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| **Conduct and Ethics** |
| **Section** | 1. Security and Control |
| **CR Number** | 1.4.8 | **Current Issue Date** | November 2022 |
| **Legislation & Policy**  | Corrections Act 1986Equal Opportunity Act 2010Charter of Human Rights and Responsibilities Act 2006Gender Equality Act 2020Code of Conduct for Victorian Public Sector Employees (VPS Code of Conduct)DJCS Declarable Associations Guideline and Related PolicyDJCS Security Screening Guidelines and Related PolicyDJCS Gifts and Hospitality PolicyDJCS Workplace Related Events and Social Functions PolicyDJCS Conflicts of Interest Policy |
| **Standard** | Safety and Security Services - Security |
| **Attachments** | Nil |
| **Forms** | Speak Up Guideline |

1. **PURPOSE**

To outline the responsibilities of all correctional employees\* to assist in limiting the reputational and actual risks to the correctional system by:

* modelling appropriate and professional behaviour at all times
* maintaining professional boundaries
* avoiding not only improper or inappropriate associations or relationships with current or former prisoners or offenders, or their families or visitors, but the perception of these
* contributing to a safe and secure working environment.

To maintain consistent practice in relation to the reporting of inappropriate associations or conduct by correctional employees.

**NOTE:** \*this includes all Department of Justice and Community Safety (DJCS) employees based at a prison, or while working at a prison, inclusive of Community Correctional Services (CCS), Corporate Governance and Support (CGAS) and People Safety and Culture (PSC) staff.

1. **REQUIREMENT**
	1. The conduct of all staff working in the correctional system – even those not working in the public sector - must be consistent with the Code of Conduct for Victorian Public Sector Employees (VPS Code of Conduct).
	2. Due to the nature of the work undertaken by correctional employees and the environment in which they operate, there is a legitimate community expectation that staff uphold the highest levels of integrity both in the performance of their duties and outside the work environment. Integrity and professionalism are critical to maintaining community confidence in the correctional system and the safe and secure operation of the system.
	3. Managers of prisons and Community Operations and Parole including (CCS locations, other correctional facilities and Head Office business units must encourage employees, and all persons working in the correctional environment, to model appropriate behaviour at all times.
	4. Managers must ensure their employees are familiar with this policy and where relevant, other Victorian Public Service (VPS), departmental and other corporate policies (for private prisons and other contractors), and have processes in place to ensure the reporting of the following matters alleged or known to involve correctional employees:
* criminal offences or drug use
* associations or personal contact with current or former prisoners or offenders
* conduct which indicates a blurring of professional boundaries between correctional employees and prisoners or offenders
* intimate, social or commercial relationships with current or former prisoners or offenders
* inappropriate social media use and/or behaviour at social functions where they might reflect on the reputation of the DJCS and the correctional system
* inappropriate receipt of gifts in the workplace.
	1. Employees have an obligation to report to management any improper contact or associations with prisoners and/or ex-prisoners and offenders, including contact initiated by prisoners or offenders, even if it is rebuffed or not reciprocated.
	2. Staff seeking to be employed in all offender and prisoner-facing roles within the Victorian correctional system (including private prisons) are subject to security checks on recruitment. The checks include a requirement for employees to declare any conflicts of interest and offender associations. This applies to all external candidates where there is no record of checks being undertaken by the department within the last six months, and within two years for internal candidates. The requirement applies to people applying for ongoing, fixed-term, and casual roles, and upon transfer and promotion.
	3. Employees should also disclose to management any relationships with staff members or other persons that could lead to a conflict of interest, such as where one person:
* is in a supervisory role over the other (which may have impacts on things such as the integrity of performance management, misconduct considerations, or decisions regarding progression, higher duties or promotion);
* is in a position to provide more favourable treatment to the other (e.g. in the allocation of shift changes, overtime, training opportunities, caseload or other benefits); and
* is a supplier (or an employee of a supplier) of goods or services to the DJCS who may benefit from preferential treatment or inside knowledge.
	1. Failure to adhere to the provisions of this Commissioner’s Requirement may result in disciplinary action.
1. **GUIDING PRINCIPLE**
	1. The Code of Conduct for Victorian Public Sector Employees prescribes standards of required behaviour based on the values of responsiveness, integrity, impartiality, accountability, respect, leadership and human rights. Specific behaviours and conduct expectations are also outlined in the DJCS’s ‘Declarable Associations Guidelines and Related Policy’.
	2. Private prison employees and contractors (such as chaplains, education and health providers) are not directly subject to the VPS Code of Conduct but must adhere to this Commissioner’s Requirement in addition to their own corporate ethics and conduct policies.
	3. CCS staff (within Justice Services) must comply with the VPS Code of Conduct and any relevant departmental polices that relate to their conduct and ethics.

**NOTE:** A copy of this Commissioner’s Requirement must be provided to all contractors during local orientation and Justice Health will provide a copy to all health service providers.

1. **CONTEXT**
	1. There are a number of actual security and other operational risks that are unique to the correctional environment and require additional vigilance from staff to manage. These include:
* the introduction of contraband across the system
* the inappropriate disclosure of personal information
* potential security breaches
* the loss of confidence in a colleague that may impact the safety of the working environment, and
* a staff member’s inability to perform the inherent duties of their position (e.g. to challenge inappropriate behaviour through the case management process if they themselves have exhibited those same behaviours).
	1. In addition, correctional employees are to conduct themselves in a manner that is professional and does not damage the reputation or public’s confidence in the Victorian correctional system. This particularly includes maintaining professional boundaries between correctional officers and prisoners and offenders (including their visitors and families) and avoiding any real or perceived conflicts of interest.
	2. A conflict of interest occurs where there is conflict between the public duty and the private interests of a public official (including private prison employees authorised under section 9A of the *Corrections Act* 1986). A conflict of interest can be actual, potential or perceived, and may arise where the employee is, could be, or is perceived to be directly influenced by a personal association with a current or former prisoner or offender, or someone closely connected to any of the above.
1. **INSTRUCTION**
	1. **Professional and Ethical Behaviour**
		1. Correctional employees must demonstrate the highest standards of workplace professionalism and ethical behaviour. Obligations include, but are not limited to:
* modelling pro-social behaviours and attitudes
* demonstrating respect for others, including other correctional employees, prisoners and offenders and other persons with whom they come into contact
* demonstrating care and respect for property, including workplace facilities and property belonging to prisoners and offenders
* maintaining confidentiality of sensitive, security and personal information relating to the operation of the correctional system, its employees, prisoners and offenders.
	+ 1. Behaviours considered unacceptable and inappropriate include, but are not limited to:
* communication (including electronically transmitted communication), which is sexually inappropriate, racially or religiously insensitive, discriminatory in nature, or otherwise offensive to the recipient(s), whether this is with or about another correctional employee, prisoner, offender, visitor, victim or other person
* intentionally or recklessly placing correctional employees in situations where their safety security or workplace authority is compromised
* intentionally or recklessly placing prisoners and offenders in situations where their safety, security or humane treatment is compromised
* failing to take reasonable steps for the security of the prison or part of the prison and the safe custody and welfare of prisoners, or failing to perform duties relating to security and welfare, for example, by being under the influence of drugs or alcohol; falling asleep during work hours; leaving work prior to the end of a shift and failing to inform a manager; attempting to, or introducing contraband in a prison; sharing confidential information with prisoners; and spending a significant time on a computer on non-work related matters, such as watching parts of or an entire movie or YouTube clips or surfing the internet for any amount of time, which prevent staff from performing their duties
* bullying, harassment and disrespect
* promoting or engaging in innuendo and gossip relating to correctional employees, prisoners and/or offenders.
	1. **Professional Boundaries**
		1. Professional boundaries are limits of appropriate communication, effective interaction and acceptable behaviour when working with prisoners and offenders. Such boundaries are designed to protect both the staff member and the prisoner or offender (or other party).
		2. The boundaries are not removed upon the prisoner or offender’s term of imprisonment or order being discharged.
		3. Correctional employees are required to conduct themselves professionally in the manner in which they communicate and behave with prisoners, offenders, and visitors to and families of prisoners. This is critical in a correctional environment, where the:
* power imbalance that exists between correctional officers and prisoners and offenders, and the ‘closed’ and residential nature of prisons, places an enhanced obligation on employees to act with the highest level of integrity and respect, and
* personal histories and criminal behaviour of the cohort that corrections is responsible for managing and supervising, places employees at much higher risk of being manipulated or compromised as they discharge the responsibilities of their roles.
	+ 1. Correctional employees are expected to observe professional boundaries at all times, and to act within their delegated authority and in accordance with approved policies and procedures**.** Obligations include, but are not limited to:
* maintaining rules and boundaries, such as maintaining professional distance
* recognising and addressing prisoners’ and offenders’ manipulative behaviour, and
* restricting physical contact to that which is required procedurally, and the use of appropriate gestures of acknowledgement (e.g. handshakes).
	+ 1. Communications and behaviours considered unacceptable and inappropriate include, but are not limited to:
* disclosing personal information about oneself or others that might increase vulnerability to threats, risks to safety, blackmail or other pressure being applied
* innuendo and gossip
* discriminatory comments and/or jokes (e.g. sexual, religious or racist)
* jokes or comments trivialising family violence and/or promoting violence in general
* physical contact constituting gestures of familiarity or intimacy.
	1. **Improper Associations (Intimate, Social, Commercial and Outside Official Duties)**
		1. Correctional employees must not form intimate relationships with current or former prisoners or offenders, or visitors to or close relatives of prisoners or offenders, or members or criminal organisations, even where such a person is not directly in the employee’s charge. Such relationships would give rise to concerns regarding a conflict of interest as well as having the potential to introduce substantial security risks to the system and other employees and undermining the confidence of management and co-workers in the ability of the employee concerned to effectively carry out their duties.
		2. Any instance of an employee forming an intimate relationship with a current or former prisoner or offender, or a visitor or family member of a prisoner or offender, must be reported to the workplace General Manager, Assistant Commissioner or Deputy Commissioner or line Manager (for non-prison-based staff). or Regional or Executive Director in CCS.
		3. Similarly, social relationships between employees and current or former prisoners or offenders, visitors or family members of prisoners or offenders may give rise to concerns about the ability of the employee concerned to carry out their duties.
		4. Correctional staff are not to knowingly establish direct social relationships with current or former prisoners or offenders. However, it is acknowledged that there may be exceptional circumstances where these relationships are unavoidable. In such circumstances, employees must seek the written permission of their Assistant Commissioner, Custodial Operations, or Deputy Commissioner, Custodial Operations for private prisons or contractors. If based at Head Office, employees must seek permission of their line-managing Executive if they wish to associate or correspond with a current or former prisoner or offender outside their immediate family or in the course of their official duties. Prior to approving such a request, the relevant Executive will be required to consult with the Deputy Commissioner, Custodial Operations.
		5. To maintain an existing social relationship, with current or former prisoners or offenders, visitors or family members of prisoners or offenders, employees must also seek the written permission of their Assistant Commissioner, Custodial Operations, or Deputy Commissioner, Custodial Operations for private prisons and contractors. If based at Head Office, employees must seek permission of the Executive to whom they report where they wish to associate or correspond with a current or former prisoner or offender outside their immediate family or in the course of their official duties. Prior to approving such a request, the relevant Executive will be required to consult with the Deputy Commissioner, Custodial Operations.
		6. A staff member who wishes to visit a relative or close friend in prison, is encouraged to arrange visits with the prison General Manager of the prisoner’s location. The General Manager of the prison in which the prisoner is accommodated is responsible for generating a restricted Information Report to record his or her decision concerning the visit arrangements. Contact with the staff member’s General Manager should also routinely occur, to ensure that the original disclosure was made as required, to advise on the decision concerning visits, and to manage any flow-on impacts if other prisoners become aware of the association between the staff member and the prisoner.
		7. Commercial associations from which the employee or their family may obtain financial, or other material, benefit may only be formed under exceptional circumstances between a correctional employee and a current or former prisoner or offender. Prior to engaging in any such commercial activity the employee (irrespective of whether they are a VPS employee or employed by a private prison operator) must seek the consent of the Commissioner, either directly or through their Manager.
		8. It is acknowledged that some relationships between employees and prisoners or offenders are unavoidable. Friends, relatives and acquaintances may come into contact with the criminal justice system and it may be neither practicable nor desirable to cease all contact with those people. Such instances have the potential to create conflicts of interest for correctional employees and must be declared and then reported to their General Manager, or Head Office Manager.
		9. On receipt of the declaration, the General Manager or Head Office Manager must:
* conduct a risk assessment
* establish a management plan and implement control measures for the risks
* record the declaration and plan on the employee’s file
* record the declaration on the Centurion Intelligence System (within seven days of the declaration being made)
* if the declaration has significant conflict of interest impacts, advise the relevant senior workplace manager (i.e. Assistant Commissioner, Custodial Operations, Regional or Executive Director, Director, Assistant Commissioner, Deputy Commissioner, Custodial Operations) and the People and Culture, Workplace Relations Team, or the respective General Manager, Contracts and Infrastructure Branch for private prisons.
	1. **Relationships with Other Staff or Suppliers – Potential Conflicts of Interest**
		1. The same process set out in paragraph 5.3.9 (above) is to be undertaken where a real, potential or perceived conflict of interest could arise in an employee’s relationship with another employee or other person, as outlined in paragraph 2.7.
	2. **Criminal Offences and Drug Use**
		1. The commission of any criminal offence may adversely affect the ability of the employee to conduct official duties and affect the employee’s ability to maintain public confidence in correctional programs and services. In particular, an offence may impact the staff member’s ability to case manage a prisoner/offender if charged with an offence of which the prisoner/offender is also guilty. Accordingly, correctional employees are to notify their workplace General Manager, or Head Office Manager as soon as possible in circumstances where they are charged and/or found guilty of any criminal offence.
		2. Any illicit drug use by correctional employees either during or outside work hours similarly has the capacity to seriously compromise their effectiveness in the correctional environment (e.g. in case managing substance abusing prisoners or offenders, or by making them more vulnerable to pressure to introduce contraband) and to retain public confidence. The responsible Manager will address reports of illicit drug use promptly.
	3. **Social Media**
		1. Employees have a responsibility to ensure that their use of social media is always appropriate and respectful and does not contravene the VPS Code of Conduct, and departmental and other corporate policies, standards and guidelines. Correctional employees must ensure that they:
* do not knowingly have direct contact via social media sites with current or former prisoners or offenders unless they have written permission from their Assistant Commissioner, Custodial Operations, Regional or Executive Director or Deputy Commissioner, Custodial Operations for private prisons, or if in Head Office, their relevant Executive, and
* do not use social media to disclose or provide commentary on any work-related events or issues, including those events or issues that are in the public domain and may also have had significant media coverage.
	+ 1. In the event that a current or former prisoner or offender attempts to contact a correctional employee via social media, this contact must be reported to management.
	1. **Social Functions Responsibilities**
		1. Correctional employees attending social events and functions both during and outside working hours must be mindful that they may be seen to represent the Victorian correctional system, and therefore should conduct themselves accordingly.
		2. Employees have a responsibility to take reasonable precautions for their own health and safety and that of others. They are also expected to behave in a way where the workplace is free from harassment and abusive behaviour, particularly following the consumption of alcohol at workplace or workplace-linked events.
		3. Any misconduct at work-related social events or functions should be reported to the staff member’s relevant Manager or HR representative.
	2. **Gifts and Benefits**
		1. Correctional employees must not seek gifts and benefits (including hospitality) from work-related contacts (including prisoners/offender or their families) or agencies, for themselves or others. All offers of gifts and benefits that could be reasonably perceived as influencing them or undermining their integrity or that of the Victorian correctional system should be refused.
		2. Public sector correctional employees must comply with all departmental policies in relation to accepting, declaring and recording the receipt of gifts and benefits including the *DJCS Gifts and Hospitality Policy*.
	3. **Professional Dress Standards**
		1. Correctional employees should wear clothing which projects an appropriate public image. Non-uniformed employees should wear appropriate business, or occupationally-specific attire.
		2. Professional dress standards must also be maintained when staff are working from home and engaging in online meetings.
		3. Employees should ensure that their dress choice does not heighten the risk of occupational violence or risks to their own safety or that of others, or which restricts their capacity to respond in an emergency situation.
		4. Line managers must raise any issues regarding appropriate dress directly with the employee, noting that they should not contravene the *Equal Opportunity Act* 2010 or be otherwise discriminatory.
	4. **Reporting Requirements**
		1. Prisons, correctional facilities, CCS locations (via Community Operations and Parole), and Head Office must ensure documented arrangements for reporting any breaches of this policy that include:
* clear identification of who is responsible for reporting the alleged inappropriate association or conduct to the General Manager, or if in Head Office, the relevant Executive to whom they report;
* a requirement that serious incidents are reported within a specific period through the chain of command to the:
	+ - Assistant Commissioner, Custodial Operations, for public prisons and Regional or Executive Director for CCS
		- Contract Manager for private prisons
		- Deputy Commissioner, Custodial Operations for inappropriate association and/or contact, or an intimate or social relationship
		- Commissioner, for seeking permission for or reporting of a commercial relationship.
* the option that allows reporting to be actioned by:
	+ - formal memo, or
		- Information Report (IR) uploaded onto the Centurion Intelligence System (CIS)
		- email, in all other cases; and
* details of the minimum information to be reported which must include:
	+ - the nature (summary) of the alleged inappropriate association, request or conduct
		- the names of staff/prisoners/offenders/visitors or other persons involved
		- the date and time of the alleged event, and
		- details of any initial action taken.
	+ In the event that the employee does not feel comfortable reporting to their manager, the other reporting options available as specified in the DJCS Speak Up Guideline apply. That is:
	+ where the matter relates to misconduct, People and Workplace Services can be contacted; and
	+ where there is serious misconduct, corruption, criminal activity or fear of reprisal regarding reporting an integrity issue, contact should be made with one of the Protected Disclosure Coordinators in the Department’s Assurance business unit. Staff can also contact the Independent Broad-based Anti-corruption Commission, Victorian Ombudsman or Victoria Police.

**NOTE:** In serious matters involving public prisons, the abovementioned Executive may also engage the Department’s People and Workplace Services or Protected Disclosure Coordinators, as required.

* + 1. All declared associations and professional boundaries breaches must then be recorded in an Information Report (under the primary subject of ‘*Associations - Declarable Association* for declared associations and all professional boundary breaches must be recorded under the subject of *Professional Boundaries* for*’*) on the Centurion Intelligence System. For any serious breaches relating to declared associations and professional boundaries must be reported via the chain of command or alternative DJCS Speak Up options.
		2. Reports of escalated serious misconduct or conflict of interest will be maintained centrally by the Assurance Division for public sector employees, and the Corrections Victoria’s Contracts and Infrastructure Branch for private prisons.

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| Larissa Strong ACM**Commissioner** |

**Information below this point is administrative supporting detail**

**only and not subject to Commissioner’s review or approval.**

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| **Acronyms** |
| CCS | Community Correctional Services (inclusive of Community Operations and Parole in Corrections and Justice Services) |
| CGAS | Corporate Governance and Support  |
| CIS | Centurion Intelligence System |
| CJS | Corrections and Justice Services |
| DJCS | Department of Justice and Community Safety |
| HR | Human Resources |
| IBAC | Independent Broad-based Anti-corruption Commission |
| IR | Information Report |
| PSC | People Safety and Culture |
| VPS | Victorian Public Sector |
| VPS Code of Conduct | Code of Conduct for Victorian Public Sector Employees  |
| **Definitions** |
| Correctional Employee | For the purposes of this Commissioner’s Requirement, this includes all Department of Justice and Community Safety (DJCS) employees based in a prison, or while working in a prison or work with prisoners, inclusive of Community Correctional Services (CCS), Corporate Governance and Support (CGAS) and People Safety and Culture (PSC) staff, Corrections Victoria staff and Justice Health staff . It also includes private prison staff or contractors who are involved in the delivery of correctional services and program to prisoners, or who support such delivery. |
| Correctional System | For the purposes of this Commissioner’s Requirement, this is the prison system (public and private prisons) and correctional facilities.  |
| Executive | Relates to members of the Corrections Victoria Executive Committee. |
| Offenders | Those people sentenced by the courts to a non-custodial corrections order, or released on parole by the Adult Parole Board of Victoria, to be managed by Community Correctional Services. |
| Prisoners | Those people sentenced or remanded by the courts who are placed in the custody of the Secretary of the Department of Justice & Community Safety and held in an adult prison. |
| Protected Disclosures | A report made by a person about improper conduct of public bodies or public officers performing public functions, and any person who adversely affects the honest performance of their official functions. The *Protected Disclosures Act* 2014 aims to protect people who raise concerns about possible wrongdoing in the workplace and affords them certain protections under this legislation. |
| Protected Disclosure Coordinator | Nominated employees who support people who speak out about wrongdoing in the public service. Employed by public sector agencies, they are nominated to receive and notify the Independent Broad-based Anti-corruption Commission (IBAC) of potential protected disclosures. They operate under the requirements of the *Protected Disclosures Act* 2014. |

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| **Associated Commissioner’s Requirements** |
| 1.3.1 - Incident Reporting |

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| **Document Detail** |
| Title: | Conduct and Ethics |
| Owner: | Deputy Commissioner, Custodial Operations |

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| **Version Control** |
| Version | Date | Description |
| V4 | Nov-22 | Updated |
| V3 | Nov-19 | Updated |
| V2 | Mar-19 | Updated |
| V1 | May-18 | First Issue |