



Department of
Education

STAFF CONDUCT AND DISCIPLINE POLICY

STAFF CONDUCT AND DISCIPLINE PROCEDURES

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This PDF contains the following documents:

Document 1:

Staff Conduct & Discipline Policy v3.0

Effective: 12 February 2019

Document 2:

Staff Conduct & Discipline Procedures v3.0

Effective: 12 February 2019



Department of
Education

STAFF CONDUCT AND DISCIPLINE POLICY

EFFECTIVE: 12 FEBRUARY 2019

VERSION: 3.0

1 POLICY STATEMENT

The Department of Education expects all employees to observe the highest standards of conduct and integrity, and accountable and ethical behavior.

2 POLICY RULES

All employees must comply with the *Staff Conduct and Discipline Procedures, Code of Conduct* and *Western Australian Public Sector Commission Code of Ethics*.

Line managers must communicate to employees their obligations under the *Staff Conduct & Discipline Procedures, Code of Conduct* and *Western Australian Public Sector Commission Code of Ethics*

3 RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

Line managers are responsible for implementing the policy.

Director, Standards and Integrity is responsible for compliance monitoring.

4 SCOPE

This policy applies to all employees.

5 SUPPORTING PROCEDURES

Staff Conduct and Discipline Procedures

6 DEFINITIONS

COMPLAINT

An expression of dissatisfaction: It may be general in nature or relate to actions or the behavior of another employee, a part of the organization, a policy or a decision.

MISCONDUCT

Includes, but is not limited to any actions, decisions or behaviours by employees that breach the Department's *Code of Conduct* or the Public Sector Commission's *Code of Ethics*.

Serious Misconduct generally occurs when a public officer abuses authority for personal gain, causes detriment to another person or acts contrary to the public interest.

Minor misconduct occurs if conduct is not honest or impartial, involves a breach of trust, the misuse of information, or constitutes a disciplinary offence providing reasonable grounds for termination.

7 RELATED DOCUMENTS

Relevant legislation or authority

Corruption, Crime and Misconduct Act 2003 (WA)

Public Interest Disclosure Act 2003 (WA)

Public Sector Management Act 1994 (WA)

Public Sector Management Regulations 1994 (WA)

School Education Act 1999 (WA)

Western Australian Public Sector Code of Ethics

Related Department policies

Disputes and Complaints

Workplace Bullying

Telecommunications Policy

Equal Opportunity, Discrimination and Harassment Policy

Other documents

A Guide to the Discipline process for Public Sector employees

A Guide to the Discipline process for Wages and other officers

A guide to the Management of Staff Misconduct Complaints

Code of conduct

Complaints Categorisation schedule

Corruption Prevention and Detection Guidelines

How to Comply with our Code of Conduct

Public Interest Disclosure Guidelines

Public Sector Commission Code of Ethics

Public Sector Commission Commissioner's Discipline Standard

Corruption and Crime Commission Fact Sheet No. 2

Reporting Misconduct

8 CONTACT INFORMATION

Policy manager: Director, Standards and Integrity

Policy contact officer: Director Standards and Integrity

Standards and Integrity Directorate

Department of Education

151 Royal Street

East Perth WA 6004

T: (08) 9264 4740

Complaints Advice Line: 1800 655 985

9 REVIEW DATE

12 February 2022

10 HISTORY OF CHANGES

Effective date	Last update date	Policy version no.	Ref no.	Notes
12 February 2019		3.0	D18/0489271	<i>Staff Conduct and Discipline</i> policy has undergone a major review. Endorsed by Director General at Corporate Executive on 28 November 2018.





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1 POLICY SUPPORTED

Staff Conduct and Discipline Policy

2 SCOPE

These procedures apply to all employees.

3 PROCEDURES

3.1 EMPLOYEES

All employees must:

- comply with the Department's *Code of Conduct* and the *Western Australian Public Sector Commission Code of Ethics*; and
- report any breach or suspected breach of discipline, under the *Public Sector Management Act*, the Department's *Code of Conduct* and the *Western Australian Public Sector Commission Code of Ethics* by:
 - providing information to their line manager;
 - making a disclosure to the Standards and Integrity Directorate;
 - providing information to the Corruption and Crime Commission; or
 - making a disclosure under the *Public Interest Disclosure Act 2003*.

Guidance

Refer to the *Public Interest Disclosure guidelines* available from the *Policies* website for the process for making a disclosure.

3.2 LINE MANAGERS

Line managers must:

- assist in implementing the Department's *Code of Conduct* and the *Western Australian Public Sector Commission Code of Ethics* by:
 - inducting all employees on the *Code of Conduct*;
 - integrating the Department's core values and *Code of Conduct* into performance management systems for staff; and
 - Facilitating staff participation in on-line or face-to-face training in the Department's Accountable and ethical decision making training program.
- provide advice and assistance to employees facing ethical or conduct issues in the course of their work; and
- respond to complaints or suspected breaches of the *Staff Conduct and Discipline* policy, the *Code of Conduct* or the *Western Australian Public Sector Commission Code of Ethics* promptly and according to the relevant procedures for the nature of the complaint.

Guidance

Refer to the *Corruption and Prevention Detection guidelines* available on the *policy* website on how to define and report corrupt behaviour.

When resolving a complaint refer to the *Disputes and Complaints policy* available from the *Policies* website.

When inducting employees, line managers should provide copies of the Code of Conduct, the Western Australian Public Sector Commission Code of Ethics and the Department handbook How to Comply with the Code of Conduct.

For more information on the Accountable & ethical decision making program, see the Accountable and Ethical Decision Making online course available from the Department of Education's Portal under the Professional Learning Tab.

The process under the Public Sector Management Act applies to all employees of the Department who are subject to the Public Sector Management Act. For staff who are not subject to the Public Sector Management Act (such as wages staff), there is no legislated discipline process. However, the process used by the Department to address disciplinary matters with respect to this category of employee is similar and reflects the Public Sector Management Act's standards, except where stated. See Appendix A for a flowchart of the discipline process for all staff, and Appendix B for a summary of the steps involved.

4 DEFINITIONS

BREACH OF DISCIPLINE

A breach of discipline occurs when an employee:

- disobeys or disregards a lawful order;
- contravenes any section of the *Public Sector Management Act 1994* or *School Education Act 1999* applicable to the employee;
- contravenes any Public Sector Standard;
- is negligent or careless in the performance of his or her functions;
- commits an act of victimisation pursuant to section 15 of the *Public Interest Disclosure Act 2003*; or
- Commits an act of misconduct.

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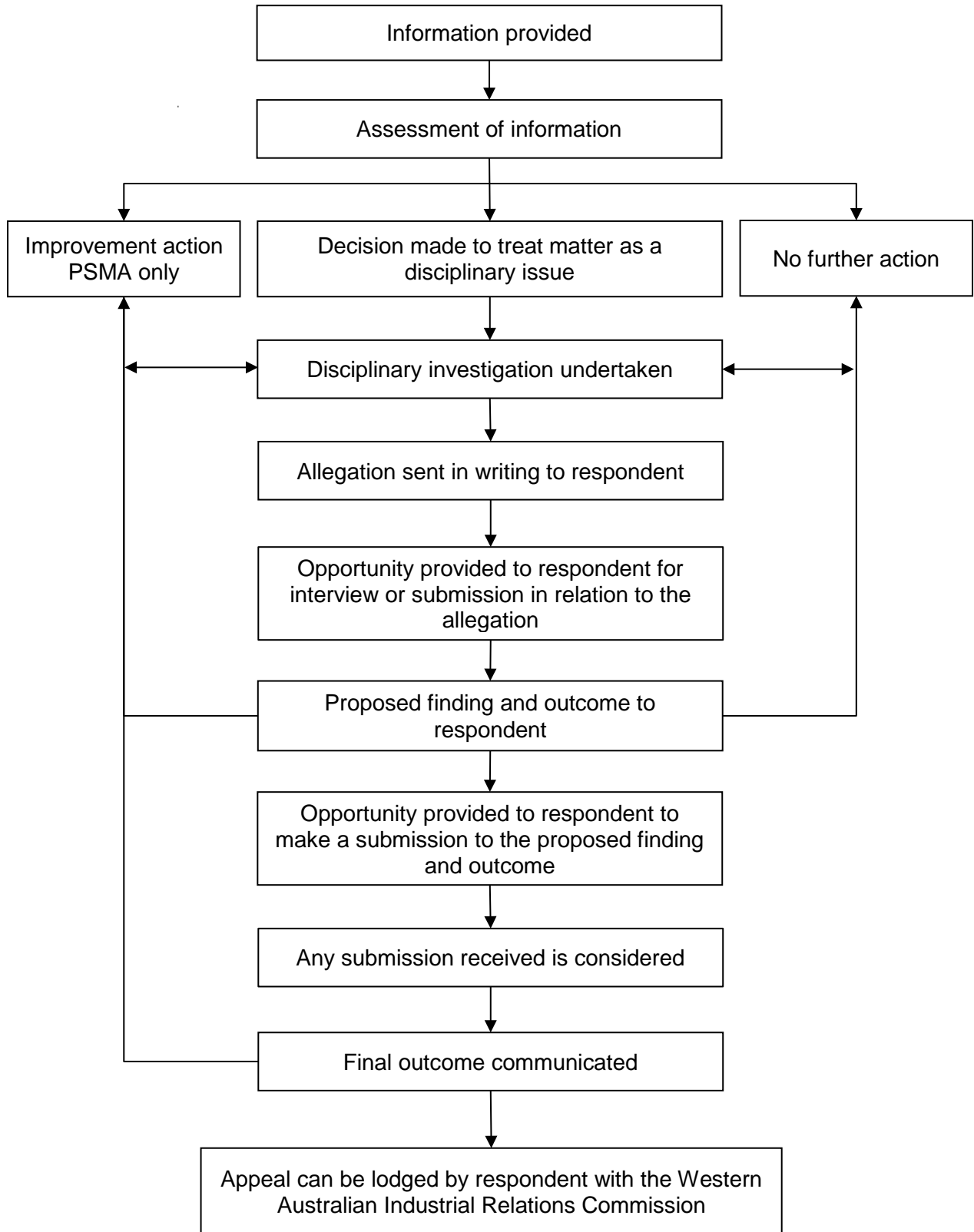
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APPENDIX A. DISCIPLINE PROCESS FOR STAFF



APPENDIX B. SUMMARY OF STEPS IN DISCIPLINE PROCESS

Step 1

A report is made to the Standards and Integrity Directorate concerning an allegation of a breach of discipline.

Step 2

The Standards and Integrity Directorate undertakes an assessment of the information provided against the relevant legislation and policy.

Step 3

Based on the information gathered, the Standards and Integrity Directorate determines how the matter should be dealt with.

Step 4

Disciplinary investigation commenced, which involves interviewing of witnesses, gathering documents and information and also giving the respondent an opportunity for input.

Step 5

Decision is made to continue disciplinary action or move to improvement action or to cease investigation.

Step 6

If disciplinary investigation continues, the respondent is formally advised of the allegation and provided opportunity to make a submission, in person or in writing, in response to the allegation prior to any finding being made against them.

Step 7

Director General makes a finding after consideration of the allegation, results of the investigation and the respondent's submission.

Step 8

The proposed outcome, including where relevant any proposed penalty, is communicated to the respondent, with an opportunity to make a submission.

Step 9

Director General considers and responds to the respondent's submission.

Step 10

Respondent has the right to lodge an appeal with the Western Australian Industrial Relations Commission.