



8 March 2024

Tēnā koe

Official Information Act request

Thank you for your email of 6 March 2024, requesting a copy of the Ministry of Social Development (the Ministry) Code of Conduct that was in place in May 2021.

I have considered your request under the Official Information Act 1982 and can advise that the Ministry Code of Conduct (2011) was in place in May 2021, and has been provided as Appendix one.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

pp. 

Magnus O'Neill
General Manager
Ministerial and Executive Services

Code of Conduct

July 2011



MINISTRY OF
SOCIAL DEVELOPMENT
Te Manatū Whakahiato Ora

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Introduction

As public servants we have a privileged role. Each of us has the opportunity to make a positive difference in the lives of New Zealanders through the work we do.

So we can do our work, the taxpayers of New Zealand entrust us with the stewardship of their money, they trust us to protect their personal information and in some cases they trust us to be responsible for the care and protection of their children.

This is a big responsibility. It is important that the way we conduct ourselves reflects the trust New Zealand citizens place in us.

That's why we have a Code of Conduct. This Code provides you with guidelines on how to go about your work and how to best serve the government of the day. It is important you are familiar with the Code and you read it regularly. In fact, it is a requirement if you work here.

The Ministry of Social Development has a responsibility to you to be a good employer. You have the right to be treated fairly in all aspects of your job.

In return, there are some things the Ministry expects from you. The Code of Conduct includes clear expectations about behaviour and conduct we cannot and will not tolerate, and the consequences of not meeting these expectations. The Code clearly outlines the consequences of staff fraud, the deliberate release of sensitive information to third parties without authorisation, and sexual contact with, or abuse in any way of, children or young people the Ministry has a professional relationship with.

The Code of Conduct is a guide for you. It won't cover every situation or requirement you experience in your role. If you are ever unsure about what to do, ask for help.

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About the Code of Conduct

The Code of Conduct tells you about the way we work. It outlines how we should deal with the people we work alongside and the people we work for, to help make sure we all:

- work with honesty, integrity and respect
- provide the best possible service and advice to the Government, public and clients, and gain their trust and confidence in what we do
- do the best we can do and be the best we can be – every day.

This Code doesn't cover every possible requirement or situation. It gives us a benchmark to work from and gives others a basis from which to judge the way we are working.

We have policies and procedures that give you more detail on the way we work. You should understand and act on the policies and procedures that apply in the Ministry. You can find these on our intranet. If they change we'll let you know – meanwhile, read the Code and understand its contents.

Please note, if you don't meet these standards of conduct your behaviour may result in disciplinary action which could include termination of employment.

It is important you fully understand the Code. If you have questions about parts of the Code and how they apply to you in your role, or you are uncertain as to what some of the information means, ask your manager to explain.

Coverage

The Code applies to anyone who works for us, including:

- employees
- contractors
- consultants
- volunteers at the Ministry.

Whether you are a permanent staff member, are here temporarily or casually, or are a full-time or part-time worker, the Code applies to you.

The Code is part of your employment terms and conditions. It should be read alongside your employment agreement or contract, our policies and procedures, and the State Services Standards of Integrity and Conduct.

Standards

The State Services Commissioner has issued the State Services Standards of Integrity and Conduct. This document sets out the minimum standards of behaviour expected of public servants and is issued under section 57 of the State Sector Act 1988.

The standards say we must be:

- fair
- impartial
- responsible
- trustworthy.

You can find them in more detail at www.ssc.govt.nz/code.

The following pages outline what these standards mean for us as part of the Ministry of Social Development, and what policies and procedures help us to comply with them.



Zero tolerance

All public servants are expected to uphold general standards of behaviour. In the Ministry, there are higher standards over and above these in some areas because of the work we do.

The Ministry of Social Development is responsible for paying benefits and for prosecuting those who defraud the benefit system. Every day some of our staff use statutory powers to remove children from adults who abuse them. Our clients are required to provide us with highly sensitive, personal information to get what they need, or for our business reasons. This means that in these particular areas the standards we apply to ourselves must be higher than those we expect of others.

It is unacceptable under any circumstances for a Ministry staff member to:

- steal from the benefit system or the Ministry
- interfere with or in any way abuse a child or young person we are responsible for
- sell client information
- share client details or circumstances with someone outside of work without proper authority.

In every case where a staff member is caught doing any of these things, the staff member will be dismissed and in every case the matter will be referred to police. In addition to any penalty the Court might impose, all money fraudulently obtained will have to be repaid in full.

Specific applications of the Ministry's zero tolerance policy are in the following pages. You can find other information in relevant Ministry policies on our intranet.



Fair

Conflicts of interest

At the Ministry we need to make sure we are always fair in the way we deal with people, no matter who they are, what their backgrounds are or what their needs are.

We must avoid any appearance or suggestion of preferential treatment or favouritism towards any individual or organisation which we or you have an interest in.

Because we live and work in our communities, it is sometimes hard to avoid conflicts of interest, whether real or perceived. That makes it even more important that conflicts of interest are identified and managed when they can be, and avoided when they cannot.

The Ministry has a policy and a procedure to help you and your manager identify and manage conflicts of interest that arise in the course of your work. You can find the policy and procedure for managing conflicts of interests on the intranet.

You must inform your manager if you have a relationship with someone you deal with in your role or someone we deal with at the Ministry that could cause or be seen to cause a conflict of interest.

Because we live and work in our communities, it is sometimes hard to avoid conflicts of interest, whether real or perceived. That makes it even more important that conflicts of interest are identified and managed when they can be, and avoided when they cannot.

Respecting others

As a Ministry staff member you need to make sure you respect the rights of other people, all the time. This includes any client, colleague or member of the public.

In particular, you must:

- ensure any workplace relationships with colleagues don't have a negative effect on your work
- respect others' dignity and worth
- not bring anything to work that could be seen as offensive to any person or group of people
- always be professional and unbiased in the work you do, or the advice you give
- be fair and unbiased, no matter who you are dealing with
- not bully, intimidate or threaten others
- remember that everyone has the right to privacy and confidentiality
- avoid acting in a way that could upset people, or cause harm or disruption
- make sure you don't abuse your position at the Ministry, or any power delegated to you in your role.

We understand that sometimes you may need to do something as part of your role that conflicts with your personal beliefs. If you find yourself in this position, talk to your manager. They will be able to discuss this with you and help you find the right solution.



Impartial

Political neutrality

While we work with the government of the day, we must also be able to work with future governments. This means we need to maintain the confidence of our current Minister and make sure the same relationship can be established with future Ministers. We do this by keeping politics out of our work and our work out of politics.

As public servants, we have the same rights as other New Zealanders and may publicly express our own political or personal views. However, at the same time we need to maintain our political neutrality. For most of us most of the time, this isn't difficult. For some of us, such as senior managers who work closely with Ministers, we have to keep a balance and it is not appropriate to publicly express views about government policy.

The State Services Commissioner's guidance about political neutrality is available at www.ssc.govt.nz or you can talk to your manager if you have any questions about what this means for you.

Commenting on government policy

You should not publicly comment on government policies. The Ministry may view staff members who make strong public statements or repeated criticisms of government policies as being unable to impartially implement, administer or advise on government policies.

Only people who are authorised by the Chief Executive or who have permission as part of their job can make public statements. This applies to responses to any media enquiry.

Private communications with Ministers or Members of Parliament

You have the same right to approach political representatives as any other person, but you must remain politically neutral. Remember, any approach to a political representative about something that is not to do with the Ministry's work should be made with some sensitivity to your role as a public servant.

Any matters concerning the Ministry must go through the official Ministry channels.

Standing as a Member of Parliament

Public servants can seek election to Parliament but there are rules about this set out in the Electoral Act 1993. If you are thinking about putting your name forward for nomination as a constituency candidate or for inclusion on a party list, or if you have already done so, tell your general manager, regional commissioner or the General Manager Human Resources. They will discuss this with the Chief Executive.

You can find more information on the State Services Commission website www.ssc.govt.nz/code and in the State Services Standards of Integrity and Conduct.



Responsible

Probity

When we deal with public money and resources, there is a standard of behaviour expected of us. This is called probity.

Probity means we have shown integrity and professionalism in using public money to do our work.

Probity isn't about setting a list of rules; it's about showing we have used good judgement and a sensible process to make our decisions around how we spend money.

When spending public money, you can show probity if your expenditure:

- is reasonable
- demonstrates value for money
- is relevant to what we do, or to our goals
- can satisfy the questions of anyone who asks about it, including the public.

If you have questions about probity or how to apply it in your role, talk to your manager.

The Ministry's financial policies are available on our intranet.

We need to keep all Ministry information secure, including personal information about our clients, their families or their organisations.

Information and confidentiality

We need to keep all Ministry information secure, including personal information about our clients, their families or their organisations.

How we treat this information – collect it, store it, share it and use it – affects how the public trusts us and whether they are willing to continue to share their information with us so we can do our jobs properly.

The Ministry has a number of policies and procedures in place to protect information and to help us manage information appropriately.

This includes complying with the:

- Official Information Act 1982
- Privacy Act 1993
- Public Records Act 2005.

You can find more information about the Ministry's IT policies on our intranet, particularly the Ministry's End User Security Policy.

Accessing information

Each of us must take care to ensure Ministry and client information is only accessible to authorised people for authorised use.

Make sure you always observe people's right to privacy when you are dealing with their personal information.

- You must only access client information or records for legitimate work purposes.
- You must not access your own record or the record of a friend, relative, colleague or acquaintance for any reason, even if the person asks you to.
- Accessing information also includes processing actions on records. You must not undertake any processing action within your own record or the record of any current or former client, including your own record if you're a current or former client of the Ministry, without a legitimate business reason – even if you're just interested or browsing.

This applies to any information we hold in any form. If you are not sure whether it is appropriate for you to access information, always check with your manager first.

Misuse of information

If you are found to have misused or falsified Ministry information, formal disciplinary action will be taken, which may include dismissal.

The Ministry has a zero tolerance policy for the misuse of personal information. Any staff member found to have sold or given client information to someone without proper authority will be dismissed and the matter will be referred to police.

Any staff member found to have released or distributed information of a sensitive or confidential nature without proper authority will be dismissed.

You can find more information about this on our intranet.



Trustworthy

Client relationships

When we work for a government department it is important to be aware of how our relationships can affect the way we do our jobs or the reputation of the Ministry.

You must inform your manager if you have a relationship with someone you deal with in your role or someone we deal with at the Ministry that could cause, or be seen to cause, a conflict of interest.

Disclosing and managing these relationships is important to ensure the public's trust in the Ministry is well-founded and conflicts of interest are appropriately managed.

The Ministry has a vital role in protecting vulnerable children and young people. Because of this, we have zero tolerance for staff who interfere with, or in any way abuse, a child or young person we are responsible for. If you have sexual contact with, or abuse in any way, a child or young person we have a professional relationship with, you will be dismissed and the matter will be referred to police.

You must inform your manager if you have a relationship with someone you deal with in your role or someone we deal with at the Ministry that could cause, or be seen to cause, a conflict of interest.

Fraud

As a Ministry staff member, you must not commit, condone, encourage or be directly associated with any type of fraud.

The Ministry has a zero tolerance policy for fraud. In every case where a staff member is found to have defrauded the Ministry, they will be dismissed and the matter will be referred to police. In addition to any penalty the Court might impose, all money fraudulently obtained will have to be repaid in full.

If you know, or think you know, that someone is involved in fraud against the Ministry, tell your manager, the Internal Fraud Unit or Integrity Services.

If you are a social worker and you believe or know someone you deal with professionally (including any of their relatives or associates) is getting a payment from the Ministry they are not entitled to, you must tell the person they need to let us know about any change of circumstances that could affect that payment. If you think by doing this you might be placing a child, young person, their family or the work you've been doing with the family at risk, talk to your manager.

Prior or pending convictions

If you have a conviction we didn't know about before we hired you, or you weren't truthful about, we may take disciplinary action which could result in dismissal.

This does not apply to anything covered by section 7 of the Criminal Records (Clean Slate) Act 2004.

You must tell your manager if you have any convictions or criminal charges laid against you while you work for the Ministry.

Gifts and rewards

Any form of gift or reward for doing your role could be seen as a bribe or as a way of making you obligated to another person or organisation.

As a general rule you should not ask for or accept a gift or reward. Some occasions (such as a hui) may require an exchange of gifts. We are committed to meeting the needs of different cultures and if a gift is offered in these situations, it should be accepted on behalf of the Ministry. If you are in this situation, discuss it with your manager.

For more detail, refer to the Ministry's financial policies.

Other work or services

If you take on other work or services while you work at the Ministry, you'll need to consider how it could affect your work here. Make sure it doesn't conflict with your duties, negatively affect your performance, intrude on your normal working hours or affect the Ministry's reputation.

If you are planning to take on other work or services, you must talk to your manager. You will need their agreement in writing before starting.

Staff who are also clients

If you're a staff member as well as a client of the Ministry, you must make sure anything you do as a client is honest and lawful.

It is your responsibility to give us full details about your circumstances or any changes in your circumstances to ensure you receive a correct entitlement.

7 Breaches of the Code of Conduct

We need to identify breaches or potential breaches of the Code as soon as possible. We will always make sure the disciplinary process is impartial, fair, prompt and consistent. We will consider each case on its merits, including reviewing the reasons for the breach and taking into account the individual circumstances of each case before deciding on the action to take.

You can find more details of the disciplinary process on our intranet.

Reporting breaches of the Code of Conduct

If you find out about a breach or possible breach of either the State Services Standards of Integrity and Conduct or this Code of Conduct, you should:

- think carefully about how you can deal with the situation responsibly
- discuss the issue or situation with your manager as quickly as possible – they may have additional information you might not know, so trust them to know the best way to deal with things.

Also use this process to report any breach of any other Ministry policy, procedure, standard or guideline, unless another process is provided.

If you don't think you can talk to your manager, or if the situation remains unresolved, then you can talk to another Ministry manager or the General Manager Human Resources.

If you need access to confidential counselling, the Ministry's Employee Assistance Programme (EAP) is voluntary, private, confidential and available to all Ministry staff. You can find more details on EAP on our intranet.

Reporting serious wrongdoing

In some cases, a breach of the Code of Conduct may also be serious wrongdoing under the Protected Disclosures Act 2000. If this is the case, you can use the Ministry's Protected Disclosures procedures to report the incident or action, and receive the protections of the Act. There is information about protected disclosures on our intranet.

If you think the Ministry has not met its obligations under the Code

If you think the Ministry has not met its obligations, follow the same process as the one to report breaches of the Code of Conduct (as set out above).

Once you have told us about your concerns, we will:

- treat your concerns confidentially, investigate them promptly and appropriately, and take action as necessary
- where appropriate, let anyone affected by an allegation know about it and ask for their explanation
- consider the use of a neutral third party to resolve the issue, if appropriate
- let you know if an investigation or action has started and stay in regular contact, if appropriate
- let you know about the outcome, where appropriate.

The Ministry will make every effort to maintain the confidentiality of an individual making a protected disclosure. This is set out in our Protected Disclosures policy.

If you breach or think there is a risk you could breach the Code

If you are unsure about how to deal with an ethical issue, discuss it with your manager. If your manager is involved, discuss the issue with your manager's manager or any senior manager.

Managers who are advised of a breach or a possible breach will deal with the alleged breach in accordance with the Ministry's policy. This means anyone alleging a breach or who is being investigated for a breach of the Code of Conduct will be given adequate notice of meetings, have an opportunity to be heard, and have the right to representation and/or have a support person present at meetings.

Remember, you can also face disciplinary action for breaching other Ministry policies, procedures and guidelines.

If you are unsure about how to deal with an ethical issue, discuss it with your manager. If your manager is involved, discuss the issue with your manager's manager or any senior manager.

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