



Department of  
**Education**

# **Staff Conduct and Discipline Procedures**

Effective date: 13 June 2023

Version: 5.0

These procedures must be read in conjunction with the Staff Conduct and Discipline Policy.

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**These procedures must be read in conjunction with the Staff Conduct and Discipline Policy.**

## 1. Policy supported

Staff Conduct and Discipline Policy

## 2. Scope

These procedures apply to all employees.

## 3. Procedures

### 3.1 Employees

All employees must:

- comply with the Department's Code of Conduct and Standards (staff only) and the Western Australian Public Sector Commissioner's Instruction No. 7: Code of Ethics
- complete the online Accountable and Ethical Decision Making training (staff only) within six months of initial appointment to a position within the Department, prior to the expiry of three years after the initial completion, and then every three years thereafter
- report any breach or suspected breach of discipline to their line manager, another manager within the Department or to the Standards and Integrity Directorate
- notify any suspected misconduct or corruption to the Standards and Integrity Directorate as soon as practicable
- notify the Standards and integrity Directorate immediately of any allegations or convictions of sexual offences, sexual misconduct or physical assault on or in the presence of a child by a Department employee, volunteer or contractor.

#### Guidance

The requirement for employees to notify Standards and Integrity Directorate as soon as possible in relation to allegations and convictions of sexual offences, sexual misconduct and physical assault by employees, volunteers and contractors has effect regardless of where the alleged incident occurred (on school site or

other location) and regardless of when (during school hours or outside of school hours). The requirement is in accordance with the Parliamentary Commissioner Act 1971 and reportable conduct. For more information see [Ombudsman Western Australia](#).

Refer to the [Public Interest Disclosure guidelines](#) for details about the process for making a public interest disclosure. A notification to the Standards and Integrity Directorate relating to suspected misconduct can be made utilising the Public Interest Disclosure process.

## 3.2 Principals and line managers

Principals and line managers must:

- promote a culture of integrity with all employees by following and distributing the Department's [Code of Conduct](#) and [Standards](#) (staff only) and:
  - providing all employees on the [Code of Conduct](#) and [Standards](#) (staff only);
  - integrating the Department's values, behaviours, [Code of Conduct](#) and [Standards](#) (staff only) into performance management processes for staff;
  - confirm that employees have completed the Department's [Accountable and Ethical Decision Making training](#) (staff only) within six months of initial appointment to a position within the Department, prior to the expiry of three years after the initial completion, and then every three years thereafter; and
- manage staff conduct in accordance with all applicable Department policies, procedures, frameworks and guidelines;
- provide support, advice and assistance to employees facing ethical or conduct issues in the course of their public duties; and
- respond to complaints and notifications, and suspected breaches of discipline, promptly and according to the relevant policies, procedures, frameworks and guidelines.

### Guidance

Refer to the [Complaints and Notifications Categorisation Schedule](#) available on Ikon to determine where complaints and notifications need to be notified.

When resolving a complaint refer to the [Complaints and Notifications Policy](#) and [Framework](#) available on the Policies website.

When inducting employees, principals and line managers should provide a copy of the [Code of Conduct](#) and [Standards](#) (staff only), and inform them of the related content on Ikon.

## 4. 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.

## **5. 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](#)



## 6. 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

## 7. History of changes

<b>Effective date</b>	12 February 2019
<b>Last update date</b> <b>Procedure version no.</b>	3.0
<b>Notes</b>	Staff Conduct and Discipline policy and procedures has undergone a major review. Endorsed by Director General at Corporate Executive on 28 November 2018.
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<b>Effective date</b>	12 February 2019
<b>Last update date</b>	18 June 2021
<b>Procedure version no.</b>	3.1

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**Notes** Minor change to update links to 2021 Code of Conduct and Standards D21/0336756

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**Effective date** 15 February 2022

**Last update date  
Procedure version no.** 4.0

**Notes** Staff Conduct and Discipline policy and procedures 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 [Ikon](#) (staff only).

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**Effective date** 13 June 2023

**Last update date  
Procedure version no.** 5.0

**Notes** Major change to policy and procedures to reflect new legislative requirements. Endorsed by Director General on 15 May 2023.

Summary of changes to the Staff Conduct and Discipline policy and procedures on [Ikon](#) (staff only).

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## 8. More information

### Supporting content

#### Policy

[Staff Conduct and Discipline Policy](#)

#### Procedure review date

13 June 2026

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