

THE STATEMENT OF BUSINESS ETHICS



THE STATEMENT OF BUSINESS ETHICS SETS OUT THE EXPECTATIONS OF THE DEPARTMENT AND EXPLAINS THE MUTUAL OBLIGATIONS OF THE PARTIES. THIS SHOULD BE READ IN CONJUNCTION WITH [THE NSW GOVERNMENT SUPPLIER CODE OF CONDUCT](#) (CODE).

Our values

The values that underpin the department include excellence, equity, accountability, trust, integrity and service.

These values are demonstrated by:

- having high expectations and continually seeking to improve ourselves and our work;
- striving to excel and inviting the best ideas from everyone in and outside the department;
- treating people fairly, respecting diversity and the views of others;
- taking accountability for decisions and outcomes;
- allocating and using resources efficiently and effectively;
- monitoring and reviewing performance to drive improvement;
- maintaining and developing our professional and work practices;
- building relationships based on transparency, honesty and mutual respect;
- acting professionally, with honesty and consistency;
- communicating clear expectations;
- being transparent with information and our decisions;
- working openly in partnership with parents, communities and organisations;
- acknowledging our stakeholders as partners in our work;
- providing quality services to public education and training, whether in the classroom, the office or the community;
- 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, which avoid discrimination;
- 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; and
- behaving in ways that advance public education and training.

What we expect of suppliers

In addition to the expectations outlined in the Code, suppliers of goods and services to the department must:

- comply with the conditions and requirements stated in documents supplied by the department;
- respect the obligation of department employees, contractors and suppliers to comply with government procurement policies and guidelines;
- not discuss department dealings with the media without department approval;
- 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 the Code;
- 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 the department

In addition to the expectations outlined in the Code, suppliers of goods and services to the department can expect that we will:

- 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);
- act honestly;
- be accountable and act in the public interest;
- avoid and manage situations where private interests conflict with public duty; and
- not ask for or accept financial or other benefits from a potential, current or past supplier/business partners for performing official duties.

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.

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.

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;
- compliance with requirements detailed in the Implementation Guidelines on Employment and Outwork Obligations for Textile Clothing and Footwear Suppliers – where relevant;
- no forced, compulsory, or bonded labour, where workers are free to terminate employment without penalty given notice of reasonable length;
- worker personal documents are not retained to bind workers to employment;
- employment contracts are written in a language understood by workers, provided prior to deployment and prohibits the use of supplemental agreements or contract substitution;
- workplace is free of any form of harsh or inhumane treatment;
- the freedom of movement and personal freedom; and
- an effective and safe grievance procedures.

Supply chain reporting obligations

- Suppliers are required to comply with NSW Modern Slavery Act (Cth) 2018 reporting requirements.

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; and
- 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 the Department of Education, as well as demonstrated corrupt or unethical conduct, could lead to the implications specified in the Code.

If you are concerned about a possible breach of the Code and/or this statement of business ethics, which relates to the Department of Education, this can be directed to:

The Chief Procurement Officer
105 Phillip St, Parramatta, NSW, 2150

If you are concerned about any conduct that could involve fraud, corrupt conduct, maladministration, or serious and substantial waste of public funds, this can be reported via one of the external channels referred to in the Code.