or conduct that poses a substantial and specific danger to public health or safety, or the environment)
  - f. the Senior Executive Responsible for Business Integrity Risk (SERBIR) (for conduct that involves fraud or corruption)
  - g. a Disclosure Officer or Minister (for conduct that constitutes a *public interest disclosure or PID*)
  - h. the Community and Public Sector Union (CPSU) who provides advice to members on a range of workplace matters
  - i. an ACT Government Reportable Conduct Officer (to report allegations or convictions of child abuse or misconduct towards children)



## **Submitting an Integrity Report to the ACTCS Integrity Unit**

- 7.4 Integrity Reports (IRs) cover incidents involving serious misconduct, corruption, maladministration (which is substantial mismanagement), criminal associations or activity by employees, or conduct that poses a substantial and specific danger to the public, ACTCS employees, client/s, safety and security, or an ACTCS environment.
- 7.5 IRs should be submitted where concerns regarding such behaviour have been raised with line area management (and have not been satisfactorily actioned), or, where raising such concerns to line management would not be appropriate.
- 7.6 IRs should not be submitted in relation to employee underperformance or workplace conflict, unless the alleged activity poses a substantial and specific danger to an ACTCS employee, client, or environment.
- 7.7 Where a person does not have direct knowledge of alleged behaviour, they may first contact the ACTCS Integrity Unit for advice before submitting an IR.

## **8 UNIFORM AND DRESS STANDARDS**

- 8.1 Staff provided with a uniform must keep it clean and in good repair.
- 8.2 Non-uniformed staff must dress in a professional manner that is workplace appropriate, with consideration to safety requirements within their workplace.
- 8.3 Any absence from the workplace to rectify a staff member's dress standard is deemed to be unpaid leave and must be recorded as such, until the staff member has returned to duty.
- 8.4 More information can be found in the *Uniform and Dress Standards Guidelines* (upcoming).

## **9 CONFLICTS OF INTEREST**

- 9.1 Any staff member who has an actual or perceived conflict of interest must complete a *Conflict of Interest Declaration*.
- 9.2 Conflicts of interest must be declared in order to maintain transparency, integrity and accountability. They are not a punitive or preventative measure in relation to existing relationships or associations.
- 9.3 The staff member must discuss the *Conflict of Interest Declaration* with their line manager, and co-develop any required mitigation strategies.

- 9.4 The Commissioner must review all completed Conflict of Interest Declarations and consider:
- a. any actual or perceived risks created by the conflict of interest and
  - b. the appropriateness of control measures to be implemented.
- 9.5 After completing the review, the Commissioner must provide the Conflict of Interest Declaration to the Integrity Assurance Officer, who will ensure that:
- a. conflicts of interest are recorded, and
  - b. staff members are provided with a reference number and a formal response confirming that the conflict of interest is recorded and any control measures.
- 9.6 When a conflict of interest relates to a person who is a detainee in custody, or an offender managed in the community, and that person ceases to be held in custody/managed in the community, then that conflict of interest will have ended.

## **10 RELATIONSHIPS BETWEEN STAFF AND OFFENDERS**

- 10.1 Staff must not engage in an intimate or sexual relationship with an offender.
- 10.2 Staff are strongly discouraged from commencing a personal, social, or commercial association or relationship with an offender, even when the staff member is not in direct professional contact with the offender.
- 10.3 A Conflict of Interest Declaration must be submitted when:
- a. a relationship exists or develops between a staff member and an offender
  - b. a relationship is identified as existing or developing between another staff member and an offender
  - c. an association/relationship exists or develops between a staff member and a:
    - i. visitor to a correctional centre
    - ii. family member of an offender.
- 10.4 Where an association or relationship has been initiated by a current offender and not reciprocated by the staff member, a Conflict of Interest Declaration must be completed. An Intelligence Report must also be submitted.
- 10.5 Where an offender is a family member, the following restrictions must apply to the staff member:

- a. visits can be permitted under the Visits Policy
- b. special visiting arrangements can be implemented
- c. contact arrangements between the staff member and the offender may be implemented by the General Manager Custodial Operations and
- d. where required, the General Manager Custodial Operations must ensure that the officer is not delegated decision-making powers relating to the offender.

10.6 Where staff have a reasonable cause to believe another staff member may be in, or have had, a relationship with an offender, staff must submit an Integrity Report via email to [ACTCS-Integrity@act.gov.au](mailto:ACTCS-Integrity@act.gov.au).

#### **RELATIONSHIPS BETWEEN ABORIGINAL AND TORRES STRAIT ISLANDER STAFF AND OFFENDERS**

10.7 ACTCS acknowledges that unique relationships and kinship connections occur between Aboriginal and Torres Strait Islander peoples. These relationships are likely to be more common, given the relatively small population of the ACT and surrounding region, and the overrepresentation of Aboriginal and Torres Strait Islander peoples within the corrective system.

10.8 As such, relationships between Aboriginal and Torres Strait Islander staff and offenders only need to be declared where the staff member has a material personal interest in the management of that offender,<sup>1</sup> or where they wish to mitigate any perceptual of a conflict of interest.

### **11 CRIMINAL ACTIVITY AND REPORTABLE CONDUCT**

11.1 Where there is evidence or reasonable suspicion that a staff member is engaged or suspected to be engaged in criminal activity, this must be referred to ACT Policing for investigation.

11.2 Staff must notify their respective Divisional Executive as soon as possible where they are charged with any criminal offence.

11.3 The ACT Reportable Conduct Scheme establishes a legal requirement that any allegations or convictions of child abuse or misconduct towards children (by staff or volunteers) must be reported. The report must be made as soon as possible.

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<sup>1</sup> Wording adapted from the Australian Institute of Aboriginal and Torres Strait Islander Studies *Conflict of Interest Policy*, available here: <https://aiatsis.gov.au/conflict-interest-policy>

Staff may make the report by contacting a Reportable Conduct Officer, or by notifying their respective Divisional Executive, who must refer the matter to a Reportable Conduct Officer.

- 11.4 If an employee of ACT Corrective Services is subject to a court-based order such as a Family Violence, Personal, or Workplace Protection Order issued by the ACT Magistrates Court, such orders must be notified to staff member's respective Divisional Executive as soon as possible after such an Order has been issued. A notification of this kind must also be reported to the Integrity Assurance Unit via email to [ACTCS-Integrity@act.gov.au](mailto:ACTCS-Integrity@act.gov.au).
- 11.5 In accordance with the Workplace Values Behaviours section of Enterprise Agreements, ACTPS employees are obligated to submit an Integrity Report via email to [ACTCS-Integrity@act.gov.au](mailto:ACTCS-Integrity@act.gov.au) where they are:
- a. charged with a criminal offence and/or
  - b. receive a summons to appear in court.

This report must normally be made within 48 hours where practicable, but no longer than seven (7) calendar days after the fact.

## **12 GIFTS AND BENEFITS**

- 12.1 Staff must ensure their compliance with the JACS [\*Gifts, Benefits, Bribes and Hospitality Standard Operating Procedure\*](#).
- 12.2 Staff must not use their employment with ACTCS to request or attempt to gain any financial, social, or preferential benefit, including but not limited to hospitality or discounts.
- 12.3 Staff must not seek out or accept any actual or promised gift or benefit from a current or former offender, their visitors, family, or friends, either directly or indirectly.
- 12.4 Where a current or former offender, their visitors, family or friends, makes any offer or promise of a gift or benefit to a staff member, or attempts to compromise a staff member in return for assistance, this must be reported as soon as possible in writing to the Divisional Executive and the Integrity Assurance Unit via email to [ACTCS-Integrity@act.gov.au](mailto:ACTCS-Integrity@act.gov.au).
- 12.5 Staff must not give gifts or benefits, or promise to do so, to any offender. This includes gifts of food or tobacco items, or privileges inconsistent with an offender's entitlements.

## 13 SOCIAL FUNCTIONS

- 13.1 Staff attending social events and functions either during or outside of their duty period are encouraged to consider that their conduct can be perceived as representative of ACTCS and the ACT Public Service, and act accordingly.
- 13.2 The consumption of alcohol during a staff member's duty period is not permitted and constitutes misconduct. *Please note: where a duty period is broken up by a paid or unpaid lunchbreak, staff must not consume alcohol before returning to work after their break.*
- 13.3 If a staff member reasonably believes another staff member is administering, using, facilitating, or under the influence of, a substance that may affect, directly or indirectly, their employment within ACTCS, that staff member must submit an Integrity Report via email to [ACTCS-Integrity@act.gov.au](mailto:ACTCS-Integrity@act.gov.au).
- 13.4 Staff must not consume alcohol while wearing their uniform.

## 14 RELATED DOCUMENTS

- ACT Public Service Code of Ethics
- Conflict of Interest Declaration
- Visits Policy
- ACTPS Gifts, Benefits and Hospitality Policy
- JACS Gifts, Benefits, Bribes and Hospitality Standard Operating Procedure
- Uniform and Dress Standards Guidelines
- Public Sector Management Act 1994
- Public Sector Management Standards 2006 (PSM Standards)
- ACTPS Integrity Framework
- ACTPS Integrity Governance Policy
- ACTPS Code of Conduct 2022
- ACTPS Decision Makers Handbook
- Checklist - Good Governance in the ACTPS



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ACT Corrective Services  
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