

Public submission – Department of Education

The Department of Education (the department) is committed to good governance. A key element in the department's efforts is the integrity of its systems, processes, and people, particularly given that the department is accountable to Parliament and ultimately scrutinised by the community we serve. Considering this, the department and its employees, seek to promote public confidence.

The department is committed to advancing Queensland's Priorities by giving all children a great start, engaging young people in learning, and creating safe and inclusive workplaces and communities. To achieve success for Queenslanders, the department's ethical capability is instilled within its culture and demonstrable in its service delivery. Actions and decisions must be executed with commitment to the highest of ethical standards, impartiality, transparency and professionalism.

The maintenance of high standards of integrity and conduct is paramount, and the management of these principles is executed by way of a collection of artefacts that collectively determine how the department and its employees are to conduct themselves, and that assist the department to build and augment an ethical culture.

The department submits to this Operation the importance it places on prevention and detection of wrongdoing from an information management perspective.

Prevention and Detection

8. What steps can agencies take to protect themselves and discourage employees from improperly accessing information?

The department is of the view that Queensland's Integrity Framework can essentially be described as a governance platform that facilitates risk mitigation and the proactive management of misconduct and corruption in the public sector. As it should, the Queensland Integrity Framework has progressively evolved over time and constitutes various institutions, bodies and legislation which establish and govern the components of the State Government.

The broader controls and governance platform of Queensland's Integrity Framework, are acknowledged and understood by members of the department so to best apply local-level integrity frameworks in everyday practice.

The department's mandate is that its employees not only comply with the overarching Queensland Integrity Framework as a foundational keystone of ethical values, but also with all relevant legislation, policies and standards applicable to the department's operations and functions.

The adherence to a departmental integrity framework, considered to be a key corruption prevention mechanism, enhances our ability to embed ethics and fulfil the department's Strategic Plan of giving all children a great start, engaging young people in learning, and creating safe and inclusive workplaces and communities.

In addition to Queensland's ethics legislation, the Code of Conduct, the department's Strategic Plan, and the department's integrity framework comprise: ethical leadership; good governance and risk management; ethical capability and awareness; and corruption and misconduct management – all imperative to the detection and prevention of corruption in the form of information misuse.

Ethical Leadership

The department provides education services to Queenslanders on behalf of the Queensland Government.

The organisational portfolio is led by a Chief Executive Officer, otherwise known as a Director-General, who is the accountable officer for ensuring the department's administrative procedures and management practices are transparent and open to scrutiny. The ethical tone of this department starts with the Director-General and the senior leaders lead by example and promote integrity.

The Director-General models these expectations by ensuring that all employees within the department have access to and are reminded of the ethics principles through education and training. Maintenance of the integrity framework is achieved through a participative and transparent management style that guides and supports the department's desired culture.

The Director-General may, pursuant to the *Public Service Act 2008*, delegate functions and responsibilities under various Acts to any appropriately qualified person and this may permit the sub-delegation of the function. The instrument of delegation sets out these conferred statutory powers and authorities, and are exercised with care and for the purpose for which they are granted.

The Director-General's Annual Report is a key external accountability document and is the principal method by which the department, like other public sector entities, reports on its activities to provide a full and complete picture of agency performance to Parliament and the wider community.

The department is well-equipped to respond to, and deal with, complaints of alleged wrongdoing against the Director-General as per the departmental Policy; 'Dealing with a Complaint Involving the Public Official (Chief Executive Officer) pursuant to the *Crime and Corruption Act 2001*, section 48A'.

Good Governance and Risk Management

The structure of responsibility, authorised by the Director-General, ratifies the department's internal controls to identify, assess and mitigate departmental risk; and enables an appropriate response to corruption and misconduct activity by its employees.

Risk management is paramount in the department's public administration in accordance with the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*. Risk assessment establishes the department's risk profile and the nature of the operating environment so that effective practices and internal controls can minimise risk. The department has a robust fraud and corruption control framework to manage these types of risk.

The department's internal control structure encapsulating all of its policies, procedures, standards and guides has a strong emphasis on accountability and best practice management. The department adopts a periodical test of these controls to ensure they are working, by way of governance review enabled by the department's Enterprise Risk Management Framework.

Ethical Capability and Awareness

Upon entering an organisation, an employee's integrity will be influenced by what they see, hear and observe. Given this, it is important to have an integrated organisational culture program to ensure a well-informed workforce that has capacity to recognise, respond and refer risks or acts of wrongdoing. The end result is an organisation with a strong ethical corporate culture, equipped to detect and prevent conduct matters.

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'Capability' describes the proactive steps this organisation takes to build ethics-capacity, including; awareness, understanding and application of knowledge by all employees. The organisational change process can encompass capability-building activities such as: ethical education and awareness training programs; promoting ethical behaviours; and enforcing ethical standards.

The department requires its employees to complete online Mandatory All Staff Training (MAST) at the induction phase of employment, throughout the course of the departmental career, and mandatorily as part of their annual refresh. Each year a review is undertaken to ensure this program content is up to date and relevant. The 2020 MAST structure accommodates: Getting Started; Working Ethically; Protecting Our Information; Working Safely; Protecting Our Students; and Next Steps.

Other documentation and education about standards demonstrates to stakeholders that the department has high performance expectations of itself and its employees and that it can be held accountable for these. Performance standards are outlined in key documents such as the Code of Conduct; Strategic Plan; departmental policies, procedures and standards; and regular employee performance plans and reviews.

The enforcement of anti-corruption messaging is executed across the department. This department is of the view that the way in which this organisation responds to suspected corruption or alleged misconduct is paramount in the success of its culture program. If key messages are not upheld appropriately, the effort at changing attitudes and behaviours will be tokenistic.

Reporting, managing and responding to wrongdoing

Escalating and referring matters of alleged wrongdoing to the department's Integrity and Employee Relations Unit is an obligation. In some instances, such reports will be assessed as public interest disclosures and managed in accordance with the department's Public Interest Disclosure Policy and Procedure.

The management and response to corruption and serious misconduct matters by Integrity and Employee Relations can entail a full and formal investigation in accordance with *Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector*. Allegations of serious misconduct or corruption are investigated and founded on the balance of probabilities.

The decision-maker, who is the Executive Director, Integrity and Employee Relations (or higher delegation where appropriate), considers the acceptance of these findings and determines what, if any action is taken against a person subject to the allegations.

Integrity and Employee Relations' investigators also have the capacity to identify systemic shortcomings and make preventative recommendations to the decision-maker if the matter extends beyond individual action or inaction.

Minimising the opportunities for corruption is central to good governance. In the event an investigator makes preventative recommendations for systemic shortcomings identified throughout the course of an investigation, the delegate must seriously consider these, consult with other stakeholders in the relevant business area if necessary, and take timely action to resolve the deficiency. Recording the implementation of the recommendation, or a written justification for not accepting the recommendation, is required.

The grounds for discipline can be considered and enacted by a decision-maker in accordance with the *Public Service Act 2008*, namely section 187. Disciplinary action that may be taken against a public service employee is outlined at section 188 and can range between a reprimand and termination of

employment. Departmental policy and procedure, as well as Directives issued by the Public Service Commission, prescribe discipline processes and refer to appeal opportunities.

Where there is reasonable evidence available indicating a criminal offence has been engaged in (as per the *Criminal Code Act 1899*) the department refers the matter to the Queensland Police Service. This referral process is also an expectation of the department by the Crime and Corruption Commission.

There is a requirement of employees, pursuant to section 181 of the *Public Service Act 2008*, to give notice to the employer of a charge or conviction of an indictable offence.

If disciplinary action is not appropriate when responding to a proven conduct matter, the decision-maker has a range of management action options available to resolve issues of concern, which are promoted by Public Service Commission, such as: issuing warnings, informal and formal conversations, learning and development, coaching and mentoring, team development, and facilitated or mediated discussions.

9. Are prevention measures integrated into information systems?

There are a variety of prevention measures available including, but not limited to:

- Authorisation to access information systems
- Role-based user access
- Training provided when granting access to information systems
- Acceptable use statements that require acceptance prior to accessing information systems
- Application of technical, security and access controls to prevent unauthorised access, use, disclosure, or loss of information in information systems
- Segregation of duties
- Audit logging

10. Is it difficult to detect improper access to information?

There are some challenges present in detecting improper access to information. Audits cannot always determine whether the type of access was improper or without authorisation unless the auditor is first aware of an alleged conduct issue associated with the access. Furthermore, improper access is generally first known about when it is complained about.

11. How are changes in technology making it easier or more difficult to ensure confidential information is not improperly accessed or disclosed?

As technology evolves and more data and information is collected, stored, secured, managed, used, disclosed – effectively available - in digital format, this inherently increases what is available to authorised users. As data and information volumes grow, agencies need to review the data and information they manage on an ongoing basis.

There are workforce and agency impacts to be considered as data and information sources continue to grow and evolve. New investments in people and/or systems will need to be weighed by agencies against risk and budget priorities.

Increased reliance on digital data and information means more data and information collected and more data and information accessed, analysed, manipulated, and disclosed. This increase in data and information volume and use leads to potential duplication and siloing of data and information, creating multiple information systems as 'sources of truth'.

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This challenge is further complicated by the rapid adoption of cloud or 'online' services, offered through a licence or subscription, resulting in the department's reduced ability to bind vendors to implement and monitor controls that increase the security of information held within, or managed by, the cloud or 'online' service.

In many ways, technology enabled information oversight has enhanced and enabled information security over historical paper based systems, but these systems and processes need to continue to evolve as new and emerging technologies become available.

Sole reliance on technical systems will not suffice. That is why culture, governance, oversight, review and reporting all build the foundations of an effective information management system.

To effectively manage data and information, agencies will need to continually invest in information governance practices to ensure compliance with legislation, regulation, industry standards and better practice, in the areas of information management, information security, information privacy, and data management.

The Department of Education is committed to evolving its focus on this part of its operations to appropriate balance risk and investment.