

Document One

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Appropriate Information and Communications (ICT) Use Policy

Introduction

This policy provides information for all ministry staff in order to ensure the confidentiality, availability, integrity and legal compliance of information held electronically by the ministry.

Personal ICT use

The ministry allows reasonable personal use of Information and Communication Technology (ICT) tools and systems,

including the use of phones, faxes, email and Internet, as long as usage:

- is reasonable in terms of frequency and time, i.e. is brief
- incurs minimal cost for the ministry and doesn't inhibit business functions
- does not interfere with the user's productivity
- is lawful and appropriate eg, there is no personal use of chat groups or news group postings outside approved personal development.

Other key points on personal use of the ministry's ICT system are:

- Personal material that should not be shared or stored on the ministry computers includes music files and movies; downloaded music may be stored on ministry phones.
- Users may choose to access the Internet eg, for online banking, but do so at their own risk.
- The ministry will not be liable for any loss resulting from a financial transaction occurring via the ministry's ICT system.
- Where any unreasonable cost is associated with personal use eg, personal toll calls, texting and Internet use, the user will reimburse the ministry upon request from their manager.
- Employees are required to reimburse the ministry for any non-work related charges for mobile phone use greater than \$15 (gst exc) per month, as per the Ministry's policy on reimbursements.
- Employees must not use their Ministry email address when signing up to non-work related sites.

Inappropriate ICT Use

The following list notes activities that are considered to be inappropriate by the ministry, and are therefore not permitted under the ICT Use Policy. The examples illustrate non-compliance with the principles of the policy. This list is not exhaustive and users requiring further clarification should discuss their intended use with their manager prior to accessing any ICT system.

Examples of inappropriate use of the ministry's ICT system by users include:

- Endangering or causing distress to any other person through harassment, bullying or intimidation.
- Defaming any person or organisation.
- Any action or inaction in relation to ICT systems that could bring the ministry into disrepute eg, statements of a political nature.
- Soliciting, disclosing or trading for personal gain or profit.
- Gambling of any nature.
- Generating, accessing, saving, storing or sending pornographic, sexually explicit or offensive material, remarks or proposals (eg, purposely saving, downloading, printing, sending or forwarding sexual, pornographic, racist, profane, demeaning, harassing or other offensive

material of any nature such as jokes, images, cartoons or emails. This includes the sending of inappropriate material to a user's own or other personal email address.)

- Downloading, distributing or storing unnecessarily large software, multimedia files or any other material that could disrupt ministry ICT systems
- Sending and/or participating in mass mailing eg, electronic chain letters.
- Visiting sites that allow the downloading of unauthorised non-certified software or their contents including hacking, cracking, malicious software or scripting.
- Frequent, extensive or illegal personal use of the email, Internet or phone.
- Visiting, importing, storing or distributing information from Internet sites that would be considered objectionable or inappropriate.
- Registering ministry addresses on Internet sites as an address for any inappropriate material to be forwarded by email.
- Downloading commercial software in violation of its copyright or licensing agreement or downloading unauthorised or illegal software.
- Any Internet use that interferes with the production of business unit outputs, or costs the ministry an unacceptable amount of money.
- Knowingly causing interference with or disruption to any network, information service, equipment or any user by deliberate propagation of virus, Trojan horse, trap-door, back-door or any other malicious programme code.

Breaches of the ICT Use Policy

- Action taken will be appropriate to the seriousness of the breach and be considered on a case by case basis.
- Action may include dismissal in cases of serious breaches of the policy. In the case of contractors & consultants (paid by invoice), the ministry may review the contractual relationship.
- Breaches of the policy may, depending on the circumstances, constitute an offence under the Crimes Act, Copyright Act 1994, Videos and Publications Classification Act 1993 or other legislation. Such breaches may be reported to the Police or relevant enforcement agency.
- Breaches of this policy may also result in liability of the individual or the ministry for loss or damages under the Privacy Act, Defamation Act, Human Rights Act or other legislation.
- Managers are responsible for dealing with breaches of the policy. They also have delegated decision making authority around what is considered inappropriate use (including reasonable personal use) of the ministry's ICT system and resources, in consultation with the relevant group manager and the People Capability Manager, Strategic Business Partner.

In forming their response to appropriate/inappropriate use, the manager will consider:

- The material concerned, and whether it is inappropriate or objectionable. A useful question to ask is:
 - would withstand public or media scrutiny?
- The action taken by the employee/s with the material, ranging from receiving the material only, receiving and storing the material, through to distributing the material
- Any mitigating circumstance offered by the employee/s concerned.

Response to inappropriate ICT Material

When a user receives what seems to be an innocuous online communication eg, email, attachment, website, SMS message or voice mail message (judging by the origin of the sender, subject heading or attachment title),

which upon them opening turns out to be inappropriate in nature, the process to follow is:

1. The user should note the details of the sender (whether known or unknown), internal or external, time, date, content etc.
2. The user should advise their manager.

3. The manager will respond in writing that they have been notified about inappropriate ICT material.
4. The manager will decide a course of action. If the sender is known, the manager may request a copy of the email, attachment or website. They may also seek advice from their People Capability Strategic Business Partner.
5. The user should delete the email, attachments or information from their computer or phone (including voicemail) upon request from the manager.
6. The user or manager may contact the sender (if the sender is known to them and it is safe and practicable to do so) and advise them not to send inappropriate information.

Note: The Education Service Desk can assist users with applying a spam filter.

Management of emails

- Emails may be admissible as evidence ('discovered') in court proceedings involving the ministry, and their confidentiality and integrity cannot be guaranteed.
- Users need to keep in mind that emails (even those containing personal information) are official communications and may be requested under the Official Information Act or the Privacy Act at a later date.
- Users are responsible for managing their own email mailbox to aid the identification and management of email. They should regularly purge their email account of unnecessary email messages, while ensuring official records are kept as required under the Public Records Act 2005 (managed by Records Services).
- Users should send accurate, up-to-date and succinct work related emails.
- Care should be taken by users in phrasing emails as emotion and humour can be misinterpreted.
- Emails should only be sent to those that need them and the status of the communication should be made clear.
- Important communications should normally be confirmed in writing by the Communications group.

Employee confidentiality

Appropriate authorisation to protect employee confidentiality and data integrity will be required for:

- modification of ministry owned, produced, or collected information
- disclosure of ministry owned, produced, or collected information to any other user
- intentional interception, recording, reading, altering or receiving another person's electronic messages
- provision of another ministry user's personal details to any external person for non-work related use.

Monitoring

The ministry may access, monitor and report on any ICT information, systems and resources (including Internet, email and phone use) for any purpose, including ensuring compliance with this policy. This is done to detect and prevent inappropriate ICT usage, virus detection, malicious or accidentally damaging content or attachments, and attempts to breach security or harm systems.

The ministry reserves the right to monitor the volume, cost and type of email, Internet and phone traffic on the ministry system generated by each person, and to monitor, access, retrieve and read all communications, including voicemail, which is recorded. This may be used as evidence of a breach of this policy. Information obtained in these circumstances may be disclosed directly to managers of user's involved and other authorities where appropriate. Additionally, the ministry reserves the right to remove from its information systems, and investigate if necessary, any material it views as inappropriate, a threat to security or potentially illegal.

Note: All information held on the ministry's ICT systems is considered to belong to the ministry and may be accessed by authorised IT personnel for audit purposes at any time.

Responsibilities

User responsibilities

- Users are responsible for understanding and adhering to this policy and the Code of Conduct and using ICT systems only for authorised purposes.
- Users should advise their manager of any concerns with their computer or workstation, of receipt of potentially objectionable/inappropriate ICT material or of the need for additional training.
- All users are required to sign an acknowledgement form which confirms their understanding and compliance with the Information and Communications Technology (ICT) use policy before being set up on any ICT system and giving the signed form to their manager.
- Any personal connection to the Internet or other global network from a ministry PC/laptop is allowed where remote access is approved for business purposes, eg, working from home.
- ICT passwords must be kept confidential
- Electronic transmission of sensitive and in-confidence official information must comply with government policy regarding the protection of official information ie, be transmitted over secure public networks. Exceptions may include personal information retained about students exchanged between field workers.
- Users must take every precaution to prevent unauthorised or inappropriate access/use of computers, the operating systems and or information held by ministry eg, by not allowing others to access their computer/laptop and seeking immediate assistance from the Service Desk if the equipment is damaged.
- Users must abide by New Zealand law, the ministry's Code of Conduct and ministry policy.
- Personal views are not to be represented as those of the ministry.
- Comply with the Ministry's procedure for reimbursing non work-related charges for mobile phone use.

Manager responsibilities

Managers are responsible for:

- ensuring that they and all users within their team or unit are aware of, understand and act in accordance with the ICT use policy.
- ensuring they and all users within their team or unit are aware of all the necessary skills and knowledge required to effectively use the ICT system and resources provided for their use, and attending any relevant training.
- notifying the Service Desk when they have received a signed acknowledgement form of compliance with the ICT use policy and keeping it either on a contractor's file (for contractors) or, in the case of an employee, sending it to People Capability to be placed on the employee's personal file.

IT Group responsibilities

IT Group provides:

- appropriate management of the ministry's ICT systems and resources, including regular audits of email and Internet use
- input into standards and guidelines in terms of ICT system use
- services to install authorised software or hardware and completes ongoing maintenance on the ministry's network
- Service Desk support to users for issues on using ICT systems eg, software and hardware problems
- timely and appropriate advice and support to managers and users of this policy.



People Capability responsibilities

The Chief People Officer, People Capability or nominee is responsible for assisting managers to deal with breaches of this policy and in their response to situations involving inappropriate ICT material. People Capability are responsible for coordinating the delivery of regular training in this area.

Contact Te Tāhuhu o te Mātauranga | Ministry of Education Service Desk at Service.desk@education.govt.nz, or on extension 48446 if you have any questions

Getting help with this policy

For Everyone


-  Education Service Desk
-  (04) 463 8446 ext 48446
- If you need any help or have any questions, please contact the Education Service Desk.

Related to this policy

Policies

-  Reimbursing non-work related charges for mobile phone use policy

Guidelines

-  Getting IT help from the Service Desk

Released under the Official Information Act 1982



Code of Conduct

Released under the Official Information Act 1982

Date approved: January 2017
Business owner: Chief People Officer



Our joint responsibilities for conduct at the Ministry

Kia ora.

Our Code of Conduct is the touchstone for how we operate as a Ministry, as teams and as individuals, and the spirit of service we demonstrate in our work. It sets common standards of behaviour and guides our judgement, choices and actions whatever role we have in the Ministry of Education.

Our Code builds on the requirements and expectations set out in the Standards of Integrity and Conduct issued by the State Services Commissioner. These set out the expectations that we will be fair, impartial, responsible and trustworthy in everything we do and that we will act with a spirit of service to the community.

It describes three principles of conduct expected of us as State servants and as Ministry of Education employees in all our interactions with government and the public, other State sector organisations and colleagues, with the Ministry as an employer and with colleagues and resources.

We are expected to:

- fulfil our lawful obligations to government with professionalism and integrity
- perform our official duties honestly, faithfully and efficiently, respecting the rights of the public and our colleagues
- not bring the Public Service into disrepute through our private activities.

Our Code offers the framework within which we can make informed judgements in our day-to-day work and when faced with potential conflicts of interest.

As State servants, we should also ensure that our personal interests and activities do not interfere with, or appear to interfere with, our service to the aims and objectives of the government of the day. The Code will help you to understand what this means for you.

Please take time to read this document carefully and discuss with your manager where it is especially relevant to your employment agreement and any professional obligations, our policies and processes and the work that you do.

The Ministry of Education's Leadership Team is committed to ensuring that we are a good employer, treating employees fairly and with respect, and is reputable, trustworthy and an integral part of the New Zealand Public Service. Our commitment to employees is in this Code.

We are all responsible for keeping our Code alive here at the Ministry of Education. Through our high standards of behaviour and practice we can reinforce New Zealanders' trust in our work, our outcomes and our Public Service. Thank you for the role you will play in this.

Iona Holsted
Secretary for Education

Who this Code applies to

It applies to all Ministry of Education employees, whether permanent, temporary, casual or on overseas deployment. The Code also applies to all contractors and consultants engaged under contracts for service.

The State Services Standards of Integrity and Conduct

These standards are issued by the State Services Commissioner and form an integral part of our Code of Conduct. They specify: we must be fair, impartial, responsible and trustworthy.

Please read the Standards document which is available in English and in te reo Māori. You may wish to print it out to display in your workspace.

The State Services Commission website also provides guidance on applying the standards for organisations, staff and managers.

The Code and other employment and professional commitments

The Code of Conduct should be read in conjunction with your employment agreement and forms part of the terms and conditions of your employment.

The Code is also specifically referred to in the terms and conditions of our standard contract for services and must be complied with by all contractors and consultants.

Our policies and procedures build on the content within the Code and should be referred to for specific details.

It is also expected that you abide by any ethical codes or professional standards that may be applicable to your role. If a situation arises where our Code and your professional code or standards conflict or there could be potential for conflict, you should manage any differences with integrity, and notify your manager so the matter can be discussed and ultimately resolved.

Responding to perceived breaches of our Code

If you become aware of a breach or possible breach of our Code, you have a responsibility to discuss this with your manager. There is more information in this document.

How to apply the Code

Our Code is not intended to be a definitive document that sets out every possible requirement or situation that could arise during your employment. Some specific responsibilities are defined throughout this document and our policies provide more detail.

If you are unsure if a decision or action that you are about to take is appropriate, ask yourself:

- is it lawful?
- is it consistent with our policies and procedures?
- do I have the authority to make this decision or take this action?
- could it bring us into disrepute?
- can the decision or action be misconstrued by the public? Will it impact on community trust?
- is it ethical?
- is it consistent with government policy?
- if I was asked to defend my decision or actions to my manager, how would I respond?
- is it responsible to my colleagues?

If you are still unsure or wish to discuss the decision or action further, you should contact your manager.

Zero Tolerance

All public servants are expected to uphold high standards of integrity and conduct in everything we do.

The Ministry of Education is responsible for the provision of education services to every child and young person in New Zealand. Because of this, we expect higher standards of conduct in some areas of our work.

It is essential that we operate with the highest level of integrity in the following key areas:

- our behaviour with every child or young person with whom we come into contact is above reproach;
- personal information about any individuals in the education system remains confidential and is not disclosed without proper authority;
- we maintain the trust and confidence of the government of the day by ensuring all confidential and sensitive information about the Ministry is safe guarded and not disclosed without proper authority; and
- we handle Ministry funds with the accountability and responsibility expected of all public servants using taxpayer money.

It is unacceptable under any circumstances for a Ministry of Education employee or contractor/ consultant to:

- abuse a child or young person in any way;
- share personal information about individual children or young people without the appropriate authority;
- disclose confidential information held by the Ministry without the appropriate authority; and
- steal from the Ministry.

All misconduct will be investigated in line with the Performance Improvement Guidelines, and Disciplinary Policy and any employee who is found to have breached the Code of Conduct may face immediate dismissal. Contractors or consultants who

breach the Code of Conduct may have their contract for services terminated immediately.

Where a crime has been committed, every case will be referred to the police. In addition to any penalty that the Court might impose, all fraudulently obtained money will have to be repaid in full.

Resources

State Services Commission Standards of Integrity and Conduct and guidelines

<http://www.ssc.govt.nz/display/document.asp?DocID=7063>

Our policies, process and tools are available on our intranet.

Released under the Official Information Act 1982

Your obligations to the Ministry

Personal behaviour

The Ministry of Education has a right to be concerned when your private activities could reflect poorly on us or the Public Service, and/or possibly call your appropriateness for continued employment into question.

Whether private activities or personal behaviour constitute misconduct will depend on the circumstances in each case, including the position you hold. We will take into consideration any breaches of trust, your ability to fulfil your duties and the potential for any publicity that could negatively impact the Ministry of Education.

You should always consider

- the nature and circumstances of the activity
- your position, duties, and responsibilities
- the consequences of the activity on your ability to fulfil your duties and responsibilities
- the effects of the activity or its consequences on departmental relationships with clients, Ministers, or the general public
- any legal framework and professional codes
- the likely public perception of the appropriateness of what you do and the media attention of the activity
- implications of the behaviour on levels of public trust in the State Services.

Conflicts of interest

You need to be open in declaring any real or potential interests that could be perceived to conflict with your responsibilities. You must also inform your manager if you intend to take on secondary employment or other commitments.

It is expected that you will perform your duties honestly and impartially and avoid any personal, financial, legal or professional situations which might compromise your integrity or otherwise lead to a conflict of interest. You should also avoid any circumstances where there could be the potential for such conflict. You need to always be aware of the perception of others. The public must have no grounds upon which to question our impartiality in decision making and policy application.

You should also avoid any interest, role or undertaking that could directly or indirectly compromise the performance of your duties, or the standing of the Ministry or the Public Service in its relationships with the public, clients, or Ministers.

School boards of trustees

No employee of the Ministry of Education may stand for, or be appointed to, any office or position associated with school boards of trustees.

Early childhood services

No employee of the Ministry of Education may be a licensee, service provider or contact person for an early childhood service.

Financial responsibilities

You must ensure that public funds and resources are used in an appropriate and prudent manner. You have a duty to use resources efficiently, effectively and economically, keeping in mind that our resources are publically owned and funded by public money. Funds and resources are only to be used with appropriate delegations and appropriations.

All expenditure must be able to withstand internal and external scrutiny. You must seek approval from your one-up manager before incurring any expenses and this must be within the manager's budget authority and be authorised and approved according to relevant policies, procedures and guidelines. All explanations for discretionary expenditure such as travel, entertainment, staff events or expenses that may appear unusual must be documented.

Gifts or gratuities

Ministry of Education employees and contractors should not use their official position for personal gain. You cannot solicit or accept gifts, rewards, or benefits which might compromise, or be seen to compromise, your integrity and the integrity of the Ministry, or the Public Service.

This includes accepting gifts, benefits or hospitality or any other form of reward, that could be, or be seen to be an inducement that puts you under an obligation to a third party. This includes any gift or reward offered as a result of Ministry expenditure.

There will be certain occasions where cultural traditions require an exchange of gifts. We are committed to meeting these needs and if a gift is offered in these circumstances it should be accepted. If you are faced with this situation you should judge the situation on its own merits and with cultural sensitivity. You should also discuss this with your manager in advance, if possible.

Where offers of gifts or inducements are made, they should be reported to your manager or the Secretary, who will determine the appropriate response. If you do accept a gift you should declare the gift to your manager or the Secretary.

Your obligations

As a Ministry of Education employee and a public servant you are expected to abide by the obligations set out in this Code at all times. The State Services Standards of Integrity and Conduct state that *we must be fair, impartial, responsible and trustworthy* and that *we must act with a spirit of service to the community and meet the same high standards of integrity and conduct in everything we do*. As an employee you have made the following commitments.

Be *Fair* in everything you do, and to

- treat everyone fairly and with respect
- be professional and responsive
- work to make government services accessible and effective
- strive to make a difference to the well-being of New Zealand and all its people
- maintain open communication and the sharing of information within the bounds of confidentiality.

Be *Impartial* in everything you do, and to

- maintain the political neutrality required to enable us to work with current and future governments
- carry out the functions of the Ministry, unaffected by personal beliefs
- support the organisation to provide robust and unbiased advice
- respect the authority of the government of the day.

Be *Responsible* in everything you do, and to

- act lawfully and objectively
- show reasonable care, and neither use, nor allow the use of our resources for anything other than intended purposes and ensure that you incur no liability on the part of the Ministry without proper authorisation
- maintain the privacy and confidentiality of information and use it only for proper purposes
- maintain appropriate records and documentation
- work to improve the performance and efficiency of the Ministry
- contribute to maintaining a healthy and safe working environment for yourself and others and take all practicable steps to prevent personal injury or illness
- comply with all lawful and reasonable instructions relating to your employment
- keep yourself informed and perform your duties in accordance with all organisational policies and procedures and all lawful and reasonable instructions that are issued and within your delegated authority.

Be *Trustworthy* in everything you do, and to

- be honest
- work to the best of your abilities and be competent and efficient in the performance of assigned duties
- ensure actions are not affected by personal interests or relationships
- never misuse your position for personal gain
- decline gifts or benefits that place us under any obligation or perceived influence

- avoid any activities, work or non-work, that may harm the reputation of the Ministry or of the State Services
- consult the Ministry before undertaking secondary employment, and do not undertake secondary paid or unpaid employment which, in the opinion of the Ministry, might conflict with official duties
- be absent from the workplace only with proper authorisation
- refrain from conduct (such as the use of intoxicants) which might impair work performance
- maintain standards of behaviour, language and dress that are appropriate to the workplace and uphold the professional image of the Ministry
- disclose any convictions, charges or pending charges that may affect your ongoing suitability for your position
- report any breaches of the Code by others to your manager

Respecting the rights of others

In performing your duties, you should respect the rights of your colleagues and the public. You are expected to establish and maintain trusting and respectful relationships at the Ministry as well as between the Ministry and its clients. To do this you must:

- be respectful of other staff and their cultural backgrounds
- not discriminate against anyone because of their gender or sexual orientation, colour, race, ethnic or national origins, religious or ethical beliefs, disability, marital status or family responsibilities, age or physical/psychiatric illness (or other grounds established by the Human Rights Act)
- respect the privacy of individuals in dealing with personal information in line with the Privacy Act 1993
- not allow workplace relationships to affect adversely the performance of official duties
- not harass, bully, subject to abuse – whether physical or mental or otherwise intimidate others
- have due regard for the safety of others in the use of Ministry property and resources.

Your obligations to government

Political neutrality

You are obliged to serve the government of the day and act to ensure that we are able to uphold the confidence of the Minister and serve successive governments. This ensures that we can provide support for the good government of New Zealand over the long term.

You should provide honest, impartial, comprehensive and objective advice and bring attention to the possible consequences of policies or proposals regardless of your personal views or beliefs and whether or not such advice accords with Ministers' views. If contacted directly by a Minister or Member of Parliament, or their representative their request must be addressed in an impartial manner and in the same way that we would respond to a similar request from a member of the public. Members of Parliament are not entitled to different or preferential treatment by virtue of their position or political party to which they belong.

You need to be aware of the perception others may have of our ability to be politically impartial in the way we work. You must maintain in your non-working life the level of political neutrality that is appropriate to the responsibilities you have.

Final decisions on policy are the prerogative of Ministers, and you may not withhold relevant information, seek to obstruct or delay a decision, attempt to undermine or improperly influence government policy (for example, by the unauthorised release of official information).

If you find yourself in a situation where your personal views on an issue conflict with those of the Ministry, and this may have an adverse effect on you or your work, you should discuss the circumstances and possible options immediately with your manager. You must not do anything to circumvent or undermine the government's policies.

Generally, as a public servant you have the same rights of free speech and independence as other members of the public. However, you also have a duty not to compromise the Ministry of Education or the Minister by public criticism of, or comment on, government policy. You must ensure that you do not confuse your political rights with your employment responsibilities.

Media and Public Comment

The public have a right to information about us. Our policy is that all media enquiries are coordinated centrally to ensure consistency and an organisational wide approach can be taken. Only employees who have delegated media authority may provide official comment or respond to media requests.

Individual comment on public matters

You should ensure that any contribution to public debate or discussion on matters does not compromise the position you hold, and is compatible with the need to maintain a politically neutral Public Service. If you hold a senior position or work closely with Ministers you will need to exercise particular care in this regard.

In general, comments on matters of public policy would be regarded as unacceptable if it:

- revealed advice given to the Minister
- used or revealed any information gained in the course of official duties where this was not already known by, or readily available to, the general public
- criticised, or offered alternatives to, a proposed or actual Ministerial policy or Ministry programme, or that of any other Minister or department with which the individual was professionally involved
- purported to express or imply a Ministry of Education view, rather than clearly expressing a personal view only
- gave openly partisan support to, or criticism of, a political party
- constituted a personal attack on a Minister, colleagues or other public servants
- amounted to a criticism sufficiently strong and/or persistent so as to call into question the public servant's ability to impartially implement, administer, or advise upon a government policy.

Private communications with Ministers and Members of Parliament

You have the same rights of access to your political representatives as other members of the public. However, given the requirement to remain politically neutral in your work, you should exercise care and judgement before making any such communications.

As a general guide:

- you may communicate privately with any Minister or Member of Parliament about matters outside your official duties, but if you hold a senior position or work closely with Ministers you should exercise particular care with such communications
- you may also communicate privately with your Minister about matters concerning the Ministry of Education, but such matters should first be raised with the Secretary
- where a matter is raised directly with the responsible Minister, we may be directed to provide a suitable response
- you are entitled to request information under the Official Information Act 1982 and you will receive the same information or level of detail in a response as would be given to any member of the public.

Political participation

You need to ensure that your participation in political matters does not bring you into conflict, or the appearance of conflict, with your duty to act in a politically neutral manner. It is important to maintain ministerial and public confidence in the impartiality of advice given, and actions taken. Determining what is appropriate in any particular case will depend on the extent of your participation, the nature of the issue, and the position that you hold.

Participation in public bodies or voluntary associations

You are able to stand for, or be appointed to, an office or position on a public or voluntary body. However, you should first inform your manager of your intentions, to ensure that no conflict exists between such participation and your duties and responsibilities in the Ministry. Strong conflicts of interest are likely if you are appointed to a public body, and Cabinet has determined that only special circumstances would justify appointing a public servant to a statutory board, other than as a representative of the Ministry. Where your manager considers that there would be a conflict of interest, arrangements need to be made to avoid or resolve the conflict. In some cases this may require that you are requested not to stand for office, or to resign from a position already held.

Refer also to the section in the Code of Conduct relating to boards of trustees and early childhood services.

Released under the Official Information Act 1982

Information security

Ministry information

Our information is often of a confidential or sensitive nature. You should take proper care with the use, exchange, storage and release of any information (whether electronic or written) for which you are responsible, to ensure it remains secure at all times and is only used for its intended purpose. It is a breach of trust to make use of information that you have learned through your work or to disclose such information without delegated authority. Refer to our Information and Communication Technology Use Policy for more information.

Release and use of official information

The disclosure of official information is subject to the requirements of the Official Information Act 1982 and the Privacy Act 1993.

The following procedures for dealing with the release of information must be adhered to:

- Official information should be released only by those authorised to do so. In all other circumstances, information is to be used only for official purposes and must be treated as confidential to the Ministry of Education.
- If authorised by the Ministry to respond to requests made under the Official Information Act 1982 you should exercise proper care and discretion in the application of our procedures.
- In cases of doubt, you should seek guidance from our legal advisors.
- If the release of politically sensitive material is required, you should ensure that the Minister is notified well in advance of any information release according to our procedures.

Intellectual property

The Ministry of Education is a significant producer of information and intellectual property in the form of programmes, resources and literature. Intellectual property constitutes a significant Ministry asset. As a result:

- where a resource, programme, literary piece or other work is produced by an employee in the course of employment, the employer is the first owner of the copyright (Section 21(2) of the Copyright Act).
- specific ownership agreements with employees may be varied depending on the nature of the relationship between the Ministry and its employees. These will be agreed in writing with the Secretary.

Breaches of the code

If the standards set out in our code are not met, you may be considered in breach. This also applies to the State Services Commission's Standards of Integrity and Conduct. If your conduct is considered unacceptable it is likely that disciplinary action will be taken. Any action that is taken will be conducted in a fair, impartial, consistent and prompt manner in line with the Performance Improvement, and Disciplinary Policy and guidelines.

Reporting breaches of the code

If you are aware of a breach, or possible breach by someone else you have a responsibility to raise this with your manager. If you feel you cannot approach your manager about a particular issue you should discuss your concern with another manager, or People Capability.

In some cases a breach of the Code may also be a serious wrongdoing under the Protected Disclosures Act 2000. In such cases you can use the Ministry's Protected Disclosures Policy to report the incident or action, and receive the protections of the Act.

Protected Disclosures

The Protected Disclosures Act 2000 recognises that there may be circumstances when it is difficult for you to report suspected wrong-doing through the normal channels. This legislation aims to create an environment that encourages you to report suspected serious wrong-doing, by providing some protection for you. The Act sets out procedures to ensure that disclosures are given due consideration and are acted on within a prescribed timeframe.

Serious wrongdoing includes:

- unlawful, corrupt, or irregular use of public funds or resources
- conduct that poses a serious risk to public health or safety, the environment, or maintenance of the law (including the prevention, investigation and detection of offences and the right to a fair trial)
- conduct constituting an offence
- conduct by public officials which is that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

The Ministry has a policy and procedure on Protected Disclosures which can be referred to by employees who have become aware of actual or possible serious wrongdoing and who wish to disclose that information.

Our Role

The Ministry of Education has an obligation to:

- treat your concerns confidentially, investigate them promptly and take any appropriate action
- where appropriate, inform any person who is subject of an allegation of the nature of the allegation and seek their explanation
- consider using a third party to resolve any issues if appropriate

Document Three

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Sexual Harassment Guidelines

These guidelines define sexual harassment and how to address it if you believe it is or has taken place.

Definitions

Sexual harassment

Sexual harassment is unwelcome or offensive sexual behaviour that is repeated or significant enough to have a harmful effect on an individual's employment, job performance or job satisfaction.

Sexual behaviour can be the use language (written or spoken), visual material or physical behaviour. Unwelcome means behaviours that are not solicited or invited and are regarded by the recipient as undesirable or offensive at the time.

Directly or indirectly making a request of an employee or contractor for sexual intercourse, sexual contact, or other form of sexual activity is also sexual harassment when coupled with an implied or overt promise of preferential treatment or threat of detrimental treatment.

Sexual harassment can be a form of discrimination, and has the potential for serious consequences. One of the challenges about identifying and dealing with sexual harassment is that the inappropriate behaviours involved can be subtle and context dependent.

Whatever the form of sexual harassment, it has no place at the Ministry of Education and will not be tolerated.

Some examples of sexual harassment include:

- Touching, hugging, encroaching on someone's personal space or kissing
- Staring or leering
- Insults or taunts of a sexual nature
- Requests for sexual favours, or pressure for sex or other sexual acts
- Repeated or inappropriate advances on email or social networking websites
- Intrusive questions or comments about a person's private life, clothing or physical appearance
- Sexually explicit pictures, posters, gifts, emails or text messages
- Sexual gestures, indecent exposure, or inappropriate display of the body
- Sexually suggestive comments or jokes, or other forms of inappropriate language
- Stalking or sexual assault.

Examples of what may not be sexual harassment

- Friendly banter, mutually acceptable jokes
- Occasional appropriate compliments
- Behaviour based on mutual attraction

Who to approach to deal with sexual harassment

Sometimes those who are subject to sexual harassment may find it difficult to make a complaint. We provide a range of options to make it easier for people to speak up. If an employee (and others) have concerns about sexual harassment, or have witnessed sexual harassment they can approach any of the following:

- their manager or another manager
- People Capability

They can also seek support from another person to help them address the situation.

Examples include:

- Employee Assistance Programme (EAP)
- a trusted person who is willing to support them and/or test their perception of events. This could be a union representative, colleague or friend.

It is important to note with these options that the Ministry will not necessarily be aware of the situation so may not be in a position to act on the issue until the employee (with their trusted person if required) raises it with a manager or People Capability.

Responding to sexual harassment

We are committed to providing a safe workplace for all employees so as to prevent sexual harassment occurring.

However, if an employee believes they have been subject to sexual harassment at work or if sexual harassment is believed to have occurred, they need to advise their manager, one up manager or People and Capability so the matter can be addressed.

Once notified, the Ministry will apply the Bullying and harassment complaints resolution process to ensure the issue is acted on promptly and fairly.

Process for resolution of sexual harassment

HOW TO RESOLVE SEXUAL HARASSMENT

Should you feel you are receiving or are witness to someone else receiving sexual harassment, how to resolve this

1 Harassment occurs

- Alleged harassment occurs
- Complainant talks to their manager or a support person
- They consider their options

2 Option 1 - Self-Help

- Complainant wants to deal with it themselves but might seek support from their Manager, People Capability, or a support person, or
- Complainant writes a letter to the alleged harasser on a private and confidential basis
- If this resolves the issue, the matter ends
- If this doesn't resolve the issue, the complainant can consider their options

3 Option 2 - Informal Solution

- Complainant's manager or support person speaks to the alleged harasser on the complainant's behalf, or
- A complaint is made to the alleged harasser
- If the harasser admits the behavior, no further investigation is required and the complainant is satisfied with the resolution, then the matter ends.
- If the alleged harasser does not admit the behavior, or the complainant is not satisfied with the resolution, then they may wish to consider their options

4 Option 3 – Formal complaint

- A complaint is made to the complainant's manager, the Secretary for Education or People Capability
- We decide to proceed to a formal investigation
- A formal investigation is carried out in accordance with this policy
- A complaint is substantiated or not
- Appropriate action is taken
- End of the process


NOTE: the complainant may elect to take action via legislation covering sexual harassment (see guideline).

Getting help with this guide

For All Staff

-  Please contact MyHR Services
-  Ask MyHR Services
-  04 463 8615

For Non-Managers

-  Please speak to your manager

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