

# **PUBLIC TRANSPORT OMBUDSMAN**

## **CODE OF CONDUCT**

1 MARCH 2009

## CODE of CONDUCT

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### 1 INTRODUCTION

The Public Transport Ombudsman (PTO) Ltd Charter set out the objectives of the PTO scheme, including to provide efficient and fair remedies. The Charter states:

- the mission of the PTO is founded on principles including independence, fairness, equity and accountability, and
- the PTO is required to pursue complaints in a fair, reasonable and just manner.

The PTO's Values emphasise the importance of trust, respect and fairness in maintaining effective relationships with all those who have an interest in our effective operation.

To meet these expectations, it is important to have a clear and explicit statement of the standard of conduct expected of the Ombudsman and PTO officers in undertaking functions.

The PTO's Code of Conduct is a public statement of the standards we expect of ourselves, and against which others can hold us to account. We view the Code as an important element to make sure we act in a fair and accountable manner. We see it as one way to build and retain the trust of those who use our services; complainants, PTO scheme members and the broader Victorian community.

In drafting the Code of Conduct, the PTO has had reference to, and been assisted by, the work of other Ombudsman offices and the publications of the Victorian Public Sector Standards Commissioner.

## **2 PURPOSE of the CODE of CONDUCT**

The Code of Conduct provides guidance for the Ombudsman and PTO officers in undertaking our functions. The Code specifies the standards of conduct applying to the Ombudsman and PTO officers. By doing this, the Code also specifies how those who use PTO services can expect PTO officers to conduct themselves.

## **3 CONDUCT of PTO OFFICERS**

This Code of Conduct applies to all PTO officers, including the Ombudsman and PTO Ltd employees, whether they are permanent or temporary employees. In summary, PTO officers will:

- act with respect
- act with integrity
- act with accountability
- act responsively.

## **4 RESPECT**

Respect means recognising that every person deserves to be treated in a fair, courteous and appropriate manner. PTO officers are committed to acting with respect towards all who deal with us, including complainants, PTO scheme members, work colleagues and the community. Acting with respect means:

### **Respect in undertaking our work**

PTO officers will:

- deal with all persons in a courteous and appropriate manner.
- not discriminate against any person when undertaking PTO functions.
- take into account all relevant matters when making decisions or dealing with cases.
- respect the privacy and confidentiality of persons who provide information, including complainants, witnesses and employees of PTO scheme members.

### **Respect for our colleagues**

- PTO officers will strive to create a harmonious and productive work team where every colleague feels valued, and where the workplace is free from harassment, discrimination and bullying.

## 5 INTEGRITY

Integrity means being honest, open and ethical. PTO officers are committed to acting with integrity in all aspects of our work. Acting with integrity means:

### **Being honest**

PTO officers will

- be honest in undertaking and reporting on their work. This includes being honest where a mistake has been made.
- act with absolute probity in dealing with any financial matters. In particular, PTO officers will not apply PTO moneys to a private use, and will fully account for the use of any PTO moneys.

### **Avoiding any conflict of interests**

#### *Handling a conflict of interests*

- PTO officers will not let any private interest conflict with the performance of PTO functions. In particular:
  - PTO officers must disclose to their manager (including the Ombudsman or (for the Ombudsman) the Board) any matters in which they have or may be perceived to have a conflict between a private interest and the fair, reasonable and just performance of their PTO functions
  - PTO managers will determine the appropriate steps to deal with the conflict of interests, including to disqualify the PTO officer from further dealing with the matter
  - a record of the conflict of interests, and the management action taken to deal with the conflict, must be made by the PTO manager in the relevant case file.

#### *Gifts and benefits*

- PTO officers generally should not accept any gift or benefit resulting from their employment where the gift or benefit could be seen to influence the PTO officer. In particular:
  - PTO officers should not seek gifts or benefits (e.g., hospitality).
  - PTO officers should generally refuse offers of hospitality, unless the offer is one that relates to a joint purpose (e.g., a meeting or visit to a regional area) and it would be offensive to refuse.

- PTO officers should also generally refuse a gift, unless it would be offensive to refuse.
- Any gift or benefit must be declared to the PTO manager, who will make a decision about the appropriate action to be taken. This may include:
  - returning the gift or benefit
  - refusing the gift or benefit
  - reimbursing the person or organisation providing the benefit
  - accepting the gift or benefit where no influence could be seen as arising from it; this requires the express approval of the Ombudsman.
- A notification of the declaration of the gift or benefit and action taken must be forwarded by the PTO manager to the Finance Officer, who will keep a record of all notifications.

#### *Other employment*

- PTO officers must disclose any other employment they undertake to the Ombudsman, who must approve the employment. Any other employment must not conflict with undertaking the functions of a PTO officer.

#### **Reporting any offences**

- PTO officers must immediately advise the Ombudsman if they have been charged with any criminal offence
- PTO officers must immediately advise the Ombudsman if they have been reported for non-compliance while travelling on public transport by a police officer, an authorised officer or other person.

## **6 ACCOUNTABILITY**

Accountability means taking responsibility for the work we do and the decisions we make, including how we use PTO resources. PTO officers are committed to being accountable to PTO scheme members, complainants and the community. Being accountable means:

### **Making the right decisions**

PTO officers will:

- undertake their functions consistent with the law, and any relevant PTO guidelines or policies.
- provide full reasons to complainants and PTO scheme members for decisions made when dealing with complaints.
- make complete records of work or activities undertaken.

### **Being independent**

- The Ombudsman's independence in investigating and resolving complaints is guaranteed by the PTO Charter. To promote this independence:
  - PTO officers should not communicate directly with PTO Ltd directors about any particular complaint matters – these communications should be made through or with the specific permission of the Ombudsman.
  - Any request by a PTO Ltd director for assistance to undertake tasks should be directed to the Ombudsman.

### **Using PTO resources properly**

PTO officers will:

- use work time for PTO functions, and apply themselves with diligence and commitment.
- only use PTO resources to undertake authorised PTO functions and activities - an exception to this is minor personal use of resources such as is outlined in the PTO General Policy Manual.
- use resources economically, and without waste.

- actively look for ways to reduce fuel, energy and other resource use in undertaking our work.
- report to a PTO manager as soon as they become aware of any workplace or operational issues or difficulties that may impact on the efficient or effective functioning of the PTO.

### **Handling PTO information appropriately**

PTO officers will

- not comment publicly on any matters concerning the PTO or its functions without the express permission of the Ombudsman.
- not make statements or comments to the media, or on public internet sites including blogs, chat sites or similar internet sites, without the Ombudsman's express permission.
- maintain the security of PTO information and records.

### **Being unimpaired by alcohol or drugs**

- Impairment by drugs or alcohol creates an occupational health and safety risk to the impaired worker and their colleagues, can result in work errors and can impact on the reputation of the PTO. For this reason, PTO officers will not perform any functions when their performance is or may be impaired by alcohol or drugs, including drugs prescribed by a health practitioner.
- PTO officers who are or may be impaired by alcohol or drugs should immediately inform their PTO manager, so that appropriate arrangements can be made to ensure the PTO officer's workplace safety.



## **7 RESPONSIVE**

Responsive means applying the best efforts in undertaking or providing a service. PTO officers are committed to providing professional, responsive and relevant services in undertaking all our functions. Being responsive means:

### **Being professional in our work**

PTO officers will

- undertake all PTO functions with care and diligence.
- provide professional assistance to all persons who contact the PTO.
- be available to discuss cases with complainant and PTO scheme members, and will fully consider any suggestions and comments made in dealing with a case.
- act on matters as promptly as they are able, having regard to any competing work priorities.
- keep parties informed of the progress of their matters.
- provide information in a way that can be easily understood by the recipient.
- maintain a current knowledge of developments in public transport, and in their profession or area of practice.
- share good practice ideas or initiatives to improve PTO services.

### **Consulting with our stakeholders**

- The PTO is committed to consulting with complainants, PTO scheme members and other stakeholders about our services and how they can be improved, including through surveys, ad-hoc feedback and formal processes. PTO Officers will consult with stakeholder under the direction of the Ombudsman.

### **Making reports when required**

- PTO officers will provide independent, appropriate, fair and accurate advice to PTO scheme members, the Director of Public Transport, the Minister for Transport and the community about systemic issues and other matters, as required or directed, and in a manner consistent with the PTO Charter.

## **8 IMPLEMENTING the CODE of CONDUCT – a SHARED RESPONSIBILITY**

Every PTO officer including the Ombudsman is responsible for implementing the Code of Conduct. Every PTO officer is expected to have read and understood the Code of Conduct, and to act in accordance with it when undertaking PTO functions.

If there is any matter where a PTO officer is unclear about their obligations under the Code of Conduct, they should discuss the matter with a PTO manager or the Ombudsman.

PTO officers are expected to report to a PTO manager any breach of the Code of Conduct. Officers will be actively supported, and their concerns taken seriously.

- If the report concerns the PTO officer's own conduct, the PTO manager or the Ombudsman will review the matter and make a decision about the action that should be taken.
- If the report concerns another PTO officer, the *Procedure for dealing with complaints about the Ombudsman and Ombudsman officers* will apply.

PTO officers who make honest mistakes will be supported.

However, serious misconduct or deliberate actions inconsistent with the Code of Conduct and which are substantiated may result in significant management action, including dismissal.

### **DECLARATION**

I have read and understand the PTO Code of Conduct. I am aware that I am responsible for implementing the Code of Conduct in my work at the PTO. I undertake to act in accordance with the Code of Conduct.

Signed:

Name:

Date: