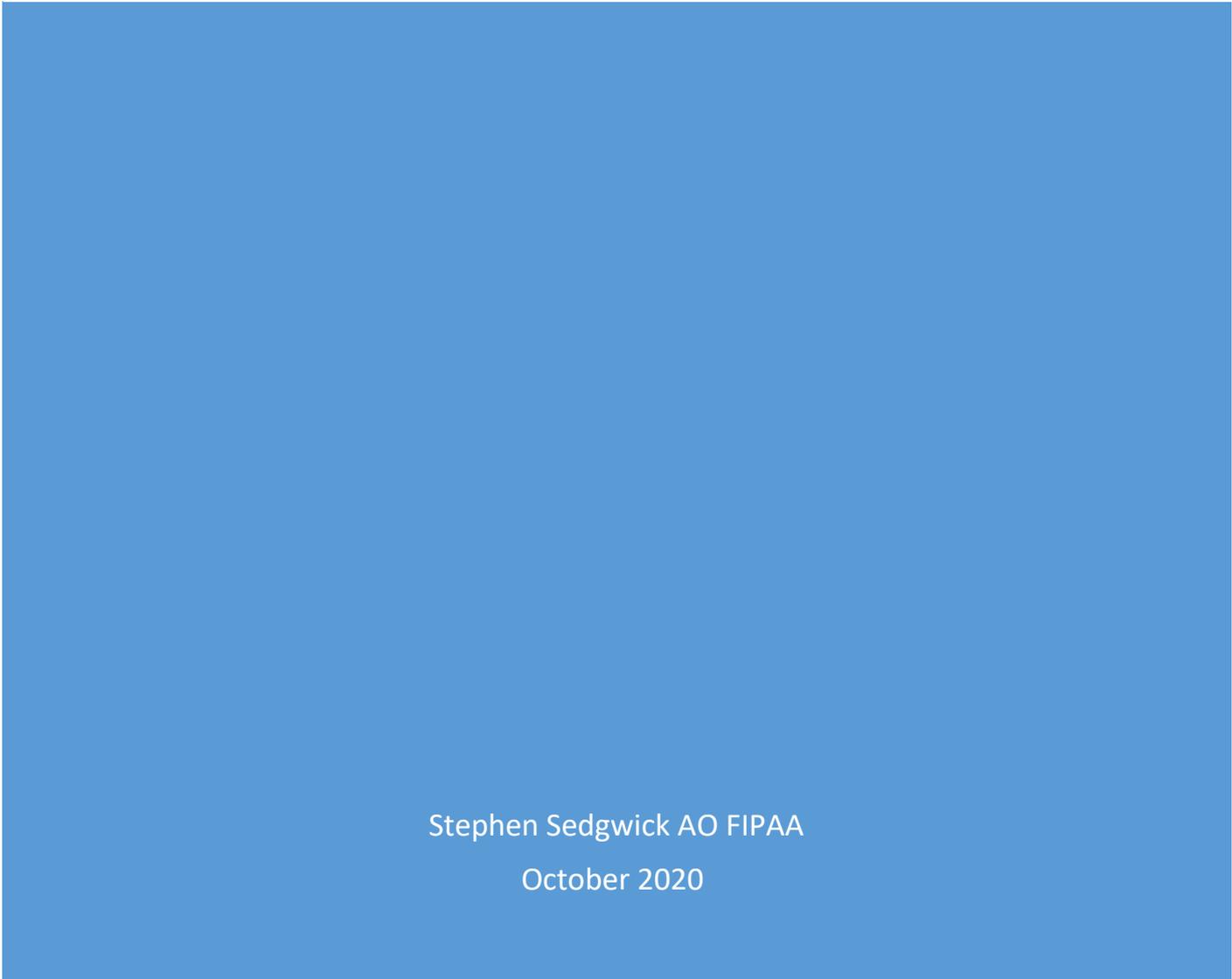# Report into consultations regarding APS approaches to ensure institutional integrity

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Report into consultations regarding APS approaches to ensure institutional integrity

Executive Summary

This reports the findings of extensive consultations and makes recommendations to assist in devising a response to Recommendation 7 of the Independent Review of the Australian Public Service (APS)[1] i.e. to reinforce APS institutional integrity and sustain the highest standards of ethics.

Also reflecting feedback from APS employees, the report adopts a broader rather than a narrow view of 'institutional integrity' – one perhaps better conveyed as 'the pursuit of high standards of APS professionalism'. Professionalism in turn, can be described in broad, aspirational terms – such as 'doing the right thing at the right time to deliver best outcomes for Australia sought by the professionally advised government of the day' (not just 'avoid doing wrong').

I found that the compliance framework to support APS institutional integrity does not currently require radical additional changes, noting the government's decision[2] to consider the establishment of a Commonwealth Integrity Commission. However, some 'no regrets' options are available to better ensure that awareness about potential integrity concerns and the skills to address them are continually refreshed as new risks emerge, as individuals assume additional leadership responsibilities, and for each succeeding generation of public servants[3].

A consistent and strong approach will help forestall the development of integrity risks that may emerge if staff perceive that poor behaviour or practices are tolerated, even possibly in respect of relatively small things, a theme which emerged regularly in consultations with staff. Adopting these options may also better embed a common language across the APS, and address some inconsistencies in approach (across agencies and, possibly, between classification levels) that may themselves raise integrity risks or lead to confused messages being received by APS employees.

My recommendations are arranged around three dimensions: awareness, capability, and accountability. They are consistent with the APS Commissioner's responsibility to assist agency heads to build the capability of the APS workforce and the government's public response to Recommendation 7 of the Independent Review. They also acknowledge that, while the APSC's role includes to provide guidance and facilitate information exchange, the principal responsibility to achieve high standards falls to Secretaries, agency heads and their leadership teams, who need to provide context, personally exemplify high standards, and embed as routine within their organisation the identification and management of integrity risks.

These proposals do not amount to a 'dramatic new initiative'. Rather they acknowledge the momentum for change occasioned by the APS's COVID agility. They build on and support initiatives

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[1] Note: this report only looks at operations in the APS, including APS Departments and APS agencies. It does cover all of the Commonwealth public sector.

[2] See P16, *Delivering for Australians, Department of the Prime Minister and Cabinet, 2019*. It is also noteworthy that the two most recent examples of possible integrity breaches were uncovered through existing integrity protection mechanisms – the first being through a PID from staff, provided to the Department concerned, and the second through the operations of the ANAO in respect of a property procurement.

[3] Recent ANAO reports reinforce the virtue of continued vigilance in public service integrity measures, including procurement and contract management.

currently underway to strengthen the long-term capability of the APS workforce and support cultural renewal. They acknowledge also the value of continual reinforcement of the APS' integrity culture and they aim to forestall the reputational hit that will inevitably follow if significant issues do present.

Some in the APS and the government may not see investing in integrity as a short-term priority. But complacency or a reluctance to invest arguably reflects a misalignment between short term objectives and the professional interests of the APS leadership, in their role as the longer-term stewards of a key national institution.

Ten recommendations are made for modest steps to better ensure a 'pro-integrity APS culture'[4]. These include that consideration be given to whether there is a case both for greater consistency in the training provided across APS agencies at different stages of an employee's career and for measures to increase participation in relevant awareness raising or capability development opportunities. A number, including those that strengthen core capabilities of emerging leaders, for example to create 'psychologically safe'[5] workplaces and to address quickly small matters of concern to staff, are expected to provide significant benefits beyond addressing integrity concerns, promoting innovation, increased productivity and effective delivery. The recommendations also include proposals to review and strengthen, as necessary, elements of the APS accountability framework.

In my view, effective delivery of the agenda of the government of the day AND quiet, but professional perseverance in shoring up the integrity platform must both be pursued, should such matters become viewed as conflicting priorities. Trust in the APS is related to its capacity to deliver – but the quality of both *what* is delivered and *how* delivery is achieved is crucial to that trust.

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[4] These appear in the section 'Analysis and Recommendations'.
[5] See P10 for an explanation of this concept.

Contents

Purpose of the report

This reports the findings of consultations undertaken with Secretaries, key Agency Heads (including the large service delivery agencies and the Integrity Agencies), former Secretaries and external observers, members of the Chief Operating Officers (COO) committee, and a selection of Australian Public Service (APS) employees, Executive Level (EL) employees and Senior Executive Service (SES) officers, some of whom have responsibilities in respect of integrity compliance or managing cultural change. Almost 150 individuals[8] were involved (details in Attachment 1). The report is also informed by an analysis of documents that some agencies have provided which set out their approach. However not all agencies responded to the request for information. Further work is required to reduce the data gaps.

The report makes recommendations to inform the Australian Public Service Commission's (APSC's) consideration of how best to progress the implementation of Guidepost 6 of the Government's *Delivering for Australians agenda: reinforcing integrity in the APS*. This agenda, arising from the Government's response to the Independent Review of the Australian Public Service[9], addresses Review Recommendation 7, which sought to reinforce APS institutional integrity to sustain the highest standards of ethics. The government's response relevantly includes[10]:

> *We are committed to good governance and integrity across the service. This means an APS that is apolitical, merit-based and committed to the highest standards of ethics. These core elements of the Westminster tradition are as important as they have ever been, and the Government reiterates the importance of the Westminster principles as the foundation of the APS. …..*
>
> *The trust that the Australian public confers on APS employees brings a level of responsibility that must be matched by the highest standards of ethical behaviour. This means that public*

6 Dr Simon Longstaff, AO FCPA The Ethics Centre, 26 October 2020 (informal transcript of Q & A, ABC TV)
7 Dr Ken Henry AC, former Secretary to the Treasury and former Chairman of the Board of the National Australia Bank, 26 October 2020 (Informal transcript of Q & A, ABC TV)
8 I acknowledge with grateful thanks the contributions that each interviewee has made to the insights that inform this Report. I also gratefully acknowledge the highly professional assistance and support provided by a small team based in the APSC, especially Bethany Rowlands, Kate McMullan and Callie Zorzi. Of course, the opinions expressed herein and any errors are my responsibility.
9 Department of the Prime Minister and Cabinet, *Delivering for Australians. A world-class Australian Public Service: The Government's APS reform agenda*, 2019
10 Op cit, P 14

servants need to act with the highest levels of integrity – consistent with the APS Values, Code of Conduct and other obligations – in everything they do

The government response further includes that '(t)he APS Commissioner will lead a series of initiatives to build a pro-integrity culture within the APS and reinforce integrity in what every member of the APS does. This will be part of an APS-wide cultural change program (responding to Review Recommendation 4) and will be reinforced in APS-wide induction, mandatory training and other core systems and processes.'[11]

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[11] Op cit, P 16

Key Findings

1. There isn't agreement about how broadly the APS' 'integrity' agenda should be cast, although the differences may reflect nomenclature rather than a fundamental disagreement about preferred behaviours.

   a. Some view the issue narrowly, namely as avoiding fraud and corruption.

   b. More typically, 'APS integrity' is believed also to include that APS employees demonstrate appropriate values, behave ethically, do 'the right thing' and 'call out' poor behaviour in the workplace or towards stakeholders. Attachment 2 includes integrity examples cited during consultations.

      *In focus groups, s*taff at all levels articulated a relatively sophisticated and broad idea of integrity. *All groups saw integrity as involving leadership, modelling, accountability, being transparent, engaging with ethical decision-making and effective delivery*. Individuals typically cited examples that gave expression to these concepts drawn from their immediate work obligations:

      o APS employees in this sample, with significant representation from citizen facing agencies, frequently focused on the protection of each citizen's privacy and data integrity.

      o ELs instanced integrity in their management practices, evidence-based decision making and 'protecting' their staff.

      o SES employees cited good decision-making, the culture of an organisation and modelling correct behaviours.

      o When asked to describe *'integrity' in one word*, the most common response from the SES cohort was '*trust/trustworthiness',* whilst ELs, APS employees and newly appointed Graduates mostly said '*honesty*'. *Acting ethically, 'doing the right thing'* and being *'principled*' also figured prominently (together attracting almost the same number of mentions overall as 'trust / trustworthiness'). '*Honesty*' received the highest number of mentions overall, slightly higher than 'trust/ trustworthiness'.

      o Achieving high standards of integrity was often identified as the way to secure and maintain public trust. A number argued, though, that fair treatment and respect for privacy need to be accompanied by not just good decision making but consistent decision making, which requires adequate record keeping.

   c. Those who defined 'integrity' along the lines of (a) nonetheless accept that good behaviours and practices typified by (b) are required of a highly professional APS.

   d. Few interviewees articulated a concept of institutional integrity that applies more broadly than the consequence of everybody adhering to (a) or (b). However, when asked they typically agreed that institutional integrity could also include:

o transparency of decision making and openness;

o the quality of consultative arrangements and engagement with stakeholders;

o the possibility that the cumulative effect of a number of individually ethical decisions may produce a sub-optimal outcome (typically referenced as the risk that grants may disproportionately flow to some claimants); and

o whether the institution is one that seeks to maximise the outcomes it achieves with the available resources or simply satisfices.

Typically, the APS does not refer to these broader matters as integrity issues, per se, however.

> *Several interviewees noted that, although typically presented to staff as values to guide individual behaviour, the APS Act 1999 describes the APS values (captured in the mnemonic ICARE) as institutional. They each begin: 'The APS is……' (s10).*

2. There isn't agreement about whether the APS currently has an integrity 'problem', though most agree that vigilance and proactive messaging is desirable to maintain public trust over time.

   a. Some, rightly, note that APS Census and other data do not suggest systemic fraud or corruption prevails in the APS. Most focus groups rated their agency as achieving '7 or 8 out of 10' in responding appropriately to integrity issues, although some in focus groups were highly critical of the capacity of APS agencies to act on low level integrity concerns.

   b. Others, including several Integrity Agency heads, argue that the APS is 'just not looking hard enough'. They say that when agencies look 'under a rock' they typically find an issue or a potential issue and that it is unrealistic to expect that the APS will be any different to the community at large, which exhibits a background level of integrity concerns amongst a small proportion of the population.

   c. Many of those consulted argue that irrespective of whether (a) or (b) is correct, awareness about potential integrity concerns and ensuring staff have the skills to address them need continually to be refreshed over time as new risks emerge, as individuals assume leadership responsibilities as they progress through their career, and for each succeeding generation of public servants. Failure to do so will add to integrity risks.

> More than one interviewee cautioned that the APS needs to remain vigilant, citing citizens require different standards of the public and private sectors despite changing social mores regarding, especially, information privacy and how individuals form opinions and express them on social media. Lax handling of data and a retreat from evidence-based decision making or policy advice by actual or prospective employees, for example, are seen as both integrity and strategic risks for the APS, which need active management.

3. There are different emphases about the most effective framework in which to address integrity issues (summarised in shorthand as 'compliance and/or culture'), although the differences can be overstated in practice.

   a. Some, especially amongst those who principally view the issue as avoiding wrongdoing, rely heavily on a *strong compliance regime* that has teeth with clear consequences in cases of wrongdoing. That regime is based on standard statutory devices (the APS Code of Conduct, Public Interest Disclosures (PID), Fraud control measures, etc), which may be supplemented with: agency specific statutes (for example, such as apply to the Australian Border Force (ABF), the Australian Bureau of Statistics (ABS) or the Australian Taxation Office (ATO)); internal checks and balances or auditing (for example, Services Australia); or continuous employment suitability monitoring, security clearances etc (for example, the Department of Home Affairs); and internal integrity units.

   b. Others principally pursue a strong focus on building an *ethical, values driven culture* with the compliance framework in support. These typically encourage and establish a strong expectation of reporting untoward behaviour rather than require reporting and, in the case of almost all the significant citizen-facing agencies, are currently accompanied by significant cultural change programs.

   c. Nowadays, in practice[12], most agencies we consulted appear to apply both compliance and cultural devices to promote integrity, the differences between agencies being ones of degree.

   d. Some agencies[13] mandate that all staff undertake integrity awareness raising training of some kind every year. Others are less prescriptive or require such training at critical times, most often at new entrant induction (not always at all classification levels) or before assuming critical roles.

      o The breadth of these interventions varies. Statutory elements of the compliance framework are commonly addressed such as PID legislation,

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[12] Both the ATO and the Department of Home Affairs, for example, initially responded to high profile integrity lapses some years ago with a strong response that featured a heavy compliance focus. Both have journeyed to now add a well-resourced culture change dimension.

[13] The lack of precision necessarily reflects the patchy responses received to an APSC data gathering exercise.

fraud awareness and measures to ensure employees understand the legislation they administer. The extent to which broader aspects are addressed varies – for example regarding ethical decision making (including using the REFLECT[14] framework) and the APS Values.

o Also variable is the balance between e-learning and group based activities. Practitioners consistently argued that best practice is experiential based interventions, with a focus on case studies and examples that assist participants to identify and navigate the 'grey areas' and complexity – most staff easily establish the correct course when the issue is 'black and white'.

> *One practitioner noted that three things matter when building an (integrity) culture: Awareness, Capability, and Accountability. Learning interventions can progress the first two, to an extent. All three require systems, processes and governance in support.*

4. Opinions vary about what language resonates most effectively with staff: 'integrity' or concepts like 'professionalism'.

   a. Some agencies consistently reference '*integrity'* in documents and other communication. Their employees with whom we spoke reported few downsides or, alternatively, that staff self-select in/out if they are (un)comfortable with the terminology.

   b. Others prefer terms such as *'ethical / appropriate behaviour' or 'professionalism'*, with less prominence given to 'integrity' per se. However, as noted in finding 1(c), above, this is in a context in which the correlation between the required behaviours and practices in each case is very high – arguably the issue is nomenclature and what language is most conducive to effective communication rather than differences of view about desired behaviours.

5. Central agencies can usefully provide guidance and act as an accessible source of 'truth', but local leaders must provide context, relevant examples and incentives. It is well accepted (at all levels) that *local leadership and effective communication* are key. Feedback during consultations, though, suggests that performance (whether actual performance or perceived performance is irrelevant for this point) can be patchy.

   a. Obviously, *'tone from the top'* is critical, especially when renewal is required or after a well-publicised integrity incident. Moreover, a discordant 'tone from the top' will render stillborn any internally generated momentum for reform. Interviewees continually reiterated that 'actions speak louder than words'.

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[14] REFLECT = **R**ecognise a potential **E**thical issue; **F**ind relevant information, **L**inger at the 'fork in the road', **E**valuate options, **C**ome to a decision, **T**ake time to reflect.

b. It is also commonplace that once tone is set from the top, leadership needs to be *'exercised at all levels'*. The EL cohort is seen as key to setting local culture in many organisations (the super-influencers) and will fill any vacuum if tone is missing from the top. The SES have legislated responsibility 'by personal example and other appropriate means, (to) promote the APS Values, the APS Employment Principles and compliance with the Code of Conduct'[15]. Discordant messages at this level can also mute or neutralise tone from the top.

c. Senior leaders can get distracted by the demands of Ministers etc and, as perceived by some staff, may not have the time to communicate effectively (for example, to explain why process short cuts are justified rather than convenient – the educative value of providing such explanations was emphasised many times during consultations).

d. Privacy, the confidentiality of discussions with Ministers and similar concerns may limit the capacity of senior leaders to communicate why decisions were taken regarding matters of interest / concern to employees (for example, the outcome of an investigation into a complaint or the rationale for adopting a policy position different to that recommended).

> More than once, we heard that time pressures are not a valid excuse for inaction by leaders against bad behaviour, including on 'the Hill', or for failure to communicate why this 'how' is appropriate in these circumstances, rather than simply convenient: 'It is their job!'
>
> One agency established a 'red team' drawn from SES staff assessed to have potential who were tasked to transparently critique process and policy changes proposed during COVID to ensure the changes were justified in principle, not just for convenience.

e. Accountability was regularly identified as the 'missing link' (see point 8, below).

6. *Effective delivery* is generally seen as the key to securing / retaining the trust of Ministers and the public. Frequently identified issues include: the desired balance between the 'what' and the 'how' of delivery; whether practice and theory about the desirable balance are adequately aligned; and whether managers have the requisite skills and aptitudes. Some argued that poor skills or aptitudes can become a source of future integrity risk, which may be difficult to reverse once embedded in workplace culture. The increased use of contractors rather than APS employees is said to pose particular challenges.

a. Most interviewees argued that 'delivery at any cost' is not and should not be the APS's objective. A 'point of difference' for the APS, which is or should be[16] embedded in the DNA, is that both the 'what' and 'the how' of delivery matter. The

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[15] APS Act, 1999, s35 (3) (c)
[16] Views differed about which is more accurate

art is to achieve both at the speed appropriate to the circumstances.

b. Discussants in focus groups (including some relatively senior people) were ambivalent about whether, in practice, sufficient priority is assigned to achieving both the desired 'what' and the appropriate 'how' simultaneously.

c. Many argued that inappropriate behaviour is not called out as often as necessary because *managers lack the skills or incentives* to 'have difficult conversations and/or tell truth to power' either with their staff or with more senior managers, Ministers or Ministerial staff. Such a capability gap can become a 'super spreader' – normalising 'walking past' inappropriate standards, which in turn can become a source of future integrity risk and may be difficult to reverse once embedded in workplace culture.

    o Some argued that poor willingness or capacity to deal with emerging poor behaviour means little things grow into bigger issues that require considerably greater effort and resources to address (with more severe consequences for the perpetrator).

    o Others argued that some managers inappropriately 'weaponise' the Code of Conduct and similar formal devices rather than deal with issues at lower cost early and informally or in a performance management context.

d. Many argued that (government-driven) incentives can appear to be misaligned and favour 'what' over 'how'. A number also argued that the approach of some Ministers and senior APS leaders when communicating government priorities may inadvertently distort the message received by staff about their proper role as professional advisers (not just implementers).

e. Contracts need to be carefully drawn and monitored to ensure that contractors, consultants and labour hire employees face appropriate incentives and accountability arrangements to also adhere to high standards of conduct and performance. The skill sets of APS contract managers also need to include capability to monitor and enforce compliance with appropriate standards amongst contractors, having regard to the different legal frameworks within which contractors may work.

> Many times, we heard sentiments to the effect that preferment, particularly but not only, in respect of promotion, can appear to be based on just technical capability not also on 'modelling a (good) culture' and achieving the 'what' appropriately. Amongst other things, technical capability is easier to measure, which may fuel perceptions that delivery (the 'what') is preferred over the 'how'.

7. Trust is built within teams when leaders create a safe space in which issues of concern can be raised without fear of adverse consequences, provided also that those concerns are then considered and properly and transparently addressed. Addressing 'little things' as they

emerge matters. The payoff from creating such a space and addressing emerging concerns extends well beyond integrity issues into delivery effectiveness, employee productivity and innovation.

   a. Empathy and the skill to conduct difficult conversations productively are key capabilities that support a high integrity workplace. These leaders 'do what they say they'll do' and model appropriate behaviour. They 'sweat the little stuff' of importance to their people, not just high-profile matters (or those of importance to their boss).

   b. Research[17] suggests workplaces that exhibit 'psychological safety' are also highly productive, collaborative, and innovative. Good 'how' supports effective delivery of good 'what'.

   c. 'Sweating the little stuff' assists with engagement and reduces 'integrity risks'. Several interviewees referenced anecdotes from the experience some years ago of a high profile APS agency to the effect that a former employee succumbed to the blandishments of criminals when they became disengaged after a succession of relatively small-scale local management actions that they perceived to be unfair (including apparent favouritism in the allocation of shifts, development opportunities and similar matters).

   d. Formal processes (Code of Conduct or PIDs, for example) are seen as high stakes and resource intensive avenues to raise an issue of concern. APS employees are more likely to 'suffer the little stuff' in silence if trust is low or there is uncertainty about whether 'little things' will receive adequate attention. Persistent inattention to such matters can become corrosive, however.

   e. Focus groups (and APS Census data) report that employees generally know where to go to raise concerns but many distrust that there will be an adequate response, especially in respect of small matters and when the issues concern personal behaviour. Some interviewees reported 'so, why bother…'? Typically trust is lower in respect of managers senior to their immediate supervisor (a finding confirmed by APS Census results over many years) but, nonetheless, can be very high in respect of even very remote senior leaders who are perceived to visibly and consistently 'walk the talk'. Such leaders are 'super influencers'.

8. Accountability of senior leaders, Secretaries, and agency heads for delivery (the 'what') is generally clear. Amongst other things, Ministers make their feelings known, if only indirectly. Accountability for the 'how' is less clear and arguably is left 'up to us', aided by oversight of integrity agencies, including ANAO and the Ombudsman. Accountability is even less clear in respect of the longer-term stewardship of the APS as an enduring institution that needs to be 'fit-for-purpose' as needs change over time.

   a. In the time available it has not been possible to establish how well in practice APS performance management and talent development systems assess and reward a

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[17] https://hbr.org/2017/08/high-performing-teams-need-psychological-safety-heres-how-to-create-it

manager's performance in building a high trust, 'psychologically safe' work environment and in modelling behaviours that support integrity / best professional practices.

b. Even some relatively senior interviewees noted that inconsistent decisions can be taken across agencies and between classification levels within an agency about whether to investigate a matter and what sanction to apply in the event of an adverse finding. While acknowledging that privacy requirements mean that such decisions can rarely be justified publicly, some claimed that senior SES may at times appear to be treated differently than other classifications in both respects, which may undermine perceptions of the integrity of the agency's approach. They perceived that lesser sanctions may have been imposed than would otherwise be expected on some occasions, after considering the individual's long career[18] or previously high performance.

It has not been possible to verify such claims. However, several non-SES employees and some SES interviewees, said they find such a perceived approach to be confusing, if not unfair. This perception, where it exists, is damaging to trust in senior management and an agency's HR function and undermines their roles as integrity stewards.

These interviewees typically argued an SES employee has a higher responsibility, including legal responsibility, to model good behaviour and performance, and any sanctions applied should reflect that additional responsibility relative to staff they lead.

> "Accountability is the missing link…."
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> One senior interviewee suggested that a Secretary faces disincentives to admit their agency's culture is bad, including because 'they don't really know' what the culture is in work groups. This was just one of several who argued the accountability of Secretaries and agency heads for the longer-term health of their agency needs to change.

9. Departments and agencies monitor a range of indicators that bear on integrity issues. Work is in hand in some cases to extend existing measures beyond standard 'hygiene' metrics into more sophisticated indicators of organisational culture. The latter is seen as one area that would benefit from collaborative work between agencies with a similar agenda.

a. Typical hygiene measures include: APS Census results (including staff engagement indices, perceptions in respect of fraud and corruption etc); the number and nature of Code of Conduct cases, grievances and PIDs; absenteeism; reports supplied by an agency's employee assistance provider; and the like.

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[18] Sometimes expressed as not wanting to 'ruin a career'

b. Data regarding compliance with and/or breaches of policies and procedures are also actively monitored, especially in large service delivery agencies.

c. Metrics that address workplace culture and behaviours are less well-developed but are under examination in some agencies with active change management programs.

> In focus groups and other discussions individuals often said that their personal indicators of integrity concerns were based on their understanding of the legal framework, agency or APSC guidance material, and 'their gut', arguing that if it doesn't feel right then it probably isn't.
>
> However, at least one interviewee wisely noted that the right thing may in fact cause discomfort and not 'feel right' – for example, to professionally implement or refrain from public comment about a government policy with which an employee profoundly disagrees.
>
> Others said: 'integrity means doing things the right way versus the convenient way'.

10. There is palpable pride about how the APS reinvented itself to deal with COVID and demonstrated the benefits of acting as 'One APS'. This may provide momentum for further productive change (a positive COVID dividend!).

Analysis and Recommendations

The following recommendations accept that there is no need for radical additional changes to the compliance framework, noting the government's intention to consider the establishment of a Commonwealth Integrity Commission[19][20] and that two recent high profile examples of potential integrity lapses were revealed through existing checks and balances[21]. However they also reflect the view that 'no regrets' options are available to the APS that would better ensure that awareness about potential integrity concerns and the skills to address them are continually refreshed over time as new risks emerge, as individuals assume additional leadership responsibilities, and for each succeeding generation of public servants. Although not evidence of a systemic integrity failure across the APS, these recent high-profile cases are nonetheless timely illustrations of the importance of constant vigilance.

A consistent and strong approach will help forestall the development of integrity risks that may emerge if staff perceive that poor behaviour or practices are tolerated, even possibly in respect of relatively small things, a theme which emerged regularly in consultations with staff across a range of classification levels. Adopting these options may also better embed a common language across the APS, and address some inconsistencies in approach (across agencies and, possibly, between classification levels) that may themselves raise integrity risks or lead to confused messages being received by APS employees.

These consultations did not explicitly address the role and responsibilities of contractors, who often perform functions with or on behalf of APS employees[22]. However, the need to employ contractual or other devices to ensure that contractors adhere to appropriate professional standards was raised several times in consultations, including with reference to a recent criminal investigation. This matter deserves explicit attention by the APSC and other central agencies[23]. Although operational details should vary depending on the legal context, the objective is clear: to have arrangements in place that ensure that both employees and contractors meet appropriate ethical standards in their work.

My recommendations do not amount to a 'dramatic new initiative'. Rather they acknowledge the momentum for change occasioned by the APS's COVID agility and the importance of constant reinforcement of the APS' integrity culture. They build on and support several initiatives currently underway to strengthen the long-term capability of the APS workforce and support cultural renewal. These recommendations are designed to ensure that the APS does not suffer the reputational hit

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[19] Part of the government response to Recommendation 7 of the Independent Review of the APS includes: 'The Government will consider further reforms through establishing a Commonwealth Integrity Commission to reinforce integrity in the federal public sector.' (P16, *Delivering for Australians*)

[20] Note: the CIC Bill was released for comment and public submissions on 2 November 2020.

[21] One was uncovered through a PID from staff, provided to the Department concerned, and the second through the operations of the ANAO, in respect of a property procurement.

[22] The legal framework within which contractors are engaged and managed, and the scope of the responsibility of APS employees who work with them or perform contract management functions in respect of them, vary dramatically. Moreover, non-government providers may well adhere to different values and be motivated by different things than a well-led APS. For example, some NGOs are avowedly advocates rather than dispassionate advisers.

[23] Procurement policy is a responsibility of the Department of Finance, for example.

that will inevitably follow if issues are not identified and addressed in timely fashion. This requires continual vigilance.

Some in the APS and the government may not see investing in integrity as a short-term priority. But complacency or a reluctance to invest arguably reflects a misalignment between short term objectives and the professional interests of the APS leadership, in their role as the longer-term stewards of a key national institution. Investment is desirable both to strengthen the efficacy of an agency's compliance framework, which is rooted in legislation and supported by properly resourced local enforcement, and to strengthen the cultural imperatives to adhere to high professional standards.

In my view, effective delivery of the agenda of the government of the day AND quiet but professional perseverance in shoring up the 'platform' must both be pursued, should such matters become viewed as conflicting priorities. Interviewees consistently noted that trust in the APS is related to its capacity to deliver – but the quality of both 'what' is delivered and 'how' delivery is achieved are each crucial to that trust, possibly irrespective of whether the relevant actor is an APS employee or a contractor. Moreover, at each stage of their career an APS employee needs to know what professional standards and responsibilities are expected of them, needs to have developed the capabilities necessary to meet those standards and responsibilities, and needs to be held accountable for the 'what' and the 'how' of their performance, including in respect of those standards and responsibilities.

These recommendations are thus arranged around three dimensions: awareness, capability, and accountability. They are, I believe, consistent with the APS Commissioner's responsibility to assist agency heads to build the capability of the APS workforce and with the government's response[24] to Recommendation 7 of the Independent Review of the APS. They also acknowledge that, while the APSC has a role to play in providing guidance and facilitating information exchange, the principal responsibility to achieve high standards falls to Secretaries, agency heads and their leadership teams, who need to provide context, personally exemplify high standards, and embed as routine the identification and management of integrity risks within their organisation.

Consultations and the documents made available during the review imply that practices vary widely about the breadth of the subject matter covered by integrity-related training and similar supports to APS employees at critical classification levels, and the standards to which those interventions are directed. Similarly, practices vary about whether and which such training and other interventions are deemed to be mandatory (or strongly encouraged) by agency heads or, as appropriate, the APS Commissioner.

As previously noted, the government has agreed that some integrity related training should become mandatory. Initial exploratory work has been focussed on entry level for APS employees. These recommendations include that consideration be given to whether there is a case both for greater consistency in the training provided across APS agencies and for the net of mandatory requirements

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[24] Part of the government response to Recommendation 7 of the Independent Review of the APS includes: 'The APS Commissioner will lead a series of initiatives to build a pro-integrity culture within the APS and reinforce integrity in what every member of the APS does. This will be part of the APS-wide cultural change program (see response to Recommendation 4) and will be reinforced in APS-wide induction, mandatory training and other core systems and processes. The Board will also explore measures to extend the reach and application of existing APS integrity requirements.' (ibid)

to be cast more widely if take up (and the application) of relevant awareness raising or capability development opportunities is found to be insufficient or unreliable.

The variability in current practices also underpins my proposals to examine the feasibility of establishing a common, and clearly understood, 'life cycle' development model of an 'upwardly mobile' APS employee. This would articulate the different phases, and commensurate integrity-related responsibilities, of an APS employee as they acquire additional management and leadership responsibilities through their career. For example, the key development focus for a new entrant into the APS at a junior level (for example, through a graduate or other lower-classification entry level gateway) may be initially directed more to awareness raising and compliance – understanding 'the rules' and how to adhere to them. An emerging leader (for example, a person transitioning into an Executive Level position, although possibly at lower classifications in some contexts) takes on a new set of responsibilities, such as modelling culture for their staff, serving as a conduit between APS employees and more senior supervisors, usually in the SES, and navigating more complex integrity issues. For a new SES officer, there are also additional personal legislative requirements to understand and address[25]. Particular attention needs to be paid at induction of new entrants at more senior classifications, whose integrity reference points may have been formed in a different environment, for example a commercial environment that may address integrity risk somewhat differently.

The responsibilities and needs of contractors and contract managers deserve considered attention. The responsibilities of and tools available to APS employees who are contract managers are different to those of the leaders of teams of APS employees. An APS employee may exercise both kinds of management responsibility simultaneously. Others may move 'between the two worlds', possibly with little notice.

At all stages of the life cycle, the behaviours, policies and practices that support APS institutional integrity should be understood and valued, but what this looks like in practice, and an employee's personal obligations in that regard, will vary across different classification levels and roles in the APS. The recommendations are intended to facilitate greater consistency and a stronger sense of 'One APS' with a common approach to integrity.

Awareness

In the time available it has not been possible to review in detail relevant training materials[26] and other supports available to beginning or progressing staff in all APS agencies. The material we have examined demonstrates both the seriousness with which (particularly the large) agencies address awareness raising for their employees, especially at induction, but also how varied the approaches can be – for example in providing opportunities for beginners to learn how to navigate the 'grey areas' of ethical decision making or in canvassing the APS Values (as opposed to departmental ones). There is a real art here in achieving greater consistency while keeping it 'real' and providing relevant

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[25] such as s35 (3) (c) of the APS Act, which requires each SES employee to personally promote aspects of the APS's institutional integrity.

[26] The APSC sought information from each department and agency but not all provided material in timely fashion.

context so that new or progressing staff in each APS agency see reason to engage with the supports provided.

It is also necessary to address the potential that at least some will view heightened interest in integrity concerns as implying an adverse moral judgement or that fault has been found with them or their behaviour. The first recommendation is to adopt language that reduces that risk and to pursue a broad program of work to strengthen the understanding of what the 'professionalism' of the APS entails, rather than address 'integrity' directly. The concepts are intended[27] to be understood as highly correlated, however.

Recommendations 1 and 2:

Recommendation 1: The Secretaries Board adopt a common language when discussing integrity matters with employees, namely the pursuit of 'high standards of APS professionalism' which in turn means 'doing the right thing at the right time to deliver the best outcomes for Australia sought by the professionally advised government of the day'

This approach is consistent with the broad interpretation most staff we consulted instinctively take when discussing integrity in the APS. Adopting it will build on that commonality to strengthen employee engagement and public trust. The focus is on 'doing the right thing', rather than just 'avoiding doing wrong'.

The aim is to preserve and enhance an APS workplace culture, supported by strong and enforced compliance frameworks, that operates at high professional and ethical standards at all times in respect of both conduct and outcomes, resulting not only in APS employees that consistently demonstrate high personal standards of behaviour but also in a demonstrably accountable and effective institution that is trusted by the government and the public for the quality of its advice and the effectiveness of its delivery and performance.

Adoption of common APS professional standards will also strengthen the underpinnings of and the achievement in practice of 'One APS'.

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*Recommendation 2: The APSC, in collaboration with departments and agencies, examine current practices across the APS with a view to develop and promulgate (through enhanced guidance or Commissioner's Directions, as necessary) clear and common expectations regarding the knowledge required by APS employees soon after entry and at key stages of their subsequent career to ensure they achieve a level of **awareness** of the APS's integrity frameworks and policies, appropriate to their role and responsibilities.*

The intention is not to 'reinvent the wheel'. The first step is to establish what agencies already have in place. To give effect to this recommendation, the APSC, in collaboration with departments and

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[27] Finding 1 (c) suggests this is a common understanding amongst the APS leadership.

agencies, should undertake a stocktake of current integrity training material and other supports available on entry to the APS and at key points of an employee's lifecycle to:

i. distil best practice principles and approaches to raising employee *awareness* at key points of the career of a generic 'upwardly mobile' APS employee of what constitutes the desired high professional standards / integrity and of how to identify risks to achieving them;

ii. establish what proportion of relevant APS employees take up such training and other interventions;

iii. identify the relevant knowledge required at key points of the career of a generic 'upwardly mobile' APS employee and how to address them; and

iv. assess whether stronger action is required to remedy (a) any gaps between current practice established during the stocktake and preferred practice established at i. and iii., and (b), any gaps between current take up found at ii. and the take up necessary to achieve the required systemic awareness of integrity risks.

In addition, a key element is to ensure that managers obtain an understanding appropriate to their responsibilities of their need not only to consistently exemplify high standards of conduct and performance themselves but also to ensure that their institution operates at high standards of institutional integrity by thinking ahead, building capability, setting and communicating priorities, allocating resources accordingly, and managing performance and the like to maximise the outcomes achieved by each APS institution with available resources.

A likely outcome is that the APS Commissioner, in time, will issue updated guidance (supported, as necessary, with revisions to the Commissioner's Directions and other guidance[28]) that promulgate the core principles that agencies and the APSC should reflect in training and other interventions provided to build integrity awareness across an APS employee's life cycle and, if necessary, encourage or mandate their take up:

o   at induction for all new entrants;

o   at entry to management level positions (notionally, for EL appointments, but this may vary in large agencies, and should encompass APS employees with contract management responsibilities); and

o   at entry to the SES.

Capability

It was generally argued during consultations that most people know 'right from wrong' when the issues are 'black and white' but may need help to recognise or resolve an ethical dilemma when the issues are grey or unfamiliar or when there is not 'one right answer'. Another consistent theme was uncertainty about how well equipped staff across a broad spectrum of levels and responsibilities felt

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[28] And possibly other guidance or regulatory tools, for example in respect of procurement. Each department and agency would remain responsible to ensure that these core APS concepts are understood and delivered in the context of the business of the agency.

themselves to be (or believed their supervisors to be equipped) to identify and discuss with others potential (possibly even 'low level' or 'grey area') integrity concerns. Some examples cited of grey areas that some fail to identify and manage properly included: having too-close relationships with suppliers; choices apparently made to expedite delivery by 'cutting corners' and/or adopting facilitative provisions of procurement guidelines for convenience rather than principle; questionable post separation employment options; or the identification of conflicts of interest, say when managing selection processes or when 'passing on' the Curriculum Vitae of a family member or friend to key HR personnel or their line equivalents.

Another very frequently mentioned (at least perceived) capability gap was the skill to have difficult conversations with staff or 'tell truth to power' in respect of either standards of professional conduct or broader performance management issues[29]. Such gaps may apply both in respect of the management of APS staff and contractor management, noting the latter is not discharged through an APS employer-employee relationship. Similarly, interviewees across a range of classification levels and roles identified significant variability in how well-equipped managers are in creating locally a 'psychologically safe' workplace in which ideas or sensitive issues can be productively discussed without fear of adverse consequences.

It has not been possible in the time available to establish how pervasive such capability gaps are in practice in the APS. In principle, however, investment in strengthening such capabilities should pay broad dividends, beyond strengthening the APS's approach to achieving consistently high integrity. For example, well executed interventions should improve the quality of performance management discussions and promote workplace conversations about innovation, potentially enhancing the organisation's productivity and delivery capability. This will occur even though the initial motivation of a well-designed and executed intervention may be to address integrity concerns.

Hopefully, also, improving a manager's confidence to 'nip issues in the bud' before 'little things' have grown will reduce long term costs and promote effective delivery, building government and community trust in the APS. Feedback suggests that many Code of Conduct matters the APS addresses could be much less serious or easier to remedy if addressed early, with potentially significant savings in resources for all concerned, and staff engagement and productivity gains.

Consultations also revealed considerable variation in the metrics and other indicators management teams rely upon when assessing the health of their organisations. Most captured standard hygiene measures based on the APS Census and agency-specific surveys (for example, in respect of employee engagement), data related to Code of Conduct allegations / investigations, grievances, PIDs and other investigations, attendance data etc. Some observed that these provide blunt instruments with which to assess workplace culture. Some leaders noted that they supplement formal data with pulse surveys or intelligence gained from actively listening to their staff across a broad, unstructured range – actively listening to 'what is of concern to them rather than me'. Some noted they have work in hand to develop or refine better measures of workplace culture, noting that culture drives performance 'when no one is looking'.

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[29] Note that current APSC Guidance includes: 'Addressing performance issues early and having potentially difficult conversations in a timely manner is critical. Agencies need to ensure that supervisors are appropriately skilled and supported to achieve this.' *Performance Management in the APS*, p12.

Again, the recommendation reflects that there has not been time to conduct a detailed examination of the training or development options available to relevant staff across the APS.

Recommendations 3 to 5:

Recommendation 3: The APSC, in collaboration with departments and agencies, examine current practices across the APS with a view to develop and promulgate (through enhanced guidance or Commissioner's Directions, as necessary) clear and common expectations regarding the **capabilities** *required by APS employees soon after entry and at key stages of their subsequent career to ensure they can effectively implement the APS's integrity frameworks and policies, as appropriate to their roles and responsibilities.*

This recommendation complements recommendation 2, which envisages a stocktake of how agencies ensure that their employees have appropriate integrity awareness. Again, the intention is not to 'reinvent the wheel'. The first step is to establish what agencies already have in place. It is proposed that the previously proposed stocktake also examine current integrity training material and other supports available on entry to the APS and at key points of an employee's lifecycle to:

(i)   distil best practice principles and approaches to building the necessary *capability* at key points of the career of a generic 'upwardly mobile' APS employee to adhere to (or, as their role requires, assist others, to adhere to) high professional standards / integrity and of how to identify risks to achieving them;

(ii)   establish what proportion of relevant APS employees take up such training and other interventions;

(iii)   identify the capabilities required at key points of the life cycle of a generic 'upwardly mobile' APS employee and how to address them; and

(iv)   assess whether stronger action is required to remedy (a) any gaps between current practice established during the stocktake and preferred practice established at i. and iii., and (b), any gaps between current take up found at ii. and the take up necessary to acquire necessary systemic capabilities.

The aim is to ensure that employees have the skills to identify integrity / professional standards issues and the capacity to raise and address them appropriate to their classification level; and that they are well practiced and confident in such practices before they reach levels of responsibility that require them to provide a consistent role model to others (noting that poor conduct or performance in such circumstances can become corrosive).

The necessary capabilities include:

o   how to personally and, as appropriate to their responsibilities, guide staff to identify and manage ethical concerns;

- o how to conduct performance management discussions to ensure that both the 'what' and the 'how' of performance are adequately addressed;

- o how to have difficult conversations[30] with staff or 'tell truth to power' when necessary;

- o how to establish 'psychologically safe' workplaces that encourage disclosure and the exchange of ideas; how to address integrity issues when performing a contract management function; and

- o for more senior managers, how to ensure their institution has the processes, systems, governance etc in place to operate at the highest level of professionalism / integrity.

A likely outcome is that the APS Commissioner will in time issue updated guidance (supported, as necessary, with revisions to the Commissioner's Directions[31]) that promulgate the core principles that agencies and the APSC should reflect in training and other interventions provided to ensure an individual's capabilities throughout the lifecycle of their APS employment are of the standard necessary to identify and manage integrity risks and to operate at high professional standards of conduct and outcomes, consistent with their roles and responsibilities:

- o at entry to management level positions (notionally for EL appointments, but this may vary in large agencies, and should encompass APS employees with contract management responsibilities); and

- o at entry to the SES.

The APS Commissioner should consider, if necessary, how to encourage or mandate take up.

Recommendation 4: Informed by the Commissioner's guidance, the Talent Council(s) include consideration of the capability to model, champion and advance institutional integrity when assessing staff as part of SES talent and capability assessment processes, and identify development options for staff believed to be the future leaders of the APS that build their capacity to provide leadership for a pro-integrity culture.

The aim is to ensure that those with the best prospects of promotion at key stages have the skills appropriate to 'the next level' before they need to apply them, in which case recommendation 3 is best viewed as establishing a safety net for those who have not had the benefit of an effective talent intervention. This is consistent with the government's response to Recommendation 23 of the Independent review of the APS[32].

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[30] APSC courses in this area include: *Breakthrough Conversations Course (*suitable for all SES) and *Performance Management.*

[31] Each department and agency would remain responsible to ensure that these core APS concepts are understood and delivered in the context of the business of the agency.

[32] *Delivering for Australians*, op cit, P21.

> *Recommendation 5: The APSC, in collaboration with departments and agencies, undertake a stocktake of the metrics that agencies monitor to assess how well individuals and their institution overall operate at high integrity / high professional standards.*

The aim is not just to provide a compendium that agencies looking for support can draw upon to improve their own practices. It is also to identify any emerging approaches to monitoring performance or culture that could be shared with or progressed in collaboration with other agencies.

Accountability

Accountability is arguably the missing link. Accountability for outcomes (the 'what') is more readily achieved, it was argued regularly during consultations, than accountability either for the 'how' outcomes are achieved or for whether appropriate longer term stewardship is exercised to ensure that each APS agency remains 'fit for purpose' over time. But even in terms of outcomes, accountability can be defused by the APS's inherent preference for decision by committee or subject to significant checks and balances, hierarchical or otherwise, which can reduce a sense of personal accountability (and the ability to assign personal responsibility if things 'go wrong'). It can also be diffused if the individual concerned is a contractor and therefore not subject to the APS Act or an APS employer – employee relationship.

Feedback during consultations suggested that many agencies have policies that favour assigning a good weight to considerations related to the 'how' when assessing performance of their employees but that such policies may be applied inconsistently in practice. Feedback also identified concerns about apparently inconsistent decision making both across agencies and between classification levels about what integrity matters to investigate formally and what sanctions to apply when findings are adverse.

Recommendations 6 to 10:

> *Recommendation 6: The APSC, in collaboration with departments and agencies, examine current practices across the APS with a view to develop and promulgate (through enhanced guidance or Commissioner's Directions, as necessary) clear and common expectations regarding how the 'how' is best addressed when assessing an employee's performance in respect of the 'what' is required of them, given their role and responsibilities.*

This recommendation complements recommendation 3, which envisages a stocktake of how agencies ensure that supervisors have the capability to address both the 'what' and the 'how' of performance, with supporting guidance to be developed, as necessary. It is proposed that this stocktake also examine:

(i) The performance management templates, and policies agencies have in place to establish best practice principles etc regarding how the 'how' is best addressed when assessing an individual's performance;

(ii) the practices that agencies adopt to verify that adequate attention is paid to the 'how' in performance assessments / discussions; and

(iii) the consequences if less than satisfactory attention is identified (either systemically or in respect of individual managers).

The likely output is updated guidance from the APSC Commissioner (supported, as necessary, with revisions to the Commissioner's Directions[33]) that promulgate the principles that agencies should apply regarding how the 'how' is assessed when assessing an individual's performance and reinforce, if found necessary, the responsibility of managers to model good practice, including in respect of performance management and feedback. This (and previous recommendations) are also consistent with the intent of the government's response to Recommendation 22 of the Independent Review of the APS, which sought to 'standardise and systematise performance management to drive a culture of high achievement'[34].

Recommendation 6 responds to perceived inconsistencies in approach in addressing the 'how' in performance discussions. The review has not been able to establish conclusively the extent to which such inconsistencies occur in practice. However, the consistency of the feedback, including across classification levels, suggests that this perception should not be ignored. To do so may itself entail an integrity risk. The recommended data gathering and discussions with agencies should assist to scope the nature and scale of the issue.

A related issue, beyond the terms of reference of this review, is the nature of accountability in the APS – whether, for example, it is personal or collective in some situations – and what implications that may have for APS performance management for results (the 'what'). Similarly, beyond scope is the nature of the accountability faced by individual contractors.

Recommendation 7: The APSC, in collaboration with departments and agencies, examine current practices across the APS with a view to develop and promulgate (through enhanced guidance or Commissioner's Directions, as necessary) clear and common expectations regarding the principles and practices that agencies apply to determine when to commence a formal investigation of an integrity-related complaint with the aim to ensure greater consistency in how such decisions are made between agencies and between classifications.

Recommendation 7 responds to perceived inconsistencies in approach in managing allegations of Code of Conduct violations. The review has not been able to establish conclusively the extent to which such inconsistencies occur in practice. However, the consistency of the feedback, including across classification levels, suggests that this perception should not be ignored. To do so may itself

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[33] Current APSC Guidance includes: 'Performance expectations cover the behavioural and job-specific outputs that satisfy the requirements for the role the individual occupies'. P19.

[34] *Delivering for Australians*, op cit, P 21.

entail an integrity risk. The recommended data gathering and discussions with agencies should assist to scope the issue.

Recommendation 8: That, in future, any Code of Conduct allegations against SES officers be progressed in consultation with the APSC, both in respect of whether and how to investigate an allegation and, if applicable, what sanction(s) to apply (achieved through enhanced guidance or Commissioner's Directions, as necessary).

Relatively few allegations are raised against SES employees each year. Recommendations 8 is a cost-effective response to the feedback received during consultations, with minimal risk to appropriate, agency-based decision making. The APSC would not have a formal decision-making role (for example, as a 'sanctions delegate') in respect of Recommendation 8 but would provide support in an advisory capacity to decision makers.

The Commissioner's Directions could be amended to include this as a requirement for all procedures in all agencies instituted pursuant to s15(3) of the APS Act. This would complement the APSC's current role, through the Ethics Advisory Service, of providing general advice and guidance on integrity matters including Code of Conduct matters; but would recognise the legislated responsibilities and obligations of a member of the SES in upholding and promoting compliance with the Code, including by personal example (s35(3)(c) APS Act). In time, provided appropriate data is collected by APSC, the Commissioner may reach a better-informed view about whether to persist with a mandated advisory role in such circumstances.

Recommendation 9: The APS Commissioner and the Secretary of the Department of the Prime Minister and Cabinet ensure that explicit attention is paid in each Secretary's annual performance assessment of the framework they have in place and their success in achieving high professional standards of conduct and delivery (and stewardship) in the Department they lead.

It is for the Secretary and the Commissioner to establish how to give effect to Recommendation 9. Proactive data gathering, informed in part by the outcomes of the work proposed at Recommendation 6, will be essential, spanning the 'what', the 'how' and effective stewardship. Consideration could be given to the involvement of a third party, external to the APS, to assist.

Recommendation 10: As part of the future Capability Reviews the government has agreed should be undertaken by the APSC from 2021[35], an explicit assessment be made of how effectively each agency is securing an appropriate workplace culture having regard to the need to strengthen institutional integrity and

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[35] Government response to Recommendation 2a of the Independent review of the APS. See *Delivering for Australians*, op cit, P 15

consistently exhibit integrity / high professional standards of conduct and delivery in line with any Commissioner's guidance. This aspect of each review should be informed by the perspectives of at least one reviewer with extensive appropriate experience outside the APS who also understands the role of the APS in the Westminster tradition

The previous program of APS capability reviews, which commenced in 2011, was terminated before the most important round could occur – namely the second round. Secretaries and participating agency heads had been assured that 'nothing hangs on' the findings of the first Review, which I know from firsthand exposure was reflected in the use made of those findings in performance discussions. Those discussions at the time focused on the Secretary's response to the findings and recommendations, the effectiveness of which was never finally or transparently established because the second round did not take place[36]. The credibility of a renewed program of Capability Reviews will be a function of their scope, their independence, their transparency, an APS commitment to more than one round, and the involvement of external experts familiar with the role of the APS. This Recommendation is consistent with the government's response to Recommendations 2a and 2b of the Independent Review of the APS[37], including the proposed involvement of external expertise.

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[36] Agency reporting against their response plan was not subject to contemporaneous external verification.
[37] Delivering for Australians, ibid.

Attachment 1: Consultation list

Secretaries

Name	Agency	Date of Meeting
Mr Greg Moriarty	Department of Defence	27/05/2020
Mr Andrew Metcalfe AO	Department of Agriculture, Water and the Environment	3/06/2020 19/06/2020
Mr David Fredericks PSM	Department of Industry, Science Energy and Resources	3/06/2020
Mr Michael Pezzullo	Department of Home Affairs	3/06/2020
Ms Kathryn Campbell AO CSC	Department of Social Services	5/06/2020
Dr Brendan Murphy	Department of Health	5/06/2020
Ms Frances Adamson	Department of Foreign Affairs and Trade	11/06/2020
Ms Liz Cosson AM CSC	Department of Veterans' Affairs	11/06/2020
Mr Chris Moraitis PSM	Attorney-General's Department	12/06/2020
Mr Simon Atkinson	Department of Infrastructure, Transport, Regional Development and Communications	12/06/2020
Ms Rosemary Huxtable PSM	Department of Finance	17/06/2020
Mr Phil Gaetjens	Department of the Prime Minister and Cabinet	18/06/2020
Mr Stephen Kennedy PSM	The Department of the Treasury	18/06/2020
Dr Michele Bruniges AM	The Department of Education, Skills and Employment	25/06/2020

Agency Heads

Name	Title	Agency	Date of Meeting
Ms Sarah McNaughton SC	Director	Commonwealth Director of Public Prosecutions	20/5/2020
Ms Jaala Hinchcliffe	Integrity Commissioner	Australian Commission for Law Enforcement Integrity	20/5/2020
Mr Michael Phelan APM	Chief Executive Officer	Australian Criminal Intelligence Commission	20/5/2020
Mr Grant Hehir	Auditor-General	Australian National Audit Office	21/5/2020
The Hon Margaret Stone AO	Inspector-General of Intelligence and Security	Inspector-General of Intelligence and Security	21/5/2020
Ms Rosalind Croucher	Australian Human Rights Commissioner	Australian Human Rights Commission	22/05/2020
Ms Annwyn Godwin	Chief Executive Officer	Independent Parliamentary Expenses Authority	22/05/2020
Ms Linda Waugh	Merit Protection Commissioner	Merit Protection Commissioner	22/05/2020 23/07/2020
Ms Angelene Falk	Information Commissioner	Office of the Australian Information Commissioner	22/05/2020

Mr Michael Manthorpe PSM	Commonwealth Ombudsman	Commonwealth Ombudsman	22/05/2020
Ms Rebecca Skinner	Chief Executive Officer	Services Australia	27/05/2020
Dr David Gruen	Chief Statistician	Australian Bureau of Statistics	29/05/2020
Mr Chris Jordan AO	Commissioner of Taxation	Australian Tax Office	29/05/2020
Mr Martin Hoffman	Chief Executive Officer	National Disability Insurance Agency	29/05/2020
Mr Andrew Colvin APM, OAM	Leader	Australian Bushfire Recovery Agency	11/06/2020
Mr Peter Woolcott AO	Australian Public Service Commissioner	Australian Public Service Commission	25/06/2020

SES Officers

Name	Title	Agency	Date of Meeting
Ms Justine Greig	Deputy Secretary, Defence People	Department of Defence	27/05/2020
Ms Annette Musolino	Deputy Chief Executive Officer	Services Australia	27/05/2020
Ms Amanda Cattermole PSM	Chief Operating Officer	Services Australia	27/05/2020
Ms Jenet Connell	Deputy Australian Statistician and Chief Operating Officer	Australian Bureau of Statistics	29/05/2020
Ms Jacqui Curtis	Chief Operating Officer	Australian Tax Office	29/05/2020
Ms Cindy Briscoe	Deputy Secretary, Enabling Services Group	Department of Agriculture, Water and the Environment	3/06/2020 19/06/2020
Ms Penny McKay	Assistant Secretary, Integrity and Professional Standards	Department of Home Affairs	3/06/2020
Ms Belinda Gill	Assistant Secretary, Audit and Assurance	Department of Home Affairs	3/06/2020
Mr David de Silva Ph.D.	First Assistant Secretary, Business Enabling Services	Department of Finance	17/06/2020
Ms Stephanie Foster PSM	Associate Secretary/Deputy Secretary	Department of the Prime Minister and Cabinet	18/06/2020
Ms Cheryl-Anne Moy	Chief Operating Officer	Department of Home Affairs	26/06/2020
Mr Ben Wright	First Assistant Secretary, Integrity, Security and Assurance, Chief Audit Executive	Department of Home Affairs	26/06/2020
Ms Mary Wiley-Smith	Deputy Commissioner	Australian Public Service Commissioner	26/06/2020

	Deputy Secretary, Service Delivery Group and Chief Operating Officer	Department of Foreign Affairs and Trade	15/07/2020
Ms Penny Williams PSM	Deputy Secretary, Service Delivery Group and Chief Operating Officer	Department of Foreign Affairs and Trade	15/07/2020
Mr Charles Wann	First Assistant Secretary and Chief Operating Officer	Department of Health	15/07/2020
Ms Katherine Jones PSM	Associate Secretary and Chair of the Chief Operating Officer's Committee	Department of Defence	15/07/2020
Ms Liz Quinn	Group Manager, Learning and Capability	Australian Public Service Commission	17/08/2020

Culture Change Agents

Name	Title	Agency	Date of Meeting
Ms Lyn Murphy	Assistant Secretary of Governance and Strategy, PM&C	Department of the Prime Minister and Cabinet	31/07/2020
Ms Cristy England	First Assistant Secretary of People and Organisational Strategy Division, Treasury	The Department of the Treasury	31/07/2020
Ms Cassie Haynes		Department of Finance	31/07/2020
Ms Vidoshi Jana	Assistant Secretary, People Strategy and Culture Branch	Department of Home Affairs	31/07/2020
Ms Helen Knight	Director of Workforce Culture	Services Australia	31/07/2020
Ms Amanda Conroy	Director of Workplace Relations	Department of Social Services	31/07/2020
Maris Stipnieks	General Counsel	Department of Industry, Science, Energy and Resources	31/07/2020
Ms Jill Mand	Assistant Secretary of Integrity	Department of Agriculture, Water and the Environment	31/07/2020
Mr Michael Meagher	Assistant Secretary of Risk, Planning and Policy Branch	Australian Bureau of Statistics	3/08/2020
Torbjorn Servin,	Branch Manager of Workforce & Capability	National Disability Insurance Agency	3/08/2020
Chris Gyetvay	Assistant Commissioner, Culture Team	Australian Taxation Office	3/08/2020

Externals

Name	Title	Current affiliations	Date of Meeting
Mr Mark Evans	Director and Senior Lecturer	University of Canberra and Democracy 2025 at the Museum of Australian Democracy	5/06/2020
Mr Andrew Podger AO	Professor Former Australian Public Service Commissioner	Australian National University	11/06/2020
Ms Renee Leon PSM	Former Secretary for the Department of Human Services	N/A	1/07/2020 2/07/2020
Mr Peter Varghese AO	Chancellor of the University of Queensland Former Secretary of the Department of Foreign Affairs and Trade	University of Queensland	1/07/2020
Mr Dennis Richardson AO	Former Secretary of the Department of Defence	N/A	1/07/2020
Dr Ken Henry AC	Former head of NAB and Department of the Treasury	N/A	2/07/2020
Mr Finn Pratt AO PSM	Former Secretary of the Department of Environment and Energy	N/A	2/07/2020
Dr Martin Parkinson AC PSM	Former Secretary for the Department of the Prime Minister and Cabinet	Macquarie University	3/07/2020
Dr Ian Watts AO	Former Secretary for the Department of the Prime Minister and Cabinet	N/A	2/07/2020
Mr Gordon de Brouwer PSM	Former Secretary of the Department of Environment and Energy Member of the APS Review Panel	N/A	3/07/2020
Mr David Tune AO PSM	Former Secretary of the Department of Finance	N/A	3/07/2020
Mr Jeff Harmer AO	Former Secretary of the Department of Education, Science and Training	N/A	3/07/2020

Mr Ric Smith AO, PSM	Former Secretary of the Department of Defence	N/A	7/07/2020
Mr Jeff Whalan			20/07/2020
Mr Peter Shergold AC	Chancellor Former Secretary of the Department of the Prime Minister and Cabinet	Western Sydney University	23/07/2020
Dr Vivienne Thom AM	Lead investigator, former Inspector-General Intelligence and Security	CPM Reviews	6/08/2020
Mr Paul Casimir	Investigator, and former Director of the Integrity team, APSC	CPM Reviews	6/08/2020

Focus Groups

Ten COVID – safe focus groups were convened over August 18, 19 and 21 2020 from those who responded positively to invitations to participate that were randomly generated and issued by the APSC. Separate groups were convened of new Graduates (1 session with 10 attendees), other APS level employees (3 sessions with 20 attendees in total), Executive Level employees (3 sessions with 16 attendees) and SES (3 sessions with 28 attendees). A total of 495 invitations were issued. The following table shows the agencies for whom the participants work. Twenty one employees who accepted the invitation did not participate in their session (with the EL group overly represented in this total), implying an overall non-attendance rate of 78%.

Distribution of focus group attendees by agency	
Total number of attendees	**74**
Drawn from:	
Administrative Appeals Tribunal	1
Attorney-General's	2
Australian Bureau of Statistics	6
Australian Competition and Consumer Commission	1
Australian Financial Security Authority	1
Australian Institute of Health and Welfare	1
Australian National Audit Office	2
Australian Research Council	1
Australian Taxation Office	14
Australian Trade and Investment Commission	1
Bureau of Meteorology	3
Defence	4
Defence Housing Australia	1
Education	2
Environment	1
Environment and Energy	2
Foreign Affairs and Trade	2
Health	4
Home Affairs	7

Industry, Innovation and Science	2
Infrastructure, Transport, Cities and Regional Development	1
IP AUSTRALIA	1
National Health and Medical Research Council	1
Office of the Fair Work Ombudsman	2
Prime Minister and Cabinet	2
Safe Work Australia	1
Services Australia	5
Social Services	2
Treasury	1
MEMO: Number who accepted an invitation but did not attend	21
Grand Total of those who accepted an invitation to participate	95

Attachment 2: Examples of integrity issues cited by interviewees

Positive examples:

- o Doing things the right way versus the convenient way, especially by people who could bend the system to suit them
- o When we admit mistakes
- o Willingness to raise issues that may go against the interests of powerful stakeholders
- o SES B1 who supported me by telling a Ministerial adviser not to yell at APS staff
- o Fixing issues that are brought to their attention (either by staff or citizens)
- o Honest conversations about performance that are consistent with previously expressed expectations

Areas for concern

- o Leaking
- o When you are personally invested in the outcome
- o Inappropriate post-separation employment
- o Favourable treatment of friends or family (e.g. in small communities)
- o Writing glowing referee reports to move on a poor performer
- o Poor record keeping (amongst other things leading to inconsistent decision making and reduced accountability)
- o Inappropriate access to personal information (including both corrupt behaviour and voyeurism)
- o Inadvertent or deliberate insider trading in information about government systems and processes
- o Process short cuts for convenience rather than good reason
- o False medical certificates or professional qualifications
- o False attendance records
- o Promising to deliver things that are known not to be viable
- o Promising to deliver in timeframes that are unworkable
- o Refusing to consider there is an issue
- o Dismissing concerns raised 'out of hand'
- o Doubling down on your correctness after an issue is identified and refusing to fix the issue
- o Failing to monitor something appropriately
- o Doing the most convenient thing
- o Not consulting meaningfully
- o Favouritism and nepotism
- o Protecting Ministers at all costs
- o Give the impression of progress without there being progress
- o Pilfering store cupboards
- o Bullying and harassment
- o Failure to address poor performance or poor behaviour

Attachment 3: List of Acronyms

ABF	Australian Border Force
ABS	Australian Bureau of Statistics
ANAO	Australian National Audit office
APS	Australian Public Service
APSC	Australian Public Service Commission
ATO	Australian Taxation Office
CIC	Commonwealth Integrity Commission
COO	Chief Operating Officer
COVID	Coronavirus Disease
DNA	Deoxyribonucleic Acid
EL	Executive Level
HR	Human Resources
ICARE	Impartial, Committed to service, Accountable, Respectful, Ethical
PID	Public Interest Disclosure
REFLECT	Recognise a potential Ethical issue; Find relevant information, Linger at the 'fork in the road', Evaluate options, Come to a decision, Take time to reflect.
SES	Senior Executive Service