

Talking about integrity

A guide for police managers

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Office of Police Integrity

Level 3, South Tower
459 Collins St
Melbourne VIC 3000

Phone 03 8635 6188

Fax 03 8635 6185

Toll Free 1800 818 387

Email opi@opi.vic.gov.au

www.opi.vic.gov.au

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INTRODUCTION

This Guide is designed to assist Victoria Police managers to create a professional reporting environment in the workplace. A professional reporting environment is one that encourages and supports police employees to act to prevent wrongdoing and to speak up when they think they have made a mistake or have concerns about the wrongdoing of others.

In the past, the dominant Victoria Police culture discouraged employees from reporting wrongdoing. The loyalty to other police, that characterises the culture of all police organisations, was considered more important than loyalty to Victoria Police as an organisation or loyalty to the Victorian community. Employees who reported misconduct or corruption were viewed as 'breaking ranks'. Some police considered openly reporting corruption or misconduct as an act of disloyalty. In some instances, individuals who had reported misconduct were shunned and treated as outsiders. Inadequate action by superiors that tacitly or actively supported these attitudes provided an additional and strong incentive to those who had witnessed a wrongdoing to do nothing, remain silent, or ignore what had happened.¹

In many cases, ethical health issues will influence the work performance of not only those directly involved, but on others in their working and personal environments. Employees involved in misconduct and corruption will negatively affect everyone around them, Victoria Police's reputation and community confidence. From this perspective, engaging in misconduct and corruption is an act of disloyalty and disrespect towards other Victoria Police employees and the organisation as a whole.

In recent times, there has been a better understanding of the role of loyalty amongst police and about early intervention. This has resulted in greater willingness to report breaches of professional standards, and improved management to support those who do so. Victoria Police is also improving its response to those who display poor professional standards, moving from a punitive model to a performance improvement model. These factors are influencing a process of cultural change that must continue.

This guide provides information for Victoria Police managers about their legal obligations and the policy framework supporting internal reporting. To have an effective professional reporting environment, employees must feel empowered to act to prevent misconduct or corruption, or confident to own up to mistakes or speak out about the wrongdoing of others. This Guide contains a number of strategies for managers to establish an environment that encourages and supports conversations about integrity and professionalism.

¹ Past Patterns – Future Directions: Victoria Police and the problem of corruption and serious misconduct. OPI February 2007.

1. WHY CREATE A PROFESSIONAL REPORTING ENVIRONMENT?

Internal disclosures are an important part of protecting the ethical health and reputation of Victoria Police. Victoria Police employees are best placed to identify and report misconduct within Victoria Police. More significantly, Victoria Police employees prepared to speak up about their concern are well recognised as one of the more important and accurate sources of information regarding the presence of misconduct or corruption in the workplace.

Encouraging police employees to raise integrity issues before they occur or as soon as soon as possible after they occur, increases the likelihood of preventing misconduct and speedy resolution of problems. Managers also have a direct and strong influence over whether employees will disclose unprofessional behaviour. Research indicates that it is often a manager's own conduct, attitude and management of their workplace, as much as formal legislative and discipline systems, that will determine whether concerned staff raise issues in the workplace or even raise them at all.²

A professional reporting environment empowers employees to act to prevent misconduct or corruption by giving them the confidence to:

- **own up to mistakes; and**
- **speak out about the wrongdoing of others.**

² Campbell, Robert & Kitson, Alan (2008) *The Ethical Organisation (Second Edition)*, Palgrave Macmillan.

2. THE ROLE OF MANAGERS AND LEADERS

As a police manager, your own actions can influence the ethical health of your workplace, and as a workplace leader, you are uniquely placed to set the tone for others about how to deal with integrity issues.

In *The Way Ahead Strategic Plan 2008-2013*, the core values expected of Victoria Police employees are described, as are the responsibilities of police managers for ensuring the values are upheld.

These values underpin a workplace environment that encourages and supports conversations about integrity and professionalism, an open and accountable approach to performance improvement and the reporting of serious misconduct and corruption.

Literature also identifies particular forms of management, and the way that managers respond to ethical issues, are factors that can contribute to the ethical climate of an organisation³. Positive behaviours by managers include:

- Not tolerating unethical behaviour, and rewarding ethical behaviour
- The manager's individual ethics, personal qualities and supervision capabilities
- Taking action about corruption and doing so consistently
- Emphasising the organisation's values as the way to approach business.

Managers are responsible for promoting the view that reporting misconduct or corruption is also about protecting honest Victoria Police employees and preventing further problems. True loyalty to colleagues, the community and Victoria Police is demonstrated by reporting misconduct and corruption, not by remaining silent and protecting unethical officers. Many of the perceived risks of disclosure can be addressed, if employees feel it is simply part of their job to report their concerns to a trusted manager, rather than considering such reports as acts of selfless bravery.

Promote the message that reporting misconduct and corruption:

- **shows true loyalty to colleagues, the community and the Victoria Police, and**
- **is part of their job, not an act of selfless**

Local police managers are key to building a professional reporting environment because you;

- **are more aware of the local issues,**
- **can communicate directly with your employees,**
- **can lead by example,**
- **can influence the local culture.**

³ Ethics Resource Centre (2005) *National Business Ethics Survey 1994-2005*.

There are several reasons why local police managers are the key to building a professional reporting climate. As a local manager:

- You will be more aware of local issues, more able to encourage internal reporting within your workplace, and better able to act on identified problems quickly than senior management or the Ethical Standards Department.
- You can communicate directly with your employees and provide timely ethical advice, information or support about their ethics and integrity concerns.
- You can lead by example to demonstrate your own commitment to integrity and professional conduct.
- You can influence the local culture by reinforcing the notion that true loyalty is about stopping fellow police from doing the wrong thing.
- You can promote the view that speaking out about unprofessional conduct improves the reputation of Victoria Police and prevents a small minority of corrupt police from tarnishing the reputation of all.

The *Victoria Police: Code of Conduct* provides a handy guide to your responsibilities as a manager. It states you should:

- Always demonstrate and promote ethical conduct
- Positively intervene to prevent corrupt and unethical conduct
- Critically reflect on honest mistakes or errors of judgement made by your staff, treating these as an opportunity for further development or learning where the mistake or error is made in good faith, and acting appropriately against neglect or incompetence
- Foster good relationships through open and honest communication between staff at all levels
- Be totally committed to preventing sexual harassment, discrimination and victimisation in the workplace.⁴

Victoria Police employees' willingness to report misconduct or corruption despite the possible negative personal consequences, shows a commitment to professionalism and integrity and takes precedence over the self-interest of an individual.⁵

⁴ Victoria Police Code of Conduct *Management Responsibilities*, pg 4.

⁵ Ombudsman Victoria (2004) *Ceja Task Force – Drug Related Corruption; Second interim report of Ombudsman Victoria*, June 2004

3. ELEMENTS OF A PROFESSIONAL REPORTING CLIMATE

If, as a manager, you want to be an effective leader with a team committed to providing the best possible police service, you should consider whether your work area encourages and supports speaking out about unprofessional conduct.

The Crime and Misconduct Commission, Queensland identified basic elements and indicators of a professional reporting environment⁶. Applied to Victoria Police, they are:

- *Confidence in internal investigations processes*: Employees feel confident that Victoria Police will investigate matters quickly and fairly.
- *Supportive relationships between staff and managers*: Employees feel confident that they can raise concerns with you, that you will provide them with confidential advice and support, and will not view them as a ‘troublemaker’ for reporting misconduct or corruption.
- *Knowledge of and confidence in strategies to support internal witnesses and sources*: Employees are aware of and have confidence in Victoria Police’s systems for supporting internal witnesses and sources. You are aware of available support services and are able to provide this information to your colleagues and subordinates.
- *Responsiveness to reprisals*: Employees know that you and Victoria Police will not tolerate ‘payback’ against them. You have set clear expectations about how he or she will be treated and will act to prevent or put a stop to any display of negative attitudes by others towards them.
- *Rewards for ethical behaviour*: Employees believe that reporting unethical conduct will be worth it in the end, and/or that Victoria Police will recognise their positive contributions. You promote the value of internal reporting of misconduct, and advance the belief that making a genuine report of misconduct is an act that serves the best interests of Victoria Police.

Does your work area display the basic elements of a professional reporting environment?

- Confidence in internal investigation processes.**
- Supportive relationships between staff and managers.**
- Knowledge of and confidence in strategies to support internal witnesses and sources.**
- Responsiveness to reprisals.**

⁶ Speaking up: creating positive reporting climates in the Queensland public sector, *Building Capacity Series*, Number 6, December 2004

4. GETTING THE CONVERSATION STARTED - STRATEGIES FOR MANAGERS

The following strategies can assist Victoria Police managers to maintain and support a professional reporting climate. Some of these strategies deal with the formal rules for reporting corruption and misconduct. Others address leadership behaviours and communication skills that may help with establishing ongoing, open dialogue about integrity and ethical conduct.

Strategy 1: Establish open channels of communication

Encouraging open, constructive dialogue and mutual confidence between staff and managers assists the professional operation of any workplace. However, these are also essential elements of a culture that does not protect, tolerate or conceal misconduct and corruption. These discussions can help to develop a better picture of any issues or potential areas of concern for your staff and your workplace.

You need not, and should not, wait for an incident to be reported to you before commencing strategies to improve your team's awareness of their professional and ethical responsibilities.

Establish the importance of professional standards from the beginning of your relationship with your employees. This reinforces your expectations of your staff and your commitment to them, and makes it clear that you will act and personally intervene if, in the future, concerns are raised about unprofessional conduct. Start conversations about what it means to act in support of the Victoria Police Values. In this two-way dialogue, develop agreed strategies for ensuring an ethically healthy workplace. Get agreement from employees on how unprofessional and unethical behaviours will be handled in the workplace. Encourage your staff to approach you if they want to discuss professional standards or integrity issues. Seek their opinions about how they view their work environment and the operational culture. Ask them about their ethical and professional expectations.

Several free surveys and questionnaires exist which you can use to assess the ethical climate of your workplace and identify any areas that could be improved. They are listed in the resources section of this Guide. Some of these surveys allow anonymous reporting, but offer a good opportunity to

- Don't wait for an incident to be reported.**
- Make professional standards a priority with your employees.**
- Be approachable for employees to discuss integrity issues.**
- Access surveys and questionnaires listed in this Guide to assess your area's ethical climate.**
- Consider incorporating a standing agenda item on integrity or police ethics in your unit meetings.**

collect baseline data. They can be also used as a tool for ongoing assessment. This will help you to identify any potential problems or opportunities for action. Distributing the surveys and encouraging responses to them, also demonstrates your commitment to ensuring a professional reporting environment. Following through by implementing strategies indicated by the survey information will encourage employees to discuss their concerns with you.

Consider incorporating a standing agenda item on integrity or police ethics issues in your staff, management or unit meetings, or station readouts. You could use positive examples of professional conduct to reinforce the impact of professional behaviour upon your policing priorities. You could also address any specific integrity issues that have arisen; or lead a general discussion about the practical application of ethical and professional standards in particular scenarios.

Such conversations of course, work best if you can adopt a listening style that is actively non-judgemental and empathetic.

Scenario 1.	
A sergeant overhears members talking in the meal room about a constable who drove his car home from a party early Saturday morning. The constable had been drinking alcohol and was intoxicated. The constable hit a gutter on the way home, causing damage to the car's front tyres. The vehicle was no longer driveable, but there was no major damage or injury. The constable left the vehicle at the side of the road and walked home.	
Opportunity	Action
To counsel an individual member to prevent future occurrences and associated disciplinary action.	Discuss the issues with the individual in a confidential manner, informing them of their responsibilities, and determine any possible welfare issues.
To prevent escalation of behaviour that could impact on a members' career or the operational safety of colleagues	Discuss with employees the risks of escalation and the effects that this type of behaviour could have on their career. Discuss hypotheticals - "What could have happened if..."
To reinforce with your employees the message that their obligations extend to off-duty hours and the community's expectations of their police force.	Raise the subject in general terms during unit meetings and draw employees' attention to the appropriate policy.

Strategy 2: Lead by example

Employees will be more willing to come forward if they have a sense of how you will react and what they might expect to happen if they lodge a formal report. It might also help them to know how you might go about resolving a personal ethical dilemma while at work (hypothetical or otherwise). Talking to staff about how you identify, assess and respond to ethical problems will help them to develop the ability to recognise ethical dilemmas and equip them to act appropriately if they are confronted by unethical behaviours. Creating opportunities for frank discussions about performance, ethics and concerns should encourage them to speak more openly with you about these issues and build their confidence in being able to confide in you if they witness misconduct or corruption.

Knowing that other people have confronted similar difficulties or decisions related to ethics and conduct will encourage employees to discuss integrity issues. Share personal stories or examples from your own life and encourage others to do so. These conversations will raise awareness of the importance of ethical and professional behaviour and can be an important step towards a willingness to report misconduct and corruption.

As a manager, you can also demonstrate your commitment to integrity in the way you respond to complaints. Acting swiftly to resolve local complaints and providing ongoing feedback to members who are the subject of complaints suitable for local resolution will show your own commitment to the values and attitudes that underpin a professional reporting environment, and provide an example to your employees of the behaviour you expect from them.

- **Talk to staff about how you identify, assess and respond to ethical problems.**
- **Share personal stories or examples from your own life and encourage others to do so.**

- **Create opportunities for discussions about performance, ethics and concerns.**
- **Provide ongoing feedback to members who are the subject of complaints.**

Strategy 3: Provide information about formal obligations

Formal obligations of Victoria Police employees (both sworn officers and public servants) to report the serious misconduct of colleagues are outlined in the *Police Regulation Act 1958* and the Victoria Police Manual, and the *Whistleblower Protection Act 2001*. As a manager you should ensure you have a thorough knowledge of the relevant provisions and that your employees understand their obligations.

In addition to these formal obligations, the SELF Test in the Victoria Police Code of Conduct makes this clear, stating that “*an unethical decision will affect us all*”.⁷

Strategy 4: Provide support and information

When a report has been made, appropriate support must be given the employee who has lodged the report (if known), the employee subject of the report, and other employees in the workplace until the issue is fully resolved. This requires your proactive management and support, involvement of staff associations or unions, and advice on access to professional personnel support services (including welfare services provided by Victoria Police).

When providing support to an employee who has lodged a report, it is important to have regard to the privacy and confidentiality of that person and others. Be mindful of inadvertently tipping off other employees by changing the employee’s circumstances.

The Victoria Police Internal Witness Support Unit (IWSU) provides advice, assistance and support to members who report misconduct, criminality or corruption. If you are aware that an employee has made an internal report of misconduct, criminality or corruption, you may wish to speak to them about the services the unit provides. You might also provide them with information about the IWSU, refer them to their website, or contact them on behalf of your employee.

Arranging a visit from IWSU could form part of your strategy for creating a professional reporting environment. This would give your employees a better understanding of reporting processes and the sort of support that is available. The unit provides pamphlets and online materials about its role and services. The Ethical Standards Department and OPI can also provide information about complaint or incident investigation processes, and general educational material or information about police ethics and employee rights and responsibilities.

Provide support to an employee who has lodged a report by:

- **Protecting their’s and others’ privacy and confidentiality**
- **Being mindful of inadvertently tipping off other employees by changing the employee’s circumstances**

Provide information by:

- **Arranging a visit from the Internal Witness Support Unit**
- **Contacting ESD and OPI to access general educational material**

⁷ The SELF test comprises four questions about police decisions: Will your decision withstand **Scrutiny**? Is your decision **Ethical**? Is your decision **Lawful**? Is your decision **Fair**?

You may also find it useful to keep a list of local social and psychological support services. Members reporting misconduct or corruption who fear being harassed or ostracised and have probably struggled over their decision to report. These members will benefit from your personal support, but may also benefit from other support services within or external to Victoria Police.

Strategy 5: Show that you will not tolerate ‘payback’ or reprisals by staff

Being alert to the potential for ‘payback’ and retaliatory actions from other employees is part of building a professional reporting environment. It is essential that your employees are aware that you will not tolerate any reprisals from other employees against those who have raised issues of misconduct with you. All your employees should be aware of your effective strategies to respond quickly to protect any employee who reports misconduct to you from any adverse consequences. Your strategies might include publicly reinforcing the benefits of accountable practices, and making your employees aware that anyone who bullies or harasses a colleague who has spoken out will be deemed to have committed a criminal offence⁸.

Scenario 2	
An inspector is aware that a probationary constable under his command is being bullied and harassed by senior members after a ‘rumour’ circulated that the probationary constable had reported a misconduct matter involving another colleague. The probationary constable has twice had personal property vandalised.	
Opportunity	Action
Provide further positive reinforcement to the reporting employee.	Meet privately with the reporting employee to provide support. Be aware that it is common for an employee to request leave in such circumstances and consider what options to offer leave or alternate duties are available.
To demonstrate that bullying behaviour will not be tolerated.	Discuss the issue of bullying during a Unit Meeting and reinforce the likely repercussions of such behaviour.

⁸ Police Regulation Act 1958, S 86V Prohibition of victimisation

Strategy 6: Give positive reinforcement to those who raise concerns about misconduct or corruption

Before deciding to come forward, someone who speaks out about misconduct will have had to overcome the influence of culture, his or her fears of payback and ostracism, concerns about being labelled as a troublemaker for making a complaint, and doubts about whether anything will be done about their complaint. It is important that you give immediate and positive feedback to any employee who has come forward with concerns about the conduct of others.

You should indicate you appreciated them coming forward and provide them with updates about what you are doing in response to the report or complaint.

The person will want to feel confident that reporting misconduct or corruption internally is worth it in the end and reassured that speaking out was the right thing to do. Irrespective of what happens because of the report, the person's experience of speaking out will not only inform their future conduct, it will also provide a precedent for others about what to do if they witness misconduct. You need to indicate appreciation of any information that may assist you to improve the standard of policing services your work area provides, even if on occasions you are unable to act on some of the information you receive.

Some employees who report misconduct may become more sensitive to criticism or believe that any negative incidents that occur after making a report are a result of having come forward. As a manager, you will need to be mindful of these potential sensitivities and be ready to give the person objective feedback and reassurance.

There may be occasions when you consider the action of an employee who has made a report deserves formal recognition. This could take the form of a letter of appreciation or a private meeting with a superior officer. In some circumstances, consideration may be given to awarding a formal commendation in public or private. However, the wishes of the employee concerned should inform you as to what form of recognition, if any, is appropriate.

- Give immediate and positive feedback to the employee making a complaint.**
- Indicate that you appreciate the fact that they have come forward.**
- Provide updates to the member about your response to the report or complaint.**
- Be mindful that the member may be sensitive to general criticism and negative incidents and may feel "victimised" because they made a complaint.**

Sometimes, an employee may experience stress and anxiety after making a report against a colleague. In addition to receiving support and access to welfare services, the employee may need to take time off work. Subject to a risk assessment, it may be necessary to make special arrangements to facilitate the employee's return to work. You may need also to negotiate with the Human Resource Department about whether the person is entitled to reimbursement or reaccreditation of leave taken in these circumstances.

- Publicly reinforce the benefits of accountable practices.**
- Show no tolerance of bullying or harassing behaviour towards a colleague who has spoken out by utilising performance improvement plans.**
- Act swiftly to resolve local complaints.**

Strategy 7: Identify false reports and unsubstantiated allegations

On occasion, you may receive a complaint based on personal grievances. Maliciously motivated false complaints are rare but as a manager, you should be aware of possible personal grievances within the workplace. Local knowledge should put you in a good position to distinguish genuine concern about misconduct from complaints that arise from petty grievances and those that are deliberately malicious or false. In building a professional reporting environment, you should make it clear that, while employees are encouraged to come forward with genuine concerns, false complaints will not be tolerated. An appropriate reporting environment should be characterised by an underlying commitment to improving policing services and maintaining the integrity of Victoria Police, rather than providing a mechanism for individuals to pursue their personal agendas.

- Maliciously motivated false complaints are rare.**
- False reports can be a form of reprisal or 'payback' against another employee.**
- Make it clear that false reports will not be tolerated.**

Some reports of misconduct or corruption may be unable to be substantiated, but this does not necessarily make them false reports. More often, there is a lack of corroborating evidence or a conflict in evidence and lack of independent witnesses. Other information or intelligence should be sought at the earliest opportunity in order to corroborate the information and decide on a course of action. This is especially important when the report is anonymous.

Support members who are the subject of a misconduct or corruption disclosure:

- **Seek all relevant information at the earliest opportunity.**
- **Decide on a course of**

Managers need to protect and support employees who report misconduct, but may also be required to provide access to support and referrals for employees who are the subject of a disclosure about misconduct or corruption. It is recommended that managers do not endeavour to support both parties on their own, as this could result in perceptions of conflicted interest.

7. REFERRALS

Concern	Initial internal contact	Other internal options	External options
Workplace conflicts (e.g. bullying or harassment)	Direct manager, supervisor or officer in charge	Equity and Conflict Resolution Unit (ECRU)	Work Safe Victoria; Unions
Human resource management issues (e.g. industrial or employment conditions)	Direct manager, supervisor or officer in charge	Grievance officer, Human Resource Department Industrial Relations Division	Work Safe Victoria; Victorian Civil * Administrative Tribunal; Australian Industrial Relations Commission; Unions
Equal opportunity concerns (e.g. racial/sexual harassment or discrimination)	Direct manager, supervisor or officer in charge	Equity and Conflict Resolution Unit (ECRU)	Equal Opportunity Commission; Unions
Human rights violation concerns	Direct manager, supervisor or officer in charge	Human Rights project, Corporate Services	Human Rights & Equal Opportunity Commission
Process, administration or systemic concerns	Direct manager, supervisor or officer in charge	Corporate services, Policy Unit, Human Resource Dept Industrial Relations Division	Public Sector Standards Commissioner; Office of Police Integrity; Unions
Corruption or criminal matters	Direct manager, supervisor or officer in charge	Ethics and Professional Standards Officer or Ethical Standards Department	Office of Police Integrity; Victoria Police

Concern	Initial internal contact	Other internal options	External options
Serious misuse of resources or fraud	Direct manager, supervisor or officer in charge	Ethics and Professional Standards Officer or Ethical Standards Department	Commission for Law Enforcement Data Security; Office of Police Integrity; Ombudsman Victoria
Other improper conduct, misconduct or duty failure	Direct manager, supervisor or officer in charge	Ethics and Professional Standards Officer or Ethical Standards Department	Public Sector Standards Commissioner
Victimisation as a result of making an allegation	Direct manager, supervisor or officer in charge	Ethics and Professional Standards Officer or Ethical Standards Department; Equity and Conflict Resolution Unit; Internal Witness Support Unit	Equal Opportunity Commission

8. FURTHER READING & RESOURCES

'Ethical Culture Survey Kit', Independent Commission Against Corruption, New South Wales, 2000.

http://www.icac.nsw.gov.au/files/html/2_19r.htm

'Ethics Resource Kit', Public Sector Standards Commissioner, State Services Authority, Victoria, 2006.

<http://www.ssa.vic.gov.au>

'Managing poor behaviour in the workplace', Public Sector Standards Commissioner, State Services Authority, Victoria, 2008.

[http://www.ssa.vic.gov.au/CA2571410025903D/WebObj/PSSC_ManPoorBehave/\\$File/PSSC_ManPoorBehave.pdf](http://www.ssa.vic.gov.au/CA2571410025903D/WebObj/PSSC_ManPoorBehave/$File/PSSC_ManPoorBehave.pdf)

'Misconduct Resistance Health Check', *Misconduct Resistance: An integrated governance approach to protecting agency integrity. Integration Guide*, Corruption and Crime Commission, Western Australia, 2008.

<http://www.ccc.wa.gov.au/pdfs/CCC-MR-%20HEALTHCHECK.pdf>

'Speaking up: creating positive reporting climates in the Queensland public sector', *Building Capacity Series*, Number 6, December 2004, Crime and Misconduct Commission, Queensland.

<http://www.cmc.qld.gov.au/data/portal/00000005/content/21045001129616284299.pdf>

'Taking action on integrity issues: A guide for senior public sector staff for dealing with concerns raised by staff and members of the public', The Integrity Coordinating Group, 2006, Western Australia.

Victoria Police Code of Conduct.

http://www.police.vic.gov.au/content.asp?a=internetBridgingPage&Media_ID=33273

9. LEGISLATION

Police Regulation Act 1958

Whistleblowers Protection Act 2001

<http://www.legislation.vic.gov.au/>

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