

12 November 2010

Ms Carmel McGregor  
Acting Public Service Commissioner  
Australian Public Service Commission  
16 Furzer Street, Phillip ACT 2606

**Email:** [ourvalues@apsc.gov.au](mailto:ourvalues@apsc.gov.au)

Dear Carmel

Attached is IPAA National's Response to the APSC's proposed new Values Statement. We strongly endorse the merits of a Values Statement to apply to all Commonwealth public servants and their agencies.

We believe the APSC should recommend five key values for all public servants, involving being:

1. Committed to Service;
2. Highly Ethical;
3. Accountable;
4. Apolitical; and
5. Merit-based employment.

These traits would enable the Statement to build on the 1999 Public Service Act and subsequent work on promoting and embedding APS Values, while also resonating with longer history and being relevant to contemporary challenges.

In addition we propose that in order for the Statement to be readily recognised, remembered and personally accepted by public servants as a professional imperative it should be prefaced by a short pledge:

*Public servants must prize integrity in the way they do things and accountability for the results they achieve.*

We submit our Response for your consideration.

Regards



**Percy Allan AM**  
National President

## IPAA National's Response to the APSC's Proposed Values Statement

### A. Do the proposed values represent what you think should be the values of the APS?

The values and ethics framework is a traditional one that may not be as influential and memorable as the APSC would hope.

Nevertheless it's a positive (statement) and is entirely consistent with those of other Westminster based public services, for example Canada. In this sense the framework represents a suitable objective for the APS.

The proposed set of five values encompasses most of the core elements of a public service. They are similar to those suggested in IPAA's submission though exclude the key element of a public service staffed on the basis of merit. This is a hallmark feature of the institution and should be retained. We understand, and support the move of other related aspects to an employment principles section, but believe merit as a defining characteristic should be included in the Values statement.

While much of the Values Statement meets our concern that the values clearly reflect the role of the APS in responsible government, and tie in with key relationships and behaviours, some do not and others confuse different responsibilities.

Under Committed to Service the word 'efficient' in Committed to Service has a potentially loaded meaning. The description is technically fine, but the 'least cost' dimension tends to end up ruling decisions to the detriment of excellence in outcomes. We propose that 'value-for-money' or 'value-seeking' be used instead of 'efficient' to convey a more balanced perspective between cost and outcomes?

The term "Value-for-money" or "value seeking" could then be described in the supporting paper as having a multiple dimension including striving for policy relevance (to government priorities and community needs), service effectiveness (in achieving stated goals and client satisfaction), operational efficiency (in terms of best practice unit costs), risk mitigation (by observing Australian risk management standards), and citizen engagement (by improving access to information and improving dialogue and contribution).

A modified version of the proposed five values could meet the objective of being more succinct and memorable, while more closely drawing upon the existing APS Values and the grouping of those values that proved so useful in the APSC's earlier work.

The 'Committed to Service' value could correspond to the grouping addressing the key relationship between the APS and the public. The proposed explanatory words, however, confuse the issue by adding in the role of serving the Government: that should be in a separate value corresponding to the key relationship between the APS and the Government and the Parliament.

A better explanation of this value might be ‘We are impartial, efficient and responsive, striving to achieve the best results for the Australian community in line with the Government’s policies and programs’. ‘Responsive’ here conveys the notion of ‘citizen-centred services’ and a degree of ‘accountability’ downwards and outwards complementing the formal line of accountability through Ministers and Parliament. The term ‘professional’, while pertinent to this value, might be more pertinent to the ‘apolitical’ value. The further reference in the Discussion Paper to responsiveness to Ministers should be omitted from this value.

‘Ethical’ is also consistent with the APSC’s previous grouping of the APS Values, addressing the behavioural grouping. ‘Highly Ethical’ might better convey an obligation beyond that expected of others (the current Value refers to ‘highest ethical standards’). The explanation might also be better worded as ‘We are trustworthy and behave with integrity, always acting according to the law’. The further explanation in the Discussion Paper should include reference to this obligation reflecting the responsibility that comes with the exercise of public power by public servants and the use of taxpayers’ money.

‘Respectful’ does not warrant its own position as an APS value. It may well be relevant to all relationships, and a desirable attribute, but it is not a core value reflecting the unique role of the public service. If the term needs to be explicitly used, we suggest it be included in the explanation of the ‘Committed to Service’ value, where respect is particularly important.

‘Accountable’ is certainly a core value, being a critical aspect of the relationship between the APS and Ministers and the Parliament. The explanatory words in this case are also appropriate. The more detailed explanation in the Discussion Paper is generally helpful too, though the value describes only one aspect, not all aspects, of the unique position of the APS in the Westminster system of government.

‘Apolitical’ is not quite the right word, as overseas commentators frequently tell us, but the value it is intended to convey is certainly a core one that must be in the short list. A more appropriate term is ‘non-partisan’ but as ‘apolitical’ is the term now in the Public Service Act, it is difficult to reject it outright. A more complete explanation would also pick up the role of the APS in serving the government-of-the-day.

A possible form of words is ‘We are non-partisan and professional, serving the elected Government whatever its colour, performing our functions impartially and in the public interest, providing advice that is frank, honest, timely, and based on the best available evidence’. Such a formulation would convey much more of the principle behind the value. The explanatory section should be strengthened with a comment about promotion or advocacy of good/sound public policy and administration. This change would only be a nuance to the current statement, but might make it more positive and imply a responsibility to promote good decisions from a technical perspective, in addition to impartial implementation of Government decisions.

Deleting ‘respectful’ would allow ‘merit’ or ‘merit-based’ to be re-instated as a core value, which we believe is essential. It is more than an employment principle, being central to a professional public service since Nothcote-Trevelyan 150 years ago, and protection of it is still a central responsibility of the APSC.

The explanatory words for this value could be ‘We make all employment decisions on the basis of merit’. Note that the value relates to ‘all employment decisions’, not just decisions on promotion

and engagement as suggested in the Discussion Paper e.g. it should apply to performance management, any individual contract process etc.

Other issues we wish to raise are as follows:

- The emphasis in the existing Values on responsiveness to Government has been diminished somewhat (now reflected in "achieving the best results for the Government" which is not as strong). One of the necessary tensions inherent in being a public servant is balancing the need to be responsive to the government of the day and at the same time to remain apolitical. It is one that all public servants need to be aware of and, again, it is a defining characteristic of the modern public service and of the profession. The relevant wording in the IPAA submission is in our view preferable for achieving that result.
- In relation to the descriptor on Respectful (noting our broader comments on this item above), we suggest deleting "All people have worth" since it has a patronising tone. Also shorten the next sentence to say "We respect everyone we deal with regardless of their background and circumstances." There's an interesting commentary in the Discussion Forum site with people making the valid point that there are some views one comes across as public servants that one should not respect. One should deal with the person (s) concerned in a respectful way, but it does not mean one has to agree with or respect the views they are putting or even their specific hopes. In addition, the focus on heritage in the descriptor (and not other categories where exclusion may have occurred, e.g. disability) may be seen as directing behaviour in a certain way. Hence, the more general wording suggested here.
- It needs to be emphasised that the individual words are really important: in the positive sense of the message they send about behaviours reflecting the values, but also in the more compliance sense of using specific benchmarks to test whether there have been issues or breaches. This assumes that there is a similar link between the Code of Conduct and the Values as currently exists in the legislative framework which is not clear in the Discussion Paper.
- We would note that the way the statement is framed and also the Discussion Paper's suggestion that the values be read with a preface of "I am" puts the focus on the individual employee and his/her values. While this is important, the concept of organisational values or characteristics should not be lost. It has certainly been a key feature of the existing framework and how the Values were promoted by the APSC where Values were characterised as organisationally focused and the Code of Conduct as more individually based (with the link to personal responsibility for upholding the values in the Code).

Finally, the APS Values covering letter refers to the *Ahead of the Game* report, but makes no reference to the Government 2.0 Task Force Report or to the Federal Government's Declaration on Open Government, released just prior to the recent Federal election.

To the extent that both are important documents in defining emerging expectations, opportunities and risks for the environment in which public servants are increasingly going to find themselves, they are notable omissions in the framing of a statement of contemporary APS values.

Also the APSC itself put out a new guidance for social media participation in November 2009 (Circular 2009/6 – Protocols for online media participation), including these propositions:

*Web 2.0 provides public servants with unprecedented opportunities to open up government decision making and implementation to contributions from the community. In a professional and respectful manner, APS employees should engage in robust policy conversations.*

*Equally, as citizens, APS employees should also embrace the opportunity to add to the mix of opinions contributing to sound, sustainable policies and service delivery approaches. Employees should also consider carefully whether they should identify themselves as either an APS employee or an employee of their agency.*

While values should not change with every change in policy or every advance in technology, they must remain relevant to new circumstances and help the APS to adjust to change. Overall, despite these documents and despite also the considerable emphasis in the *Ahead of the Game* report on the role and impact of technology, it's not clear that the explanatory words and discussion about these draft Values recognise the potentially game-changing impact of the new technologies on the work of public servants. Some of the words we suggest further above are intended to allow an expansion of the explanation to address these issues, if briefly. More detailed guidance can be provided in the PSC's revised Guidelines on Official Conduct.

## **B. Does this set of values meet the challenge to be a "smaller set of core values that are meaningful, memorable and effective in driving change"?**

IPAA has supported a move towards a more succinct set of Values. Subject to the comments above, we consider the draft set of Values do meet the challenge of a smaller set of values. We also see this as important in reinforcing the notion of a profession of public service and that the introduction of a revised Values Statement should provide a valuable opportunity to reinforce that professionalism. This is a key interest for IPAA

It is open to question how effective such a revised Values Statement will be in driving change. The values should be kept as simple as possible to enable their promotion, explanation and understanding. They should provide a better basis for marketing careers in the public service and should not reinforce the stereotype of an opaque, old fashioned, process driven and verbose public sector.

They also provide an opportunity in re-launching them to press home what they mean in practice and establish a clearer link with professional development. APSC and agency action to promote and reinforce the Values will be an important factor in determining if they are effective in driving change.

One of the comments made strongly at the Roundtable on the Government's Review/Ahead of the Game document (as outlined in a recent article on the subject in PAT) was that more important than the precise wording of the Values was whether they are adhered to or not---and that there was a view among many employees that this was not necessarily the case. This sentiment also comes through in employee comments posted to date on the Discussion Forum.

There could well be a degree of cynicism when and if a new statement is launched; it will be important it is accompanied by a strong focus on values based leadership and a very clear commitment from agencies to reinforce the Values in practice. Walking the talk from each agency CEO will be imperative if the Values Statement is to have an impact.

Also public servants should know that it's an official document which they can be used as a reference point if they have complaints and suggestions about the behaviour of work colleagues, superiors and organisational culture... Unless it's recognised as having relevance at this level it could be dismissed as being merely politically correct hyperbole.

For a Values Statement to be readily recognised, remembered and personally accepted by public servants as a professional imperative it should be prefaced by a short pledge:

*Public servants must prize integrity in the way they do things and accountability for the results they achieve.*

While values are different to leadership, they each have a dual attribute when it comes to defining them.

Research shows that a good leader is one who gets results by motivating others to do things that they would not do of their own accord.

In other words leadership is not just about achieving the right ends (i.e. good results), but also using the right means (i.e. appropriate behaviour)<sup>1</sup>.

Public service values like good leadership need to address both ends and means.

For public administration, good means (i.e. processes) ensure integrity, a concept that captures a range of values including honesty, impartiality, objectivity and transparency. By contrast, good ends (i.e. results) require accountability for outcomes such as the relevance, effectiveness, productivity and efficiency of the policy advice, regulation or public service provided.

Citizens expect public servants to both do the right thing (e.g. be impartial and honest) and achieve good results (e.g. deliver services that are relevant and effective). Hence public administration values that change public servant behaviour for the better need to address the two core things that citizens expect – good means (processes) towards good ends (results).

Distilling public service values to two dimensions (i.e. ends and means) might sound simplistic, but it is the nub of good government. Layering it with more words may be necessary for regulations and legislation, but would make the primary message too complex for either public administrators or their stakeholders (i.e. ministers, MPs, political staff, ordinary citizens, agency clients, fellow workers, etc) to remember and judge public service by.

That's not to say that the core values of integrity and accountability should not be elaborated upon in guidelines. They should for purposes of teaching and applying them. Here the APSC's classification of relationships (government and parliament, public, workplace and personal traits)

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<sup>1</sup> See David Ulrich, et al, Results Based Leadership, Harvard Business School Press, Boston, 1999.

would be useful for illustrating how (a) integrity in behaviour and (b) accountability for results affects each dimension of a public servant's interaction with others.

Finally we would question why the Moran Report suggested that the values should not only be 'meaningful and memorable' but also be 'effective in driving change'.

In our submission to the Moran Review we certainly recommended that the APS Values be reformulated to be briefer and more succinct, but emphasised that they should confirm the role of the APS in responsible government. We also warned that the benefits of refinements may be outweighed by added confusions unless the more concise statement was based upon pre-eminent themes concerning the distinctive role and responsibility of the APS.

It is this clear focus that is missing in the proposed wording notwithstanding its brevity. Without it, its cognitive impact may prove to be short. Indeed, values are all about holding to ongoing truths within which change should be managed, not about 'driving change' ('innovation with integrity' was one of the phrases used in the APSC in the past to explain the role of values-based management and leadership).

Whatever formulation is developed, it must resonate with the historic role and values of the public service as well as be a guide to the present.

The changes to the proposed list suggested above should provide that resonance and be both meaningful and memorable.

### **C. As public servants will these values help you make decisions about your work and conduct in the APS?**

The APSC's accompanying material and guides together with discussions based on applying the values in practice will be critical, as they have been in the past, for them to have an impact on the APS (e.g. chartering the fine line between political and apolitical, acting with integrity in relation to potential areas of conflict of interest, treating people with respect even where you are not providing the answer they want)

Nevertheless, consideration could be given to supplementing the reference to accountability in the context of Ministerial responsibility.

We would note that the concept of Ministerial accountability is itself evolving in the light of the increasing size, scale and complexity of the work Ministers are supposed to be accountable for. In addition, there are other ways that modern public servants need to be held accountable, especially in the face of rising demands for a service that manifests the principles of collaboration, engagement, innovation and transparency in the way it works and the results it strives to achieve.

The current draft appropriately emphasises the traditional notion of accountability through Ministers. However, it should also reflect the truth is that, public servants will need to demonstrate accountability "out and sideways" (i.e. to the communities they serve and the external partners with which they will often be collaborating to achieve 'public purpose' outcomes) as well as "up and down" the traditional chain of Ministerial and Parliamentary accountability.

This is going to be an increasing issue for public servants as the impact of social networking and other collaborative tools dramatically expands the opportunities and demands for greater interaction with citizens and outside interests. How public servants need to behave in that environment and ensure they fulfil appropriate standards of accountability in these more fluid, open and connected environments is as important as adherence of the principles of accountability to Ministers “for the exercise of authority” (p7)

The fact is that public servants do a lot of things that are not about exercising formal authority. The Values need to recognise that and the supporting documentation should say something about how public servants should calibrate their behaviour in these newer, sometimes more complex and ambiguous situations.

Some of our suggestions about the first value proposed (‘Committed to Service’) open the opportunity to elaborate on these points. Some additional material under the ‘Accountable’ value would also help.

It is an old and contentious issue, but the reference on page 4 to the “public interest”, which is not directly referenced in the values or principles, reinforces the debate about the accountability of public servants to that larger notion as well as to the narrower definition of Ministerial accountability. Again, inclusion of the term within the ‘Apolitical’ value as we suggest would help reinforce this point.

A Values Statement for a modern and evolving public service should recognise the growing reality that, in many situations, the role of the public service is changing from provider to enabler or orchestrator, as well as continuing role of funder, often directly to the service user rather than the provider. These shifts imply significantly different behaviours and capabilities inside the public service – design, facilitation, orchestration, experimentation and innovation – which in turn could be more explicitly reflected in the explanatory material accompanying the Values statement.

Finally, we are uneasy about the proposed set of values being sufficiently practical to guide behaviour in handling difficult issues. IPAA’s original formulation, including revised explanatory words, includes more of the nuances that public servants need to understand. It is also important to have a formulation that can easily be supported by Directions from the Commissioner, links directly to the Code of Conduct (which currently requires adherence at all times to the values with sanctions applying when a breach occurs), and facilitates more detailed guidance from the Public Service Commissioner.

IPAA’s preferred formulation retains the groupings now used by the APSC in the very structure of its guidance to staff and agency heads on official conduct. The formulation in the Discussion Paper does not do that as clearly. Indeed, we suspect the formulation might make the Commissioner’s Directions quite a challenge.

#### **D. Although each value is important, do you have any comments about the order in which they might be listed?**

Our preference would be to start with ‘apolitical and ‘accountable’ both relating to Westminster principles, and go on to ‘Committed to service’ dealing with relations with the public, then ‘merit’ concerning relations in the workplace and ‘ethical’ dealing with behaviour. Again, this has the advantage of aligning with the order now in the PS Act 1999.



Otherwise the order used in the Discussion Paper seems appropriate (noting as above the need for the inclusion of a value emphasising merit).

## **E. Do the employment principles give us the right framework for managing the employment relationship?**

The “proposed APS employment principles” (page 3) note that they are “binding principles” but which should “guide” employment and workplace relationships. That appears a little contradictory.

Under “d”, which looks at workplaces, it would be helpful to add in some other attributes, for example providing workplaces that are connected and properly provisioned with the tools and platforms to allow open, collaborative working, work practices that allow for flexible work on an “anywhere, anytime” basis and not only concentrated on the fixed physical environment (where fewer public servants are likely to spend less of their time anyway) and finally working environments that are environmentally sustainable.

In some ways, the focus on “workplaces” is misplaced. Although the commitment to well-resourced and effective working environments is necessary and appropriate, the underlying issue is the need to mandate and provision modern, sustainable and above all connected work practices.

There is growing evidence that the public service recruitment challenges being experienced in some jurisdictions is partly a function of the inability to offer people, especially younger workers, a flexible, connected and attractive work style that more closely resembles the way in which they are increasingly operating in other domains, including social networking, study and engagement with commercial and other services.

We endorse having the employment principles extracted from the values, other than ‘merit’. As mentioned earlier, ‘merit’ must apply to all employment decisions not just some.

Some specific comments are as follows:

- What is meant by decisions that are "equitable" and how will this be applied and tested (as compared to the previous value expression around promotion of "equity in employment")?
- The reference to merit appears to be a more limited approach than currently, it only covers promotion and engagement for example (not transfer). It's a matter for the fine detail of the Commissioner's Directions but it also needs to be clear whether and how it is to be applied to non ongoing employment decisions. The way the provisions are currently amplified leads to complicated processes and unnecessary red tape and should be amended as part of this process. While understandably there will be concern in some quarters and it could be seen as a move to casualise the workforce, the current provisions are not easy to use and not easily understood and applied;
- Requiring effective performance from each employee is a new provision and the wording will draw particular attention (e.g. in the circumstance where action is being taken because of ineffective performance). How it might work will depend in part on what is also in provisions elsewhere in the Act and associated material. The word "effective" is

unfortunate in one way because in many performance assessment systems it represents the average/ just meeting expectations standard;

- Harassment does not get a mention in (e) and I think it should (although perhaps it is intended to retain it in the Code of Conduct as it is currently)

## F. Other Issues?

Agencies should not develop their own sets of Values. Assuming the APS Values will still be in legislation and referred to in the Code of Conduct, all APS employees will be subject to them anyway. Another agency set would be both confusing and antithetical to the Moran Review theme of a unified service.

Agencies may, of course, give particular emphasis in their training, etc to the values that are of greatest relevance to their business (e.g. Centrelink to service to the public, PM&C to being apolitical and accountable), while ensuring all staff abide by all the values.

The Discussion Paper accepts the scope for agencies to establish their own values reflecting their particular business requirements or circumstances. Given the revised statement, there is less of a case for this to occur and it can be argued that such an approach runs against the drive to promote the concept of a unified public service... The APSC should take a stronger position on this matter.

The Paper is not clear whether it is intended to revise the Code of Conduct in any way and/or to retain the current link between the Values and the Code of Conduct. It refers to the intention to supplement the Values with binding Commissioner's Directions. We would note that the existing Commissioner's Directions are quite detailed and add a range of additional requirements to be met by agencies in acting consistently with the Values.

We also note that the more detailed of these are in relation to employment related matters which will now form part of the employment principles (and it's not clear whether Directions are also intended here). Such Directions should be kept to the minimum and as streamlined as possible. The revision of the Values should be used as an opportunity for their overhaul.

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**Note: This Response was prepared for IPAA National by its Policy Submissions Committee with input from Percy Allan AM (Chair), Andrew Podger AO, Lynne Tacy, Martin Stewart-Weeks and Mark MacDonald.**