

VICTORIAN ombudsman

Misconduct in public organisations: A casebook

August 2023



Published by order, or under the authority, of the Parliament of Victoria
August 2023

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The Victorian Ombudsman pays respect to First Nations custodians of Country throughout Victoria. This respect is extended to their Elders past, present and emerging. We acknowledge their sovereignty was never ceded.

Letter to the Legislative Council and the Legislative Assembly

To

The Honourable the President of the Legislative Council

and

The Honourable the Speaker of the Legislative Assembly

Pursuant to sections 25 and 25AA of the *Ombudsman Act 1973* (Vic), I present to Parliament
Misconduct in public organisations: A casebook.

A handwritten signature in black ink, reading 'Deborah Glass', with a stylized flourish at the end.

Deborah Glass OBE
Ombudsman

9 August 2023

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Foreword

My office deals with hundreds of allegations of misconduct every year. Many are not substantiated; but others are, yet for various reasons, including the welfare of the people involved, these stories are not made public. This report, with its deidentified case studies, lifts the veil on this important segment of Ombudsman work.

Its themes are, sadly, not new. Conflicts of interest, favouritism, and misuse of public funds continue to feature as they have in previous Ombudsman reports. But the stories are different, and each holds valuable lessons from which others can learn.

Sometimes people do the wrong thing and go to some lengths to conceal it – such as the Manager who took over 40 days of paid leave without putting in a leave request, even pretending they had attended an off-site meeting. Or the Executive who not only failed to fully disclose their misconduct record but had a history of making only partial disclosures in other roles.

In other cases, people simply do not recognise they are doing the wrong thing. It is still a common finding of our investigations that conflicts of interest are poorly understood by many people in public roles. The Chair of a Cemetery Trust whose business also dug the graves; the Manager who employed their friend without following due process. Here the motives are less devious: the graves might have been dug at the cheapest rate; the friend may have been the best person for the job.

But due process – like declaring and managing conflicts of interest – exists for good reasons. Good processes protect both parties from the perception of favouritism. In recruitment, a lack of transparency can make recruiters appear dishonest and candidates undeserving, even if they are the best person for the job. Not following due process undermines trust.

Public funds may be misused because people opportunistically take advantage of an organisation's poor financial controls; or because the organisation's culture allows poor conduct to continue unchecked. The cases exposing these failings also underline the importance of leaders modelling strong public sector values and building a culture in which staff feel able to challenge bad behaviour.

Public trust – striving to earn and sustain it – is a vital challenge for the public sector. Tens of thousands of public sector workers do the right thing, often heroically and without fanfare, every day. They are the ones who suffer most when people in public roles fail to uphold that trust. For their sake, and for the reputation of the public sector, these lessons must be learnt.

Deborah Glass

Ombudsman

Background

Almost 355,000 people are employed in the Victorian State public sector – around 10 per cent of the entire Victorian workforce. More than 31,000 others are members of Victorian public sector boards. These people include health, education, transport, corrections, emergency and land management workers. Some of them are unpaid volunteers, for example those on small committees managing local community halls. At the other extreme are executives with substantial salaries, or board members leading organisations responsible for billions of public dollars annually.

While these people engage in a wide range of jobs in varied circumstances, there is a consistent set of expectations about their behaviour. The *Public Administration Act 2004* (Vic) states that State public officials must act in a manner that is consistent with the public sector values of responsiveness, integrity, impartiality, accountability, respect and leadership.

This legislation is supported by the *Code of Conduct for Victorian Public Sector Employees* ('VPS Code of Conduct'), the *Code of Conduct for Directors of Victorian Public Entities* and the *Code of Conduct for Victorian Public Sector Employees of Special Bodies*, which explain how State public officials should demonstrate these values.

The 79 councils in local government in Victoria also employ tens of thousands of staff and have hundreds of elected councillors. The local government sector is not covered by the Public Administration Act, but has its own conduct frameworks based on the *Local Government Act 2020* (Vic).

Some people working in public roles, including some private contractors engaged by public organisations, may be subject to the same, or other conduct requirements set out in sector-specific legislation and codes of conduct, such as Victoria's *Code of conduct for disability service workers* or the *Victorian Teaching Profession's Code of Conduct*.

Most people in public roles in Victoria are also required to conduct themselves in a way that is compatible with the 20 fundamental human rights set out in the *Charter of Human Rights and Responsibilities Act 2006* (Vic). This Act applies to 'public authorities', including Victorian State and local government and many private organisations delivering services on their behalf.

The State public sector, the local government sector and in some cases, their contractors or the bodies they provide funding to, are also subject to the *Public Interest Disclosures Act 2012* (Vic). This Act defines various types of 'improper conduct' by public officers. It sets up a framework for reporting and investigating 'improper conduct' and providing protection for whistleblowers.

The conduct and integrity requirements in these various pieces of legislation, codes and guidance documents sometimes overlap, and the pathways for dealing with poor conduct can differ depending on the organisation, the circumstances and the gravity of the conduct. However, the objectives and values underpinning these frameworks are the same.

They set high standards of behaviour and accountability for anyone exercising public powers, carrying out public functions, controlling public resources or being paid with public money. They acknowledge that people working in public roles occupy a position of trust within the community and create consequences for those who breach that trust.

While each of the investigation case studies in this report is taken from the Victorian 'public sector' (as defined in the Public Administration Act), the lessons drawn from them can be applied to most public organisations. This includes local councils and a range of private bodies exercising public functions or receiving public funding. Throughout this report, we use the term 'public organisations' to refer to this broader category of organisations.

The case studies contain familiar issues. Almost 10 years ago, in 2013, the previous Ombudsman published a *Report on issues in public sector employment* which highlighted nepotism, conflicts of interest and inadequate pre-employment screening as key risks.

The Independent Broad-based Anti-corruption Commission ('IBAC') has reported on similar issues. Its 2018 report on *Corruption and misconduct risks associated with employment practices in the Victorian public sector* covers nepotism, favouritism and pre-employment screening practices. Its 2019 report, *Managing corruption risks associated with conflicts of interest in the Victorian public sector*, and its 2020 report, *Unauthorised access and disclosure of information held by the Victorian public sector* also discuss relevant topics.

These issues still persist. Throughout her term, the current Ombudsman has also publicly reported on a range of investigations involving misconduct. This casebook contains a sample of the sorts of issues we see; it demonstrates a need for continued vigilance. The purpose of this report is to educate and inform public sector organisations and the Victorian community about conduct risks and to share lessons about how these risks can be reduced.

What is misconduct?

In this report, we use the general term 'misconduct' to describe behaviour that breaches the conduct standards required of someone in a public role. The case studies included are examples of investigations where the Ombudsman found someone engaging in misconduct, or systems failing to manage misconduct risks.

It is important to note that not all misconduct is equally serious. It can span a broad spectrum of behaviour, from someone in a public role providing poor service to a client or ignoring a reasonable direction from their manager, through to misusing public funds.

What sort of misconduct is more common?

Although misconduct occurs across a wide range of public organisations providing different services, we see certain types of poor behaviour more frequently.

One of the most frequently complained about issues is undeclared or poorly managed **conflicts of interest**. This report contains an example of someone contracting work to their own company.

Related to conflicts of interest is people **using their position for private gain**. Recruitment decisions in the public sector are meant to be fair, transparent and merit-based, but **recruitment** is an area which has a high risk of misconduct. The Ombudsman regularly receives complaints about jobs being given to 'mates' or family members without proper processes being followed. One case study in this report shows a manager recruiting a friend.

We also receive complaints about people withholding relevant information during recruitment. Another of the cases in this report shows a public official failing to disclose their history of misconduct to a new employer.

Another situation where there can be an opportunity for someone to directly benefit is **procurement**. Procurement cases often show people **misusing public funds and resources**. An example in this report is someone spending school funds on their private sporting team.

There is also an example showing the misconduct risks created by a **lack of transparency** in procurement processes in the case of an organisation using an 'off-book' bank account and failing to accurately report consulting expenses. In this instance the organisation's processes did not accord with public sector values and led to allegations of financial impropriety.

The types of conduct discussed in this report can overlap, but they are often tied to a lack of transparency. All public organisations need to open themselves to scrutiny so the public can be assured they are acting in the public interest and money is being wisely spent. Behaviours which fail to do this can erode public trust.

Types of misconduct

In 2021-22, the Ombudsman received:

- **92** allegations about **conflict of interest, favouritism or discrimination**
- **27** allegations about the **misuse of public information or materials**
- **20** allegations about the **misuse of resources**
- **55** allegations about the **misuse of authority, position or power.**

How do public organisations deal with misconduct?

Public organisations are responsible for employing strategies to both prevent and effectively deal with misconduct.

Pre-employment screening and probation

All public organisations should have a documented approach to pre-employment screening.

In the Victorian public sector, pre-employment screening is guided by Victorian Public Sector Commission ('VPSC') policy. In 2018, VPSC began to introduce pre-employment misconduct screening policies and guidance for public sector employers and candidates.

These policies mean most people who apply for roles in the Victorian public sector are required to complete a statutory declaration about their conduct history before they are appointed.

VPSC has done significant work to strengthen pre-employment screening processes with the aim of striking an appropriate balance between ensuring efficient recruitment and procedural fairness for applicants. VPSC's current model statutory declaration requires candidates to declare if:

- their employment with any previous employer was terminated due to misconduct
- they have been found to have engaged in misconduct in their employment in the past seven years (10 years for executive roles)
- they are currently the subject of an investigation relating to their conduct in their employment
- they have ever resigned from employment while the subject of an investigation relating to their conduct in their employment.

This helps employers make an informed decision about whether the person is suitable for the role. Some organisations or positions may have more rigorous screening processes, depending on the nature of the work.

Organisations can also use probation processes to identify and filter out new employees who demonstrate poor conduct in the early stages of employment.

Education

Public organisations are responsible for educating their leaders, staff and volunteers about their responsibilities and the expected standards of behaviour. Training on policies and procedures should highlight how these are underpinned by organisational values with a view to fostering a culture of integrity across the organisation. Targeted training of individuals or groups may also be needed where conduct issues are identified.

There is a wide range of guidance available to help public organisations educate themselves about integrity issues and manage misconduct risks. VPSC, for example, produces codes of conduct and also policies and guidelines to prevent misconduct and guide the behaviour of people in public roles. IBAC provides advice, training and education services to help the public sector prevent corruption. The Ombudsman provides education to people in public roles aimed at improving service standards to the community, including regular training about a critical misconduct risk, conflict of interest.

The Ombudsman, IBAC and the Local Government Inspectorate also produce public reports on investigations involving misconduct, such as this one. These contribute to the ongoing education of Victorian public organisations about misconduct risks.

Investigation and discipline

Of course, no matter how careful organisations are in their hiring practices or how much they work to prevent misconduct, there will always be the potential for people to do the wrong thing. Where misconduct is suspected, an organisation may investigate the allegation internally or outsource that investigation. Investigation processes need to be timely, fair and robust.

If minor misconduct is found, organisations may respond by better training the officers involved in their responsibilities and expected behaviours. More serious misconduct can result in formal disciplinary action against an employee and in the most serious cases, immediate dismissal.

Depending on the type of misconduct suspected, the organisation may also need to refer the allegation to IBAC to determine whether it is a 'public interest complaint' and covered by the Public Interest Disclosures Act. Public organisations are also required by the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) to notify IBAC when they suspect corrupt conduct has occurred.

What is the Ombudsman's role in investigating misconduct?

The Ombudsman investigates many matters involving suspected misconduct every year. These matters are usually allegations of 'improper conduct' referred to the Ombudsman by IBAC as public interest complaints (or 'whistleblower' complaints).

IBAC may also refer these types of complaints to the Local Government Inspectorate to deal with, when the allegations concern conduct within councils. IBAC itself investigates allegations of serious or systemic corruption.

The Ombudsman has broad Royal Commission-like investigation powers in relation to public organisations and can also require private parties, such as contractors and ex-employees, to provide evidence. Internal misconduct investigations carried out by organisations have more limited powers and usually cannot compel someone to provide evidence.

Not all public interest complaints referred to the Ombudsman are investigated. We resolve many by making detailed enquiries, without having to commence a formal investigation. In 2021-22 we finalised 167 public interest complaint allegations through enquiries and 39 through investigations.

In the past three financial years we finalised investigations into 205 public interest complaint allegations and substantiated or partly substantiated 57 of those allegations. While many of these allegations we investigate are not substantiated, we often find poor organisational processes or officers breaching conduct requirements. This behaviour may not amount to 'improper conduct' for the purposes of a public interest complaint but still needs to be addressed. In these cases, the Ombudsman makes findings and recommendations to reduce misconduct risks, such as improved processes or targeted integrity training for individuals or teams. We may also recommend that organisations take disciplinary action against officers who have breached behavioural requirements.

The Ombudsman is required to report misconduct during or after an investigation to the heads of the relevant organisations.

Our investigations, by the numbers

The investigations discussed in this report involved:



20 allegations concerning conduct



16 interviews with witnesses



14 summonses issued

Case studies

This report details cases the Ombudsman investigated in which allegations of misconduct were substantiated or where systems intended to manage misconduct risks failed.

Misconduct can be a failing to meet any of the public sector values, and it is essentially related to integrity. The VPS Code of Conduct specifies that State public officials should demonstrate integrity by:

- being honest, open and transparent in their dealings
- avoiding any real or apparent conflicts of interest
- using their powers responsibly
- reporting improper conduct
- striving to earn and sustain a high level of public trust.

The cases discussed in this report show public organisations and people in public roles failing to comply with procurement, recruitment and financial reporting requirements as well as the terms of their own employment contracts and the VPS Code of Conduct.

Some of the cases occurred a number of years ago. Since then, many of the organisations involved have improved their systems and practices both in response to our investigations and of their own initiative. While we continue to see positive developments in education and policy across the sector, there are still further improvements that can be made and lessons that can be taken from these examples.

Breaches of the VPS Code of Conduct

Officers in these case studies breached several sections of the VPS Code of Conduct, including requirements to:

- be honest, open and transparent (section 3.1)
- observe the highest standards of integrity in financial matters, comply with financial management legislation, policies and procedures and strictly separate work-related and personal financial matters (section 3.3)
- comply with legislation, policies and lawful instructions in the performance of their work (section 3.6)
- avoid conflicts of interest wherever possible and manage any conflicts that cannot be avoided in accordance with policies and procedures (section 3.7)
- demonstrate accountability, make decisions and take actions within the scope of their authority that are lawful and consistent with legislation and government policy (section 5.2)
- maintain accurate and reliable records (section 5.4)
- lead by example, demonstrate integrity, be transparent, responsible and use resources efficiently (section 7.1).

Being honest, open and transparent

All the case studies in this report show people in public roles failing to be honest, open or transparent in their dealings. The starkest examples of staff hiding the truth are the case of a Manager who failed to attend work without applying for leave and the case of an Executive who did not disclose their history of misconduct to a new employer.



A Manager was paid for 40 days' worth of time they did not work

What happened?

A Manager at a government Department repeatedly took time off work without approval. The Manager also worked flexible hours without having arrangements for this in place and pretended they had attended an off-site meeting.

Across a span of about 18 months, on many occasions the Manager was absent from work, arrived late or left early. The Manager did not apply for leave for what amounted to more than 40 days of paid absences. This exceeded their combined annual and sick leave entitlements by almost 20 days.

The Manager's main reason for taking so much time off was their personal circumstances resulting from a relationship breakdown, including increased carer responsibilities. The Senior Manager, to whom the Manager reported, was aware of these circumstances and suggested the Department's Employee Assistance Program, but the Manager chose not to use it.

The Manager tried to hide their absences from the Senior Manager. The Manager sent 59 emails to staff advising them of absences, but the Senior Manager was only included in 22 of these.

The Manager also failed to attend two off-site meetings. On one occasion, the Manager travelled to a regional area for a meeting but did not attend. The Senior Manager became aware of this on the day and waited to see if the Manager would mention it. Two weeks later, the Manager approached the Senior Manager and admitted the non-attendance.

On another occasion the Manager travelled to another city for a meeting but did not attend. The Manager pretended they had and provided a false report to staff about what occurred at the meeting. The Senior Manager was unaware of this until our investigation.

How did it happen?

It was possible for the Manager to take paid days off without approved leave because their absences were invisible to their superiors. As in most workplaces, it was the responsibility of the person who took time off to put in a leave request.

In a traditional office environment where all staff attend the same location five days a week, this system is backed up by the fact that people will notice when someone is not there. However, in this case, where the Senior Manager was not seeing the Manager daily, they were not in a position to notice absences. In this circumstance, there was no effective system in place to identify when someone was absent but did not apply for leave.

The Senior Manager eventually identified the problem when they noticed an increase in emails from the Manager regarding absences. The Senior Manager then compared all emails received from the Manager regarding leave against formal leave applications lodged in the system and discovered the discrepancy.

Our investigation identified further absences, in addition to those found by the Senior Manager, meaning even after the Senior Manager was aware of the problem, they could not accurately calculate how much leave was taken. The Senior Manager could only identify absences on the days when the Manager had emailed them. There was simply no way for the Senior Manager to accurately determine how much time off had really been taken.

What happened next?

We recommended the Department audit the Manager's absences against their leave entitlements to determine how many work hours were owed. We also recommended the Department consider whether the Manager should repay any money paid for the hours not worked and whether any further action should be taken.



What can we learn?

Have effective financial controls

- Organisations need effective systems for tracking staff absences so they can detect and prevent the misuse of leave entitlements. Systems need to consider that managers may not always have visibility of staff attendance at work due to staff working across multiple offices, frequent work travel or remote working arrangements.

Support employees

- Organisations need to find ways to effectively support staff who are struggling with difficult personal circumstances. Referring staff to an Employee Assistance Program is a good first step but other actions may also be needed, such as making appropriate leave arrangements or making changes to how they work so they can continue performing their role.



An Executive failed to disclose their misconduct history

What happened?

Over several years, a public sector officer was the subject of a number of processes which examined their conduct. Misconduct was substantiated against them in more than one case. In another, the allegations remained unresolved because the officer resigned while under investigation.

When later recruited to a senior Executive role at a Department, the officer did not disclose all these events. On starting the role, the Executive was asked to complete a *Declaration of Private Interests* form, requiring them to disclose, among other things, their probity history. This included a requirement to declare whether they had ever been the subject of an investigation or inquiry by an employer or other relevant body.

Before filling in the form, the Executive rang their Manager. The Executive and their Manager gave our investigation very different accounts of that call. The Executive stated they disclosed a number of key facts, including that they had once resigned while being investigated. The Manager did not recall these facts being mentioned and said that had they been aware of these facts, they would have made further enquiries.

Following the call, the Executive filled in the *Declaration of Private Interests* form. They ticked the box declaring they had been the subject of an investigation, but in the section seeking 'details', only wrote that the Manager was 'aware of the circumstances'. They did not provide any details of their misconduct history in writing. The Executive then signed the form, stating the information provided was true and correct.

We received information about the Executive's past behaviour and found a similar pattern of making only partial disclosures in other roles. The Executive had made disclosures, but they were incomplete and insufficient. The information the Executive provided did not enable their prospective employers to make informed decisions about their suitability for senior public sector roles.

We also saw three job applications for senior roles where the Executive answered questions about their misconduct history differently, sometimes stating they had never been 'found to have engaged in misconduct' or that they 'do not know / cannot answer' the question.

The Executive engaged in a pattern of failing to meet their integrity obligations and significantly departed from expected standards of conduct. As a senior officer in the public sector their behaviour was considered serious misconduct.

How did it happen?

Deficiencies in the actions organisations took and in their systems allowed the Executive to make an incomplete disclosure about their misconduct history.

VPSC guidance about screening candidates for executive positions requires organisations to obtain a statutory declaration from applicants about their misconduct history before appointing them. This process also involves obtaining the applicant's consent to contact previous employers to verify the information declared. In this case, the Department failed to do this during the recruitment process.

External factors also affected the process. The recruitment had to be completed in a tight timeframe and while the organisation dealt with significant competing priorities. This highlights how misconduct risks can increase when organisations are under pressure.

The statutory declaration is an important step in pre-employment screening, as standard reference checks may not reveal misconduct concerns. Referees nominated by an applicant may not be aware of previous misconduct investigations or outcomes for a range of reasons, including the confidentiality requirements around misconduct and discipline processes.

In this case, the post-employment *Declaration of Private Interests* process was incorrectly applied, rendering it ineffective. While the declaration form provided little guidance about what constitutes an acceptable explanation for an adverse declaration, the associated policy stated that 'full disclosure is key'.

The Department should not have accepted the Executive's reference to the Manager being 'aware of the circumstances' of their probity history. Declaration forms such as this are not only designed to prompt disclosure, but also to capture people's private interests and conduct history for the organisation's records. In this case, the Executive's response went unquestioned and the risk was not appropriately assessed or managed.

It is also concerning that the Department hired the Executive without considering all the relevant information in its possession. The Department held five documents from previous recruitment applications containing some level of disclosure about the Executive's discipline and misconduct history. However, without a system to centralise this information and prompt recruiters to consider it, these disclosures went unnoticed.

Similarly, the lack of due diligence undertaken with previous employers in relation to the Executive's misconduct history meant the Department did not consider relevant information held by other public organisations.

Another issue for public organisations is the impact of employees resigning while under investigation for misconduct. There is a strong incentive for individuals under investigation to pre-emptively resign to avoid disciplinary action and limit potential damage to their future employment prospects flowing from a formal finding of misconduct.

Failure to carefully adhere to pre-employment screening and validation processes, and a lack of information sharing between Victorian public employers during recruitment processes, increase the risk that employees will be 'recycled' into new public roles without fully disclosing their relevant background.

What happened next?

The Executive no longer works for the Department, but we made several recommendations to the Department to strengthen its recruitment and declaration of interests processes. We recommended the Department:

- systematically vet job applications and ensure meaningful details of any conduct issues are provided and considered
- implement its proposed automated declaration system to make it easier to track and manage risks
- ensure its recruitment processes and training contain specific references to VPS pre-employment screening processes for misconduct.

We also made two recommendations about improving information sharing between public organisations in employment processes to enhance integrity and allow employers to better manage risk.



What can we learn?

Implement effective policies and guidance

- Pre-employment screening processes must be carefully followed. This is particularly important for high-risk roles, such as executives, who generally have substantial decision-making authority and financial delegations.
- Organisations must ensure that forms such as declarations of private interests contain sufficient detail for them to manage any risk.

Foster a culture of integrity

- People in public organisations need to feel empowered to challenge their superiors where they suspect wrongdoing or failures of process.
- Information in probity and misconduct declarations made by applicants for public roles must be carefully considered and appropriately validated.

Avoiding conflicts of interest

As well as failing to be transparent in their dealings, these cases show staff failing to declare and manage conflicts of interest. In both cases, one about the Chair of a Cemetery Trust subcontracting work to themselves and the other about a Manager recruiting a friend, the officers did not recognise their situations as conflicted. This reflects a common finding of our investigations – that conflicts of interest are poorly understood by many people in public roles.



The Chair of a Cemetery Trust gave grave digging work to their own business

What happened?

The Chair of a Cemetery Trust colluded with a local Gardener hired to dig graves and diverted half of the fees to the Chair's private business.

At the time of the investigation, the Gardener had dug graves for about six years under an informal arrangement with the Trust.

Neither the Chair nor any other member of the Trust requested any written quotes from the Gardener, despite this being required by the Trust's own *Procurement and Purchasing Policy* – a policy the Chair reviewed and endorsed. Instead, the Gardener invoiced the Trust after digging each grave.

Most of the graves the Trust paid the Gardener for were in fact dug by the Chair, using equipment from the Chair's private business. After the Trust paid the Gardener, the Chair's business invoiced the Gardener for half of the gravedigging fee. In this way they split the proceeds.

The Chair's role on the Trust was an unpaid volunteer position. Over the course of five years the Chair was paid a total of \$5,600 through the Gardener. While the misconduct in this case was not particularly lucrative, the Chair did derive an inappropriate financial benefit by exploiting their role to secure work for their private business.

However, this was not a clear-cut case of greed. Both the Chair and the Gardener said their intention was to keep prices low. The Gardener said they were 'digging graves at a cheap price, as a community service, with no other thought in mind, than to do the right thing by the community'. They both said the payments did not cover their costs. This arrangement, even if well-intentioned, was in breach of the manual for cemetery trusts. The manual is provided by the Department of Health, which oversees and supports cemetery trusts. The manual states that fees must cover actual costs.

More concerning was that the Chair did not recognise or declare the conflict of interest the arrangement created. The Chair said their 'financial business should be private and confidential'. None of the other Trust members knew of the subcontracting arrangement between the Gardener and the Chair. The manual for cemetery trusts includes commentary that members should not be employed or contracted to the Trust they are appointed to, due to the potential for perceived and real conflicts of interest.

How did it happen?

The Chair failed to follow the cemetery manual and the Trust's own *Procurement and Purchasing Policy*. The Chair gave reasons for not obtaining written quotes, including that they were one of only two people in the area appropriately qualified to dig graves. While this may be true, it should not have prevented the Trust from demonstrating transparency by following the procurement policy and obtaining quotes from the two possible suppliers.

Even if the Trust followed its policy, it would not necessarily have identified the subcontracting arrangement. The real reason the arrangement went unscrutinised was because the Chair did not recognise that they had a conflict of interest.

What happened next?

After our investigation, the Chair resigned from their position before the Department of Health could finalise the matter.

The Department ensured the relevant officers of its Cemetery Sector Governance Support Program completed procurement training focused on contract management. The Department also set up a panel of private companies to undertake investigations related to cemeteries.



What can we learn?

Implement effective policies and guidance

- What constitutes a conflict of interest is sometimes poorly understood. Organisations need to educate employees, volunteers and contractors about what a conflict of interest is and that having a conflict is not necessarily a problem – but hiding or failing to manage one is.



A Manager manipulated recruitment processes to employ a friend

What happened?

A Manager worked at a government organisation where a close friend was seeking employment. The two socialised outside of work and one attended the other's wedding.

In 2013, the friend unsuccessfully applied for a particular position at the Manager's office. In 2015, the friend obtained the same role at a different regional office of the organisation. They left this job in January 2018.

In March of 2018 the position at the Manager's office once again became vacant. The Manager was put in charge of recruitment for the role. They made decisions about the Position Description and advertising strategy, formed and chaired the interview panel, checked references and managed the on-boarding process.

In several ways, the Manager failed to follow the standard recruitment process. This advantaged the friend, who was hired for the role. While it is likely the friend would have been a strong candidate in a competitive process given their recent experience in the role at another office, the friend was appointed through an unfair process.

When the role first became vacant, the Manager tried to circumvent the usual process. The Manager discussed with their Director whether to advertise the role, or whether they could just appoint the friend. Given the friend had left the organisation only three months before, from a similar position, this was a reasonable enquiry. However, the Director confirmed the circumstances did not meet any of the exemption criteria in the Recruitment Policy and the position would need to be advertised.

The Manager advertised the position within the Victorian public service only, for the minimum allowable time – five days. Those five days included the Easter long weekend. Three people applied for the position. This approach differed from the Manager's approach to similar roles at the time, which yielded far more candidates.

The Manager conducted the interviews and referee checks. However, the Manager checked only one of the friend's references despite the relevant policy requiring at least two. The Manager also waived (without advice or consultation) the requirement for applicants to undergo psychometric testing. Again, this was inconsistent with the Manager's past behaviour. Two months earlier, the Manager had candidates for a different role undertake psychometric testing, despite it not being a requirement for that role.

At no point during the recruitment process did the Manager declare a conflict of interest. This was despite the fact that during the recruitment process – between receiving applications and conducting interviews – the Manager and the friend had dinner together with their partners.

The Manager stated the Director and others at the organisation were aware of the friendship, however no declaration was made and nothing was done to manage the conflict of interest.

How did it happen?

This situation occurred because the Manager did not follow the organisation's policies about recruitment and conflicts of interest. The Manager's actions limited the number of candidates for the role and the information available to decision makers about the friend's suitability for the position.

It may well be that the friend was the best person for the role, but without fair and transparent recruitment processes, there is no way to know this. Senior managers also need to be accountable and encourage staff to formally declare conflicts of interest when they are aware of one.

What happened next?

Given the time that had passed since the Manager hired the friend, the organisation decided not to start formal misconduct proceedings. Instead, the Manager was required to undertake a variety of training courses, including on integrity. The Manager was also required to present to various groups within the organisation on the importance of integrity in recruitment and on the VPS Code of Conduct.



What can we learn?

Implement effective policies and guidance

- Following recruitment processes precisely helps protect both parties from the perception of favouritism.
- If conflicts of interest in recruitment are not declared and appropriately managed, the recruiter can appear dishonest, and the candidate can appear undeserving.

Foster a culture of integrity

- The culture at the top of an organisation is important. The standard of integrity demonstrated by senior managers is the standard that the rest of the organisation will see as acceptable.

Using powers responsibly

As well as showing a failure to be honest and transparent, this case illustrates a public employee misusing their powers and misappropriating school funds for personal benefit.



An employee spent school funds on personal expenses

What happened?

A school employee used the school's Coles online account to buy groceries valued at \$1,225 for themselves and a sporting team while interstate for a competition. The team was not linked to the school.

Typically, this employee approved other staff requests for orders of this kind and entered details into the school's general ledger for the Principal to check. Once approved, the employee paid the invoices from school funds.

In the case of the \$1,225, the employee made the order but skipped some key details, such as an invoice number and a reason for purchase, when entering it into the ledger. The Principal approved the payment but later acknowledged they 'should have picked it up when I signed off at the end of the month, but obviously I've missed it'.

The employee stated the payment was a mistake, caused by logging into Coles online using the wrong email address. This does not explain why the employee entered the payment into the school's general ledger and presented it to the Principal for approval.

After being informed of our investigation, the employee repaid \$1,225 to the school.

However, on the same day, the employee also paid the school \$2,238 without alerting anyone. We uncovered this payment during our investigation, which led to the discovery of other invoices for personal expenses the employee had paid for with school funds.

It was clear these invoices were not processed accidentally. They were for sporting uniforms, and the employee had recorded them using the name of the School's program which provided financial assistance in purchasing uniforms for students in need.

We also found an email in which the employee asked the uniform supplier to provide 'something brief in writing to state that private invoices were put on the school statement and that this was an error as they should have been kept separate'.

While the employee repaid \$2,238, there was a separate \$500 deposit paid by the school we were unable to account for.

How did it happen?

The employee was able to pay personal invoices with school funds because no one else was effectively overseeing the processing of payments.

The Department of Education has a policy framework designed to provide financial accountability and minimise the risk of public funds being misused. This includes the segregation of duties, to prevent any one person handling a complete transaction. No individual should be responsible for creating and approving an order for goods, receiving the goods, authorising and submitting the invoice for payment approval, then making the payment.

In this case there was no segregation of duties and the only other person involved in the process, the Principal, missed the opportunity to identify the employee's misconduct.

What happened next?

The Department of Education carried out a misconduct inquiry into the employee and proposed ending their employment. When given an opportunity to respond, the employee abandoned their role. The Department of Education imposed an employment limitation preventing the employee from working with the Department in any capacity.

The Department also reminded the Principal of their responsibilities when authorising payments and provided support to the school to review its financial controls and practices.



What can we learn?

Implement effective policies and guidance

- Departments and other organisations that write policies that need to be adhered to by smaller organisations need to ensure those policies are fit for purpose. If an office is so small that segregation of duties in line with the policy is not possible, the policy needs to outline what should occur instead.

Have effective financial controls

- Where there is small team and segregation of duties is difficult, more checks and balances over financial matters are needed.
- People using corporate accounts or credit cards and those approving purchases need to understand their financial accountability. Organisations should ensure they are thoroughly trained in appropriate processes.

Reporting improper conduct

These two cases show a lack of transparency and misuse of public money – but also show environments where people were aware of these practices and failed to report them. Both cases, one about an organisation mispending money on gifts and alcohol and the other about an organisation obscuring its financial practices, demonstrate the important role organisational culture plays in preventing misconduct. While individual misconduct was not substantiated in either example, they both show systems and practices which left organisations vulnerable to misconduct.



An organisation misused public funds on gifts, alcohol, fines and funeral expenses

What happened?

An organisation used public money to pay for staff gifts, alcohol, fines and funeral-related expenses with no legitimate business reason to do so.

The organisation bought crystal bowls for ‘long service awards’ and an antique hat as a leaving gift for an Executive. On several occasions, flowers were bought for staff who were retiring or having a child, or when they were ill or there was a death in their family.

At the time, the VPSC *Gifts, Benefits and Hospitality Framework* said an organisation ‘may provide gifts to employees, for example as part of an organisational reward and recognition program’. However, the Framework also said ‘this should only occur in exceptional circumstances and any gifts should be token’. A ‘token offer’ was defined as worth less than \$50, but the crystal bowls cost \$493 and the antique hat cost \$155.

A Senior Finance Officer at the organisation defended the practice of buying gifts, saying ‘it’s in Joe Public’s best interest for ... public sector organisations like [the organisation] to have good relationships with their employees’. While there may be a benefit in providing gifts in a range of circumstances, these should generally be funded by staff contributions and not bought with public money.

The organisation also spent money on alcohol. The organisation’s policies about purchasing alcohol were, at various times, ambiguous and contradictory. We examined one instance where \$185 was spent on alcohol at an off-site meeting.

The Senior Officer involved in this incident appeared genuinely shocked when shown the itemised invoice, and suggested it was a mistake by the venue. The invoice submitted for approval covered food as well as drinks and was not itemised, so the alcohol purchase was hidden from the finance team who approved the payment.

The organisation also paid traffic fines which should have been paid by the staff driving work vehicles. Drivers were meant to log vehicle use. However, we saw incomplete logbooks and some were missing altogether. This poor recordkeeping made it impossible for the organisation to direct fines to the relevant drivers.

If an organisation fails to nominate a responsible driver, it is charged a ‘failure to nominate penalty’. One fine was for driving through a red light which would have cost the driver \$369. The organisation had to pay eight times more – \$2,976. A speeding fine would have cost the driver \$189, but cost the organisation 16 times more – \$3,033.

We also investigated funeral and memorial costs. The organisation spent more than \$30,000 on such expenses for staff who died in circumstances unrelated to their employment. It was impossible to determine the total amount spent as not all invoices were accurately recorded.

Staff at the organisation expressed varying views on this practice. One Director said it was part of the culture, that the employees’ union would ‘have a fit’ if they changed their practices, and that there was a ‘strong argument that it is a completely legitimate business expenditure’. In contrast, a senior member of the organisation’s financial staff said, ‘I don’t think the public sector should pay for funerals’.

How did it happen?

Several of these issues stemmed from a lack of clear policies outlining expectations of staff. The organisation's gifts and benefits policy was ambiguous in some ways, and there was no policy related to funeral expenses. Bad recordkeeping also contributed to expensive fines being paid and various credit card purchases being approved without enough scrutiny.

But the real reason so much public money was spent on inappropriate purchases was the culture at the organisation, which saw such behaviour as justifiable. When asked about the \$30,000 of public money spent on memorialising staff, the Senior Finance Officer said they considered this an insignificant sum.

What happened next?

In response to our recommendations, the organisation reviewed its policies and processes. The *Gifts, Benefits and Hospitality Policy* now specifies when gifts are appropriate and that gifts cannot be paid for by the organisation in other circumstances. It specifies how much can be spent on gifts and prohibits paying for funeral-related expenses.

The organisation updated its *Purchasing Card Procedures* to clarify when credit cards cannot be used and began monthly reconciliations of credit card purchases. These check that transactions are business related and approval processes have been followed. Any anomalies identified are followed up immediately and reported to the Chief Financial Officer. Credit card use throughout the year is also reviewed to detect any compliance issues and to identify where additional training or policy improvements are required.



What can we learn?

Implement effective policies and guidance

- Policies need to be clear and comprehensive and clearly communicated to those who have to follow them. Organisations need to consider whether their policies leave any gaps. It may be appropriate for procurement policies to specify what sorts of purchases are permitted and prohibited.
- Public sector organisations need to carefully consider whether gifts and benefits provided using public funds are in the public interest and whether the public might view them as excessive.

Foster a culture of integrity

- People in public organisations need clear and confidential avenues for reporting wrongdoing. This is especially important where there is an ingrained organisational culture of bending the rules.
- All organisations need to operate transparently so problematic workplace cultures do not develop, or can be identified and dismantled where they already exist.

Keep accurate records

- Invoices that are not itemised can be used to hide unauthorised purchases. Detailed invoices and other financial records are needed to comply with procurement policies.
- Vehicle logbooks need to be accurately completed in order to deter misuse and protect organisations from unnecessary costs.



An organisation failed to declare consultancy fees and used an 'off-book' bank account

What happened?

A government organisation failed to declare \$33,000 worth of consultancy fees in its annual report and used an 'off-book' bank account for certain payments, which had the effect of hiding these payments from scrutiny.

The consultancy specialised in strategic communications and political strategy and was hired to provide strategic communications advice regarding the negotiation of an enterprise bargaining agreement.

Organisations are required to include details of all consultancies valued at \$10,000 or more in their annual reports, including the total expenditure for these consultancies. The consultancy worked for the organisation over two financial years. In the first year, the consultancy provided services to the value of \$44,000, but nothing was declared. The following year, the organisation declared \$88,000 paid to the consultancy, which included one \$11,000 payment for a service performed in the first year. The total project fee of \$121,000 was reported in the second year.

The undeclared payments occurred amid a protracted dispute with the employees' union, which had raised concerns about the use of the consultancy. A Senior Executive confirmed the consultancy was engaged at the direction of a Minister.

While our investigation was ultimately unable to determine why the expenditure was not accurately reported, the process was not transparent. In addition to this reporting failure, the consultancy fees were not all paid in the normal way – \$88,000 was paid via cheques drawn from an 'off-book' bank account.

The organisation engaged a private company to conduct a 'red flag fraud analysis' of its financial systems. This company said, based on their experience, 'these accounts, typically called "slush funds", can be used for corrupt or illegal purposes as they are not properly accounted for ...'.

The organisation's use of the consultancy and the work it performed were not improper. However, the use of an 'off-book' account was highly questionable and at odds with the public service values of transparency, accountability and integrity. The 'off-book' account had been used since 1988 for items considered 'confidential'.

A Senior Finance Officer (who joined the organisation in the year after the consultancy finished) stated that when they found out about the account, they 'had it shut down within 48 hours'. They said 'I would certainly not have anything to do with the maintenance of ... an off-books account. I think it's ridiculous ... and I wouldn't stand for it'.

How did it happen?

Our investigation was unable to determine exactly how \$33,000 worth of the consultancy fees went undeclared. It was clear that paying these fees from an 'off-book' account was an unacceptable practice. It also meant accurate records of this expenditure were not created.

The 'off-book' account existed for such a long time due to the culture of the organisation. Multiple senior officers were aware of the account, yet the risk was not eliminated.

The Senior Governance Officer at the organisation stated if they had heard about the account when they first joined the organisation they ‘would have been shocked, appalled and gone to the police’. However, having worked within the culture for some time, when they learned of the account they were ‘entirely unsurprised’. They said ‘I suspect the reason it was being paid outside of the system was it was trying to be kept under wraps ... from the [union]’.

What happened next?

While the organisation was advised by the Department of Treasury and Finance and the Victorian Auditor-General’s Office that it did not need to correct the misreported consultancy in its next annual report, the organisation did take several steps as a result of our investigation to better control its payment and reporting practices.

We were advised that all of the organisation’s consultancy expenses are coded correctly and disclosed in annual reports. Annual audits have not found any non-compliance since our report.

The organisation has also strengthened its approach to financial risk management by creating an Audit, Risk and Compliance Committee to scrutinise procurements exempted from the usual process. This is intended to provide independent oversight of a process that carries significant financial and reputational risk for the organisation.



What can we learn?

Implement effective policies and guidance

- The use of an ‘off-book’ bank account, or any other arrangement apparently designed to hide payments, raises questions about how public money is being spent and makes organisations appear dishonest. Such arrangements also provide opportunities to misuse resources or to engage in other corrupt behaviour.

Keep accurate records

- Without complete and detailed financial records and documented decision-making, the public cannot be assured that its money is being spent well.

Foster a culture of integrity

- Organisations need to build a culture where people feel comfortable challenging the status quo and are willing to say something when they see questionable behaviour.

Conclusions

This report details just seven examples of misconduct we have investigated over recent years, but we receive hundreds of allegations of concerning conduct each year.

The report highlights practical ways organisations can reduce opportunities for misconduct to occur. The simplest of these is ensuring they have clear and up-to-date policies that accord with relevant legislation, particularly in the problem areas of recruitment and procurement.

The organisation that misused public money on gifts, alcohol, fines and funeral expenses lacked clear policies in some of these areas, meaning staff could not know what was and was not permitted.

In addition to having sound policies, organisations need to educate their staff about them. Of course, there will sometimes be people who fail to follow policies or try to circumvent them. The cemetery where the Chair subcontracted work to themselves had policies about requiring written contracts and about fees having to cover costs, but these were not followed.

The Manager who recruited a friend tried at first to fill the position without advertising it. When advised this wasn't permitted by the policy, the Manager 'complied' with the policy by advertising the position for the shortest time possible, over a long weekend.

This behaviour of 'complying' with a policy just enough for misconduct to go undetected was also seen in the case of the Executive who failed to disclose their history of misconduct. They were required to complete a *Declaration of Private Interests* form, so they completed it – but without fully answering the questions.

In this case, the Department also failed to follow policy. They should have required the Executive to provide a statutory declaration about their history before hiring them. This process is designed to address the 'recycling' of employees with histories of questionable conduct through public sector roles.

Even where VPSC screening processes are followed, there is still a risk of applicants dishonestly hiding their misconduct history without immediate consequences. The current guidance 'strongly recommends' that information provided in statutory declarations be verified for high-risk roles, but does not require it.

A process that requires all misconduct declarations for certain types of roles (such as Executive positions) to be verified, irrespective of whether an adverse declaration is made, could significantly reduce the opportunity for people to take advantage of the system.

Of course, having a sound policy is not enough. Compliance with policies needs to be actively monitored and where necessary, enforced. This can become increasingly difficult at senior levels within an organisation. The Department did not challenge the inadequate answers provided by the Executive who failed to disclose their misconduct history on the *Declaration of Private Interests* form.

Staff can be reluctant to challenge people in senior positions. All public organisations need to create a culture of integrity where staff feel comfortable questioning their superiors when they see them failing to comply with policy. Staff need to know they will be protected if they speak up and that issues will be appropriately investigated.

Where organisations are small, like a school, or made up of volunteers, like a Cemetery Trust, fostering integrity can sometimes be more difficult. Staff and volunteers at small public organisations are held to similar standards as employees of departments. However, they are unlikely to have had much training or practical experience to help them understand conflicts of interest. Often these organisations operate within smaller communities, where conflicts of interest are more likely to occur. Lead agencies, such as departments, need to take a leading role in educating people at the smaller organisations they oversee about integrity issues and the expectations of departmental policies.

In addition to policies, organisations need to have effective internal controls over public funds and resources. The employee who spent school funds on their sporting team was only able to misuse public resources because there were insufficient controls over the school's invoicing process.

Financial control systems need to be fit for purpose and reviewed as circumstances change. The case of the Manager who was paid for hours they did not work demonstrates this need to adopt more contemporary methods of oversight. The traditional approach to monitoring leave failed, as it relied on the Senior Manager having visibility of the Manager's work attendance. As remote and flexible working arrangements become more common, the risk of employees misusing leave entitlements increases. Policies need to keep pace with changes in how people work.

To reduce misconduct, it is also important to understand why people engage in this type of behaviour. For some, it appears opportunistic – a employee who processes invoices without sufficient oversight sees that it would be easy to have the school pay for their private expenses.

Other cases show misconduct arising from people's difficult personal circumstances. The Manager who was paid for hours they did not work was struggling with a complicated personal situation and cited this as the cause of their behaviour. This is not uncommon for the subjects of misconduct investigations.

Organisations need to be mindful of how they can support their employees when their personal difficulties impact them at work. The Senior Manager did try to help, suggesting the Manager access the Department's Employee Assistance Program. In this case, the intervention was not enough, but it does provide a positive example of management actively trying to support their staff.

It is also critical that the welfare of staff being investigated for misconduct is carefully considered by organisations. Welfare supports are especially important if the employee's struggles with a difficult personal situation contributed to their behaviour. Misconduct investigations are stressful not only for the people being investigated, but also for any of their colleagues who become involved. Organisations must plan for and follow through with appropriate welfare support during misconduct processes.

While some cases showed examples of positive management behaviour, unfortunately we also saw failures in accountability. At the organisation that used an 'off-book' account that hid payments from scrutiny, many management staff knew about the improper practice but the risk was not eliminated.

All public sector employees are expected to act with integrity, but this expectation is even higher for executives. When it comes to misconduct, the role of an organisation's leadership team is not only to ensure staff compliance with policies but also to model integrity.

The cases in this report are grouped under four of the characteristics of integrity identified in the VPS Code of Conduct. But the Code contains a fifth – striving to earn and sustain a high level of public trust. All of the cases in this report show people in public roles failing to do this. By its nature, misconduct undermines public trust in publicly funded organisations. There will always be the potential for people to do the wrong thing, but this report provides organisations with practical ways to reduce misconduct and maintain or rebuild public trust.

Appendix 1: Procedural fairness

This report contains adverse comments about:

- a Manager at a government Department
- an Executive at a government Department
- a Chair of a Cemetery Trust
- a Manager at a government organisation
- an employee at a school.

These adverse comments were first made in the original investigation reports upon which the case studies in this report are based. Each individual and organisation was provided with the opportunity to respond to the substance of those comments before the original reports were finalised.

In accordance with section 25A(3) of the *Ombudsman Act 1973*, any other persons who are or may be identifiable from the information in this report are not the subject of any adverse comment or opinion. They are identified in the report as the Ombudsman is satisfied that:

- it is necessary or desirable to do so in the public interest
- identifying those persons will not cause unreasonable damage to those persons' reputation, safety or wellbeing.

Victorian Ombudsman's Parliamentary Reports tabled since April 2014

2023

WorkSafe 3: Investigation into Victorian self-insurers' claims management and WorkSafe oversight.

June 2023

Complaint handling casebook: Resolving issues informally

May 2023

Councils and complaints: Glen Eira City Council's approach to contractor work

April 2023

Good Practice Guide: Complaint handling in a crisis

February 2023

2022

Ombudsman's recommendations - fourth report

September 2022

Investigation into a former youth worker's unauthorised access to private information about children

September 2022

Investigation of a matter referred from the Legislative Council on 9 February 2022 Part 1

July 2022

Joint investigation with IBAC
Operation Watts, a joint investigation into allegations of serious corrupt conduct involving Victorian public officers, including Members of Parliament

July 2022

Investigation into complaint handling in the Victorian social housing sector

July 2022

Report on investigations into the use of force at the Metropolitan Remand Centre and the Melbourne Assessment Prison

June 2022

Investigation into Environment Protection Authority decisions on West Gate Tunnel Project spoil disposal

May 2022

2021

Investigation into decision-making under the Victorian Border Crossing Permit Directions

December 2021

Investigation into allegations of collusion with property developers at Kingston City Council

October 2021

The Ombudsman for Human Rights: A Casebook

August 2021

Councils and complaints - A good practice guide 2nd edition

July 2021

Investigation into good practice when conducting prison disciplinary hearing

July 2021

Investigation into Melton City Council's engagement of IT company, MK Datanet Pty Ltd

June 2021

Investigation into how local councils respond to ratepayers in financial hardship

May 2021

Investigation into the Department of Jobs, Precincts and Regions' administration of the Business Support Fund

April 2021

Outsourcing of parking fine internal reviews - a follow-up report

March 2021

Investigation of protected disclosure complaints regarding the former Principal of a Victorian public school

February 2021

2020

Investigation into the detention and treatment of public housing residents arising from a COVID-19 'hard lockdown' in July 2020

December 2020

Investigation into complaints about assaults of five children living in Child Protection residential care units.

October 2020

Investigation into corporate credit card misuse at Warrnambool City Council

October 2020

Investigation into review of parking fines by the City of Melbourne.

September 2020

Investigation into the planning and delivery of the Western Highway duplication project

July 2020

Ombudsman's recommendations - third report

June 2020

Investigations into allegations of nepotism in government schools

May 2020

Investigation of alleged improper conduct by Executive Officers at Ballarat City Council

May 2020

Investigation into three councils' outsourcing of parking fine internal reviews

February 2020

2019

Investigation of matters referred from the Legislative Assembly on 8 August 2018

December 2019

WorkSafe 2: Follow-up investigation into the management of complex workers compensation claims

December 2019

Investigation into improper conduct by a Council employee at the Mildura Cemetery Trust

November 2019

Revisiting councils and complaints

October 2019

OPCAT in Victoria: A thematic investigation of practices related to solitary confinement of children and young people

September 2019

Investigation into Wellington Shire Council's handling of Ninety Mile Beach subdivisions

August 2019

Investigation into State Trustees

June 2019

Investigation of a complaint about Ambulance Victoria

May 2019

Fines Victoria complaints

April 2019

VicRoads complaints

February 2019

Victorian Ombudsman's Parliamentary Reports tabled since April 2014

2018

Investigation into the imprisonment of a woman found unfit to stand trial

October 2018

Investigation into allegations of improper conduct by officers at Goulburn Murray Water

October 2018

Investigation of three protected disclosure complaints regarding Bendigo South East College

September 2018

Investigation of allegations referred by Parliament's Legal and Social Issues Committee, arising from its inquiry into youth justice centres in Victoria

September 2018

Complaints to the Ombudsman: resolving them early

July 2018

Ombudsman's recommendations – second report

July 2018

Investigation into child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies

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Investigation into the administration of the Fairness Fund for taxi and hire car licence holders

June 2018

Investigation into Maribyrnong City Council's internal review practices for disability parking infringements

April 2018

Investigation into Wodonga City Council's overcharging of a waste management levy

April 2018

Investigation of a matter referred from the Legislative Council on 25 November 2015

March 2018

2017

Investigation into the financial support provided to kinship carers

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Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre

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Investigation into the management of maintenance claims against public housing tenants

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Investigation into the management and protection of disability group home residents by the Department of Health and Human Services and Autism Plus

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Enquiry into the provision of alcohol and drug rehabilitation services following contact with the criminal justice system

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Investigation into Victorian government school expulsions

August 2017

Report into allegations of conflict of interest of an officer at the Metropolitan Fire and Emergency Services Board

June 2017

Apologies

April 2017

Investigation into allegations of improper conduct by officers at the Mount Buller and Mount Stirling Resort Management Board

March 2017

Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville

February 2017

Investigation into the Registry of Births, Deaths and Marriages' handling of a complaint

January 2017

2016

Investigation into the transparency of local government decision making

December 2016

Ombudsman enquiries: Resolving complaints informally

October 2016

Investigation into the management of complex workers compensation claims and WorkSafe oversight

September 2016

Report on recommendations

June 2016

Investigation into Casey City Council's Special Charge Scheme for Market Lane

June 2016

Investigation into the misuse of council resources

June 2016

Investigation into public transport fare evasion enforcement

May 2016

2015

Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – incident reporting

December 2015

Investigation of a protected disclosure complaint regarding allegations of improper conduct by councillors associated with political donations

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Investigation into the rehabilitation and reintegration of prisoners in Victoria

September 2015

Conflict of interest by an Executive Officer in the Department of Education and Training

September 2015

Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight

June 2015

Investigation into allegations of improper conduct by officers of VicRoads

June 2015

Investigation into Department of Health oversight of Mentone Gardens, a Supported Residential Service

April 2015

Councils and complaints – A report on current practice and issues

February 2015

Investigation into an incident of alleged excessive force used by authorised officers

February 2015

2014

Investigation following concerns raised by Community Visitors about a mental health facility

October 2014

Investigation into allegations of improper conduct in the Office of Living Victoria

August 2014

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