



Department of  
**Education**

# **Staff Conduct and Discipline Procedures**

Effective date: 12 February 2019

Version: 3.1

Accurate at the time of printing 29/07/2021.

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

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

## 1. Policy supported

Staff Conduct and Discipline Policy

## 2. Scope

These procedures apply to all employees.

## 3. Procedures

### 3.1 Employees

All employees must:

- comply with the Department's Code of Conduct and Standards (staff only) and the Western Australian Public Sector Commission Code of Ethics; and
- report any breach or suspected breach of discipline, under the Public Sector Management Act, the Department's Code of Conduct and Standards (staff only) and the Western Australian Public Sector Commission Code of Ethics by:
  - providing information to their line manager;
  - making a disclosure to the Standards and Integrity Directorate;
  - providing information to the Corruption and Crime Commission; or
  - making a disclosure under the Public Interest Disclosure Act 2003.

#### Guidance

Refer to the Public Interest Disclosure guidelines for the process for making a disclosure.

### 3.2 Line Managers

Line managers must:

- assist in implementing the Department's Code of Conduct and Standards (staff only) and the Western Australian Public Sector Commission Code of Ethics by:

- inducting all employees on the Code of Conduct;
  - integrating the Department's core values and Code of Conduct into performance management systems for staff; and
  - facilitating staff participation in on-line or face-to-face training in the Department's Accountable and ethical decision making training program.
- provide advice and assistance to employees facing ethical or conduct issues in the course of their work; and
  - respond to complaints or suspected breaches of the Staff Conduct and Discipline policy, the Code of Conduct and Standards (staff only) or the Western Australian Public Sector Commission Code of Ethics promptly and according to the relevant procedures for the nature of the complaint.

### **Guidance**

Refer to the Corruption and Prevention Detection guidelines on how to define and report corrupt behaviour.

When resolving a complaint refer to the Disputes and Complaints policy.

When inducting employees, line managers should provide copies of the Code of Conduct and Standards, and the Western Australian Public Sector Commission Code of Ethics.

For more information on the Accountable & ethical decision making program, see the Accountable and Ethical Decision Making online course available from the Department of Education's Portal under the Professional Learning Tab.

The process under the Public Sector Management Act applies to all employees of the Department who are subject to the Public Sector Management Act. For staff who are not subject to the Public Sector Management Act (such as wages staff), there is no legislated discipline process. However, the process used by the Department to address disciplinary matters with respect to this category of employee is similar and reflects the Public Sector Management Act's standards, except where stated. See Appendix A for a flowchart of the discipline process for all staff, and Appendix B for a summary of the steps involved.

## 4. Definitions

### **Breach of Discipline**

A breach of discipline occurs when an employee:

- disobeys or disregards a lawful order;
- contravenes any section of the Public Sector Management Act 1994 or School Education Act 1999 applicable to the employee;
- contravenes any Public Sector Standard;
- is negligent or careless in the performance of his or her functions;
- commits an act of victimisation pursuant to section 15 of the Public Interest Disclosure Act 2003; or
- Commits an act of misconduct.

### **Complaint**

An expression of dissatisfaction. It may be general in nature or relate to actions or the behaviour of another employee, a part of the organisation, a policy or a decision.

### **Misconduct**

Includes, but is not limited to any actions, decisions or behaviours by employees that breach the Department's Code of Conduct or the Public Sector Commission's Code of Ethics.

Serious Misconduct generally occurs when a public officer abuses authority for personal gain, causes detriment to another person or acts contrary to the public interest.

Minor misconduct occurs if conduct is not honest or impartial, involves a breach of trust, the misuse of information, or constitutes a disciplinary offence providing reasonable grounds for termination.

## 5. Related documents

### Relevant legislation or authority

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

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

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

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

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

[Western Australian Public Sector Code of Ethics](#)

### Related Department policies

[Bullying in the Workplace](#)

[Disputes and Complaints](#)

[Equal Opportunity, Discrimination and Harassment](#)

[Telecommunications Use](#)

### Other documents

[Public Interest Disclosure Guidelines](#)

[Corruption Prevention and Detection Guidelines](#)

[A Guide to the Discipline process for Public Sector employees](#)

[A Guide to the Discipline process for Wages and other officers](#)

[A Guide to the Management of Staff Misconduct Complaints](#)

[Complaints Categorisation Schedule](#)

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

[Public Sector Commission Code of Ethics](#)

[Public Sector Commission Commissioner's Discipline Standard](#)

[Corruption and Crime Commission Fact Sheet No. 2](#)

[Reporting Misconduct](#)

## **6. Contact information**

### **Policy manager:**

Director, Standards and Integrity

### **Policy contact officer:**

Director, Standards and Integrity

Standards and Integrity Directorate

Department of Education

151 Royal Street

East Perth WA 6004

T: (08) 9264 4740

Complaints Advice Line: 1800 655 985

## 7. History of changes

|  |   |
|--|---|
| <b>Effective date</b>  | 12 February 2019  |
| <b>Last update date</b><br><b>Policy version no.</b><br><b>Notes</b> | Staff Conduct and Discipline policy and procedures has undergone a major review. Endorsed by Director General at Corporate Executive on 28 November 2018. |

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| <b>Effective date</b>                     | 12 February 2019   |
| <b>Last update date</b>                   | 18 June 2021   |
| <b>Policy version no.</b><br><b>Notes</b> | Minor change to update links to 2021 Code of Conduct and Standards D21/0336756 |

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## 8. Appendices

Appendix A: [Appendix A. Discipline Process for Staff](#) (PDF file - 48.7kB)

Appendix B: [Appendix B. Summary of Steps in Discipline Process](#) (PDF file - 38.3kB)

## 9. More information

### Supporting content

#### Policy

[Staff Conduct and Discipline Policy](#)

#### Procedure review date

12 February 2022



