

Professional Conduct Quick Guide

REGULATORY PRACTICE ESSENTIALS



At a glance

Professional conduct, or the way you act, influences a regulators' social licence and ability to regulate. It's an important part of building public trust and confidence.

People who do regulatory work must act with integrity. You must be ethical and have strong moral principles. You must demonstrate high standards of professionalism in everything you do. You have responsibility for your professional conduct.

How to make good decisions

Decision-making guidance helps you to make the right decisions. This guidance helps to ensure your decisions are made with integrity. You can use these questions, along with your organisation's guidance, whenever you need to make a tricky decision.

- Would it be OK if it was broadcast in the media or shared on social media?
- Does it produce the 'most good' and do the 'least harm'?
- Will it contribute to desired regulatory outcomes?
- Is it lawful?
- Is this action consistent with your organisation's regulatory approach, policies, code of conduct and other standards and guidelines?
- Could it compromise your ability to carry out your regulatory role effectively and with integrity?
- Does this action treat those affected fairly and without bias?

Other factors to consider when making decisions are the principles of natural justice and conflicts of interest.

Why professional conduct is important

To be effective, regulators must build and maintain public trust and confidence. Your conduct influences how your decisions are received. It sets the foundation for regulatory culture, values, expectations, practices and decisions.

What if things go wrong

Even with the best intentions, you can make mistakes. If something's gone wrong, talk with your manager and follow your organisation's guidance and policies.

What is professional conduct?

Professional conduct, or the way you act, influences a regulator's social licence and ability to regulate. It's an important part of building public trust and confidence.

People who do regulatory work must act with integrity. You must be ethical and have strong moral principles. You must demonstrate high standards of professionalism in everything you do. You have responsibility for your professional conduct.

All public servants must act with a spirit of service to the community and meet the Public Service Standards of Integrity and Conduct¹. You must be fair, responsible, trustworthy and impartial in your work.

People who carry out regulatory work have other standards they must meet. You need to be lawful and professional, mindful of risk, media aware, politically aware and sensitive to cultural factors. Work through the following prompts to check the standards you need to hold yourself to.

- **Be lawful:** do you obey all laws, even those you're not administering? Do you follow the principles of natural justice - avoiding bias and prejudice, and being open minded, impartial and fair? Check that you know and follow your organisation's policies and processes.
- **Be professional:** Do you act in the spirit of public service to the community. Do you follow the Public Service Standards of Integrity and Conduct? Do you conduct yourself in ways that uphold your profession, following your organisation's guidelines? Do you continuously hone your regulatory craft through learning, conversations, observations and practice?

- **Be risk aware:** Do you identify actual, potential and perceived conflicts of interest and discuss them with your manager? Do you think before you act? Do you consider how your actions are perceived by others? Do you avoid actions that may put you and your organisation's integrity and credibility at risk?
- **Be media aware:** Do you know how your organisation wants you to handle media enquiries? Do you have a plan in place to manage your personal social media use? Do you know what your organisation expects from you? Do you act in ways that would stand up to public scrutiny?
- **Be politically aware:** Do you think about what motivates regulated parties and how this affects their behaviour? Do you understand and avoid regulatory capture, making sure that your decisions and actions are not influenced by the interests of others? Do you remain impartial and politically neutral in relation to your work so that your organisation can work constructively with current and future governments?
- **Be culturally aware:** Do you notice what's unique about, and important to, the people you're interacting with? Do you put yourself in the shoes of the people you are interacting with and try to see the world from their perspective? Do you treat others with sensitivity and respect? Do you build your knowledge of others and their cultures, and show that you're willing to learn from them? Do you give effect to the Crown's obligations under Te Tiriti o Waitangi/The Treaty of Waitangi?

Your personal life

People who do regulatory work are, to some extent, public figures. When people outside work learn what you do, you may feel that you are back 'on duty'. Sometimes work and personal lives overlap. Very occasionally, your privacy or safety may be compromised. Think about how your regulatory work may impact your personal life and vice versa.

- **Is there anyone or anything in your personal life that could impact on your effectiveness at work?** This could be in relation to people around you, your interests, activities and values. It may be in the way you express your political views or about your personal safety. Have your circumstances changed since you took on your role or last considered this?
- **Boundaries and social media:** What are your boundaries around sharing your work with people in your personal life? What are your organisation's expectations around sharing work matters with people in your personal life?
- **Privacy:** Do you need to protect your privacy and that of your family outside of work? What could you put in place to do this?

It can help to discuss these prompts with an experienced colleague, your team or your manager. You can compare notes and share experiences. You should also share anything that might be an issue with your manager or another senior person in your organisation. They'll appreciate you doing this and can help you work through the situation. It's vital that you report to your manager any risk to your safety in your personal life, especially if it is related to your work.

Why is professional conduct important?

To be effective, regulators must build and maintain public trust and confidence. Your conduct influences how your decisions are received and how regulatory organisations are perceived by the public. It sets the foundation for regulatory culture, values, expectations, practices and decisions.

A regulatory system is put in place to achieve a desired outcome that wouldn't naturally occur without it. And regulatory work is about encouraging people to do the right thing. People doing regulatory work need to be firm, fair and impartial. Sometimes, you need to get people to do things they would rather not do, like obey laws and

act in the public interest. And you have to do this in an environment with a lot of different political and social forces.

People doing regulatory work are often given powers beyond those of an ordinary citizen. Exercising these may affect other people's lives. It's a big responsibility.

How to make good decisions

Decision-making guidance helps you to make the right decisions. This guidance helps to ensure your decisions are made with integrity. If things go wrong, there are steps you can take to recover.

Decision making guidance

Some decisions made by people doing regulatory work are straightforward and made by following processes and guidelines. Other decisions are more complex and involve several factors. You can use these questions, along with your organisation's guidance, whenever you need to make a tricky decision.

- Would it be OK if it was broadcast in the media or shared on social media?
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Natural Justice

The principles of natural justice also help us make fair and just decisions. Decisions must be non-biased, based on a fair hearing and evidence.

- **Bias:** As decision-makers, we must be unbiased and impartial so that we can treat everyone fairly. We all have attitudes that we are not aware of that affect the way we feel and think about others. This unconscious bias may affect our decision-making. Learning about unconscious bias can help us deal appropriately with it.
- **Fair Hearing:** Every individual has the right to be heard and present their case before a decision is made that could adversely affect them.
- **Evidence:** As decision-makers, we must base our decisions on all relevant evidence.

Conflict of Interest

A conflict of interest is a situation where the responsibilities you have in your work for a public organisation are affected by an interest or relationship you have in your private life. Having a conflict of interest doesn't necessarily mean you have done anything wrong. It all depends on how you manage it. You need to ask yourself whether the interest or relationship means you are biased, and also whether someone looking in from the outside could have reasonable grounds to think you might be.

Accepting a gift, no matter how small, can potentially create a conflict of interest. One gift can lead to another and an expectation of receiving preferential treatment in return. It is best to avoid being in that situation by politely declining the gift. You also need to consider how another member of the public may feel if they see you accepting a gift.

While you may become familiar with members of the public and the people you regulate over time, you need to keep the relationship professional, with a consistent approach to everyone that you interact

with. Check out your organisation's guidelines for managing offers of gifts and talk through some common scenarios with your manager.

Gifts, or in te ao Māori, koha, have different cultural meaning. Your organisation will usually have policies around this. If you have any questions, talk to your colleagues or manager.

Conflicts of interest can arise in other ways. You may hold information in your work role that people in your private life would be interested to know. For example, knowing about unplanned inspections of local food outlets would be of interest to a local cafe owner. Likewise, knowing about changes in policy on electric cars would be of interest to a car dealer. In these situations, your relationship with the cafe owner or car dealer matters. Giving them information before it is available publicly is a breach of professional conduct. Check out your organisation's procedures for declaring any interests you have that might pose a conflict. Talk through the situation with your manager.

Conflicts of interest arise all the time in regulatory work, and sometimes you may not be aware of them. Use the decision guide to stop and think things through before you act.

What if things go wrong

Even with the best intentions, you can make mistakes. If something's gone wrong, talk with your manager and follow your organisation's guidance and policies. As a general rule, the person who makes the mistake informs and receives support from their manager to take ownership, understand the impact and implement steps to rectify the harm.

- **Acknowledge your mistakes:** denying or ignoring a mistake can make it worse and damage public trust.

- **Understand the impact:** this helps you decide on the level of response needed.
- **Communicate openly:** start by talking to your manager to get their support and make sure there's no surprises.
- **Find the cause:** this can help you fix the mistake and avoid making it in the future.
- **Make changes:** take steps to fix the mistake.
- **Learn:** use the experience as an opportunity to learn and do better next time.
- **Rebuild trust:** by being accountable, transparent and committed.

What you can do to learn more about Professional Conduct

- Pick one thing from this Quick Guide to learn more about. You might like to use the resources in the next section, check out what's available in your organisation, or do a bit of Googling.
- Have a chat to a colleague about some challenges they've experienced carrying out their regulatory work and how these were handled.
- Choose one thing from this module that resonated with you. Take a screenshot of it and keep it handy. As you go through your next week at work, have a go at applying it.
- Find and read your organisation's guidance on interacting with the media and on personal use of social media.

Resources

[↗ Standards of Integrity and Conduct - Te Kawa Mataaho Public Service Commission](#)

[↗ Government Expectations for Good Regulatory Practice | The Treasury New Zealand](#)

[↗ Steve Watson on regulatory capture \(YouTube\)](#)

[↗ Paul & Henry Show episode 1 - Natural justice \(YouTube\)](#)

[↗ Paul & Henry Show episode 12 - Conflicts of interest \(YouTube\)](#)

Got questions? Get in touch

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