

Senate Committee: Education and Employment

**QUESTION ON NOTICE
Budget Estimates 2015 - 2016**

Outcome: Cross Portfolio - Corporate

Department of Education and Training Question No. SQ15-000600

Senator Ludwig, Joe provided in writing.

Dept: Departmental Dispute Resolution

Question

1. How are disputes between departmental and/or agency staff mediated?
2. Are any outside firms contracted to assist with this process? If yes: please list them, please include:
 - a) The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
 - b) Amount paid to each firm since the last budget.
 - c) When the contract with the firm commenced.
 - d) When the contract with the firm will expire.
 - e) Why the firm was selected to provide the service.
 - f) Please provide a list of disputes referred to the firm, including a brief description of the dispute.
3. How are code of conduct violations by departmental and/or agency staff mediated?
4. Are any outside firms contracted to assist with this process? If yes: please list them, please include:
 - a) The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
 - b) Amount paid to each firm since the last budget.
 - c) When the contract with the firm commenced.
 - d) When the contract with the firm will expire.
 - e) Why the firm was selected to provide the service.
 - f) Please provide a list of disputes referred to the firm, including a brief description of the dispute.

Answer

1. How are disputes between departmental and/or agency staff mediated?

The department recognises it has a responsibility to take all reasonable steps to address employee disputes. Informal measures at the lowest level, i.e. line area, are the preferred way to resolve matters as this focuses on future work relationships, supports supervisors and managers to establish appropriate working arrangements, and empowers individuals concerned to take positive action themselves.

Employees and supervisors can access the assistance of the department's Equity and Diversity Officer (EDO) network – EDOs are trained volunteers who are available to provide information and support to employees in relation to harassment and diversity issues. The department also has a team of experienced case managers who can assist employees and managers work through their respective issues.

If the measures above have not addressed the issue or are not considered appropriate in the circumstances, the department has access to trained external mediators through its Employee Assistance Program (EAP).

2. Are any outside firms contracted to assist with this process? If yes: please list them, please include:

a) The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).

Mediation services through the department's EAP provider attracts a fee for service structure based on an hourly rate (approximately \$250 per hour).

b) Amount paid to each firm since the last budget.

Nil.

c) When the contract with the firm commenced.

On 1 July 2010 the former Department of Education, Employment and Workplace Relations entered into a contract with International Psychological Services Pty Ltd (now operating as Optum Health and Technology). On 18 September 2013 following Machinery of Government changes, the Department of Education and the Department of Employment were created. Responsibility for the contract rests with the Department of Employment who act for and on behalf of the Department of Education (now the Department of Education and Training).

The contract was extended on 30 June 2014 and again on 30 June 2015 for a further 12 months.

d) When the contract with the firm will expire.

30 June 2016.

e) Why the firm was selected to provide the service.

The provider was considered to be an appropriate fit for the department given our size, demographic and geographical locations.

f) Please provide a list of disputes referred to the firm, including a brief description of the dispute.

Nil

3. How are code of conduct violations by departmental and/or agency staff mediated?

It would generally not be appropriate for mediation to occur in relation to a breach or violation of the Code of Conduct. It would be possible for mediation to be recommended in workplace conflict situations (which may also involve a breach of the Code) however the only possible outcomes for a misconduct process are those outlined in section 15(1) of the Public Service Act 1999 (which does not include mediation).

4. Are any outside firms contracted to assist with this process? If yes: please list them, please include:

The department may contract external providers to conduct investigations where there is an allegation of a breach of the code of conduct. In the previous 12 months the department contracted CPM Reviews Pty Ltd to conduct investigation/s.

a) The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).

Each investigation is billed as an individual service.

b) Amount paid to each firm since the last budget.

A payment of \$12176.50 was made to CPM Reviews Pty Ltd in October 2014 in relation to an investigation into allegations of a breach of the Code of Conduct.

c) When the contract with the firm commenced.

The department obtains these services from the Australian Public Service Commission's (APSC) approved panel of providers. The department has not entered into any ongoing contracts with external providers for violations of the code of conduct.

There was one contract with CPM Reviews Pty Ltd for one case which commenced in August and concluded in October last year. This was for one investigation. CPM Reviews Pty Ltd is on the APSC approved panel of providers for this service.

d) When the contract with the firm will expire.

N/A

e) Why the firm was selected to provide the service.

The department selects providers from the APSC panel on a case by case basis, dependent on the skills and availability of appropriately trained investigators.

f) Please provide a list of disputes referred to the firm, including a brief description of the dispute.

This matter involved allegations of a physical dispute between a departmental employee and a member of another APS agency. The employee was found to have breached the Code of Conduct and their employment was terminated.