

# **ANZOA CONFERENCE – WELLINGTON NEW ZEALAND 1 MAY 2014**

Session: The challenge of finding and keeping the right people for dispute resolution work

## **TOPIC: Creating and maintaining a happy and productive organisation**

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

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### **Abstract**

The 2013 *People Matter* survey of the Victorian public sector, conducted by the State Services Authority, identified outstanding results for the Victorian Ombudsman's office.

Deputy Ombudsman John Taylor will discuss the office's journey over recent years, particularly the factors involved in achieving a 98% satisfaction rate among staff on issues such as: managers treat employees with dignity and respect; senior managers model the values; a feeling of personally contributing to the organisation's objectives; and being proud to tell others that they work for the organisation.

The outcomes reflect a conscious program of leadership, involving training and development of staff at all levels to ensure that the organisation remains progressive and relevant during a time of great change.

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### **Background**

Each year the State Services Authority (SSA) conducts a survey of Victorian public sector staff titled *People Matter*. The SSA describes the survey as:

... a tool designed to assist public sector organisations measure and build positive and ethical workplaces to achieve service excellence.

The survey measures employees' perceptions of the values and principles underpinning your organisation's culture and operations. It provides participating organisations with valuable information on employee perceptions of leadership and wellbeing, their job satisfaction, and engagement.

### **Survey Results**

By any measure the results of the SSA's 2013 survey of the Victorian Ombudsman's staff were outstanding. The survey identified that the Ombudsman's staff were happy. Happy in the context of enjoying their work; strongly acknowledging a feeling of personally contributing to the organisation's objectives; and being proud to tell others that they work for the Ombudsman.

The survey is voluntary and anonymous. 77% of the Victorian Ombudsman staff participated. Against the following topics, the percentage agreement was 98%:

- I feel that I make a contribution to achieving the organisation's objectives
- I have enough work to keep me busy
- I receive help and support from other members of my workgroup

- My manager treats employees with dignity and respect
- People in my workgroup treat each other with respect
- Senior managers model the values.

Taken as a whole, each of the above topics describes a busy, confident workplace where staff are actively engaged at all levels.

In most categories relating to Values, we were rated in the top quarter of comparative organisations and were more than 5% above the comparator organisations' average. For the following values, we were in the top quartile rank:

- Earning and sustaining public trust (Integrity)
- Acting objectively (Impartiality)
- Accepting responsibility for decisions and actions (Accountability)
- Treating others fairly and objectively (Respect)
- Actively implementing, promoting and supporting values (Leadership).

This however has not been as a result of any characteristics intrinsic with the role of an Ombudsman, but rather a planned and structured approach to changing the office into to what it is today. The results could not have been achieved without the leadership and encouragement of the former Ombudsman Mr George Brouwer, who I had the privilege to work with for the past 9½ years.

Happiness in the context of job satisfaction is not person centric. Rather it is the sum of the whole – people, leadership, ethos, and culture. Over the past six years, we have worked hard to bring the office to the point it is at today.

## **The Journey**

It has been an interesting journey with the following issues contributing to where we are today:

### **Staff Recruitment**

Recruitment is perhaps the most important decision we make. We go to significant lengths to ensure, as best we can, that we recruit high quality staff, with relevant experience, ability and/or potential.

Generally, vacant and/or new positions are advertised externally, usually via the government employment website. After short listing applicants, the interview process may involve a written task, or require an applicant to provide written examples of projects or investigations undertaken depending on the level being recruited. The short listed applicants are then interviewed by a selection committee. The selection committee makes recommendations as to the top ranked interviewees. A further round of informal interviews is then undertaken separately by me and then the Ombudsman.

The successful applicant then undergoes a fingerprint check. We also require the applicant to sign a statutory declaration as to their prior history. A copy of this document is at Attachment 1.

### Case study 1

We usually ask the preferred applicant if they have "anything in their background that, if it became known, would cause embarrassment to the office". Generally this evinces the answer "no". However one prospective candidate responded in a somewhat cryptic fashion mentioning "a problem with a ticket inspector".

Enquiries revealed that he had over \$4,000 of warrants outstanding for unpaid fines, including one for assaulting a ticket inspector. The job offer was withdrawn.

### Training

Staff training is a way of ensuring that all officers receive the same message as to how the office operates, including its rules, guidelines, practices and procedures. We start off with a one week induction program for new starters, where they are shown basic operation procedures – everything from operating the photocopier to how Registry works.

We also have a formal training program for investigation staff, which includes:

- Certificate IV

We introduced a tertiary accredited Certificate in (Government) Investigations five years ago. All investigations officers are required to attend lectures and submit course work to obtain their Certificate IV. To date we have had 60 graduates.

- Diploma

In 2012 we introduced a Diploma in Investigations, in conjunction with Box Hill TAFE. We offer this program to other integrity agencies. To date there have been 27 graduates from a range of agencies across Australia and New Zealand.

### Engagement

Staff need to know that their contribution to the organisation is valued. Autocratic leadership does not work in the long term. Our organisation has progressively developed from an old fashioned one to what it is today.

To engage staff, the following communications strategies were introduced:

- All Staff meetings

For successful change, it is important to involve staff in decision-making, particularly in developing new ways of working and changing direction from established practices. Staff meetings are one way of achieving this. New structures, practises and procedures can be foreshadowed at regular staff meetings. In late 2004 we introduced regular monthly staff meetings.

- Senior Management meetings

Equally, senior managers need to be involved in decision-making. It is too easy to blame someone else when challenged on issues. If managers are involved and consulted, there is a greater likelihood of success. Senior management

meetings are held each Monday morning, with all complex or unusual complaint investigations being discussed on alternate Mondays.

These meetings serve two purposes: they inform the Ombudsman and the management team of current issues and they hold managers to account for the performance of their teams.

- Operations management meetings

Managers also hold regular fortnightly meetings to discuss operational issues.

- Team/Unit meetings

These are encouraged to provide two way communications within work groups.

- Intranet

An easily accessible, widely used communications tool that allows all staff to be informed on issues ranging from policy to day to day matters very quickly.

### **Good leadership and management at all levels**

Managers can and should be developed within an organisation. Ensuring succession planning for our management structure is a part of our forward planning process. We regularly review our structure to ensure, as best we can, that we are addressing changes in our operations, including staffing (for example, maternity leave) and predicted gaps in supervision.

We also encourage movement both in and out of the office. We are too small to offer a career path to everyone. A complaints driven organisation can, in the longer term, be a very narrow environment for career progression. It is a good sign that most movements out of the office have been on promotion to other organisations (or for overseas travel, which is more a comment on the age demographic).

We currently have three officers on secondment to other agencies to broaden their experience and two officers on secondment from other agencies.

### **Identifying talent**

- Intake and Assessment

Our first point of contact for complainants is our Intake and Assessment area. 78% of approaches to the office are made by telephone. A further 12% are made online. The telephones are generally staffed by university undergraduates. We have developed relationships with several universities so that bright and capable students are identified and encouraged to consider working part time with the office as casual staff.

Many have continued their employment here by later winning full time positions, after spending time answering the phones. It is a great training ground. It also is a good way of identifying those with an aptitude for dealing with people and conducting investigations.

## **Encouragement**

- Ability not rank

By encouraging staff, often at a junior level to be involved in our more complex work, we have developed a pool of capable officers, with excellent writing skills.

- Project work

Involving junior officers in project work has its risks. However I have found that most officers rise to the occasion. Junior may not just be in age, but also in service. Anyone new to the office has to undergo a period of training so that they can quickly gain an understanding of how we work.

## **Case Study 2**

A junior investigations officer, who had been with the office less than a year, commenced enquiries with a regional council following a complaint about the council's failure to provide road access to the elderly complainants' farm. The only road to their rural property had been closed at that stage for over a year as a result of a landslip.

Due to a lack of action by the council, we commenced a formal investigation, which was undertaken by the officer. The outcome was that, some 19 months after the landslip, the council provided temporary access and the complainants were able to go back home. The officer was also the author of the Ombudsman's report to Parliament on the case.

I believe that these strategies are a strong selling point with our workforce. The recognition that potential is valued and that staff are given the opportunity to make both significant and meaningful contributions, regardless of length of service or classification, has identified the office as an employer of choice. This was recently demonstrated when we received over 500 applications for some casual vacancies.

We have also conducted a major investigation in conjunction with another integrity body which not only has developed a strong working relationship with the agency, it also provided our staff with a broader focus for the investigation.

## **Case Study 3**

In 2011 we conducted a joint investigation with the Victorian Auditor-General's office (VAGO) into 10 major information technology projects undertaken by government. We were able to draw on the audit experience of the VAGO officer, as well as using our extensive investigations experience. The subsequent report highlighted increased costs to government due to cost overruns and failures to meet expectations, amounting to \$1.44 billion.

## **Developing writing skills**

An organisation like an Ombudsman's office needs good writers. A reader of one of our reports should be able to understand the message, without necessarily having a detailed knowledge of the subject matter. We have addressed this challenge in a number of ways.

Firstly, by providing training in report writing and plain English. Secondly, by encouraging young tertiary qualified officers to take on the responsibility of the writing role in a major investigation. As you can imagine, writing a complex

report following an investigation is perhaps the hardest part of the process. Our reports need to be interesting and readable to capture the attention of the audience, whether this is a government agency, Parliament or the public. Only about 20-25% of our major investigation reports are made to Parliament. Those reports in particular need to be concise and provide the audience with a strong message. Writing such reports is an art.

### **Providing officers with development opportunities**

There are not many ways of rewarding performance in the public sector. You need to be creative to provide training and development opportunities to outstanding staff that have made a contribution above and beyond the call of duty. Apart from promotion, which is not always available, there are few options.

We look for opportunities to both reward and challenge competent officers. This has included sending officers overseas for training and exchanges with agencies. We have been able to do this at minimal cost by for example, by winning a scholarship to send one officer to the International Ombudsman Institute's (IOI) investigators training in Vienna in 2012.

Also, in 2013, we were able to send another officer to the IOI investigator's program conducted in Thailand at minimal cost.

### **Early intervention on performance issues**

It is our practice to never let a staffing issue fester. Bullying is seen as a significant problem in the public sector. Bullying, or any sort of inappropriate behaviour in the workplace should not be tolerated. 88% of Ombudsman staff surveyed by the SSA said that they had not personally experienced bullying in the workplace. 5% said that they were not sure. The balance (7%) said that they were not currently experiencing bullying behaviour.

An analysis of these results indicated that any uncertainty tended to relate to performance management, rather than behaviour traditionally considered as bullying, such as verbal abuse, harassment or intimidation.

Where necessary, poorly performing officers are encouraged to consider other career paths.

### **Technology**

Technology can make a difference. We rely heavily on our IT systems for improvements to the way we work. Efficient systems also contribute to a happy workplace. For example, our complaints database Resolve is also linked to our document management system Trim, so that there is one source for all records relating to a complaint.

- Telephone systems

Incoming callers are now given a message so that the top four out of jurisdiction agencies' calls can be routed direct to their contact number (Commonwealth Government departments like Centrelink, Consumer Affairs, and the financial industry, such as banks, energy industry, and telecommunications). Police complaints are also referred to IBAC.

The purpose of automating out of jurisdiction complaints is to reduce unnecessary handling of matters that we cannot investigate. This frees staff up to undertake our core function of investigating complaints about Victorian government agencies.

- Alerts

Persistent and unreasonable complainant conduct can tie up resources and be a distraction from our day to day business. Having identified this type of conduct, it is noted on our complaints management system, which is also linked to telephone numbers. If a complainant has previously exhibited unreasonable conduct, an alert can be entered onto our complaints management system so that it comes up on the screen to warn our complaints staff of the possibility that the caller may need to be managed. We have also recently introduced a system whereby our database (Resolve) is linked to our telephone system (QMaster) so that problem callers can be identified early and their call routed to a suitably experienced officer.

- Nuix

In our more complex investigations, we often deal with large amounts of data, such as email. To manage and search this information we use an intelligence product called Nuix. Again, the purpose of this system is to streamline staff's handling of large amounts of data to make their job easier.

### **Other benefits**

There are other indirect benefits from having a happy cohesive workforce including:

- A lower rate of sick/carers leave compared to other Victorian Government agencies (5.2 days per annum versus 7.4 days for the comparator group i.e. 30% less)
- Nearly 46% of senior staff with over one year of service have not taken sick /carers leave (compared to 35% in the comparator group)
- Management profile is flatter, with fewer senior staff compared to other agencies

### **Staff profile**

Of interest is our staffing profile, with 66% of staff female and 70% under the age of 40.

## **Challenges for the future**

- Retaining good staff

In these times of economic constraint, we are not always able to promote good staff, or give them a pay rise commensurate with their ability and contribution. So how can we engage them to ensure that they remain involved and committed? One way is by giving them challenging work, providing higher duties, offering them an opportunity to write a report e.g. Annual Report.

- Doing more with less

I suspect that we are all facing the same challenge of doing more with less. Some strategies we use have been outlined above. We continue to regularly reassess our operations, looking for opportunities to improve the way we work.

- Managing new functions

Our recent experience over the past year, following the introduction of the new integrity regime<sup>1</sup> has meant that our complex workload has more than doubled. This has necessitated seeking additional funds from Government.

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<sup>1</sup> The Independent Broad-based Anti-corruption Commission Act 2011, The Protected Disclosure Act 2012, and the Victorian Inspectorate Act 2011

**ATTACHMENT 1**



**Statutory Declaration**

I, \_\_\_\_\_  
[full name]

of \_\_\_\_\_  
[address]

do solemnly and sincerely declare that I have fully disclosed in writing to either the Ombudsman, Deputy Ombudsman or Director, Corporate Services at the Victorian Ombudsman, all details of:

- any charges laid against me concerning an offence allegedly committed in Australia or in another country
- any offence of which I have been convicted, committed in Australia or in another country
- any misconduct or other disciplinary action taken against me by any current or former employer, pursuant to an industrial award agreement, contract of employment or relevant employment agreement.
- If subject to misconduct or other disciplinary action by any current or former employer, the current status of any investigation.

and that any copy of any document which I provided to any Ombudsman officer as part of the recruitment process to a position in the Victorian Ombudsman is a true and accurate copy of the original of that document. I also certify that all information provided to representatives of the Ombudsman, including responses to questions put at interview, were true and correct.

**I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.**

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

.....  
Signature of person making this declaration  
**[to be signed in front of an authorised witness]**  
Before me,

.....  
Signature of Authorised Witness

