

## CODE OF CONDUCT

### Preface

The integrity, respect for others and sound judgment displayed by employees, executives and affiliates of ACARA, whom collectively set the tone for the organisation, are fundamental to the proper functioning, reputation and success of ACARA.

### Purpose

The Code of Conduct ('the Code') outlines the expected professional and personal behaviour of all employees, executives and affiliates while representing ACARA and achieving ACARA's vision.

The Code is intended to promote integrity and ethical behaviour and to guide employees', executives' and affiliates' dealings with colleagues, stakeholders and members of the public. It is designed to establish an understanding of what behaviours are expected during employment. It provides guidance for executive managers and employees.

The Code stands beside and does not exclude or replace other legally binding obligations.

### ACARA's Vision and Values

The Code reflects the vision of ACARA; namely to inspire improvement in the learning of all young Australians through world-class curriculum, assessment and reporting, as well as to secure the observance of its values of:

**Respect** – we value each other and what we bring to ACARA's work, and recognise and accept our diverse backgrounds, and different points of view.

**Integrity** – we are honest, ethical and fair in all our dealings with one another, our stakeholders and our partners in the community.

**Commitment** – We believe in the work we do and its power to make a difference.

**Innovation** – We value innovation and curiosity and are open to new ideas and approaches.

**Professionalism** – we strive at all times to maintain the highest standards of work, to deal with one another sensitively, and to respect the various principles and protocols of our work.

## Scope

The Code has broad application. It applies as a condition of employment for all employees and executives or a condition of engagement for affiliates. It covers all circumstances when employees, executives and affiliates are performing work, duties or functions for ACARA including working remotely, attending functions, conferences, travel, conducting social media activities and any other circumstances when a person is representing ACARA.

The Code applies to:

- All employees including full-time, part-time, and casual employees as defined in the *ACARA Enterprise Agreement 2017 (EA)*. Employees are covered by the terms and conditions of the EA as well as an employment agreement.
- All executives. Executives are covered by the terms and conditions of an employment agreement.
- All affiliates including secondees and temporary staff engaged by recruitment agencies and other third party labour hire organisations. Affiliates are not governed by the EA nor do they have a direct employment relationship with ACARA.
- In some instances, aspects of the Code may be applied to contractors or independent consultants through their contractual arrangements.

## Definitions and Interpretation

- Policy means an ACARA policy as introduced, altered or replaced by ACARA from time to time.
- Manager means an employee or executive member's direct supervisor; or; an affiliate's nominated ACARA contact in relation to their engagement.
- Legislation means a reference to any legislation, includes subordinate legislation made under it, and includes that legislation and subordinate legislation as amended or replaced from time to time.

## Duty to Observe the Code of Conduct

All employees, executives and affiliates are required to observe the following rules of conduct in relation to:

- Personal and Professional Behaviour
- Equity and Respectful Treatment
- Ethical Decision Making
- Resources and Reputation of ACARA
- Conflicts of Interest

## Personal and Professional Behaviour

The behaviour and conduct of employees, executives and affiliates must align with ACARA's vision, values and the principles enunciated in the Purpose clause of this Code (policy). All employees, executives and affiliates are required to comply with all applicable legislation, industrial instruments, professional codes of conduct or practice, and ACARA policies (including related documents), including by:

- observing standards of equity in relation to equal opportunity and respect in relation to discrimination, harassment and bullying;
- using ACARA's resources responsibly, efficiently and effectively;
- protecting ACARA's reputation in the wider community;
- protecting ACARA's interests in intellectual property arising from its curriculum, assessment and reporting materials and research;
- maintaining, developing and sharing knowledge and understanding of their area of expertise or professional field;
- exercising their best professional and ethical judgement and carrying out their duties and functions with integrity and objectivity;
- acting with honesty, diligence and conscientiousness to meet ACARA's objectives;
- acting fairly and reasonably, and treating staff, affiliates, visitors to ACARA and members of the public with respect, impartiality, courtesy and sensitivity;
- maintaining a cooperative and collaborative approach to working relationships;
- maintaining appropriate standards of behaviour, language and dress in the workplace; and
- not incurring any liability on the part of ACARA without proper authorisations.

## Equity and Respectful Treatment

- comply with ACARA's Bullying, Harassment and Discrimination Policy;
- comply with ACARA's Diversity & Equal Employment Opportunity (EEO) Policy;
- comply with ACARA's Grievance Resolution Policy;
- treat employees, executives, affiliates, visitors and members of the public with respect;
- not allow personal relationships to negatively impact professional relationships;
- act and communicate professionally and courteously in all of their dealings;
- refrain from acting in any way that would unfairly harm the reputation, wellbeing, health and safety, property and/or career prospects of other executives, employees or affiliates; and
- consider the appropriateness of intervening constructively and reporting where a colleague's behaviour is clearly in breach of the Code.

## Criminal Charges and Offences

Employees, executives and affiliates are required to report any criminal convictions or report if they are convicted of a criminal offence or arrested whilst they are employed (or engaged) by ACARA. The Manager People and Culture, in conjunction with the executive manager and/or the CEO, will decide the relevance of the conviction based on the requirements of the position.

## Work, Health and Safety

ACARA is committed to providing a safe, healthy and productive workplace. Employees, executives and affiliates also have a duty to ensure their safety and the safety of all others at work. All employees, executives and affiliates must comply with ACARA's *Work, Health and Safety Policy*, ACARA's *Drug and Alcohol Policy*, and related policies, guidelines, procedures and practices.

## Recruitment and Selection

Recruitment and selection must meet the principles and the standards of merit selection being fair, ethical and effective. Employees and executives when participating in recruitment and selection either as a recruiting manager, panel member or a candidate are required to comply with ACARA's *Recruitment Policy*, and related procedures and guidelines.

## Ethical Decision Making

When making decisions in the course of their duties or functions, employees, executives and affiliates are required to consider:

- whether the decision complies with the legal obligations of ACARA employees or executives including, but not limited to, the general duties of officials set out in sections 25 to 29 of the *Public Governance, Performance and Accountability Act 2013*, which imposes duties of care and diligence, to act honestly, in good faith and for a proper purpose, restrictions on improper use of position or of information, and a duty to disclose relevant personal interests (to seek to avoid a conflict of interest);
- whether there are any conflicts of interest arising from the decision; and
- the possible impact of the decision on others and on the reputation of ACARA.

## Financial Management, Fraud and Corruption Prevention

Employees, executives and affiliates are required to:

- minimise ACARA's exposure to fraud and corruption, by abiding by ACARA's *Fraud Control Policy*;
- report any suspected fraud, corrupt, criminal, unethical conduct, ineffective administration practices or waste of public money;
- ensure proper use and management of both public and private funds for which ACARA is responsible;

- establish and maintain effective internal control systems over financial transactions and dealings;
- identify and manage financial risks;
- maintain proper accounting records and systems, and other records, in accordance with government regulations; and
- establish and maintain measures to minimise and manage the risk of fraud, corruption and other losses.

The authorisation of financial transactions must be in accordance with ACARA's Delegations of Authority, the *Procurement and Contracts Management Policy* and the *Information and Records Management Policy*.

Disclosures must be made to the CEO, Director, Communications and Strategic Relations, or Board Secretary. See also clause 11 on disclosure responsibilities under the *Public Interest Disclosure Act 2013*.

Employees, executives, and affiliates must not victimise, harass nor discriminate against any colleague who makes a disclosure under this clause.

## Resources and Reputation of ACARA

All employees, executives and affiliates have a duty always to uphold the good reputation of ACARA.

## Public Comment

Employees, executives and affiliates who do not have a delegation of authority must:

- not make any public comment on behalf of ACARA or represent themselves as being spokespersons for ACARA, unless expressly authorised by the CEO to do so. All public comments of this nature should be coordinated by the CEO, in liaison with the Director, Communications and Strategic Relations and as agreed by the CEO;
- consider carefully whether any private comments made relating to ACARA's work conflict with our values or ACARA's stated position on matters; and
- refrain from making public comment in a private capacity on ACARA's activities where the comment could reasonably be perceived as being made on behalf of ACARA or a Government.

If the responsibility for comment is conferred to an employee, executive or affiliate, it is expected that those comments will be within their broad area of expertise. These expectations are not intended to restrict the right of any individual to freely express their opinions in their private capacity, or as a member or representative of any professional, community or representative body, unless there is a risk that the opinion might be attributed to ACARA or the person is identifiable as an ACARA employee, executive or affiliate.

Delegations relating to communications are detailed in the Delegations of Authority Policy.

### **Private Publication of Articles**

Employees, executives and affiliates must not publish material that is work related or touches upon work which is associated with ACARA unless:

- the matter is discussed with their manager and business unit executive;
- a draft copy of the material is provided to the Director, Communications and Strategic Relations for review and approval; and
- the material is not linked to ACARA unless expressly authorised by the CEO.

### **Use of Social Media**

Social media is an important part of establishing, maintaining and growing strong two-way external communications.

Social media is defined as online technologies and resources and platforms the public use to share information and may include:

- Facebook
- Twitter
- YouTube
- Instagram
- blogs
- LinkedIn
- forums and discussion boards
- and similar sites

Posting content that represents ACARA or posting content on ACARA's social media accounts can only be undertaken by those authorised to do so according to the ACARA social media policy.

While acting as private citizens, ACARA employees need to be mindful that content published on social media sites is generally publicly available, their online behaviour must be lawful, and staff may still be bound by this Code of conduct and ACARA policies.

Employees should consult the Social Media Policy and Guidelines for further guidance around the use of social media.

### **Appropriate use of ACARA Information, Communications and Technology Resources (ICT)**

ACARA's ICT resources are for ACARA work purposes and therefore ACARA reserves the right to monitor and view data stored or transmitted.

Employees, executives and affiliates are required to comply with ACARA's Information and Communication Technology Security Policy and related policies, guidelines, procedures and practices.

### **Intellectual Property**

ACARA relies on its intellectual property to deliver its vision. All employees, executives and affiliates play an important role in ensuring ACARA's Intellectual Property is protected and are required to comply with ACARA's Intellectual Property Policy.

### **Protection of confidential information**

ACARA stores and collects confidential information and this information must not be provided to unauthorised people. Access to information is to be limited to those who need to know to conduct their duties or functions and must be kept secure.

Employees, executives and affiliates are required to:

- Comply with ACARA's public *Privacy Policy* and the *Privacy Act 1988* (Cth);
- Comply with section 70 of the *Crimes Act 1914* (Cth), namely 'Disclosure of information by Commonwealth officers'; and
- Comply with any confidentiality obligations in other relevant legislation.

The protection of confidential information extends beyond employment separation.

### **Record Keeping**

All employees, executives and affiliates have a responsibility to:

- Create and maintain full, accurate and honest records of their activities, decisions and business transactions;
- Capture, store, maintain, dispose or transfer records in accordance with ACARA's Information Management and Record Keeping Policy; and
- Maintain confidentiality with all ACARA related documents and information that is not publicly available or has yet to be published by ACARA.

### **Conflicts of Interest**

All employees, executives and affiliates are required to:

- Comply with ACARA's Conflict of Interest Policy; and
- Disclose all facts to ACARA giving rise to an actual, potential or perceived conflict of interest and complete a *Conflict of Interest Disclosure Statement* (form), if required.

### **Secondary employment or engagement as a volunteer**

All employees, executives and affiliates must recognise their relationship with ACARA. Engaging in other employment or volunteering activities may have the potential to compromise or to be seen to compromise their duties with ACARA. Employees, executives and affiliates are required to complete a *Secondary Employment and Volunteer Engagement Disclosure Form* in relation to other work they are engaged in

or are proposing to engage in – whether paid or unpaid (the form is not required if ACARA was aware of the other employment or volunteer activities at the time the employee, or when executive or affiliate was engaged). Managers and executives need to assess any conflict of interest or work, health or safety risks associated with secondary employment and respond to mitigate these risks accordingly.

### **Acceptance and Declaration of Gifts, Benefits and Bribes**

Employees, executives and affiliates may be offered a gift or benefit in relation to their position or work for ACARA, including a payment of money, as an act of gratitude. Sound judgement must be exercised when deciding whether to accept a gift or benefit. The acceptance of a gift or benefit must not alter decision making.

Any gift or benefit that cannot be considered as occasional and token should be declined stating that it is ACARA's requirement that such gifts or benefits should not be accepted. If this is not possible because of the environment in which the gift or benefit is offered, the gift or benefit may be accepted on behalf of ACARA, and it should then be retained by the relevant business unit and declared and registered on ACARA's Register of Gifts and Benefits.

Individual employees, executives and affiliates may accept occasional and token gifts or benefits, subject to the following requirements:

- Gifts or benefits may be accepted only if the recipient is satisfied that they cannot be compromised, or there is no risk that the recipient may be perceived as having been compromised, by doing so;
- The gift or benefit must never be in exchange for favours. This could be regarded as bribery, which is a crime. Bribery is receiving or offering any undue reward to or by a person to influence the way that a person acts. If an employee, executive or affiliate is offered a bribe, it is to be refused and the employee, executive or affiliate must immediately notify their direct manager;
- An employee, executive or affiliate who is in a position in the course of their ACARA work to confer a benefit on a third party must not accept a gift or benefit from that party;
- Where the value of the gift or benefit exceeds \$75, it must be declared and registered on ACARA's Register of Gifts and Benefits (likewise if the value of multiple gifts or benefits from a third party in a year exceeds \$AUD150);
- Where an affiliate provides a gift or a benefit directly to an employee or executive which exceeds \$75, it must be declared and registered on ACARA's Register of Gifts and Benefits (likewise if the value of multiple gifts or benefits from an affiliate in a year exceeds \$AUD150); and
- Cash or gift vouchers must not be accepted from any third party which derives a commercial benefit from a contractual relationship with ACARA under any circumstances.

## Public Interest Disclosures (PIDs)

The Public Interest Disclosure Act 2013 (PID Act) applies to all ACARA employees and executives, and to affiliates when acting in connection with entering into or giving effect to the affiliate's contract with ACARA. The Act establishes a framework to encourage and facilitate the reporting of wrongdoing by public officials in the public sector, ensures that agencies properly investigate and respond to public interest disclosures, and provides protections to those who make certain public interest disclosures.

A public interest disclosure (Disclosure) is a disclosure about suspected wrongdoing in the public sector, but only if it is made in accordance with section 26 of the PID Act. This includes conduct such as breaches of a law; corruption; maladministration (which includes unreasonable and negligent conduct); risks to safety, a danger to the environment and plagiarism (relating to scientific research). It can also include conduct by a contracted service provider/supplier.

The discloser must believe on reasonable grounds there is wrongdoing or have information that tends to show wrongdoing and make a Disclosure to a proper authority. In the first instance, a Disclosure must be made to ACARA's authorised internal recipient/s for public interest Disclosures, or to a supervisor (there are some narrow exceptions where external Disclosure may be permissible without the individual making the Disclosure first having made their disclosure internally). ACARA has a requirement under the Act to protect and support the discloser if the Disclosure is made in accordance with the Act. This includes protection against reprisal.

If an ACARA employee, executive and/or affiliate makes a Disclosure to a supervisor, ACARA must allocate the matter for investigation. The person who is allocated to investigate the matter usually must investigate. The individual making the Disclosure will be informed if a decision is made to have a matter investigated or not to investigate a matter, and why. ACARA will seek the approval of the individual making the Disclosure before disclosing their details to the person who is allocated to investigate the matter.

There are some circumstances in which the discloser has the ability to make an external disclosure if s/he 'believes on reasonable grounds' the internal response is inadequate or where the information concerns a substantial and imminent danger to the health or safety to persons, or to the environment.

## Accountability

Employees, executives and affiliates are required to:

- Attend any relevant mandatory training relating to the Code from time to time;
- Behave in a way which upholds ACARA's Values;
- Act with care and diligence;
- Treat everyone with respect and courtesy, and without harassment;
- Comply with all applicable Australian laws;

- Comply with any lawful and reasonable direction given by someone in ACARA who has authority to give the direction;
- Maintain appropriate confidentiality;
- Take reasonable steps to avoid, and where this is not possible, declare any real or perceived conflict of interest;
- Report any suspected breaches of the Code, or other ethical issues; and
- Read, understand and comply with this Code (policy).

### Managers and Executives

In addition to the requirements for *Employees, executives and affiliates*, managers and executives are required to:

- Promote compliance with the Code;
- Directly assist or refer any queries that employees or affiliates may have regarding the Code to the CEO, or People and Culture;
- Receive and report any suspected breaches of the Code, or other ethical issues to the CEO, or People and Culture; and
- Maintain confidentiality unless a disclosure is required by law.

### People and Culture

In addition to the requirements for *Employees, executives and affiliates*, People and Culture are required to:

- Provide the Code to employees, executives and affiliates on engagement and upon request;
- Directly assist or refer any queries that employees or affiliates may have regarding the Code to the CEO;
- Receive and report any suspected breaches of the Code, or other ethical issues to the CEO.

### Chief Executive Officer (CEO)

In addition to the requirements for *Employees, executives and affiliates*, the CEO is required to:

- Promote compliance with the Code;
- Directly assist or refer any queries that employees or affiliates may have regarding the Code to Senior Manager People and Culture;
- Receive and act upon any suspected breaches of the Code, or other ethical issues; and
- Approve policy amendments as and when required.

### Reporting suspected breaches

ACARA is committed to supporting employees, executives and affiliates who report concerns or suspected breaches of the Code by their colleagues. In accordance with the responsibilities outlined above, suspected breaches of the Code should be reported to either a manager, executive, People and Culture, or to an authorised

officer for PID Act disclosures. A preliminary investigation may be carried out as part of an initial assessment. The process will be carried out with as little formality and as much expedition as proper consideration of the matter allows.

In some cases, behaviour may be both a breach of the Code and a criminal offence. Where ACARA suspects that an employee, executive or affiliate may have committed a criminal offence, ACARA will consult the police and (where relevant) the Director of Public Prosecutions.

### **Acting on suspected Code breaches**

The CEO will make an initial assessment of allegations received. As soon as the decision to deal formally with the matter has been made, the CEO may appoint an investigator to undertake the investigation. Any workplace investigation into a Code breach will follow the *Grievance Resolution Procedures*.

### **Employee, Executive or Affiliate Code breach**

Employees, executives and affiliates hold positions of trust and accountability representing ACARA and are therefore responsible for their personal and professional actions. Breaches of the Code which include, but are not limited to unacceptable personal or professional behaviour, misconduct, or serious misconduct will be treated seriously and action will vary according to the severity of the breach or behaviour; whether the breach or behaviour has been repeated; the associated risks of the breach to the organisation and/or individuals; and; whether criminal proceedings may occur because of the breach.

Misconduct and serious misconduct as defined in ACARA's Enterprise Agreement, will be dealt with in accordance with ACARA's enterprise agreement, ACARA's policies, the ACARA *Grievance Resolution Procedure*, or the employee's contract of employment.

If an affiliate breaches the Code, ACARA will take commensurate action which may include termination or non-renewal of their engagement. It is the responsibility of the ACARA contact engaging the affiliate to communicate ACARA's expectations of conduct during the period of engagement and take necessary action to address any concerns about an affiliate's conduct.

### **Applying the Code**

The Code does not aim to provide an exhaustive list of what is appropriate in every aspect of work or situation however it does represent a broad overview. If a situation arises which is not expressly covered in the Code, individuals must apply the Code and not act in conflict with the Code. If an individual is unsure about the obligations in any circumstance or situation, they should seek guidance prior to taking any action, from the following persons:

- Employees and executives are to contact their direct manager; and
- affiliates are to contact the relevant ACARA contact in relation to their engagement.

In addition, all employees and affiliates can contact the Chief Executive Officer (CEO), Senior Manager People and Culture or a member of the People and Culture team.

All discussions will remain in confidence unless a disclosure is required by law. This Code does not restrict the right and ability of employees, executives and affiliates to make a disclosure under the *Public Interest Disclosure Act 2013*.

### **Related Policies, Agreement and Legislation**

- ACARA Enterprise Agreement 2017
- Fair Work Act 2009 (Cth)
- Australian Curriculum, Assessment and Reporting Authority Act 2008 (Cth)
- Public Governance, Performance and Accountability (PGPA) Act 2013 (Cth)
- Public Interest Disclosure Act 2013 (Cth)
- Work Health and Safety Act 2011 (Cth)
- Work, Health, Safety Policy
- Grievance Resolution Policy
- Conflict of Interest Policy
- Fraud Control Policy
- Social Media Policy
- Drug and Alcohol Policy
- Procurement Policy
- Information and Records Management Policy
- Information Security Policy
- Diversity & Equal Employment Opportunity (EEO) Policy
- Email Management Policy
- Credit Card Policy
- Intellectual Property Policy
- Privacy Policy
- Delegations of Authority Policy
- Harassment, Bullying and Discrimination Policy
- Other ACARA policies as applicable from time to time

### **Related Guidelines, Procedures, Forms, and Resources**

- Public Interest Disclosure Act Principal Officer's Procedure
- Work, Health, Safety Management Plan
- Conflicts of Interest Procedure
- Grievance Resolution Procedure
- Procurement Procedures
- Credit Card Procedures
- Register of Gifts and Benefits
- Register of Conflicts of Interest
- Secondary Employment and Volunteer Engagement Disclosure Form
- Other documents referenced in individual policies relating to the Code
- Social media Guidelines

## Employee, Executive and Affiliate Acceptance of the Code

All employees and executives can access the Code via the policies link on ACARA's intranet.

All affiliates can contact People and Culture to request a copy of the Code.

All employees, executives and affiliates will be provided with the Code and must sign the HR policy acknowledgement, upon commencement with ACARA.

## Policy Administration

<b>Policy owner</b>	Manager People & Culture
<b>Review frequency</b>	Every three years or in response to changes in ACARA's operating environment or business requirements.
<b>Approved by</b>	 David de Carvalho Chief Executive Officer
<b>Date</b>	17 September 2019

## Version History

Version	Date	Amendment	Author
1.0	June 2010	First published version	Peter Matheson Board Secretary
2.0	Oct 2011	Reviewed and updated as part of periodic review cycle.	Peter Matheson Board Secretary
3.0	Feb 2014	Reviewed and updated as part of periodic review cycle.	Scott Hancock Manager, Human Resources
4.0	March 2018	Reviewed and updated as part of periodic review cycle.	Scott Hancock Manager, Human Resources
5.0	June 2019	Reviewed and updated as part of periodic review cycle.	Scott Hancock Manager, People and Culture
6.0	September 2019	Updated vision and values as part of the strategic plan review and Board approval.	Scott Hancock Manager, People and Culture