

FACS Statement of Business Ethics

Purpose

The purpose of the Family and Community Services (FACS) Statement of Business Ethics is to establish a mutual understanding of public duty obligations when FACS is working with external parties such as:

- suppliers
- contractors
- consultants
- tenderers
- business partners
- funded services, including Non-Government Organisations (NGOs)
- service delivery partners

Our vision and values

FACS supports vulnerable people and families across NSW through its own services and through funding non-government organisations (NGOs), by providing local community-based and support programs.

The work undertaken by FACS is broad and challenging. FACS strives to improve lives and achieve its vision of empowering people to live fulfilling lives and achieve their potential in inclusive communities.

Our external partners work with us to promote our vision and core values as set out in the [Government Sector Employment Act 2013](#) and the [FACS Strategic Statement](#).

Our vision

All people are empowered to live fulfilling lives and achieve their potential in inclusive communities.

Our values

Integrity	<ul style="list-style-type: none">• Consider people equally without prejudice or favour• Act professionally with honesty, consistency and impartiality• Take responsibility for situations, showing leadership and courage• Place public interest over personal interest
Trust	<ul style="list-style-type: none">• Appreciate difference and welcome learning from others• Build relationships based on mutual respect• Uphold the law, institutions of government and democratic principles• Communicate intentions clearly and invite teamwork and collaboration• Provide unbiased advice
Service	<ul style="list-style-type: none">• Provide services equitably with a focus on client needs• Be flexible, innovative and reliable in service delivery• Engage with the not-for-profit and business sectors to develop and implement service solutions• Focus on quality while maximising service delivery
Accountability	<ul style="list-style-type: none">• Recruit and promote staff on merit• Take responsibility for decisions and actions• Provide transparency to enable public scrutiny• Observe standards for safety• Be fiscally responsible and focus on efficient, effective and prudent use of resources

What we ask of you

We expect our external partners to act fairly, honestly and in an ethical manner. This includes:

- complying with the applicable FACS legislative requirements, as well as relevant government policies and procedures (applicable FACS policies/procedures are available upon request and are published on the Department of Premier and Cabinets website: <http://www.dpc.nsw.gov.au/announcements>)
- acting honestly, ethically and transparently in all dealings with FACS and our clients who we serve
- notifying FACS of any real or perceived conflict of interest (relevant to your dealings with FACS) as soon as you become aware of the conflict, including any proposal to manage the conflict
- maintaining privacy and confidentiality of information, including any release of information to the media without departmental approval
- not engaging in any form of collusive practice such as offering gifts, incentives or inducements to FACS staff
- reporting any suspected fraud or corrupt conduct (relevant to your dealings with FACS) to FACS immediately

- providing accurate and reliable advice and information when required
 - providing and/or supporting a safe working environment (relevant to your dealings with FACS) as defined in the current Work, Health & Safety (WHS) legislation
 - maintain business relationships based on open and effective communication, respect and trust, and adopt a cooperative approach to dispute resolution
 - recognising and respecting FACS' vision and values.
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What you can expect from us

Our staff are bound by the FACS *Code of Ethical Conduct*. While interacting with external parties, our staff are accountable for their actions and are expected to uphold our values.

You can expect FACS staff to

- comply with the applicable FACS policies/procedures, government policies/procedures, and relevant legislative requirements (relevant policies/procedures are available upon request)
 - treat all individuals and organisations fairly, honestly and in an ethical manner
 - seek value for money and use public resources effectively and efficiently
 - avoid or manage situations where private interests conflict with public duty (whether real or perceived)
 - disclose any actual, perceived or potential conflicts of interest
 - encourage fair and open competition including giving potential suppliers equal access to information and opportunities to submit bids
 - not seek or accept financial or other benefits for performing official duties
 - not disclose confidential or propriety information except where required to do so by law.
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Why compliance is important

It is essential that the relationships and dealings with our external partners are based on honesty, respect, fairness and trust. We set high ethical standards for ourselves and expect similar standards from our external partners. These high standards promote a level playing field that is mutually beneficial for all parties involved.

Failure to comply with this Statement can give improper advantage to persons or organisations. Demonstrated corrupt or unethical conduct could lead to:

- termination of contracts
- loss of future work
- loss of reputation
- investigation for corruption
- matters being referred for criminal investigation.

Practical guidelines

Gifts, benefits or other incentives should not be offered to FACS staff

Generally, FACS staff should not accept gifts or benefits offered to them. They are also expected to report any offer of a bequest. For detailed information, please refer to FACS' [Gifts, Benefits and Bequests Policy](#).

It is recognised that this may not always be possible such as in cases where declining the gift will cause offence or it is not possible to return the gift, benefit or bequest. If the item cannot be returned, management of the item will be considered on a case by case basis.

FACS staff are required to declare all gifts, benefits or bequests of any value to their manager. A gift, benefit or bequest intended to influence the way staff carry out their duties may constitute corrupt conduct and should not be accepted.

A **gift** is an item of value, including food, entertainment, hospitality, travel, property, jewellery, alcohol, that a person or organisation presents to another.

A **benefit** is a non-tangible item of value including: a new job or promotion, preferential treatment, or access to information that a person or organisation confers on another. A benefit can include an opportunity provided to a staff member by a person or organisation which the staff member received because of their employment with FACS, such as an offer to attend a function or conference. A benefit may influence, or be perceived to have influenced, the relationship between the staff member and the person providing the benefit.

A **bequest** is something left to a person in a will (within the FACS policy, the term bequest relates to those which occur due to the working relationship between the employee receiving the bequest and those giving it such as a client, supported person or their families).

Conflicts of interest

A conflict of interest arises where a staff member's duties and responsibilities in serving the public interest and their personal private interests could come into conflict. Conflicts of interest can be *actual*, *potential* or *perceived*.

All conflicts of interest must be disclosed to FACS as soon as a person or organisation becomes aware of the conflict. Conflicts of interest should be disclosed to your business or service delivery partner in FACS. Once disclosed the conflict will be assessed and a strategy put in place to manage the conflict.

Acting in the **public interest** means carrying out official duties for the benefit of the public served by the government in a fair and unbiased way, and making decisions that are not affected by self-interest, private affiliations or desire or likelihood for personal gain.

Private interest as defined by the Independent Commission Against Corruption (ICAC) “*are those interests that can bring benefits or disadvantages to public officials as individuals, or to others whom public officials may wish to benefit or disadvantage. Private interests are not limited to pecuniary interests or to interests that can bring direct personal gain or help avoid personal loss. They also include many social and professional activities and interests.*”

Confidentiality and privacy

FACS staff and our external partners are expected to respect the privacy of colleagues and clients, to keep official information confidential, and to protect the security of official information.

Confidentiality means not using or disclosing information about clients, employees or the organisation’s business without consent, official permission or other legal authority.

Privacy refers to the rules around the collection, storage, use and disclosure of people’s personal and health information, as required by the NSW and Commonwealth privacy legislation, [Privacy and Personal Information Protection Act 1998 \(NSW\)](#), [Health Records and Information Privacy Act 2002 \(NSW\)](#) or [Privacy Act 1988 \(Commonwealth\)](#).

Third party or NGO agreements with FACS may include an obligation to treat information provided by FACS as though the information were covered by NSW privacy legislation.

Our partners should note that where an access application is made under the [Government Information \(Public Access\) Act 2009 \(NSW\)](#) certain information must be made available to FACS (s121) and that certain information may be released in accordance with the [Premier’s Memorandum 2007-01 Public Disclosure of Information arising from NSW Government Tenders and Contracts](#).

We recognise and respect our external partners’ intellectual property rights, and will not copy, adapt or otherwise use any intellectual property without its owner’s prior permission. We expect our business and service delivery partners to also recognise and respect FACS’ intellectual property rights in the same way.

Ethical communication

FACS and its partners will maintain business relationships based on open and effective communication, respect and trust, and adopt a cooperative approach to dispute resolution.

All communication between FACS and external parties should be clear, direct and accountable to minimise the risk of inappropriate influences being brought to bear on the business relationship.

Work outside of FACS and post separation employment

Our staff may not use their position to obtain or solicit offers of employment outside FACS, and our external partners are expected not to make such offers.

Staff are only permitted to undertake work outside FACS if it is not in conflict with their work in FACS or the work of FACS.

Former employees must not use confidential information obtained during their employment with FACS in their current or future employment outside FACS. Former employees will not be given, and should not expect, any kind of favourable or preferential treatment in dealing with FACS.

Transitions from government sector employment to the non-government sector, as part of a government initiative, must be undertaken in a transparent manner consistent with the applicable legislation, rules and guidelines.

Expectations of contractors and sub-contractors

FACS expects that all contractors make any sub-contractors they employ aware of this Statement of Business Ethics and the consequences of breaching it.

Child protection

FACS staff and our external partners must comply with the [*Child Protection \(Working with Children\) Act 2012*](#) and ensure that any required Working with Children Checks are current.

Bullying, discrimination and harassment

FACS does not tolerate bullying, discrimination or harassment in the workplace. FACS staff and our external partners must treat individuals and organisations with dignity and respect at all times.

Reporting of corrupt conduct

Our staff have an obligation to report any suspected corrupt conduct.

Under the [Public Interest Disclosures Act \(1994\)](#), public officials may make a Public Interest Disclosure about fraud, corrupt conduct, maladministration or serious waste of public resources. **A public official includes an individual or corporation, engaged under contract to provide services to, or on behalf of a public authority (FACS).** Public officials who make a Public Interest Disclosure, as defined by the [Public Interest Disclosures Act \(1994\)](#), are legally protected against reprisals for the disclosure.

We expect our external partners to report any suspected corruption, fraud or misconduct involving any person participating in a FACS contract, business or project. Disclosures and reports made to FACS will be kept confidential and external partners will not suffer any detriment as a result of making a report. Matters can also be reported to ICAC <http://www.icac.nsw.gov.au/>.

Contact

Please contact the FACS Governance and Audit, Corporate Governance and Performance Directorate governanceandaudit@facs.nsw.gov.au for any enquiries about this Statement.