



2021 SASSLA CONFERENCE

The Ethical Leader

In the 20 plus years working as a human resources executive in government and more recently in my role as the Chief Executive of SASSLA, I have seen and experienced significant changes in the standards governing ethical practice and behaviour in the workplace.

My experience has been shaped through involvement in the DeBelle and Nyland Royal Commissions and continuing involvement in conduct investigations and complaint management.

There is now a high bar to which leaders are held to account for their actions and behaviour. This becomes most apparent when a light is directly shone on individuals and their decisions and behaviour during investigations, and through external reviews, such as DeBelle and Nyland.

Also important is the way in which leaders manage complaints about their staff and the wider school community because their actions are scrutinised and held to account.

Leaders must stay attuned to how ethical practice in the employment relationship is changing and developing. Leaders need to continuously reflect on the ethical capabilities and good habits needed for success in a contemporary leadership role.

Ethical Practice

At the heart of ethical practice is “good faith” which means having a positive disposition to act honestly, fairly and within the boundaries established by the law. This requires an open mind and the development of capabilities and good habits that keep you on the right track.

Three capabilities are outlined below that build and sustain ethical practice. Six good habits that support ethical practice are then discussed.

Three Capabilities that Build and Sustain Ethical Practice

Capabilities are the knowledge, skills, qualities, attitudes, and intelligence that supports high performance in a role. Ethical capabilities of being fair, balanced, transparent, and acting in a lawful way are very highly valued in education and in leadership roles across the public and private sectors. Ethical capabilities tend to be developed over time and when viewed and experienced by others are often referred to as wisdom, experience, insight, and intuition.

Three ethical capabilities stand out as being important in an educational setting:

1. *Emotional Regulation*

Emotional regulation is a term generally used to describe a person's ability to effectively manage and respond to an emotional experience. Good leaders cope and learn to work positively with difficult situations such as behavioural problems exhibited by students, angry parents, and

disruptive staff. They deal with these situations by active listening, problem solving, and exercising their authority, while staying engaged, calm, and focussed.

In the contemporary workforce, expressions of anger, swearing, and inappropriate physical presence are not tolerated. Even in the most difficult and risky situations, leaders are held to a high account for their behaviour.

2. Transparency and Fairness in Decision Making

Transparency in management practices and decision making creates and sustains high trust. Not sharing information or having poorly designed processes for communication and information sharing can damage trust.

Where trust is low, effort is wasted and the risk for unethical practice, or perceived unethical practice, is increased.

When people feel they have been treated fairly and have been heard, decisions are more likely to be accepted and adhered to. Good decision making processes build confidence and trust which help people understand how rules are fairly and consistently applied.

Transparency and fairness does not mean surrendering your authority, it is about using your authority wisely.

3. Evaluating the Culture

A key learning from the DeBelle and Nyland Royal Commissions and other enquires in the health, aged care, and banking sectors is that ethical problems are born and nurtured in cultures where effective and consistent ethical leadership is absent. Unethical behaviour becomes woven into the fabric of day to day work life to the extent that problematic behaviour is not recognised and therefore not challenged. People become unconscious to the ethical problems happening around them.

An emergent and critical leadership capability needed for success in the contemporary world of work is “evaluating the culture”. It means stepping outside the day to day realities of management and casting a critical eye over the practices and behaviours happening on the ground. It is important to prioritise the time to observe and pin point potential problems and take the action needed.

The reality is that people intuitively evaluate the culture when they commence a new position by coming in with fresh eyes and recognising and acting on problems. The challenge is to always keep an “open eye” and an “open mind” as to how the culture develops and changes over time, and to act accordingly.

Six Good Habits that Support Ethical Practice

How we act will be influenced by the habits we have formed.

Our character is a composite of our habits. Because they are consistent and often unconscious patterns, habits constantly express our character and produce our effectiveness or ineffectiveness. In the words of Aristotle, “*We are what we repeatedly do. Excellence, then, is not an act, but a habit.*”

Six good habits that support ethical decision practice in the workplace are:

1. Make notes of events and decisions

Ensure you take notes in situations that may be subject to further scrutiny including counselling staff, complaints, and interactions with parents and carers. Sometimes these are covered by formal minutes but more often they occur as day to day interactions.

Make notes of events and decisions to create a clear record that can be relied on in the future. Write clearly and simply staying with the basic facts. Avoid ambiguity, value judgements and personal opinions.

Complete all formal recording and notification requirements within established timelines. Ensure all relevant detail is included in all formal notifications such as IRMS reports.

Good records are your first line of protection!

2. Act on unethical behaviour

By positively acting as soon as a poor or unethical practice is evident, we are more likely to avoid, or minimise potential problems.

Leaders providing timely feedback or advice can often “nip a problem in the bud” before it requires more formal intervention or action.

Managing complex behaviour is often a source of frustration for leaders particularly where interventions are not getting expected results. It is best to take clear and decisive action when problems occur rather than having to deal with behaviour that has become persistent over time.

To ignore or sweep a problem under the carpet can be seen as condoning poor or unethical practice and may be seen as an ethical problem of poor leadership. In more serious cases the failure to act may be seen as a dereliction of duty and leave a person open to disciplinary action.

Acting early is in everybody's interest!

3. Keep up to date with policies and directions relevant to your role

The requirement for compliance with Departmental policies or instructions is a legislated responsibility. A breach of policy can lead to disciplinary action.

The significant challenge for school and preschool leaders is to keep up to date with the array of policies, procedures, and instructions that underpin modern public education.

What is most important is to have a thorough understanding of core policy areas such as enrolment, child protection, incident reporting, HR records, WHS etc. For the other areas of policy that may not be part of the regular day to day work, a simple check list to follow is:

- What is the Department policy and procedure I need to refer to?
- After reading the policy what additional information and/or advice do I need?
- To whom do I direct my questions and/or seek support?

In the absence of specific knowledge, never second guess a decision or action. A wrong decision can have significant consequences.

Ignorance is no defence for school and preschool leaders!

4. Seek advice

When in doubt on what is required, or when presented with an ethical dilemma, seek advice from your line manager, relevant specialist or SASSLA.

Do not second guess important or more critical decisions where the consequences of action (or inaction) may be high.

A basic rule of thumb is that good questions elicit good advice. In formulating a request for advice, a good approach is to assemble the request around three sequential steps:

- Context - what is the important background that defines or frames the issue.
- Facts - what are the events, behaviour and conditions that define the issue.
- Question - what immediate question(s) is relevant to your decision making role.

Avoid hypothetical or abstract questions as responses will often not fully address the presenting issue.

It is preferable to seek advice in writing. Where this is not practicable, take clear notes. In a high risk situation keep your line manager informed on the issue at hand and the advice given.

Don't go shopping for advice. There is a no return policy!

5. Disclosure

When there is a specific requirement for disclosure such as employment declarations and conflict of interests there is a positive obligation to make the necessary disclosure(s) before a decision is made.

Conflicts of interest are both real (the conflict is self-evident) and perceived (people may reasonably form a view that a conflict of interest exists). It is always best to play it safe and declare a perceived conflict of interest in areas such as relationships and friendships out of work.

Where you have any doubt, discuss the matter with your line manager and talk through what is a reasonable approach to managing the situation.

When in doubt disclose!

6. Decision making

The first and most important step in the decision making process is to determine whether you have the authority to make the decision. If you do not have the authority, you need to determine who has the authority and initiate the processes needed to bring your matter to the decision makers attention.

You are held to a high standard in the decision making process under the principles of natural justice and procedural fairness when making decisions under your own authority that directly affects the rights or interests of your staff.

- The "hearing rule" – people who are affected by a decision must be able to express their views to the decision maker.
- The "bias rule" in that the decision maker must be impartial and have no personal stake in the matter to be decided.

It is important that your school or preschool has a clear and communicated decision making process.

In making decisions under your authority a good structure to follow is:

- Provide a clear statement of what the decision is.
- Describe reasons for the decision.
- State what has been considered in making the decision e.g. evidence, policy etc.

Good decision making processes lead to good decisions!

Making the Best Use of Your SASSLA Membership

SASSLA is here to support you to be successful in your role.

We actively encourage members to contact us if they need advice or assistance on any employment or policy related matter. We have highly capable staff who understand the work of school leaders and can deal with matters quickly and confidentially.

Areas we can positively assist you with are:

- Helping you refine your thinking on issues or problems.
- Assisting you in responding to employee complaints.
- Assisting you in preparation of written communication.
- Seeking advice from the Department on more complex or contentious issues.
- Referring a matter for legal advice or support.

Phil O'Loughlin
Chief Executive

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