

STATE OF THE SECTOR REPORT

2011 – 2012

Report By:
The Commissioner for Public Sector Employment
Office of Public Employment and Review
Department of the Premier and Cabinet



Government of South Australia
Commissioner for Public Sector Employment
Office of Public Employment & Review

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REPORTING FUNCTION OF THE COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT UNDER THE *PUBLIC SECTOR ACT 2009*

The Functions of the Commissioner for Public Sector Employment are defined in the *Public Sector Act 2009* (PS Act). The Commissioner must, before 30 September in each year, present a report to the Minister on matters relating to the Commissioner's functions in accordance with Part 21 of the PS Act.

The report must:

- relate to the financial year preceding the making of the report;
- describe the extent of observance of the public sector principles in so far as they relate to public sector employment and measures taken by the Commissioner to promote the observance of those principles; and
- deal with any other matters stipulated by the regulations.

Regulation 11 of the PS Act requires that the Commissioner's annual report to the Minister include information with respect to the following:

(a) the issuing by the Commissioner of:

- variations or substitutions of the public sector code of conduct;
- public sector employment determinations; and
- guidelines relating to public sector employment matters,

during the financial year to which the report relates;

(b) the number of occasions on which public interest information has been disclosed to the Commissioner under the *Whistleblowers Protection Act 1993* during the financial year to which the report relates.

ROLE OF THE COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT UNDER THE *PUBLIC SECTOR ACT 2009*

The statutory functions of the Commissioner for Public Sector Employment are defined within the PS Act.

The Commissioner's role includes advancement of the objects and principles of the PS Act, and promotion of their observance within the public sector. Specifically the role of the Commissioner is to:

- (a) issue the public sector code of conduct;
- (b) issue public sector employment determinations;
- (c) monitor and report to the Minister on observance of the public sector principles, code of conduct and employment determinations;
- (d) issue guidelines relating to public sector employment matters;
- (e) provide advice on public sector employment matters at the request of public sector agencies or on the Commissioner's own initiative;
- (f) provide advice on and conduct reviews of public sector employment or industrial relations matters as required by the Premier or the Minister or on the Commissioner's own initiative; and
- (g) investigate or assist in the investigation of matters in connection with public sector employees' conduct or discipline as required by the Premier or at the request of a

public sector agency and investigate such matters on the Commissioner's own initiative (including on receipt of public interest information under the Whistleblowers Protection Act 1993).

THE OFFICE OF PUBLIC EMPLOYMENT AND REVIEW

The Office undertakes a range of functions, including:

- supporting the implementation and administration of the PS Act and associated employment legislation;
- issuing employment determinations and guidelines, ethical codes and conduct standards;
- collecting and collating whole-of-government workforce information and undertaking analysis and comprehensive reporting;
- supporting the provision of internal consultancy services to the Premier and Government;
- undertaking Chief Executive, Statutory and Ministerial Officer appointments on behalf of the Premier and Ministers;
- administering the Notice of Vacancies to enable public sector recruitment;
- facilitating Public Sector development through the Public Sector Management Program;
- advancing Public Sector performance through the provision of support for South Australia's Strategic Plan Targets;
- providing support for Machinery of Government changes; and
- supporting the operation of the Public Sector Grievance Review Commission.

During the reporting period the Office of Public Employment and Review has:

- continued to raise awareness of the Code of Ethics for the Public Sector to guide and support public sector employees in all of their professional activities, strengthen public confidence in the public sector and set out the standards of professional conduct expected of every public sector employee;
- supported a modern, streamlined and high performing public sector through the development of Determinations and Guidelines to promote the Objects and Principles of the *Public Sector Act 2009*;
- applied continuous improvement strategies to the Workforce Information Collection systems to gain higher quality data collected from agencies across the public sector. This has strengthened transparency and accountability, performance measurement and evaluation, informing high level evidence-based decision making in the public sector;
- collected, analysed and reported quantitative and qualitative information, in order to evaluate the management and performance of the sector against the public sector principles, and for the purpose of meeting the legislative reporting requirements of the Commissioner for Public Sector Employment;
- supported future leadership and management capability of the public sector workforce through coordination of the Public Sector Management Program;
- supported the redeployment of public sector employees through structuring and implementing a database accessible across government for the purpose of matching employees to available vacancies; and
- advanced the following South Australian Strategic Plan Targets:
 - Target 32 - to increase customer and client satisfaction with government services by 10% by 2010; and
 - Target 52 - Have women comprising half of the public sector employees in executive levels (including chief executives) by 2014.

CODE OF ETHICS

The Code of Ethics for the South Australian Public Sector was issued on 1 February 2010. The Code embodies and builds upon the principles of the Act and in doing so seeks to advance the objects of the Act in the pursuit of good government in South Australia.

The Code of Ethics is the Code of Conduct for the purposes of the PS Act and is built upon a foundation of five ethical values:

- democratic values;
- service, respect, courtesy;
- honesty and integrity;
- accountability; and
- professional conduct standards.

The Code has the standard objectives of guiding and supporting public sector employees in their professional activities and setting the standards of professional conduct expected of them.

In addition, the Code has the following goals aimed at transforming the public sector:

- shifting the professional culture to one of guiding values and ethical principles;
- recognising the central place of professionalism in contemporary public sectors;
- restoring trust between government and citizens by explicitly placing obligations to citizens at the core of ethical principles; and
- replacing rules with a commonly embraced set of ethical values.

The Commissioner for Public Sector Employment addressed many public sector forums to promote the Code and the Office for Public Employment and Review continues to support both the operation of the Code and its transformational aims.

Investigations of breaches of the Code of Ethics

There were 380 investigations into breaches of the Code of Ethics during the 2011-12 period. In 186 cases a breach was found, whilst in 66 cases no breach was found, 118 investigations were still to be finalised and 10 were unspecified at the end of the reporting period.

COMMISSIONER'S DETERMINATIONS AND GUIDELINES

Section 16 of the PS Act states that the Commissioner for Public Sector Employment may issue determinations relating to:-

- employment in the Public Service; and
- public sector employment outside the Public Service that is declared by another Act or the regulations under the PS Act to be employment to which Section 16 of the PS Act applies.

A determination of the Commissioner also applies to public sector employment to the extent that a determination is relevant to the application of the provisions of Part 7 of the PS Act that apply to employment. To support the operation of the PS Act the following Determinations have been issued:

1. Merit, Engagement, Assignment of Duties and Transfer of Non-Executive Employees, Merit based selection processes;
2. Excess Employees – Income Maintenance;
3. Accrual of Long Service Leave in June 2011 and Employment Conditions – Long Service Leave (Determination 3.4C);
Sick Leave (Determination 3.4A)
War Service and Defence Reserves leave (Determination 3.4D)
4. Qualifications for Designated Whistleblower Contact Officers; and
5. Classification and Remuneration.

Pursuant to Section 14 of the PS Act the Commissioner for Public Sector Employment may issue guidelines relating to public sector employment matters. To support the operation of the PS Act the following Guidelines have been issued:

Management of Unsatisfactory Performance (Including Misconduct)

This Guideline is intended to assist managers in the Public Service to manage the unsatisfactory performance of public servants – including alleged incidences of misconduct. The general content of the Guideline will also assist managers throughout the remainder of the public sector.

Gifts and Benefits

This Guideline is intended to assist employees and agencies of the Public Sector to determine behaviour in relation primarily to the receipt of gifts and benefits in the course of employment but should also be considered in relation to the giving of gifts by public sector employees to others.

Redeployment of Excess Employees in the Public Sector

This Guideline is intended to inform and assist in the redeployment of excess employees in the public sector. It supports implementation of the enhanced redeployment management process and reflects the policy directives for excess employees approved by Cabinet.

Women in Leadership in the Public Sector

This Guideline is intended to inform and assist in achieving and maintaining a 50% representation of women in executive roles in the SA public sector.

Requests by Members of Parliament for Briefings

The Commissioner for Public Sector Employment also issued a guideline to replace an earlier Commissioner's Standard to provide guidance on the handling of requests by Members of Parliament to public employees for briefings on existing or proposed policies and legislation. Clarification of this guideline is also available.

WHISTLE BLOWER DISCLOSURES

Part 7 of the *Public Sector Act 2009* requires that each public sector agency ensures that a public sector employee (with qualifications determined by the Commissioner) is designated as a responsible officer for the agency for the purposes of the *Whistleblowers Protection Act 1993*.

Regulation 11 of the PS Act requires that the Commissioner's annual report to the Minister includes information with respect to the number of occasions on which public interest information has been disclosed to the Commissioner under the *Whistleblowers Protection Act 1993* during the financial year to which the report relates.

No public interest information was disclosed to the Commissioner for Public Sector Employment during the reporting period.

WORKFORCE DIVERSITY

Aboriginal Employment

SASP Target 53 is a target for all public sector organisations. Reporting responsibility rests with the Aboriginal Affairs and Reconciliation Division within the Department of the Premier and Cabinet. This target seeks to increase the participation rate of Aboriginal people in the South Australian Public Sector across all classifications and agencies to 2% by 2014 and to maintain or better those levels through to 2020.

Across government data to the end of June 2011 shows there has been a slight improvement in the participation rate since 2010, with Aboriginal people comprising 1.62% of the total number of public sector employees. Whilst this target focuses on the proportion of Aboriginal employees in the public sector, it is notable that the number of Aboriginal employees has more than doubled between 2003 and 2011 from 682 to 1,641 employees.

Although the SASP Target 53 has not yet been achieved across the Public Sector, there are several agencies that have substantially exceeded it. At the end of June 2011, 3.8% of employees in the Department for Communities and Social Inclusion were Aboriginal, as were 3.3% of the Department for Correctional Services employees and 2.8% of employees in the Department of the Premier and Cabinet.

Although there has been a slight increase in the representation of Aboriginal staff in the Public Sector, Aboriginal employees are predominantly in the Operational and First Line Supervisor levels, that is, the Trainee to ASO4 range.

Aboriginal people account for less than 1% of each of the Middle Manager, Senior Manager and Executive categories.

Achievement of the SASP Target 53 requires highly focussed and strategic attention to workforce development, recruitment and retention. State public sector agencies continue to develop and implement Aboriginal employment strategies which are directed at increasing the number of Aboriginal employees and representation of Aboriginal people in managerial roles.

Actions currently being taken to address Aboriginal public sector employment include the establishment of a cross government Human Resources (HR) Network that provides information on best practice, tools and resources for recruitment, induction and retention of

Aboriginal staff. Larger agencies will also 'partner up' with smaller agencies to provide mentoring support and 'hands on' advice.

The Department of Further Education, Employment, Science and Technology (DFEEST) supports South Australian public sector agencies to recruit and retain Aboriginal people into existing job vacancies. Agency vacancies are promoted through the South Australian Public Sector Aboriginal Torres Strait Islander Employment Network and to job seekers registered on the Aboriginal Employment Register. Aboriginal jobseekers on the Aboriginal Employment Register can be referred to short term public sector vacancies (up to 12 months).

There is currently a proposal for DFEEST to provide more strategic support across agencies. This proposal suggests bringing together key senior workforce development staff from across the public sector, to develop and implement models and processes that collectively will achieve SASP, Indigenous Economic Participation National Partnership (via COAG) and Australian Employment Covenant public sector targets and commitments.

DFEEST promotes opportunities for Aboriginal people to participate on South Australian Government boards and committees. Information and assistance to participate in leadership development training and opportunities for Aboriginal public sector employees is provided as is support to apply for senior positions. The program is currently under review, and a revised approach is scheduled to be completed by the end of 2012, with an emphasis on building the capacity of agencies to promote and support Aboriginal people into leadership opportunities.

Employees with a Disability

The Department of Further Education, Employment, Science and Technology (DFEEST) fund Disability Works Australia to administer the South Australian Public Sector Disability Register to secure 50 work placements in the public sector during the 2011-12 financial year.

The register is an Equal Employment Opportunity Program pursuant to Section 65 of the PS Act and supports the new 2011 SASP Target to increase by 10 per cent the number of people with a disability employed in South Australia by 2020. DFEEST is the lead agency for this SASP target.

The South Australian Public Sector Disability Register enables people with disabilities, who are not currently employed in the public sector, to apply for positions advertised in the Government of South Australia's Notice of Vacancies. Currently 423 people with a disability are listed on the register.

The Department for Communities and Social Inclusion is to lead the planning and implementation of the Access and Inclusion Plan Strategy across South Australian Government. Access and Inclusion Plans will be implemented over 2012-13 and replace the Promoting Independence strategy that has been in place over the past decade.

The Access and Inclusion plans are not intended to be exclusively focused on disability but an organisational plan that develops a strategic approach to inclusion for all people in our diverse society. The Strong Voices disability reform report recognised the inefficiencies of multiple issue or interest groups pushing their cause, often at the expense of others. Access and inclusion for people with disability is important as it is for other population groups such as Aboriginal people, women, the aged, youth, and those from sexual and gender diverse communities.

The Access and Inclusion Plans will play a key role in assisting Government agencies to be as accessible as possible for all citizens. The Plans will encompass infrastructure, organisational culture, policy and planning. They will be broad in their scope, applying to all people and groups who may be vulnerable, marginalised, disadvantaged or stereotyped. As such agencies will be able to tailor their Plan to focus on the agencies' client base. That is, they will be flexible to best fit the agencies' business needs.

Access and Inclusion Plans will be an enabling tool to improve business planning, service delivery and operations rather than being an administrative procedure. This approach provides agencies the advantage to work flexibly and strategically to improve business delivery and social inclusion.

Women

Women in Leadership

SASP Target 52; Have women comprising half of the public sector employees in the executive levels (including chief executives) by 2014.

South Australia's Strategic Plan Target 52 aims to have women comprising half of the public sector employees in the executive levels (including Chief Executives) by 2014 and maintain thereafter.

As at June 2011, approximately 43.1% of executives were women, representing a 0.9 percentage point increase since 2010. This compares to 28.2% female executives at June 2002 representing a 14.9 percentage point increase over 10 years. The Department for Education and Child Development, the Department for Communities and Social Inclusion, the Department of Further Education, Employment, Science and Technology and the Department of the Premier and Cabinet have met or surpassed the target.

Women continue to be under represented in executive roles, including chief executive positions in the South Australian public sector. In contrast, women are over represented in administrative roles at lower classification levels. T52 seeks to address the inequity of this situation. Fundamentally, the target is aimed at establishing gender equity, and this in turn is consistent with establishing a workforce that is as diverse as the community it serves. The South Australian public sector accounts for just over 12% of employment in South Australia. Its employment practices and profile can have a substantial and direct impact on employment opportunities for under-represented groups.

In addition, a workforce that is properly representative of both genders is likely to increase the public sector's capacity to be innovative and flexible, and to be truly responsive to the needs of the community. There is clear evidence supporting a business case for increasing the number of women in executive positions. There are greater returns on invested capital, and there is a better emphasis on values, ethics, building relationships, accountability and innovation when women are involved in the leadership of organisations.

A number of initiatives have been implemented to assist in creating and maintaining momentum toward achievement of the Target. The Office of Public Employment and Review website promotes strategies to achieve the target, as well as providing information and resources for agencies. An agency champions group (as well as a male champions group) and nominated agency employees have worked collaboratively to generate ideas and exchange information about the status of women in their agencies and in the sector generally.

South Australia's Strategic Plan Targets 30 and 31; Increase the Number of Women on all State Government Boards and Committees, including Chairs.

Women held 46% (45.6%) positions on Government boards and committees as at 30 June 2012. This represents an increase of 12 percentage points from 34% (33.6%) as at January 2004 following the inaugural South Australian Strategic Plan (SASP). Also at 30 June 2012, women held 37% (37.1%) of chair positions on government boards and committees. This represents an increase of 13.27 percentage points from 24% (23.83%) at 1 April 2004 following the release of the SASP.

The Premier's Women's Directory has assisted the State Government to improve the percentage of female membership on boards and committees and is managed by the Office for Women (OFW). It is an online resource and a register of board ready women. The Register is continually updated and as at 1 June 2012, contained approximately 800 resumes of women seeking board appointments.

In 2011-12 the Office for Women undertook a number of initiatives towards achieving these targets, including:

- targeted recruitment of high level women from diverse backgrounds to the Premier's Women's Directory;
- promotion of the Premier's Women's Directory for use by the not-for-profit and private sectors;
- involvement in the Women influencing Defence and Resources Industries Community of Practice, including through its Steering Committee;
- speaking at Women in Treasury and CPA South Australia's Women's Group; and
- holding a board CV workshop for women working in the defence and resources industries.

PUBLIC SECTOR WORKFORCE MANAGEMENT

Public Sector Management Division

The Public Sector Management Division (PSMD) was established on 1 July 2012 to manage implementation of the public sector reform program under the auspices of the Senior Management Council (SMC). The PSMD manages the High Performance Framework, the Sustainable Workforce Program, the South Australian Executive Service, and additional projects.

In 2012 SMC oversaw the creation of the Public Sector Human Resources Leaders' Group (HRLG). The HRLG brings together the experience and professionalism of Human Resources leaders from across the public sector. The HRLG's achievements include:

- The review and approval of the first line, entry level, and middle management competency frameworks, which are now published on the Department of Premier and Cabinet website;
- The creation of a subgroup to improve Aboriginal Employment across the public sector; and
- Participation in the review of redeployment management practices across government.

High Performance Framework

The High Performance Framework (HPF) is a systemic approach to organisational performance management and continuous improvement. Its role is to:

- promote high levels of agency performance across the South Australian public sector;
- ensure agencies are aligned to the policy directions and strategic objectives of the government and achieve 'line of sight' to meet these objectives; and
- provide a practical approach to building partnerships across agencies to address performance challenges and opportunities.

All Senior Management Council (SMC) agencies have agreed to conduct an initial review using the HPF by 30 June 2013. Ten out of thirteen agencies have completed this process thus far.

Each HPF review process results in a Performance and Accountability Statement (PAS) that summarises the performance of each agency. The agencies that have completed the review process have identified a range of improvement opportunities that they are currently implementing. Progress against these improvement strategies will inform annual performance evaluation discussions between chief executives and their ministers. The Public Sector Management Division (PSMD) provides agencies with assistance and guidance on how to conduct a review using the HPF, and how the HPF can be embedded into existing management systems.

In partnership with the Institute of Public Administration Australia (SA), the PSMD conducted two highly successful seminars focused on 'Community Engagement and Customer Service'; and 'Innovation and Continuous Improvement'. Over 1000 public sector employees registered for these free events. The series will continue over 2012-13.

Recruitment

South Australian Graduate Register

The South Australian Graduate Register continued to support graduates through recruitment across the South Australian public sector. The Register is an online recruitment tool where graduates and final year university students seeking employment in the public sector, can register their qualifications, skills and work experience. Public sector agencies can use the Register to advertise a specific position or an annual graduate intake, as well as accessing the Register to short list candidates against a specific job vacancy at graduate level.

The state government continued its agreement with the Local Government Association (LGA) in 2012, allowing members of the LGA access to the Register for the recruitment of graduates into councils.

In July 2012 there were 6391 active candidates listed on the Register.

Selection decisions without a merit-based selection process

In accordance with regulation 17(1)(i) of the *Public Sector Act Regulations 2010*, public sector chief executives are able to determine that special circumstances exist warranting the engagement of a person without the conduct of a merit based selection process. Agencies

reported a total of 137 engagements appointed without a merit-based selection process for the year ending 30 June 2012.

Workforce Development

Leadership - The South Australian Executive Service

The South Australian Executive Service (SAES) was established in 2007 to ensure that the public sector has high performing leaders who have a shared sense of purpose and direction, and engage the public sector in the pursuit of the principles and objectives of the PS Act. The SAES had 556 members as at 30 June 2012.

The Public Sector Management Division (PSMD) in the Department of the Premier and Cabinet (DPC) designs and arranges the delivery of the SAES induction program. The program aims to provide new SAES executives with the knowledge, tools, networks and mind-set necessary to succeed as public sector leaders. It attracts high-profile guest speakers from commonwealth and state governments and institutes such as the Australian and New Zealand School of Government.

A total of 105 SAES Executives have attended the program since it commenced in 2009. In the 2011-12 financial year a total of 52 SAES Executives attended two programs, in October 2011 and in March 2012. Further programs will be run in 2012-13.

SA Public Sector Management Program

During 2011-12, the SA Public Sector Management (PSM) Program offered three intakes with a total of 52 new participants commencing in that period.

The 2011 SA PSM Program Graduation Ceremony was held at the Adelaide Town Hall with around 140 guests in attendance. A total of 67 participants were eligible to receive a Graduate Certificate in Public Sector Management from Flinders University. This was the largest graduation group since the Program commenced in 1992. The MC for the evening was Ms Lois Boswell, who at the time was Executive Director, Strategic Policy, Department of the Premier and Cabinet. Dr Lynn Arnold AO, in his previous capacity as Chief Executive Officer, Anglicare SA addressed the guests and presented Merit Awards to our high achievers.

In 2012 the SA PSM Program initiated a 'Graduate Network' as a way of keeping past participants of the Program in touch with each other. The first Graduate Network event was held in late May 2012 with an address by Jo Saies, Director of PB Performance Coaching on "*Choosing Happiness...Life's Most Sought after Skill*".

Mr Michael D'Ascenzo, Commissioner of Taxation, Australian Taxation Office, continued as the Chair of the PSM Program National Board.

Additional Development Programs

The Public Sector Management Division (PSMD) coordinates the Government Internship Program with Carnegie Mellon and Flinders Universities. Students are placed with departments throughout the public sector to work on projects of strategic priority.

In partnership with the Institute of Public Administration Australia (SA) and HRLG, the PSMD presented the inaugural Across Government Human Resources Forum on 7 June 2012 with 220 participants. The theme of the forum was 'Modernisation of HR – HR 2015' with the focus on the topics of 'Organisational Resilience, 'Cultural Change' and 'Professionalising Human Resources'.

Since 2009 DPC has sponsored the Pastor Sir Doug Nicholls and Lady Gladys Nicholls Indigenous Scholarship program. The Scholarship provides a fully funded place in the Governor's Leadership Foundation Program (GLF) for an Indigenous participant. The PSMD manages this scholarship on behalf of DPC.

In 2011 there were four participants. In 2012 a total of five applications were received for the 2012 program with DPC funding a full scholarship and a half scholarship for two participants. Scholarships were also funded by other organisations for the remaining three participants.

Flexible Work Practices

The South Australian Strategic Plan includes T13, Improve the quality of life of all South Australians through the maintenance of a health work life balance. SafeWork SA is the lead agency for this target.

An onus exists for State Government employment practices to demonstrate best practice in the availability of flexible working arrangements and the trial and evaluation of work life balance initiatives.

The Public Sector WLB interest Group, consisting of representatives from a range of government agencies continues to provide a forum and network for the exchange of ideas and initiatives.

During the past year the Interest Group was briefed by Claire Hutchinson-Pyke of the Centre for Work & Life, University of South Australia on the results of a survey from a project involving Primary Industries and Resources South Australia (PIRSA) and the Department for Water. The aim of the project was to examine the effects of flexible work arrangements where an employee makes a request for flexibility.

Ageing workforce

As part of the South Australian Government's Machinery of Government changes, the Office for the Ageing (OFTA) transferred to the Department for Health and Ageing on 1 January 2012. OFTA continued to develop South Australia's *Communities for All: Our Age-friendly future Guidelines and Community Toolkit* which are based on the World Health Organisation's Age Friendly Cities project. South Australia's Communities for All has been initiated in response to a growing awareness about the impact that our environments and communities can have on our health, wellbeing and ability to participate as we age. Small changes can have a big impact, especially for older people, and South Australia's Communities for All outlines in simple terms what state and local governments and developers can do to make our communities more age-friendly. The Office for the Ageing finalised the draft guidelines, which have a uniquely South Australian application, following extensive consultation with state and local government agencies and peak non-government agencies. To ensure their successful practical application, OFTA trialled the guidelines and community toolkit in five local councils during 2011-12. An evaluation report is due in the latter half of 2012.

Work participation and flexible working arrangements is a further key theme of Improving with Age - Our Ageing Plan for South Australia. 2011-12 saw the implementation of four flexible working arrangements projects funded by the Active Ageing: Supporting Independence and Choice Policy 2010. The outcomes of these projects will result in better support for older workers to make employment choices. Work has also been carried out with both the private and public sector to raise community awareness and develop more flexible working arrangements for those nearing, or considering retirement. The outcomes also include strategies to position the South Australian Government as a leader among employers through adopting an age-friendly approach to its employment practices and by supporting work places to become age-friendly.

Redeployment of Employees

The Public Sector Management Division established the Sustainable Workforce Program (SWP) to ensure that the public sector can continue to meet current and future workforce demands.

During 2011-12 the number of excess employees was reduced from 419 at 30 June 2011 to 312 at 29 June 2012. This represents a net reduction of 26%. The number of employees being formally declared excess across the sector fell from an average of 36 per month over the period June 2011 to January 2012, to an average of 13 per month from February 2012 to June 2012.

In addition, there have been significant decreases in the number of long term excess employees as follows:

- An 11% reduction in employees who have been excess from 2 to 5 years;
- A 57% reduction in employees who have been excess from 5 to 10 years; and
- A 56% reduction in employees who have been excess for over 10 years.

During the period 1 July 2011 to 29 June 2012, 364 excess employees were added to the excess list and 471 were placed or separated.

Employee movement

Regulation 6(9) of the *Public Sector Regulations 2010* enables Chief Executives to determine that the right of return by employees to their home agency, from employment external to the home agency, is not to apply to specific areas of the agency's operations. The Chief Executive must be satisfied that such a decision is warranted in the circumstances having regard to the urgency or significance of the agency's operations.

No agency chief executive reported using this power for the year ending 30 June 2012.

Reviews of Employment Decisions

Internal Reviews under the Public Sector Act 2009

The PS Act specifies that employees aggrieved by an employment decision of a public sector agency, directly affecting the employee, are able to apply for an internal review of the decision. This review is conducted by the employing public sector agency. There were 91 such applications for internal review for the year ending 30 June 2012.

Public Sector Grievance Review Commission

During the 2011-12 period, the State Government appointed a new Commissioner and three Assistant Commissioners to ensure that grievances are dealt with in a timely manner.

Forty one applications for external review were lodged with the Review Commission during the reporting period ending 30 June 2012. The following agencies were represented – Attorney-General's Department (AGD), Department for Correctional Services (DCS), Department for Families and Communities (DFC), Department of Further Education, Employment, Science and Training (DFEEST), Department of the Premier and Cabinet (DPC), Health (DoH), Department for Transport, Energy and Infrastructure (DTEI), Department of Treasury and Finance (DTF), Department of Environment and Natural Resources (DENR), Department of Planning and Local Government (DPLG), Department of Trade and Economic Development (DTED).

Thirty seven applications were carried over from the preceding reporting period, for DFC, DCS, DTF, Health, DCS, AGD, SA Water, DPC and DTEI. Ten applications are yet to be dealt with and have been held over until 2012/2013. Agencies involved were DPTI, DCSI, DPC, DPTI, DENR, DECD and DPTI. As such the Review Commission dealt with sixty seven applications during the current reporting period.

During the year, 5 applications were withdrawn from employees in agencies: DFC, Public Trustee, DENR and AGD. The number ruled out of jurisdiction was 11 from the following agencies Health, DFEEST, DTED, DFC, DECD, DCSI and DPTI. The remaining 51 applications were dealt with in hearings, some involving multiple employees.

The Review Commission found for the agency in seventeen matters involving DFC, DCS, DTEI, DPLG, AGD, DPTI, DTF, DCSI, DCS and DPC. It found for the applicants in three matters (one for DPLG, DPTI and DPC).

Note: Several agencies were restructured and/or renamed during the reporting period

PUBLIC SECTOR WORKFORCE INFORMATION

The Commissioner for Public Sector Employment has the power to require public sector agencies to provide statistics relating to public sector employment matters in accordance with section 19 of the PS Act. The Office for Public Employment and Review obtains this information for the Commissioner by conducting a comprehensive census of all South Australian State Public Sector organisations. The data is subjected to quality assurance and subsequent analysis, and the figures are reconciled with those published by the Department of Treasury and Finance (DTF). Many regular and ad-hoc reports are generated from the data, along with explanatory reports on specific topics for the benefit of public sector management.

The Workforce Information Collection (WIC) is the only comprehensive public sector-wide employee demographic data collection in South Australia. It provides a snapshot of the SA Public Sector's demographic profile, as at the end of June each year. It is therefore in high demand for use in evidence-based decisions made in key policy areas that require reliable information on the characteristics of the SA Public Sector. The report includes total numbers of public sector employees (FTEs), employee turnover, tenure, sick leave, appointment types, executives, age profile, and many key indicators of diversity (including the number of women in leadership, number of employees with disabilities, cultural background and Aboriginal and/or Torres Strait Islander employees). The WIC is a significant tool for meeting the government's objective of ensuring accountability in the public sector.

Workforce Information tables are published on the Office of Public Employment and Review's website – www.oper.sa.gov.au

SAFETY IN THE PUBLIC SECTOR

Workplace Safety

The *Safety and Wellbeing in the Public Sector 2010-2015* strategy developed by Public Sector Workforce Relations in the Department of the Premier and Cabinet, supports South Australia's Strategic Plan Target 21 - Greater safety at work.

Ongoing improvement in safety and wellbeing impacts positively on the delivery of public sector services and supports chief executives to develop a high performing public sector consistent with South Australia's Strategic Plan.

The Strategy includes the Premier's Safety and Wellbeing in the Public Sector Declaration (i.e. every harmful incident or injury is considered to be preventable); the aspiration for a 100% Return to Work; and stretch performance targets. It is framed around four elements:

- Commitment to the management of safety and wellbeing;
- Accountability for safety and wellbeing performance;
- Integrated risk management; and
- Effective measurement and evaluation.

In June 2012, new claims increased by 112 (2.7%) to 4200 from 4088 in June 2011. The claims frequency rate (number of injuries per million hours worked during each 12 month period) increased by 0.8 (2.7%) from 29.3 in June 2011 to 30.1 in June 2012.

Against the National Safety Strategy and South Australia's Strategic Plan Target 21, Greater Safety at work of 40% reduction in injury, the SA public sector had achieved 37% reduction as at December 2011.

The Strategy sets targets for safety and injury management performance and aims to improve public sector performance with a consequent reduction in the human, social and financial cost of workplace injury.

STATE OF THE SECTOR COLLECTION – REPORTING AGAINST THE PUBLIC SECTOR PRINCIPLES

State of the sector collection

The public sector principles are central to the philosophy of public sector management that underpins the PS Act. The legislation is intended to guide the operations of the public sector and to reinforce the role of the sector in the delivery of services to the public and in responding to Government priorities. The Principles apply to all agencies and their employees regardless of the Act under which they are employed.

The PS Act states that the Commissioner for Public Sector Employment is to monitor and report to the Minister on observance of the public sector principles. Fundamental to the intent

of the PS Act, and specifically the public sector principles, is the continuous improvement of public sector performance and accountability.

To enable the Commissioner to provide to the Premier and the Minister for the Public Sector a detailed appraisal of the public sector's implementation and observance of the principles an agency survey was used to gather information. Each agency's Chief Executive (CE) or equivalent, have endorsed the responses of the completed survey and the results provide a valuable source of information.

The Public Sector Principals are:

- Public Focus
- Responsiveness
- Collaboration
- Excellence
- Employer of Choice
- Ethical behaviour and professional integrity

Public Focus

The public sector is to—

- **focus on the provision of services to the public;**
- **recognise the diversity of public needs and respond to changing needs; and**
- **consult and involve the public, where appropriate, to improve services and outcomes on an ongoing basis**

Many agencies have developed a Customer Service Charter which highlights their commitment to customer service excellence for both internal and external customers. Some agencies use benchmarking to measure and achieve best practice and regularly monitor and report service outcomes to ensure continual improvement.

Obtaining feedback from the public enables agencies to target areas for specific attention is essential to the improvement of services that the government provides to the community. Agencies used a variety of methods for obtaining customer/client feedback. The two most common methods used by agencies are customer satisfaction surveys and complaint monitoring. Liaison with peak bodies and surveys of the general public are also common methods of obtaining customer/client feedback.

Agencies that seek to obtain customer/client feedback use information gained to inform improvement to service through policies and systems and to adapt programs and services to better meet the needs of the customer and/or community. Other uses for customer/client feedback obtained include providing feedback to individual employees on how they may improve their customer service, responding directly to the person or organisation providing the feedback, and informing customer service training.

Examples of agency strategies relating to Public Focus include:

- Department for Health and Ageing

The SA Health Care Plan 2007 – 2016 is premised on building a responsive patient centred health system. Models of Care, operating policies and physical infrastructure are all built with the notion of improved experience and outcomes as the central focus.

- Department for Education and Child Development

The Department has developed a model for consulting and gaining feedback from children. This was first developed to ensure young children's views were fed into the review of the SA Strategic Plan.

- HomeStart Finance

HomeStart Finance has actively pursued improvement through a complete review of lending processes and customer communications in preparation for the implementation of a new lending system. They undertook an extensive research project in 2011 to determine their Customer Value Proposition. This work will inform a full product review in 2012.

- SA Metropolitan Fire Service

The MFS participates in a number of forums that allows the organisation to monitor and measure its service delivery and performance against benchmarks, using a suite of indicators that are reported against on a monthly basis and published annually. These performance indicators can be compared and contrasted with similar national and international fire and emergency service organisations.

- SA Water

SA Water use call recording to assist with quality assurance and addressing training gaps. A Customer Feedback Management unit has been created so that feedback can be recorded, monitored and reported. The organisation is implementing a data management tool to support engagement strategies and to appropriately capture communications with stakeholders.

Responsiveness

The public sector is to—

- **implement the Government's policies in a timely manner (regardless of the political party in Government);**
- **provide accurate, timely and comprehensive advice; and**
- **align structures and systems to achieve major strategies while continuing to deliver core services.**

Public Sector agencies reported that they have procedures and systems in place to ensure that advice provided to Ministers and their offices are in line with government policies, and the advice provided is timely and accurate. Across the agencies similar methods were reported for achieving this, including:

- sign-off arrangements for briefings and advice are carried out by the Chief Executive or Deputy Chief Executive (or equivalent);
- electronic systems are used to facilitate the flow of advice through the agency, which monitor the timeliness of advice and ensure appropriate sign-off;
- central units exist to coordinate and ensure the quality and consistency of advice, which often operate in the Chief Executive's (or equivalent's) office;
- timeframes are set for the provision of advice for final sign-off. For example, all correspondence is expected by the Chief Executive 3 days before the Minister's due date to allow for quality control and on-time response;
- use of electronic templates to ensure consistent formatting of advice; and

- guidelines and policies are provided to employees through the agency intranet to set standards for the provision of advice.

Examples of agency strategies relating to Responsiveness include:

- Department of Planning, Transport and Infrastructure

The agency has in place a continuous improvement model based on feedback between the Ministers, their Offices and senior staff working with Ministers. There is also formal reporting to the Senior Executive group on timelines.

- WorkCover

WorkCover's Strategy and Business Planning Group provides central coordination, oversight and management of appropriate Government policies.

- Department for Education and Child Development

The department's Executive Leadership Group provides the primary mechanism for the governance of the department enabling their capacity to be monitored.

- Attorney General's Department

The department has established an executive board that monitors, amongst other things, the Department's capacity to respond and implement Government policies and priorities in a timely manner. This is complemented by the establishment of an Office of Strategic Projects and Initiatives which oversees the implementation of major projects or initiatives and provides regular status reporting.

- Department for Correctional Services

The department has integrated systems to ensure that the quality of advice is timely, accurate and consistent. The Executive Services Business Unit monitors requests from the Minister's office and ensures responses are provided in accordance with established protocols.

Department of Treasury and Finance

The department is required to report on an annual basis to meet a range of government reporting requirements. In addition, the department has in place an annual Audit and Risk Management Services work plan that includes reviewing key financial cycles, activities associated with risk management and fraud and ethics, and the review of key processes.

Collaboration

The public sector is to—

- **ensure there is ongoing collaboration between public sector agencies in which all parties work together to achieve outcomes for the government and community; and**
- **focus on whole-of-Government, as well as agency-specific, services and outcomes.**

Agencies reported that employees within their agency worked collaboratively with other organisations either within or outside of the SA public sector, and many examples were provided. Common responses included mention of improved and seamless or 'joined up'

service provision to the community, the gaining of a shared understanding of opportunities, and cost effectiveness.

When asked what actions the agency has taken to build its capability to collaborate across government into the future, a variety of comments were made and following are some examples:

- South Australian Fire and Emergency Services Commission
SAFECOM encourage and maintain regular and structured contact with Government agencies through regular meetings and the development of issues registers and other discussion/measurement tools, which encourage a productive and strategic approach to cross agency collaboration.
- Department for Communities and Social Inclusion
The department holds regular forums to connect with key stakeholders in the non-government sector and employee associations. They work collaboratively with the community services sector to improve service delivery.
- Department of Environment and Natural Resources
The agency runs training workshops to build staff skills in negotiation and collaboration. An across-government organisational development network has been established to collaborate on leadership initiatives, common training areas and the sharing of knowledge across government. An emerging Leaders Program is run annually which promotes skills in negotiation, influencing and collaboration.
- Primary Industries and Regions SA
The department has implemented a range of strategies including the Executive Leadership Development Program, the Emerging Leadership Development Program, the Community Engagement Strategy and Case Management Framework.

Excellence

The public sector is to—

- **provide services with a high level of efficiency and effectiveness;**
- **move resources rapidly in response to changing needs;**
- **devolve decision-making authority to the lowest appropriate level;**
- **manage resources effectively, prudently and in a fully accountable manner; and**
- **maintain and enhance the value of public assets.**

Culture of Excellence

Responses provided by agencies indicate that all had implemented actions to encourage a culture of excellence. A range of mechanisms were described by the agencies, which ranged from commitments within strategic and/or business plans that are linked with regular performance management and development processes, the benchmarking and evaluation of performance and service against internal and external developed KPIs, the use of internal programs such as the High Performance Framework, as well as the adoption of external programs and tools such as the Australian Business Excellence Framework.

Examples of strategies adopted and methods of evaluation to encourage a culture of excellence include:

- Department of Environment and Natural Resources

In 2011 the agency undertook the Staff Perspective Survey as part of an assessment of the organisation's performance against the High Performance Framework. Survey results were collated, reviewed and a working group identified a number of key themes to progress.

- Department of Planning, Transport and Infrastructure

The agency uses a range of strategies to improve performance reporting by:

- Monitoring environmental factors and tracking progress in implementing programs and projects and to gauge their success in achieving outcomes;
- Reducing duplication of reporting effort by aligning KPIs used in divisional business plans, SASP implementation plans and external reporting;
- Identifying appropriate indicators for comparing the department's performance against appropriate benchmarks (e.g. targets, national or state-wide standards).

- Primary Industries and Regions SA

The agency has an 11 year history of utilising the Australian Business Excellence Framework, both at the business level and through its risk management processes, to drive performance improvement and excellence.

- Department of Manufacturing, Innovation, Trade and Resources

When developing its 2012-15 Strategic Directions, the agency identified the Strategic Enabler "High Performing Workforce" and developed a set of values that include seeking excellence. Work is underway to assess the agency against the High Performance Framework and develop actions to deliver excellence.

Department for Health and Ageing

All Health Networks participate in the Australian Council of Health Care Standards, Evaluation and Quality Improvement Program which includes continual review of performance against defined standards, independent and self-assessment and external accreditation. This program provides health care organisations with a framework to deliver a consumer-centred service focussing on continuum of care by incorporating systemic external peer review.

Employer of Choice

Public sector agencies are to—

- **treat public sector employees fairly, justly and reasonably;**
- **prevent unlawful discrimination against public sector employees or persons seeking employment in the public sector;**
- **ensure that public sector employees may give frank advice without fear of reprisal;**
- **encourage public sector employees to undertake professional development and to pursue opportunities throughout the public sector;**
- **set clear objectives for public sector employees and make them known;**
- **acknowledge employee successes and achievements and address under performance;**
- **ensure that public sector employees may join, or choose not to join, organisations**

- **that represent their interests; and**
- **consult public sector employees and public sector representative organisations on matters that affect public sector employment.**

Agency Surveys

A majority of agencies reported that they had conducted a survey during the past year (or in the previous year) for the purpose of evaluating the views of employees on the organisation as an employer. The views of employees, in those agencies that had conducted a survey, indicate a diverse array of strengths and weaknesses. Strengths include values, visions, engagement with stakeholders and the workforce, opportunities to advance your career and workplace safety. Weaknesses include the management of poor performance and leadership quality.

For the most part, agencies are using their employee surveys to assist in understanding the strengths and weakness of the workplace according to the perspectives of their employees and to identify areas for improvement. If a survey has been conducted the results were used in the following ways:

- translation into strategies to improve the workplace;
- findings presented to executive and senior management;
- results investigated further to gain an increased understanding of what creates positive or negative outcomes;
- performance measures progressed over time;
- survey findings presented in agency forums; and
- performance and progressed benchmarked against other agencies / organisations.

- Department of the Premier and Cabinet

The DPC Staff Survey was conducted in May 2011 after a review of the effectiveness of the previous three staff surveys. The staff survey is now intended to be conducted every two to three years to alternate with reviews against the High Performance Framework and Business Excellence Framework.

- Department of Treasury and Finance

In 2010-11, DTF undertook an Employee Perspectives survey as part of the department's self-assessment using the High Performance Framework. As part of the agency's Performance Management Program in 2011-12, staff were given the opportunity to provide feedback via an on line survey on suggested recommendations to improve the programs value and effectiveness.

- Department for Communities and Social Inclusion

The DFC Staff Survey was conducted in May 2011 after a review of the effectiveness of the previous three staff surveys. The survey is not intended to be conducted every 2-3 years to alternate with review against the High Performance Framework and Business Excellence Framework.

Performance Review and Training

All agencies reported that they have established a performance management and development system for employees. The majority evaluate the effectiveness of their performance management and development system, whilst others indicated that they are developing an evaluation process.

The majority of agencies have provided training for managers to ensure they are appropriately skilled to conduct effective performance management reviews and many have a policy with clear specifications on dealing with unsatisfactory performance.

- Department of Environment and Natural Resources

A comprehensive review of the DENR performance management system was conducted in 2008 to determine the effectiveness and usability of the system. Following this review, a number of changes were made to the templates, training and cycle for review. In addition, the system has been evaluated qualitatively using the previous climate surveys. Participation rates are also monitored annually. Following the last cycle a snapshot survey was conducted to evaluate staff views of the process.

- Attorney General's Department

An extensive roll out of training was completed through 2011-12, this included a mandated training to all staff and tailored management training. Management training was available to new and experienced managers with part of the training focussed on the development of skills for difficult situations and conversations.

- SA Metropolitan Fire Service

The MFS continues to provide its workforce with access to both Nationally Recognised Competency-Based Training through the Staff Development Program and to Tertiary Level qualifications through the Executive Program. In 2010-11 the MFS had 534 staff enrolled in Nationally Recognised training programs.

Workforce diversity

Most agencies have strategies to increase workforce diversity and one agency is currently developing this. The most commonly described strategies are aimed at supporting employment of people who identify as an Aboriginal or who have a disability.

- The Department of the Premier and Cabinet

The agency implemented a number of strategies to increase workforce diversity including:

- the Aboriginal Employment Plan, which targets specific strategies to increase workforce participation
- Cultural Awareness and Disability Training
- capturing data on diversity through the e-recruitment tool
- external jobs advertised on targeted jobs boards
- increased implementation of flexible working arrangements
- engagement of trainees in under-represented areas

- Department for Education and Child Development

Diversity is one of the principals underpinning the department's Merit Selection Policy and is expounded in both the policy and merit selection panel training for employees. Merit selection training specifically for Aboriginal employees is provided.

- Department for Water

The former Department for Water, Flinders University and the National Centre for Groundwater Research and Training offered two Aboriginal Groundwater Scholarships in 2011 and had a number of other strategies in place to support Aboriginal Employment. As at 30 June 2012, the Department reached its 2% target of recruitment of Aboriginal employees. The former Department had a strong history in the development of women in leadership and executive roles, and had been recognised as a leader within Australia by being awarded the Diversity@Work Awards for 2010. The Department was also a finalist in the Awards in 2011 in the category of Indigenous Employment.

Ethical Behaviour and Professional Integrity

Public sector agencies are to—

- **be honest;**
- **promptly report and deal with improper conduct;**
- **avoid conflicts of interest, nepotism and patronage;**
- **treat the public and public sector employees with respect and courtesy;**
- **make decisions and provide advice fairly and without bias, caprice, favouritism or self-interest;**
- **deal with agency information in accordance with law and agency requirements;**
- **avoid conduct that will reflect adversely on the public sector;**
- **accept responsibility for decisions and actions; and**
- **submit to appropriate scrutiny.**

In accordance with the *Public Sector Act 2009*, Chief Executives are to ensure, as far as is practicable, that the Code of Ethics for the South Australian Public Sector (“the Code”) is observed in the management and day-to-day operations of the agencies. During the 2011-12 year, there were a number of well publicised events in both public and private sectors which emphasised the ongoing need to guide and support employees in their professional activities to promote a workforce that exhibits high standards of ethical conduct.

In January 2012, the Office of Public Employment and Review wrote to public sector Chief Executives and provided a number of practicable suggestions for lifting the profile of the Code and reinforcing to employees the importance of adhering to the Code. The suggestions included the following:

- Providing leadership to regularly promote the Code and its importance in agency forums and communication platforms;
- Nominating a senior executive in the agency who has day-to-day responsibility for promoting the Code;
- Establishing an ethics committee (which may include outside representatives) chaired by the nominated executive to regularly consider all matters related to ethics as part of the agency’s governance structure;
- Ensuring that the Code and its underlying principles are given prominence in induction courses for new employees;
- Conducting training courses on ethics for all agency employees. Attendance to be mandatory at the introductory course and at refresher courses at least once annually;
- Ensuring knowledge of the Code and its underlying principles to form part of the performance management system;
- Measuring adopted to raise the importance of the Code amongst employees to be included in agency annual reports; and

- Conducting regular staff surveys to measure employee comprehension of and support for the Code.

There was an overall positive response to the questions posed by the State of the Sector Agency Survey, which demonstrated the commitment of public sector agencies to actively promote ethical conduct within the workplace, and reinforce ethics and values in the South Australian Public Sector.

Almost all surveyed agencies provide training to employees on the expectations of ethical behaviour, including practical exercises exploring appropriate actions to complex situations. Awareness of methods for reporting suspected breaches of the Code of Ethics are promoted in many agencies and most agencies indicated that they have a policy for the investigation of misconduct.

Examples of strategies implemented by agencies to promote ethical behaviour and professional integrity include:

- SA Water

SA Water provides a copy of the Code of Ethics to all new employees and the Code is readily accessible on the Corporation's intranet site. The organisation's values reflect the key messages in the Code and are part of employee performance reviews and appraisal discussions. Regular training is provided.

- Environment Protection Authority

The annual business plans includes the EPA values of empathy, sound judgement, cooperation, innovation and integrity and a commitment to the Code of Ethics. The Code of Ethics is one of the key areas that underpin performance review processes and agreements.

- Department of Manufacturing, Innovation, Trade and Resources

The agency's Strategic Directions 2012-15 include the value "we act ethically" to articulate the values and ethics for the organisation and these align with relevant legislation. Business planning guidelines require divisions to indicate how they will support ethical values.

- Department of the Premier and Cabinet

The agency is developing a program with a focus on training managers in ethical behaviour and how inappropriate behaviour should be managed. The performance review process ensures employee behaviour is consistent with ethics, principles and values.

- Department for Education and Child Development

A series of Code of Ethics newsletters providing guidelines in respect of the Professional Conduct Standards have been distributed on a fortnightly basis. The department's Ethical Conduct unit provides expert advice to the agency to ensure relevant procedures and practices comply with the Code of Ethics.

- Department of Further Education, Employment, Science and Technology

A Respectful Behaviour Framework has been approved and implemented across the organisation. Workshops have helped employees to understand the Framework and Code of Ethics and have assisted managers to implement the Framework at a team level to encourage open discussion about respectful behaviours.