

Analysis of the Government response (as it relates to NSW Ambulance) to the Recommendations of the Legislative Council’s Portfolio Committee 4 – Legal Affairs into Emergency Services Agencies, specifically into Bullying, Harassment and Discrimination – 2018 Inquiry.

Overview: The NSW Parliament requested that following the recommendations it made following the inquiry, that Government formally respond to each of the recommendations to advise on progress. This response was submitted by the office of The Hon Troy Grant MP – Minister of Police and Emergency Services on the closing date 24 January 2019. It should be noted that the Minister making the response on behalf of the Government, has no ministerial responsibility for NSW Ambulance (that is under the Health portfolio rather than the more logical Emergency Services portfolio).

As predicted by many, the response (in relation to NSW Ambulance, is largely a series of excuses for non-compliance and old announcements with no evidence of progress or efficacy of any initiative or process. The documented responses are an attempt (as with the previous inquiry into bullying, harassment and management following the suicide of Christine Hodder) to obviate additional scrutiny and change. It is very clear from these responses, that, whilst some initiatives (provided they are appropriately resourced and structured, a criterion that there is little faith in meeting) may improve mental health support, but will not address the cultural bullying, harassment and discrimination at the centre of the initial impetus for the inquiry. In fact, the Government response failed to use the appropriate title for the inquiry i.e. remove the negative connotations of the words “bullying”, “harassment” and “discrimination”.

After years of writing and reviewing Government responses these responses from ASNSW are quite typically non-committal and largely deny any issues (despite admissions and apologies at the time of the inquiry). They have not (in almost all cases), addressed the specifics of the recommendations and support the assessment that ASNSW lack the insight, will and capacity to initiate and effectively manage necessary change. One is left with the impression that this inquiry, like the last will be the same script in the case of any future inquiry.

Recommendation	ASNSW Response	Plain English Interpretation	Commentary
Recommendation 1: That the NSW Government establish an independent management oversight body for workplace bullying, harassment and discrimination, which:	“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	FAIL “No – we don’t need independent oversight “	ASNSW doesn’t want independent oversight of bullying, harassment and discrimination management because that would mean they cannot control what goes to this body for consideration. At present the PSU has the power of veto over all complaints and therefore an independent body would expose ASNSW management to accountability and scrutiny in fairness and mismanagement.

<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 agenda to improve policies and procedures relating to complaints management. 	<p>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>		
<p>Recommendation 2: 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 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>“The metrics proposed by the Committee could lead to misleading comparisons between agencies.”</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>FAIL “No, we will not provide data on complaints”</p>	<p>To protect ASNSW from criticism and accountability, they had no intention of measuring or sharing data on their poor performance with the Legislative council nor publish this information in the public forum. Under the guise that “the metrics may be misleading” i.e. code for it will make them look bad compared to other agencies; ASNSW will attempt to avoid accountability for their processes and performance. The Inquiry found that even the data collected by ASNSW was very poor and had huge holes in it. If they are allowed to get away with this improvement cannot be measured i.e. the Legislative Council and the public will have to “trust” ASNSW is doing the right thing (a notion that was exposed as impossible in the course of the Inquiry).</p>
<p>Recommendation 3 That Portfolio Committee No. 4 — Legal Affairs undertake a brief inquiry reviewing any data provided by the emergency services agencies on bullying,</p>	<p>“The Legislative Assembly has the authority to self-refer any matters. If the committee wishes to self-refer any issue for investigation, emergency</p>	<p>FAIL “If you want to investigate any issue, go ahead, we will be as unhelpful as we have been so far and we will not help you with</p>	<p>ASNSW wants to get to the position where they are left alone as “self-regulated” and do not need any additional scrutiny or oversight. This desire means they can continue to maintain the broken culture, continue to mismanage and treat staff unfairly with unchecked bullying, harassment and discrimination and no accountability or transparency. As they then become the sole arbiters of their own</p>

<p>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>services will participate as appropriate”</p>	<p>the provision of data and evidence of progress.”</p>	<p>performance and conduct, nothing has to change and no-one faces judgement.</p>
<p>Recommendation 4 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 NSW Government Work Health and Safety Sector Plan (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.”</p>	<p>FAIL “No. because we solved bullying, harassment and discrimination in 2016 (before the inquiry started)”</p> <p>“Since the inquiry we have met to tell each other that we should have some principles and objectives on paper.”</p>	<p>Even a cursory reading of this response will expose the absurdity of this argument (an argument tried over and over again by ASNSW in subsequent inquiries) i.e. this is old news as we solved these ages ago. The mere fact that in despite of these assertions (of a magical remedy in 2016 and 2017) the Parliamentary Committee saw it necessary to conduct a formal inquiry. If it had already been fixed there would be no need for an inquiry or are they suggesting the Legislative Committee are incompetent.</p> <p>ASNSW (like any other Government organisation) realises that having a “plan”, “policy” or “code” on paper is the only real measure of compliance that they will be assessed on. History of ASNSW has shown that the existence of a notional policy, voluntary code or procedure may have no direct connection to the reality of what happens in operation. The inquiry would have been seen as necessary if the words on paper had actually translated to appropriate and accountable actions.</p>
<p>Recommendation 5 That the NSW Government identify a lead agency to drive the Mental Health and Wellbeing Strategy for First Responder Organisations, to monitor its</p>	<p>“The Mental Health and Wellbeing Strategy for First Responder Organisations in NSW was developed collaboratively by each of the emergency services</p>	<p>FAIL “No, we don’t need an independent oversight of our strategies we can do it ourselves.”</p>	<p>The last thing ASNSW wants is independent oversight that can check on implementation and effectiveness of measures as this will expose the failure and weakness of management. The reason that the Legislative Committee saw fit to make recommendations that include independent oversight, was that during the course of the inquiry it was</p>

<p>implementation and to evaluate its effectiveness across the five emergency services agencies.</p>	<p>organisations, and the strategic objectives continue to guide individual agency programs.</p>		<p>evident that ASNSW lacked the insight and the will to make appropriate change nor wanted to have any external scrutiny of their organisation. Without external oversight there is no real transparency or proof of progress. No matter how much “collaboration” is said to take place between agencies, this does not mean anything necessarily changes or that improvements are realised.</p>
<p>Recommendation 6 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 Directors of Professional Standards is comprised of representatives from Fire & Rescue NSW, NSW Rural Fire Service, the NSW State Emergency Service, NSW Ambulance, and the NSW Police Force. Regular meetings are held to review the effectiveness of policies, programs and training, and identify opportunities for collaboration and improvement across the sector.</p>	<p>FAIL “No, we already have a group that can do that job as part of their job.”</p>	<p>The PSU (and its Director) have no credibility with ASNSW staff. The unit have proven to be inept and merely a group designed to protect managers involved in wrong-doing and to victimise staff. This was a clear observation from the Parliamentary Inquiry. The NSW Government was asked to establish a group with a specific agenda in recognition of the failure of the existing structures (particularly in ASNSW). As an extra role for an existing group (with a failed representative from ASNSW) it is doomed not to direct the appropriate attention to the issues of bullying, harassment and discrimination.</p> <p>There is no independent oversight of this group and no published minutes or reports. Again, this ploy used by ASNSW in using their existing discredited PSU is designed to avoid external scrutiny and accountability for progress on these issues.</p>
<p>Recommendation 7 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.” “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 compliment funded sessions with self-nominated psychologists and psychiatrists. All NSW Ambulance staff will also</p>	<p>FAIL “We are already focused on Mental Health and we are implementing a perfect set of initiatives, sometime.”</p>	<p>The obvious outcome of the Parliamentary Inquiry that, despite the rhetoric, Mental Health has not been a priority for ASNSW. Once again there are promises (with no timeline or milestones) of measures that will “solve” all the problems of the past, present and future. There is no transparency or published evaluations to determine progress and efficacy.</p> <p>The organisational culture still uses mental health claims to bully and harass staff and discriminate in regard to career prospects. There are managers, despite training, who are still implicated in the suicide of multiple paramedics by their actions and failure of their duty of care. Training rather than accountability and sanctions are what the PSU has decided are remedies for any behaviour (misconduct) of managers.</p> <p>Part of the failure is that ASNSW wants to ensure that mental health issues are always attributed to the “trauma of the job” and not linked to the observations of the Committee and witnesses; that the main issue is related to lack of support and a management culture encouraging the victimisation of individuals, rather than trauma. For some staff, these limited services will be helpful.</p>

	<p>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>It is also worth noting that the psychology services are not experts in first responders but rather generalist practitioners. This disparity has been proven many times to result in poor uptake of services when needed. The Chief Psychologist has already been involved in at least one documented example (reported to relevant authorities for investigation) of unethical conduct; of bullying and harassment of staff in an attempt to intimidate them into not voicing negative opinions about mismanagement and the toxic culture within ASNSW. There is no doubt that in regard to mental health issues ASNSW is keen to deny any contribution and to use confidential information in a punitive manner against employees seeking assistance and/or reporting offences.</p>
<p>Recommendation 8 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.”</p> <ul style="list-style-type: none"> • “Head Coach 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 	<p>FAIL “No, there is enough research for us to know everything about mental health in emergency services workers.”</p>	<p>The absence of specific, searchable and published, (ASNSW specific) research data is a real issue. Some of the research quoted may or may not contain any useful and practice interventions to address issues of first responders. The Beyond Blue research results have been deidentified and averaged so that good and weak performers are hidden in the results. The agencies contributing to the study made sure that no agency was identifiable and in fact the authors have refused requests for more detailed data to both identify exemplar strategies and determine which agencies are failing. This means (and this is deliberate), that the failures of agencies, such as ASNSW, can be propped up by better performers in the sector. The results of data presented to the Parliamentary Inquiry showed that ASNSW (in regard to management and support) were by far the worst performing agency, however the Ambulance sector when averaged in the Beyond Blue data is “doing OK” under an averaged model. The availability of relevant and non-relevant past or ongoing research (rather than specific research to determine the answer to a specific issue requiring understanding and improvement) does not of course mean that any findings or recommendations will be operationalised and/or effect in ASNSW and with no specific detailed reporting there will remain no accountability if they are not.</p>

	<p>workplace exercise to improve</p> <ul style="list-style-type: none"> • 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: That each of the five emergency services agencies take steps with their contractors for trauma and other mental health supports to ensure that:</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>“The five emergency services agencies have extensive programs in place addressing the needs of employees and volunteer members, including the 24/7 Employee Assistance and volunteer members assistance programs that include peer-to-peer and chaplaincy services.”</p>	<p>FAIL</p> <p>“Trust us, we have extensive services in place that meet all the need of employees.”</p>	<p>The very need for a Parliamentary Inquiry was that whatever systems are in place are not meeting the needs of employees, particularly in ASNSW. The notion that “needs are met” because we say they are is a not only disingenuous but illogical (given the outcome of the 2008 and 2018 Parliamentary Inquiries). The Parliamentary Inquiry heard and reviewed damning evidence that ASNSW did not have a clue as to the scope and extent of the issue nor kept accurate records that reflected reality was shocking.</p> <p>In the context of the purpose of the Inquiry, the notion that “work trauma exposure” is the only stressor and the organisation does not contribute to mental health cases and poor outcomes is misleading.</p> <p>Voluntary, unpaid, un-trained peer-to-peer services in ASNSW are not a proxy for professional services, especially in ASNSW where there have been issues with confidentiality and the use of private information for punitive initiatives. Chaplaincy services are a largely notional resource that does not have an understanding of the challenges faced by frontline staff. EAP services, provided by third party contractors are not experts in first responder issues and lack the context to understand the uniqueness of the work role; it is largely a “tick-box” resource for staff.</p>
<p>Recommendation 10 That the NSW Government establish a specialist 24/7 telephone trauma counselling service for emergency service workers experiencing post-traumatic stress disorder, secondary</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</p>	<p>FAIL</p> <p>“No, we will just use cheaper, generic services that are not experts in managing emergency</p>	<p>The Committee noted on more than one occasion the lack of insight of the ASNSW Commissioner Dominic Morgan in his ability to grasp the scale and importance of the issues in his organisation. This failure reflects this lack of insight into the long-term cost of not providing the appropriate resources, just “a resource”.</p>

<p>traumatic stress and vicarious trauma, using the model proposed by Rape & Domestic Violence Services Australia.</p>	<p>members to ensure affected workers receive the care they need without duplicating services.</p>	<p>services as counselling is all the same”.</p>	<p>ASNSW senior management has always operated under an ethos in response to its funding model through NSW Health; that is to sacrifice the quality of support and resources for staff to save money and meet individual KPI’s and keep NSW Health happy. This results in investment in “new shiny things” that will get political mileage rather than investing in fixing the real and entrenched problems.</p>
<p>Recommendation 15: 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; 	<p>FAIL</p> <p>“We will not conduct a transparent, independent review of the PSU but a closed “peer” review, because that sounds more scientific and we can hide the outcomes”</p>	<p>It is worthy of note that during the course of the Inquiry, the only individual that could not see the abject failure, mismanagement and bias of the PSU was Commissioner Dominic Morgan.</p> <p>The outcome of the so called “peer” review of the PSU was to be submitted to the Legislative council. The fact that it has not and we are asked to trust ASNSW (that all that has to be done is some minor structural administrative changes to perfect the process), means that once again failings of ASNSW will be hidden from scrutiny and actual “peer review”.</p> <p>Completing all reviews in 72 hours is not supported with any evidence and does not mean that the actions or decisions to come out of these reviews are appropriate, fair or correct. There is also no sight of the recommendation that ASNSW “introduce greater independence into complaints handling processes”. The PSU will still remain a law unto itself with no external accountability nor external review of procedural fairness. It can still act to victimise individuals, protect managers and hold veto on all complaints being reviewed by external authorities.</p> <p>The fact that there was no induction program in place reinforces the ideology of ASNSW that individuals, once at a certain clinical or organisational level, are magically gifted with ethics, management skills and expertise in subjects of which they have no experience or training.</p>

	<ul style="list-style-type: none"> 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 <u>matter of urgency</u>, 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 <u>must</u>:</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>FAIL</p> <p>“We will remove references to Straight Talk (but not the practice) to keep the Committee happy but the substance and delivery of policies will remain with in-house, untrained facilitators.”</p>	<p>It is worthy of note that ASNSW withdrew all publicly available policies from their website (as required under NSW Legislation) at the commencement of the Parliamentary Inquiry, even though these policies are still current till superseded (otherwise staff would be acting in a policy vacuum until revision was completed).</p> <p>The findings of the Parliamentary Inquiry (and witness testimony) was that regardless of the notional policy on the reporting and unacceptability of certain behaviours, ASNSW (and PSU) serves to protect management perpetrators and vilifies the complainant, using threats and intimidation or pay-outs (with strict, but illegal non-disclosure agreements) to silence complainants and prevent even criminal charges being made against senior managers. The words of a policy do not mean anything if the processes in enforcing the policy are corrupt and biased away from natural justice; they are merely aspirational vision statements.</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. 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>FAIL</p> <p>“We will have a representative from Health on our Advisory Board (that have no power) and we are already aligned with Health Strategic Priorities, so no change needed”</p>	<p>The response from ASNSW does not address the detail or intent of the recommendation made by the Committee. The Secretary of NSW Health, always should have been represented on the Advisory Board, however this board has no, power, no operational oversight and is not privy to the detail of operations of the ASNSW; it is largely a notional concession to “independent oversight” without the gravitas to be meaningful.</p> <p>Strategic planning and structural reform towards a “health services culture” are two distinct processes. The suggestion that these are interchangeable and equivalent in response to the recommendations of the Inquiry are at best naïve and at worst deliberately disingenuous. One only has to read the transcript of the Inquiry to see that this recommendation was seeking to address the cultural issues stemming from a para-military structure and operation within ASNSW.</p>