

INQUIRY INTO EMERGENCY SERVICES AGENCIES

Name: Name suppressed

Date Received: 6 April 2018

Partially
Confidential

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The Director,
Portfolio Committee No. 4
Legal Affairs,
Parliament House

To the Director,

Please find the following confidential communication relating to information recently provided during proceedings on 20 March 2018.

I've endeavoured to organise the following by the nature of the matter being discussed.

Please accept my apologies for the amount of additional material I've provided. This is an unfortunate side effect of there being so many negative issues created by the senior management/leadership team over such a long period of time.

To set a context for this additional communication I find the following statement made by Mr. Baxter on Page 19 of the Transcript totally indicative of the denial of and lack of self-awareness of the actual organisational problems and is therefore irrelevant, deflective, condescending, flippant and the typical meaningless corporate mumbo-jumbo used for his leadership team to avoid the cold hard facts of reality.

Mr BAXTER: The organisation has been on quite a journey. All of the evidence that is able to be shown to the Inquiry indicates that year-on-year improvement is occurring.

I think the People Matter Surveys repeatedly show this to be incorrect!

Also, the KPMG Review Report was distributed around June 2010. Why, seven years and an enormous amount of public funds later, is there still such an identified negative cultural attitude problem amongst senior managers?

Where is the year-on year improvement in this area?

Bullying and Harassment Related Employment Termination

Page 16 of the Transcript: -

The Hon. CATHERINE CUSACK: If they go on workers compensation and they leave, what happens to the complaint?

Page 17 of the Transcript: -

“Mr BAXTER: The difficulty would be continuing our investigation without their participation. If they were prepared to continue to participate in that process we would try to conclude the matter. If they did not want to participate we would try to conclude the matter with the evidence that we had. If we had insufficient evidence then obviously we could not move on to a full conclusion.”

Often by the end of such a process, an employee (former employee) will find themselves utterly exhausted due to how they’ve been treated by both the employer and the Insurer, and in some cases in a far worse health situation than caused by the initial injury.

However, a conclusive outcome from The Workers Compensation Commission (WCC) that can be used as a clear and independent source of ‘evidence’ to provide FRNSW senior management a definitive path to conclude an investigation.

The following is also detailed on Page 17 of the Transcript: -

“The Hon. LYNDIA VOLTZ: Terminations? Not 2016-17. In 2015-16 you had one.”

So that makes two that I'm aware of.

The information is all there, it's the lack of will by senior FRNSW management to clearly identify the actual problems and decisively address them.

As I've mentioned elsewhere, when you control every aspect of a matter you can steer the investigation to the pre-determined outcome that protects the senior managers that failed in their duty of care and obligations to properly deal with the initial incident.

Discussion Regarding Teams, Cliques and Power Arrangements

Also within the Transcript on Pages 6 and 7, there is a line of discussion involving The Hon. Catherine Cusack, Mr. Drury and the Hon. Scott Farlow.

I believe there are two parts to this, one that Mr. Drury discusses.

Firstly, teams as they relate to Station crews. I believe Mr. Drury is correct in that what makes a very successful and safe working team is a close, trusting working relationship.

With Permanent staff, this is often the responsibility of the Station Officer in charge of that crew and their ability to manage various personalities, backgrounds, genders, religious beliefs, etc. to support and include everyone and to identify each person's strengths and the benefits of their life's experiences. When done with reflection and respect, these strengths can be brought together to the benefit of all into a cohesive team that can successfully deal with any operational incident encountered.

A good Station Officer can also support their crewmembers while on duty and carrying out all aspects of their non-operational employment.

Not all Station/crew level teams are always harmonious. Many of these differences are often low level inter-personal misunderstandings and can be dealt with at the Station/crew/team level initially, which is where the process of 'StraightTalk' can be of great benefit in many instances.

There is obviously a path of escalation depending on the underlying causes/facts/issues that may lead into other processes or procedures.

My experience has been that the pervasive culture of some staff aligning themselves within a power arrangement is also generally reflected in many of their day-to-day decisions and actions. That is, once they perceive they have a level of protection they can act, as they like, not as they should or are obligated to.

They then feel emboldened to ostracise someone who speaks out from the more compliant (fearful) members of the group and this person is usually also labeled troublesome, difficult, etc.

While I'm sure there are examples of this that are strictly confined to issues between staff at the local level, in my own experiences, and others I have been aware of, this is

particularly the case when the person speaking out is seen as challenging someone within an informal network/power arrangement, especially when that involves a more senior member of staff.

I believe at an organisational level that management set the tone for what is acceptable/unacceptable behaviour and specifically in this instance, regarding someone becoming 'ostracised' as this is how they, management, are seen to treat anyone that disagrees with them.

The second part of this is the 'Cliques and different power arrangements teams'.

ICAC have also previously identified similar problems within FRNSW, which they identified as 'informal networks'.

This can negatively affect local level issues as well as much more serious issues.

There is this ongoing culture amongst many senior managers that they are beyond accountability and that all the organisations problems are below them.

It can be summarised as the 'senior staff can do no wrong' and 'protect senior staff at all costs' ways of doing business that has plagued FRNSW for many years.

As proof of this, a question that the Commissioner should be asked is; what action has he initiated/taken as is required under the relevant Act, Regulation, Policy and/or Procedure to identify any of the Officers and senior staff involved in any inappropriate, incomplete and/or unlawful investigation, of any historical or current matters including bullying and harassment.

A straightforward and irrefutable starting point to assess which incidents to review would be those that the outcome from the WCC is in favour of the injured employee and contradicts the position put forward by FRNSW (and it's Insurer).

Following on from this, once staff identified as having conducted questionable behaviour in these matters are known, other matters they've been involved in can be investigated to determine if these were also handled correctly or not.

Lack of Trust in the Organisation

On Page 14, Mr. Baxter briefly mentions "for many it reflects a lack of trust in the organisation".

Herein lies the crux of many historical and ongoing problems within FRNSW.

This is also supported by not only the low participation in the 2017 PMS (actually each PMS) but the results showing a very unfavourable view of senior management. (See pages 9, 10, 11 and 13.)

It is worth noting the obvious variation between questions and responses when 'manager' or 'senior manager' is used.

The responses when 'senior manager' is used are overall more negative!

Again of relevance as to the experiences of FRNSW employees when looking at the 2017 PMS results are the outcomes to the questions on pages 20 and 21. Again these are areas of 'senior management' responsibility.

Looking at the 2017 PMS results on Page 27, 56% of the most serious Bullying and Harassment has been conducted by 'management' with "senior management' being identified as the single biggest group.

I believe this raises two very important questions about what is not only an historical problem, but also a current one as clearly identified by an independent, external review (e.g. the 2017 PMS): -

1. Why after the supposed "extensive independent review by KPMG" and the investment of substantial funding, does this cultural problem still exist?
2. What has been done to resolve this cultural problem regarding management's behaviour within FRNSW?

External Emergency Services Ombudsman or Professional Standards Unit

On Page 19, Mr. Baxter responds to a question from Mr. David Shoebridge regarding his views on the whole emergency services area possibly requiring an independent, external ombudsman or professional standards unit.

Mr. Baxter is very obviously not keen on the merits of such an idea, possibly because FRNSW would lose control of its ability to cover-up issues unfavourable to management. Yet the organisation he leads continues to demonstrate by it's own actions that it is still the worst offender in the points he raises as objections to this new idea.

From my experience I believe the handling and resolving of all matters including bullying and harassment would actually be expedited by an external agency.

My experience, supported by records gained via the GIPA process, indicates a lot of unnecessary delays incurred within FRNSW when handling these matters due to senior staff deliberations about how to avoid doing what is actually required and how to protect someone in management that has been involved in these sort of actions.

Why should anyone ever trust that the FRNSW Workplace Standards Branch would be independent and actually do the right thing?

There were other unnecessary long delays where FRNSW sought advice and also did nothing other than contemplating how they should 'construct' their case against me to achieve their pre-determined outcome.

I believe an advantage of an independent, external investigative agency is that it would finally start to build the trust of employees' that matters will be dealt with thoroughly and properly without favouritism or bias in accordance with all relevant Acts, Regulations, Policies and Procedures while also clearly demonstrating that no one is above being held accountable for their actions/inaction.

Mr. Baxter further down on Page 19 he states "The reality is that we are removing people from the organisation. I have removed people from the organisation since I have been here."

Yet some of the worst offenders, _____, are still employed in senior management positions within FRNSW.

On Page 22 in response to a question from The Hon. Lynda Voltz', Mr Connellan responds that "They are returned back through the system for an investigation".

Ah yes!

The FRNSW continuous revolving system that never actually resolves anything. It just wears people down until they either give up, or are driven to such a horrible place that they can no longer work.

The Hon. Catherine Cusack clearly sees the problems with such a useless and self-absorbed system in her comment "To me that is such a point of failure for you, quite frankly,".

Also, this is the system overseen by the same managers that the PMS results repeatedly indicate employees have very little trust in.

On Page 26 there is a discussion over the problems associated with staff progressing into management positions that have worked and formed a connection with other staff/managers over long periods of time.

This again is a management cultural problem and is exacerbated by senior staff freelancing when it comes to what should be done. Correct adherence to NSW Government governance requirements along with other relevant legislation, Policies and Procedures and with an open and transparent system of dealing with matters would negate a lot of opportunities for these “long term connections” to have any influence.

On Page 27, Mr. Baxter again makes excuses about “ the more distance you remove away from issues being able to be resolved at the lowest possible level” – which I acknowledge does make sense with very low level, particularly interpersonal, issues.

However, once a matter involves a more formal ‘complaint’ and statements, etc. are submitted there are much more serious considerations involved.

Mr. Baxter further down Page 27 raises his concerns about holding his leadership to account and his view that an external body would allow a leader to opt out of their responsibilities to him.

I totally disagree. Mr. Baxter’s concerns are actually exactly what has already been occurring for many years without the influence of an external body.

His leadership, and that of his leadership team, have never fully been held to account!

If he’s serious, as a starting point give all the matters reported to the Boland Inquiry and this Parliamentary Inquiry to an external investigative agency with full authority to gather all documents and related records, fully investigate utilising proper investigative processes that adheres to the rule of law and natural justice concepts, employs correct evidentiary procedures and allow them to identify all failings and hold employees, both past and present, to account.

I believe an external body would be able to investigate without any bias, cliques, power arrangements, informal networks, etc. and provide Mr. Baxter with a detailed summary/outcome enabling him to implement all the recommended actions based on a completely independent process.

Mental Health Program Funding

On Page 32 the discussion moves toward additional funding being provided to Police and Ambulance staff, particularly in regard to mental health programs.

This was also raised earlier with the representatives of the FBEU.

I see two issues with this: -

1. Why didn't FRNSW proactively seek additional funding for its members if it was genuinely concerned for them;
2. The distrust of management issue unfortunately rears its ugly head in a whole range of work related areas – particularly those perceived as anywhere management can gain something negative on an employee e.g. suffering from a mental health issue.

This is particularly concerning with the plan to move into a more proactive medical first responder role to support the Ambulance Service.

Why, in agreeing to take on this additional and challenging work would you not also seek funding for more support for your employees? Especially when the Government has already accepted and provided funding for the other agencies carrying out similar, challenging emergency responder roles.

In conclusion, I see nothing that's been discussed by FRNSW representatives within the Transcript, that identifies a way to eradicate the ongoing bullying and harassment culture within FRNSW by the largest group of repeatedly identified (by a cross section of staff, year-on-year) serial offenders.

As with the KPMG Review and the subsequent actions taken, the whole process seemed to be structured by management looking down at those they deem solely responsible for this and any other inappropriate behaviour.

I believe this explains why there has been very little change within the whole organisation in relation to the bullying and harassment culture, as the main and the worst perpetrators, are still escaping scrutiny and being held accountable.

Thank you for taking the time to read this additional information.

Yours sincerely,