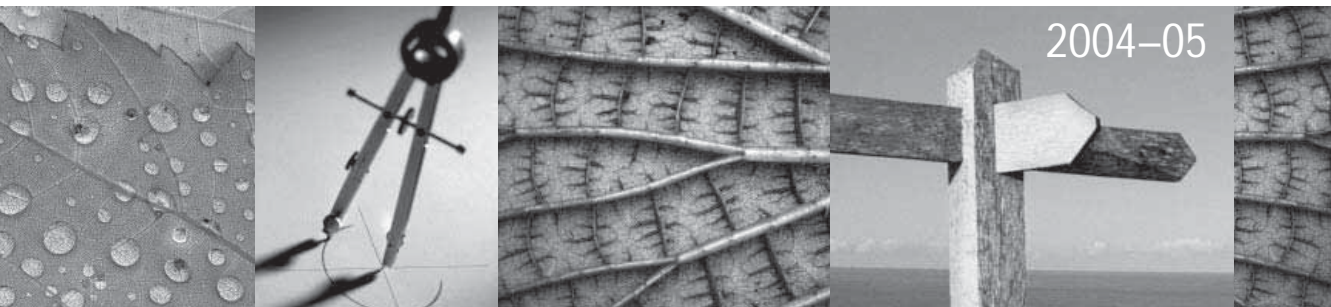




Australian Government
Australian Public Service Commission

State of the Service Report

2004–05



State of the Service Series 2004–05

The Values and relations with the Government and the Parliament

Public servants, Ministers and parliamentarians operate under the law within a democratic political system in which there is ultimate accountability of governments to the Australian people through the electoral process. Ministers and governments as the elected representatives of the Australian people determine and define the public interest through government programmes and policies. The APS advises the Government and implements its programmes and policies, and has clear responsibility to protect the public interest in terms of ensuring compliance with the law and promoting due process for administrative decision-making. It also has a vital role in providing a longer-term perspective to decision-making and policy development.

Three of the Values are central to the relationship between the APS and the Government and the Parliament:

- The APS is apolitical, performing its functions in an impartial and professional manner.
- The APS is openly accountable for its actions, within the framework of ministerial responsibility to the Government, the Parliament and the Australian public.
- The APS is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programmes.

This chapter explores these Values in practice in relation to several important aspects of the accountability and governance framework underpinning the work of public servants. Specifically, the chapter examines aspects of agencies' and employees' interactions with the Government and the Parliament, including dealings with Ministers and ministerial offices. It also addresses employees' experience of an important accountability issue—record keeping.

Relations with the Government

As mentioned above, the Values require that APS employees be responsive to the Government, and also apolitical and openly accountable. A related requirement of the Code of Conduct (the Code) is that APS employees maintain appropriate confidentiality in dealings with Ministers and their offices—a critical factor for a relationship built on trust and cooperation.

Both the agency and employee surveys explored aspects of the relationship between the APS and the Government. The key results of both surveys are presented below.

Responsiveness to Ministers

To monitor how agencies are meeting their obligations of responsiveness to Ministers in terms of providing frank, honest, comprehensive, accurate and timely advice and services, the agency survey again asked agencies to advise on the quality control and evaluation measures they use.

Most agencies providing regular services to Ministers include in their portfolio budget statements target measures of the level and quality of those services, against which they report performance in their annual reports. This report does not attempt to summarise those performance results but to assess in general terms the adequacy of the quality control and evaluation measures being used, as reported in the agency survey.

Fifty-nine agencies reported providing regular (i.e. monthly or more frequent) services or advice to Ministers. Large agencies (100%) are much more likely to provide regular services or advice than medium (73%) or small (54%) agencies. These results are similar to last year's.

Consistent with last year's results, all 59 agencies providing regular services or advice reported having at least one *quality control* measure¹ in place, while 49 agencies indicated that they had at least one *evaluation* measure² in place during 2004–05. Also consistent with last year's results is that 90% of relevant agencies this year reported having three or more formal measures in place to ensure quality or evaluate the quality of services provided.

The most common *quality control* measures reported were the specification of a minimum classification for signing off ministerial briefs and a central function for the quality assurance and coordination of written material to and from Ministers' offices (both were reported by 97% of relevant agencies). Over half (61%) of relevant agencies reported having a policy in place requiring that telephone contact with ministerial advisers be limited to certain classification levels.

The most common *evaluation* measure was some form of internal peer review to evaluate ministerial advice (64% of relevant agencies). The other measures reported

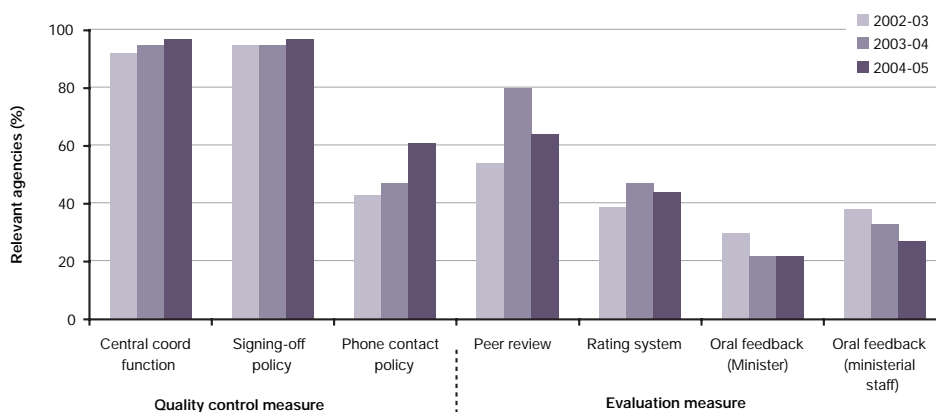
¹ In the agency survey, quality control measures were 'central coordination function for the quality assurance and coordination of written material to and from the Minister's office', 'policy/protocol on minimum classification level for signing off ministerial briefs', and 'policy/protocol on minimum classification level for phone contact with ministerial advisers'. Agencies were also asked to specify other measures in place.

² In the agency survey, evaluation measures were 'formal ministerial feedback is collected via some form of rating system', 'requirement that oral feedback is collected from Ministers', 'requirement that oral feedback is collected from ministerial staff', and 'some form of internal peer review is undertaken of written briefing material'. Agencies were also asked to specify other measures in place.

were the use of a formal rating system to collect ministerial feedback (44%), a formal requirement that oral feedback is collected from ministerial staff (27%) and a formal requirement that oral feedback is collected from the Minister (22%).

Agency survey responses indicate that the use of quality control and evaluation measures in the APS has varied somewhat over the last three years. While overall the use of quality control measures has remained steady, the results show that there has been an increase in the proportion of agencies having a policy in place requiring that phone contact with ministerial advisers be limited to certain classification levels (from 43% to 61% of relevant agencies). As Figure 3.1 shows, there is no clear pattern in the use of evaluation measures over the last three years. There has, for example, been a steady downward trend in the use of oral feedback from ministerial staff (from 38% to 27% of relevant agencies), yet the use of peer review has fluctuated over the three years.

Figure 3.1: Quality control and evaluation measures for services to Ministers, 2002–03 to 2004–05



Source: Agency survey

This year’s agency survey also asked those agencies that collected formal ministerial feedback via some form of rating system about the criteria they used and the agency’s overall rating result for 2004–05. Of the 26 agencies that used some form of rating system to seek formal ministerial feedback, the criteria these agencies were most likely to use were quality of material (88%) and timeliness (81%).

When the overall satisfaction rating in 2004–05 for the 26 agencies was examined, just under half reported that their overall rating was 100% satisfactory (23%) or 95–99% satisfactory (23%). A further 23% of relevant agencies reported that they were not sure what their overall rating was, while an additional 23% outlined that an overall satisfaction rating was not applicable. The remaining 8% of relevant agencies reported that their overall satisfaction rating was either 80–89% or 70–79% satisfactory.

Previous State of the Service reports suggested that more effort by agencies was needed to obtain regular feedback from Ministers and their staff. Unfortunately, this year’s results show that even fewer agencies are obtaining such feedback. It may be that the figures reflect in part greater stability amongst Ministers and senior public servants in recent years, and reduced pressure from Ministers for further service level improvements

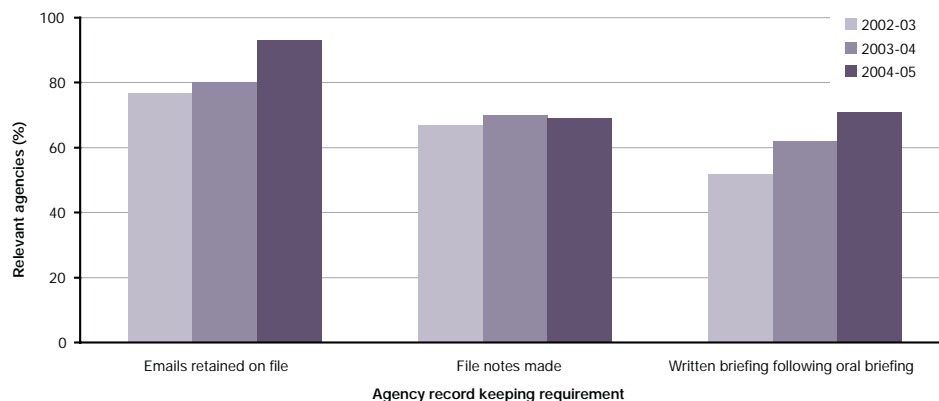
or from agencies for clarity about their assessed performance. Even if this is so, regular feedback from Ministers and their staff remains an essential element of any strategy to improve service, and there are risks in complacency.

APS agencies seeking guidance in this area are encouraged to refer to the ANAO's better practice guide on managing parliamentary workflow, which stresses the need for regular feedback.³ The guide is intended to assist agencies in managing ministerial and parliamentary support arrangements.

Agency policies and protocols

Most agencies also report having explicit policies on record keeping in relation to interactions with ministerial offices. Almost all (93%) relevant agencies report that they have protocols requiring that hard and/or electronic copies of significant email communication with advisers be retained on file. Seventy-one per cent of relevant agencies require that oral briefing to Ministers or advisers be followed up by written briefing where appropriate, and 69% of relevant agencies require that file notes be made after significant discussions with Ministers or advisers. Figure 3.2 shows that over the last three years there has been an overall trend toward agencies having such requirements in place.

Figure 3.2: Agency record keeping requirements, 2002–03 to 2004–05



Source: Agency survey

The survey also asked agencies whether they had certain measures in place to assist employees in their dealings with ministerial offices. In response, 56% of relevant agencies reported having agreed unwritten processes in place for resolving staff concerns that may arise about the nature of requests from ministerial offices. This year six agencies reported having written processes of the same kind—up from only one agency in 2003–04. In addition to these processes, 39% of relevant agencies indicated that they provide training for relevant employees in interacting with ministerial offices. Generally, these results are consistent with those reported last year. Further discussion of the level of awareness of agency protocols amongst employees is included later in this chapter.

³ ANAO, *Better Practice Guide on Managing Parliamentary Workflow*, April 2003, <<http://www.anao.gov.au>>

Employee contact with ministerial offices

According to this year's employee survey results, 20% of APS employees had been in direct⁴ contact with Ministers or their advisers in the previous 12 months.⁵ This is consistent with last year's result and confirms that interaction with Ministers and their advisers throughout the APS is occurring on a wide scale.

Seventy-three per cent of SES employees, 35% of EL employees and 15% of APS 1–6 employees reported having had direct contact with Ministers and/or their advisers in the last year. Contact was far higher in departments (31%) than other agencies (13%), and in the ACT (33%) than elsewhere (14%). These results are all consistent with the findings reported last year.

Relevant employees were asked a question about the types of matters upon which they came into direct contact with Ministers and/or their advisers. Consistent with last year, respondents indicated that most of the contact was related to the provision of advice and factual information. It can be seen in Table 3.1 that the variation in the types of matters upon which employees came into contact with Ministers and/or their advisers has remained largely consistent over the last two years. Nevertheless, this year there was a significant decrease in the proportion of relevant employees who had come into direct contact with Ministers and/or their advisers in relation to providing advice and constituent issues. This decrease may be partially affected by the introduction of the Local Liaison Officers (LLO) programme by the Department of Human Services (DHS) in February 2005. The LLO programme was established to provide faster and more coordinated support for Senators and MPs when constituents raise issues with them concerning any DHS agency (Centrelink, Medicare Australia, CSA, CRS Australia (CRS), Australian Hearing and Health Services Australia (HSA)).

Table 3.1: Types of matters upon which relevant employees came into direct contact with Ministers and/or their advisers, 2003–04 and 2004–05

Type of matter	Relevant employees (%)	
	2003–04	2004–05
Provision of advice (e.g. policy, legal, programme delivery)	58	52
Provision of purely factual information (e.g. programme-related information)	57	54
Parliament-related functions (e.g. tabling of documents, possible parliamentary questions, correspondence)	32	28
Provision of public affairs support for the Minister (e.g. preparation of speeches, draft media releases)	30	32
Constituent issues (e.g. electorate briefing, individual constituent matters)	25	19
Administrative arrangements (e.g. arranging travel or meetings)	16	17

Source: Employee survey

Overall, 34% of relevant employees had had direct contact in relation to at least three of the above types of matters; 26% had had direct contact over two types of matters and 40% over one type of matter. SES employees are much more likely to have direct

⁴ 'Direct' was defined as contact in person, by telephone or email.

⁵ Coding of an open-ended response option in a subsequent question about the type of matters upon which respondents had direct contact with Ministers and/or their advisers involved the removal of responses considered irrelevant (e.g. where the response was not related to the question, where comments indicated that contact was marginal such as at an all-staff meeting or non-work related such as social contact). The removal of these irrelevant responses brought the overall result down from 21% to 20%.

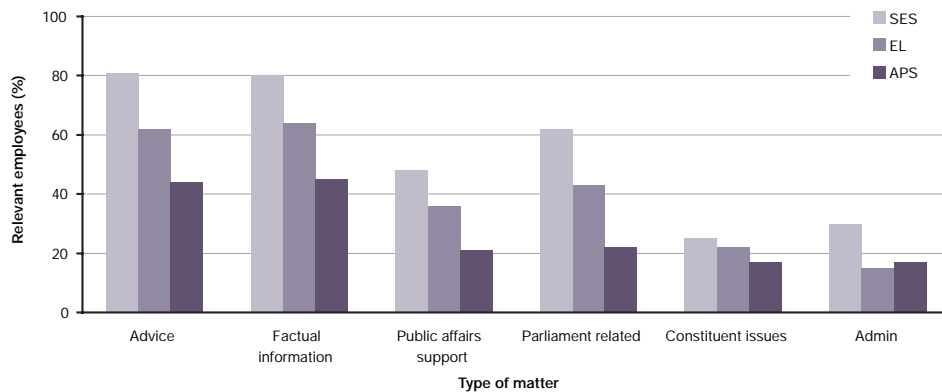
contact over multiple matters (65% of relevant SES employees had had contact in relation to at least three matters compared to 47% of relevant EL employees and 23% of relevant APS 1–6 employees). These results are consistent with those reported last year.

Also consistent with last year’s findings were the substantial differences in the types of matters dealt with when location was taken into account. Relevant employees in the ACT, for example, were much more likely than those outside the ACT to have come into direct contact with Ministers and/or their advisers in relation to advice (56% compared to 48%), factual information (58% compared to 49%), Parliament-related functions (47% compared to 13%) and public affairs support (40% compared to 13%). However, this year location was not related to the likelihood of relevant employees having had direct contact in relation to constituent issues (in 2003–04, relevant employees outside the ACT were much more likely to have had direct contact over constituent issues).

For the second consecutive year, relevant employees working in departments were more likely than those working in other agencies to have had direct contact over all types of matters other than providing advice (both around 52%) and constituent issues (both around 19%).

As outlined above, the employee survey results confirmed that SES employees were generally more likely to deal directly with Ministers and/or their advisers than APS 1–6 employees. It is worth noting, however, that direct contact in relation to advice and factual information was still high for relevant APS 1–6 employees. Just under half (44%) of relevant APS 1–6 employees who had been in direct contact with Ministers and/or their advisers in the last 12 months had done so in relation to the provision of advice (compared to 62% of relevant EL employees and 81% of relevant SES employees). This finding is consistent with that of last year. Figure 3.3 shows the variation by classification for 2004–05.

Figure 3.3: Nature of relevant employee contact with Ministers and/or advisers by classification level, 2004–05



Source: Employee survey

Overall, the employee survey results confirm those reported last year, and show that one in five APS employees had been in direct contact with Ministers and/or their advisers during the last 12 months. They also confirm that where direct contact had occurred it was overwhelmingly in relation to matters of substance (such as the provision of advice and factual information) rather than administrative support and, particularly for more senior employees, was more likely to be in relation to multiple types of matters than a single type of matter.

Notwithstanding the lack of historical data, this level of interaction is almost certainly far greater than in the past. The extent and nature of contact between APS employees and ministerial offices is likely to be related to increased expectations from the public and the media around communication and responsiveness, with developments in ICT creating expectations in the media (and elsewhere) of an almost instantaneous access to a plethora of information. These developments, in turn, have been among the key drivers of the steady increase in the number of advisers over the last twenty years.⁶

The increasing reliance of government on advisers and the extent to which APS employees now interact with them requires that advisers and relevant APS employees share a common understanding of, and respect for, the necessarily different roles and responsibilities of the political and administrative arms of government. Alongside this there is a need to ensure that all APS employees are not only aware of, but understand and can readily access, any specific requirements concerning their interactions with ministerial offices including the guidelines on official conduct⁷ and agency protocols.

Employee awareness of agency protocols

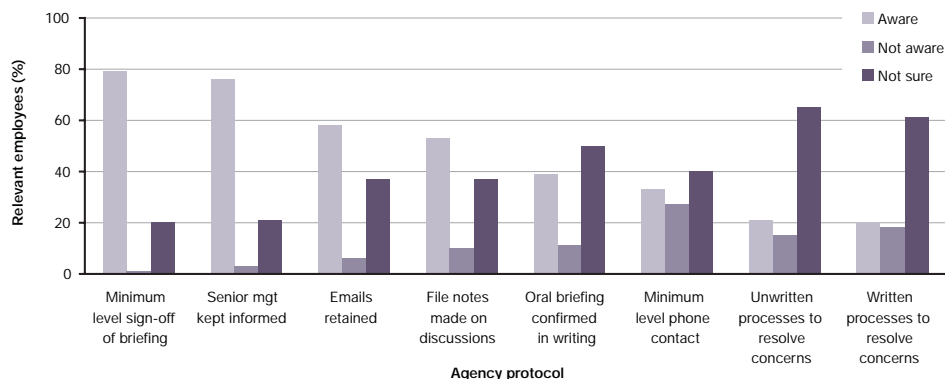
Agencies apply various policies and practices to manage their interactions with Ministers and their offices to ensure the provision of quality services, to manage workload efficiently and to meet their statutory obligations, including those arising under the Act and financial legislation. These policies and practices may be set out in formal written requirements or applied in less formal ways; in both cases agencies have an obligation to ensure that employees understand their responsibilities and agency expectations.

As has been highlighted in previous reports, substantial proportions of relevant employees (i.e. those who have had direct contact with Ministers and/or their advisers in the past year) were unsure of whether their agency had specified protocols in place to guide employees' interactions with Ministers' offices. This year, for example, 37% of relevant employees were not sure whether their own agency had a protocol in place requiring that significant email communications with advisers be retained. The level of awareness of agency protocols for relevant employees is shown in Figure 3.4.

⁶ For more detailed information regarding the increase in adviser numbers see: Australian Public Service Commission, *State of the Service Report 2003–04, 2004*, <<http://www.apsc.gov.au>>

⁷ Australian Public Service Commission, *APS Values and Code of Conduct in Practice: A Guide to Official Conduct for APS Employees and Agency Heads, 2003*, <<http://www.apsc.gov.au>>

Figure 3.4: Relevant employee awareness of agency protocols, 2004–05



Source: Employee survey

Clearly, some protocols by their very nature are more likely to have a reasonably high profile among employees likely to be in direct contact with Ministers and/or their advisers. Mandatory requirements around process issues, such as minimum classification level sign-offs on written briefings, for example, are more likely to be known to employees than agency protocols or practices for dealing with specific issues as they arise (e.g. processes for resolving employee concerns about the nature of requests from ministerial offices). However, as Figure 3.4 indicates, very significant proportions of relevant employees (up to 65%) were not sure whether their agency had certain protocols in place, and this is a matter of concern. It is of even greater concern that there does not appear to have been any improvement in the level of awareness of agency protocols amongst relevant employees over the last two years.

While Figure 3.4 provides a useful representation of APS-wide results, the data on which it is based does not enable the analysis to reflect whether or not an agency does in fact have the protocol in place. Examination of large agency results of the employee and agency surveys, however, can provide statistically reliable evidence of relevant employees' awareness of protocols relative to whether those protocols are actually in place. As Table 3.2 highlights, there continue to be substantial proportions of relevant employees working in agencies that have protocols in place who are either not aware or unsure about the existence of such protocols. This level of uncertainty is disturbing, especially regarding the protocol requiring that oral briefing to Ministers or Ministers' staff on key issues is confirmed in writing (including emails or follow-up minutes). Nine large agencies reported in the agency survey that they had this protocol in place and yet between 37% and 66% of relevant employees working in those nine large agencies were not sure whether their agency had such a protocol.

Table 3.2: Relevant employees' awareness of protocols to guide interactions with ministerial offices—employees in large agencies that reported the protocol(s) in place, 2003–04 and 2004–05

Agency Protocol	Year	Number of large agencies with protocol in place	Employee survey results (% range)		
			Aware of protocol (%)	Not aware of protocol (%)	Not sure (%)
Requirement for a minimum classification level for signing off ministerial briefs	2004–05	15	52–96	0–8	4–48
	2003–04	12	69–99	0–7	1–27
Requirement for a minimum classification level for phone contact with ministerial office advisers	2004–05	3	13–26	28–35	46–52
	2003–04	2	23–32	28–33	41–44
Requirement that oral briefing to Ministers or Ministers' staff on key issues is confirmed in writing (including emails or follow-up minutes)	2004–05	9	24–63	0–20	37–66
	2003–04	3	27–39	16–23	44–55
Requirement that file notes are routinely made after significant phone calls or oral discussions with Ministers and ministerial advisers	2004–05	10	30–65	6–20	28–61
	2003–04	6	31–62	9–26	25–45
Requirement that significant email communications with ministerial advisers be retained	2004–05	13	47–75	1–12	19–48
	2003–04	8	43–87	5–21	8–49
Agreed <i>unwritten</i> processes for resolving staff concerns that may arise about the nature of requests from ministerial offices	2004–05	9	16–29	6–24	53–71
	2003–04	10	21–33	0–20	48–78
Agreed <i>written</i> processes for resolving staff concerns that may arise about the nature of requests from ministerial offices	2004–05	2	8–32	6–32	61
	2003–04	0	NA	NA	NA

Note: The ranges provided are derived from agency-specific employee survey results of up to 15 large agencies in 2004–05 (and 12 large agencies in 2003–04) that reported the protocol(s) in place. They do not include the APS-wide results.

Source: Agency and employee surveys

Clearly, agencies need to do more to ensure that employees are aware of agency protocols in place to support their interactions with Ministers and their advisers.

There will inevitably be situations in which employees are uncertain about how to respond to a request from the Minister or an adviser: sometimes their concerns will be entirely legitimate; and sometimes the concern may reflect a misunderstanding of the request or inappropriate protection of a previous policy or practice. Public servants must be responsive to government, but they are also required to be apolitical and accountable, and to comply with the law. Agencies should establish whether there are particular issues that present challenges to their staff from time to time and recognise that these issues might call for more specific guidance in addition to that available from the Commissioner or from the Department of the Prime Minister and Cabinet (PM&C).

This is not to suggest that every agency practice or policy should be set out in detail in writing; however, relevant employees should be made aware of agency protocols (whether written or not) and where they can turn for support and advice.

In 2003, the Commissioner released *APS Values and Code of Conduct in Practice*,⁸ a guide developed to assist APS employees to understand the practical application of the Values and the Code in both common and unusual circumstances, and to assist agency heads to establish policies and procedures that promote the Values and ensure compliance with the Code. The parts of that guide that bear on interactions with Ministers and their advisers should be familiar, and readily accessible, to all employees who may become involved in those interactions.

To provide APS employees with further guidance in interacting with Ministers and their advisers the Commission has developed a good practice guide, 'Supporting Ministers, Upholding the Values'. The Commission expects to release this guide in 2005–06 and anticipates examining the uptake of the better practice guidance outlined in this publication in next year's report.

More generally, relations with the Minister and their office are likely to be managed better—consistent with the Values and any agency policies and practices—if there is a culture of open discussion within the agency that can shape the approach employees take in particular situations, and give confidence that they will exercise good judgment consistent with the Values. A strong leadership role must be played by senior managers in this respect. Employees faced with difficult situations, and inexperienced employees, need to be able to discuss the problems, without fear, with more senior managers and/or a central area of expertise and support, rather than be left to make decisions on their own and feel isolated. The benefits of seeking guidance should not be underestimated; and exist for employees at every level. Some comments about agency protocols from the employee survey highlight some of the issues employees are currently facing in their agencies.

Though I know of no protocols for recording dealings with advisers, I do so to protect myself. This is a growing part of the job and there needs to be a lot more done on this to protect APS officers and the APS Values we are employed to uphold. Advisers are political and often want to amend briefing to give it a political slant. Holding a good line against advisers' requests to compromise 'frank and fearless' advice depends more than anything on SES being prepared to sign off on good quality briefs and resist pressure to compromise.

I keep records of my involvement and work for the Minister and their staff. However, I have not seen, nor been made aware of, any Departmental protocols to guide interactions with ministerial offices.

You can have all the protocols you want, but if the Minister's office wants something you give it to them ... In previous jobs I had been told by my SES to NOT put things on email so there was NO record of it.

employee survey

⁸ Australian Public Service Commission, *APS Values and Code of Conduct in Practice: A Guide to Official Conduct for APS Employees and Agency Heads*, 2003, <<http://www.apsc.gov.au>>

The evidence suggests that agencies need to put further effort into promulgating and actively supporting policies or protocols on employees' interactions with Ministers and their offices. The consistency and strength of the survey evidence of the last three years suggests that this should be a priority for the APS.

Challenges in managing the relationship

Consistent with previous reports, two-thirds (67%) of employees who had been in direct contact with Ministers or their advisers in the last 12 months reported that in the job they were working in they were highly or very highly confident that they could balance the Values of being apolitical, impartial and professional, responsive to the Government and openly accountable appropriately. A further 22% of relevant employees had moderate levels of confidence, and 10% had low or very low levels of confidence.

Consistent with last year's results, relevant employees' confidence across the APS is related to several factors, including:

- classification level (confidence is high amongst the SES and APS 1–6 employees, with ELs more likely to report low levels of confidence than employees at other levels)
- location (employees located in the ACT are much more likely to report low confidence and much less likely to report high confidence)
- type of agency (employees working in departments are much more likely to report low confidence and much less likely to report high confidence than employees in other agencies)
- level of familiarity with the Values (employees who were highly familiar with the Values were more likely to have high or very high confidence levels compared with employees who had moderate or low levels of familiarity with the Values)
- views on whether their immediate manager acts in accordance with the Values (employees who disagreed that their immediate manager acts in accordance with the Values had the lowest levels of confidence)
- views on whether the most senior managers in the agency act in accordance with the Values (employees who agreed that the most senior managers in the agency act in accordance with the Values were much more likely to have high levels of confidence and much less likely to have low confidence)
- views on whether senior managers in the agency lead by example in ethical behaviour (employees who agreed that senior managers in the agency lead by example in ethical behaviour were much more likely to have high levels of confidence and much less likely to have low confidence)
- overall job satisfaction (employees with low job satisfaction were more likely to report low confidence and vice versa)
- levels of pride in working for the agency and the APS (employees who were proud to work in their agency and/or the APS were much more likely to have high levels of confidence compared to employees who were not proud to work in their agency and/or the APS—who were more likely to report low levels of confidence)
- whether employees had faced a challenge in balancing the Values (employees who had faced a challenge were more likely to report low confidence and less likely to report high confidence)

- awareness of agreed written and unwritten processes in place in their agency for resolving employee concerns that may arise about the nature of requests from ministerial offices (employees who were aware that such processes were in place in their agency were much more likely to have high or very high confidence levels compared with employees who reported that such processes did not exist in their agency).

For the 15 large agencies with statistically valid employee survey responses, employee confidence levels varied widely (this finding is consistent with last year's). The proportion of relevant employees in these large agencies with high or very high levels of confidence varied from 45% to 82%; and low or very low confidence ranged from 0% to 23%.

Also consistent with the findings of previous reports, is that the majority of employees (61%) who reported having had contact with their Ministers or ministerial advisers indicated that they had not faced a challenge in balancing the relevant Values of being apolitical, impartial and professional, responsive to the Government and openly accountable. Thirty-three per cent (35% in 2003–04) said they had faced such a challenge in the last 12 months and 6% (5% in 2003–04) were not sure.

Whether or not relevant employees had faced a challenge in balancing the relevant Values when dealing with Ministers and/or their offices was related to several factors, including:

- classification level (EL and SES employees were more likely than APS 1–6 employees to have faced a challenge)
- the type of matter being dealt with (employees dealing with administrative arrangements were less likely to have faced a challenge than employees dealing with other types of matters)
- views on whether their immediate manager acts in accordance with the Values (employees who agreed that their immediate manager acts in accordance with the Values were less likely to have faced a challenge)
- views on whether the most senior managers in the agency act in accordance with the Values (employees who agreed that the most senior managers in the agency act in accordance with the Values were less likely to have faced a challenge)
- views on whether senior managers in the agency lead by example in ethical behaviour (employees who agreed that senior managers in the agency lead by example in ethical behaviour were less likely to have faced a challenge)
- level of pride in working in the APS (employees who were not proud to work in the APS were much more likely to have faced a challenge compared to employees who were proud to work in the APS).

Consistent with last year's findings, of the agency-specific results available for the 15 large agencies, results varied widely. The proportion of relevant employees in these agencies that had faced a challenge ranged from 12% to 52%.

Comments from the employee survey reflect a strong desire to make the relationship work well.

I have received lots of information as part of induction courses ... I believe balancing 'responsiveness' and impartiality will always be difficult. As a general rule, I feel able to refer instances where information requests seem too political to my supervisor.

In my experience, Ministerial advisers generally understand and respect the apolitical nature of the APS, and the advice we give. From time to time, there may be some pressure to change or ensure advice reflects the political position of the Minister, but generally this can be managed by clearly stating reasons for the advice.

Have had more 'on-the-job' training. There has been much communications of managers about dealings with the Minister's Office and what and how it can be done better.

employee survey

Agencies should take an active approach to ensuring that employees likely to deal with Ministers or their advisers have the confidence to manage the challenges that inevitably arise—after all, dealing with challenges is part of managing any relationship. As indicated above, employees likely to interact with Ministers or advisers should be assured of ready and reliable support from those around them and have confidence that their immediate and most senior managers act in accordance with the Values. This is very much a leadership responsibility, requiring open engagement with employees down the line about the judgments being made by both leaders and others in the agency. In addition, clear policies on procedures and protocols support a close relationship of trust and mutual respect between senior managers and Ministers and their advisers.

Relations with the Parliament

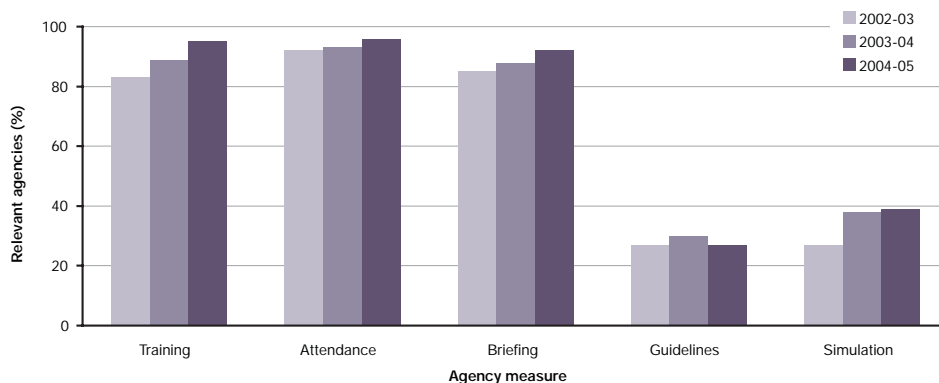
This year's agency survey asked agencies to report on the measures they had in place to ensure that SES employees understand their rights and responsibilities in relation to the Parliament.

All of the 77 agencies that reported having some or all of their SES employees appear before parliamentary committees indicated that they had at least one measure in place to ensure that SES employees understand their rights and responsibilities. The great majority (86%) of these agencies indicated that they had three or more measures in place.

The most common measures reported by agencies with SES employees appearing before committees were learning through attendance and observation (96% of relevant agencies), self-nominating attendance at training courses or presentations (95%) and internal briefing of employees prior to attendance (92%).

The results indicate that the APS has shifted its focus slightly over the last three years. Figure 3.5 shows that generally there has been an increase in the proportion of agencies relying on the measures outlined below to ensure SES employees understand their accountability obligations to the Parliament.

Figure 3.5: Agency measures to ensure SES employees understand parliamentary accountability, 2002–03 to 2004–05



Source: Agency survey

Consistent with the slight improvement this year in the proportion of agencies using training as a means of equipping their SES employees, information on overall training attendance at courses on parliamentary accountability run by the Department of the Senate, the Department of the House of Representatives and the Commission shows that attendance at such training has also improved slightly this year. Table 3.3 shows that over the last five years attendance at relevant training courses has fluctuated; however, overall attendance continues to be well below the figure recorded in 2000–01.

The overall decrease in attendance since 2000–01 can be largely attributed to the high number of participants in the ‘accountability, rights and responsibilities’ course in that year. This course was designed by the Commission in 1998–99 in response to an Order of the Senate regarding the training of SES officers in their accountability, rights and responsibilities to the Parliament. The high level of uptake in 2000–01 reflects agencies’ commitment to ensure that all new SES officers and those officers who had not attended in the previous year received training in their accountability, rights and responsibilities to the Parliament.

The Commission also deals with the accountability framework in its ‘Orientation to the SES’ training course but not in as much depth as in the ‘accountability, rights and responsibilities’ programme. The orientation course was redeveloped during 2004–05 as a three day ‘SES Orientation’ course specifically aligned with the capabilities identified in the ILS. It includes the governance requirements for senior executives and explores the relationships with Ministers and the executive arm of government. During 2004–05, a total of 67 participants attended the SES orientation course. Chapter 10 includes a more general discussion of leadership development.

Table 3.3: Attendance at parliamentary accountability training, 2000–01 to 2004–05

Course	Year	Attendance
Accountability, rights and responsibilities (a)	00–01	189
	01–02	68
	02–03	42
	03–04	16
	04–05	0 (not run)
Preparing to appear before a parliamentary committee (b)	00–01	44
	01–02	19
	02–03	13
	03–04	10
	04–05	11
Parliament, privilege and accountability (c)	00–01	53
	01–02	108
	02–03	75
	03–04	25
	04–05	125
Senate committees (d)	00–01	58
	01–02	0 (not run)
	02–03	46
	03–04	66
	04–05	57
About committees (e)	00–01	106
	01–02	30
	02–03	119
	03–04	99
	04–05	60
Total attendance at above courses	00–01	450
	01–02	225
	02–03	295
	03–04	216
	04–05	253

Notes: Courses are generally open to APS and other Commonwealth employees. (a) *The Public Servants' Accountability, Rights and Responsibilities* course run by the Commission, which is open to SES and EL employees, addresses rights and responsibilities as well as the procedures and expectations of parliamentary committee members. NB: This course was not conducted in 2004–05. (b) *The Preparing to Appear Before a Parliamentary Committee* course run by the Commission is open to SES and EL employees. It builds upon the *Public Servants' Accountability, Rights and Responsibilities* course. (c) *The Parliament, Privilege and Accountability* seminar run by the Department of the Senate is open to SES employees and focuses on the accountability of public servants to the Parliament. (d) *Senate Committees* is a seminar run by the Department of the Senate, which provides a detailed examination of the structure and operation of the Senate committee system. It is aimed at those who may be required to write submissions for committees, to appear as witnesses before committees, or to monitor the progress of committee inquiries. NB: This seminar was not conducted in 2001–02. (e) *About Committees*, a seminar run by the Department of the House of Representatives, provides detailed information on all aspects of committee work, including types of committees and how they conduct their investigations.

Sources: (a) and (b) Australian Public Service Commission; (c) and (d) The Department of the Senate; (e) The Department of the House of Representatives

The employee survey asked SES and EL employees whether they had ever received formal training in accountability, rights and responsibilities to the Parliament. One-quarter (24%) of SES and EL employees reported that they had received training in this area at some time during their career (67% of SES). When asked about training on this issue in the last 12 months, 16% of SES and EL employees had received such training (11% of SES).

To establish a clearer picture of the need for training, SES and EL employees were asked whether they had appeared before a parliamentary committee during 2004–05, with 5% indicating that they had (37% of SES had). More importantly, of those who had appeared before such a committee in 2004–05, 37% of relevant SES and ELs had not received any

training in accountability, rights and responsibilities to the Parliament at any time during their career (25% of relevant SES).

Those who had appeared before a parliamentary committee in 2004–05 were asked how well-equipped they felt they were to appear before the committee. Overall, three-quarters of relevant SES and EL employees felt well-equipped to perform before the committee (80% of SES). The remaining quarter of SES and EL employees felt that they were reasonably equipped to perform before the committee (20% of SES). Overall, these results are largely consistent with those reported in 2002–03.⁹

Previous State of the Service reports suggested that agencies have not been giving sufficient attention to training their SES employees in parliamentary accountability. Evidence outlined above points to a slight improvement in the overall focus on training by agencies and future reports will monitor whether this upwards trend continues. All new SES employees and relevant EL employees should undertake appropriate and adequate training.

Record keeping

The Values set out in the Act provide that the APS is openly accountable for its actions, within the framework of ministerial responsibility to the Government, the Parliament and the Australian public. The maintenance of effective record keeping systems allows agencies to demonstrate that due process has been followed in actions and decisions. It also helps agencies to achieve business goals by ensuring that necessary corporate information is available and accessible as required. Furthermore, effective record keeping assists employees to meet their specific obligations to Ministers, the Government and the Parliament.

Record keeping has attracted substantial attention in recent years, both in general reports such as those published by the ANAO, and in the context of specific cases of concern such as the Magnetic Resonance Imaging Services case,¹⁰ A Certain Maritime Incident,¹¹ and this year in the Palmer report.¹² Record keeping in the APS has been affected by greater public scrutiny through administrative law reform and parliamentary oversight over the past few decades, and also by increased emphasis on achieving results. While administrative law reforms, including the *Freedom of Information Act 1982*,¹³ have generally led to improvements in public administration, the risk that these reforms may inhibit formal record keeping needs to be recognised. In addition, technology has also had a major impact on record keeping practices.

In September 2003, the ANAO tabled the second in a series of audits on record keeping.¹⁴ It concluded that, although all agencies audited had taken active steps to improve their record keeping frameworks and practices, their record keeping policies, systems, and procedures were at different stages of development.

⁹ The questions that examine parliamentary accountability were not included in the 2004 employee survey.

¹⁰ ANAO, *Magnetic Resonance Imaging Services—Effectiveness and Probity of the Policy Development Process and Implementation*, Performance Audit No. 42, May 2000, <<http://www.anao.gov.au>>

¹¹ Senate Select Committee on a Certain Maritime Incident, *A Certain Maritime Incident*, October 2002, <<http://www.senate.aph.gov.au>>

¹² M.J. Palmer, *Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau: Report*, July 2005, <<http://www.minister.immi.gov.au>>

¹³ The *Freedom of Information Act 1982* provides a mechanism for the public to access information about the operations of departments and government authorities.

¹⁴ ANAO, *Recordkeeping in Large Commonwealth Organisations*, Performance Audit Report No. 7, September 2003, <<http://www.anao.gov.au>>

The following section draws on information from the 2005 employee survey, as record keeping questions were not included in the 2005 agency survey—questions examining record keeping issues are planned for inclusion in the 2006 agency survey. Unfortunately, the employee survey results for this year point to a slight decline in overall record keeping capability compared to last year. There continues to be evidence that a more strategic approach to records management and training is still required in some agencies.

Record keeping capability

The survey results show that most employees believed their agency placed a priority on effective record keeping, with the majority (87%) of employees agreeing that their agency considered good record keeping practices to be very important. This result is consistent with previous findings. Employees from medium (90%) and large (87%) agencies continue to be more likely to have agreed than those from small (72%) agencies. Agency-specific results available for the 21 large agencies showed considerable variation (68% to 98%) in the proportion of employees who agreed that their agency considers good record keeping practices to be very important. The three agencies with the highest level of agreement were CRS, Centrelink, and the Department of Education, Science and Training (DEST) (where results ranged from 93% to 98%).

This year the proportion of employees who agreed that they had received appropriate training and/or had access to information that enabled them to meet their record keeping responsibilities was similar to last year (67% in 2004–05 compared to 69% in 2003–04). Nevertheless, this proportion in 2004–05 (67%) remains significantly lower than the proportion of employees who agreed that their agency considers good record keeping practices to be very important (87%). This disparity is consistent with previous years' findings and was reflected in some of the comments provided by employee survey respondents, for example:

My agency recognises the need to keep good records but to me does not adequately resource such ideals. Any training to date has been grossly inadequate for someone in my capacity.

My agency takes record keeping very seriously at the level of principle, however there is insufficient training provided to meet these standards, nor is there enough emphasis placed on the criticality of this in everyday practical situations. The integrity of the record keeping is also an issue of great importance and of late this has seen recent emphasis placed on it, in my section at least.

Record keeping is considered very important, however I have not received training in maintaining records.

employee survey

Employees working in medium (72%) and large (67%) agencies were more likely than those in small (59%) agencies to agree that they received appropriate training and/or had access to information that enabled them to meet their record keeping responsibilities. Agency-specific results available for the 21 large agencies showed large variation in the level of agreement (41% to 85%), with four agencies (CSA, CRS, the Department of the

Environment and Heritage (DEH) and Finance) recording significantly higher levels of agreement than the APS average (where results ranged from 75% to 85% compared to the APS average of 67%).

A minority (16%) of employees in 2004–05 indicated that they had not received appropriate training and/or had not had access to necessary information. This was slightly higher than last year's result (13%).

For the first time, this year's employee survey asked employees whether their agency provided adequate equipment, facilities and/or storage to enable them to meet their record keeping responsibilities. Overall, 76% of employees agreed that their agency did provide such facilities, while 12% disagreed. Employees working in medium (79%) agencies were more likely to agree that their agency provided such facilities compared to those working in large (75%) or small (72%) agencies. The level of agreement in the 21 large agencies with agency-specific results available varied greatly from 49% to 88%. The three agencies with the highest level of agreement were CRS, DEST and ABS (where results ranged from 84% to 88%).

Although the employee survey did not ask any direct questions about the actual time available and/or the resources required to maintain adequate standards of record keeping, many respondents took the opportunity to comment on this issue. Given the level of commentary provided by employees surrounding resource implications and record keeping, further examination of this issue would be worthwhile in next year's survey.

Record keeping is an important part of the APS. However, good record keeping is the first area to suffer when other work pressures are great. There needs to be a better way to store records—e.g. electronically—or the storage of records needs to become a career structure of the APS —e.g. filing clerk.

Sometimes work pressures make it difficult to meet record keeping responsibilities.

Adequate record keeping is very time consuming, and it is simply not possible to keep up with work demands and also maintain records when the phone keeps ringing and people are queuing up behind you seeking urgent input to ministerial briefings etc.

employee survey

Key chapter findings

This year's employee survey results confirm previous findings that a significant proportion of the APS has direct contact with Ministers and/or their advisers on a range of matters and that direct contact is occurring at levels below the SES. The results also confirm that not only is the interaction extensive, but it is also overwhelmingly in relation to matters of substance (such as the provision of advice and factual information). They also confirm that interaction is not uniform across the APS and that some APS employees are much more likely to deal with ministerial offices on certain matters than others.

It is pleasing to report for the third consecutive year that, generally, confidence is quite high about upholding the Values, and relationships with Ministers and their offices would appear to generally be operating effectively and be based on trust. It is important nonetheless that agencies ensure that all their employees likely to come into contact with Ministers or their advisers have the capacity to manage the challenges that inevitably arise on occasions, and that they have available ready and reliable support from those around them. It is concerning to report for the second year in a row that substantial numbers of employees involved with Ministers and their advisers are not aware of their agency's protocols—and they should be. The large variation between agencies in this respect is also of concern. While each agency and its employees will have particular operating circumstances and types of challenges, they should draw on the Commission's forthcoming publication, 'Supporting Ministers, Upholding the Values' which also incorporates key material from the already released publication, *APS Values and Code of Conduct in Practice: A Guide to Official Conduct for APS Employees and Agency Heads*.

Agency survey results indicate that the record keeping capability of the APS continues to improve in relation to interactions with ministerial offices, as agencies place a higher priority on record keeping systems, protocols, awareness and training. However, from a broader perspective, the employee survey results for this year indicate a slight decline in the record keeping capability of the APS compared to 2003–04.