s 22(1)(a)(ii)



Communication and engagement:

Recommendation 1- First communique

The most important first step following receipt of this report is to communicate about it with all staff. The CEO has already advised staff on two occasions of progress with the inquiry (after the 10 July ELG meeting and then again on 27 July after the deadline had passed for people to come forward to the inquiry). Staff will be keen to hear of the finalisation of the report; to be assured that their input was valued; and what is going to happen as a result.

The CEO might consider recording a video message for all staff, as well as issuing a written communique.

Key points which should be covered in that initial communique include:

- Overall the report provides some guidance about how the ACC can build on its capabilities to create a more positive and respectful – and therefore more effective – environment;
- Reiteration that the number of staff contributing is a positive sign in terms of people investing in the future, and that the ACC Executive will take it seriously;
- There will be no recrimination or retribution. Individuals who requested anonymity of their contributions can rest assured that this has been respected;
- Where allegations have been made about people, the claims will be treated as unsubstantiated until matters are appropriately investigated (including affording procedural fairness to the people named);
- The CEO, EDs and other members of ELG will lead the reforms and recommendations arising from this inquiry, but it will be a job for everyone to work together, and to generate ideas and solutions, to achieve the culture the ACC is seeking. Staff will be involved through cross-agency working groups and engagement, and will be given a genuine chance to design, influence and implement reforms.
- That a de-identified summary of the report will be made available – in confidence – to ACC staff.

Recommendation 2 – Communication and engagement strategy

After this first step, the ACC should quickly develop a communication and engagement strategy about the inquiry and the reforms that will be pursued. This will ensure staff see visible actions and commitment from the top, and are also given the opportunity to be "part of the solution" by proposing and leading reforms on the ground, where possible. This should

include discussing the results of this inquiry and other data (e.g. from staff survey results) within teams and identifying any areas for agency-wide or local improvement.

Recommendation 3 – Executive Director Leadership of reforms

Task the three Executive Directors with delivering and reporting on reforms arising from this inquiry, as part of their core responsibilities – not having it as a "side" project which they do not own. Require monthly joint reporting by the EDs to the CEO in relation to progress in implementation.

Recommendation 4 – Role models and champions

Establish role models and champions at the SES and EL levels for different parts of the reform agenda. These role models and champions should represent National HQ and State offices, and would be given clear responsibilities – including supporting and guiding a relevant cross-agency team and would report monthly to the EDs to inform their report to the CEO.

Recommendation 5 – Cross-agency teams

Establish cross-agency teams to drive specific elements of cultural and workplace reforms, including input from State offices and all directorates. Ensure that these teams include a mix of levels and roles, and are not dominated by a few voices.

Recommendation 6 – Learn from other agencies

Gather information about successful reform initiatives in other agencies (eg Defence) to inform the cultural and work practices reform agenda. Seminars with speakers from other agencies about what has been achieved, and how, would be useful early in the reform process.

Unity to achieve ACC's mission

Recommendation 7 – New Strategic Plan

Revise the ACC Strategic Plan to reflect the amalgamation(s) and involve staff particularly in contributing to the "vision" and "approach" elements, to achieve organisation-wide commitment, particularly in relation to **how** work is carried out and the priorities to be achieved. (Noting that ultimately the Strategic Plan is for the Board to sign off).

Recommendation 8 – Regular Executive meetings

Reintroduce (or make more regular) meetings of CEO with all three EDs using an agenda or framework to ensure that policy, strategy and operational approaches and messages are consistent; the reform agenda is on track; and that there is a shared commitment to priorities with a focus on outcomes not who will get the credit..

Recommendation 9 – Executive Leadership Group solidarity

Require all members of ELG to operate in accordance with "Cabinet" solidarity – engaging in robust and open debates within meetings (including with the CEO, whether as the full ELG or in smaller meetings), but maintaining the agreed executive line when discussions have been had and decisions made, including appropriate confidentiality and respect about discussions and decision-making. Challenge each other and, where necessary, escalate incidents where this is breached.

Respect

Recommendation 10 – Charter of Respect

Establish a charter of respect for all ACC employees, which is based on the work of the APSC on respect in the workplace, and developed in house by a cross-ACC team to reflect the language and work of the agency. Examples of topics to cover include language, meeting behaviour, diversity, zero tolerance for bullying, inclusiveness. It should also reflect the importance of recognising and respecting the work, skills and contributions of all areas. This charter would need to be sponsored and guided by the three EDs, and ultimately approved and supported by the CEO.

Different contributions

Recommendation 11 – Informed decision-making

Implement practices to ensure that all relevant areas contribute to significant decisions and particularly in briefing the CEO - for example with a cover sheet for submissions to the CEO signed off by relevant areas not just the originating or lead area; or by representatives of relevant areas being invited to (and attending) decision-making meetings. The CEO should be assured that, wherever possible, the widest necessary range of views has been canvassed when major decisions are required, and advised when contrary views exist even if they do not support the recommendations made to the CEO

Recommendation 12 – Staff consultation and communication

Develop (or strengthen the use of existing) protocols for staff consultation and communication at times of major change (eg structural reforms). Sections 336-350 of the *ACC Enterprise Agreement 2011-2014* apply (EA is still current).

Recommendation 13 – Inclusive messaging from CEO

Issue regular messages from the CEO that underline and celebrate the importance of contributions of all areas, using language which reflects the variety of work undertaken across the whole agency, not only policing and operations.

Recommendation 14 – Recognise and reward collaboration

Establish a scheme that rewards and recognises collaborative effort and achievement, within the ACC and with partners.

Equality

Recommendation 15 – Ensure equity of employment

Implement best practice recruitment processes, to ensure that equity of employment opportunity is achieved. (See Recommendation 34 for detail)

Recommendation 16 – Women in leadership

Establish a program to foster the attraction, promotion and retention of women in senior positions. Include male and female champions of change in this program from both National HQ and State offices. Possible initiatives include mentoring, coaching and targeted leadership development opportunities.

Recommendation 17 – Diversity awareness

Promote understanding of diversity and inclusiveness in the workplace, covering race, sex, religion, sexual orientation, family status, appearance and age through awareness-raising and other mechanisms.

No bullying

Recommendation 18 – Zero Tolerance for bullying

Update and promulgate a "zero tolerance" bullying and harassment policy and support initiatives which cover:

- Education and executive leadership and role-modelling
- APSC and FWA guidance on what constitutes bullying and harassment
- Information on employers' and managers' responsibility under the *Fair Work Act* and the *Work Health and Safety Act*.
- A strong, effective and well-trained network of Harassment Contact officers
- Procedures to follow if bullying occurs or is suspected with a focus on reporting avenues (eg who victims can complain to); escalation points; and appropriate confidentiality arrangements when handling complaints. Importantly, under the procedures staff should be reminded that if they witness bullying or other breaches of the Code, they are required to report it (supported by an 'if you see something, say something' type of internal campaign).
- Commitment to action by management
- Fair and timely investigations of bullying and harassment complaints by fair and independent people, whether internal or external.
- Monitoring, through the incidence of complaints, staff turnover, absenteeism and staff survey results, the "hot spots" where a close look at the management or collegiate culture of an area may be warranted.

Recent legal briefs noted an FWC case where an employer reportedly stopped fighting a bullying allegation, and focussed on getting its house in order. One reputable legal brief commented on this as follows: "*The FWC lauded the employer's "careful attention to procedural fairness", and declined to make an anti-bullying order under its powers. Like so many FWC accounts – not just the bullying ones, but the unfair dismissal, discrimination, and general protections cases – it all began with a poorly-handled disciplinary procedure".*

No misuse of power

Recommendation 19 – Appropriate use of authority - recorded in performance agreements

Establish in all SES and EL performance agreements a requirement to use authority and delegations appropriately. Check performance through staff surveys and 360 degree and other feedback. Challenge each other and, where necessary, escalate incidents where this is breached.

To be observed "when acting in connection with" APS employment

Recommendation 20- Advice about work-related activity

The CEO should issue advice to staff about work-related events etc where their behaviour is expected to be in accordance with the APS Values. Ensure this is reflected in ACC policy, including on the intranet. This should cover, at a minimum, work-related events, domestic travel for work, the increased requirement when travelling overseas for work, and use of social media. In this advice and information, address issues of alcohol consumption and appropriate and respectful communications.

Senior leaders as exemplars

Recommendation 21 – Leadership Compact

Develop a compact about how the executive team and SES will work together collaboratively and display leadership to the rest of the organisation, and will demonstrate fidelity and loyalty to the organisation and CEO as required under common law. Undertake intensive team-building and performance-setting work, initially with the three Executive Directors, then with all SES, to achieve this. As part of this compact, include a requirement to support each other's areas with resources and information to support the work of the ACC. Include a commitment to this compact in the performance agreements of all SES.

Recommendation 22 – Performance agreements for SES and ELs

Establish performance agreements for all SES and ELs which include clear expectations about appropriate collaborative and collegiate behaviours, in line with the APS Values and Code of Conduct, and implementing the cultural and work practices reform agenda. Hold reviews each quarter with each SES and EL employee to discuss performance and identify any remedial or other steps required.

Recommendation 23 – Address leaders' performance and conduct issues quickly

Act quickly and appropriately when SES and ELs are not behaving in accordance with these agreements. Do not wait only for quarterly review times to address problems.

Recommendation 24 - Executive coaching

Provide executive coaching to all SES about achieving the expectations set out in their new performance agreements, particularly about behaviours and cultural and work practices reforms.

Recommendation 25 – Address any impact of alcohol on ACC work

In line with clauses 147-149 of the current ACC Enterprise agreement, enforce a requirement that no staff, whether in high-risk or non-high risk roles, will allow the consumption of alcohol to interfere with their work or the integrity of the ACC.

Recommendation 26 – Management and Leadership Development

Develop or strengthen the targeting of development initiatives available to SES and EL staff, and others with supervisory responsibilities, to enhance management and leadership skills. This should adopt the 70:20:10 rule preferred by the APSC. This refers to 70% on the job, 20% network or relationship-based learning (eg mentoring, participating in learning groups) and 10% formal learning (courses, programs etc). For SES staff, recent 360 degree feedback could serve as a starting point for consideration of learning and development needs.

Recommendation 27 – Leaders communicating with staff

Support SES, ELs and other managers to communicate with their staff about appropriate behaviours and the cultural and work practices reforms. This could include the HR and communications areas (or the cross-agency reform leaders) providing talking points each month to managers to use to brief their teams about progress.

Integrity and accountability

Recommendation 28 – Handling complaints and issues

Review the handling of complaints, integrity issues and reports of interpersonal conflict to ensure that policies and processes meet APS standards and requirements. This should include:

- Appropriate internal complaint escalation procedures areas such as discrimination, bullying, inappropriate political activity, misuse of power, staffing decisions, interfering in lawful or appropriate agency processes etc
- using qualified mediators and independent investigators when required
- dealing with issues in a timely way
- providing feedback to complainants to the appropriate extent

Recommendation 29 – Staff raising issues safely

As part of the complaints handling procedures, establish mechanisms so staff can raise issues of concern about practices or behaviour safely, not necessarily through their line manager, knowing that they will be addressed and, where possible, they will be given feedback about actions taken. These mechanisms will make staff feel more comfortable about reporting inappropriate behaviour (eg to reduce the incidence of people who feel they can only do so anonymously, or those who feel that nothing – or nothing adequate – will be done in response). Such complaints could include bullying, grievances and also minor areas of concern. Staff should not have to complain in writing and need to know that they will not be the subject of recrimination.

Recommendation 30 – HR resources and capability

Examine whether the People, Integrity and Change area has the expertise and resources to manage complaints, conflict, integrity issues, and to take a proactive approach in embedding the APS Code of Conduct, Values and Employment Principles in the ACC. Also consider its structure particularly with regard to HR support for non-Canberra staff. In this context, put measures in place to ensure that HR staff are exemplars in the application of APS and ACC policies eg in terms of recruitment, redeployment and redundancies, and advice on managing behaviours etc. HR staff may require further training, quality assurance mechanisms for major decisions, and external support for difficult, specialised issues, underpinned by clear and well-publicised policy and procedures.

Recommendation 31 – Managing underperformance

Strengthen performance management practices in the ACC to address issues of:

- performance issues not being dealt with early and quickly enough;
- perceived lack of support for managers who do try to tackle underperformance (provision of targeted support for managers, through internal or external advisers is recommended);
- perceived tendency to move people rather than deal with performance; and
- issues of those being performance-managed claiming bullying by management to stall the process.

Refer to the APS Commissioner's Performance Management Directions, December 2014, which came into effect on 1 July 2015.

Recommendation 32 – Work Health and Safety review and strategy

Conduct a comprehensive audit of WHS policy, risk management strategy and practices. A significant number of WHS-related matters were reported to the inquiry, including:

- inadequate risk management strategy;

- a number of reported and unreported stress cases and work-related illnesses and associated absenteeism;
- risky work-related practices (including a focus on quick results in work that might need longer timeframes, and also specific issues re Human Sources and their handlers);
- high stress levels, and some management intolerance for any mention of stress or the need for support; and
- State Managers having administrative responsibility for staff in their State offices but in some cases not having line management responsibility for them. In some risky situations, if there is an incident causing a medical issue or an injury a court would be likely to look only at the governing employment law and related instruments and consider whether the administratively responsible manager was exercising all reasonable care to avoid any reasonably foreseeable risk to the employee.

s 47C

[redacted]

Recommendation 33 – Workplace Health and Safety resources and contact officers

Ensure the People and Integrity area has sufficient resources to implement the outcomes of the WHS audit and undertake ongoing WHS responsibilities. Establish or reinvigorate an effective and prominent network of Workplace Health and Safety Officers, across the ACC.

Recommendation 34 - Review of recruitment policy and practices.

Implement recruitment practices that are fully in line with the APS Employment Principles – particularly with regard to the merit principle. This includes ensuring that patronage and favouritism is not exercised in selection processes; and that formal selection processes have an appropriate composition of selection panels, appropriate selection criteria, confidentiality and record-keeping arrangements, and transparent decision making. For informal recruitment processes (eg short-term, or movement at level) ensure that communication about decisions is clear and timely. Overseas and other significant positions should be filled through transparent processes.

Recommendation 35 - Resource usage - travel

Reform and embed guidelines on **travel** approvals and expenditure to address the significant number of concerns raised about inappropriate practices or excessive expenditure. This may be accompanied by a tightening of line areas' travel budgets, to focus behaviours on appropriate use of limited public funds. It may also be appropriate to combine this with other initiatives (e.g. using video-conferencing arrangements, rather than inter-state travel, where ever possible). Decisions should be based on the APS Code of Conduct element that requires resources to be used "in a proper manner for a proper purpose"

Recommendation 36 - Resource usage - attendance

Reform or reinforce existing guidelines on **attendance** to address the significant number of concerns raised about what is acceptable practice, and how managers can account for where their staff are each day (which is strongly related to their WHS responsibilities). Staff should be reminded that their paid work hours are a public resource, and the APS Code of

Conduct element requires resources to be used "in a proper manner for a proper purpose"

Building and maintaining ACC's reputation

Recommendation 37 – Representing the ACC to others

Include in the Charter of Respect (Recommendation 9) a requirement that staff respect and protect the ACC in the way they behave and communicate with external parties, particularly partners. This is critical to build and maintain the ACC's reputation for professionalism and delivery.

As an APS Agency

Recommendation 38 – Educate about legislation, policies and frameworks that apply to APS agencies

In orientation programs, and then as a refresher once a year, provide staff with information and training as necessary to inform them about the legislation, policies and frameworks that govern their employment and behaviour in the APS. This would cover the:

- *Public Service Act;*
- APS Values, the APS Code and APS Employment Framework;
- *Public Governance Performance and Accountability Act;*
- Public Interest Disclosure scheme;
- *WHS Act ;* and
- The requirement to serve the Minister and Government of the day.

Require all SES and EL staff to sign off annually that they have had a refresher session for themselves and their staff.

----------o0o0o----------