

ETHICS AND LEADERSHIP – EIGHT LESSONS FOR THE VPS

Presentation by John R Taylor, Deputy Ombudsman, Office of the Victorian Ombudsman

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“Integrity in Government – A Work in Progress”

If you have enemies? Good. That means you've stood up for something, sometime in your life.
Winston Churchill

Ethics is the heart of leadership (Susan P Mullane Ethics and Leadership. University of Miami 2009). In my experience, too often ethics and leadership are seen as separate issues, rather than being inextricably linked.

The following lessons have been drawn from recent reports to Parliament by the Victorian Ombudsman. Despite many earlier reports on similar issues receiving significant publicity when they were released, we continue to find the same issues arising time and time again.

The purpose of making Ombudsman reports public by tabling them in parliament is to raise awareness of the issues and ensure that the public interest is addressed. Reports are also aimed at improving public administration.

Lesson 1 – Listen to advice

Leaders in the public sector rely on accurate advice from their staff. Not acting on such advice puts the leader and the organisation at risk. Take for example the advice given to the Secretary of the Department of Justice by the acting Corrections Commissioner that a high profile prisoner was at risk of harm over a year before his murder. Despite this, no active steps were taken to minimise this risk.

See the report *The death of Mr Carl Williams at HM Barwon Prison – investigation into Corrections Victoria – April 2012*

Lesson 2 – Act on advice

At times our investigations identify instances where timely and accurate advice was given, but not acted upon or ignored. This can have serious consequences. Take for example the advice given to the former Chief Commissioner of Police about not releasing crime statistics just before the caretaker period for the last State elections. The advice was that the data was not 'settled' and could be used for political purposes. The advice proved to be correct; however it was not acted upon. See:

Investigation into an allegation about Victoria Police crime statistics – June 2011

By the same token, why pay for professional advice, such as technical reports and not heed them? This was the case with the Department of Transport failing to action seven detailed engineering reports over 11 years into the condition of the Melbourne Underground Loup. See:

Investigation into allegations concerning rail safety in the Melbourne Underground Loup – October 2012

Lesson 3 – Communicate messages clearly

Even if warnings are given, unless they are conveyed in a clear and unambiguous way, the message can be lost. By not having effective communication, the lung transplant program at Alfred Health was shut down for an initial period of two weeks, although reopening six days later. The Clinical Director in charge of the program recommended that the program be closed for two weeks because of a lack of funding, whereas the CEO believed it was because of there being an immediate risk to patient safety. See:

Investigation into the temporary closure of Alfred Health's adult lung transplant program – October 2012

Lesson 4 – Identify and deal with misconduct in the workplace

The improper use of email and the internet is a continuing source of concern. Despite media attention given to public servants accessing pornography and improperly using email, we continue to find both taking place in the workplace. In some instances, the personal use of work email has been

completely inappropriate, to illustrate this the Ombudsman published some between a Ministerial media advisor and another person which illustrated their inappropriate attitude towards gifts and hospitality. See:

Ombudsman investigation into the probity of The Hotel Windsor redevelopment – February 2011

In another recent report to Parliament, we identified senior police officers using email contrary to Victoria Police policy, despite publicity being given to an internal investigation about improper use of email and the internet.

Investigation into allegations of improper conduct involving victoria Police – October 2012

Lesson 5 – Don't allow problems to linger

Having identified problems in the workplace, a good leader will address them promptly. This can be challenging, particularly if they involve long term issues. For example, the Department of Human Services holds about 80 linear kilometres of records relating to wards of the state. The majority of these records remain largely uninspected, unindexed and unscanned. Despite the enormity of the task, it is the Department's responsibility to maintain the records in a way that they can be accessed by former wards of the state. See:

Investigation into the storage and management of ward records by the Department of Human Services – March 2012

Bullying and misconduct in the workplace can be disruptive, not only to the organisation, but can have severe impacts on people's lives. This can occur in all areas of the public sector. One recent example was the bullying and inappropriate behaviour of a councillor at the City of Glen Eira. One councillor's behaviour had caused the council to be significantly diverted from its day-to-day business for more than twelve months, until this office investigated the allegations.

Conflict of interest, poor governance and bullying at the City of Glen Eira Council – March 2012

Lesson 6 – Ensure that tenders and contracts are managed

Too often we find major tender and contract issues poorly handled, despite at time tens of millions of dollars being involved. This is not an area for well-intentioned amateurs.

Information technology is an important part of conducting everyday business in the public sector. Agencies would be unable to function without efficient and effective information and communication technology (ICT). However, many government ICT systems are dated and lack the required functionality.

When we examined 10 major ICT projects we found that most had failed to meet delivery timeframes, and all ran over budget, causing in total an additional \$1.44 billion cost to government. With some there had been abject waste. For example, Victoria Police spent \$59 million on Link over four years, only for the project to be cancelled. VicRoads spent \$52 million on RandL which had not made it past design phase at the time of reporting in November 2011.

Leadership from the top was identified as one of the key issues to create change in the way ICT projects are managed. Too often, there was acceptance that all ICT-enabled projects go wrong. See:

Own motion investigation into ICT-enabled projects – November 2011

Lesson 7 – Be careful who you recruit

Recruitment can often be the most important decision a government agency makes. Ensuring that adequate background checks are made with referees and former employers; including if necessary criminal record checks, can avoid long term problems.

In one recent investigation we identified a sham competitive process to engage a company to carryout work. In the same investigation we found that some contracted employees were hired using virtually the same resume for three contractors which did not match the qualifications or experience of the individuals. See Case Study 13 in the following report:

Investigation into allegations of improper conduct by CenITex officers – October 2012.

Lesson 8 – Value whistleblowers

Invariably, whistleblowers come forward with accurate, in depth information. They should be protected and seen as providing a valuable insight into an organisation.

Unfortunately they are not always valued by their organisation. This can be contributed to by the whistleblower taking their concerns outside the organisation, for example to the media. By the time they complain to the Ombudsman, their concerns may have become public. This is what happened in a recent investigation referred to the Ombudsman by the Speaker of the Legislative Assembly. However raising their concerns publicly did not detract from the merit of the issues, as our investigation established. The Privileges Committee of Parliament is now considering the matter.

See : Whistleblowers Protection Act 2001 Investigation into allegations against Mr Geoff Shaw MP – June 2012