



Department of  
**Education**

# **Staff Conduct and Discipline Policy**

Effective date: 13 June 2023

Version: 5.0

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## 1. Policy statement

This Department of Education is committed to adhering to public sector standards and ensuring the ethical conduct of employees. Employees are required to act with integrity at all times in performing their public duties. Principals and line managers are required to promote a culture of integrity.

## 2. Policy rules

All employees must comply with the Staff Conduct and Discipline Procedures, Code of Conduct and Standards (staff only), and Commissioner's Instruction No. 7: Code of Ethics.

Line managers must communicate to employees their obligations under the Staff Conduct and Discipline Procedures, Code of Conduct and Standards (staff only), and Commissioner's Instruction No. 7: Code of Ethics.

### Guidance

In addition to the meaning of a 'breach of discipline' defined in section 80 of the Public Sector Management Act 1994, a breach of the Code of Conduct by an employee is considered to be a breach of discipline.

## 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

### **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;
- contravenes any public sector standard or code of ethics;
- commits an act of misconduct;
- 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 (WA);
- contravenes any section of the School Education Act 1999 (WA) applicable to the employee;  
or
- breaches the Department's Code of Conduct.

### **Complaint**

An expression of dissatisfaction with an aspect of Government education made to the Department by any person other than a staff member unless the complaint relates to the staff member's child and the child is a student at a public School, as prescribed under section 55(2)(c) of the School Education Regulations 2000 (WA). It may be general in nature and relate to matters including, but not limited to:

- The provision of education services or a process;
- The actions or behaviour (conduct) of a staff member (including a staff member involved in regulatory services supported by the Department), contractor or volunteer;
- The application or appropriateness of a policy, practice or procedure; or
- A decision by a staff member, contractor or volunteer, or a business area of the Department.

### **Corruption**

Corruption has the meaning of the term 'misconduct' as defined under section 4 of the Corruption, Crime and Misconduct Act 2003 (WA). Corruption occurs if a public officer corruptly acts or fails to act in the performance of their functions of employment; or corruptly takes advantage of their employment to obtain a benefit for themselves or another, or cause a detriment to another; or commits an offence connected to their official capacity. It also includes conduct that is not honest or impartial, amounts to a breach of trust, or involves misuse of Department information or assets and constitutes a breach of discipline that could result in termination of employment.

### **Misconduct**

Misconduct has the same meaning as corruption.

### **Notification**

A report by a staff member regarding the conduct or decision of a staff member, contractor, volunteer, or a business area of the Department.

A notification does not include any matter that should be managed under another relevant Department framework or policy such as the Department's Grievance Framework, Occupational Safety and Health policy, Employee Performance policy, Equal Opportunity, Discrimination and Harassment policy or Bullying in the Workplace policy.

## **7. Related documents**

### **Relevant legislation or authority**

[Children and Community Services Act 2004 \(WA\)](#)

[Corruption, Crime and Misconduct Act 2003 \(WA\)](#)

[Disability Services Act 1993 \(WA\)](#)

[Disability Standards for Education 2005 \(Cth\)](#)

[Equal Opportunity Act 1984 \(WA\)](#)

[Human Rights and Equal Opportunity Commission Act 1986 \(Cth\)](#)

[Parliamentary Commissioner Act 1971 \(WA\)](#)

[Public Interest Disclosure Act 2003 \(WA\)](#)

[Public Sector Management Act 1994 \(WA\)](#)

[Public Sector Management Regulations 1994 \(WA\)](#)

[Racial Discrimination Act 1975 \(Cth\)](#)

[School Education Act 1999 \(WA\)](#)

[School Education \(Student Residential Colleges\) Regulations 2017 \(WA\)](#)

[State Records Act 2000 \(WA\)](#)

[Teacher Registration Act 2012](#)

[Working with Children \(Criminal Record Checking\) Act 2004 \(WA\)](#)

[Working with Children \(Criminal Recording Checking\) Regulations 2005 \(WA\)](#)

## **Related Department policies**

[Bullying in the Workplace](#)

[Child Protection in Department of Education Sites](#)

[Complaints and Notifications](#)

[Equal Opportunity, Discrimination and Harassment](#)

[Records Management](#)

[Telecommunications Use](#)

[Working with Children Checks in Department of Education Sites](#)

### **Other documents**

[Code of Conduct and Standards \(staff only\)](#)

[Commissioner's Instructions](#)

[Commissioner's Instructions No. 3: Discipline - general](#)

[Commissioner's Instruction No. 7: Code of Ethics](#)

[Complaints and Notifications Categorisation Schedule](#)

[National Principles for Child Safe Organisations \(2019\) \(Cth\)](#)

[Public Interest Disclosure Guidelines](#)



## 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. History of changes

<b>Effective date</b>	12 February 2019
<b>Last update date Policy version no.</b>	3.0
<b>Notes</b>	Staff Conduct and Discipline policy has undergone a major review. Endorsed by Director General at Corporate Executive on 28 November 2018.
<b>Effective date</b>	12 February 2019
<b>Last update date</b>	18 June 2021
<b>Policy version no.</b>	3.1
<b>Notes</b>	Minor change to update links to 2021 Code of Conduct and Standards D21/0336756
<b>Effective date</b>	15 February 2022
<b>Last update date Policy version no.</b>	4.0
<b>Notes</b>	Staff Conduct and Discipline policy has undergone a major review. Endorsed by Director General on 16 December 2021.  Summary of changes to the Staff Conduct and Discipline policy and procedures on <a href="#">Ikon</a> (staff only).
<b>Effective date</b>	13 June 2023
<b>Last update date Policy version no.</b>	5.0
<b>Notes</b>	Major change to policy and procedures to reflect new legislative requirements. Endorsed by Director General on 15 May 2023.

## 10. More information

### Supporting content

#### Procedure

[Staff Conduct and Discipline Procedures](#)

### Policy review date

13 June 2023

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