



East Metropolitan Health Service Board Code of Conduct and Integrity

October 2023

EMHS Version 3.0	Board Charter Version Date: Oct 2023	Date of Next Review: Oct 2024
----------------------------	--	-------------------------------



Contents

1	EMHS Board Code of Conduct and Integrity	2
2	Leadership and stewardship	3
3	Board delegation and authority	3
4	Accountable and ethical decision making	3
5	Best interests of the public entity	4
6	Risk management and financial responsibility	4
7	Declarations of conflicts of interest and duty	4
8	Care, diligence and skill	5
9	Proper use of position	5
10	Proper use of information	5
11	The role of the Chair	6
12	Benefits, hospitality and expenses	6
13	Collective accountabilities and responsibilities	7
14	Relationships	7
15	Reporting suspected breaches of the Code and misconduct	8
16	References	8





1 EMHS Board Code of Conduct and Integrity

The East Metropolitan Health Service (EMHS) Board Code of Conduct and Integrity (Code) is underpinned by the principles and minimum standards of conduct and integrity to which all public sector bodies and employees must comply (section 9 [Public Sector Management Act 1994](#); section 79, 80 [Health Services Act 2016](#)). These principles and standards are expressed in the Public Sector Code of Ethics, outlined in the [Health Service Provider Board Governance Policy](#) which includes the following:

Principles of conduct

We:

- comply with legislation, Commissioner's instructions, public sector standards and any applicable codes of ethics and/or conduct
- act with integrity
- use official information, equipment and facilities scrupulously
- treat people with courteous, consideration and sensitivity.

Standard 1 - Integrity

We:

- act with care and diligence, making honest decisions that uphold the trust placed in us by the community
- use our position and authority for the purpose intended
- provide objective and timely advice to the government
- ensure our behaviour upholds the good reputation of EMHS and the public sector.

Standard 2 – Impartiality

We:

- make considered and unbiased decisions based on merit
- place the public interest over our personal interest or the interest of EMHS
- disclose and manage conflicts of interest
- will not vote on, or be present for discussions about, matters where a conflict of interest is disclosed
- implement government priorities, policies and decisions impartially.

Standard 3 – Respect for others

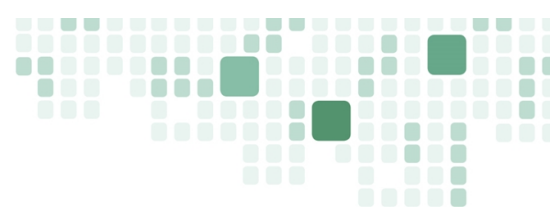
We:

- communicate with and treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare
- treat people fairly, having regard for their diverse backgrounds
- collaborate constructively, inclusively and professionally.

Standard 4 – Trust and accountability

We:

- take accountability for our time, decisions, actions and behaviours
- are responsive and provide considered advice and information to our clients, customers and stakeholders
- make decisions that ensure the best use of resources for now and the future
- access, use and disclose information only where we are authorised to do so
- record our decisions for transparency, allowing for review and scrutiny



- use the resources of the state in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

Decisions made or advice provided by the Board may affect the welfare, rights or entitlements of the community. As a Board we agree that we will always act in a manner compliant with this Code of Conduct and Integrity.

2 Leadership and stewardship

The Board will demonstrate leadership and stewardship by:

- promoting and supporting the application of the EMHS values
- promoting a professional, healthy and ethical culture at a Board level
- always acting in a way that secures and preserves public confidence
- being a role model, as leaders of the health service, in line with public sector values and conduct expected of employees
- complying with all relevant mandatory training requirements
- setting the EMHS strategic plan, ensuring that the necessary financial and human resources are in place to meet its objectives, and reviewing executive performance on a regular basis
- providing active leadership and ensuring effective controls which enable risks to be assessed and managed within an appropriate framework
- providing direction and leadership on key work health and safety matters in line with relevant legislation.



3 Board delegation and authority

The Board ensures that matters reserved for the Board are clearly identified by:

- ensuring that the necessary delegations and authorisations are in place
- making decisions within its power
- raising any matter with the Department of Health or Minister for Health for consideration, if that matter requires further approval, in the public interest or to fulfil the Board's statutory purposes and requirements, as permitted by the Board's constituent legislation.

4 Accountable and ethical decision making

In line with [Commissioner's Instruction 40: Ethical Foundations](#), all Board members are required to complete formal integrity training on commencement, as well as refresher integrity training *at least* every 3 years (recommended annually).



5 Best interests of the public entity

The Board will act in good faith in the best interests of the public entity by:

- carrying out duties for a proper purpose and in good faith, demonstrating accountability for actions and accepting responsibility for decisions
- making decisions fairly, impartially, promptly and by considering all available information, legislation, policies, procedures and ethical codes
- not engaging in activities that may bring EMHS into disrepute or reputational harm
- ensuring attention to safety and quality in delivery of services for patients
- ensuring that resources within EMHS are used effectively and efficiently.

6 Risk management and financial responsibility

The Board will act in a financially responsible manner and oversee the management of risks faced by EMHS by:

- understanding financial reports, audit reports and other financial material that is presented to the Board and actively enquiring into these reports
- understanding and enquiring into safety and quality issues that are presented to the Board, including clinical reports and occupational health and safety
- ensuring, as Board members, we are satisfied with the safety and quality of clinical services delivered by the agency
- exercising care in relation to public funds and assets in compliance with the *Financial Management Act 2006*
- informing the Department of Health and Minister for Health of known major risks to the effective operation of services and the processes in place to address these risks
- ensuring there are adequate controls in place to prevent fraudulent behaviour
- promoting a culture of risk minimisation and regulatory compliance
- ensuring that any requests by Board Members for reimbursement are managed in accordance with relevant policy, including but not limited to the [Health Service Provider Board Governance Policy](#) and current practices within EMHS and the Public Sector Commissioner circulars.

7 Declarations of conflicts of interest and duty

The Board will avoid, declare and manage conflicts of interests by:

- avoiding conflicts between duties as a member of EMHS Board and personal/professional interests and obligations
- avoiding perceived or potential conflicts of interest
- disclosing all actual, perceived or potential conflicts of interests on an annual basis, and at the start of each meeting when relevant to the agenda, or if interests change
- removing themselves from any decisions or conversations about matters where an actual, perceived or potential conflict of interest has been disclosed



- working cooperatively with the Board to manage any conflicts of interest
- carefully considering any offers of gifts, benefits or hospitality and ensuring any decision to accept is done openly, placed on the record, and is consistent with this Code, conflicts of interest or gifts, benefits and hospitality policy (where such a policy applies) - see [Integrity \(health.wa.gov.au\)](#)
- following any legislated requirements for managing conflicts, as well as management strategies contained in relevant Board policies. This may involve removing oneself from discussion and decision making on the matter.

See [Department of Health integrity framework](#).

8 Care, diligence and skill

The Board will exercise due care, diligence and skill by:

- diligently preparing for meetings by reading and considering papers circulated with the agenda within agreed timeframes
- engaging thoroughly with all papers presented to the Board, in relation to performance monitoring, strategy, risk and compliance
- ascertaining all relevant information, making reasonable enquiries, and understanding the financial, strategic and other implications of decisions
- paying particular attention to matters of clinical governance to ensure that each Board member ensures delivery of safe clinical services and responds appropriately to any incident or near miss that may arise
- attending all Board and Board Committee meetings that they have membership of. If a Board member cannot attend, they will submit an apology in writing to the Board Secretariat and the Board Chair or Committee Chair (as applicable). Where a Board member is likely to miss several consecutive meetings, the Board member will apply for a leave of absence in writing to the Board Chair.

9 Proper use of position

The Board will use their position appropriately by:

- not seeking undue advantage for themselves or family members
- treating members of the public, stakeholders and fellow Board members with respect, courtesy, honesty and fairness - having proper regard for their interests, rights, safety and welfare
- understanding the consequences of misconduct and the actions that will be taken if Board members do not comply with the Code of Conduct and associated policies.

10 Proper use of information

The Board will use information appropriately by:

- maintaining confidentiality and not divulging information deemed confidential or sensitive (including to people outside of EMHS), other than as required by law or where proper authorisation is given



- not making improper use of information obtained in the course of Board duties, or use for direct or indirect personal or commercial gain, or do harm to other people or the Board (for example, speculating on shares on the basis of confidential information or disclosing the contents of any official papers to unauthorised persons)
- respecting confidential information and observing any restrictions agreed by the Board (subject to *Freedom of Information Act 1992* requirements)
- protecting intellectual property
- ensuring all information under a Board member's control, in both paper and electronic form, is kept in a secure place, including when stored on laptops, tablets and USB devices
- avoiding discussing Board business in public places where there is a likelihood of being overheard
- returning all WA Health devices and materials/resources at the end of Board tenure.

11 The role of the Chair

The role of the Chair is to enable and lead so that the attributes and specific roles of the Board members and the executive team are brought together in a cohesive partnership to drive the performance and business of EMHS.

The Board Chair will:

- provide leadership to the Board by ensuring its effectiveness of its role and setting its agenda
- ensure the provision of accurate, timely and transparent information to the members
- arrange regular evaluation of the performance of the Board, its Committees and individual members
- facilitate effective contributions from executive and ensuring constructive relationships between the Board and executive
- ensure the right skills, capabilities and diversity is represented on the Board.

12 Benefits, hospitality and expenses

The Board will be mindful of its use of public money. This includes reasonableness, efficiency and good sense in their claiming of expenses, receipt of gifts, hospitality and other use of public resources.

The Board will also be mindful of potential future judgement of their financial decisions by members of the public, given that public spending can be scrutinised by auditors, the media, government and more.

Under the *Health Services Act 2016*, health service provider Boards are entitled to be paid reasonable expenses incurred. This may include meals, travel expenses and accommodation costs, where required and reasonably priced.

See [Gifts \(health.wa.gov.au\)](https://health.wa.gov.au)



13 Collective accountabilities and responsibilities

The EMHS Board will comply with its collective accountabilities and responsibilities, in particular:

- **accountability to the Minister** - the Board will act in accordance with its collective accountability to the Minister for Health
- **functions and objectives** - the Board will ensure all its actions and decisions are consistent with the functions and objectives in the establishing Act and with the EMHS strategic plans, business plans and related documents
- **information to the Minister for Health** - unless prohibited by law, the Board will provide any information relating to EMHS or its operations that the Minister for Health requests
- **accountability to each other** - in addition to each Board member having individual responsibilities, the Board is collectively responsible to meet its obligations set out in this Code of Conduct and Integrity
- **major risks** - the Board will inform the Minister for Health and the System Manager of all known major risks (existing and emerging) to the effective operation of the organisation and of the management systems that are in place to address those risks.

The Board will routinely:

- consider the organisation's risk appetite
- identify and assess any risk that could have a material impact on the organisation
- ensure that management has designed and implemented an appropriate risk management framework and internal control system to identify and manage material risks, including safety and quality, clinical, occupational health and safety, financial and strategic risks.

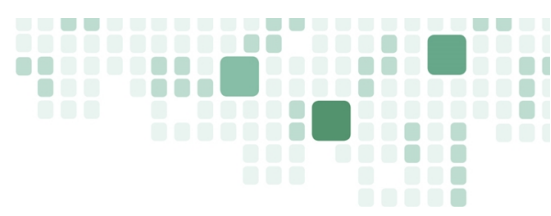
14 Relationships

EMHS Board members will:

- recognise the importance of professional, respectful, appropriate and productive relationships and will strive to support and maintain these as we work co-operatively to achieve EMHS goals
- maintain a unified stance outside the Boardroom, even if the decision was not unanimous and there was disagreement prior to the decision being made
- acknowledge that the EMHS Executive are accountable to the Board through the Chief Executive, who is responsible for the day-to-day management of EMHS.

The Board recognises the importance of its relationship with the Chief Executive. The Board will:

- work with the Chief Executive effectively and within the boundaries of the governance role
- not interfere with the operational management of EMHS
- support a relationship with the Chief Executive that is respectful, robust and professional.



15 Reporting suspected breaches of the Code and misconduct

Through their decisions and actions, the Board Chair and members can create confidence that reports of suspected breaches of the code of conduct from Board members will be treated seriously and appropriate action taken.

Board members will:

- be familiar with the Board's reporting mechanisms
- report suspected breaches of the code of conduct, either to:
 - the Board Chair
 - the Chief Executive
 - or
 - the EMHS Manager Integrity and Ethics
- ensure victimisation of members reporting unethical conduct will not be tolerated.

Suspected reportable misconduct must be reported as outlined in the [Notifiable and Reportable Conduct Policy](#). Any misconduct not required to be reported to WA Police, the Minister for Health, Corruption and Crime Commission, or the Public Sector Commission, should be managed by the EMHS Board.

The [Public Interest Disclosure Act 2003](#) facilitates the disclosure of public interest information and provides protection for those making such disclosures and those who are the subject of disclosures. Public interest disclosures (PID) can be made to a person who has been registered as a PID Officer. EMHS PID Officers are listed on the [integrity pages of the EMHS intranet](#).

16 References

[Department of Health – Statutory Board operations](#)

[Health Service Provider Board Governance Policy](#)

[Commissioner's Instruction 40: Ethical Foundations](#)

[Public Sector Code of Ethics](#)

[Notifiable and Reportable Conduct Policy](#)

[Department of Health integrity framework](#)

[Key State legislation which may impact WA health service provider boards](#)

[Public Sector Management Act 1994](#)

[Health Services Act 2016](#)

[Public Interest Disclosure Act 2003](#)

[Work Health and Safety Act 2020](#)