

# Professional Conduct Policy

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Responsible Officer: Chief People Officer	Custodian:

## Policy content overview

The Professional Conduct Policy consists of three main parts related to workplace conduct which cover obligations, reporting pathways and general responsibilities. They detail the standards of behaviour, reporting obligations, and resolution pathways for all workers in the Department of Health.

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## Purpose

- To outline the Department’s commitment to positive workplace behaviours and obligations to keep everyone safe from harm, particularly children and young people, and other vulnerable groups such as people with disability, older people, consumers with guardianship orders or mental health treatment orders
- This commitment also places our attention on supporting a members of all vulnerable communities, both as members of staff or people accessing our services.
- To ensure workers, contractors, sub-contractors, volunteers, and students
  - understand what behaviours are unacceptable, including conduct, misconduct or criminal conduct and their reporting obligations.

- respect and promote the safety and wellbeing of all people that access the Department's services, including children and young people, and other vulnerable people within Tasmania.

This Policy applies to:

- All workers unless otherwise stated.

For the purpose of this policy, a person is a worker(s) if the person carries out work in any capacity for a person conducting a business or undertaking, including work as –

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking
- an outworker
- an apprentice or trainee
- a student gaining work experience
- a volunteer
- a person of a prescribed class.

## Policy statement

- The Department is committed to the safety and wellbeing of children and young people and has **zero tolerance** for harm to a child or young person of any kind.
- As stewards and custodians of public health and wellbeing in Tasmania, every worker has a responsibility to uphold standards of professional conduct.
- Our core purpose is to care for the health and wellbeing of all in Tasmania through our values of Compassion, Accountability, Respect, and Excellence. We recognise the moral and ethical duty inherent in our roles to ensure the safety and welfare of those under our care, particularly children and young people.
- Keeping children and young people safe is **everyone's** responsibility. Being a child-safe organisation is an evolving process that will require ongoing commitment from everyone to keep children and young people safe.
- This duty extends beyond compliance; it encompasses our obligation to prioritise the protection and welfare of vulnerable populations, advocate for their rights, and create safe, nurturing, and enabling environments for holistic wellbeing.
- Workers must act professionally and respectfully at all times. This includes interactions with colleagues and members of the community. The actions and choices of all individuals reflect the reputation of the organisation.

- Workers should be aware of the policies, procedures, and delegations that apply to their actions and are accountable for their decisions and conduct.
- Workers should be aware of the specific risks that arise in health services, particularly the sometimes intimate and invasive nature of health services, and the significant trust and power afforded by patients and the broader community to those providing health services.
- Workers must be aware of professional boundaries as reflected in this document, along with any relevant professional boundaries defined by regulatory bodies that may apply to different professional groups.

## Roles and responsibilities

Every worker plays a role and has responsibility for behaving professionally, respectfully and in accordance with all requirements of the Tasmanian State Service and Department of Health

- Our organisation should reflect our diverse community, focusing on equity, inclusion, and belonging.
- By defining these expectations, this policy aims to uphold the highest standards of accountability, respect, and integrity, fostering a culture of trust, transparency, and excellence across the Department.
  - Every worker is responsible for understanding the important role, individually and collectively, in ensuring that children and young people are protected from harm and provided with a safe and supportive environment.
  - Every worker plays a role in fostering a positive culture known for embracing and respecting individual differences within our workforce and in our interactions with colleagues, patients, clients, and consumers.
  - We will cultivate a reputation as a trauma-informed organisation where differences are embraced, divergent thinking is encouraged, and learning opportunities are promoted in a psychologically safe environment.
  - We will establish clear guidelines and expectations for ethical conduct, integrity, and professionalism in all aspects of organisational roles and interactions.

## All workers will

- Actively support and abide by this policy.
- Promote our CARE values of Compassion, Accountability, Respect and Excellence and behave in a way that models these Values.
- Ensure systems, policies, and procedures are in place to prevent, identify, and respond to harm to workers, and patients, particularly **children and young people**.
- Support workers in developing their understanding of their obligations and responsibilities.
- Report all concerns of child harm (whether observed, reasonably suspected, or disclosed).
- Report any unwelcome incident they experience or witness.

- Seek to support anyone experiencing unwelcome workplace behaviours.

## **Our managers and leaders will**

- Assist workers in resolving workplace conflicts using available mechanisms and resources.
- Support workers, patients and their families to report all concerns of child harm (whether observed, reasonably suspected, or disclosed).
- Ensure understanding of mandatory reporting obligations.
- Assist in promoting and maintaining a positive workplace.
- Implement measures to minimise the risk of unwelcome workplace behaviours and respond appropriately when it does occur.
- Monitor the working environment for acceptable standards of conduct.
- Model appropriate behaviours and recognise the impact of what they say, how they act and what they prioritise.
- Treat complaints seriously and take immediate action to investigate and resolve matters.
- Report and/or refer a complaint, seeking advice from People and Culture as required.
- Immediately advise People and Culture and/or Statewide Complaint Management Oversight Unit of all sexual harassment complaints, serious misconduct allegations and criminal matters.
- Provide workers with options when approached for support and guidance regarding any matters.

# Part 1: Child Safety and Wellbeing – Upholding obligations of being a child and youth safe organisation

- The Department of Health's (the Department) Child Safety and Wellbeing Policy
  - Outlines the professional and legal responsibilities, including mandatory requirements of all workers who must, whether directly or indirectly involved with children and young people, contribute to a child-safe culture where children and young people feel safe and are safe, and are able to actively participate in the health decisions that affect their lives.
  - Reinforces commitment to embed the National Principles for Child Safe Organisations (National Principles) and the Tasmanian Child and Youth Safe Standards (the Standards) in the *Child and Youth Safe Organisations Act 2023*.
  - It supports the implementation of the Department's Child Safety and Wellbeing Framework in place to promote and safeguard the wellbeing of children and young people and the actions required to protect them from harm.
- The Child and Youth Safe Organisations Framework (the Framework) established through the *Child and Youth Safe Organisations Act 2023* outlines what organisations need to do to be truly child-centred and safe for children and young people. It outlines how organisations prioritise and promote the safety and wellbeing of children and young people and how they respond when there are concerns about a worker's behaviour towards children and young people.
- The Framework creates the Child and Youth Safe Standards, the Reportable Conduct Scheme, information sharing provisions and establishes the Independent Regulator. Each of these is outlined below.
  - The Child and Youth Safe Standards outline:
    - ten principles that organisations must embed to respect and uphold children and young people's rights
    - includes a Universal Principle for Aboriginal and Torres Strait Islander People's Safety
    - Creates accountability in preventing harm to children and young people.
  - The Reportable Conduct Scheme:
    - requires specific organisations such as the Department of Health to report concerns about a worker's behaviour towards children and young people to the Independent Regulator
    - requires these organisations to undertake investigations of concerns about a worker's behaviour.
  - The Independent Regulator:
    - is independent from the Tasmanian Government and reports to parliament, not a department

- oversees a wide range of Tasmanian organisations that engage with children and young people
- ensures organisations report and undertake investigations correctly in line with the Reportable Conduct Scheme
- Information sharing provisions:
  - are specific rules written into the law that mean leaders of organisations covered by the Framework are permitted to share personal information in certain circumstances.

The *Children, Young Persons and Their Families Act 1997* (Tas) and *Family Violence Act 2004* (Tas) override the *Personal Information Protection Act 2004* (Tas). If you are concerned for the wellbeing or safety of a child or young person, you must make a mandatory report. If a child's safety is at immediate risk, call 000.

#### Related legislation:

In addition to The *Child and Youth Safe Organisations Act 2023*, the following legislation and conventions are important for the protection of children and young people:

- *The Children, Young Persons and their Families Act 1997*
- The United Nations Convention on the Rights of the Child 1989
- The Australian Charter of Healthcare Rights of the Charter on the Rights of Children and Young People in Healthcare Services.

#### Identifying and preventing harm to children and young people:

- Under the *Child and Youth Safe Organisations Act 2023*, the Department and **ALL** workers are required to report concerns of harm or abuse involving a worker to relevant authorities.
- The Department has **zero** tolerance for harm or abuse inflicted towards children and young people.
- Child abuse is harm to a child or young person and includes anything that compromises their safety and wellbeing.
- Child abuse presents in different forms, all of which can have an impact on a child or young person's social, physical, intellectual and/or emotional development. It can be a single event or a series of events. Most instances of harm or abuse will usually involve multiple forms.
  - Refer to the Reportable Conduct Scheme for further information on reportable behaviours relating to child abuse and the ***Recognising the Signs of Harm to Children and Young People*** guidance document.
- A worker must not engage in abuse of a child either during or outside of work hours.
- Romantic or sexual relationships between employees and young people – the Department prohibits the commencement and/or maintaining of a romantic or sexual relationship between an employee and a young person where that employee has been in a position of authority, care or protection with the young person for two years after the young person turns 18 or the employee's position of authority, care or protection has ended, whichever is later. This requirement should operate in addition to any other professional and ethical obligations.

- Grooming – Child grooming is a deliberate process by which perpetrators intentionally build a trusting relationship with a child or a child’s family so that they can sexually abuse the child. A worker must not engage in grooming behaviour of a child either during or outside of work hours.
  - Grooming is used to gain the trust of the child or young person’s family and friends and used by perpetrators to facilitate the integration of themselves into the child or young person’s life. It is predatory conduct. Penetrative sexual abuse of a child or young person is also a criminal act. The legal age of consent in Tasmania is 17, as specified by the *Criminal Code Act 1924*. A breach of this act is against the law.
- The Fundamentals of Safeguarding Children and Young People Training is an annual mandatory requirement for all Department of Health workers. The training module provides a detailed overview and examples of sexual abuse, grooming and other forms of harm to children and young people. This training module is mandatory for new and existing Department workers and can be accessed [here](#).

## Part 1 (a): Mandatory reporting – children and young people

Under the, *The Children, Young Persons and their Families Act 1997* (The Act) people who are legally obliged to report child abuse, harm or neglect are called ‘mandatory reporters’ or ‘prescribed persons’.

**All** workers are mandatory reporters. It is the worker’s legal obligation under the Act that if they believe, suspect or know that a child, young person or unborn baby is at risk of or has been, or is being abused or neglected, to report their concern as soon as possible to: **Strong Families, Safe Kids, Advice and Referral Line (ARL) on 1800 000 123**. If they are concerned that a crime has been committed such as sexual abuse, assault, neglect, rape and other serious crimes including historical abuse call the **Police Assistance line on 131 444**. If a child’s safety is at immediate risk, call 000.

- The Act protects the reporter’s identity from disclosure, and if the report is made in good faith, the reporter cannot be liable in any civil, criminal, or administrative proceeding.
- It is important to note that the Department must comply with reporting and information-sharing provisions under relevant legislation, and this may require the disclosure of information in some circumstances.
- **Abuse, harm or neglect means:**
  - sexual abuse
  - physical or emotional injury or other abuse, or neglect to the extent that the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person’s wellbeing or their physical and/or psychological development is at risk.
- It is an offence under Section 91 of the Act to intentionally fail to take action to protect a child or young person from harm. It is also an offence under Section 105A of *The Criminal Code Act 1924* (Tas) to fail to report to a police officer, without reasonable excuse, if you have reasonable belief that abuse or harm has been committed against a child or young person.

- **All** Department of Health workers have a duty to protect children and young people who are affected within the meaning of the *Family Violence Act 2004* (Tas). If a worker believes, suspects or knows that a child is being abused or is an affected child within the meaning of the *Family Violence Act 2004* (Tas) (exposed to a household where family violence is present, including hearing or witnessing acts of family violence) the worker has a responsibility to report concerns as soon as possible to **Strong Families, Safe Kids, Advice and Referral Line (ARL) on 1800 000 123 and Police Assistance Line on 131 444**.
- The Act also covers unborn children. If a Department of Health worker has a suspicion or a belief that an unborn child, once born, is:
  - reasonably likely to suffer abuse and/or neglect, or
  - is reasonably likely to require medical treatment or other intervention as a result of the behaviour of the birth parent or another person (with whom the birth parent resides or is likely to reside),
  - they have a legal responsibility to report concerns to ARL.

## Part 1 (b): Reportable Conduct Scheme

- The Statewide Complaints Management Oversight Unit (SCMOU) assess all complaints and child safeguarding concerns it receives to determine whether the matter falls within the Reportable Conduct Scheme (RCS) and manages the process of reporting to the Independent Regulator.
- The RCS is about creating a culture where organisations that engage with children and young people investigate concerns about their wellbeing in a thorough, transparent, safe and child-centred way.
- Reportable conduct of a worker is defined as criminal and non-criminal behaviour relating to child abuse and includes:
  - significant emotional or psychological harm
  - significant neglect
  - physical violence
  - a sexual offence
  - sexual misconduct
  - grooming
  - relevant offences such as failing to report child abuse and female genital mutilation.
- For additional guidance, refer to the [Information sheet – Reportable Conduct](#).
- As required under the RCS, the Secretary (through SCMOU) will report to the Independent Regulator within 3 days when concerns about a worker's conduct relating to child abuse are raised and commence an investigation.
- Information about the investigation must be shared and report outcomes to the Independent Regulator within set timeframes.

- RCS requires managers to:
  - report concerns of conduct related to child abuse involving a worker in their organisation to the Independent Regulator, and
  - investigate these concerns.
  - provide detailed information on the progress of their investigation.
  - provide a final report after completing their investigation.
- The RCS notification process and timeframes can be accessed on the Office of the Independent Regulator [website](#)
- The Independent Regulator can receive voluntary reports from anyone, including children, parents and workers.
- Voluntary reporting can be completed via <https://oir.tas.gov.au/report-a-concern>
- It is important to note that the Department must comply with reporting and information-sharing provisions under relevant legislation, and this may require the disclosure of information in some circumstances.
- The RCS and ARL do not replace other reporting obligations which may include police (if the alleged conduct is criminal) and impacts on registration such as the Registration to Work with Vulnerable People

## Part 1 (c): Additional reporting pathways for safeguarding children and young people

- If child safeguarding concerns arise within a Department of Health service or facility, you must also report in SRLS using the Safeguarding Children and Young People event type.
- If there are concerns about inappropriate behaviour by a worker, visitor, patient or other person within a Department of Health service or facility, there is an [online form](#) for staff or the public to complete. All staff are required to make a mandatory report if they observe inappropriate behaviour directed towards a child or an adult using the Department of Health services.
- If there are serious concerns regarding misconduct by staff who are regulated health professionals, workers can also notify the Australian Health Practitioner Regulation Agency (Ahpra). If you are an Ahpra registered professional, you can find out more about your obligations on the [Ahpra website](#).
- All child safeguarding concerns are managed in strict confidence. It is important to note that the Department must comply with reporting and information-sharing provisions under relevant legislation, and this may require the disclosure of information in some circumstances.

## Working with Children and Young People – Registration and renewal requirements

- In Tasmania, under the *Registration to Work With Vulnerable People Act 2013*, a person is required to apply for registration to work with vulnerable people in order to work in certain roles, including child-related work.
- The Department of Health requires workers to undergo a National Police Check relevant to their employment. This can be a separate consideration to a working with vulnerable people check.
- If an applicant is assessed by the Registrar as posing no risk of harm to a vulnerable person, they will be registered to allow them to engage in regulated activities.
- If a worker has been registered to work with vulnerable people, this registration may subsequently be suspended or cancelled. This may occur if the Registrar has grounds for believing that the worker poses an unacceptable risk of harm to vulnerable persons.
- If a worker's registration is cancelled and they are engaged in activities that include working with children and young people, they **must** inform the employer of the cancellation **immediately**. They do not have to inform the employer of the grounds on which the registration was cancelled.
- The Registrar is to notify the Department of the suspension or cancellation where employment is known. This does not negate the worker's responsibility to notify the employer.

### Mandatory Safeguarding Training

- **All** Department of Health workers have a responsibility to safeguard and promote the wellbeing of children and young people, including how to recognise safeguarding concerns and respond to them.
- **All** Department of Health workers are required to complete mandatory training in safeguarding children and young people on commencement and then annually.

## Part 2: Professional behaviour standards

### Respectful and welcome workplace behaviours

- Everyone has the right to feel safe and respected when they come to work.
- The Department of Health is diverse in our workforce. It is important we continue to reflect the diverse community that we serve each and every day and ensure that all of our people are treated with equity, are included and ultimately feel they belong in our Department.
- We will strive to be an employer of choice that has a culture known for embracing and respecting individual differences both within our workforce and in our patient, client and consumer interactions.
- We will cultivate a reputation as being a trauma-informed organisation where differences are embraced, divergent thinking is encouraged, and learning opportunities are promoted in a psychologically safe environment.
- We will strive to apply the Principles of our Diversity, Equity and Inclusion Framework each day.
- Our focus on Diversity, Equity and Inclusion is for the outcome of having a working environment where everyone can contribute meaningfully and genuinely belongs.
- Workers should behave professionally, respectfully and in accordance with all requirements and expectations of people working for the Tasmanian State Service and within the Department. This includes interactions with colleagues and members of the community, in the course of their employment and in relation to matters connected to their employment. The actions and choices of all individuals reflect the reputation of the organisation.

### Unwelcome and unacceptable workplace behaviours

- Unwelcome means behaviour that has not been invited or sought out by a person and is not something they want to experience because it's undesirable or offensive to them. This can vary from person to person and the behaviour may still be unwelcome even where it:
  - may not have been unwelcome to others.
  - has been accepted behaviour in the work environment in the past
- Behaviour can become unwelcome at any time, and it is not necessary for a person to have addressed the behaviour or told the person that it is unwelcome.
- Unwelcome workplace behaviours can harm the person they are directed at, anyone who witnesses the behaviour, and sometimes indirectly people who did not directly witness the behaviour.

Unacceptable workplace behaviours include:

### WORKPLACE BULLYING AND HARASSMENT

- Behaviour is [bullying](#) if it:
  - Is repeated and unreasonable
  - Is directed towards a person or group of people

- creates a risk to health and safety.
- Workplace bullying behaviour can be in person through verbal or physical abuse, email or text messaging, internet chat rooms, instant messaging, or other social media channels – it may occur outside the workplace and during normal working hours. It includes abusive, offensive, or intimidating behaviour, language or comments and can also be:
  - Belittling or humiliating comments
  - Practical jokes, initiation or hazing
  - Unjustified criticism or complaints
  - Some bullying is indirect, like not including someone in activities at work, or on purpose. It can be subtle.

### ***What is not workplace bullying?***

- Workplace conflict is not, on its own, workplace bullying, however, conflict may escalate to the point where it becomes workplace bullying. Reasonable management action taken in a reasonable way is not workplace bullying.
- Examples include providing reasonable management direction such as allocating work and giving fair and reasonable feedback, including performance appraisal, even if unpleasant, distressing, or negative. A single incident of unreasonable behaviour may not on its own constitute workplace bullying, but it is also not acceptable and may have the potential to escalate and should, therefore, not be ignored.

## **HARASSMENT**

- Harassment is uninvited, unwelcome, unreasonable behaviour directed at a person or group. The harassment is generally in connection with a particular attribute such as age, race, gender or disability and there doesn't need to be an intention to harass.
- Harassment includes any written, physical, or verbal conduct that, from the perspective of a reasonable person, is offensive, humiliating, intimidating, insulting or ridiculing against another person.

## **WORKPLACE VIOLENCE AND AGGRESSION**

- Workplace violence and aggression is when a person is abused, threatened, or assaulted at the workplace or while they are working.

## **ONLINE ABUSE**

- Online abuse is behaviour that uses technology to threaten, intimidate, bully, harass or humiliate someone. It is sometimes referred to as cyber abuse or technology-facilitated abuse. It can take place on online platforms such as social media, online chat, and messaging services, as well as by telephone (calls and text messages), email, or any other technology used at work.

## **SEXUAL HARASSMENT**

- Sexual harassment presents a specific challenge within society and in our workplaces and is recognised at an international level as a form of violence against women. Workplace sexual harassment is caused by power imbalances with the main one being gender inequality. This can be

emphasised through other power imbalances in the workplace such as age, seniority, positions of power or positions that influence that person's future career prospects. Sexual harassment is not limited to being a form of gender-based violence and can be perpetrated by any gender towards any other gender.

- Sexual harassment is unlawful under Australian law, including the Tasmanian *Anti-Discrimination Act 1988* and the Commonwealth *Sex Discrimination Act 1984* specifies that it occurs when:
- a person makes an unwelcome sexual advance or physical contact, or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature that is offensive to another person such as making a comment with sexual connotations or a sexual gesture;
  - in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated, intimidated, insulted, or ridiculed.
- Sexual harassment can take many forms. It can be overt, covert, or subtle. It can be repeated or a one-off incident. Sexual harassment can cause harm to the person it is directed at, as well as anyone who witnesses the behaviour, and may harm others who did not directly witness the behaviour. It may also affect the integrity and good reputation of the Department.
- Refer to the Department of Health's *Preventing and Responding to Harassment and Sexual Harassment Guide* for further information.

## DISCRIMINATION

- Discrimination is defined by the *Anti-Discrimination Act 1998* (Tas) and includes both direct and indirect discrimination.
- Direct discrimination occurs if a person treats, or proposes to treat, a person with an 'attribute' unfavourably because of that attribute. It also includes conduct that is offensive, humiliating and ridiculing.
- Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with an 'attribute' and is not reasonable. Under the *Anti-Discrimination Act 1998* (Tas), it is against the law to discriminate based on any of the following protected attributes:
  - Age
  - Race
  - Sexual orientation
  - Lawful sexual activity
  - Gender
  - Gender identity
  - Intersex variations of sex characteristics
  - Marital status
  - Relationship status

- Pregnancy
- Breastfeeding
- Parental status
- Family responsibilities
- Disability
- Industrial activity
- Political belief or affiliation
- Political activity
- Religious belief or affiliation
- Religious activity
- Irrelevant criminal record
- Irrelevant medical record and association with a person who has or is believed to have any of these attributes.

## **RACISM**

- Racism includes anything that offends, insults, humiliates, negatively views, or unfairly treats a person or group of people because of their race, colour, descent, nationality, ethnicity, or migrant status.
- Racism can also occur systemically, for example, where policies, procedures, and practices directly or indirectly discriminate, exclude or disadvantage people from racially marginalised groups.

## **VICTIMISATION**

- When we talk about a person being victimised, it could mean they're being treated badly or unfairly because they have made a complaint about discrimination, sexual harassment, bullying or vilification; it is believed they intend to make a complaint or have helped someone else make a complaint.

## **VILIFICATION**

- Vilification is when someone publicly targets a person or a group of people by inciting hatred toward them, serious contempt for them, or severe ridicule of them because of their race, religion, sexuality, or gender identity.

## **VEXATIOUS, MALICIOUS AND/OR FRIVOLOUS COMPLAINTS**

- A complaint is vexatious, malicious, or frivolous where the complaint is without merit, misconceived or lacking in substance and is intended to cause harm.

## **DISRUPTIVE BEHAVIOUR**

It may include (but is not limited to):

- Inappropriate or inordinate demands for workspace, time and/or attention

- Inappropriate behaviour in meetings includes calling out in a manner that lacks respect, distracting others by talking, monopolising discussions, unreasonable constant questioning, or interruptions.
- Raising one's voice or acting with aggression during a meeting or when working with others.
- Wilfully ignoring others

Other prohibited conduct (which offends, humiliates, intimidates, for example, harassment)

## USE OF ALCOHOL, OTHER DRUGS AND MEDICATION

- No alcohol is to be consumed in Department of Health facilities without approval from the Secretary of the Department of Health.
- Workers experiencing a drug or alcohol dependency that may affect their work performance or endanger the safety and wellbeing of others must actively seek professional assistance to correct the problem. In this regard, workers are encouraged to utilise the [Employee Assistance Program](#) or consult their regular primary care provider.
- Workers registered with Ahpra may also have additional reporting requirements they should be aware of.
- Refer to the Department of Health's [Alcohol and Drug Procedure](#) for further information.

## Conflicts of interest and challenges of working in smaller communities

- Working in smaller communities within the health sector, healthcare workers often face challenges in maintaining neutrality and avoiding conflicts of interest. Despite the close-knit nature of such communities, it is paramount that healthcare professionals always uphold professional boundaries and steer clear of any direct, indirect, perceived, or potential conflicts of interest.
- A conflict of interest may arise in a smaller community or large services. In situations where uncertainty arises, workers must proactively seek guidance and support from their line manager. By adhering to these principles, healthcare professionals can uphold the integrity of the Department and ensure the highest standards of ethical conduct in their interactions within smaller community settings.
- A worker who identifies that they have a conflict between their public duty and their private interests which could improperly influence the performance of the official duties and responsibilities is required to declare the conflict in accordance with the Conflict of Interest Policy and commit to appropriate management strategies.
- For example:
  - a worker may become aware that a family member, friend or colleague has been admitted as a patient within the service they work for. If there is a chance the worker may be required in the performance of their duties to have involvement with the patient, that worker must immediately declare that relationship to ensure that they do not have an inappropriate influence on the care, or services received by that patient
  - a worker may become aware of employment matters which in the performance of their role they would ordinarily have influence over, however they identify that the employee is a family

member, friend or colleague. The worker must immediately declare that relationship to ensure appropriate strategies are identified for the management of the conflict of interest, real or perceived, which may include preventing any participation with the management of the employment matter, or future employment matters of the family member, friend or colleague.

- More information is available on the [Integrity Commission website](#).

## Part 3: General reporting obligations and resolution pathways

- All reports made to the Department will be:
  - considered regardless of the reporting channel, whether in writing, received verbally, anonymous or otherwise
  - taken seriously and addressed in an appropriate, timely and proportionate way.
- There are a range of avenues for reporting concerns or complaints about a worker within the Department:
  - directly to a manager, a next-level manager or People and Culture – in writing using the *Grievance Lodgement Form*, or the Grievance Resolution Policy – or verbally.
  - to the Statewide Central Complaints Management Unit using the online *Reporting Concerns of Inappropriate Behaviour Form*, available on the public website – <https://forms.health.tas.gov.au/221008315290040>
  - via the Safety Reporting and Learning Systems (SRLS) – [https://DepartmentofHealth.health.tas.gov.au/intranet/cgra/clinical\\_governance/safety](https://DepartmentofHealth.health.tas.gov.au/intranet/cgra/clinical_governance/safety). Workers are strongly encouraged to submit an SRLS alongside any other reporting to meet Department of Health requirements.
  - by making a Public Interest Disclosure – [publicinterestdisclosure@health.tas.gov.au](mailto:publicinterestdisclosure@health.tas.gov.au). A Public Interest Disclosure is not an appropriate option for all types of concerning behaviour – it relates to the *Public Interest Disclosure Act 2002* and certain types of improper conduct as defined.
- Complaints are managed in accordance with the **Statewide Complaints Management Framework**.
- Workers may also choose to make a report to an external body, including Equal Opportunity Tasmania, WorkSafe Tasmania, Integrity Commission or the Tasmanian Ombudsman in accordance with the processes they have in place and matters they deal with.
- Workers who believe they have been the victim of a criminal offence are strongly encouraged to report the matter to Tasmania Police as soon as possible and/or through one of the Department's reporting avenues.
- Workers who have experienced sexual harassment or witnessed sexual harassment should also report the matter internally through the SRLS and are encouraged to report the matter to Tasmania Police.

### Attempt to resolve the issue directly

When dealing with a conflict situation, or where the actions of others are disagreeable, the best option is to settle matters, **where appropriate**, with the other person/s directly, informally and locally whenever appropriate. This may be done by having a CARE Chat, or you might like to use the Workplace Conversations model to prepare for a conversation.

### Seek out assistance for resolution

If the matter can not be resolved directly, seek assistance from a supervisor or manager (either your direct manager or another) to facilitate a discussion to allow those involved to solve the issue.

### Lodge a formal grievance

After exploring all other options, a Grievance Lodgement Form can be submitted to an appropriate manager, usually a direct supervisor. However if the grievance relates to the direct supervisor, then the next manager in the reporting line may be appropriate.

### Notify the Statewide Complaints Management and Oversight Unit

A *Reporting Concerns of Inappropriate Behaviour Form* can be completed at any point. Dependent on the situation, it may be appropriate to skip immediately to this action, or it may be more appropriate to attempt resolution at the lower levels.

- The following resolution pathway acts as a guide to resolve general issues (unrelated to those concerning children and young people) directly where possible and provides for escalation options.
- There may be circumstances where attempting to resolve an issue relating to an interpersonal conflict with a colleague at a lower level is not effective.
- In those circumstances, a worker who has a concern with a colleague's behaviour may choose to lodge a grievance in accordance with the Grievance Resolution Policy.
- The focus of grievance resolution remains to address concerns at the lowest possible level however allows for escalation pathways as appropriate on a case-by-case basis, up to and including grievance investigation by an impartial, external investigator, when the circumstances require.
- Grievance resolution allows for procedural fairness, ensuring parties a right to reply to concerns and an ability to contribute to the considerations of the decision maker before a decision is made.
- Please be aware that some concerns may not be appropriate to attempt to resolve at a low level in the first instance, which would include concerns that are classified as tier 1 complaints under the **Statewide Complaints Management Framework**.
- In those circumstances, an employee is obligated to report their concern to the Statewide Complaints Management Oversight unit, and that team will coordinate management/resolution of the concern.

## Part 3 (a): Reporting/notifications regarding a registered health practitioner

- If a worker has concerns about another worker who is a registered health practitioner behaving in a way that could present a significant risk to staff, patients or other members of the public, they should notify the [Australian Health Practitioner Regulation Agency](#) (Ahpra). Information about mandatory notifications is available on the Ahpra [website](#).
- The employer and registered health practitioners have mandatory reporting obligations relating to:
  - impairment
  - intoxication while practising
  - significant departure from accepted professional standards
  - sexual misconduct.
- The worker should also complete a Department of Health '[Reporting Concerns of Inappropriate Behaviour](#)' form via the Department's **Safeguarding Learning Management system (SRLS)**.
- Some Allied Health Professionals may also have notification requirements to self-regulating bodies, such as social workers who are members of the Australian Association of Social Workers.

## Part 3 (b): Mandatory reporting – other vulnerable groups

### Aged Care

- The Serious Incident Response Scheme (SIRS) is an initiative that helps prevent and reduce incidents of abuse and neglect in residential aged care services. SIRS incidents must be reported to the Aged Care Quality and Safety Commission through My Aged Care within 24 hours of an incident being identified.

### National Disability Insurance Scheme

- Registered NDIS providers must notify the NDIS Commission of all reportable incidents (including alleged reportable incidents) that occur (or are alleged to have occurred) in connection with the provision of NDIS supports or services delivered. Notifications must follow the set processes and provide the required information as set out on the 'My Reportable Incidents' page on the NDIS Commission Portal, with different reporting timeframes applying for different types of incidents.

## Breaches/outcomes

There can be serious criminal, legal and employment ramifications for behaviour that is contrary to professional conduct outlined in this policy.

- If the Head of Agency or their delegate forms a reasonable belief that an employee may have breached the State Service Act 2000 Code of Conduct (the Code) an investigation may be

undertaken in accordance with ***Employment Direction No. 5: Procedures for the Investigation and Determination of whether an employee has breached the Code of Conduct (ED5)***.

- The ED5 process only applies to employees.
- A breach or suspected breach of this policy including failure to report may be taken to be a breach of the State Service Code of Conduct.
- If, following a process of procedural fairness, a breach of the Code is established, sanctions may be imposed by the Head of Agency or their delegate in accordance with section 10 of the *State Services Act 2000*, specifically:
  - (a) counselling
  - (b) a reprimand
  - (c) deductions from salary by way of a fine not exceeding 20 penalty units
  - (d) reduction in salary within the range of salary applicable to the employee
  - (e) reassignment of duties
  - (f) reduction in classification
  - (g) termination of employment in accordance with section 44 or 45.
- Individuals who are found to have engaged in unacceptable behaviour may not receive indemnification should legal proceedings commence in line with *Employment Direction 16: Indemnity and Legal Assistance*
- It is an offence under Section 91 of the Act to intentionally fail to take action to protect a child or young person from harm. It is also an offence under Section 105A of the *Criminal Code Act 1924* (Tas) to fail to report to a police officer, without reasonable excuse, if you have reasonable belief that abuse or harm has been committed against a child or young person.
- Failure to follow reasonable directions is considered a breach of professional standards.

## Record keeping

- Appropriate, confidential record-keeping must be done in accordance with Departmental and legislative requirements (eg privacy).
- Additional or specific record-keeping requirements may apply depending on the circumstances, seriousness and escalation pathway.

## Support

- Employees and volunteers, along with their immediate family members, are encouraged to use the [Employee Assistance Program \(EAP\)](#) for support and assistance.
- Managers may also seek EAP support and assistance to manage behaviour matters (eg discussing concerns with workers).
- People and Culture can provide advice to both managers and workers.

- Workers may also seek support from other people or organisations (eg a support person or industrial or legal representative).

## Delegations

- Actions associated with this policy and any associated processes must be appropriately authorised in accordance with the *Department of Health Delegations and Administrative Authorities*.[\\_](#)

## Definitions

- **Employment** – in the context of this policy, employment should be viewed broadly. It is not confined to the performance of work-related tasks. Worker obligation to comply with this policy includes, but is not limited to:
  - the performance of their duties
  - behaviour that occurs within the workplace
  - representation of the Department at work-related functions including, but not limited to, conferences, training events and business trips
  - attendance at work-related social events
  - conduct that occurs towards, or in relation to, other workers at social activities or on social media
  - when suspended or when specifically directed
  - any conduct occurring in Department provided accommodation facilities or vehicles
  - any instance where there is a sufficient degree of connection between the conduct and the employment.
- **Mandatory Reporting** – a legislative requirement to report certain types of concerns to specific bodies/organisations.

# Supporting resources and related policies

Various supporting resources are available on the intranet, the [Strategic Document Management System \(SDMS\) and the internet](#). A non-exhaustive list is provided below, with workers required to conduct themselves in a way that is consistent with all behaviour-related policy documents, legislation and similar requirements.

## Commonwealth Legislation

[\*Australian Human Rights Commission Act 1986 \(Cth\)\*](#)

[\*Age Discrimination Act 2004 \(Cth\)\*](#)

[\*Disability Discrimination Act 1992 \(Cth\)\*](#)

[\*National Health Act 1953 \(Cth\)\*](#)

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

[\*Sex Discrimination Act 1984 \(Cth\)\*](#)

## Tasmanian Legislation

[\*Anti-Discrimination Act 1998 \(Tas\)\*](#)

[\*Children, Young Persons and Their Families Act 1997 \(Tas\)\*](#)

[\*Civil Liability Act 2002\*](#)

[\*Criminal Code Act 1924\*](#)

[\*Health Practitioner Regulation National Law \(Tasmania\) Act 2010\*](#)

[\*Integrity Commission Act 2009 \(Tas\)\*](#)

[\*Justice and Related Legislation \(Marriage and Gender Amendments\) Act 2019\*](#)

[\*Personal Information Protection Act 2004 \(Tas\)\*](#)

[\*Public Interest Disclosure Act 2002\*](#)

[\*State Service Act 2000\*](#)

[\*State Service Regulations 2021\*](#)

[\*Work Health and Safety Act 2012\*](#)

[\*Work Health and Safety Regulations 2022\*](#)

[\*Wrongs Act 1954\*](#)

[\*Family Violence Act 2004\*](#)

[UN Committee on Economic, Social, and Cultural Rights](#)

[Australian Charter of Healthcare Rights](#)

[The State Service Code of Conduct](#)

[State Service Principles](#)

[Employment Direction Number 2—State Service Principles](#)

[Employment Direction No. 5 Procedures for the Investigation and Determination](#)

## **AHPRA resources**

[Health Practitioner Regulation National Law](#)

[Online Portal](#)

[Protecting Patients from sexual misconduct in healthcare](#)

[Shared Code of Conduct](#)

[Social Media](#)

## **Department of Health resources**

[Child Safety and Wellbeing Service](#)

[Child and Wellbeing Safety Framework](#)

[Work Health and Safety Management System](#)

[Employee Assistance Program \(EAP\)](#)

[Statewide Complaints Management Framework](#)

## **National Safety and Quality Health Service (NSQHS) Standards**

[Clinical Governance Standard](#)

## **Policies, procedures and protocols**

[Conflict of Interest Policy](#)

[Gifts, Benefits, and Hospitality Policy](#)

[Public Interest Disclosure](#)

[Alcohol and Drugs in the Workplace Procedure](#)

[Grievance Resolution Policy](#)

[Preventing and Responding to Harassment and Sexual Harassment Guide](#)

[Uniform and Dress Code Protocol - THS State-wide.](#)

[Child Safety and Wellbeing Policy](#)

[Records and Information Management Policy](#)

## **External organisations**

[Equal Opportunity Tasmania](#)

[WorkSafe Tasmania](#)

[Integrity Commission](#)

[Tasmanian Ombudsman](#)

[Tasmania Police](#)

[Tasmanian Industrial Commission](#)

[Health Complaints Commissioner](#)