

Finance and Public Administration Legislative Committee

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Australian Public Service Commission

Estimates 2004-05 – Supplementary Written Questions February 2005

Question: PM3

Topic: Breaches of the Code of Conduct

Senator Carr asked: Such as the Child Support Agency or DIMIA? There were 20 breaches investigated per 1,000 employees. They had high rates of breaches recorded as well. Were many of these proven? You can tell the committee how many of those breaches were proved. I would like to know whether or not the Commission has any concerns about the patterns that are emerging.

Answer: In the Child Support Agency there were 214 employees investigated for suspected breaches of the Code of Conduct. Of those employees, 82 (38%) were found to have breached the Code of Conduct. At DIMIA there were 104 employees investigated for suspected breaches of the Code of Conduct. Of those employees, 24 (17%) were found to have breached the Code of Conduct.

With regard to emerging patterns, the Commission has undertaken an evaluation into agency management of suspected breaches of the Code of Conduct which addressed the issues of:

- large differences amongst agencies in the number of investigations per 1,000 employees; and
- the types of sanctions imposed.

The findings of this evaluation are outlined on pages 120-123 of the *State of the Service Report 2003–04*. A key finding was the effect of different agency approaches on the comparability of statistics on rates of investigations among agencies. Some agencies appear relatively quick to initiate formal investigations in relation to reported breaches of the Code of Conduct, whereas others will only do so after some form of often quite detailed informal investigation that indicates that a formal determination that the employee has breached the Code of Conduct is very likely.

In addition, the evaluation found that there are definitional differences between agencies about what they record as a finalised investigation. In one agency this might mean a case that has been fully investigated under procedures approved by the agency head and a determination made that the employee had (or had not) breached the Code of Conduct, while in another it might include cases that were handled less formally (in relation to this issue, the agency survey asked agencies to provide details only of employees subject to formal investigations under the agency's formal Code of Conduct procedures). These inconsistencies will be rectified in future agency surveys.

Other key findings of the evaluation include:

- agencies took misconduct seriously;
- agencies should provide greater guidance to managers and supervisors about what constitutes 'minor' misconduct and what procedures/processes should be used to deal with various types and levels of misconduct;
- employees who are given the role of investigating and determining a suspected breach should also be given the resources and training required to fulfil the role to a high quality; and
- it would be desirable to achieve more consistent sanctions within and between agencies for broadly similar breaches (allowing, however, enough flexibility to take into account the particular circumstances of each case, ensuring a simplistic 'formula' approach is not adopted).

The Commission will be releasing a good practice guide later this year on managing suspected breaches of the Code of Conduct. The good practice guide will draw on the findings of the evaluation and provide agencies with practical guidance.