

Code of Conduct

Policy Number	2.010
Policy Function	Leadership and Management
Issue Date	15 November 2019
Summary	Justice Health and Forensic Mental Health Network (the Network) has an obligation to maintain and promote standards of delivery and behaviour that instil public confidence and trust. The community is entitled to expect the Network operations are conducted efficiently, effectively, economically, fairly, impartially and with integrity. This <i>Code of Conduct</i> policy underpins the Network's commitment to achieve these standards.
Responsible Officer	Executive Director Corporate Services
Applicable Sites	<input checked="" type="checkbox"/> Administration Centres <input checked="" type="checkbox"/> Community Sites (e.g. Court Liaison Service, Community Integration Team, etc.) <input checked="" type="checkbox"/> Health Centres (Adult Correctional Centres or Police Cells) <input checked="" type="checkbox"/> Health Centres (Youth Justice NSW) <input checked="" type="checkbox"/> Long Bay Hospital <input checked="" type="checkbox"/> The Forensic Hospital
Previous Issue(s)	Policy 2.010 (Sep 2016, Nov 2014, Feb 2010; Feb 2006)
Change Summary	<ul style="list-style-type: none"> • Included key descriptors for Network Values i.e. Care, Respect, Clear communication, Honesty and Professionalism. • Included the Implementation roles and responsibilities of Chief Executive, Executive Directors, Service Directors, Nurse Managers, Nursing Unit Managers, Operational Managers, Department Managers and Staff. • Updated the Declaration of Association to include contact with an inmate, detainees, patients, as well as staff obligations when declaring association • Updated reference list and to relevant forms and policy directives at the end of this policy
TRIM Reference	POLJH/2010
Authorised by	Chief Executive, Justice Health and Forensic Mental Health Network

1. Preface

This policy applies to all permanent, casual or temporary Network staff, contractors and students, whether they are employed in custodial, inpatient or community settings. This policy aligns with NSW Health [PD2015_049 Code of Conduct](#) and the Network incorporates additional provisions specific for Network staff.

The Network has an obligation to maintain and promote standards of delivery and behaviour that instil public confidence and trust. The community is entitled to expect Network operations are conducted efficiently, effectively, economically, fairly, impartially and with integrity. This policy underpins the Network's commitment to achieve these standards. It provides direction to all staff in relation to the standards of behaviour expected of them and others as employees of the Network.

1.1 Organisational Values

The Network developed its core values in consultation with staff. These values represent the organisation's expectations of workplace behaviour.

Care

Is showing compassion and understanding, being courteous, acknowledging the feeling of others, supporting others particularly in difficult situations, putting patient care at the centre of decision making processes.

Respect

Is treating people equally, valuing others and self, consistency in approaches, having empathy towards others, not judging others.

Clear Communication

Being genuine, open, and transparent, beyond verbal messages and is an active two way process.

Honesty

Is having an open and transparent process, acknowledging when you don't know.

Professionalism

Being patient focused, delivering on your commitments, taking ownership and being accountable and being able to ask for help or assistance.

2. Policy Content

2.1 Mandatory Requirements

This policy applies to all Network staff, contractors, shared duty holders and visitors at Network facilities, and details minimum consultation requirements while engaged at Network facilities.

Network staff must comply with all aspects of the NSW Health [PD2015_049 Code of Conduct](#). Due to the Network's relationship with Corrective Services NSW (CSNSW) and Youth Justice NSW (YJNSW) additional provisions are required for Network staff as outlined in this policy.

2.2 Implementation - Roles and Responsibilities

2.2.1 Chief Executive and Executive Directors

Have a duty to exercise due diligence and meet the requirements of the business that complies with NSW Health [PD2015_049 Code of Conduct](#) and Network policy [2.010 Code of Conduct](#).

The Chief Executive and Executive Directors ***must*** ensure that:

- They have ultimate responsibility for ensuring that provisions of this policy are implemented.
- Training programs are developed and delivered to relevant Network staff and contractors.
- Sufficient resources are allocated and available to ensure the requirements of this policy can be met.

2.2.2 Managers (Service Directors, Nurse Managers, Nursing Unit Managers, Operational Managers and Department Managers)

Have a duty to exercise due diligence to ensure that business complies with the NSW Health [PD2015_049 Code of Conduct](#) and Network policy [2.010 Code of Conduct](#).

Workplace managers ***must*** ensure that:

- The requirements of this policy are adhered to throughout their area of responsibility
- A positive and inclusive workplace culture is actively promoted and encouraged throughout Network operations.
- Workers and other stakeholders are consulted when making decisions about eliminating or minimising the likelihood of misconduct in the workplace.
- They promptly report any alleged breaches of the Code to their direct manager and/or Human Resources, in a fair and reasonable manner.
- They assess the seriousness of any alleged breaches and how they should be dealt with in accordance with relevant policy/ies. Additional details regarding possible outcomes for staff that have breached the code, are noted in paragraph 2.3 of NSW Health [PD2015_049 Code of Conduct](#).

2.2.3 Workers and others undertaking work including shared duty holders

Workers and others undertaking activities ***must***:

- Comply with the requirements of this policy.
- Ensure they display positive and respectful behaviour in the workplace.
- Continually assess inappropriate workplace behaviour and report as necessary.
- Report unsafe workplace practices to their supervisor or line manager.
- Raise matters of concern at an early stage and actively participate in its resolution as appropriate.
- Not raise any malicious, vexatious or frivolous complaints.

3. Procedure Content

In addition to the provisions set out in NSW Health [PD2015_049 Code of Conduct](#), Network staff must also be aware of and comply with the following additional provisions.

3.1 Associations with Inmates/Detainees/Patients

Any contact can include but is not limited to the following examples:

- A friendship with someone you know to be a patient of the Network (i.e. you speak on the telephone, exchange emails, spend social time together, or communicate via social media such as Facebook, Instagram, Twitter, even if only occasionally).
- You are a member of the same club, team, organisation, or similar association as someone you know to be a patient and you closely interact with them.
- You interact closely with someone you know to be a patient of the Network for a reason other than the purposes of your duties with the Network.
- You have, or do some work for, a private business and have patients as clients.

Employees and prospective employees of the Network are obliged to report all contact with known patients, ex-patients in the Forensic Hospital, Youth Justice Centres, Correctional and Community Centres, which includes personal or family relationships. For the process how to notify your manager please refer to Network form [EMP107 Declaration of Association, Criminal Charges and Offences](#)

There is no absolute prohibition on employees or prospective employees having contact with patients with whom they are related or otherwise involved, but it is important that such contact is disclosed so that risks may be managed and false perceptions corrected. Improper relationships of any kind will not be tolerated and action, including dismissal, may be taken against any employee or prospective employee who provides false or misleading information or who fails to disclose relevant information.

3.1.1 Initial Declaration

Upon being recruited to a position, Network staff are required to sign Network form [EMP107 Declaration of Association, Criminal Charges and Offences](#) stating whether a relative or person with whom a personal relationship is shared, is in custody in NSW or is a community patient. Staff must also disclose if they have a personal relationship with any former inmates/detainees/patients. This information will be reviewed by Workforce and a risk assessment will be conducted by the Director Workforce and the respective Director or Service Director to determine the level of risk to the Network. E.g. The Network Director of Nursing and Midwifery Services reviews the clinical operations declarations. This information may be disclosed to CSNSW/YJNSW if the Chief Executive or Director Workforce determines that the staff member's relationship may pose a risk to either of those organisations.

3.1.2 Ongoing Declarations

During a person's employment with the Network, staff must disclose to their immediate line manager on Network form [EMP107 Declaration of Association, Criminal Charges and Offences](#), any person with whom they have a personal relationship/friendship who enters custody or the care of the Network. The line manager must disclose this information to his/her Service Director or Director. If a declaration is made, the Service Director or Director must conduct a risk assessment in consultation with the Director Workforce and forward to the Executive Director. This form is to be placed in the staff member's personnel file. This information will be considered and managed in the same way as that outlined in Section 3.1.1.

Relationships formed with inmates/detainees/patients offenders on their release from custody/discharge from the Network's care must also be declared to the staff member's immediate

line manager. Furthermore, Network staff should declare if they have been in contact with any person who has been incarcerated in the last 10 years. The line manager must conduct a risk assessment for possible further action and report to the Service Director or Director.

3.1.3 Staff obligations

- Staff should understand that the information provided in a declaration will be treated as confidential and disclosed only where necessary for the purpose of managing risks arising from the contact.
- If at any time in the future their declaration details change or they have contact with or become related to an offender/patient, staff are required to immediately complete a new declaration and submit it to their manager/supervisor.
- Staff may be subject to further action, including dismissal, if they provide false or misleading information or if they fail to disclose relevant information.
- Staff should be aware that information in their declaration may be released to the appropriate agency i.e. CSNSW or YJNSW in the criminal justice system if required.

3.1.4 Contact and Acceptable Communication with Inmates/Detainees/Patients and their Families

All dealings with inmates/detainees/patients will be professional, transparent, accountable and fair.

All staff must contact inmate/detainee/patient families for official purposes only and in accordance with Network policy. Network staff of the Connections program, Community Forensic Mental Health Service and the Integrated Care Service may be required as part of their duties to contact patients' families to confirm accommodation or other issues post release.

Network staff working with forensic patients or patients who have been diagnosed with a mental illness or mental disorder, have additional mandatory obligations under mental health legislation to provide information to the primary carer(s) including the patient's details of admission, Mental Health Review Tribunal hearings, proposed treatment by Electroconvulsive Therapy (ECT), proposed surgery, absence without leave, transfer of care planning, transfer and release from custody. These obligations are considered to be part of the employee's normal duties and are therefore implicitly authorised. However, Network staff must liaise with CSNSW/YJNSW, where relevant, to determine whether there are local security issues in relation to the particular patient/inmate/detainee, as well as whether there are Apprehended Violence Orders in place or the proposed contact is a registered victim under the [Crimes \(Administration of Sentences\) Act 1999](#). In relation to forensic patients, staff should check with the Mental Health Review Tribunal if there are any registered victims.

Network staff working with any patient that has a mental illness or mental disorder should, as far as practicable, adhere to best practice, as set out in the principles for care and treatment under section 68 of the [Mental Health Act 2007](#). These principles include directives that "every effort that is reasonably practicable should be made to involve persons with a mental illness or mental disorder in the development of treatment plans and plans for ongoing care" and "the role of carers for people with a mental illness or mental disorder and their rights to be kept informed should be given effect." However, in complying with these tenets, staff should be sensitive to the issue that carers, families and significant others may also be victims of the offence committed by the patient.

Network staff must ensure that their personal contact details, and information, or those of any other staff member are not revealed directly or indirectly to the patient. Dates of external appointments

and transfers or other security-related information must not be revealed directly or indirectly to the patient or their carers.

3.1.5 Relationships with Inmates/Detainees/Patients during and after Incarceration

Network staff must not have a personal relationship with an inmate/detainee/patient during the course of the professional relationship. Inappropriate relationships with former or current inmates/detainees/patients and community patients may lead to manipulation. All staff is required to sign Network form [EMP107 Declaration of Association, Criminal Charges and Offences](#) immediately.

While staff involved in the criminal justice or forensic mental health systems will have regular interaction with inmates/detainees/patients they must be aware of the danger of crossing professional boundaries or becoming vulnerable to manipulation. As stated above, all relationships with inmates/detainees/patients past or present must be declared to the staff member's immediate line manager, who must disclose through their line management to the Executive Director.

3.1.6 Dealing with Matters for Inmates/Detainees/Patients

Staff must not become involved in any personal matters of inmate/detainee/patients or any transaction that involves dealing with cash, bank accounts, credit cards or property of inmates/detainees/patients. Any such request by a custodial patient must be directed to an appropriate CSNSW or YJNSW officer. The only exceptions in dealing with financial matters on behalf of patients is in the Forensic Hospital, or for release planning and linking patients to financial counselling by the Connections program (see below). Network staff must not provide, or arrange to provide, any substance, money, advice, goods or services to any inmate/detainee/patients outside of their official duties. Formal correspondence from the Network regarding current or former patients must relate only to clinical care or service delivery, in accordance with Network policy [4.030 Requesting and Disclosing Health Information](#). If a staff member is in any doubt about this matter, he or she must refer the matter to their immediate line manager for resolution.

a) Patients Admitted to the Forensic Hospital

Network staff must not provide patients with financial advice on investing their money. Patients must only obtain investment advice from a qualified financial advisor.

Only authorised staff are permitted to assist patients with their finances. Authorised staff are: the Patient Fees & Trust Accounting Officer, Finance staff, Allied Health staff and staff authorised in writing by the Director of Nursing and Services, Forensic Hospital and Executive Director, Corporate Services for a specific purpose.

Staff, other than authorised staff, may be approached by patients seeking information and assistance regarding their finances. If this occurs, staff must listen to and acknowledge the patient in a professional and engaged manner. Staff must then direct the patient to the Patient Fees & Trust Accounting Officer or Allied Health staff for assistance.

The Patient Fees & Trust Accounting Officer and Finance staff are only permitted to assist patients with matters relating to Forensic Hospital trust accounts. Allied Health staff are permitted to assist patients with matters relating to their Forensic Hospital trust accounts and personal finances.

When authorised staff assist patients with their finances, they must do so in accordance with legislation and NSW Health and Network policies and procedures.

b) Patients under the care of the Connections program or Community Forensic Mental Health Services, the Integrated Care Service or the Community Integration Team.

Staff working in the Connections program, Community Forensic Mental Health Service or the Integrated Care Service may be approached by patients seeking assistance and information regarding their finances. Staff must listen to and acknowledge the patient in a professional and engaged manner. Staff must refer patients in the custodial setting to CSNSW/YJNSW staff regarding financial matters. Where there are financial matters in the community, staff can support patients in accessing the appropriate services to assist them.

3.1.7 Giving/Receiving Gifts

Staff must discourage and politely decline any gift from inmates/detainees/patients or their families, no matter how small, to ensure a professional relationship is maintained. Equally, staff must never give any item or gift to an inmate/detainee/patient. Greeting cards are not deemed gifts, and therefore are acceptable for staff to receive from inmates/detainees/patients or their families; however food, cigarettes, money and other objects are not acceptable. Even the smallest objects have the potential to take the role of currency in the custodial or inpatient setting, and may be subject to abuse.

Staff must not accept any gifts or benefits, and must not let the offer of any gift or bribe influence the way they work or their decision making. Staff must report offers of non-token gifts or bribes to their manager. Staff may accept token or inexpensive gifts from vendors or business associates if it is a gesture of appreciation, and not to secure favour. Token gifts must be declared to the employee's manager, who can assist in determining if the gift is indeed token. Token gifts are those of nominal value. If you are unsure whether a gift is token or not, the best thing to do is thank the vendor/ business associate for the offer, but politely decline the gift.

Gifts of money or alcohol of any kind are not considered token and must be declined.

3.1.8 Ethical / Medico-legal Issues

Network staff must ensure Executive Director authorisation for any involvement in, or provision of clinical services, either public or private, when the service is not clinically indicated, is not routinely provided in the public sector, or could involve ethical or security concerns for the Network, CSNSW or YJNSW.

Network staff must ensure that significant clinical practice or care issues and ethical and medico-legal issues or concerns are identified and reported to line managers for appropriate consultation and management with the relevant Executive Director/s.

3.2 Criminal Record and Declarations

3.2.1 Periodic Criminal Record Check

The Network, CSNSW or YJNSW may require periodic criminal record checks after employment begins. These are most likely to be done annually. When these are required, all existing staff must undergo the additional criminal record checks.

3.2.2 Ongoing Criminal Declarations

Throughout the term of employment with the Network, staff must disclose to their immediate line manager if they are charged with, or convicted of, any criminal activity. Through their line management they must then inform their Executive Director.

3.3 Partner Agencies

Network staff must not involve other agencies, and/or their employees, in any issue, or matter, related to their employment with the Network. Other agencies' employment administration, conditions and policies may significantly differ from the Network's and should not be referred to. As separate public sector agencies there are also limits on the release of information between these agencies and the Network. Staff are not to release, and/or otherwise provide, any information to other agencies relating to their own employment or other Network staff, or decisions and actions by the Network. If staff have a concern about another Network staff member, they are to report the issue to their manager and not to another agency, unless there is an immediate concern about security in which case the staff member is to contact their manager with the details of what action they have taken following their report to the other agency. The Network manager must contact Workforce and their Executive Director for advice.

3.3.1 Policy and Procedures

Network staff are required to adhere to Network policies and procedures. CSNSW and YJNSW policies and procedures generally do not apply to Network staff, although the Network considers the requirements of CSNSW/YJNSW in the development of their policies. Local procedures dealing with the security and management of a facility are to be followed. If a staff member is in any doubt about which policy should be followed, he or she should discuss the matter with their immediate manager in the first instance.

3.3.2 Complying with Network Directions

Network staff are required to follow Network management directions in all cases. In addition, staff must cooperate fully with CSNSW or YJNSW with regards to security procedures. This includes emergency situations such as fire, riot and inmate/detainee/patient disturbances. Network staff must also communicate any security and safety concerns to their manager who will advise CSNSW or YJNSW.

If Network staff are advised by their patients or become aware of any potential security or safety threats, e.g. planned riot by patients, they must notify their Network manager who will advise CSNSW or YJNSW immediately.

If Network staff are banned for any reason by CSNSW/YJNSW from entering any correctional centre or detention centre across NSW, their employment will be terminated.

3.3.3 Network Investigations

When indicated, investigations are undertaken into incidents including staff behaviour in accordance with Network Policy [3.020 Managing Misconduct](#) and the NSW Health [PD2018_031 Managing Misconduct](#). From time to time senior members of CSNSW/YJNSW may be involved in Network investigations that relate to inappropriate staff behaviour in a CSNSW/YJNSW environment and or matters related to the security and good order of the centre. CSNSW/YJNSW will not be involved in investigations of clinical concerns or performance matters that are not related to the security and good order of a centre. Network staff are not to discuss or divulge any information in relation to a Network investigation to CSNSW/YJNSW unless approved to do so by the Network Chief Executive.

3.3.4 Release of Patient Information

All patients have a right to confidentiality of their health information. Network staff must respect this right and pay particular attention to this in their dealings with CSNSW/YJNSW. Information regarding a patient's health care should not generally be provided to CSNSW/YJNSW staff.

However Network staff do have a duty to advise CSNSW/YJNSW of actual or potential "at-risk" health problems of patients under their care. The Network's [Health Problem Notification Form](#) and functions in the Patient Administration System (PAS), are used to communicate Network advice and recommendations regarding a patient's clinical status and management requirements to CSNSW/YJNSW. This information may concern placement or possible signs of a condition or illness, such as substance use withdrawal or asthma. Refer to Network policies [1.231 Health Problem Notification Form \(Adults\)](#), [1.235 Health Problem Notification and Escort Form \(Adolescents\)](#), or [4.030 Requesting and Disclosing Health Information](#) for further guidance.

3.3.5 Working Relationship with CSNSW/YJNSW Staff

If during the course of their duties, a Network staff member believes that what they have been asked to do by CSNSW/YJNSW staff may compromise patient care or is inconsistent with Network policy, they should immediately consult their line manager or the After Hours Nurse Manager for advice.

3.4 Respectful Language in the Workplace

Network staff's working in custodial, inpatient, non-clinical, and community setting have the right to be spoken to in a reasonable manner by colleagues and managers. Harassment, bullying and discrimination of any kind is not tolerated. Refer to Network policy [3.100 Harassment, Bullying and Discrimination](#) for further information.

Coarse, loud, abusive, obscene language and/or racist language is inappropriate in any workplace, as is sexually explicit language and suggestive behaviour, whether written, spoken or in images. The use of such language causes offence and may constitute harassment or intimidation. No staff member should use or tolerate such language. Offensive language is equally unacceptable toward inmates, detainees, patients, families and carers, or members of partner agencies or service providers.

4. Definitions

Detainees

Young people in custody as referred to by YJNSW.

Inmates

Adults in custody as referred to by CSNSW.

Must

Indicates a mandatory action required that must be complied with.

Patients

Detainees/Inmates/patients receiving medical care from the Network.

Personal relationship

Any social, business or familial relationship.

Should

Indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

Staff

For the purposes of this policy staff refers to any person working in a permanent, temporary, casual, termed appointment or honorary capacity within the Network. It includes volunteers, patient advocates, contractors, visiting practitioners, students, consultants and researchers performing work in Network or custodial facilities.

The Network

Justice Health and Forensic Mental Health Network is a public health organisation under the control and direction of the Minister for Health, who provides health services to those in contact with the NSW criminal justice and forensic mental health systems.

5. Legislation and Related Documents

Legislation	<p><u>NSW Crimes Act 1900</u></p> <p><u>NSW Crimes (Administration of Sentences) Act 1999</u></p> <p><u>NSW Health Records and Information Privacy Act 2002</u></p> <p><u>NSW Health Services Act 1997</u></p> <p><u>NSW Mental Health Act 2007</u></p> <p><u>Privacy Act 1988 (Cth)</u></p> <p><u>NSW Privacy and Personal Information Protection Act (1998)</u></p>
Network Policies and Forms	<p><u>1.231</u> <i>Health Problem Notification Form (Adults)</i></p> <p><u>1.235</u> <i>Health Problem Notification and Escort Form (Adolescents)</i></p> <p><u>2.020</u> <i>Corruption and Fraud Prevention Control</i></p> <p><u>2.140</u> <i>Public Interest Disclosures</i></p> <p><u>3.020</u> <i>Managing Misconduct</i></p> <p><u>3.100</u> <i>Harassment, Bullying and/or Discrimination</i></p> <hr/> <p><u>EMP107</u> <i>Declaration of Association, Criminal Charges and Offences</i></p> <p>JUS050.001 <i>Health Problem Notification and Escort form (Adults)</i></p> <p>JUS050.002 <i>Health Problem Notification and Escort form (Adolescents)</i></p>
NSW Health Policy Documents	<p><u>Privacy Manual for Health Information (Version 3) - 2015</u></p> <p><u>PD2018_031</u> <i>Managing Misconduct</i></p> <p><u>PD2015_049</u> <i>Code of Conduct</i></p>

Employee Declaration

As an employee of Justice Health and Forensic Mental Network I have read and understood the above Code of Conduct, and agree to comply with its provisions at all times while working in the Network.

By signing this Code of Conduct I acknowledge my commitment to achieving the best outcomes for patients, upholding the Network values, and contributing to a safe and supportive work environment.

Signature

Print name

Date
