



BUILDING CAPACITY SERIES

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INSIDE

Getting started	1
Step 1: Research	2
Step 2: Develop	3
Step 3: Test	6
Step 4: Endorse	6
Step 5: Implement	6
Step 6: Evaluate	8

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Keeping your code of conduct relevant

A best practice checklist

Since the implementation of the *Public Sector Ethics Act 1994*, every public sector agency has been required to develop its own code of conduct.¹ Although the code of conduct must be based on a set of five ethics principles outlined in the *Public Sector Ethics Act*, each agency can decide the level of detail and specific requirements of its own code.

Circumstances can change over time, so every agency needs to review its code of conduct periodically to ensure that it remains relevant to its activities. This best practice checklist is a valuable tool that has been prepared to help each public sector agency:

- ▶ review its existing code of conduct
- ▶ effectively evaluate and implement the revised code following the review.

A companion document published by the Crime and Misconduct Commission, *Keeping your code of conduct relevant: guidelines for best practice*, provides an easy-to-read overview and guidelines for reviewing your code of conduct.

Tick off the items as you go.

Getting started

Initiating a review	YES	NO
Does your agency have a formal code of conduct?	<input type="checkbox"/>	<input type="checkbox"/>
Has it been more than two years since the code was developed or last reviewed?	<input type="checkbox"/>	<input type="checkbox"/>
Have there been significant changes to your agency's role, responsibilities, practices or activities since the current code of conduct has been in place?	<input type="checkbox"/>	<input type="checkbox"/>
Have there been significant changes to your agency's workplace profile — e.g. restructuring or relocation, outsourcing, staff turnover?	<input type="checkbox"/>	<input type="checkbox"/>
Have there been significant changes in the external environment — e.g. legislation, government strategy, business practice?	<input type="checkbox"/>	<input type="checkbox"/>
Have there been any issues or crises within your agency that the current code of conduct has not adequately provided for?	<input type="checkbox"/>	<input type="checkbox"/>
Are employees having difficulty understanding or using the current code?	<input type="checkbox"/>	<input type="checkbox"/>

If you have answered 'yes' to some of the above questions, it is probably time you reviewed your current code.

¹ In the local government sector, codes of conduct for councillors are also mandated under the provisions of the *Local Government Act 1993*.

Assigning responsibility	YES	NO
Are senior management committed to a review of your code of conduct?	<input type="checkbox"/>	<input type="checkbox"/>
Are senior management supportive of the review process?	<input type="checkbox"/>	<input type="checkbox"/>
Is responsibility for conducting the review clear-cut?	<input type="checkbox"/>	<input type="checkbox"/>
Is responsibility for conducting the review given to an appropriate unit or officer?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a designated officer who is accountable for overseeing the process?	<input type="checkbox"/>	<input type="checkbox"/>
Have those responsible for conducting the review been given adequate resources to complete the task?	<input type="checkbox"/>	<input type="checkbox"/>

Step 1: Research

Examining internal and external factors	YES	NO
Have you identified all changes that have taken place within your agency and its activities since the last review of your code of conduct?	<input type="checkbox"/>	<input type="checkbox"/>
Have you identified and assessed other internal factors that could affect the content, style or format of the revised code?	<input type="checkbox"/>	<input type="checkbox"/>
Have you identified and assessed all internal issues or circumstances that could affect the practical application of the revised code?	<input type="checkbox"/>	<input type="checkbox"/>
Have you identified all changes that have taken place in your agency's external environment since the last review of your code?	<input type="checkbox"/>	<input type="checkbox"/>
Have you identified and assessed other external factors that could affect the content, style or format of the code?	<input type="checkbox"/>	<input type="checkbox"/>
Have you identified and assessed all external issues or circumstances that could affect the practical application of the revised code?	<input type="checkbox"/>	<input type="checkbox"/>
Have you undertaken a review of other corporate documents and policies to ensure consistency?	<input type="checkbox"/>	<input type="checkbox"/>

Consulting with stakeholders	YES	NO
Have you developed a process for consulting with stakeholders on how the current code could be improved?	<input type="checkbox"/>	<input type="checkbox"/>
Have all employees at all levels been invited to become involved in the review, make suggestions, or give feedback on the current code?	<input type="checkbox"/>	<input type="checkbox"/>
Have all employee groups (e.g. EEO and other consultative committees) been invited to give feedback on the current code?	<input type="checkbox"/>	<input type="checkbox"/>
Have you included regional/district employees in the consultation process?	<input type="checkbox"/>	<input type="checkbox"/>
Have you consulted with external stakeholders?	<input type="checkbox"/>	<input type="checkbox"/>
(Tick those consulted)		
Employee associations	<input type="checkbox"/>	
External boards and committees	<input type="checkbox"/>	
Clients	<input type="checkbox"/>	
Community organisations that deal with the agency	<input type="checkbox"/>	
Other agencies and partnership organisations	<input type="checkbox"/>	
Suppliers and contractors	<input type="checkbox"/>	
Unions	<input type="checkbox"/>	
Have you employed a mix of consultation strategies to help ensure that all stakeholders have an opportunity to provide feedback on the current code?	<input type="checkbox"/>	<input type="checkbox"/>

Step 2: Develop

Overview	YES	NO
Have you addressed the issues that have prompted a revision of the code?	<input type="checkbox"/>	<input type="checkbox"/>
Have you addressed any other new needs or issues that were identified during the research phase?	<input type="checkbox"/>	<input type="checkbox"/>
Has the code been tailored to meet the needs of its principal stakeholders?	<input type="checkbox"/>	<input type="checkbox"/>
Has it also been tailored to meet the needs of your agency's current operating environment?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code demonstrate that your agency is committed to high standards of ethical practice, accountability and transparency?	<input type="checkbox"/>	<input type="checkbox"/>
Have you started to plan how you will communicate the revised code?	<input type="checkbox"/>	<input type="checkbox"/>
Reviewing your content	YES	NO
Does your code of conduct have a proper introduction?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code explain its purpose and why commitment to the code is important?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a statement of endorsement and support from the CEO and minister or mayor?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a statement of agency values and operating principles?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code clearly define its scope—including to whom it applies, when it applies, and how it applies?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code state that it applies to all employees at all levels—including those who are permanent, temporary, part time, casual, members of boards, voluntary workers and contractors?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code make proper reference to the requirements of the <i>Public Sector Ethics Act 1994</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
Does it make proper reference to the requirements of the <i>Whistleblowers Protection Act 1994</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
Does it consider the requirements of other key legislation governing the purpose and activities of your agency?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code define any unfamiliar terms?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code outline and explain the five public sector ethics principles and obligations contained in the Public Sector Ethics Act?	<input type="checkbox"/>	<input type="checkbox"/>
(Ensure you have included each one)		
Respect for the law and system of government	<input type="checkbox"/>	
Respect for persons	<input type="checkbox"/>	
Integrity	<input type="checkbox"/>	
Diligence	<input type="checkbox"/>	
Economy and efficiency	<input type="checkbox"/>	
In addressing each of these obligations, does the code provide guidance on the standard of behaviour expected of all employees?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code specifically address the key topics commonly associated with misconduct and corruption that are likely to affect the agency and its employees?	<input type="checkbox"/>	<input type="checkbox"/>
Does it also illustrate how such issues should be ethically managed?	<input type="checkbox"/>	<input type="checkbox"/>
If the code does not address the full range of misconduct and corruption issues, does the agency have other relevant policies that serve this purpose?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code provide suitable cross-references to these other related policies?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code include practical examples, scenarios and/or case studies?	<input type="checkbox"/>	<input type="checkbox"/>

Do such examples include appropriate strategies for dealing with an issue?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code provide a framework or model to guide employees in dealing with difficult ethical concerns?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code indicate where an employee may go for confidential advice?	<input type="checkbox"/>	<input type="checkbox"/>
Does it guide employees on how and where to report misconduct?	<input type="checkbox"/>	<input type="checkbox"/>
Does it provide adequate advice on making a public interest disclosure?	<input type="checkbox"/>	<input type="checkbox"/>
Does this advice include reference to both internal and external reporting mechanisms?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code explain what happens if an employee breaches the code?	<input type="checkbox"/>	<input type="checkbox"/>
Does it give any indication of the types of penalties that might follow a breach of the code?	<input type="checkbox"/>	<input type="checkbox"/>
Reviewing key topics	YES	NO
Does the code provide adequate guidance on the following topics?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Respect for the law and system of government</i>	<input type="checkbox"/>	<input type="checkbox"/>
(Tick those included)		
Role of the public official	<input type="checkbox"/>	
Lawful and unlawful instructions	<input type="checkbox"/>	
Challenging an official instruction	<input type="checkbox"/>	
Political neutrality and advice	<input type="checkbox"/>	
<i>Respect for persons</i>	<input type="checkbox"/>	<input type="checkbox"/>
(Tick those included)		
Respect for the dignity, rights and views of others	<input type="checkbox"/>	
Concern for the safety, health and welfare of others	<input type="checkbox"/>	
Discrimination	<input type="checkbox"/>	
Harassment	<input type="checkbox"/>	
Workplace behaviour and personal conduct	<input type="checkbox"/>	
Managerial behaviour, responsibilities and vicarious liability	<input type="checkbox"/>	
Recruitment and selection	<input type="checkbox"/>	
Procedural fairness	<input type="checkbox"/>	
<i>Integrity</i>	<input type="checkbox"/>	<input type="checkbox"/>
(Tick those included)		
Fraud and corruption	<input type="checkbox"/>	
Conflicts of interest	<input type="checkbox"/>	
Use of authority and influence	<input type="checkbox"/>	
Gifts and benefits	<input type="checkbox"/>	
Outside employment	<input type="checkbox"/>	
Purchasing and tendering	<input type="checkbox"/>	
Party-political, professional and union activity	<input type="checkbox"/>	
Information security	<input type="checkbox"/>	
Public comment	<input type="checkbox"/>	
Intellectual property and copyright	<input type="checkbox"/>	
Testimonials, referee reports, selection reports and performance reports	<input type="checkbox"/>	
Communication with the minister and members of parliament/the mayor and councillors	<input type="checkbox"/>	
Reporting unethical behaviour	<input type="checkbox"/>	

<i>Diligence</i>	<input type="checkbox"/>	<input type="checkbox"/>
(Tick those included)		
Diligence, care and attention	<input type="checkbox"/>	
Provision of advice, information and services	<input type="checkbox"/>	
Learning and self-development	<input type="checkbox"/>	
Keeping business records	<input type="checkbox"/>	
Destruction of documents	<input type="checkbox"/>	
Use of legal and illegal drugs	<input type="checkbox"/>	
Competence to perform functions and duties	<input type="checkbox"/>	
<i>Economy and efficiency</i>	<input type="checkbox"/>	<input type="checkbox"/>
(Tick those included)		
Use of official resources	<input type="checkbox"/>	
Internet and email use	<input type="checkbox"/>	
Equipment and consumables	<input type="checkbox"/>	
Use of public property and facilities	<input type="checkbox"/>	
Claims for reimbursement of expenses	<input type="checkbox"/>	
Credit cards	<input type="checkbox"/>	
Motor vehicles	<input type="checkbox"/>	
Frequent Flyer points	<input type="checkbox"/>	
Does the code include other key topics particular to the agency's activities and responsibilities?	<input type="checkbox"/>	<input type="checkbox"/>
Ensuring appropriate language and style	YES	NO
Is the code written in clear, straightforward language?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code practical and able to be readily understood by all employees?	<input type="checkbox"/>	<input type="checkbox"/>
Does the 'voice' in the code suit the particular composition, education and literacy levels of your agency's workforce?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code inclusive, using a personal voice (i.e. 'you' and 'we')?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code use a positive tone throughout, to encourage compliance?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code avoid being too rigid and prescriptive, or too bureaucratic or legalistic?	<input type="checkbox"/>	<input type="checkbox"/>
Are all examples and their outcomes clear and unambiguous?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code reasonably succinct without losing important detail?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a good balance between the depth and breadth of issues covered in the code?	<input type="checkbox"/>	<input type="checkbox"/>
Ensuring effective formats	YES	NO
Is the code presented in an easy-to-read format?	<input type="checkbox"/>	<input type="checkbox"/>
Can the information be found easily within the document?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code available in a format suitable for providing hard copies?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code available in an appropriate electronic format for the intranet?	<input type="checkbox"/>	<input type="checkbox"/>
Are the format or combination of formats accessible and usable for the range of employees represented in the agency's workforce?	<input type="checkbox"/>	<input type="checkbox"/>

Step 3: Test

Ensuring consistency	YES	NO
Is the content of the code consistent with its stated objectives?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code consistent with the requirements of Queensland public sector ethics legislation (i.e. the Public Sector Ethics Act and the Whistleblowers Protection Act)	<input type="checkbox"/>	<input type="checkbox"/>
Is the code consistent with other legislation relating to the agency's activities and responsibilities?	<input type="checkbox"/>	<input type="checkbox"/>
Is it consistent with the agency's policies, other relevant corporate standards, and government directives?	<input type="checkbox"/>	<input type="checkbox"/>
Have all agency guidelines and procedures that are mentioned or cross-referenced in the code been reviewed to ensure they are consistent with its requirements?	<input type="checkbox"/>	<input type="checkbox"/>
Do the contents, style and format of the code reflect the internal and external factors that prompted the review?	<input type="checkbox"/>	<input type="checkbox"/>
Ensuring review by stakeholders	YES	NO
Have you ensured that stakeholders have had an opportunity to review and comment on the revised code before it is formally approved and published?	<input type="checkbox"/>	<input type="checkbox"/>
Have you used a mix of strategies to ensure that both internal and external stakeholders have had an opportunity to respond?	<input type="checkbox"/>	<input type="checkbox"/>
Have employees from key areas and across all levels been involved in examining the implications of any proposed modifications or changes?	<input type="checkbox"/>	<input type="checkbox"/>
If stakeholders have suggested changes or modifications, have you made the appropriate adjustments to the revised code?	<input type="checkbox"/>	<input type="checkbox"/>
If significant adjustments have been required, have you asked stakeholders for feedback at each stage?	<input type="checkbox"/>	<input type="checkbox"/>

Step 4: Endorse

Securing the commitment of senior management	YES	NO
Have the CEO and senior management endorsed the revised code?	<input type="checkbox"/>	<input type="checkbox"/>
Have the CEO and senior management endorsed implementation of the revised code, including code of conduct and ethics training for all employees?	<input type="checkbox"/>	<input type="checkbox"/>
Are senior management committed to, and supportive of, an ongoing ethics program?	<input type="checkbox"/>	<input type="checkbox"/>
Obtaining approval	YES	NO
If your code of conduct has been significantly changed, has the revised code been submitted to the minister/council for formal approval?	<input type="checkbox"/>	<input type="checkbox"/>
Has the revised code submitted for approval been accompanied by a written statement from the CEO, outlining the nature, extent and outcomes of stakeholder consultation that was undertaken in revising the code of conduct?	<input type="checkbox"/>	<input type="checkbox"/>

Step 5: Implement

Making the code available	YES	NO
Have all employees been given a copy of the code or have easy access to it?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code available both in hard copy and electronically (e.g. on the intranet)?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code available in various media to increase its accessibility?	<input type="checkbox"/>	<input type="checkbox"/>
Are all new employees given a copy of the code with their letter of appointment, or access to the code on their first day of duty?	<input type="checkbox"/>	<input type="checkbox"/>
Are contractors and other external parties issued with the agency's code of conduct as appropriate?	<input type="checkbox"/>	<input type="checkbox"/>

Do all stakeholders have access to the code?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code publicly available and easily accessed by the community?	<input type="checkbox"/>	<input type="checkbox"/>
Has a range of communication activities been undertaken to create awareness of the code of conduct and its requirements?	<input type="checkbox"/>	<input type="checkbox"/>
Providing education and training	YES	NO
Does the agency provide mandatory code of conduct training for all employees?	<input type="checkbox"/>	<input type="checkbox"/>
Are all employees required to sign a code of conduct training attendance sheet?	<input type="checkbox"/>	<input type="checkbox"/>
Do senior management lead by example and attend mandatory training sessions?	<input type="checkbox"/>	<input type="checkbox"/>
Is code of conduct training routinely given to new employees as part of their induction program?	<input type="checkbox"/>	<input type="checkbox"/>
Does your code of conduct training include:		
An explanation of the public sector ethics principles and obligations	<input type="checkbox"/>	<input type="checkbox"/>
The content of your agency's code of conduct	<input type="checkbox"/>	<input type="checkbox"/>
A process for resolving ethical dilemmas	<input type="checkbox"/>	<input type="checkbox"/>
Interactive discussions on hypothetical scenarios	<input type="checkbox"/>	<input type="checkbox"/>
Employee obligations to report unethical conduct	<input type="checkbox"/>	<input type="checkbox"/>
Is a refresher program available, to complement and build on initial training?	<input type="checkbox"/>	<input type="checkbox"/>
Building integrity awareness	YES	NO
Does the agency take regular opportunities to promote the code and ethical workplace behaviour (beyond the basic code of conduct training)?	<input type="checkbox"/>	<input type="checkbox"/>
Are managers aware of their role and responsibilities in supporting and promoting the code and ethics awareness to staff?	<input type="checkbox"/>	<input type="checkbox"/>
Do managers personally demonstrate the ethical behaviours expected of all employees?	<input type="checkbox"/>	<input type="checkbox"/>
Do managers encourage a culture of transparency and accountability within the agency?	<input type="checkbox"/>	<input type="checkbox"/>
Are ethical issues regularly raised and discussed at team meetings?	<input type="checkbox"/>	<input type="checkbox"/>
Are ethical decision-making processes applied in work situations?		
Are a range of strategies used to raise awareness of the code and workplace ethics — such as posters, staff newsletters and employee recognition programs?	<input type="checkbox"/>	<input type="checkbox"/>
Do all levels of management take an active part in ethics education and awareness activities?	<input type="checkbox"/>	<input type="checkbox"/>
Providing support systems	YES	NO
Does your agency have clearly defined policies and procedures that require management to foster effective reporting?	<input type="checkbox"/>	<input type="checkbox"/>
Does the agency have a responsible officer or service (e.g. an ethical standards unit) where employees can seek further information and advice?	<input type="checkbox"/>	<input type="checkbox"/>
Does the agency have a readily accessible internal reporting system for employees wishing to report suspected misconduct?	<input type="checkbox"/>	<input type="checkbox"/>
Do employees understand the mechanisms available to them if they wish to report suspected misconduct to an appropriate external body?	<input type="checkbox"/>	<input type="checkbox"/>
Does the agency have a system to properly receive and manage public interest disclosures?	<input type="checkbox"/>	<input type="checkbox"/>
Is this system effective in protecting and supporting public interest disclosers?	<input type="checkbox"/>	<input type="checkbox"/>
Are employees confident about using the agency's reporting systems?	<input type="checkbox"/>	<input type="checkbox"/>

Step 6: Evaluate

Critiquing the process	YES	NO
Have all catalysts for the review been identified and addressed in the review process?	<input type="checkbox"/>	<input type="checkbox"/>
Does the revised code of conduct properly address the internal or external factors that had an impact on its content or format?	<input type="checkbox"/>	<input type="checkbox"/>
Are employees encouraged to provide regular feedback on the usefulness of the code?	<input type="checkbox"/>	<input type="checkbox"/>
Have ethics training and awareness programs for employees been effective?	<input type="checkbox"/>	<input type="checkbox"/>
Can employees now confidently apply ethical practices and decision-making principles in their daily work activities?	<input type="checkbox"/>	<input type="checkbox"/>
Does management demonstrate its commitment to maintaining an ethical workplace culture?	<input type="checkbox"/>	<input type="checkbox"/>
Does employee behaviour reflect the spirit and intent of the code, not just basic compliance?	<input type="checkbox"/>	<input type="checkbox"/>
Have the revised code and its implementation had any effect on the agency's corporate or ethical culture?	<input type="checkbox"/>	<input type="checkbox"/>
Have the experiences of employees who have reported misconduct been positive rather than negative?	<input type="checkbox"/>	<input type="checkbox"/>
Is the code of conduct properly used as a reference document when unethical conduct is reported?	<input type="checkbox"/>	<input type="checkbox"/>
Are disciplinary processes for breaches of the code being enforced fairly and objectively?	<input type="checkbox"/>	<input type="checkbox"/>
Benchmarking the code	YES	NO
Is the revised code now relevant to the role and activities of the agency?	<input type="checkbox"/>	<input type="checkbox"/>
Does the code compare favourably with codes from other agencies?	<input type="checkbox"/>	<input type="checkbox"/>
Has the code been submitted to an external body, such as the CMC, for review and feedback?	<input type="checkbox"/>	<input type="checkbox"/>
Can the revised code be used as a benchmark for future review processes?	<input type="checkbox"/>	<input type="checkbox"/>
Keeping it up to date	YES	NO
Has your agency implemented a process to regularly review and update its code?	<input type="checkbox"/>	<input type="checkbox"/>
Does this process allow new issues, practices or priorities to be addressed in the code as they emerge?	<input type="checkbox"/>	<input type="checkbox"/>
Is your automatic review cycle no longer than two years?	<input type="checkbox"/>	<input type="checkbox"/>

Further reference

Crime and Misconduct Commission 2007, *Keeping your code of conduct relevant: guidelines for best practice*, CMC, Brisbane.
Public Sector Ethics Act 1994.
Whistleblowers Protection Act 1994.