

THE STATEMENT OF BUSINESS ETHICS



THE STATEMENT OF BUSINESS ETHICS SETS OUT THE EXPECTATIONS OF THE DEPARTMENT AND EXPLAINS THE MUTUAL OBLIGATIONS, ROLES AND CONSTRAINTS OF ALL PARTIES.

Our values

The values that underpin the department include fairness, respect, integrity and responsibility. These values are demonstrated by:

- providing quality services to public education and training, whether in the classroom, the office or the community;
- being consistently honest, trustworthy and accountable;
- being courteous and responsive in dealing with others;
- being committed to social justice by opposing prejudice, injustice and dishonesty;
- making decisions that are procedurally fair to people and which avoid discrimination, for example, on grounds such as gender, race, religion and culture;
- promoting dignity and respect by avoiding behaviour which is, or might reasonably be perceived as, harassing, bullying or intimidating, maintaining professional relationships with students, parents and carers, colleagues, and business partners;
- working collaboratively with colleagues to reach our common goals;
- maintaining and developing our professional and work practices;
- acknowledging our stakeholders as partners in our work; and
- behaving in ways that advance public education and training.

What we expect of you

Suppliers of goods and services to the department must:

- comply with the conditions and requirements stated in documents supplied by the department;
- comply with applicable legal obligations and NSW Procurement guidelines;
- respect the obligation of department employees, contractors and suppliers to comply with government procurement policies and guidelines;
- disclose any situation that involves or could be perceived to involve a conflict of interest;
- act with integrity and openness;
- prevent the unauthorised release of privileged or confidential information such as commercial-in-confidence information;
- not discuss department dealings with the media without department approval;
- respond to reasonable requests for advice and information;
- not offer department employees, contractors and consultants any financial inducements or any gifts or other benefits which may lead to, or be seen as leading to, an unfair advantage in dealings with the department (refer to 'practical guidelines' section);
- ensure business and supply chain practices are conducted in an honest, ethical and safe manner;
- ensure that all contractors engaged to perform work for the department are aware of and are required to comply with this Statement of Business Ethics; and
- not engage in collusive practices ; and
- not expect to be provided with personal references from department employees, in accordance with Procedures for the Provision of Personal References.

What you can expect from us

We will:

- comply with applicable department and government policies / procedures
- show fairness in our treatment of all individuals or organisations that supply goods or services to the department
- encourage fair and open competition while seeking value for money
- try to minimise costs to suppliers participating in the procurement process
- publish details of new contracts, any significant variations to contracts and details of contract deliverables, where required under the Government Information (Public Access) Act 2009 (NSW)
- protect commercial-in-confidence information
- act honestly
- be accountable and act in the public interest
- avoid and manage situations where private interests conflict with public duty
- disclose any situation that involves or could be perceived to involve a conflict of interest
- not ask for or accept financial or other benefits from a potential, current or past supplier/business partners for performing official duties
- respond to reasonable requests for advice and information without delay.

Practical guidelines

Gifts and hospitality

A gift or benefit designed to gain a business advantage must not be offered to any department employee. In general, departmental staff will be expected to decline gifts, benefits, travel or hospitality offered during the course of their work.

An offer or acceptance of any gift, no matter how small, by any party involved in a procurement activity (e.g. tender, quote, etc) is inappropriate and should not occur.

In other circumstances, gifts of a nominal value (\$50 or less) would only be accepted where the acceptance of the gift cannot be perceived as influencing the decisions of any department employee. In cases where hospitality or gifts of greater value than \$50 are offered, department staff will notify their supervisor and together consult the department Code of Conduct to determine the appropriate course of action.

Travel and accommodation

Any offer that a supplier might wish to make for department employees to visit or view its products should be made to department management and not to an individual. In any case where substantial travel or accommodation is offered, prior approval by department management, at the appropriate senior level, is required.

Conflicts of Interest

The department expects all business partners, contractors and suppliers to have policies in place to resolve any potential conflict of interest that they or their employees, contractors or agents may encounter. In dealings with the private sector, a real or perceived conflict of interest may arise between a department employee's private interests and that employee's duty to the department. Therefore all department staff are required to disclose any potential or actual conflicts of interest in writing to their supervisor.

Department staff involved in a procurement process must disclose any potential conflict of interest to their supervisor. This includes an interest by a department employee or a member of their family or close relative or associate in a company or other business that responds to or is in some other way involved in the procurement process. The same principles apply to a conflict of interest that arises in any other situation.

Sponsorship

As outlined in the department's "Sponsorship Guidelines", sponsorship must be consistent with the corporate principles, vision and goals for public education in NSW. It should derive benefits for school communities, education of students and support of teachers for example. Sponsorship can be used to enhance educational and community programs but must not displace any government or other current provision on which NSW public schools, community facilities and the Department as a whole depend.

All sponsorships must be formalised through a written agreement. Sponsorships must not infer or involve the endorsement of products or services by the department, its employees or students.

Confidentiality

Contractors and suppliers should be aware that department staff must maintain the security of all official information and documents where such information and documents are not normally made available to the public. Staff may provide normally available information on request but, if unsure, must refer the request to a more senior or specialist officer.

Under no circumstances are department and private sector employees to allow commercial-in-confidence information to be made known to unauthorised persons. Subject to the comments below, competing companies are never to be given another company's information in regard to performance specifications nor any aspect of pricing, quotation, tender, bid, advance details of future product releases, or any other commercial or proprietary information.

Intellectual property rights must be negotiated. No individual or organisation is entitled to acquire any intellectual property rights because they are employed by, or have a contract with, the department.

Suppliers participating in a procurement process (e.g. responding to a Request for Offer) should be aware that certain information regarding contractual arrangements, including the identity of the successful contractor and the price payable, must be made publicly available after contracts are awarded in accordance with Premier's Memorandum 2007-01 "Public Disclosure of Information arising from NSW Government Tenders and Contracts."

Practical guidelines

Order splitting

Suppliers, contractors and department staff must not request, encourage or facilitate the prohibited act of “order splitting” (splitting one order into a succession of orders for the purpose of obtaining the goods or service under a financial delegation level).

Ethical communication between the private sector and department staff

All communication should be clear, direct and accountable to minimise the risk of a perception of inappropriate influence being brought to bear on the business relationship.

Private employment and post separation employment

Private sector employers should not offer department staff private employment which conflicts with their public duties. Former department employees who have dealings with department staff need to ensure that they do not seek, or appear to seek, favourable treatment or access to confidential information.

Prohibited employment declaration and child protection

The department has policies and procedures to ensure the safety and wellbeing of children and young people in its care. Private sector employees and other members of the public who perform a service in departmental workplaces, and who have unsupervised contact with children, will need to sign a declaration that they are not a prohibited person under the Commission for Children and Young People Act 1998.

In addition to the declaration, they may also be required to undertake an employment screening process (if employed in specific child-related employment). For more information refer to the department’s Working with Children Check Policy and associated procedures.

Environmental management

The Department expects all parties to support the NSW Government Sustainability Policy.

Service providers should identify and manage the potential environmental opportunities, risks and impacts of their activities. They should adopt measures to encourage recycling, reuse of materials and minimise waste and should support effective use of scarce resources, including energy, water and materials.

Service provider employment and supply chain obligations

Service Providers are required to have a demonstrated commitment to work health and safety management and comply with the provisions of all applicable industrial workplace obligations. They should ensure the highest ethical practices occur throughout the supply chain, including, ensuring:

- fair and timely payments;
- not dealing in goods or components using ‘the worst forms of child labour’ as defined under ILO Convention 182; and
- compliance with requirements detailed in the Implementation Guidelines on Employment and Outwork Obligations for Textile Clothing and Footwear Suppliers – where relevant.

Key procurement objectives

The objectives of the department's procurement policy are to:

- maintain standards of transparency, probity and ethics;
- consider and apply value for money requirements, ensuring quality goods, services and works;
- ensure accountability, consistency and alignment in procurement practices across its various entities and business units;
- commit to fair and effective competition, innovation and continuous improvement;
- identify sustainable and socially responsible procurement solutions;
- provide efficient processes, a robust risk management framework and flexibility to support Education Cluster ("the cluster") entities and their suppliers
- facilitate and promote compliance with the NSW Procurement Agency Accreditation Scheme's mandatory requirements
- support the achievement of the cluster's planned procurement savings targets

Implications of non compliance by service providers

Service providers should be aware that non compliance with stated ethical requirements when doing business with DoE, as well as demonstrated corrupt or unethical conduct, could lead to:

- termination of contracts;
- loss of future work;
- loss of reputation;
- investigation for corruption; and / or
- matters being referred for criminal investigation.

Any issues or complaints relating to service providers or the business community can be directed to:

The Chief Procurement Officer

Locked Bag 53
Darlinghurst NSW 1300

Who do I contact about this statement?

Reports of unethical behaviour, fraud, corrupt conduct, maladministration or waste can be made to the Employee Performance and Conduct Directorate, NSW Department of Education and Communities on 9266 8070, Locked Bag 53, Darlinghurst NSW 2010.

Public officials reporting corrupt conduct, maladministration or serious waste of public funds may be protected by the Public Interest Disclosures Act 1994. This act protects public officials disclosing corruption related matters in the public sector from reprisal or detrimental action and aims to ensure disclosures are properly investigated and addressed. For further information on protected disclosures, go to www.ombo.nsw.gov.au/complaints