

HEALTH CHECK

MISCONDUCT RESISTANCE: AN INTEGRATED GOVERNANCE APPROACH TO PROTECTING AGENCY INTEGRITY

THE PURPOSE OF THIS HEALTH CHECK

The *Misconduct Resistance Health Check* is designed to assist Executive Management¹ to monitor and review their agency's misconduct resistance approach. Experience shows that agencies can have difficulty implementing and maintaining misconduct resistance programmes, so this Health Check aims to help agencies tackle these problems by examining staff perceptions about misconduct resistance in their specific work area². The purpose is to identify:

- ▶ work areas where elements of an agency's misconduct resistance approach may need refreshing or improving; and
- ▶ elements of the misconduct resistance approach that may need attention across the entire agency.

The questions used to assess staff perceptions are based on the 12 key elements that underpin the Corruption and Crime Commission's *Misconduct Resistance: An Integrated Governance Approach to Protecting Agency Integrity* framework. The Health Check can be used as a strategy to support your agency's review and evaluation activities under the key element 'The Right Review'.

Caution:

This Health Check is a quick and easy tool that can be used to measure staff perceptions about your agency's misconduct resistance approach. The results are indicative only, and should not be relied on in isolation when evaluating your agency's performance. The Health Check does provide a useful indication of staff beliefs about how effectively your agency's misconduct resistance approach has been implemented, and what action you can take to improve it.

1. Arrangements in agencies will vary. Your agency may delegate a person/committee to be responsible for implementing and monitoring your agency's misconduct resistance approach. In small agencies, your Executive Team or CEO may retain this responsibility.

2. Work area could refer to business unit, division etc.

WHAT IS MISCONDUCT RESISTANCE?

Misconduct resistance refers to an agency's ability to effectively resist and manage misconduct. It relies on creating and maintaining the right agency culture, operational strategies and management environment. These outcomes can be achieved by addressing the key elements which underpin them. The outcomes and key elements operate interdependently and together they represent the standards for measuring the adequacy and effectiveness of agency misconduct resistance approaches.

THE RIGHT AGENCY CULTURE:

Agency culture values integrity and is intolerant of misconduct.

- ▶ **The right values** – Your agency's communication, actions and decisions reflect its values and public interest principles.
- ▶ **The right leadership** – Leaders within your agency set an example of integrity with their own behaviour, their communication and their responses to misconduct by others.
- ▶ **The right workplace behaviour** – Your workplace culture encourages staff to accept personal responsibility for behaving according to agency values and in the public interest.

THE RIGHT AGENCY OPERATIONAL STRATEGIES:

Agency policies and systems support the effective treatment of misconduct risks.

- ▶ **The right policies** – Your policy platform provides a solid foundation for establishing your agency's treatment environment and communicates your commitment, values and business practices for misconduct resistance.
- ▶ **The right risks** – Misconduct risk identification and assessment are part of the wider corporate risk management planning process and include all of your agency's functions and operational areas.
- ▶ **The right treatment** – Your misconduct treatment programme is commensurate with the level and nature of risk your agency faces, is comprehensive and adequately resourced, and is subject to ongoing monitoring and review.
- ▶ **The right understanding** – Your staff and managers have a common understanding of what misconduct is. They embrace your agency's stand on misconduct, as stated in the agency's policy and treatment programme, and know how to respond should they become aware of misconduct.

THE RIGHT AGENCY MANAGEMENT ENVIRONMENT:

Misconduct resistance is an integrated and established component of agency life.

- ▶ **The right priority** – Misconduct resistance is given high level ownership and central oversight.
- ▶ **The right business practices** – Misconduct resistance is a fundamental part of your agency's strategic, tactical and operational business activities – it's the way you do business.
- ▶ **The right mindset** – Misconduct consciousness is a fundamental part of work practices for everyone in your agency, with responsibilities structured from the top down – it's a way of thinking.
- ▶ **The right review** – Review and evaluation processes ensure your agency's misconduct resistance approach remains relevant and effective in achieving stated objectives.
- ▶ **The right communication** – Your agency's misconduct resistance strategies are consolidated into a documented approach that is widely communicated.

HOW TO USE THE HEALTH CHECK

The misconduct resistance questionnaire consists of 12 short and simple questions for staff to answer. It should take less than five minutes to complete and all responses are entirely anonymous. The questionnaire is located on page 5.

Depending on the size of your agency, you can survey all or a percentage of your staff. Surveying 10 – 20% of your total staff is sufficient, but conducting a higher percentage of surveys is likely to lead to richer data.

The Health Check process is quick and easy enough for broad use within your agency, and processing and analysis are straightforward and inexpensive.

Your project manager (or appointed staff member) is responsible for distributing and collecting the misconduct resistance questionnaire. Online survey tools could be useful for surveying large, dispersed agencies, but we discourage using email in this case because it is very important that the responses be kept anonymous.

As responses are received, your project manager will need to enter them into a report generator spreadsheet that uses colour coding to highlight the work areas and/or misconduct resistance aspects that need attention.

The report generator is available for download from our website at:
www.ccc.wa.gov.au/misconduct_resistance.php

Please note that:

- ▶ You cannot save data to the online version of the generator, so please ensure you save a copy to your own system.
- ▶ The report generator uses an underlying formula to generate the dashboard results which cannot be manually calculated.

HOW TO INTERPRET THE REPORT

The Health Check provides a broad overview of staff perceptions about your agency's current misconduct resistance approach. Any problem areas highlighted by the report generator will require further investigation to determine the exact nature of the concern, and whether action is required.

Work areas or aspects of your agency's misconduct resistance approach may be highlighted for action by the report. These could reflect systemic problems within your agency, or areas that could benefit from staff refreshment or training. Either way, action is needed to ensure that any potential problems are clarified and appropriate remedial action is taken.

The Commission's *Misconduct Resistance Integration Guide* can be used as a reference for a range of possible actions and ideas to build capacity.

The Health Check should be used as a guide to improve your agency's misconduct resistance strategies and approach. In the example on the next page, the report suggests that:

- ▶ Staff in Work Area 4 do not perceive the agency as having effective misconduct resistance strategies in most areas.
- ▶ Staff in Work Areas 2 and 3 have mixed perceptions about the agency misconduct resistance approach across a number of areas.
- ▶ *The Right Policies* and *The Right Priority* key elements need to be reviewed across the whole organisation.
- ▶ *The Right Workplace Behaviour*, *The Right Risks* and *The Right Treatment* key elements show signs of weakening effectiveness and would benefit from a review.

Your Health Check results should be reported to your Executive Committee/CEO, outlining areas of concern and any recommendations.

THE HEALTH CHECK REPORT

This report identifies areas where staff perceptions or awareness of your agency’s misconduct resistance approach indicate that there may be a problem. Below is an example of a completed report.

Key: Good Performance green Action Required orange Urgent Action Required red

Misconduct Resistance Key Element	Overall Results	Results for Individual Work Areas			
		Work Area 1	Work Area 2	Work Area 3	Work Area 4
The Right Values	green	green	green	green	orange
The Right Leadership	green	green	green	green	green
The Right Workplace Behaviour	orange	green	orange	green	red
The Right Policies	red	orange	red	red	red
The Right Risks	orange	green	green	orange	red
The Right Treatment	orange	green	orange	green	red
The Right Understanding	green	orange	green	green	green
The Right Priority	red	green	red	orange	red
The Right Business Practices	green	green	green	green	orange
The Right Mindset	green	green	green	green	green
The Right Review	green	green	orange	orange	green
The Right Communication	green	orange	green	orange	orange
Overall Work Area Results	green	green	orange	orange	red



MISCONDUCT RESISTANCE QUESTIONNAIRE

Misconduct generally occurs when a public officer abuses their authority for personal gain or to cause detriment to another person, or acts contrary to the public interest. Examples include misuse of computers, bribery, harassment and fraud.

Please put a tick in the most appropriate box	Strongly Disagree	Disagree	Agree	Strongly Agree
1. My agency consistently communicates the importance of acting in the public interest.				
2. Our senior executives and managers act with integrity.				
3. Most staff in my workplace know they should act in accordance with our agency's values.				
4. My agency's policies help us to deal with the misconduct issues that we face.				
5. The misconduct risks we face are identified by ongoing assessment of the activities in my work area.				
6. My agency has effective strategies to manage misconduct risks that arise in the workplace.				
7. Most staff in my work area know what misconduct is and understand their responsibility to report it.				
8. My agency treats dealing with misconduct as a top agency priority.				
9. We consider preventing and controlling misconduct in all of our work activities (e.g. planning, service delivery etc.).				
10. Acting with integrity is the way we do things in our agency.				
11. My agency reviews the effectiveness of our plans and strategies for preventing and controlling misconduct.				
12. I believe our customers/contractors understand my agency's no tolerance approach to dishonest and unethical dealings.				

Do you have any general comments you would like to make about the integrity and misconduct resistance environment in your work area?

.....

.....

Name of your work area (NOT YOUR NAME—your response is anonymous):

Thank you for your feedback, please send your completed form to:

WHO SHOULD TAKE RESPONSIBILITY FOR THE HEALTH CHECK?

Management is responsible for developing, implementing and maintaining effective misconduct resistance, but all staff have a role in integrating and monitoring misconduct resistance strategies.

If you are part of your agency's management team, you need to ensure that your agency's misconduct resistance approach is appropriately applied across your entire agency. You should consider tailoring your use of the Health Check to suit your agency's specific needs. You should look at:

- ▶ the literacy and cultural profile of your staff;
- ▶ the frequency of using the Health Check;
- ▶ whether the Health Check is used for your entire agency, or applied in sections over a period of time;
- ▶ how you will progress recommendations for improvement, including any further investigation or assessment of areas identified as a potential concern; and
- ▶ how you will monitor the implementation of recommended improvements.

You may choose to appoint a project manager to help apply the Health Check within your agency.

When top management fails to send a clear message about the principles and values of the agency, the default message just might be something like 'who cares?'.

ACKNOWLEDGMENTS

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DISCLAIMER

This information does not constitute legal advice and the Corruption and Crime Commission accepts no liability for the accuracy of the information, or for any act or omission done in reliance on the information provided, or for any consequences, whether direct or indirect, of any such act or omission.

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