

**REVIEW OF THE IMPLEMENTATION OF THE
RECOMMENDATIONS OF THE INQUIRY INTO THE
MANAGEMENT AND OPERATIONS OF THE AMBULANCE
SERVICE OF NSW**

Name: Name suppressed

Date received: 21/01/2010

Partially Confidential

20 January 2009

The Director
General Purpose Standing Committee No.2
Parliament House
Macquarie Street
SYDNEY NSW 2000
Fax: (02) 9230 3416

Attention: The Director,

RE: Submission following review of the implementation of recommendations of the Inquiry into the management and operations of the Ambulance Service of NSW (the Inquiry)

I hereby submit my response to the NSW Legislative Council General Purpose Standing Committee No.2 (GPSC2) review of the implementation of recommendations of the Inquiry into the Management and Operations of the Ambulance Service of NSW (the Review). I have only provided responses relevant to my original submission. I find the Governments response to the GPSC2 recommendations deficient.

I request that the details of this response remain partially confidential.

Sincerely,

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Submission to NSW Legislative Council

RE: NSW Government Response to the Legislative Council General Purpose Standing Committee No.2 Inquiry into the Management and Operations of the Ambulance Service of NSW (the Response).

Firstly, the Response dated May 2009 following the GPSC2 Report dated May 2008 (the Report), disappointingly commences by intimating that submissions were influenced by a NSW Industrial Relations case heard at the time of invitations for submissions to the GPSC2; that there was no evidence of claims made in submissions and that these were not tested; that evidence from ASNSW was not considered in the GPSC2 Report conclusions; that official independent evidence was ignored; and emotive language was used in the Report; that conclusions were drawn from one side of the information presented; and assurances given by the Director-General of Health and the ASNSW Chief Executive Officer, that concerns were being addressed, were ignored. In doing so, the Government appears to be irreverent to the very concerning and serious issues occurring within the ASNSW, expressed by its constituents, who courageously made submissions to the Inquiry (the submissions) at the risk of job affectation. I find such a position near abhorrent, considering the Inquiry was largely instigated by the sad circumstances resulting from the deaths of an Ambulance Officer [who was embroiled in an issue with the ASNSW] and his mother.

The astonishing lack of understanding, empathy and willingness to embrace the spirit of improvement, is in my experience [as a former Paramedic with the ASNSW] a reflection of the dismissive manner in which ASNSW management treat their staff. The Submissions to the Inquiry provide corroborative evidence, indicating loud and clear, that change [especially at the top] is vital. It is for this reason, I recommend the GPSC2 direct the Government to target all ASNSW managers and ensure they receive training in effective people management, grievance resolution, identifying and effectively managing bullying and harassment and occupational health and safety. I also recommend that the GPSC2 insist on greater levels of executive management accountability for decision making, and that performance reviews for all executive managers are formulated, conducted and reviewed by parties independent of the ASNSW.

I consider the inertia demonstrated in many areas of the Response, will continue to place ASNSW Paramedics and other staff at risk. The Government and ASNSW must start to act in the interests of the public and fulfill their owed duty of care to staff. I rely on the GPSC2 to ensure compliance is fulfilled.

Introduction:

1. *Extract from Government's Response to the Recommendations - Page ii: In the "dissenting statements" of three of the six GPSC2 committee members noted in the Response, there was the suggestion the Ambulance Service of NSW (ASNSW) had not received fair consideration by the GPSC with some information, allegedly ignored in the Inquiry report conclusions.*

Reviewers Response: The ASNSW and the Government hold the balance of power. The Inquiry heard from all relevant parties which included the ASNSW. In addition, if the majority of the GPSC2 recommendations were being addressed as the Response continuously indicates with "The Government is already addressing the issues in relation to this recommendation," the Government and the ASNSW should not have any concerns. Such assertions muddy the waters and move the focus off the genuine and serious issues raised in the submissions to the GPSC2.

Reviewers Recommendation: Readers ignore such diverting comments.

2. *Extract from Government's Response to the Recommendations - Page ii: The terms of reference for the GPSC2 Inquiry include c. staff occupational health and safety issues.*

Reviewers Response: The Response does not acknowledge staff stress resulting from mishandled grievances and bullying and harassment by executive, middle and line management of the ASNSW as an Occupational Health and Safety (OHS) hazard, which lawfully requires rigorous risk management.

Reviewers Recommendation: That the Government and the ASNSW conduct a risk assessment which includes hazards and risks of stress and bullying and harassment and consult with Workcover NSW regarding strategies to appropriately manage same.

3. *Extract from Government's Response to the Recommendations - Page iii: The Response discusses "new activity" that will occur as a result of GPSC2 recommendations that are yet to be responded to citing that a small number of recommendations either "do not align with modern ambulance practice" or are "inconsistent with current service directions" or have "limited cost benefit."*

Reviewers Response: These categories were not allocated to the individual retorts of the 45 GPSC2 recommendations within the Response. It would have been in the spirit of transparency to identify the rationale behind implementation or non implementation, particularly concerning the seven GPSC2 recommendations which have not been and/or will not be implemented by ASNSW due to e.g. perceived “limited cost benefit”.

Reviewers Recommendation: The GPSC2 direct the Government to allocate their rationale for decision making on the implementation or non implementation of a recommendation is clearly outlined for each recommendation in the Report.

Response to Recommendations:

Recommendation 1 (Page 15 of the GPSC2 Report)

That as a matter of urgency, the Minister for Health and Director General of Health meet with the Chief Executive of the Ambulance Service of NSW to review the Chief Executive’s performance, particularly in relation to bullying and harassment in the Service, and report to Parliament on this progress.

4. *Extract from the Government’s Response to Recommendation 1: “In addition a committee has been established to assist the Chief Executive Officer with the major change program for the Ambulance Service, ensuring that the program is well targeted, comprehensive and addresses cultural change issues” referring to bullying and harassment within the ASNSW.*

Reviewers Response: The Response simply does not go far enough. There has been no consideration of consultation with the NSW Occupational Health and Safety (OHS) Regulator being Workcover NSW relating to the severe stress already suffered by ASNSW staff resulting from executive, middle and line management bullying and harassment and mishandled grievances of same which has been evidenced within the submissions for the Inquiry. Proper consultation with Workcover and external expert OHS consultants should be sought to effectively manage the OHS hazards and risks and determine appropriate corrective action for those who have already experiences bullying and harassment and to eliminate or prevent the risk of bullying and harassment occurring in the future. Workcover take these issues very seriously and investigate complaints in addition to taking action for contraventions of the *Occupational Health and Safety Act 2000*.

Reviewers Recommendation: That all serving Ambulance Paramedics who have experienced bullying and harassment or stress from mishandled grievances immediately submit an incident report via the ASNSW Incident Management System. The ASNSW must also report to the to the GPSC2 in a further 6 months and outline the nature and result of consultation with Workcover NSW and all corrective actions taken to manage bullying and harassment in the ASNSW.

Recommendation 2 (Page 15 of the GPSC2 Report)

That the Director General of Health undertake rigorous performance reviews of all senior executive managers within the Ambulance Service of NSW as a matter of priority.

5. *Extract from the Government's Response to Recommendation 2: "Health Executive positions are already subject to an annual performance agreement with reviews undertaken at a meeting on an annual basis. The Ambulance Service of NSW Chief Executive was reviewed by the Director-General of Health on 15 January 2009. Progress in relation to the management of bullying and harassment within the Ambulance Service was given a priority in the Chief Executive's performance agreement."*

Reviewers Response: The Government has for the most part simply restated the current status quo in reference to performance agreements of executive management, which is not satisfactory. All is not well in the ASNSW as corroborated evidenced reveals in the submissions to the GPSC2, contrary to what the Government would have readers believe with their constant statements "The Government is already addressing the issues in relation to this recommendation." Additionally, the majority of issues in those submissions are a direct result of decisions made by ASNSW executive management and endorsed by the Chief Executive Officer. If the status quo remains with regard to the [unexplained] ASNSW executive management performance, the very serious issues raised in the Report are at risk of continuing.

Reviewers Recommendation: That the exact performance agreement for the Chief Executive Officer regarding bullying and harassment is produced to the GPSC2 for review. That when the Ambulance Service Board of Director is re-established, they review and determine whether the Chef Executive Officer has complied with that performance agreement to further ensure a 'check and balance.'

Recommendation 3 (Page 15 of the GPSC2 Report)

That the Minister for Health and Director General of Health meet quarterly with the Chief Executive of the Ambulance Service of NSW to review progress, particularly in relation to reducing bullying and harassment within the Service, and report on this progress to Parliament.

6. *Extract from the Government's Response to Recommendation 3: "NSW Health will embark on a culture change process that include a training program, improved procedures for managing bullying and complaints with dedicated front line advisors in Area Health Services, and a central grievance advisory service."*

Reviewers Response: This does not go far enough to address the endemic issues within the ASNSW.

Reviewers Recommendation: That the ASNSW grievance policy include a provision that at the commencement of a grievance procedure the complainant must be immediately provided all relevant information concerning their rights and responsibilities and the rights and responsibilities of the ASNSW and that all ASNSW managers receive training in managing grievances.

Recommendation 5 (Page 29 of the GPSC2 Report)

That NSW Health amend its Grievance Resolution Policy to provide greater emphasis on the confidentiality provisions. The provisions should be updated to reflect that breaches of confidentiality are serious issues that are subject to remedial or disciplinary action.

7. *Extract from the Government's Response to Recommendation 5: With reference to a grievance policy for the ASNSW "The Department of Health will undertake a review to identify supporting procedures which ensure the policy is implemented correctly including in relation to confidentiality issues."*

Reviewers Response: Whilst confidentiality is essential, the policy will be inadequate if it does not allow ASNSW staff to seek some independent review and consultation.

Reviewers Recommendation: That any revised ASNSW grievance policy include the following provisions: 1. That ASNSW staff may seek legal, political and other independent review, consultation and advice; 2. That at the commencement of any grievance procedure the complainant is immediately provided all relevant information concerning their rights and responsibilities and the rights and

responsibilities of the ASNSW; 3. That all ASNSW executive, middle and line managers receive training in fair and equitable decision making in Government and in the appropriate management of grievances.

Recommendation 6 (Page 38 of the GPSC Report)

That the NSW Government increase resources allocated to the Professional Standards and Conduct Unit and establish an independent process to appeal the Unit's decisions.

8. *Extract from the Government's Response to Recommendation 6: "The Ambulance Service's Workforce Unit now has responsibility for the management of issues arising from staff complaints and grievance, including grievances of bullying and harassment, and for dealing with bullying and harassment on a systemic or organisation wide basis. A Workplace Manager has been engaged to manage this."*

Reviewers Response: The Workforce Unit and its Workplace Manager are still under the direction of the Chief Executive Officer and unless there is an independent review process outside the ASNSW for each complaint, the potential for bullying and harassment risks will continue.

Reviewers Recommendation: That any revised grievance policy of the ASNSW include an independent decision review body and allow complainant's to seek advice from such a body where required.

Recommendation 7 (Page 41 of the GPSC2 Report)

That, as part of its undertaking to clarify and simplify grievance procedures, the Ambulance Service of NSW should create and distribute one page, plain-English fact sheets on grievance management and disciplinary matters.

9. *Extract from the Government's Response to Recommendation 7: With reference to the recommendation by the GPSC to clarify and simplify grievance procedures it is stated "The Government is already addressing the issues in relation to this recommendation. A standard operating procedure on "Raising Workplace Concerns" was issued on 1 April 2009 and contains simple one page guides."*

Reviewers Response: In my experience it is not the complainant's who misunderstand the grievance process of the ASNSW it is the executive managers who make the final decisions with such matters.

Reviewers Recommendation: That ASNSW executive, middle and line managers receive training in the proper management and resolution of grievances and that their decisions are subject to independent review which should be encompassed within any revised grievance policy.

Recommendation 9 (Page 53 of the GPSC2 Report)

That NSW Health, as part of its review of Ambulance Service of NSW selection processes, establish clear guidelines for selection panel members which emphasise that selections must be based on merit.

10. *Extract from the Government's Response to Recommendation 9: "The Government is already addressing the issues in relation to this recommendation with the Department of Health reviewing current policies on recruitment, selection and appointment of all staff. ...the resulting policy will reinforce standards for selection based on merit, and provide guidance on avoiding or managing conflicts of interest and corrupt conduct in all selection, recruitment actions across NSW Health."*

Reviewers Response: It is not clear whether "all staff" with reference to the policy includes executive managers. As they are usually the final decision makers in the ASNSW it is essential they too are included in any revised ASNSW policies and training.

Reviewers Recommendation: That any revised or new selection and recruitment policy includes executive management selection.

Recommendation 21 (Page 93 of the GPSC2 Report)

That the Ambulance Service of NSW amend its Suitable Alternative Duties policy to allow paramedics the choice to undertake alternative duties at their home station, where travel to other stations may generate health and safety concerns

11. *Extract from the Government's Response to Recommendation 21: "When an injured workers medical restrictions do not permit them to undertake duties within their substantive position or location, duties may be found within the Ambulance Service or externally with another employer."*

Reviewers Response: In my personal experience of “suitable duties” the ASNSW will provide these to “favoured” staff and little consultation occurs with an injured party’s medical officer. Additionally, because Paramedical qualifications are not recognised outside of the ASNSW (unlike the registration process in place for nursing staff) there are usually few external opportunities for suitable duties. Additionally in my specific circumstances an executive manager decided to remove my Paramedic employment status and offered a menial office type job not commensurate with my skills and experience at a third of my previous pay, despite that I was to undergo surgery to recover completely.

Reviewers Recommendation: That the new policy also includes a provision that all decisions around suitable duties are made following specific consultation with an injured party’s medical officer and that any ASNSW decisions regarding same are subject to independent review.

Recommendation 44 (Page 159 of the GPSC2 Report)

That the NSW Government re-establish an Ambulance Service of NSW Board of Directors based on the former Board of Directors.

The new Board should include at least one director who has been directly elected by members of the Ambulance Service.

12. *Extract from the Government’s Response to Recommendation 44: “An Ambulance Advisory Committee already exists which includes members who have been appointed to the Committee on nomination to ensure effective representation of ambulance officers.”*

Reviewers Response: The Ambulance Advisory Committee already in existence has no power to review or revoke the decisions of the Chief Executive Officer or executive management, essential to ensure proper “checks and balances”.

Reviewers Recommendation: That the Ambulance Service Board of Directors (the Board) be re-established as a matter of urgency to provide a significantly more independent “check and balance” on the ASNSW executive management [especially on the Chief Executive Officer who holds the balance of power] and establish an avenue for Ambulance Paramedics to gain some fair hearing on decisions affecting them whatever the matter may involve [especially considering they are normally vetoed due to draconian ASNSW policies].

Conclusion

I fervently served my community as a Paramedic for almost 17 years, fulfilling my functions and duty of care to all, with the utmost diligence. It is beyond belief to me that the ASNSW executive management could [prejudicially] alter my employment position so easily, despite that although injured, I was still working hard, utilising my Paramedic skills and was about to completely recover following pending surgery. Add to that the stand-over tactics, bullying, manipulation, intimidation and oppression by executive managers and the Chief Executive Officer, merely because I submitted a grievance [because they removed my Paramedic status without waiting for me to recover] I found myself in such a demoralized, emotionally defeated and financially diminished position that in 2005, I couldn't stand the stress any longer, therefore I resigned.

Notwithstanding I did completely recover, but it was only after four years of letter writing and appealing to politicians to intervene that the ASNSW finally acknowledged it and invited me back in 2007 as a Level 2 Ambulance Officer [despite my being a Level 5 Paramedic for some years previously].

However, after significant deliberation, and against my strong desire to return the career I loved so much, I declined, because I feared worse retribution than I had experienced from submitting my original grievance. Notwithstanding, I have thankfully moved on to an employer who does value its employees and gladly fulfills its duty of care to their occupational health and safety.

It is my sincere hope the submissions in this process were not made "in vain" and the GPSC2 can enforce adequate change in the ASNSW, to prevent any other staff member ever being subject to the conduct which myself and obviously many others have experienced in the ASNSW.