

Inquiry into Emergency Services Agencies
 Questions on Notice – Commissioner of Police 10 November 2017

QUESTION NUMBER	QUESTIONS	RESPONSE
1	<p>The Hon. LYNDA VOLTZ: Does the Professional Standards Command have access to the workers compensation medical records of officers?</p> <p>Mr FULLER: I do not think they do. It is my understanding that unless that was part of the complaint—that is, it was a fraudulent claim and it was being investigated under part 8A—it is my understanding that the streams of workers compensation and complaints do run independently. But if I could just take that on notice as well, just to finite that answer?</p> <p>The Hon. LYNDA VOLTZ: Particularly in regards to whether there have been complaints of harassment and bullying and there have been internal investigations in terms of those matters. That would be interesting to know. That would be great.</p> <p>Mr DAVID SHOEBRIDGE: Commissioner, I think we should be clear, though. It has been raised with us that the data that is provided—the case notes and the interaction notes between the case managers and the workers compensation insurer, Employers Mutual Limited [EML], and injured police—are uploaded onto a database and a pool, to which database the Professional Standards Command has access.</p> <p>Mr FULLER: Then again, that is obviously a second part, which I will take on notice and I can have an answer quickly.</p>	<p>The Professional Standards Command (PSC) does not have access to Employers Mutual Limited [EML] and the internal online injury management database that holds officer workers’ compensation records.</p> <p>PSC supervisors and HR coordinators have access to SAP personnel records for their own command, to allow injury management to be conducted in an appropriate and timely fashion. The SAP records do not include case notes or interaction notes between case managers and the insurers.</p>
2	<p>Mr DAVID SHOEBRIDGE: The concern is that whilst it may be reasonable—and indeed workers compensation certificates indicate consent for the sharing of information for the purposes of dealing with the injury—obviously if Professional Standards has access to it, they can use it for many other purposes. In giving your answer, if there is a pool of information there, can you identify what checks and balances there are to ensure that it is not being inappropriately accessed?</p> <p>Mr FULLER: Yes, I understand. I would just say that if an individual has an injury and they are not subject of a part 8A complaint, I cannot for</p>	<p>PSC does not have access to EML and the internal online injury management database that holds officer workers’ compensation records.</p> <p>Only authorised staff within the NSW Police Force (NSWPF) can access this information. In some circumstances information can be provided and discussed with PSC to ensure the safety, welfare and care of the officer is maintained.</p>

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	<p>the life of me think why people would be accessing their files. But I understand the statement you have made and I will take it on notice and answer that question.</p> <p>Mr DAVID SHOEBRIDGE: Yes. It is more structures in place. Is there a structure in place with there is a common pool there?</p> <p>Mr FULLER: I understand.</p>	<p>Where removal of an officer pursuant to s181D of the <i>Police Act 1990</i> is being considered, the PSC verifies whether there has been a workers' compensation claim, in order to ensure appropriate payment of officers who are suspended with pay.</p> <p>There is no capacity for the PSC to delve further into the workers' compensation claim.</p>
3	<p>Mr FULLER: Not always. Sometimes there are other indicators where a command would have higher than usual sick leave, you might have a command where there are lots of people trying to transfer out. There are other indicators for us to get a feel is there something wrong which can trigger things like workplace reviews, whether it is Professional Standards or the HR command with workplace equity in it.</p> <p>Mr DAVID SHOEBRIDGE: Could you take that on notice and give us an indication of what things are being looked at and evidence that they are being used in this way to pro-actively send in to identify and deal with problems?</p> <p>The Hon. TREVOR KHAN: Are workers comp claims used as a criteria?</p> <p>Mr FULLER: Absolutely. Data is collected professionally because it does drive where our prevention strategy goes: fifteen years ago it was around physical injuries and now psychological injuries play a big part of that as well. We have sound data in relation to that.</p> <p>Mr DAVID SHOEBRIDGE: What about connecting workers comp claims which, on review, are bullying claims? Is there a mechanism that would formalise them as complaints? There should be if someone has gone off because they say they have been bullied and injured in the workplace. That should generate a complaint.</p> <p>Mr FULLER: In the past, we have by reasonable agreement with the Police Association, kept that separate. To generate a workers</p>	<p>Proactive identification of workplace issues</p> <p>The PSC conducts Workplace Reviews (WPRs) of commands to identify the issues adversely affecting the workplace, and assess how the command deals with these issues.</p> <p>Some indicators that may give rise to WPRs include high rates of sick leave, workers' compensation claims, internal complaints, staff wishing to transfer, grievances reported or low morale. There may be other indicators depending on the individual workplace.</p> <p>The WPR process includes a questionnaire which covers access to training, lack of team work, non-adherence to chain of command, inappropriate workplace relationships, supervisory issues, unfair distribution of workload, unfilled SAP positions, unprofessional behaviour, rostering, poor morale/attitudes, physical environment and uniform/equipment, or any other concerns which may affect participants.</p> <p>The WPR reports provide recommendations to address identified concerns. The Assistant Commissioner, in consultation with the Command's Superintendent, determines implementation of recommendations.</p>

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	<p>compensation claim you have to put in a form or someone has to put it in for you. If that constitutes a written complaint, I will take that on advice. This does not change your question, but bullying and harassment claims in overall workers compensation claims only make up 1 per cent of overall complaints. That does not change your position on it. Bullying, workplace harassment complaints are not consuming us in terms of workers compensation. I am happy to look at that. There is a theory that the report they fill out is a complaint under part 8A. I am happy to look into that.</p> <p>Mr DAVID SHOEBRIDGE: They may go off on stress, anxiety, an adjustment disorder and it may not be picked up as a bullying complaint but the cause of the psychological injury when reviewed may well be bullying.</p> <p>Mr FULLER: I do accept that and I will look into it and come back with exactly how that work flows and perhaps reasons why in the past we have not joined them. No doubt this would have been reflected on.</p> <p>Mr DAVID SHOEBRIDGE: In doing that recommendation 6 from the Police Association is, "Establish a process whereby workers compensation claims, which include allegations of bullying, automatically generate a police complaint. One option to be considered is that a complaint is generated upon the acceptance of liability by the insurer". There has been some movement from the association.</p> <p>Mr FULLER: The challenge is that there will be some police who do not want it to be a complaint. Putting aside the moral obligation we have to report corruption and misconduct, I think making something mandatory in workers compensation in terms of complaints, there is a dangerous aspect that it will stop people from making complaints.</p> <p>Mr DAVID SHOEBRIDGE: There are a number of things to unpackage in that. Do you want to reflect on that and respond on notice?</p>	<p>In addition, the NSWPF implements diverse prevention and early intervention strategies and tools that support a safe, respectful and inclusive workplace culture and facilitate early identification and resolution of workplace issues. These include mandatory education and training for all staff; specialised training and support for supervisors; training tailored to the needs of specific workplaces, based on complaints data, injury data or other relevant indicators; facilitation of specialised meetings and workshops and one-on-one coaching.</p> <p>Workers compensation and bullying Section 211F of the <i>Police Act 1990</i> requires all employees (both sworn and civilian) to report misconduct or serious maladministration to a superior police officer. If allegations of bullying and harassment are made in an incident form (notification of injuries), medical reports or verbally exchanged information, this becomes, and is managed as a complaint. The Act provides a strong process for the reporting and management of complaints, including those of bullying and harassment, regardless of whether there is a workers compensation case or not.</p>

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	<p>Mr FULLER: Absolutely.</p>	
<p>4</p>	<p>The Hon. CATHERINE CUSACK: What statistics do you gather in relation to bullying allegations and the outcomes of them?</p> <p>Mr FULLER: We capture those through the complaint process. We capture those through the workplace equity process just in case a matter does not progress to part 8A because it is not a complaint. We keep stats in terms of what is reported.</p> <p>The Hon. CATHERINE CUSACK: Will you share those statistics with the Committee?</p> <p>Mr FULLER: I am assuming that I can. I will double check and take that on notice.</p>	<p>See Attachment A, showing</p> <ul style="list-style-type: none"> • Complaints relating to bullying received by the NSWPF between October 2016 and September 2017 • Outcomes undertaken by the NSWPF between October 2016 and September 2017 in relation to bullying issues <p>It should be noted that these two datasets should be read separately. The data on outcomes may not relate to the data on complaint cases for the period. Outcomes may relate to complaints received prior to October 2016 and complaints received between October 2016 and September 2017 may not yet have progressed to outcome.</p>
<p>5</p>	<p>Mr FULLER: If a complaint is against a superintendent, an assistant commissioner or a deputy commissioner it would be done by Professional Standards Command or a command well, well away from that command so there was a cultural disconnect in terms of people knowing people. There are examples at the moment where I have got make decisions about senior police on bullying and harassment, whether I demote or sack them. So there is evidence of people coming forward making complaints.</p> <p>The Hon. CATHERINE CUSACK: Will you take on notice and check whether that always happens in relation to superintendents?</p> <p>Mr FULLER: Yes I will.</p>	<p>Management of complaints about superintendents is carried out by an independent officer senior in rank to them.</p> <p>Complaints about officers of Assistant Commissioner rank and above are referred to the PSC Executive Complaints Management Team. However, these complaints will not necessarily be managed by PSC – as this decision is made on a case by case basis.</p> <p>The Law Enforcement Conduct Commission also oversees complaints handling by the NSWPF and has some powers of investigation into police misconduct and maladministration.</p>

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6	<p>Mr DAVID SHOEBRIDGE: That has been partly responded to by a family service coordinator that has been put in place. It has been described as an under-resourced office and that a great deal more resources should be devoted to that. What are your thoughts on that?</p> <p>Mr FULLER: I agree; I am a big supporter of it. I had my first Police Remembrance Day as the commissioner and I had to meet a lot of women who had unfortunately lost their husbands in circumstances that were all very difficult and challenging, and you see it in their eyes how much they are in pain. How much more do I need to do for families? I have one person employed—the police chaplains, I cannot tell you how much work they do. I think sometimes people do not connect that with the NSW Police Force, unfortunately, although they wear our uniform and they do amazing things. Police Legacy has kicked off Backup for Life—again, for those who have retired. I think there is more I need to do, and as we grow the WIP program—and at some stage I will have to come back for some more money—these are the things that we probably need to expand, noting that if someone is married to the job then their family is married to the job.</p> <p>Mr DAVID SHOEBRIDGE: The one coordinator—given the numbers of family members and the extent of the problem, the resourcing and the issue do not seem to be commensurate with each other.</p> <p>Mr FULLER: If I could have a look at the workload for the individual.</p> <p>Mr DAVID SHOEBRIDGE: I am happy for you to come back on notice with some more detail on that.</p>	<p>The NSWPF Family Support Coordinator provides information and coordinated support services for family members of ill or injured members of the NSWPF, as part of Government’s \$17.1 million commitment to expand health and wellbeing support for police and their families.</p> <p>The Coordinator deals with an average of 14 referrals per month, as well as undertaking educative/proactive activities such as ‘Family Connect’ days at local commands.</p> <p>Other family support services offered by the NSWPF include the Employee Assistance Program, police chaplains, and the ‘equipt’ police wellbeing app. For families of former officers, the Government is funding the ‘Backup for Life’ program, delivered through Police Legacy.</p> <p>The NSWPF is also:</p> <ul style="list-style-type: none"> • enhancing its networks with Police Legacy and the Police Association to best support families. • in contact with the Family Support Coordinator from the Australian Federal Police to share resources and develop a community of practice. • investigating working with an external partner to develop on-line content to increase families’ resilience and coping skills following injury.
7	<p>The Hon. CATHERINE CUSACK: What would you do for someone who was on a disability pension and not working due to psychological injury who took their own life? What would happen then?</p>	<p>There have been 15 inquests into NSW Police deaths over the period 2003 – November 2017. This includes one former officer and one student officer. The inquest involving the former officer was</p>

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	<p>Mr FULLER: Again, it would still be reported for the coroner and then the coroner obviously makes a decision in terms of where that inquest goes and what is in the suicide note, what evidence is collected in terms of determining the cause of death. That has to happen for every death.</p> <p>The Hon. CATHERINE CUSACK: How many coronial inquiries have there been?</p> <p>The Hon. TREVOR KHAN: Are we on the same page in terms of the language? A coronial inquiry is a report to the coroner and an assessment by the coroner. That does not necessarily mean a hearing.</p> <p>Mr FULLER: It does not necessarily mean a full inquest, but they still have to determine the cause of death. I would have to take it on notice and come back to you. Sorry, was the question how many police suicides have there been or was it a more—</p> <p>The Hon. CATHERINE CUSACK: I am interested in inquiries by the coroner.</p>	<p>identified because the Commissioner of Police was made an interested party.</p> <p>The NSW Police Force does not have data in relation to those matters where the Coroner has dispensed with an inquiry.</p>
8	<p>The Hon. LYNDA VOLTZ: Just the number of reports would be the information you would need.</p> <p>Mr DAVID SHOEBRIDGE: And I suppose to get a full picture of it you would need to know those former police that you are aware of who have taken their lives, those that have been the subject of a report to the coroner and those that have been the subject of a coronial investigation. I suppose that is what you need to know.</p>	<p>Refer to the answer for question 7. Unless the Commissioner is made an interested party, the NSWPF would not necessarily be aware of coronial inquiries into the death of former officers.</p>
9	<p>The Hon. LYNDA VOLTZ: Are you saying it is a very small group who resign from the Police Force—most are medically discharged or discharged for ethical reasons?</p> <p>Mr FULLER: Yes.</p> <p>The Hon. LYNDA VOLTZ: In that they are given the boot?</p> <p>Mr FULLER: Or the boot is coming and they—</p>	<p>Between 1 January and 30 September 2017, separations data indicates that 39% of sworn separations were due to resignations (for 2016 this figure was 42%).</p>

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	<p>The Hon. TREVOR KHAN: Jump.</p> <p>Mr FULLER: —jump.</p> <p>The Hon. LYNDA VOLTZ: <i>What percentage would be resignations?</i></p> <p>Mr FULLER: I will take it on notice but I will give you an estimate to give you a feel.</p>	
10	<p>The Hon. LYNDA VOLTZ: <i>If people are leaving due to a problem in that station, you are not likely to gather that information on exit.</i></p> <p>Mr FULLER: Can I take it on notice? I think this was raised at another time and the forms now get sent somewhere centrally. But I will take that on notice as far as the process and where that goes.</p> <p>The Hon. LYNDA VOLTZ: <i>Yes—as well as the figures for how many people have actually filled in the form.</i></p> <p>Mr FULLER: Absolutely.</p>	<p>Between 1 January and 30 September 2017, 58% of officers who resigned from the NSWPF completed a separation survey (for 2016 this figure was 59%).</p> <p>The survey has a free text field, which enables the officer or their supervisor/manager (on behalf of the officer) to explain the reasons and circumstances surrounding their resignation.</p>
11	<p>Mr DAVID SHOEBRIDGE: <i>Assuming that is an issue, can you provide on notice the information, the posters and the access points that are provided to police so that they can make a complaint?</i></p> <p>Mr FULLER: Absolutely. There will be a long list of initiatives that I would be happy to provide.</p> <p>Mr DAVID SHOEBRIDGE: <i>Including what they would see when they came into their local area command. Is there any obvious example that you think you could put on the table? For instance, "When they walk into the crib room, this would be on the wall, and this is who they talk to."</i></p> <p>Mr FULLER: Absolutely. And on top of that, things like peer support. We have officers that are trained in peer support. They wear badges to be easily identifiable meaning that they understand how to receive information and they know how to help people on the journey. Chaplains regularly go to police stations. There are posters. I put information out. We have information in <i>Police Service Weekly</i>. I could</p>	<p>The NSWPF <i>Respectful Workplace Behaviours Guidelines</i> and <i>Workplace Equity Resolution Procedures</i> are available on the NSWPF Intranet site. The site also includes video messages on respectful workplace behaviours and refers employees to the Workplace Relations and Equity Unit for advice on issues of harassment, discrimination and bullying.</p> <p>In December 2016, the NSWPF launched the Respectful Workplace Behaviours Campaign which reinforced expected standards of behaviour and where to seek advice and assistance.</p> <p>As part of the Campaign each Command received posters for display in prominent places in the workplace, as well as pamphlets for distribution to staff. The posters and pamphlets focus on the message of respectful workplace behaviours and explain where to obtain advice and assistance.</p>

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	<p>talk ad nauseam about it in a good way, but I will provide you with a list of things that we are doing and will continue to do.</p>	<p>In addition to these information initiatives, there are a number of education and training programs focused on workplace behaviour and equity. These include the Mandatory Respectful Workplace Behaviours Training and a training module, which reinforces reporting requirements for inappropriate workplace behaviours.</p> <p>Ongoing information on expected standards of behaviour and employee support services is also provided through the 'Police Monthly' and state-wide messages to all staff. Both of these were used as part of the launch of the Respectful Workplace Behaviours Campaign.</p> <p>The NSWPF Workplace Relations and Equity Unit has a strong role in providing advice to staff and supervisors on matters of harassment, discrimination and bullying in general as well as on a case-by-case basis. In addition, the PSC Misconduct Prevention Unit develops a wide range of products to promote ethical behaviours in the workplace.</p>
<p>12</p>	<p>I feel I could give you examples of how many times we have done workplace reviews that have been forced upon the command—not asked by the command—that give a whole other level of independence.</p> <p>The Hon. CATHERINE CUSACK: <i>Please, if you could give us some examples, that would be great.</i></p>	<p>The PSC has conducted 40 Workplace Reviews (WPRs) since 2004, averaging three per year. Of these:</p> <ul style="list-style-type: none"> • eight were requested by a Superintendent (not 'forced' upon the Command). • 29 were requested by an Assistant Commissioner and three were requested by a Deputy Commissioner. The NSWPF does not keep figures on how many of these were initiated on the suggestion of PSC.

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13	<p>The Hon. CATHERINE CUSACK: With regard to the promotions system, I understand that the old way of promoting people has changed and there is a lot more merit selection involved now, is that correct? <i>Is there psychological testing or the scope for doing that so that in your leadership positions you have people who have the, not skills, but the aptitude to be good leaders in terms of not being bullies and not being psychopaths.</i></p> <p>Mr FULLER: We do not do psychometric testing, per se and I think I would struggle to get it in, in terms of knocking someone back on that. I would have to take that on advice. We do put in place a whole range of exams, tests and assessment centres where we test people in real-life situations. There is a whole range, the legislative process the Government took years to settle and then, once you get through and you are into the promotion pool, then we give you workplace equity training and a whole range of other things. That, I know, does not exactly answer your question about psychometric testing. No, we do not do it but we do test people significantly along the way. <i>I could send you a list of the things that you need to do to prove that you have the ability to be promoted.</i></p>	<p>Psychological assessment or psychometric testing is not used as part of the promotion process. These tests are only used as part of the transfer process into specialised areas of high risk/stress.</p> <p>Vacancies within various ranks are advertised to candidates on a promotion list. In order to join the promotion list candidates must undertake a pre-qualifying process which involves:</p> <ul style="list-style-type: none"> • The pre-qualifying assessment (testing technical professional knowledge) • A Management Performance Review (an assessment carried out by the candidate’s supervisor across seven competencies) • Examination (measuring technical professional knowledge) • Eligibility Program • Years of service <p>All pre-qualifying candidates receive an integrated Eligibility Mark used to rank candidates on the promotion list. Subject to some exceptions, the candidate highest on the promotion list is offered a vacancy. Appointment to all ranks is subject to integrity and medical clearance.</p>
14	<p>The CHAIR: <i>Commissioner, where are you up to with your active shooter training programs?</i></p> <p>Mr FULLER: The Active Armed Offender Training program is still rolling out across the State. I think we will take on notice there have been around 6,000 to 7,000 police have been trained in that and in addition to that we are moving to long arms training for the Public Order and Riot Squad to increase our ability to put long arms on the street, if there was a critical incident, such as a terrorism incident.</p>	<p>As at 24 November 2017, a total of 14,964 officers have attended active armed offender training across the state.</p>

