

Code of Conduct for HCACs, HPTs and AHACs

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Functional Sub group Corporate Administration - Governance
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Summary A Code of Conduct for Health Care Advisory Councils (HCACs), Health Priority Taskforces (HPTs) and Area Health Advisory Councils (AHACs) that applies to all members participating on these committees. Committees may include NSW Health staff, however, they are not appointed in their capacity as 'staff members' and are therefore not representing NSW Health. Therefore committee members who are also NSW Health staff members must adhere to the standards of this Code of Conduct when undertaking any committee activities or functions.

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Applies to Area Health Services/Chief Executive Governed Statutory Health Corporation, NSW Dept of Health

Audience All staff, members of HCACs, HPTs and AHACs

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Director-General

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

**Code of Conduct for
Health Care Advisory Councils
(HCACs), Health Priority
Taskforces (HPTs) and Area
Health Advisory Councils
(AHACs)**

March 2008

Title: Code of Conduct for Health Care Advisory Councils (HCACs), Health Priority Taskforces (HPTs) and Area Health Advisory Councils (AHACs)

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About this document

Title	Code of Conduct for Health Care Advisory Councils (HCACs), Health Priority Taskforces (HPTs) & Area Health Advisory Councils (AHACs). Copies may be obtained at http://www.health.nsw.gov.au/policies/index.asp
Responsibility	Primary Health and Community Partnerships, NSW Department of Health Corporate Governance and Risk Management, NSW Department of Health
Version	March 2008
Updates and feedback	Feedback on this document is welcome and should be addressed to the Manager, Community and Government Relations Primary Health Community Partnerships Branch NSW Department of Health.
Further information	Part 2 of Policy Directive PD2005_626 (which is the Code of Conduct for all staff across NSW Health) provides a source of further information and guidance on the principles and standards contained in this document. Questions about this document should be discussed in the first instance with the chairperson of your committee.

Title: Code of Conduct for Health Care Advisory Councils (HCACs), Health Priority Taskforces (HPTs) and Area Health Advisory Councils (AHACs)

Introduction to Code of Conduct for HCACs, HPTs & AHACs

Purpose and scope of document

This document outlines the Code of Conduct for HCACs, HPTs & AHACs and applies to all committee members participating on these committees.

The environment in which this document operates is a complex one. This Code of Conduct has been developed to assist committee members by providing a framework for decisions and actions while undertaking their role as committee members.

Committees may include NSW Health staff however they are not appointed in their capacity as ‘staff members’ (*staff is defined in the NSW Health Code of Conduct*) and are therefore not representing NSW Health. Therefore committee members who are also NSW Health staff members must adhere to the standards of this Code of Conduct when undertaking any committee activities or functions. NSW Health staff members who wish to clarify any issues regarding their conduct as a committee member should direct their enquiry, in the first instance, to the chairperson of the committee.

Specifically this document will:

- Define the standards of behaviour expected from committee members
- Outline any reporting requirements and
- Assist in the prevention of corruption, maladministration and serious and substantial waste by alerting committee members to behaviours that could potentially be corrupt or involve maladministration or waste.

Title: Code of Conduct for Health Care Advisory Councils (HCACs), Health Priority Taskforces (HPTs) and Area Health Advisory Councils (AHACs)

Values and principles underpinning this Code of Conduct

The reputation of NSW Health and its standing in the community are built on the following principles and these principles must be incorporated into the decisions, actions and behaviour of all committee members:

- Competence
- Courtesy and respect for individuals
- Cultural sensitivity
- Ethical behaviour
- Fairness and impartiality
- Transparency, openness, honesty and accountability
- Responsibility and
- Efficiency and effectiveness.

(based on NSW Ombudsman, *Good Conduct and Administrative Practice*, August 2003)

Committee members retain all the usual rights under common and statute law.

Key definitions

AHAC – means Area Health Advisory Councils and is used collectively to also refer to the CHAC.

CHAC – means the Children’s Hospital Advisory Council.

Committee member – for the purposes of this document a committee member refers to any person, including the chairperson, appointed by the Minister to the Health Care Advisory Council (HCAC) or an Area Health Advisory Council (AHAC) or by the Director-General to a Health Priority Taskforce (HPT).

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Corrupt Conduct – is broadly defined in sections 8 and 9 of the Independent Commission Against Corruption Act 1988. The key notion is the misuse of public office. Commonly this involves the dishonest or partial use of power or position that results in one person/organisation being advantaged over another.

Corruption can take many forms including (but not limited to):

- Official misconduct
- Bribery and blackmail
- Unauthorised use of confidential information
- Fraud and
- Theft

HCAC – means Health Care Advisory Council.

HPT – means Health Priority Taskforce.

Maladministration – is defined in the Protected Disclosures Act 1994 as conduct that involves action or inaction of a serious nature that is:

- Contrary to law
- Unreasonable, unjust, oppressive or improperly discriminatory or
- Based wholly or partly on improper motives.

Serious and Substantial Waste – is defined in the Protected Disclosures Act 1994 and refers to any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in significant loss/wastage of public funds or resources.

Violence – is defined as any incident in which an individual is abused, threatened or assaulted and includes verbal, physical or psychological abuse, threats or other intimidating behaviours, intentional physical attacks, aggravated assault, threats with an offensive weapon, sexual harassment and sexual assault.

Title: Code of Conduct for Health Care Advisory Councils (HCACs), Health Priority Taskforces (HPTs) and Area Health Advisory Councils (AHACs)

1.0 Competence and professionalism

All committee members will carry out their roles to the best of their ability and follow the highest standards of conduct.

1.1 Personal and professional behaviour

I will carry out my role with:

- Courtesy and respect for everyone
- Openness, honesty and accountability.

I will be mindful and accepting of the needs of people from different backgrounds and cultures when undertaking my role.

My decisions will be fair and impartial.

I will take care when carrying out my role and will always present myself for meetings and other committee related activities in a fit and proper condition. I will never present myself for meetings under the influence of alcohol, drugs or other substances that could affect my ability to act safely and efficiently.

When participating on a Committee I will always:

- Observe any laws, professional codes of conduct and ethics relevant to my profession.
- Follow lawful directions from the chairperson of the committee or delegated officer. If I have a concern about following any lawful direction, I may appeal either through my chairperson or if that is not appropriate the Director-General of NSW Health or Chief Executive, or his or her delegate, of the Health Service relevant to my committee.
- Behave with honesty and openness. I have a duty to report other committee members who are behaving in a way that breaches this Code of Conduct.
- Report to an appropriate person or authority any situations that may affect clinical or professional standards.
- Try to work to a standard that reflects favourably on the committee and NSW Health.
- Follow the relevant NSW Health policies, Charter and Terms of Reference relating to my committee whether or not I agree with these. If a situation arises where I cannot comply because of my personal or clinical views I will discuss the matter with the chairperson of the committee to try and resolve the situation.

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- 1.2 Good faith** ➤ I will undertake my role in good faith and in the spirit of honesty, correct purpose and with the best motives. I will ensure that my actions are appropriate and totally within the area of my authority.
- 1.3 Professional standards** ➤ If I find any conflict between my professional standards and this Code of Conduct I will take up the matter with the chairperson of the committee.
- 1.4 Sexual relationships with patients or clients** ➤ I will not exploit my relationship of trust with patients or clients in any way because I recognise that such behaviour is a breach of professional and ethical boundaries and amounts to serious misconduct.
- 1.5 Quality service**
- To the best of my ability, I will provide accurate, frank and honest information to decision-makers, as required.
 - I will ensure that all the money I spend is for legitimate items related to the work of the committee, and not for personal benefit.
 - I will carry out my activities within the agreed time frames. If circumstances arise that prevent me from fulfilling my activities or meeting the time frames, I will report this to the chairperson of the committee for advice and action.
 - I will, as far as possible, attend all meetings of the committee and allow the necessary time to prepare for meetings.

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2.0 Conflicts of interest

Committee members will avoid and resolve any conflict of interest and be open and honest in all activities where personal interests may clash with their committee role.

2.1 Managing conflicts of interest

- I will perform my duties fairly and ensure that my decisions are not influenced by self-interest or personal gain.
- I will seek to avoid situations that give rise to conflicts of interest.
- I will declare any potential conflict of interest in items on a committee meeting agenda at the start of a meeting and exempt myself from discussion of that item.
- I will report any other actual, potential or perceived conflicts of interest in the first instance to the chairperson of the committee at the first available opportunity, preferably in writing. A decision can then be made as to what action should be taken to avoid or to deal with the conflict. The chairperson of a committee may refer a matter to the Director-General of NSW Health or Chief Executive of the Health Service.
- I will assess the following situations to determine if they give rise to any conflicts of interest:
 - Other directorships or employment
 - Professional and business interests and associations
 - Investment interests and
 - Family relationships.
- If I am not sure whether a conflict exists, I will discuss the matter with the chairperson of the committee to try and resolve the matter. The chairperson of a committee may refer a matter to the Director-General of NSW Health or Chief Executive of the Health Service.

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2.2 Bribes, gifts and benefits

➤ If I am aware that another committee member has a real, potential or perceived conflict of interest I will report the matter to the chairperson of the committee. The chairperson of a committee may refer a matter to the Director-General of NSW Health or Chief Executive of the Health Service.

➤ I will not allow the offer of any gift or bribe to change or influence the decisions I make or the advice I provide.

➤ I will never accept gifts of cash and as a general rule I will not accept any gifts or benefits.

➤ I will take all reasonable steps to ensure that neither myself nor my immediate family members accepts gifts or benefits that an impartial observer could view as a means of securing my influence or favour.

➤ If any offer or suggestion of a bribe is made directly or indirectly to me, I will report the facts to the chairperson of the committee immediately. The chairperson of a committee may refer a matter to the Director-General of NSW Health or Chief Executive of the Health Service.

Token gifts

➤ I may accept token or inexpensive gifts offered as a gesture of appreciation, and not to secure favour.

➤ I will report the acceptance of the gift to the chairperson of the committee and seek their agreement to retain the gift. The chairperson of a committee may refer a matter to the Director-General of NSW Health or Chief Executive of the Health Service.

Non token gifts

➤ As a general rule I will not accept gifts that are more than a token.

➤ If I do receive a non-token gift I will declare it to the chairperson of the committee straight away. The chairperson of a committee may refer a matter to the Director-General of NSW Health or Chief Executive of the Health Service.

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- I will only accept a gift or other benefit that is more than a token (including modest acts of hospitality) in the following cases:
 - Where these are given for reasons other than status as a committee member
 - Where the gift is given to me in a public forum in appreciation for the work, assistance or involvement of myself or the committee, and refusal to accept the gift would cause embarrassment or affront eg an overseas delegation (the issue of causing embarrassment or affront does not apply to gifts offered by commercial organisations)
 - Where there is no chance that accepting the gift could reflect badly on myself, the committee or NSW Health
 - In circumstances generally approved by the chairperson of the committee. Otherwise I need the formal written approval of the committee chairperson, preferably in advance.
- If I accept a gift in these circumstances, I will indicate that I am accepting the gift on behalf of my committee. The chairperson of the committee will determine the most appropriate use of the gift. The chairperson of a committee may refer a matter to the Director-General of NSW Health or Chief Executive of the Health Service.

I am particularly alert to attempts to influence me when I am dealing with, or have access to, sensitive or confidential information.

2.3 Recommending services

- In my capacity as a committee member I will not recommend a particular private service provider for my own personal gain or to benefit my family members or friends.
- If, in the course of my committee activities, I am requested to provide a list of private service providers to an individual outside of my committee I will include the statement that NSW Health does not recommend or favour these services and does not accept responsibility for any private service provider whose name appears on the list, even if the private service provider is also working within NSW Health.

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2.4 Disclosure of interests

- I will disclose all interests, including those of an associate or close relative, to the committee, including positions and pecuniary interests in corporations, partnerships or other businesses that may be relevant to matters under consideration.
- I will provide details of any other interests to the chairperson of the committee in the event of allegations of conflict of interest. The chairperson of a committee may refer a matter to the Director-General of NSW Health or Chief Executive of the Health Service.
- I will not misuse my committee position to obtain opportunities for future employment and will not allow myself to be inappropriately influenced by plans for, or offers of, outside employment.

2.5 Party political participation

- I will carry out my committee duties in a politically neutral manner.
- When participating in party political activities, I will ensure that I present my views as my own and not as the views of the committee or NSW Health.
- I will also ensure, as far as possible, that others do not present my views or actions as an official comment of the committee or of NSW Health, but as my individual views or those of the political organisation I am representing.
- I will not undertake party political activities in committee time.
- If I am contesting a local, state or commonwealth election I will report this to the chairperson of the committee and Minister for Health.

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- 2.6 Participation in voluntary organisations, charities and Professional Associations**
- When participating in voluntary organisations, charities or professional associations, I will ensure that I present my views as my own and not as the views of my committee or of NSW Health and ensure I do not commit my committee or NSW Health to any action without approval to do so.
 - I will only release official information when given authority by the chairperson of the committee to do this.
- 2.7 Public comment**
- If I make public comment and publicly debate political and social issues, I will make it clear that I am presenting my own views and not speaking as a member of the committee or of NSW Health, or representing an official position of the committee or of NSW Health.
 - I will not use my committee title when making such comment as this may create the impression that I am officially representing the views of the committee or NSW Health.
 - I may make official comment on matters relating to my committee only if I am:
 - Authorised to do this by the chairperson
 - Giving evidence in court or
 - Authorised or required by law.
 - I will only release official information when given authority by the chairperson of the committee to do this.

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3.0 Use of official resources

Committee members will use all equipment, goods and materials provided to them for committee related purposes only.

3.1 Using official resources

- I will use official resources lawfully, efficiently and only for official purposes.
- I understand that it is illegal to use official resources to:
 - Intentionally create, transmit, distribute or store any offensive information, data or material that violates Commonwealth or State laws
 - Produce, disseminate or possess child pornography images
 - Transmit, communicate or access any material that may discriminate against, harass or vilify colleagues, patients/clients or the public.
- I will not use official resources to display, access, store or distribute inappropriate or objectionable (non committee related) material that may be offensive to others.
- I understand that this includes material that depicts, expresses or deals with matters of nudity, sexual activity, drug misuse or addiction, crime, cruelty or violence in a manner that a reasonable adult would generally regard as unsuitable.
- I will only use official resources for non-official purposes if I have obtained permission from the chairperson of the committee beforehand.
- If I am authorised to use official resources for non-official purposes I will:
 - Take responsibility for maintaining, replacing and safeguarding the property and follow any special directions or conditions that apply to its use for non-official purposes
 - Ensure the resources are used effectively and economically.
- I will not use official resources for any private commercial purposes, under any circumstances.

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4.0 Use of official information

All committee members will ensure that they keep all information they may obtain or have access to, in the course of their role, private and confidential. This policy refers to this information as 'official information'.

- 4.1 Using official information**
- I will **never**:
 - Use official information without proper authority or for purposes that breach privacy law
 - Use or disclose official information acquired in the course of my committee membership outside of my committee unless required by law or given proper authority to do this
 - Misuse information gained in the course of my committee membership for personal gain.
- 4.2 Personal health information**
- I will always comply with the *Privacy and Personal Information Protection Act 1998, Health Records and Information Privacy Act 2002 and PD2005_362 Privacy Manual* ([http://www.health.nsw.gov.au/policies/pd/2005/PD2005_5_593.html](http://www.health.nsw.gov.au/policies/pd/2005/PD2005_593.html)) with regard to personal information held by the committee.
- 4.3 Security of official information**
- I will:
 - Ensure that unauthorised parties cannot readily access confidential and/or sensitive official information held by me, in any form whether documents, emails, computer files etc
 - Maintain the security of confidential and/or sensitive official information overnight and at all other times
 - Only discuss confidential and/or sensitive official information with authorised people, either within or outside NSW Health.
- 4.4 Using intellectual property**
- I will respect other people's/parties' intellectual property rights.

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5.0 Reporting serious offences

Committee members must report serious criminal charges against them to the Minister for Health in writing.

- 5.1 Reporting serious offences**
- I will report any charges and convictions against me in writing to the Minister for Health (or the Director-General if I am a member of a HPT) within 7 days of the charge being laid or of conviction.
 - I will immediately report to the Minister for Health (or the Director-General if I am a member of a HPT) any charges brought against me relating to the production, dissemination or possession of child pornography.

6.0 Fairness in decision making

Committee members must be fair, in all actions, when making decisions.

- 6.1 Fairness in decision making**
- I will:
 - Deal with issues, cases or complaints consistently, promptly, openly and fairly
 - Act fairly and reasonably when using any statutory or discretionary power that could affect individuals within or outside of NSW Health
 - Avoid any unnecessary delay in making decisions or taking action
 - Follow the principles of equal employment opportunity in employment-related decisions
 - Take all reasonable steps to ensure that the information I act or decide on is factually correct and relevant.
- 6.2 Use of statutory power**
- When I make a decision based on a statutory power ie power defined in legislation, I will ensure that:
 - I am authorised by the law to make the decision
 - I comply with any required procedures
 - I document my decision and the reasons for it.
- 6.3 Use of discretionary power**
- I will only exercise discretionary power, ie power to act according to my own judgement, for proper purposes and on relevant grounds.

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6.4 Appealing decisions

- I will promptly inform individuals who are adversely affected by or who wish to challenge a decision, of their rights to object, appeal or obtain a review. I will also inform them how they can exercise those rights.

7.0 Discrimination, harassment, bullying and violence

Committee members must treat all people with dignity and respect.

7.1 Discrimination, harassment and bullying

- In the course of my committee participation I will **never**:
 - Harass, discriminate or bully other committee members, NSW Health staff, patients or members of the public
 - Encourage or support other committee members in harassing, discriminating or bullying other committee members, NSW Health staff, patients or members of the public
 - Discriminate against someone because of their sex, race, ethnic or ethno-religious background, marital status, pregnancy, disability, age, homosexuality, transgender status or carer's responsibilities
 - Victimise or take detrimental action against individuals
 - Make malicious or vexatious allegations.

7.2 Violence

- I will not act violently or knowingly place myself at unnecessary risk of violence.

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8.0 Occupational health and safety

Committee members must look out for their safety and the safety of all others while in the course of their committee participation.

8.1 Occupational health and safety

- In the course of my committee participation I will:
 - Follow all relevant NSW Health occupational health and safety policies (http://www.health.nsw.gov.au/policies/groups/pers_ohs.html), reporting procedures and safe working practices
 - Take reasonable care for the health and safety of people who may be affected by anything that I do or fail to do
 - Never intentionally or recklessly interfere with or misuse anything provided to me in the interests of health, safety or welfare eg personal protective equipment such as safety glasses, gloves etc.

8.2 Reporting injuries

- I will take care and cooperate to prevent injuries to myself and others.
- If I am injured during the course of my committee activities I will report it to the committee chairperson and, if appropriate, seek first aid or medical attention.

9.0 Complying with reporting obligations

Committee members must abide by all legal and policy reporting obligations. NSW Health policy can be found at <http://www.health.nsw.gov.au/policies/groups/index.asp>

9.1 Complying with reporting obligations

- I will meet all the legal reporting obligations that apply to me including those related to:
 - Corruption, maladministration and serious and substantial waste
 - Public health issues
 - Reportable conduct related to child protection (eg sexual misconduct, assault, neglect)
 - Other criminal matters.

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- 9.2 Child protection**
- I will follow NSW Health policy in relation to the care and treatment of children and young people.
 - I will report to the Director-General NSW Health or Chief Executive of the Health Service relevant to my committee any behaviour or circumstance that leads me to suspect reportable conduct towards a child by another committee member or a NSW Health staff member.
- 9.3 Reporting corrupt conduct, maladministration and serious and substantial waste**
- I will report any suspected instances of possible corrupt conduct, maladministration and serious and substantial waste of public resources to the chairperson of the committee or the appropriate external body. The chairperson may report matters to the Director-General of NSW Health or Chief Executive of a Health Service.
- 9.4 Protected disclosures**
- I will not take action against or victimise another person for making a protected disclosure.

10.0 Conduct of former committee members

Former committee members must not take official information or property with them when they leave.

- 10.1 Conduct of former committee members**
- When I leave my current committee I will not use or take advantage of confidential information obtained in the course of my committee participation until or unless this information becomes otherwise publicly available.
 - I will not take documents that are the property of the Committee or NSW Health to another position or membership of another body prior to or after my resignation without approval.
 - I will not give, or appear to give, favourable treatment or access to official information to former staff of NSW Health.

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11.0 Breaches of the Code of Conduct for HCACs, HPTs and AHACs

Committee members must be aware of, and abide by, this Code of Conduct.

11.1 Breaches of this Code of Conduct

- If I do not understand any issue covered in this Code of Conduct I will discuss it with the chairperson of the committee. The chairperson of a committee may refer a matter to the Director-General of NSW Health or Chief Executive of the Health Service.
- I will abide by the standards outlined in this Code of Conduct and the legislation, policies and procedures it reflects. I understand that breaches of any section of this Code of Conduct may lead to action being taken against me, including my removal from the Committee.
- Certain sections of the Code of Conduct reflect the requirements of legislation, and I am aware that breaches of these conditions may be punishable under law.
- If I become aware of a breach of this Code of Conduct, by either myself or by other committee members, I will immediately report the matter to the chairperson of the committee
- I understand that additional information/guidance on the standards outlined in this document is also available in Part 2 of the NSW Health Code of Conduct for staff (PD2005_626).

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Appendix 1

Sign off sheet for council or taskforce members

Code of Conduct for Health Care Advisory Councils (HCACs), Health Priority Taskforces (HPTs) and Area Health Advisory Councils (AHACs)

The importance of my compliance with the provisions of the Code of Conduct has been brought to my attention by the Chair of the Council or Taskforce during my induction as a member.

I have read the Code of Conduct and agree to abide by the provisions set out in the Code at all times during my service on the Council or Taskforce.

I understand that the “sign off” sheet will be placed on file and retained by NSW Health.

Member

Name _____ (please print)

Name of Council or Taskforce _____

Signature _____ Date _____

Chair

Name _____ (please print)

Name of Council or Taskforce _____

Signature _____ Date _____

To be retained on file by the Secretariat for the:

- **Health Care Advisory Council or**
- **Health Priority Taskforce or**
- **Area Health Advisory Council**

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Appendix 2

Sign off sheet for council or taskforce chairs

Code of Conduct for Health Care Advisory Councils (HCACs), Health Priority Taskforces (HPTs) and Area Health Advisory Councils (AHACs)

The importance of my compliance with the provisions of the Code of Conduct has been brought to my attention by the Deputy Director-General of the relevant Division of NSW Health or (for AHACs) the CEO of the Area Health Service during my induction as Chair.

I have read the Code of Conduct and agree to abide by the provisions set out in the Code at all times during my service on the Council or Taskforce.

I understand that the “sign off” sheet will be placed on file and retained by NSW Health.

Chair

Name _____ (please print)

Name of Council or Taskforce _____

Signature _____ Date _____

Authoriser

Name _____ (please print)

Position Title _____

Name of Council or Taskforce _____

Signature _____ Date _____

To be retained on file by the Secretariat for the:

- **Health Care Advisory Council or**
- **Health Priority Taskforce or**
- **Area Health Advisory Council**