
Managing the Impact of a CJC Investigation

*A Guide for Queensland Public Sector
Managers and Supervisors*

February 2001



ICAC

INDEPENDENT COMMISSION AGAINST CORRUPTION

Adapted to the Queensland context
from *How to Handle the Effects of an
ICAC Investigation: A Guide for Public
Sector Managers, ICAC, June 1999.*



MISSION: To promote integrity in the Queensland Public Sector and an effective, fair and accessible criminal justice system.



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FOREWORD

A message from the CJC Chairperson to all public sector managers and supervisors

As a public sector manager or supervisor you may be involved in a CJC or internal investigation at some time in your career.

The purpose of such investigations is to get to the truth of a matter; not to find someone to punish. Investigations can be very positive events that provide an opportunity for staff who have been wrongly accused of misconduct to clear their names and for an agency to re-focus its energy on core business.

Nonetheless, investigations, whatever the outcome, can have a very disruptive effect on a workplace, and managers are often unsure how to deal with these disruptions when they arise. This publication provides ways to manage the impact of an investigation and recommends strategies to adopt after an investigation.

If you have the responsibility of managing an investigation, take time to use the strategies recommended here and consider whether changes are required to improve anti-corruption systems in your agency.

I encourage you to use this booklet and to seek the advice or assistance of CJC staff at any time.

Brendan Butler SC
Chairperson

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INTRODUCTION

WHAT IS THE PURPOSE OF A CJC INVESTIGATION?

CJC investigations do not set out with the preconceived notion that misconduct has occurred. Rather, they are designed to get to the truth of a matter. In doing so, they can, in fact, re-establish a person's reputation after it has been damaged by a complaint. Even when an investigation does uncover wrongdoing, it can still be a positive force for good by helping an agency recover and re-focus its energy on core business.

A CJC investigation that clears an officer's name is just as successful an investigation as one that uncovers clear evidence of wrongdoing.

WHAT IS THE PURPOSE OF THIS BOOKLET?

Very few CJC investigations of public sector agencies will have a major impact on the agency concerned, but all need to be managed in order to minimise disruption and maximise benefits.

This booklet presents strategies for managing the impact of a CJC investigation, both during and after the investigation. Some of the information is also applicable to the conduct of internal investigations or Queensland Police Service (QPS) investigations.

Agencies differ, as do the circumstances of each investigation, so it is difficult to provide an all-purpose strategy. However, there are some key issues for you, as a manager, to consider when preparing a strategy to handle any particular investigation:

- ▶ What factors influence the impact of an investigation on an agency?
- ▶ What is meant by 'managing the impact'?
- ▶ How are staff likely to react to the investigation?

The aftermath of an investigation also provides an opportunity for an agency to plan and implement desirable changes. This booklet suggests strategies for an agency to consider after an investigation is concluded.

The booklet will be relevant to:

- ▶ public sector managers and staff
- ▶ members of the QPS
- ▶ local government managers, staff and elected members.

WHAT IS THE ROLE OF THE CJC?

The CJC has been part of the Queensland public sector landscape since 1990. It was set up after the revelations of the 1987–89 Fitzgerald Inquiry into police corruption. That Inquiry recommended the establishment of an independent body to help restore confidence in the police and other areas of the public sector. The CJC operates under the *Criminal Justice Act 1989*. Its role is twofold: a watchdog, and an agent of education and reform.

WHAT IS THE CJC'S JURISDICTION?

The CJC has jurisdiction over what are called 'units of public administration'. Examples of units of public administration are the QPS, other state government departments, local governments, universities, TAFE colleges, state schools, prisons, Members of Parliament and statutory authorities.

The CJC may become involved in a matter only when it relates to **misconduct** in the QPS or **official misconduct** in one of the areas of the public sector including the QPS. Grounds for disciplinary action against the employees of government departments and local-government councils include misconduct. In most cases, the principal officers or departmental heads of such entities are responsible for disciplining their employees.

What is official misconduct?

Official misconduct is corrupt or other serious misconduct by a public sector officer relating to the performance of the officer's duties. The conduct must:

- ▶ be dishonest or lack impartiality, or
- ▶ involve a breach of trust, or
- ▶ be a misuse of officially obtained information.

The conduct must be a criminal offence or serious enough to justify dismissal.

Official misconduct also includes conduct by anyone who seeks to corrupt a public officer. (For the precise wording from the Criminal Justice Act, see section 32(1) of that Act.)

Examples of **official misconduct** include:

- ▶ a public servant cheating on travel allowances
- ▶ a residential care officer assaulting a client
- ▶ a government purchasing officer accepting 'kickbacks'
- ▶ a teacher assaulting a student in his or her care, causing injury.

What is misconduct?

The distinction between official misconduct and misconduct is not always clear, and conduct can often be both misconduct and official misconduct.

'Misconduct' is defined in section 1.4 of the *Police Service Administration Act 1990* as conduct that:

- ▶ is disgraceful, improper or unbecoming an officer, or
- ▶ shows unfitness to be or continue as an officer, or
- ▶ does not meet the standard of conduct the community reasonably expects of an officer.

Section 87(2) of the *Public Service Act 1996* defines it as:

- ▶ disgraceful or improper conduct in an official capacity, or
- ▶ disgraceful or improper conduct in a private capacity where that conduct reflects seriously and adversely on the public service.

And section 4 of the *Local Government Act 1993* defines 'misconduct' as:

- ▶ disgraceful or improper conduct that shows unfitness to be or to continue as a local-government employee, or
- ▶ behaviour that does not satisfy a standard of behaviour generally expected of local-government employees, or
- ▶ a contravention of a provision of the Local Government Act or another Act setting out what the employee must or must not do (whether or not the Act provides for a penalty for contravening the provision).

Examples of **misconduct** include:

- ▶ using the Internet against a departmental policy on personal use
- ▶ insulting or swearing at clients or customers
- ▶ sexual harassment of a non-criminal nature in a work context
- ▶ a teacher who, while acting as a scout master, abuses children in his or her care.

WHO CAN REPORT MATTERS TO THE CJC?

Anyone can complain about or report suspected official misconduct to the CJC, whether they are a member of the public, a public servant or a police officer.

Police officers and chief executive officers (CEOs) of state and local government agencies have an obligation to report. Section 37 of the Criminal Justice Act requires CEOs to report anything that they suspect may involve official misconduct. The duty to report overrides any other obligation, even those set down in legislation.

Someone working in the public sector may:

- ▶ make a public-interest disclosure in accordance with the *Whistleblowers Protection Act 1994*
- ▶ report to their CEO, who is legally obliged to forward all reports of suspected official misconduct to the CJC
- ▶ report directly to the CJC.

Members of the public may complain to the department or agency concerned. If the complaint is made to the department or agency and refers to suspected official misconduct the CEO is required to forward the complaint to the CJC.

WHAT ARE THE POSSIBLE OUTCOMES OF A CJC INVESTIGATION?

A CJC investigation might find that no wrongdoing has occurred; or it might find that there is insufficient evidence to establish the truth of the matter. When apparent wrongdoing is uncovered, the CJC may:

- ▶ recommend that the CEO take disciplinary action, or
- ▶ refer the matter to a Misconduct Tribunal for disciplinary charges to be heard, or
- ▶ refer the matter to the Director of Public Prosecutions or another prosecuting authority.

The person who originally reported the matter is informed of the outcome of the investigation.

When the CJC refers a matter back to an agency for disciplinary action, it will provide a copy of its investigation report to help that agency decide what action to take.

MANAGING THE IMPACT

WHAT FACTORS INFLUENCE THE IMPACT OF AN INVESTIGATION?

There are many factors, but some important ones are:

- ▶ the nature and extent of the allegations being investigated
- ▶ the extent to which staff knew of the allegations before the investigation began
- ▶ which people are implicated, and what their relationship is with the rest of the staff
- ▶ the nature and breadth of the investigation — for example, whether it proceeds to a public hearing
- ▶ the culture of the agency
- ▶ the attitudes of the CEO and senior officers
- ▶ the outcome of the investigation
- ▶ staff perceptions of how their managers have handled the investigation process
- ▶ the expectation that things will change as a result of the investigation, or that they will go on as before.

Staff reactions to the news that their colleague or agency is being investigated can range from shock, anger and denial (which may continue for weeks or months) to relief that ‘something’ is finally being done.

A rule of thumb is: don’t assume anything, and be prepared to be surprised.

What is meant by ‘managing the impact’?

Managing the impact means:

- ▶ anticipating where the impact will be greatest
- ▶ considering how the investigation is likely to affect operations and staff morale
- ▶ devising strategies to minimise the adverse effects.

Where will the impact be greatest?

Usually the impact of the investigation will be greatest in the work units where the staff who are the subject of the investigation actually work.

How will the investigation affect operations?

CJC officers may need to have access to material from the work site to use as evidence, such as files, data, other documents and electronic systems that are used on a daily basis. If this happens, it may cause some temporary disruption to work in that area.

In some cases, the investigators will ask for your assistance to minimise disruption. They may even be able to notify you of their intended visit to give you time to collect the records they require and to make arrangements for handling the impact. CJC officers can use their discretion as to what records or other things they will take that are relevant to the investigation. They also have the discretion to allow copies of essential material to be made. So talk to them about:

- ▶ making arrangements to ensure that the staff have access to material that is essential for day-to-day operations
- ▶ making photocopies of documents or creating a backup of a computer's hard-disk contents before it is removed.

What effect will the investigation have on staff morale?

You can expect a wide variety of reactions among the staff, and you can also expect those reactions to shift and change as the investigation continues.

In those rare instances when an investigation progresses to a public hearing, the impact will be greater because it increases community, parliamentary and media scrutiny of the agency.

The reactions of staff will depend very heavily on the agency — on its history, its culture and the state of management–staff relations. They will also depend on the personal history of individual staff members — whether they have previously undergone such investigations, whether they trust management and the agency, and how close they are to the subject of the investigation.

With some staff, the news that their agency is under investigation by the CJC will not cause any strong response. Generally, however, they will know enough about the CJC to be concerned about what an investigation means

for them personally and whether they might be caught up in the allegations. They will usually also want to know more about what it means for the subject individual and for the agency as a whole.

Staff may react to the initial news of an investigation with:

- ▶ disbelief
- ▶ anger over CJC intervention
- ▶ anger towards management for not supporting the subject and appearing to be cooperating with the CJC
- ▶ anger towards management for allowing the misconduct to occur
- ▶ further allegations about official misconduct
- ▶ mixed feelings towards management about not informing staff of the allegations sooner and yet recognising, when this is explained, that the investigation may have been compromised if they had done so
- ▶ in cases where the allegations, or similar allegations, were widely known in the workplace before CJC involvement, relief that they are finally being investigated.

Staff may display the classic stages of grief — denial, anger, bargaining, depression, and finally acceptance. They may be grieving for the loss of a belief that they had in the person under investigation, or for the loss of their image of the agency as honest and ethical.

As well, an atmosphere of distrust may develop in the workplace, in which gossip and innuendo are rife about the subject's and others' involvement in the alleged official misconduct. There may also be an increase in stress leave or sick leave and decreases in productivity.

If, as the investigation progresses, staff receive more information about the matter (officially and unofficially), and this information seems to point in the direction of misconduct having occurred, some of the more common responses may be:

- ▶ anger towards the subject of the investigation for betraying and manipulating colleagues to facilitate his or her own corrupt interests
- ▶ shock at the extent of the person's misconduct and associated uncertainty about the ability to be able to 'pick out the bad apple'
- ▶ disbelief that the person could have 'been so stupid'

- ▶ feelings of vindication over long-held suspicions
- ▶ a marked softening in criticism of management's apparent lack of support for the subject during the investigation
- ▶ a greater willingness to accept the decisions that management has taken or is taking during the investigation, which at first appeared to them harsh or ill-informed
- ▶ a desire to put the event behind them and get on with work.

Some staff feel strongly for quite a while. They may, for instance:

- ▶ feel guilty about, responsible for or complicit in the person's conduct by virtue of not having been aware of it
- ▶ fear that they, too, will be investigated
- ▶ fear being identified as a staff member of a corrupt section or agency — in the minds of the community, family and friends as well as their professional peers
- ▶ fear that career prospects will be jeopardised
- ▶ dwell excessively on the event.

How should we deal with the impact on staff morale?

It is difficult to prescribe strategies, as it depends on the individual character, personality and coping mechanisms of each staff member.

The key words are communicate, communicate, communicate.

Recognising signs of stress is an important step in dealing with the problem.

Things to look out for are:

- ▶ **emotional outbursts** indicating anger, fear or depression
- ▶ **effects on mental functions**, such as difficulty in thinking clearly, making decisions or concentrating on the job
- ▶ **behavioural changes**, such as sudden insomnia or resorting to alcohol more frequently or in greater quantity
- ▶ **physical signs of shock**, such as nausea or fainting immediately after an event, or even chest pains, other aches and pains or, in the long term, fatigue.

TIPS FOR MANAGING DURING AN INVESTIGATION

When a manager first hears of a CJC investigation it is possible that the investigation is already under way. This is because some investigations need at first to be conducted **covertly**.

The investigation may then move to the **confidential stage**, which means that the manager will be informed but will not be free to inform other staff.

Finally, the investigation will move to the **overt stage** with everyone in the organisation aware that it is taking place.

As a manager, you need to **plan** during the confidential stage of the investigation for managing the issues that will arise once the investigation reaches the overt stage.

Develop an action plan

Be fully prepared with detailed information and support structures in place before the time comes when you have to inform staff about the allegations being investigated by the CJC.

Your action plan should, to the fullest extent possible, set out what to do in chronological order, and outline strategies for communicating with staff and outside agencies, including the media.

Consider setting up an internal group with representatives from legal, internal audit, policy, corruption prevention, unions and any other relevant areas. This group could develop strategies to manage and coordinate the agency's end of the investigation. Part of this group could, for example, be given the task of examining areas of the agency that have been shown to be at risk.

Once the investigation has reached the overt stage you will need to:

- ▶ communicate and show leadership
- ▶ provide support
- ▶ gain the trust of staff.

Communicate and show leadership

Keep a high profile during the investigation. Staff are looking to managers for information, reassurance and leadership. Even if management decisions are not popular, staff are more forgiving if the decisions made are communicated.

Consult officers from the CJC investigation team at any point during the investigation if you are unclear about whether any proposed management strategies might compromise the investigation.

When you are informed that a CJC investigation is taking place in your agency, you will also be informed of the person to contact at the CJC for further information about the investigation.

If a public hearing is involved, consult the CJC about when and how to inform staff. This may include arranging to have sufficient CJC information brochures available to staff when they are first briefed, or arranging for CJC officers to brief staff in person about what stages are involved, what powers are available to the CJC, and how it uses them, and how staff can assist the investigation.

Don't allow rumours to flourish. Keep the channels of communication open. Because people differ in the way they absorb information, you should use a range of communication modes, including staff notices or bulletins, agency-wide forums and unit meetings, and encouraging staff to approach managers. Varied presentation will also help to reinforce important information.

Delegate to unit managers the task of communicating. If unit managers are unable to provide the information that staff need because of the requirements of the investigation, find out from staff what they want to know and tell them as much as possible. Be clear and up-front about what information is presently not available, and when it is likely to be available.

Arrange for the CEO to be involved in consultations with staff wherever possible throughout the investigation. This will not go unnoticed and will add to staff confidence in management's handling of the investigation.

Beat the 6 o'clock news. When information is going to become public — for example, announcement of a public hearing or committal proceedings — all staff should be told before the media report it. It is also a good idea to address staff on the progress of such hearings so that they do not feel abandoned during the public exposure of the agency.

Allow staff to talk about what's happening. Productivity will pick up more quickly if staff feel they've had a chance to 'get it off their chests' by discussing the issues with their workmates. Expect staff to be talking about it in the

corridors, in tea-rooms and at workstations. It is important, however, to provide formal channels as well, where staff can air their feelings.

Be aware that effective communication about the matter will also help deter others who might have been contemplating similar misconduct. Sometimes it takes formal investigation to crystallise the issues in other people's minds so that they focus on what they are doing and ask themselves whether any aspect of their behaviour might be questionable.

If the CJC is to report publicly on the outcome of the investigation, be sure to alert staff to the release of the final report and provide adequate access to a copy. In many cases it is not until the report on the investigation is released that staff are convinced that there is evidence of the subject's misconduct. It is also a good idea to provide staff with a formal response from management to the key issues and recommendations of the report. This will reassure staff that management takes the recommendations seriously and plans to be open about any changes that may occur in response to the report.

For the agency as a whole, the impact of an investigation may be such that specific public-relations strategies should be developed. If the investigation included public hearings that revealed serious official misconduct, the agency can expect some difficulties in recruiting staff or securing contracts for services, and will need to work out a coherent plan for dealing with them.

Involving the media

Even if these difficulties are not expected, it is a good idea to make a statement when the report is made public to show both staff and the community at large that management has come to grips with the conditions that allowed the misconduct to occur. Consult the CJC on the nature and timing of such a statement; in some cases it may be appropriate to issue joint media releases with the CJC. This will demonstrate that problems are being dealt with collaboratively.

Involving unions

A well-planned communication strategy developed by management to keep staff informed about an investigation will include relevant unions. Staff who are union members may in any event approach union representatives to ask for information about the investigation, their rights, the treatment of those under investigation, and management decisions. Union

representatives have the right to approach management to seek information for their members in the agency.

By specifically including union representatives at staff briefings, managers can send a clear message to both union and non-union members that their management of the effect of the investigation will be as transparent as possible. As well, forums held by unions for staff who are members provide an additional avenue for staff to seek information and discuss their concerns about the investigation.

Union representatives should be aware that a conflict of interest could develop if they represent more than one person involved in an investigation — for example a subject officer and a witness, or more than one subject officer.

Provide support

For all staff

Consider arranging counselling options before briefing all the staff. This may include off-site one-to-one and/or on-site group counselling. Some people will want to talk to an impartial third party with no connections to the agency. Some prefer to have consultations between management and staff mediated by a trained professional. Others may want no involvement at all.

Provide appropriate support for staff who become involved in the confidential stage of the investigation.

Above all, work to create a culture in your agency wherein an investigation is not seen as a disaster or a crises, but as an opportunity for people to clear their reputations and for your agency to re-focus itself on its core business.

For complainants

The Whistleblowers Protection Act requires agencies to establish reasonable procedures to protect their officers from reprisals that are, or may be, taken against them for making a public-interest disclosure. Often complainants will feel that they are being victimised after they make a complaint. Even if their name is kept confidential, they may assume that the subject officer knows and is dealing unfairly with them as a result.

To manage reprisals, whether perceived or actual, the Human Resources Manager, or you as manager, should:

- ▶ be alert to any harassment in the workplace and deal with it immediately
- ▶ provide feedback on the progress of the investigation
- ▶ provide counselling services through an employee-assistance program
- ▶ manage issues such as diminished work performance separately from the complaint in accordance with the agency's performance-appraisal system
- ▶ inform employees and supervisors about the agency's grievance procedures, the requirements of its Code of Conduct and whom they should contact.

The CJC has a whistleblower support service to support whistleblowers and complainants — (07) 3360 6060 or toll free on 1800 061 611. See also the CJC's *Exposing Corruption: A Guide to Whistleblowing in Queensland*, which is available on our website at www.cjc.qld.gov.au.

For internal witnesses

Acknowledge the courage demonstrated by staff who are witnesses in an investigation, particularly in hearings. Some people may be uncomfortable about a public acknowledgment but would appreciate formal acknowledgment in private. The decision should be made on a case-by-case basis, in consultation with the witness.

Staff who are called as witnesses are assisting in uncovering the truth of a matter. The truth could lead to the exposure and punishment of a colleague; or it could lead to the clearing of a colleague's name. Either way, the burden of responsibility on the witness can be profound.

Most people would have mixed feelings about playing this role, and some might even have concerns about their personal security, with or without justification. If a witness expresses fear, contact the CJC in the first instance. The simple expression of genuine support and a clear plan of action in the event of a problem is enough to put most people's minds at ease.

When staff support the person who is being investigated, they may not understand why it appears that you are not doing everything possible to help the person. Staff may interpret your lack of action as treating the person

as ‘guilty until proven innocent’. If necessary, tell staff what is being done to help, and what is not possible. Remember ‘natural justice’ does not require the subject to be informed of developments during the confidential stages of an investigation.

You should understand that some staff will be personal friends of the subject and will wish to remain so, no matter what the outcome of the investigation.

For yourself

Don’t overlook the need to take care of yourself during and after an investigation. Managers are just as susceptible to shock and stress as staff. You may feel a sense of betrayal, or you may mourn the loss of a long-held belief about the person or the agency. Managers need to be able to come to terms with their own personal reaction while at the same time helping staff with theirs. If necessary, seek support from your CEO or, within the constraints of confidentiality, from your agency’s counselling service.

Gain the trust of staff

Managing the impact of an investigation is a lot easier if staff feel they can trust you. Trust, in this context, is not based on agreement, like-mindedness or ‘being one of the team’. It is based on having clear, consistent leadership. Factors that contribute to building or maintaining trust from staff include:

- ▶ **Being honest at all times.** Hiding problems will not improve management standing in the long term. It doesn’t improve trust. Mistrust happens when staff can’t understand those who manage them. So, for example, you should admit your ignorance if you do not know the answer to something raised in a staff forum, but give an idea of when more information will be available. However, you should never plead ignorance as a ploy, to stall communication. Stalling is usually obvious and creates suspicion.
- ▶ **Not making promises that cannot be kept.** Consistency in following through with decisions is fundamental to gaining and keeping trust. If something genuinely gets in the way of being able to carry out a promise, be honest. Tell staff why, and allow for feedback.
- ▶ **Getting to know what matters to staff and responding to their concerns.** It will not always be possible to satisfy all concerns, but staff will have more respect for you if you explain your actions.

- ▶ **Asking for feedback and acknowledging it.** Treat feedback as valuable information. However biased, it will give a realistic picture of staff opinions and concerns.
- ▶ **Listening to staff carefully and checking with them that they have been understood.** Staff will know if consultative processes are genuine or 'just going through the motions'. This does not mean acting on every view put by staff. However, consultation with staff goes a long way towards making them feel valued.
- ▶ **Keeping an accurate record of the progress, process and outcome of consultations.** When you hold formal consultations with staff, ensure that minutes are prepared and distributed promptly.
- ▶ **Trusting your staff.** Trust must be mutual. You cannot expect your staff to trust you more than you trust them. If managers mistrust their staff it will be subtly communicated, despite any attempt at disguise, and staff will reciprocate.

CONSEQUENCES OF POOR MANAGEMENT

If you do not manage the impact of an investigation sensibly:

- ▶ the grapevine will become the principal source of information for staff, rife with contradictory rumours and smear campaigns
- ▶ mistrust of management or loss of faith in the agency will increase
- ▶ fear will rise among staff that they, too, may be under investigation without knowing it
- ▶ staff will suffer more stress, particularly those in close professional proximity to the subject, and this may result in increased absenteeism
- ▶ there will be lower morale and decreased customer focus
- ▶ productivity will suffer, particularly in areas and among people closely associated professionally and personally with the subject
- ▶ there will be increased trauma for witnesses who feel unsupported by the agency and uncomfortable with being personally identified with the investigation.

BENEFITS OF GOOD MANAGEMENT

If you manage the impact of the investigation well:

- ▶ both staff and management will have a better understanding of what misconduct is and what is meant by a corruption risk
- ▶ Codes of Conduct and other standards of ethical behaviour will become more meaningful and will be taken more seriously
- ▶ the agency will be rewarded with a sense of having ‘pulled together as a team’
- ▶ faith in management will be established, maintained or renewed
- ▶ staff will be more willing to participate in any proposed reform measures for the agency.

AFTER THE INVESTIGATION

An investigation may reveal evidence of poor administrative procedures rather than actual wrongdoing. In some cases the CJC (in consultation with the agency) may recommend remedial and preventive action that the agency can take.

The implementation of corruption-prevention strategies and other reform measures ought to be broadly based, with contributions from as many sources within the agency as can be practically incorporated. Approaching the task in this way helps to build general commitment to the reforms and restores a sense of control to the agency.

To manage after an investigation:

- ▶ acknowledge the past
- ▶ identify the kinds of changes required
- ▶ develop a plan of action.

ACKNOWLEDGE THE PAST

Arrange a formal ‘closure’ of the investigation for the agency once it is complete. Closure is an important way of separating the events that exposed the agency to scrutiny from its future direction, and of ending the associated uncertainty.

There are many ways to mark the end of an investigation. A formal address to staff by the CEO is a good place to start. However, local events such as unit lunches or an information day can be useful.

Communicating with staff as part of closure may include:

- ▶ thanking them for their cooperation during the investigation
- ▶ expressing your confidence in them
- ▶ perhaps telling them why you were unable to communicate more freely at the outset, if secrecy was required.

IDENTIFY THE KINDS OF CHANGES REQUIRED

Whether changes need to be made and, if so, what those changes should be will depend on the report of the investigators. In its investigation report the CJC may make recommendations about the remedial action that your agency should take to reduce the opportunity for corruption to recur. (Even if there is no evidence of official misconduct, it may still recommend cultural and procedural changes.) *Before making any recommendation, however, the CJC will consult your agency.*

Besides the recommendations of the CJC, there may be other changes that your agency should make. These might include:

- ▶ **Policy changes** — for example, improving the accountability and openness of procurement, record-keeping and secondary employment.
- ▶ **Procedural changes** — for example, improving the objectivity and accountability of internal investigations, contracting for services and disclosing conflicts of interest.
- ▶ **Structural changes** — for example, ensuring the integrity of inspectorial and advisory functions and enhancing cross-functional communication.
- ▶ **Systems changes** — for example, ensuring that disciplinary systems are not merely punitive but are part of an integrated approach to employee management and development.
- ▶ **Personnel changes** — ensuring that corrupt staff are replaced with people who are strongly committed to ethical conduct.
- ▶ **Cultural changes** — changing ‘the way we do things round here’ (to raise ethical standards and create a corruption-resistant environment).

Are planned changes to an agency always necessary?

No. Again, the need for change will depend on several factors, including the nature and outcome of the investigation, particularly the recommendations made by the CJC. However, during an investigation at least, some of the agency’s operations are likely to be subjected to intense scrutiny by both the CJC and the agency itself. Such scrutiny may expose ethical weaknesses or opportunities for corruption that would not have been uncovered in the normal course of events.

An investigation is bound also to raise the profile of ethics and probity among staff. As a result, the period after the investigation is a good time for an agency to plan and implement desirable changes.

The greater the trauma to the agency during the investigation, the harder it is to get people to cooperate with post-investigation changes. Loss of faith in management may mean staff are less open to efforts to ‘lead’ the agency in a new direction.

PLAN AND MANAGE CHANGE

One of the key reasons for the failure of attempts to change agencies is that not enough thought and time is put into planning.

Change takes time, particularly cultural change, because it is about changing behaviour. There is no one-size-fits-all method of successfully implementing change. Dealing with different changes and with different groups and individuals within an agency — perhaps with different expectations, cultures and norms — means tailoring the change process to their needs. However, there are key elements that should be common to all change processes. The presence of these elements will enhance the prospect of making effective change.

Decide what the agency wants to achieve

Take some time to develop a picture of what the agency wants to be and what needs to change to achieve it.

After an investigation, your agency may be aware of an obvious need for change — for example, to policies and procedures. But before embarking on a process to implement the obvious, you need to think more broadly about the implications of change. A change in a policy or procedure is not an end in itself. The aim of any change process should be to change behaviour.

Know the agency

Knowledge of the agency is essential in determining what outcome is desirable and what changes are necessary if the desired outcome is to be achieved. You will then have to establish whether such changes are feasible. This knowledge also enables you to manage expectations during the change process.

There are two parts to knowing the agency — understanding the interdependencies of its components and understanding its existing organisational culture or cultures.

Interdependencies exist between operational components (such as structure, policies and procedures) and the quality of an agency's leadership, values and communication. Therefore, to change behaviour you may need to change not only a particular procedure but also the way staff are managed, trained and supported. This may involve:

- ▶ reviewing the agency's Code of Conduct for continued relevance
- ▶ restating the values of the agency, and changing the way that values are communicated
- ▶ revising programs for leadership training, induction and general ethical awareness
- ▶ restructuring work groups and functional areas
- ▶ revising policies and procedures relating to conflicts of interest, gifts and benefits, and reporting wrongdoing
- ▶ reviewing systems of recruitment, performance management and discipline
- ▶ introducing new technology
- ▶ updating plans for preventing corruption.

For more information on preventing corruption refer to the CJC's *Corruption Prevention Manual* available from the Research and Prevention Division, phone (07) 3360 6060.

The existing organisational culture has a powerful influence on behaviour. Many agencies find that they have more than one culture. Different cultures can exist at different levels and among different functions. Using interviews, focus groups and surveys can help your agency to understand its culture.

The qualities of the existing culture will help to show how much preliminary work needs to be done before effective changes can be made. For example, if each level in your agency's hierarchy has a strong subculture, you may need to put substantial effort into increasing openness and trust between those levels.

If you are contemplating substantial cultural change, or if management-staff relations are poor, consider engaging outside assistance to facilitate the change process, or aspects of the process — for example, an expert in diagnosing the organisational culture, an organisational change consultant or a communication specialist.

DEVELOP A PLAN OF ACTION

Once your agency knows what it wants to achieve, what is likely to be feasible and how it might get there, it needs a plan of action. A good plan:

- ▶ will be developed and endorsed by senior management to ensure that it has a strategic focus and adequate resources
- ▶ is flexible because it may have to change as the change process goes on
- ▶ will identify incremental steps, achievement of which can be acknowledged and celebrated along the way — it is a good idea to schedule some easily achievable changes as early milestones as this will help build the momentum for tackling more challenging steps
- ▶ will clearly identify who is responsible for making decisions, reaching particular milestones and carrying out particular functions (including overall coordination) — choose people who are genuinely committed to the changes and who are trusted by staff
- ▶ will be consistent with corporate values
- ▶ will include a communication strategy, a strategy for the participation of those who will be affected by the changes (including staff and other stakeholders), a strategy for embedding the changes (including training, and rewarding desirable behaviour) and a strategy for measuring achievements.

Depending on the scale of the proposed changes, the plan may be multilayered. Staff whose responsibilities are nominated in the ‘big-picture’ plan may need to develop detailed plans that include the same key strategies — communication, participation, embedding and measurement.

Show leadership

Perhaps the most important element of effective change is leadership. Leadership is needed to create a collective desire for change.

Some models of organisational change suggest that agencies need a crisis to stimulate the desire for change. However, Australian experience suggests that a crisis can create paralysing uncertainty, unless its impact is properly managed.

It is therefore up to managers not only to acknowledge the uncertainty and discomfort that the investigation has caused, but also to emphasise the *opportunities* that it has provided for self-examination, for harnessing the

heightened awareness of organisational weaknesses and for building on the agency's strengths.

Tell your staff:

- ▶ **where the agency is going** — what it is seeking to achieve
- ▶ **how it hopes to get there** — its plan of action and its values
- ▶ **why the trip is necessary** — why the changes?
- ▶ **what's so good about the destination** — how the changes will benefit the staff, the agency and the community.

You need to make an explicit and visible commitment to change. It is no good simply announcing that change is necessary because the CJC says so. Change won't come about unless leaders genuinely want it to happen. Your commitment will be reflected in the choices you make about who will be responsible for managing the change, the degree of their power and expertise, and the support you give them.

Communicate

Communication is another essential element of an effective change process. It needs to be planned carefully. Managers need to continue to communicate honestly and openly with all those likely to be affected by the changes. They need to be accessible and sympathetic, listening to, anticipating and responding to the staff's concerns. They need to forestall the rumours and manage expectations.

Consider using a range of media for maximum effect — meetings, seminars, regular updates by email or electronic bulletin board, visits by key managers to regional offices, newsletters, informal chats and so on. Make sure leaders maintain a high profile.

Remember to communicate not just the 'what', but also the 'when, why and how' of change. Communicate the incremental successes along the way rather than waiting until the end to say 'Well done'. If people don't get acknowledgement and support, especially when they are exploring new territory, the agency may never get there.

Managers send very powerful messages by how they act. Saying one thing and acting in another way can undermine the best-planned change process.

Leaders should model desirable behaviour at all times.

Use your agency's values

An agency's underlying values determine how it does things — from how it is led to what its systems, plans, policies and procedures look like. These values may be quite different from its stated corporate values. The success of any cultural change process is dependent on the corporate values being converted into action.

Therefore:

- ▶ Consider reviewing the corporate values early in the change process. Check that they focus on public duty, integrity (openness, honesty, accountability, objectivity and courage) and leadership.
- ▶ Make sure that the agreed values are communicated clearly to staff and other stakeholders, and that you promote the values by acting in accordance with them and teaching others about their benefits.
- ▶ Make sure that the Code of Conduct is up to date and that it reinforces the values by providing a practical guide to acceptable behaviour. Use it as a communication and decision-making tool during the change process.
- ▶ Make sure that the plan of action reflects the values you have agreed on. For example, the communication strategy should encourage openness, honesty and participation, and procedures should be reviewed for accountability and objectivity.

Build in participation

The last essential element of an effective process for change is participation. Participation can be a great motivator — it engages people's interest and gives them a sense of ownership of both the problem and the solution.

Staff are much more likely to resist change that is simply imposed on them. There is a much better chance of implementing effective change if the change process encourages participation by those who will be affected. Also, staff (and suppliers and receivers of services) often have good ideas about how things could be done better and what obstacles are preventing that happening.

Therefore:

- ▶ Make sure that the plan builds in opportunities for participation, both formal and informal.

- ▶ Consider interviews, focus groups, surveys, seminars, suggestion schemes, staff (and possibly other stakeholder) representatives on management committees and working parties.
- ▶ Make sure that managers and supervisors understand the importance of their role in communicating with, and supporting, staff — for example, providing updates, listening to concerns — at regular meetings and as part of day-to-day responsibilities.

TIPS ON TRAINING

- ▶ If appropriate, arrange ethics training and refresher workshops about the agency's Code of Conduct and related corporate statements. This will help reduce staff concern about what is acceptable and unacceptable behaviour and any fear of inadvertent breaches of expected standards of behaviour.
- ▶ It is a good idea to develop a package of material to provide staff with guidelines for ethical decision making and expected standards of conduct. If the agency's Code of Conduct, corporate vision, values statements and ethical guidelines need to be reviewed, seek input from your staff. The CJC's Research and Prevention Division have a range of resources available and can offer advice on training or provide comment on policy changes.

FURTHER READING

Independent Commission Against Corruption 1999, *How to Handle the Effects of an ICAC Investigation: A Guide for Public Sector Managers*, Sydney.

Criminal Justice Commission 2000, *Reporting Official Misconduct*, Prevention Pointer.

— 2000, *How to Report Corruption to the CJC* (brochure).

— 2000, *The CJC: Who We Are and What We Do* (brochure).

— 1993, *Exposing Corruption: A CJC Guide to Whistleblowing in Queensland*.

— 1993, *Corruption Prevention Manual*.



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