



The Hon Troy Grant MP

Minister for Police
Minister for Emergency Services

Mr David Blunt
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Parliament House
Macquarie Street
SYDNEY NSW 2000

David

Dear Mr Blunt

Please find enclosed the NSW Government's response to the final report of the inquiry into the 'Emergency Services Agencies' conducted by the Legislative Council's Portfolio Committee No. 4 - Legal Affairs.

Yours sincerely

[Signature]
TROY GRANT MP
Minister for Police
Minister for Emergency Services

*Received by me on behalf
of the Clerk of the Parliaments
at 3.30pm on Thursday
24 January 2019, and
authorised to be printed*

B. Duff

NSW Government Response to the Inquiry into Emergency Services Agencies by Portfolio Committee No. 4 – Legal Affairs

Recommendations	Response
<p>Recommendation 1</p> <p>That the NSW Government establish an independent, external complaints management oversight body for workplace bullying, harassment and discrimination in the NSW Police Force, NSW Rural Fire Service, Ambulance Service of New South Wales, NSW State Emergency Service and Fire & Rescue NSW, which:</p> <ul style="list-style-type: none"> • is available to workers who have exhausted their agency's internal complaints management processes, or whose complaint has not been determined within a reasonable timeframe • facilitates the timely resolution of complaints • promotes procedural fairness and natural justice • provides advice and support to all involved parties • works with the agencies to improve policies and procedures relating to complaints management. 	<p>The NSW Government promotes managing the timely resolution of workplace complaints as close to the source of the complaint as is reasonable in the circumstances. Where escalation outside of agency complaints management processes is required, NSW has a suite of existing independent external complaints management and workplace oversight bodies available to scrutinise instances of workplace bullying, harassment and discrimination:</p> <ul style="list-style-type: none"> • Anti-Discrimination Board of NSW for complaints under the <i>Anti-Discrimination Act 1977</i>; • The NSW Industrial Relations Commission for unfair dismissal, equal opportunity and other matters; • The NSW Ombudsman for maladministration matters; • The Independent Commission Against Corruption for fraud or corruption matters; • The Law Enforcement Conduct Commission (LECC) for all serious misconduct claims (within NSW Police Force); and • The Supreme Court of NSW for judicial review. <p>The NSW Government will continue to support preventative programs, such as increased wellbeing support, training and education for staff and stronger support for managers to lead in a transparent and supportive way.</p>
<p>Recommendation 2</p> <p>That each of the five emergency services agencies report to the Legislative Council annually on data in respect of bullying, harassment and discrimination complaints within their agency, including timeframes for resolving complaints, and publish this information on their websites.</p>	<p>The annual Public Service Commission People Matter Survey publishes data on bullying and harassment in each of the five emergency services agencies in a manner consistent with the rest of the public service. The metrics proposed by the Committee could lead to misleading comparisons between agencies. Some cases are more complex than others, and using simple metrics, such as the time taken to resolve a complaint, would not accurately measure effective agency management. In addition, the NSW Police Force is bound by specific legislation that dictates how 'misconduct' information is reported.</p> <p>The Legislative Council has access to appropriate sources of information and will be able to use them for any review it conducts.</p>

<p>Recommendation 3</p> <p>That Portfolio Committee No. 4 – Legal Affairs undertake a brief inquiry reviewing any data provided by the emergency services agencies on bullying, harassment and discrimination complaints, and the steps taken by the NSW Government and the emergency services agencies to implement the recommendations of this committee.</p>	<p>The Portfolio Committee No. 4 – Legal Affairs has the authority to self-refer any matters. Should the Committee wish to self-refer a further inquiry into this issue, the emergency services agencies will participate as appropriate.</p>
<p>Recommendation 4</p> <p>That the Public Service Commission reconvene its roundtable on bullying to refocus the leaders of public sector agencies on ways to prevent and manage the risks associated with workplace bullying.</p>	<p>The Roundtable on bullying was effective in delivering an Action Plan to address bullying across the NSW public sector. A key outcome of the Action Plan was the development of the Positive and Productive Workplaces guide, which was launched in 2016 and updated in 2017.</p> <p>Since the Inquiry into emergency services agencies, the <i>NSW Government Work Health and Safety Sector Plan</i> (the Sector Plan) was endorsed by the Secretaries Board and launched in July this year. The Sector Plan was developed by SafeWork NSW alongside key sector stakeholders and sets out key objectives and deliverables to be adopted by NSW Government agencies. One of the objectives is for each agency to address workplace bullying by demonstrating the adoption of the principles from the Positive and Productive Workplaces guide. The Department of Finance Services and Innovation will be monitoring progress in achieving the deliverables in the Sector Plan in a coordinated way including instituting a regular forum of representatives from across the public sector.</p> <p>The Public Service Commissioner has advised she considers that the Sector Plan provides the most effective way of maintaining the focus on preventing and managing risks associated with bullying going forward. The Commissioner would consider reconvening a roundtable if that situation changed, or there were new avenues to pursue that the Work Health and Safety Sector Plan does not cover.</p>
<p>Recommendation 5</p> <p>That the NSW Government identify a lead agency to drive the Mental Health and Wellbeing Strategy for First Responder Organisations, to monitor its implementation and to evaluate its effectiveness across the five emergency services agencies.</p>	<p>The Mental Health and Wellbeing Strategy for First Responder Organisations in NSW was developed collaboratively by each of the emergency services organisations, and the strategic objectives continue to guide individual agency programs.</p> <p>The emergency services agencies regularly collaborate on best practice mental health initiatives. The Emergency Services Board of Commissioners, supported by the Office of Emergency Management, will be conducting a review of progress in delivering the objectives of the Strategy.</p> <p>It is noted that while there are similarities in the functions of emergency services agencies, each is faced with unique circumstances that affects the relationship between work and</p>

	<p>mental health. Individual agencies are ultimately responsible for the occupational health and safety of their members and, therefore, delivering the objectives of the Strategy.</p>
<p>Recommendation 6</p> <p>That the NSW Government establish a cross-agency working group comprising senior representatives from the five emergency services agencies to:</p> <ul style="list-style-type: none"> • review the effectiveness of the current training within the agencies regarding bullying, harassment and discrimination • develop additional training specifically targeted at bullying, harassment and discrimination, incorporating best-practice methods and lessons from this inquiry. 	<p>The existing <i>Directors of Professional Standards</i> is comprised of representatives from Fire & Rescue NSW, NSW Rural Fire Service, the NSW State Emergency Service, NSW Ambulance, and the NSW Police Force.</p> <p>Regular meetings are held to review the effectiveness of policies, programs and training, and identify opportunities for collaboration and improvement across the sector. The Emergency Services Board of Commissioners has asked this group to report back on progress.</p>
<p>Recommendation 7</p> <p>That each of the five emergency services agencies make employee mental health a priority action in terms of prevention, early intervention and response, and in doing so:</p> <ul style="list-style-type: none"> • address the psychosocial risks that can contribute to a bullying environment • ensure that managers are sufficiently trained, skilled, supported and time-resourced to support workers' mental health needs • invest more in proactive provision of support to workers. 	<p>Employee mental health is already prioritised within each of the emergency services agencies, and agencies continue to review existing programs and develop new initiatives. Some of the key agency initiatives include:</p> <p>NSW Rural Fire Service – has in place the <i>Your Health Matters Plan 2016-2021</i> to support and promote the health, fitness and wellbeing of members, which incorporates the <i>Mental Health Plan 2018-2023</i> that supports members and their families. Areas of focus include the development of a Mental Health Strategy and Framework that is supported by communications, education and training; promoting a culture of early identification and help seeking behaviour; enhancing leadership capability to identify and respond to mental health needs; and providing critical incident support services.</p> <p>NSW Ambulance – is establishing an internal Staff Psychology Service with a team of senior psychologists that will provide a range of mental health supports. The Staff Psychology Service will enhance the specialist phone and face-to-face trauma counselling services already in place, and complement funded sessions with self-nominated psychologists and psychiatrists. All NSW Ambulance staff will also progressively participate in a three-day Wellbeing Workshop program. NSW Ambulance managers will be provided with Suicide Prevention Training over the next two years, and a pilot program has been developed to support managers to manage grievances to reduce risk of harm to complainants.</p> <p>NSW Police Force – the NSW Government has invested \$17.1 million over four years to expand health and wellbeing support for police officers. The NSW Police Force provides training and skill development to promote mental health via initiatives including <i>Your Health First</i>, <i>Taking the Lead</i> and <i>Sergeants Transition Program</i>. Further investment is provided through <i>WellCheck</i>, <i>equipt</i>, <i>RECONnect</i> and <i>BACKUP for Life</i>.</p>

	<p>Fire & Rescue NSW – has a number of programs that have been developed in conjunction with leading researchers. For recruits, the <i>FIT MIND</i> program aims to challenge stigma, and promotes seeking help early and positive coping strategies. For incumbent fire fighters, the agency's <i>Peer Support Team</i> and <i>Resilience at Work</i> program are delivering positive results. For managers, the <i>RESPECT</i> program provides guidance on how to communicate with employees suffering mental illness.</p> <p>NSW State Emergency Service – has launched a Mental Health Strategy and action plan, which incorporates a range of programs to support the approach to critical incident management, health and well-being. The Strategy includes the My5 Awareness preventative education and resilience building program, Chaplaincy program, and Peer Support program, which trains volunteers and staff in psychological first aid, group crisis intervention, active listening, delivery of pre incident My5 education and suicide awareness.</p>
<p>Recommendation 8</p> <p>That the NSW Government commission research on the prevention of and appropriate responses to mental health issues among first responders, to assist the emergency services agencies in developing effective mental health interventions.</p>	<p>The NSW Government recognises the existing research already commissioned by individual agencies and supports the proactive exchange of findings between agencies. Of note:</p> <ul style="list-style-type: none"> • HeadCoach research study with University of NSW– study of the management of mental health issues at work by frontline managers using an online training initiative; • beyondblue 'answering the call' health and wellbeing survey within Australian emergency service agencies; • Fit for Duty study with Charles Sturt University– study of physical health of NSW Ambulance Paramedics and physical demands of the role on performance; • Medic Fit with Charles Sturt University– study of workplace exercise to improve job-related fitness and decrease injury; • Wellbeing in Emergency Services – study from Auckland University of Technology including NSW Ambulance – a qualitative study submitted for PhD candidature; • Ongoing work with Blackdog and University of NSW.
<p>Recommendation 9</p> <p>That each of the five emergency services agencies take steps with their contractors for trauma and other mental health supports to ensure that:</p>	<p>The five emergency services agencies have extensive programs in place addressing the needs of employees and volunteer members, including the 24/7 Employee Assistance Program, and volunteer members assistance programs that include peer-to-peer and chaplaincy services.</p>

<ul style="list-style-type: none"> • the Employee Assistance Program is fully available 24 hours a day, seven days a week • the Employee Assistance Program and other specialist services are fully accessible to staff in rural and regional areas • calls for trauma assistance always receive a timely response • additional sessions are provided to staff if required. 	
<p>Recommendation 10</p> <p>That the NSW Government establish a specialist 24/7 telephone trauma counselling service for emergency service workers experiencing post-traumatic stress disorder, secondary traumatic stress and vicarious trauma, using the model proposed by Rape & Domestic Violence Services Australia.</p>	<p>The NSW Government, through the Emergency Services Board of Commissioners, is undertaking an assessment of trauma support available to both employed and volunteer members to ensure affected workers receive the care they need without duplicating services.</p>
<p>Recommendation 11</p> <p>That the NSW Rural Fire Service implement an independent and impartial process, utilising an external person or organisation, for the election of senior brigade officers.</p>	<p>The election of brigade officers is conducted in accordance with brigade constitutions and organisational Service Standards and procedures developed following extensive consultation with members.</p>
<p>Recommendation 12</p> <p>That the NSW Rural Fire Service:</p> <ul style="list-style-type: none"> • provide training to all volunteers and staff on the Service Standards pertaining to bullying, harassment and discrimination • develop quick reference guides and factsheets on these Service Standards that contain links to further information, to be distributed to all volunteers and staff. 	<p>The NSW RFS is developing simplified fact sheets and quick reference guides that may assist in increased understanding of Service Standards and provide links to additional information.</p> <p>The NSW RFS has existing Code of Conduct training that is provided to all members, and staff are required to acknowledge the Code of Conduct annually.</p>
<p>Recommendation 13</p> <p>That the NSW Rural Fire Service review the processes and criteria in place for considering requests for legal assistance by volunteers and staff, to ensure that this support is provided in all appropriate cases.</p>	<p>Ex gratia legal assistance is provided as appropriate in accordance with the NSW Government guidelines contained in M1999-11 <i>Guidelines for the Provision of ex Gratia Legal Assistance for Ministers, Public Officials and Crown Employees</i>. All NSW RFS members receive the same access to ex gratia legal assistance, with determination of eligibility resting with the Secretary of the Department of Justice.</p>
<p>Recommendation 14</p> <p>That the NSW Government and the NSW Rural Fire Service review the undoubted benefits of relocating the NSW Rural Fire Service Headquarters to</p>	<p>The NSW Government has entered into a lease for the NSW RFS State Headquarters, including purpose built features, located in Sydney Olympic Park for a 12 year period with a 12 year option. The initial lease expires in October 2030.</p>

<p>a regional city, while ensuring that any such relocation prioritises the effectiveness and safe operation of the headquarters.</p>	
<p>Recommendation 15</p> <p>That the Ambulance Service of New South Wales, in reviewing its Professional Standards Unit:</p> <ul style="list-style-type: none"> • ensure that the review addresses the role, processes, effectiveness and oversight of the unit itself and of the Allegations Review Group • examine how to introduce greater independence into complaints handling processes • include a plan for how the effectiveness of the new unit and its systems, processes, governance and technology are to be monitored • include specific measures to ensure that victims are supported throughout the complaint process • report to the Legislative Council on the outcomes of the review on completion 	<p>NSW Ambulance commissioned a Peer Review of the Professional Standards Unit (PSU) by the NSW Police Force and an independent review by Chris Ronalds SC, AO. These reviews are complete and will lead to further reform of the role and scope of the tasks of PSU, including new business processes to improve case resolution timeframes. Improvements to date include:</p> <ul style="list-style-type: none"> • All PSU initial reviews are now completed within 72 hours or less; • All Allegation Review Groups (ARGs) contain a risk assessment for any risk of harm to the complainants, respondent and relevant witnesses; • Fact sheets detailing support available has been developed for complainants and respondents; • A review of all PSU documentation is underway; • A training needs analysis has been undertaken for PSU investigators; • PSU induction program being developed; • Letters and process maps for complaints under review; and • Investigation for implementation of a complete data monitoring and metrics program commenced.
<p>Recommendation 16</p> <p>That the Ambulance Service of New South Wales review, as a matter of urgency, how Straight Talk is being utilised by line managers, and implement strategies to ensure that it is never used in situations perceived by staff as involving bullying or harassment. This review must:</p> <ul style="list-style-type: none"> • examine the experiences of paramedic and call taker staff • address the need for independent, appropriately trained facilitators. 	<p>NSW Ambulance is reviewing its existing policies on bullying and harassment in line with relevant NSW Health policies. Interim policies, which remove all reference to Straight Talk, have been issued while this review is underway, including:</p> <ul style="list-style-type: none"> • Workplace Concerns; • Prevention and Management of Unacceptable Workplace Behaviour; and • Resolving Workplace Grievances. <p>The interim policies are available on the staff intranet and an email has been issued to staff advising of same.</p>

<p>Recommendation 17</p> <p>That NSW Health and the Ambulance Service of New South Wales examine practical and structural ways in which to further integrate the Ambulance Service into the health system, in order to facilitate the necessary shift towards a health service culture.</p>	<p>The Secretary of NSW Health has appointed an Advisory Board that will further align and strengthen reporting structures.</p> <p>NSW Ambulance Strategic Priorities are aligned to the NSW Health Strategic Priorities and reported in the annual Service Agreement with the Secretary of NSW Health.</p>
<p>Recommendation 18</p> <p>That the NSW Police Force, in consultation with the Police Association of NSW, review its policies and procedures, to ensure that bullying complaints are not inappropriately categorised as workplace conflicts.</p>	<p>The <i>NSWPF Respectful Workplace Behaviours Policy Statement and Guidelines</i> (2016) establishes the policy and procedural framework for the prevention, detection and subsequent resolution of equity complaints within the NSW Police Force. This document was produced following broad reaching consultation with both the NSW Police Association and the Public Service Association.</p> <p>Definitions within these Guidelines are contemporary and consistent with the <i>NSW Anti-Discrimination Act 1977</i>. These Guidelines adopt the SafeWork NSW definition for bullying and clearly define what is and what is not bullying.</p> <p>The requirement for Commands to refer all potential allegations of bullying to HR's Workplace Relations & Equity Team (WRET) for assessment and advice is reinforced in the <i>NSWPF Respectful Workplace Behaviours Policy Statement and Guidelines</i>, the <i>NSWPF Equity Resolution Procedures</i> and the <i>NSWPF Complaint Handling Guidelines</i>.</p> <p>The procedural threshold assessments provided by WRET reinforces to the complaint handler/delegate the clear distinction between workplace conflict and bullying.</p> <p>The distinction between bullying complaints and workplace conflicts is further reinforced by the <i>NSWPF Workplace Grievance and Conflict Resolution Procedures</i> which define workplace conflict and preclude alleged unlawful workplace harassment and bullying being managed via these procedures.</p>
<p>Recommendation 19</p> <p>That the NSW Police Force update its policies and procedures so that, unless requested by the officer making an allegation of workplace bullying, outcomes other than moving the officer are prioritised.</p>	<p>The <i>NSWPF Respectful Workplace Behaviours Policy Statement and Guidelines</i> do not make any reference to management initiated decisions as the primary means of resolving equity matters. Any decision to transfer an officer is likely to be made in the context of interim risk management measures, upon determination of managerial/disciplinary action subsequent to a sustained finding and/or after consideration upon request by an aggrieved party.</p> <p>The NSW Police Force recognises the risks associated with simply separating parties via a transfer of one or more involved, and the Workplace Relations & Equity Team provides advice to Commands through the review process on possible behaviour modification strategies.</p>

<p>Recommendation 20</p> <p>That the NSW Police Force ensure employees are made aware of the way in which information about them is managed and shared in the workers compensation process.</p>	<p>The NSW Police Force is developing further guidance material indicating how information may be shared for employees who submit a workers compensation claim.</p> <p>Injured employees are currently required to sign a State Insurance Regulatory Authority (SIRA) Certificate acknowledging that information will be shared between treating practitioners, employers, the workers compensation insurer (EML), workplace rehabilitation providers and SIRA.</p>
<p>Recommendation 21</p> <p>That the NSW Government provide additional funding to the NSW Police Force to employ more family support coordinators.</p>	<p>A formal review of the Family Support Coordinator trial with recommendations will be completed closer to the end of the trial period.</p>
<p>Recommendation 22</p> <p>That the NSW State Emergency Service mandate communications milestones within the complaints management process and clear timeframes for acknowledging and responding to complaint related correspondence.</p>	<p>The NSW State Emergency Service's External Complaints Procedure and the Internal Grievances Procedure both contain timeframes for the various stages and levels of the complaints and grievance process (receipt, acknowledgement, assess and address, provide reasons for decision and redress and close).</p>
<p>Recommendation 23</p> <p>That Fire & Rescue NSW:</p> <ul style="list-style-type: none"> • review the disciplinary measures in place for bullying, harassment and discrimination • take appropriate and consistent disciplinary action in response to inappropriate behaviour. 	<p>Fire & Rescue NSW periodically reviews its practices and procedures in relation to bullying and harassment and has established consistent policies in place that guide the appropriate disciplinary action to be taken. The disciplinary measures in place for bullying, harassment and discrimination are included in the <i>Fire Brigades Regulation 2014</i> and are consistent with the disciplinary measures available across the NSW public sector, including termination of employment, annulment of probation, demotion, caution/ reprimand and fines.</p>
<p>Recommendation 24</p> <p>That the NSW Government and Fire & Rescue NSW immediately publicly release the Boland report.</p>	<p>The Boland Review commissioned by the NSW Government was an independent assessment of a small number of complaints that canvassed sensitive and personal health information. It would be inappropriate for the report to be publicly released.</p> <p>The Hon. Justice Roger Boland found no major failings on the part of Fire & Rescue NSW. The matters that were subject to further review have all been finalised. The review has reaffirmed the organisation's program of cultural change and improved governance over the last six years.</p>
<p>Recommendation 25</p> <p>That the NSW Government provide additional funding to Fire & Rescue NSW to support the mental health and wellbeing of its employees.</p>	<p>The NSW Government has provided Fire & Rescue NSW with a record \$729 million expenses budget for 2018-19. The Government continues to support the health and wellbeing initiatives delivered by Fire & Rescue NSW to its staff.</p>

<p>Recommendation 26</p> <p>That Fire & Rescue NSW implement an internal education campaign regarding the '50/50' recruitment strategy and respectful attitudes towards women.</p>	<p>Organisation-wide training has commenced for inclusive leadership that includes interactive sessions of gender parity recruitment. The inclusive leadership training is part of broader Fire & Rescue NSW training that develops abilities to lead with inclusiveness, respect, emotional intelligence and values. It is currently being piloted with staff in Metropolitan East.</p> <p>Fire & Rescue NSW has initiated the Women Leading program for current operational staff in the organisation to provide mentoring and build networks. This is part of a broader strategy to empower women at Fire & Rescue NSW and address the substantive issues raised in this recommendation.</p>
<p>Recommendation 27</p> <p>That Fire & Rescue NSW implement a widespread information recruitment strategy which includes women in publicity campaigns, school visits and community events, and that Fire & Rescue NSW maintain attention to the mixed composition of teams.</p>	<p>Fire & Rescue NSW has a policy of equal representation of women firefighters in images used for internal and external publications, and provides targeted communications to women through sporting clubs and gyms, social media channels, and other women's associations.</p> <p>Fire & Rescue NSW has worked closely with Women and Firefighting Australasia (WAFA) on measures to prepare women for the recruitment process, including Physical Aptitude Test familiarisation sessions. As part of the More than Fire recruitment campaign, the core skills of problem-solving, organisational ability and emotional intelligence which are shared across genders have been emphasised, rather than the promotion of particular physical attributes which may be considered to give men a competitive advantage.</p> <p>Fire & Rescue NSW's information sessions on the permanent firefighter recruitment process has equal representation from women and men on the Q&A panel, making women firefighters an equally prominent part of the recruitment process.</p> <p>To encourage the next generation of women firefighters, the recently established Girls Fire & Emergency Services Camp, supported by Fire & Rescue NSW, teaches young women (aged 15 to 17) firefighting and emergency services skills and educates them about the wide variety of jobs in the services.</p>