

Independent External Review

Systems and processes for the prevention and management of bullying at New Zealand Police

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Context and overview

This review

Following recent media allegations of bullying, New Zealand Police commissioned me to undertake an independent external review of its systems and processes to address complaints of bullying. The review is expected to provide a picture of what is working well, and to identify areas where improvements may be needed. My full terms of reference are appended at the end of this report.

The review's key objective is to check whether New Zealand Police has appropriate systems and processes in place to prevent and respond to bullying.¹

The review is taking place in an organisation that has, over the last decade, undertaken a programme of transformational change, from an old operating model and culture focused on a prosecutorial and warrior mindset, to a new model centred on prevention and a people focussed culture. Modern policing is now a sophisticated blend of preventive analytics, compassion and caring for victims, families and communities. This aspirational focus on people makes it all the more important that Police has a healthy, safe and productive workplace, free from bullying or other forms of poor conduct. This bigger transformation story provides important context for this review and is touched upon throughout the report that follows.

Approach, limitations and acknowledgements

Given the pressing nature of the issues which provided the context for this review, I chose to adopt a methodology similar to that used in the State Services Commission's Performance Improvement Framework (PIF) reviews. That is, I utilised an interview and focus group based approach, over a three to four week period, to seek the views of a range of Police staff, the Police Executive and key stakeholders on the issues in scope for this review. I have also reviewed extensive documentation, including Police instructions, policies, procedures, executive reporting and training materials.

My intent in this report is to briefly recap the progress Police has made in creating a positive and safe workplace culture through the ten year transformation programme since the completion of the Commission of Inquiry into Police Conduct², outline my findings on the current situation and suggest opportunities for improvement over the next six, 12 and 18 months. Exercises such as these are most useful when they are forward looking and provide practical suggestions for improvement, and this has been my intention here.

The State Service Commission's model standards for positive and safe workplaces and Worksafe New Zealand's good practice guidelines on preventing and responding to bullying at work have provided an important backdrop to this review, as has my own experience of what I have seen working well in other public sector agencies.

As the current review was conducted over a three to four week period, it represents a point in time snapshot of Police culture and issues that relate to bullying or other inappropriate conduct. Although I have reviewed a small sample of complaints files in order to identify trends or patterns in Police's

¹ I have some prior experience with Police on the matters in scope for this review, as, while a Partner at PricewaterhouseCoopers, I worked for several years with the State Services Commission to undertake annual health checks on Police culture, as required by the recommendations of the Commission of Inquiry.

² See <https://www.Police.govt.nz/about-us/nz-Police/commission-inquiry>

handling of complaints, my focus has been on systems and processes, rather than on individual matters. The latter are outside my terms of reference and more properly within the scope of the ongoing review being undertaken by the Independent Police Conduct Authority (IPCA).

The recommendations included in this report are detailed, and at times prescriptive. I have taken this approach in order to avoid any doubt around my suggestions for ongoing improvements. The recommendations are based on both suggestions made to me in the course of my review and my practical experience of what works in other organisations.

Many of the matters touched on in my recommendations are currently under work. While this is a positive sign, I strongly encourage Police to use the opportunity provided by this report to step back and view their inflight interventions as a total system of prevention and response to bullying and poor conduct. In my experience, well intentioned lists of single point solutions are less effective than the explicit design of a systematic framework for cultural change.

I also believe that the implementation of whatever new systematic approach is ultimately agreed should be implemented nationally, including across all Districts and Service Centres. Those who engage in bullying behaviours tend to exploit any lack of joined up approaches and information sharing.

I would like to thank all those Police personnel who so willingly and candidly contributed to this review. Whatever their rank or workgroup, they all shared a strong commitment to continued improvements in Police culture. In particular, the Police Assurance Group and the People and Capability Group spared no efforts to provide me with the information and support I requested.

Definitions

In this review I apply the definitions of bullying and harassment used by Worksafe New Zealand in their useful [Guide to the Prevention of Bullying and Harassment at Work](#).³

Bullying at work is repeated and unreasonable behaviour directed towards a worker or group of workers that can lead to physical or psychological harm. Bullying behaviour is persistent. It involves actions that a reasonable person in the same circumstances would view as unreasonable.

Harassment is defined in the Harassment Act 1997 as a pattern of behaviour directed at someone which makes that person feel distressed or unsafe. Harassment includes watching someone's place of residence or employment, following someone, entering or interfering with that person's property, contacting someone or providing them with offensive material or threats.

New Zealand's health and safety legislation also places duties on employers to eliminate and minimise health and safety risks in the workplace, and this includes bullying.

While these definitions are useful, bullying and harassment do not always lend themselves to black and white definition and analysis. They have to be viewed from the perspective of the victim and tolerances vary from person to person. Definitions also change over time to reflect changing social norms. What matters is that organisations such as New Zealand Police adopt a systematic approach to creating and sustaining an ethical culture, including robust mechanisms to prevent and manage poor conduct should it occur.

³ <https://worksafe.govt.nz/topic-and-industry/bullying/good-practice-guidelines-preventing-and-responding-to-bullying-at-work/>

Background

What is the size of the problem?

The point in time and interview based approach adopted for this review does not allow me to fully assess the extent to which New Zealand Police currently has a bullying problem. To put it into some perspective however, the number of cases of bullying recorded by Police's People and Capability Group between 2016 and the present is shown in the table below. These numbers should be seen in the context of the size of the Police workforce, which comprises approximately 13,000 staff.

October to October	Number of reported cases
2016	29
2017	42
2018	30
2019	19

Insights are also available by looking at the number of referrals to Police's Employee Assistance Programme provider, where people have sought counselling or other support to deal with bullying. On a calendar year basis, there were 22 cases in 2017 where bullying was noted as the predominant reason for EAP referral, a further 36 cases in 2018 and 34 cases in 2019.

In Police's most recent engagement survey, conducted in 2017, which had a 64% response rate, 85% of respondents felt that people in their team behaved in accordance with Police values and 85% understood how to report bullying or harassment. Of those who reported being bullied, 82% felt that their complaint had been dealt with effectively. Scores were lower for women and ethnic minorities and scores for constabulary staff were lower than for other Police employees.

Exit interview data, which had a 53% response rate between November 2018 and now, shows that 40 of 155 leavers cited bullying, harassment or discrimination as a minor, moderate or strong factor in the decision to leave.

While any attempt at benchmarking is fraught with difficulty, given the different approaches adopted to reporting in different agencies, these results do not appear to be significantly worse than those reported for other public sector agencies, particularly when Police's large and diverse workforce of over 13,000 is considered.

However, one of the many difficulties with this subject is that it is simply very hard to know what a 'heathy' level of reporting would be. In some respects, high numbers of complaints are a good sign, while low levels of reporting can be a red flag for dysfunction.

What we do know though, is that given Police's coercive powers, the success of any Police service depends on public trust and confidence. Organisations need high levels of internal integrity if they are to earn the trust of those they serve. This means that Police should hold itself to the highest possible standards of conduct and strive for ongoing improvements.

In this review, I did not find evidence suggestive of systemic or widespread bullying or harassment amongst staff or between managers and staff. Indeed, I found the Police staff and employees to whom I spoke were much more focused on culture and values than is conventional in many other public sector organisations. However, all respondents also agreed that the organisation needed to continue to challenge itself to sustain a healthy culture, not only to retain public trust but because current growth projections will drive significant changes in the composition of the Police workforce over the next few years.

Executive Summary

Police transformation

Police's leadership has driven extensive change in the operations and culture of Police over the last few years with great skill and tenacity. Policing in New Zealand has been transformed, and the result is probably world leading. When compared to other public (and private) sector organisations, the sustained effort made to improve and shape positive culture has been exemplary.

However, it is also clear that bullying does from time to time occur and that the processes surrounding disclosures, complaints and investigations are sometimes inconsistent, protracted and unsatisfactory to both complainants and alleged perpetrators.

I also found evidence to suggest that the term 'bullying' is sometimes misused and/or misunderstood amongst some employees within Police, when the reality is that their supervisors are trying to have conventional coaching or performance feedback conversations. This appears to be rooted in both the unhelpful transference of a prosecutorial mindset to employment matters and a deep mistrust of core Human Resources (HR) processes, including promotions and appointments.

Change has also impacted on, and is an important context for understanding, the work of Police's People and Capability function. For example, in order to help credibly lead necessary integration of the PHPF with a predominantly sworn workforce, the decision was taken in 2018 to remove a previously dedicated Organisational and Employee Development function, and merge it into the High Performance Team, headed by a Superintendent. A largely operational focus was also imposed on the People and Capability Group from needing to manage a difficult payroll project over recent years. And Police's complex employment arrangements have also driven a long standing focus on employment relations which, prior to the transformation programme, was probably the dominant lens through which the workforce was viewed.

These issues suggest that Police still has work to do. The anticipated changes in workforce composition over the next few years means that ongoing attention must be paid to maintaining a healthy culture, as new staff reflect expectations and social norms which may be in tension with the management and leadership styles and approaches of some longer serving staff.

The improvements required represent the last steep climb in a long journey of cultural change and improvement. Police has already been through 95% of the transformation journey in terms of where it wants and needs to be, and the work remaining represents the last 5%. While these final strides may be the most challenging part of that journey yet, I believe that Police's track record of successful transformation suggests that, overall, the organisation is well placed for success.

What works to prevent and manage bullying?

My own experience, and the literature on ethical cultures, point to a number of critical success factors which must be present to prevent and manage bullying. These are not single point solutions but must be viewed as an interconnected system of prevention and management. They are:

1. Effective people leadership undertaken by leaders who consistently demonstrate high personal integrity
2. Explicit behavioural standards and a deliberative approach to maintaining cultural health
3. The embedding of positive cultural drivers into every aspect of the employee lifecycle
4. Safe and secure channels for disclosure and skilled support for victims, complainants and alleged perpetrators
5. Effective systems and processes for the handling and resolution of complaints.

I explore Police's performance against each of these critical success factors in the sections that follow. In this section, I very briefly summarise my findings on each. In broad terms, I find that each of these elements is currently under work to some degree, but there are also opportunities for acceleration, as part of a more coherent and consistent system of prevention and response.

Effective people leadership undertaken by leaders who consistently demonstrate high personal integrity

Respondents told me that while most Police leaders were both highly competent and highly ethical, a very small number of senior leaders were perceived to demonstrate leadership styles that were at odds with Police values. It was common for respondents to allude in this context to particular styles of these leaders, as well as to the two public inquiries conducted in 2018. Respondents suggested that pockets of perceived poor or inconsistent leadership undermined the good work in other areas.

Explicit behavioural standards and a deliberative approach to maintaining cultural health

Police's strategic clarity, highly inclusive and well-integrated work on the values and the introduction of the Police High Performance Framework (PHPF) are all representative of best practice approaches towards aligned and positive behaviours, in both public and private organisations. They are particularly impressive given the size and complexity of the organisation.

They are only as effective however, as the quality of the individual conversations between staff and supervisors about behaviours and conduct. There is evidence to suggest that the feedback and coaching skills of supervisors can be further developed.

It will also be vital to keep discussions on Police's values to the fore as internal social norms change with the upcoming demographic shifts in the Police workforce. It must be safe and accepted for staff to challenge each other on their behaviours and serious breaches must be acted upon consistently, especially when they occur in the senior ranks. Internal trust and confidence must be focussed on as strongly as external trust and confidence.

The embedding of positive cultural drivers into every aspect of the employee lifecycle

While Police's Prevention First change programme has been overwhelmingly successful overall, but in my view, strategic human resource management has lagged behind the improvements in operational policing. HR in Police still tends to be too operational and adversarial. Importantly, strategic workforce management approaches throughout the employee lifecycle are already underway, however, they are not yet fully embedded and systematised.

HR has been distracted by the demands of complex IT projects and dominated by a legacy culture of adversarialism and process at the expense of manager and staff enablement. Interactions and handoffs between the centre and districts, and between the functions of HR, ER and Professional Conduct remain disjointed. While the new 'Safer People' and Wellness initiatives are excellent steps in the right direction, overall, operational HR is draining resources from the more strategic People Capability investment Police will need for the next phase of its development. I am also concerned that in flight initiatives are insufficiently joined up as a coherent and comprehensive system of prevention and response.

Safe and secure channels for disclosure and skilled support for victims or complainants

When bullying does occur, staff require access to safe channels for disclosure and to improved pastoral care. The current Speak Up arrangement is not fit for purpose and needs replacement with a more independent and active channel that can also provide advice and support. Pastoral care functions, particularly in districts need to be better joined up, more consistent and should adopt a people-centric mindset to support both complainants and accused.

Effective systems and processes for the handling and resolution of complaints.

HR systems and processes for managing and investigating complaints are disjointed and inconsistent. Responsibilities and process handoffs are unclear in and across Districts, between Districts and Headquarters, between internal functional groups and between Executive sponsors.

At present, seemingly minor performance or conduct issues are also being escalated into protracted and formal disciplinary processes. These perpetuate harm rather than being solved early and at the lowest level. The disciplinary process, which is currently under review, requires complete redesign. Investigations should be conducted by specialists and outcomes moderated by employment law experts. Police's default setting should be a restorative practice approach, with formal investigations reserved for egregious or repeat cases.

Police already have the recipe and are well placed for success

In summary, while operational policing has moved, over the last few years, from a prosecutorial focus and offender centred mindset, to a prevention focussed, victim centred mindset characterised by high trust problem solving, this has not always been matched by an internal shift in the same direction.

Police need to bring their Prevention First operating model indoors and behave the same way inside their organisation that they do outside it. Given their success with the operational embedding of Prevention First, their commitment to ongoing improvements in culture and the positive relationships in place with the IPCA and Police unions, I have every confidence that this can be done.

Summary of recommendations

Leadership

1. Ensure that there is no tolerance for misaligned behaviours or inappropriate leadership styles at senior levels.
2. Further refine the Police leadership development framework and training to include intrapersonal and people management skills at each level.
3. Develop leadership success profiles for each developmental level of the framework.
4. Support formal, course-based leadership development with on job training elements to ensure continuous skills refreshment.
5. Develop a suite of differentiated leadership development interventions and align to the talent management system to ensure individual investments are targeted to specific needs.
6. Further embed the PHPF culture conversations by equipping all Sergeant, Senior Sergeant and Inspector level staff with practical training in coaching skills, to ensure consistent, high quality conversations.

In practical terms, I suggest that an investment in coaching training would be a useful quick win for Police. In the long run, the greatest benefit is likely to come from extending the leadership development framework and improving the frequency of properly-targeted leadership development experiences for all leaders, firmly grounded in a more rigorous and objective talent management system.

Explicit behavioural standards

7. Identify internal champions to lead quarterly behaviours and values discussions at District and Area level for the next 12-18 months to assist in normalising discussions about conduct and to provide a vehicle for voice.
8. Develop explicit criteria for what poor, good and great behaviour looks like for each of the PRIMED values and link to the relevant PHPF materials.
9. Undertake more frequent pulse surveys or real time feedback exercises on behavioural matters, including bullying, to take more frequent temperature checks and help focus deeper investigations.
10. Review the Professional Conduct function within Police, both centrally and in districts, in order to clarify its operating model and boundaries with other internal functions.

I suggest that these recommendations be undertaken in the order shown above, and that all could be effected within a 12 month timeframe.

Embed in the employee/staff lifecycle

11. Consider changing the operating model for Police People and Capability to allow greater focus on strategic workforce management.
12. Ensure that all recruitment processes at all levels include consideration of personal attributes and behaviours.
13. Introduce more systemic, consistent and transparent talent management processes including talent mapping and succession planning.
14. Revamp the internal appointments processes to reflect talent management changes, increase the use of objective data (such as upwards feedback) and to reduce bias (such as the use of blind shortlisting or external panels).
15. Improve strategic HR dashboard reporting at Executive, District and Area levels.
16. Consider approaches for reorienting the internal culture within HR to focus on enablement of managers and staff as customers.

17. Consider enhancement to District based HR advisory services to District Commanders and ensure joint working to promote consistency.

These recommendations comprise a significant body of work and a review of the operating model for People and Capability is a foundational element that, in my view, should be undertaken as soon as possible. I also suggest the new approaches to talent and appointments be started in the middle of the organisation, with the sergeant cohort, then implemented 'upwards' through more senior ranks.

Specialist systems for prevention, support and management

18. Replace the current Speak Up channel with an externally hosted helpline staffed by trained professionals who utilise a 'victim first' approach to provide initial advice on HR or wellbeing matters, undertake triage and assist staff to access additional care as required.
19. Discontinue the current Harassment Support Officer model or reposition and reinvest in it.
20. Develop consistent reporting at Executive and District level on key themes and patterns from users of these channels and the related support services, potentially within the wider Early Intervention (EI) framework.
21. Refresh and recommunicate internal policies on bullying, harassment and discrimination.
22. Clarify and recommunicate the formal processes for making a complaint under the Protected Disclosures Act 2000.
23. Provide additional mechanisms for staff at all levels to have a greater voice on innovation and improvements, including co-design with staff of new processes and systems relating to this review.

In my view, it is essential that the initial recommendation here (replace the current Speak Up channel with an externally-hosted helpline staffed by trained professionals) be delivered as soon as possible.

Effective systems and processes for the handling and resolution of complaints.

24. Establish a central or regionally 'hubbed' triage centre for receipt of complaints files, categorisation decisions and commissioning of investigations.
25. Adopt restorative justice principles as the default approach to complaints relating to interpersonal behaviour, with more formal approaches only used in serious cases or if restorative approaches have failed.
26. Create, on a consistent model, interdisciplinary teams at District level, including wellbeing, HR and other support providers, agree service standards, information sharing protocols and risk assessment approaches for high needs staff.
27. Encourage greater use of exit interviews, share pattern data and ensure follow up to respondents.
28. Establish a centralised case management centre for all internal complaints files (on the model of the case management system used for operational policing) and provide regular updates to complainants on the progress of their files.
29. Develop a specialist internal team of investigators, trained in employment law, to undertake formal investigations into disciplinary matters and ensure members work to consistent processes and timelines. Support these teams with consistent moderation and quality assurance mechanisms, perhaps provided by external advisors.
30. Agree the governance and accountability arrangements for actioning these recommendations, including a single Executive sponsor.

Once again, these suggestions will require significant implementation effort, which should be properly projectised to ensure systematic and carefully monitored execution.

Where Police has come from

This review of systems and processes to prevent and manage bullying goes to the fundamental elements of Police culture. As such it is worth briefly revisiting the major changes that have been undertaken to improve the cultural health of the organisation over the last decade. These provide important context for my findings and recommendations. They also give me confidence that Police is well placed to take the next steps in further improving cultural health and systems for the prevention and management of bullying.

Policing Excellence 2008-14

In 2008/09, Police was still reeling from the 2004-2007 Commission of Inquiry into Police Conduct, initiated after a group of senior officers had been imprisoned for rape and others implicated in a cover up, both of which had badly impacted public trust and confidence. Police was required to undergo a ten-year programme of external monitoring to ensure positive cultural change.

At the same time, Police was struggling to manage cost pressures and internal inefficiencies. In response, the Executive launched a transformation programme called Policing Excellence.

The transformation programme was centred on the idea of 'Prevention First' or shifting the emphasis away from being predominantly reactive, offender and prosecution focussed, to being proactive, preventive and victim focussed. The new approach placed prevention of harm and the needs of victims at the forefront of everything Police did.

This profound shift in what Police call 'mindset' was initially designed and implemented by the Police Executive through formal communications and training, supplemented by visible modelling of and reinforcement for the change across the 12 Police Districts.

Front line staff were encouraged to be more visible and engaged in their communities, with the Prevention First approach giving them both clear mandate and the practical tools to spend more time and effort on reducing victimisation and activities promoting crime and crash prevention.

Over time and building on learnings from the Policing Excellence pilots and initiatives, Police also introduced a new leadership framework and curriculum, with multiple levels of leadership development from 'individual contributor' at the most junior level to 'lead Police' at an Executive level, emphasising leadership as an essential element of every employee's role.

This was supported by a performance management framework which provided an aggregate view of performance data, tracking the progress towards prevention-focussed targets and benefit realisation from the various workstreams at District level.

A continuous improvement model, including opportunities for any staff to suggest innovation opportunities, was also developed. This enabled Police to capture, analyse and communicate the progress of the programme.

The results

During the first five years of the transformation programme, Police was able to free up more than 1.2 million hours of front-line Police time, which was reinvested in preventing crime and crashes. As well, public trust and confidence benefits flowed from having officers spend less time in a station or behind a desk, and more time being visible within their communities.

Over the five-year reporting period for Policing Excellence, from 2009 to 2014, Police increased prevention activities by 6%, reduced recorded crime by 20% and lowered non traffic prosecutions going through the courts by 41%. These results well outstripped the initial targets Police had set themselves.

Over the same period, public satisfaction with Police services increased from 79% in 2008 to 84% in 2014. The 2014 New Zealand Citizens' Satisfaction Survey reported public trust and confidence in Police at 78%, maintaining a multi-year upward trend.

Policing Excellence: the future

After 2014, the Policing Excellence programme was further refined, with the intent of 'stepping it up' and ensuring its future sustainability. Police leaders continued to emphasise the centrality of the Prevention First Operating Model as a way of thinking that applied to every aspect of Police's business but pushed harder to ensure the frameworks and approaches were deeply embedded.

To this end, Police introduced and launched a new Police High Performance Framework (PHPF), extended the work with Māori and other partners and further enhanced performance management and quality assurance frameworks.

All of this was encapsulated into a refreshed strategy-on-a-page, called **Our Business**, as shown below.



Values

Police continued to stress that everything they did was focused on the stated purpose to ensure New Zealanders would 'Be safe and Feel safe'.



To enable them to deliver on this core commitment they had long talked about being guided by the four core values that had been put in place at the time of the Commission of Inquiry related Code of Conduct.

The current Police Commissioner led a carefully managed process of co-design of two additional new values with all staff. The message was that the starting point for external trust and confidence was how Police operated inside their organisation. How they led, how they supported each other and lived their values, would directly affect their ability to improve as a Police service.

Through facilitated processes around the country, 'empathy' and 'diversity' emerged as two additional values that would be critical to further embedding the Prevention First Operating Model and the associated mindset change.

In this phase of change, work on mindset continued to be enriched and made increasingly holistic, to encompass improvements in responsibility to victims, repeat victimisation and offender management. At this time, this included increased focus on Victim Intervention Plans, consistent use of an agreed offender management approach and risk assessment, and commitment on demonstrating organisational values and the Code of Conduct in every interaction.

Another critical strength of the mindset concept was its link to one of the more perennially challenging aspects of all Police cultures: constabulary discretion. Unlike in other organisations, where the most junior staff tend to have the least discretion in problem solving until they have earned their stripes and seniority, police is the reverse. The core principle of discretion means that the front line - often those with the least experience - are the most empowered to make decisions and least subject to oversight. We know from the media coverage of police violence, especially in the United States, that this sometimes gets police officers into trouble.

In the pre transformation Police culture, there was a culture of high fear/low trust around this and one of the results was that officers tended to arrest or charge everything. Under the mindset culture of Prevention First, officers were trusted to be guided by the model and their policing values to be innovative in order to reduce harm. The intent now is to move to a low fear, high trust model. As a recent internal communication puts it:

"Taking every opportunity to prevent harm, Āraia te hē i ngā wā katoa means asking yourself, 'What can I do that will make a positive, lasting change to prevent crime, reduce harm and build trust and confidence?'"

A story Police leaders often tell illustrates the point:

A highway patrol officer stopped an unlicensed driver. Rather than robotically issuing a ticket, chalking up another enforcement statistic and moving to the next driver, the officer asked the distraught mother behind the wheel an obvious but profound question: 'why don't you have a license?'

It turned out, the woman had been disqualified eight years earlier, but had never reapplied because she was embarrassed about her difficulties with reading and writing. She was afraid to retake the test. The officer realised that issuing a ticket was never going to help the woman requalify for a license and that it would instead hurt her in the back pocket and penalise her kids by taking money that could otherwise put food on the table.

Instead, the officer set up a resit for and then personally acted as her reader for the test, to overcome the literacy problems which had held her back in the past. When she missed the reset by a single mark, the officer paid for her to retake it then and there, from his own money; and she passed.

In retelling this story, Police leaders will say that the long-term benefits from helping this one distraught woman at the roadside will include safer roads, and stronger relationships between Police and this woman's family and community. As the current Commissioner puts it, the story shows that:

"Our frontline staff are feeling trusted and enabled to use their discretion, and make appropriate professional judgments, on how to address the root causes of offending and victimisation."

Police High Performance Framework (PHPF)

The PHPF was developed to provide more explicit alignment between Police's 'Our Business' and the work of every staff member by focusing on areas such as workforce strategy, staff performance management, training and development and management/leadership practice.

The PHPF aimed to build a high-performance culture through five frameworks: strategy, culture, leadership, capability and performance. Each operated within an overall mantra of 'set, enable and expect.'⁴ The idea was to make it crystal clear to every Police employee or officer how their work contributed to Police's Our Business strategy.

The leadership element further developed the leadership framework. The culture element required a regular regime of 'culture conversations' between supervisors and staff. The performance element placed emphasis on cascading strategy into the work of each employee.

This framework essentially took an organisational development lens to the second phase of the Policing Excellence transformation in order that the new ways of working were embedded, and all leaders had the skills to lead within the new operating model. It was also intended to maximise alignment by ensuring every employee knew how their work contributed toward the Prevention First framework.

Design and early delivery of the PHPF took place during 2018/19, with 2,500 people in leadership roles trained in the five frameworks to support the performance and development of their people.

⁴ SET > ENABLE > EXPECT™ is a registered trademark of Steel Performance Solutions.

Continuing scrutiny in regard to Commission of Inquiry

Throughout the first two phases of the Policing Excellence programme, Police continued to be subject to annual scrutiny by both the Office of the Auditor General (OAG) and the State Services Commission, to monitor their progress against the changes required by the 2007 report on the Commission of Inquiry into Police Conduct.

The report had made 60 recommendations for change: 47 for Police, 12 for what would become the Independent Police Conduct Authority (IPCA), and one for Government. The report was clear that attitudes and behaviour within the Police, and not just systems and procedures, needed to change. The then Commissioner of Police fully accepted the Commission's findings and committed to implementing the Police-specific recommendations.

The ten-year programme of work, from 2007-17, was extensive and was woven into the Prevention First model. For example, Police gave much greater priority to Adult Sexual Assault (ASA) investigations, through better case management and improved training, and an improved focus on ASA victims.

This was supplemented by increased focus on diversity and inclusion. Police developed initiatives to specifically support women to develop and progress within the organisation. Recruitment and attraction strategies were focussed on ambitious targets to recruit more women and ethnic minorities into the constabulary workforce.

This was further reinforced through ethics training, the refreshed Code of Conduct, 'Our Code, Our Values', and the 'Speak Up' programme, which introduced at this time to encourage staff to report any observed conduct (including bullying, harassment and discrimination), and to feel safe and protected in doing so.

Police also put in place a system for early identification and supportive informal intervention on behaviour that could escalate; tools to manage complaints; and a performance management and disciplinary system in keeping with modern employment law.

The OAG supported this work, saying in 2015:

"In an organisation of about 12,000 people, it is inevitable that people will sometimes fail to meet expected standards of behaviour. This can happen no matter how many processes, policies, or good practices are in place. What is important is that the Police reduce the likelihood of failures, know when they happen, and take appropriate action. What we heard, observed, and read suggests that, in general, the Police seek to do this".

Since 2007, annual workplace staff survey results had provided a barometer of staff engagement as well as a pulse-check of progress against areas of direct relevance to the COI, such as the number of staff who consider people in their team respect employee diversity.

In 2017, the OAG observed:

"... the Police have made progress towards describing and building a new workplace culture that reflects the spirit and intent of the Commission of Inquiry into Police Conduct's recommendations. The workplace culture is important to providing the excellent standard of service to the community that the Police aspire to. The Police acknowledge that there is more work to do to ensure that these positive changes endure."

The Safest Country

Since 2017, Police has been focused on a phase three transformation programme as it prepares to implement an additional 2,245 staff, 1800 of which are new constabulary officers, resources, promised by the current Government in its Budget 2018 investment package.

From this period, with the continued focus on the Prevention First Operating Model, focus on core values and with leadership supported through the PHPF, Police have reset the next chapter of the transformation journey as 'Safest Country Policing 2021'.

Through this period, the PHPF has continued to underpin the change programme and is currently being integrated into relevant policies, procedures and systems and supplemented with additional resources. Police's ultimate intent is a seamless package of training, development, leadership and performance management tools in service of improved strategic alignment; cascaded from the 'Our Business' strategy, to the daily work of every person within the New Zealand Police.

Current Position: Key findings and opportunities

My own experience, and the literature on ethical cultures, points to a number of critical success factors which must be present to create and sustain cultural health and to minimise and effectively manage bullying should it occur. These are not single point solutions but must be managed as an interconnected system of preventive measures. They are, in summary:

1. Effective people leadership undertaken by leaders who consistently demonstrate high personal integrity
2. Explicit behavioural standards and a deliberative approach to maintaining cultural health
3. The embedding of positive cultural drivers into every aspect of the employee lifecycle
4. Safe and secure channels for disclosure and skilled support to victims, complainants and alleged perpetrators
5. Effective systems and processes for the handling and resolution of complaints.

In this section, I outline my findings with regard to each of these factors in more detail. In summary, I find that each of these elements is under work to some degree, but also that there are opportunities for each to be progressed further and for inflight work to be more systematic and strategic.

Effective people leadership and leaders who consistently demonstrate high integrity.

Ethical cultures begin with the personal integrity, judgement and competence of an organisation's people – most importantly, the CEO and senior leadership team. In the case of sworn Police staff, Sergeants, Senior Sergeants and Inspectors are also crucial role models and people managers, who must demonstrate and require the highest standards of behaviour.

A Chief Executive, in this case the Commissioner of Police, must have an ethical leadership ethos and should be seen to be leading from the front on matters relating to good conduct, including actively addressing breaches when they occur. The respondents to whom I spoke in the course of this review consistently said they felt that this was currently the case. New recruits pointed to the considerable time invested by the Commissioner and other senior Executive members talking about such matters to each new recruit wing. Longer serving staff pointed to what they often called 'relentless' efforts by the current Commissioner over the last decade to drive organisational values and cascade the values via the PHPF.

However, respondents also told me that while most Police leaders were both highly competent and highly ethical, a very small number of senior leaders were perceived to demonstrate leadership styles that were at odds with Police values. It was common for respondents to allude in this context to particular styles of these leaders, as well as to the two public inquiries conducted in 2018. Respondents suggested that pockets of perceived poor or inconsistent leadership undermined the good work in other areas.

It appears that a few leaders at all levels still approach developmental conversations with staff with old school leadership styles which are command and control in nature. "You'll do it the way I tell you to do it", might possibly be appropriate in an operational incident response context, but such tone and style is not appropriate for day to day people management. Managers in the modern organisation exist to enable and support those who report to them. We all know from our own experiences with teachers, parents and bosses that the best leaders guide and coach in a positive spirit rather than direct and demand with a focus on the negative.

Another critical preventive measure is a multi-level leadership development programme centred not merely on developing the operational skills of leaders but also on developing their intrapersonal awareness and skills in people management, including performance management and coaching.

Police's leadership development curriculum is much more fully articulated than is the case in many other public sector agencies. However, my review of the relevant materials and my discussions with staff suggests that more can be done with regard to people management skills. The current focus remains primarily on skills in operational leadership. It is also episodic and linked to promotional ranks, with the result that there can be long gaps between training events for some staff.

Related to this, those undertaking the current work on competencies for each rank and employee level might consider developing more holistic 'success profiles' for each position which encompass behaviors and attributes in addition to technical and managerial competencies. These can then be assessed through talent mapping and promotions processes, using tools such as upwards feedback and self-assessment.

If bullying is to be prevented, and the response managed appropriately should it occur, all leaders, at every level in the organisation need excellent skills in providing feedback on behaviour and performance. They need to know how to speak naturally with their people about ethical conduct without the conversation becoming a more formal dispute on performance or discipline.

The PHPF collateral that is intended to support monthly 'culture conversations' between Managers and staff is an excellent toolkit. However it is only as good as the practical conversations each leader has with his or her direct reports. I found that not all Sergeants or other managers were fully confident in delivering performance feedback and most felt that they could benefit from additional support in effective coaching techniques.

Some struggled with feeling inauthentic to their own style if they stuck to the indicative script provided through the PHPF, but they also felt out of their depth if they abandoned it. While the PHPF stresses a monthly frequency, leaders should not be so literal about this that they avoid the teachable moment on the job. Behavioural lapses are best spotted and nipped in the bud early.

Sergeants in particular, need to understand the *intent* of the PHPF (rather than obsess about the letter) and to feel confident and well supported to have meaningful conversations on matters of values and behaviours. Some told me that they felt that as a cohort they were doing a pretty good job around the PHPF and culture conversations but that some of their own superiors were doing less of a good job of supporting and enabling them.

Middle managers also told me of push back from some staff during performance or development conversations which alleged bullying by the supervisor. Some of these accusations might be well founded, but I gained a sense that a number were also an overreaction to legitimate feedback.

A very consistent finding here was the tendency of some Managers and staff to take a prosecutorial lens to a developmental or minor performance matter. This means that often, what begins as a low-level matter or simple mistake swiftly escalates to a major disciplinary process with hardened adversarial positions being taken.

There is an irony to all this in that under Prevention First, Police are very good at taking this respectful, victim centric approach on the street. They're well used to going in at a low level to defuse conflict and seeking to problem solve as quickly and creatively as possible, in order to reduce further harm and unnecessary load on the justice system. All staff and managers should be encouraged to utilise the same approach within their own teams.

It would be preferable to see more frequent leadership development, both course based and on the job, which better balances operational leadership skills with intrapersonal self and people management skills, including coaching and feedback skills. Police are well aware of this opportunity to deepen and extend their existing leadership framework and, at the time of writing this report, Police is considering specific proposals in this regard. Initially, a one-off investment in developing the coaching skills of the Sergeant and inspector cohorts might also be required to accelerate development.

It will also be important that any leadership development is able to be tailored. Technical experts may require different development to people leaders and newer Sergeants might require different approaches to long serving ones. Best practice suggests that leadership development should allow for considerable tailoring to individual needs, ideally underpinned by formal talent mapping and management approaches. The latter are partially implemented, but not consistently around the Districts and not with sufficient transparency to staff.

With regard to leadership, then, I recommend that Police consider the following opportunities for the future:

1. Ensure that there is no tolerance for misaligned behaviours or inappropriate leadership styles at senior levels.
2. Further refine the Police leadership development framework and training to include intrapersonal and people management skills at each level.
3. Develop leadership success profiles for each developmental level of the framework.
4. Support formal, course-based leadership development with on job training elements to ensure continuous skills refreshment.
5. Develop a suite of differentiated leadership development interventions and align to the talent management system to ensure individual investments are targeted to specific needs.
6. Further embed the PHPF culture conversations by equipping all Sergeant, Senior Sergeant and Inspector level staff with practical training in coaching skills, to ensure consistent, high quality conversations.

In practical terms, I suggest that an investment in coaching training would be a useful quick win for Police. In the long run, the greatest benefit is likely to come from extending the leadership development framework and improving the frequency of properly-targeted leadership development experiences for all leaders, firmly grounded in a more rigorous and objective talent management system.

Explicit behavioural standards and a deliberative approach to maintaining cultural health

In my experience, clear and meaningful articulation of organisational values and behaviours is a critical element in the system of prevention of bullying and important bedrock for any discussion of unacceptable behaviours.

As noted above, over the last few years Police has done an excellent job of bringing their organisational values to life by adding the new values of diversity and empathy and linking the set of values to every aspect of policing. They are much more dynamic than the old Code of Conduct alone, and they were front of mind for everyone with whom I spoke. They are firmly embedded in all training, core processes and performance documentation. Compared to some organisations in which values can be 'just the posters on the walls', I find Police's work in articulating values, cascading them and bringing them to life to be impressive.

However, values and behaviours need constant reinforcement in order to keep them fresh, particularly from front line supervisors. Discussions on values and conduct are also most powerful when they come from the middle to the front line. Driving values discussion from the top can create an overly corporate feel.

Keeping values dynamic and lively near the front line will become even more important as Police workforce demographics change to include unprecedented numbers of new recruits. The social norms these recruits will reflect are likely to clash with the views and attitudes of those who have been in Police for many years.

At present, the main vehicle for values discussions are the culture discussions required under the performance management framework of the PHPF, which are, as noted above, presently of variable quality. I think there is an opportunity for Police to utilise a wider range of approaches outside the performance conversation to stimulate regular, structured discussion about values and behaviours, given that this is fundamental to an ethical and safe workplace and to both internal and external trust and confidence.

I suggest Police develop a consistent model for a series of District based values workshops to be held over the next six, 12 and 18 months. The New Zealand Defence Force's Operation Respect approach might serve as a practical guide. These sessions should be led by Police staff at middle management levels (such as Senior Sergeants) who have high personal integrity and are operational role models. By normalising discussion and actively surfacing differences of view or intergenerational conflicts, Police can defuse tensions and ensure that it becomes easier to challenge low level poor conduct in a natural way.

Police culture in New Zealand, as elsewhere, comprises dark humour and a strong thread of cynicism, for understandable reasons. These need to continue to be balanced by the positive elements of the existing culture: commitment to service, understanding of diversity, empathy and compassion. Regular surfacing of tensions in a safe environment helps with maintaining a healthy balance between letting off steam and going too far. Bullying or other forms of poor conduct are reduced in cultures where values and behaviours are the centre of attention and routinely talked about around the watercooler.

As a part of this work, I suggest Police needs to be more explicit about what poor, good and excellent behaviours would actually look like in the context of the values. The current competency framework, while sound, is not sufficiently specific in this regard. Defining things in more tangible terms will be helpful in giving feedback to those whose behaviour requires adjustment. Police are sometimes a literal minded group and tend to want 'hard evidence' for a point of view.

Police can also do more to give all members of their increasingly diverse workforce more accessible and frequent voice with regards to raising bullying or other breaches of values. In the past, Police tended to undertake large scale engagement surveys which bury questions on bullying, harassment and discrimination within a complex survey. It seemed to be left to the unions to undertake more targeted surveying. The High Performance Group is now running more frequent, targeted, pulse surveys.

Modern best practice indicates that smaller, more frequent and better targeted surveys on matters of conduct are most useful. Many organisations now use apps for confidential, real time feedback so that they can quickly take workplace temperature and see patterns and trends across workgroups.

Some managers appear nervous about the discoverability of such data and the risk of adverse media coverage. They should welcome better data because it will tell them where they may have to delve deeper to address a problematic workgroup or cohort. They should also be prepared, once more refined survey instruments are in place, for reporting to increase, at least initially. If so, this will be a healthy sign that the new instruments are trusted.

Finally, I remain unclear about the role of the Professional Conduct group within Police to act as champions on behaviours with sworn staff. Although there appears to have been some tinkering with the function over recent years, it appears mostly to be a very busy processing function for complaints and investigations and the key portal to the IPCA. In my view it needs to consider a more strategic and preventive operating model. It should be less about a process conveyer belt and more about being guardians of ethical conduct and taking a lead role in the system of prevention and management of bullying and other poor conduct. Those deployed to the function, whether in Districts or at Headquarters, should be high integrity role models who might fill the role as a stepping stone to higher rank.

In this regard I also wonder whether this function needs to be further elevated and more focussed on strategic rather than process issues. For example the National Manager Professional Conduct is one of the lowest banded Superintendent roles in the organisation and that in and of itself can and does send a message to staff. Addressing behaviours at the lowest levels through improved coaching and more extensive use of restorative approaches would free Professional Conduct to concentrate on more major matters and a more preventive strategy. However it is organised in future, this group appears to me to need more strategic heft.

In summary, Police's work on values and behaviours is strong, but given the need for constant refreshment and the pressures attendant on Police's increasingly diverse and growing workforce, there is more that they can do to keep values alive, behavioural standards clear, normalise discourse on conduct and ensure that they are proactive in seeking out problem areas.

Accordingly, I recommend that Police consider the following recommendations:

1. Identify internal champions to lead quarterly behaviours and values discussions at District and Area level for the next six to 12 months to assist in normalising discussions about conduct and to provide a vehicle for voice.
2. Develop explicit criteria for what poor, good and great behaviour looks like for each of the PRIMED values and link to the relevant PHPF materials.
3. Undertake more frequent pulse surveys or real time feedback exercises on behavioural matters, including bullying, to take more frequent temperature checks and help focus deeper investigations
4. Review the Professional Conduct function nationally, including how it operates within Service Centres and Districts, in order to clarify its operating model and boundaries with other internal functions.

I suggest that these recommendations be undertaken in the order shown above, and that all could be effected within a 12 month timeframe.

[The embedding of positive cultural drivers into every aspect of the employee lifecycle](#)

As a result of the distractions of a difficult payroll project over the last few years, Police's People and Capability function has been forced to take a largely operational focus. Police's complex employment arrangements have also driven a long standing focus on employment relations, which

prior to the transformation programme, was probably the dominant lens through which the workforce was viewed.

This history and these distractions have meant that, while the People and Capability team is presently driving some very impressive initiatives, HR has lagged behind the rest of the transformation of New Zealand Police. Indeed, arguably the biggest organisational development programme in Police, the PHPF, has largely been developed outside the People function and is only now being retrospectively integrated.

If bullying in Police is to be effectively prevented and managed, protective elements must be embedded in every aspect of the staff/employee lifecycle, from recruitment through to exit and transition. This is a critical area for work for Police over the next few years and may require some reorientation of the People Capability function.

In the first phases of the employee lifecycle, the Police recruitment team appears to be doing an excellent job of attracting candidates with the right attitudes and behaviours through recruitment campaigns that showcase the organisation's values and culture. Pre-service training and initial recruit training (?) are also firmly founded on values, behaviours and ethical conduct. The constabulary recruits and new employees to whom I spoke were impressed by the constant focus on a healthy, safe and happy workplace.

However, on-boarding or induction into constables' first work sections and employee teams is variable and appears very dependent on gaining a mentor or first Sergeant with a strong focus on values and people management. Some constables and employees reported feeling unsure how to act when they experienced interpersonal issues in their section and did not feel that their supervisor or Field Training Officer (FTO) had the people management skills to deal with them.

As noted above, the PHPF drives performance management via real time, frequent feedback on values through the culture conversations. However, not all supervisors feel 100% confident that they have the necessary coaching and feedback skills to deal with poor behaviours effectively or the ability to 'nip them in the bud' before they became formal performance or disciplinary issues.

Constabulary supervisors with whom I spoke struggled with the differences between an informal 'corrective chat', a performance matter and a disciplinary matter. They were sometimes nervous that when they tried to provide informal guidance or performance improvement, the staff member quickly escalated the matter into a more formal process which felt litigious in tone. Perhaps because of this nervousness, most of my respondents felt that, in spite of the focus on the culture discussions, there were pockets of well-known but unaddressed non performers throughout the workforce.

I think the biggest opportunity here is for Police to develop much more rigorous talent mapping and management processes, perhaps starting with Inspectors and then proceeding to Sergeants. I am sure that Police staff will dislike the term 'talent' and it can be replaced with a more suitable title. The point is that all staff must self-review and be systematically mapped by managers to explicit and detailed criteria on current performance and future potential. The process and standards must be consistent across Districts (which does not appear to be the case at present). It also must be rigorous in that it is based on objective information and moderated (perhaps by an external facilitator) for consistency and freedom from bias. There should, in my view, be consistent use of 360 degrees or upwards feedback to managers as an input into talent management.

The current District Talent Boards are an attempt to embed this type of talent management arrangement, but they appear to be both variable in approach and lacking in transparency.

A more rigorous approach to talent management (again, this is presently under work) would mean that all staff know how they are viewed by the organisation and can better anticipate progression pathways and development and succession opportunities. Good process and transparency here would defuse much of the current angst about perceptions of unfair promotions and appointment processes. The latter is presently driving an unhealthy competition and a widely held and cynical view that speaking out on bad behaviour will 'mark your card' and that this will not help at promotion time.

Mobility and exit placements should also be a part of talent management. Mobility assignments can help tap employees' core values, and strategic exit placement would ensure that Police place their best people in civilian organisations, while also ensuring a stronger alumni network.

As a part of this work on the employee lifecycle, Police should consider more sophisticated non-monetary systems for employee reward and recognition. Police can be wary of praise and tend towards modest personal styles, so this needs careful consideration, but pro-social programmes that nudge employee behaviours should be explored. Paid volunteer days for example, or recognition of time spent in individual preventive activities, might help reinforce the altruistic motives which caused people to join the Police and underscore positive behaviours.

Strategic people management information that relates to a healthy culture should also be reported on to the Executive and at a District level, more extensively than is the case at present. The 'Safer People' health and safety reporting is now excellent but needs to be supplemented by more strategic HR data. Complaints and pulse data should be included in strategic HR dashboard reporting at multiple levels, as should talent related metrics such as turnover and regrettable talent losses.

In making these comments, I do not wish to imply that these areas are not under work. The People and Capability Team is working very hard on many of these matters, including talent and the elimination of bias in personnel decision making. The Safer People model is an excellent one. The current work on the integration of the PHPF is also very promising. However, I am not sure that the inflight initiatives are yet conceived, executed and governed as a coherent *system* of intervention and improvement.

Respondents suggested to me that the People and Capability function required some internal cultural resetting to ensure that all HR staff see their primary purpose as enabling and supporting staff and managers. Many managers also said they received inconsistent HR advice on staff management, performance and disciplinary matters. Senior leaders commented on the high churn in People Capability which made the establishment of trusted advisor relationships frustrating. Most concerningly, some staff told me that they saw HR staff as 'there for the bosses', rather than there for them.

Some of the internal noise about HR appears to derive from a mismatch in understanding of the HR operating model. Most managers I spoke with believed that, while people management was a critical part of their role, they also needed high level technical advice from the People and Capability Group in real time. The People Capability model appears premised on helping managers to be better people leaders without over reliance on advice. This mismatch is creating frustration for all parties and is exacerbated by District inconsistencies.

As part of this reset, it might be necessary to consider a changed operating model for People and Capability that better separates the operational services (which could be further digitised and automated) from the more strategic workforce management function that will be so critical to Police over the next few years as workforce demographics change in fundamental ways. For example, Police might consider changing the reporting lines of strategic HR to report to the Police strategy function. Whatever the future arrangements, the service delivery model for HR must be more clearly communicated and more consistent around the country.

I recommend the following recommendations be considered:

1. Consider changing the operating model for Police People and Capability to allow greater focus on strategic workforce management.
2. Ensure that all recruitment processes at all levels include consideration of personal attributes and behaviours.
3. Introduce more systemic, consistent and transparent talent management processes including talent mapping and succession planning.
4. Revamp the internal appointments processes to reflect talent management changes, increase the use of objective data (such as upwards feedback) and to reduce bias (such as the use of blind shortlisting or external panels).
5. Improve strategic HR dashboard reporting at Executive, District and Area levels.
6. Consider approaches for reorienting the internal culture within HR to focus on enablement of managers and staff as customers.
7. Consider enhancement to District based HR advisory services to District Commanders and ensure joint working to promote consistency.

These recommendations comprise a significant body of work and a review of the operating model for People and Capability is a foundational element that, in my view, should be undertaken as soon as possible. I also suggest the new approaches to talent and appointments be started in the middle of the organisation, with the sergeant cohort, then implemented 'upwards' through more senior ranks.

Safe and secure channels for disclosure and support by victims

It is absolutely essential to the prevention and management of bullying that staff have access to safe and secure channels for disclosure. These need to balance the needs of victims or targets with the obligations of the organisation to act in response to known hazards and risks.

Police's Speak Up phone line (currently under internal review) is intended as the primary channel for receipt of bullying concerns and complaints. It currently suffers from several problems. Its purpose and the processes surrounding it have been inconsistently communicated. The calls go to Crimestoppers, which then supplies Police managers in the relevant District with anonymous but verbatim records of calls. There are a number of issues here:

- many staff, perhaps on the basis of unclear communications, expect to contact a more active helpline that can provide them with advice and even counselling should they report an incident of bullying or harassment
- staff generally call the line because they feel unable to go directly to their line manager or another local supervisor. In this regard it is difficult when the information goes from Crimestoppers directly to people in the relevant chain of command. This may have a negative effect on others wanting to raise issues or make complaints

- the channel in its present form does not filter or triage complaints. This is done by People and Capability staff, who try to align complaints with other data sources such as the Early Intervention (EI) system that applies to sworn staff
- on the part of those staff calling with substantive complaints, there is often an expectation that a full investigation will be undertaken. If the caller remains anonymous and provides fragmented information, there is sometimes little that can be done formally, given the need to balance natural justice obligations to the accused
- callers can receive no care or support if they wish to preserve their anonymity, though call data suggest some are deeply distressed
- some calls to Speak Up appear to be on matters unrelated to conduct and some also appear to be vexatious
- internally, Speak Up is sometimes treated with derision.

For all of these reasons I believe that the current Speak Up function should be discontinued and replaced with a new channel for safe and secure disclosures from complainants. I suggest that this should be an independent, externally hosted helpline, staffed by trained professionals who can provide at least basic advice and counselling and can escalate calls that require more expert help.

I think that the primary focus for such a channel should be to provide care to the complainant or target and prioritise their safety and sense of agency. Once support is in place, complainants can assess their options to proceed on a non-confidential basis or whatever may be appropriate to the case. Advice and support on the options might be best coming from independent and external providers.

This helpline could also provide pattern and trend data, which, while preserving the confidentiality of complainants, would also allow management to identify broad accusation types and locations. When analysed alongside other intelligence, particularly that in the EI system, this information should at least provide managers with a sense of where they may need to probe further.

When discussing channels, staff told me that they did not really understand the Harassment Support Officer model in place in the Districts. They understand that while this was launched as an initiative some time ago, officers do not meet or train regularly. Staff were also unsure whether these staff had the requisite skills to deal with a bullying issue and unclear as to the confidentiality protocols under which they operated. Harassment Officers themselves told me that they had received little or no training since the launch of the programme and lacked clarity about what would constitute success in the role. Police will need to decide whether to continue this function, and if so, they will need to reinvest in it.

Staff were similarly confused about how to make a formal complaint under the Protected Disclosures Act 2000 and did not find the relevant policy helpful. Several told me it was hard to imagine a circumstance in which they would make a whistleblowing complaint unless it was a serious allegation of internal corruption.

Other respondents expressed confusion about the current Harassment and Discrimination Policy and felt that its process guidance was unclear. While the policies I reviewed appear to be of a reasonable standard compared to others in the public sector, Police might find it helpful to write a policy specific to bullying and harassment, with a separate policy on discrimination.

Several staff told me that they had trust in the fact that serious breaches of conduct such as bullying were well addressed but that they lacked voice and agency to suggest practical, low level changes that would make the workplace healthier, happier and more productive. Some spoke of training

days with what they perceived as token efforts to engage staff in discussion. Others described managers who were more focused on telling them what to do than asking them open questions and undertaking joint problem solving. Some constabulary staff contrasted their wide discretion to problem solve 'on the street' with low discretion to design solutions for workplace issues in house. This also seemed to be inconsistent across Districts.

Given the coming demographic changes in the Police workforce, it seems likely that demands for improved voice and co-design will only increase. They are an important opportunity for organisational learning and improvement.

I suggest Police consider the following recommendations in this area:

1. Replace the current Speak Up channel with an externally hosted helpline staffed by trained professionals who utilise a 'victim first' approach to provide initial advice on HR or wellbeing matters, undertake triage and assist staff to access additional care as required.
2. Discontinue the current Harassment Support Officer model or reposition and reinvest in it.
3. Develop consistent reporting at Executive and District level on key themes and patterns from users of these channels and the related support services, potentially within the wider EI framework.
4. Refresh and recommunicate internal policies on bullying, harassment and discrimination.
5. Clarify and recommunicate the formal processes for making a complaint under the Protected Disclosures Act 2000.
6. Provide additional mechanisms for staff at all levels to have greater voice on innovation and improvements, including co design with staff of new process and systems relating to this review.

In my view, it is essential that the initial recommendation here (replace the current Speak Up channel with an externally-hosted helpline staffed by trained professionals) be delivered as soon as possible.

Effective systems and processes for the handling and resolution of complaints.

One of the most problematic findings of this review relates to the current processes for the investigation and management of complaints of bullying once disclosed. Police has realised this and is currently undertaking a thorough review of their disciplinary processes.

In Police, complaints can come via many different doors, including District or central HR or ER staff, District managers, Speak Up, Police's EI system, the Professional Conduct function, the IPCA and more. There is no one place which triages complaints and maintains consistency of decision making about whether to go a performance management or disciplinary route, whether to refer to an internal unit or to the IPCA. Decisions on the manner of the investigation to be conducted also appear to be ad hoc and inconsistent. Unclear handoffs and escalations can also hamper confidentiality. The many doors issue also means that no single senior Executive member is accountable for the success of these processes.

I have no problems with complaints coming through many doors. The more doors the better to promote access for complainants. But in these processes, consistency, specialist skills and sound organisational learning are all important.

Both complainants and accused should expect even handedness in complaints management and outcomes. They also have a right to expect tight security of information, as well as to understand the process of the investigation and be regularly updated on its progress.

Police do this well operationally, with centralised file management centres and case management approaches. I would like to see a similar approach applied internally to all conduct related complaints, no matter how received, going to a small, specialist team for triage and assessment. How this would fit with Police's current EI system needs to be thought through. I think a centralised or service centre based approach to this should replace the current District based categorisation meetings. Both complainant and accused should then be supported and kept informed throughout the process of investigation.

Another major concern is the tendency, as previously noted, for such complaints to escalate rapidly into formal disciplinary processes. These tend to become complex, protracted and adversarial. To some extent this is a function of the prosecutorial ethos that still exists within Police culture. Police are used to criminal investigations which require high standards of evidence with every 'i' dotted. Employment investigations generally rely more on reasonableness and even-handedness tests. They do not generally have the same requirements for objective proof and permit some subjectivity.

Also, once a decision has been made to initiate a formal investigation, Police generally use a senior member of staff, such as an Inspector, to act as the investigator. Sometimes this person will be unfamiliar with employment law (certainly with case law) and will either overcomplicate the investigation by 'looking for the crime' or make technical errors in executing it, given the lack of frequency with which they undertake such matters.

There is currently no structured moderation or quality assurance mechanism for ensuring consistency of approach and even handedness of outcomes across Districts.

The result can be over complicated, protracted investigations which frustrate or harm both complainants and the accused and which also absorb significant time and resource by Police staff, HR staff and Unions. All of this can be further complicated by unclear internal handoffs between Districts and Headquarters, People and Capability and Professional Conduct, or Professional Conduct and the IPCA. Given the noise and complexity entailed in all this, investigators seeking advice on unfamiliar processes will also sometimes breach confidentiality as they do so.

I suggest a new approach whereby Police creates a group of specialised internal investigators, supported by external quality assurance and moderation panels as required, to undertake formal investigations once that course of action has been decided on by the triage centre. Investigators might well be sworn staff, (who might rotate through such a team for a two year posting for example), but however they are organised, they need to be properly trained and supported in these processes. They also need to be actively selected, rather than the most convenient person free of other duties.

Even more importantly, I would like to take load off internal investigations in much the same way the Police took load off the overall justice sector pipeline as a part of their Prevention First transformation. Rather than rewarding people for fines levied, prosecutions won, or offenders locked up, Police adopted an approach that addressed the drivers of crime. One of these devices was 'alternative resolutions', which encouraged Police to utilise lower level interventions, including the practice of restorative justice, to focus on prevention and place the needs of victims first.

Police now need to utilise the same approach to internal conduct. While there are currently some positive developments underway in testing and piloting restorative practice approaches on internal performance and disciplinary matters, I would like to see these being viewed (for all but the most egregious or potentially criminal matters) as the *default* mechanism.

In other words, when Police receives a complaint about bullying and harassment, the triage centre discusses why it would *not* be suitable for the default restorative approach, rather than why it might be. If this change is to be made, it will require Police to continue as they have begun and take a very rigorous approach to the training of those who mediate the restorative sessions. The current scheme, which is supported by Victoria University's Restorative Justice Centre, shows real potential in this regard and should, in my view, be further invested in.

Another aspect of the Prevention First model which Police could also usefully apply to bullying and poor conduct is the principle of victim centricity. I have concerns that those who are the targets of bullying, particularly when they are sworn staff, may not get the care they need to make a sound decision because Police's current system of staff support is complex and disjointed.

Victims of bullying may present to a harassment officer, manager, HR staff member, wellness officer, union representative, safer people coordinator (health and safety), psychologist or colleague. This is a 'many doors' challenge again. While most of these practitioners are exceptionally skilled, getting the right care is currently a little hit and miss. It is not clear who has lead on a case and professional care providers struggle to share information. While privacy is vital to victims, so is properly joined up care.

For this reason, I would like to see the establishment of District based interdisciplinary care teams, comprising welfare, safer people and other support staff who work together to agree pastoral care service standards and information sharing protocols consistent with their own professional obligations and supervision models. Given the dedication, skills and professionalism of these staff, there is a sound base on which to build a consistent model across each District.

Such teams could regularly assess and review a small group of high needs or high risk staff who receive care and monitoring from the most appropriate lead practitioner. This should, of course, be transparent to the recipient of care. As with victims of crime, targets of bullying often experience triggers related to prior trauma and may require specialist and ongoing care.

It is unfortunate, if perhaps understandable, that some targets wait until they are leaving Police to disclose bullying and that such allegations are not always followed up with them as complainants. I viewed some exit interview data that I found concerning.

Exit interviews are a valuable health check on culture. Every effort should be made to hold one with every departing staffer and reporting should be a key part of dashboard information on organisational health. Cases should be followed up even if the complainant has left. While Police's current rate of exit interviewing is not the worst I have seen, I would like to see exit analysis further invested in on a consistent basis. It is a key part of the prevention and management toolkit.

Finally, no single Executive member or governance group has clear accountability for making the improvements suggested in this review. Although managers at both District level and Headquarters will need to work jointly on considering these recommendations, once an action plan is agreed I think it will be important for a single Executive sponsor to lead this work.

In this area, I suggest that Police consider the following recommendations:

1. Establish a central or regionally 'hubbed' triage centre for receipt of complaints files, categorisation decisions and commissioning of investigations.
2. Adopt restorative justice principles as the default approach to complaints relating to interpersonal behaviour, with more formal approaches only used in serious cases or if restorative approaches have failed.

3. Create interdisciplinary teams at District level, including wellbeing, HR and other support providers, agree service standards, information sharing protocols and risk assessment approaches for high needs staff.
4. Encourage greater use of exit interviews, share pattern data and ensure follow up to the respondent.
5. Establish a centralised case management centre for all internal complaints files (on the model of the case management system used for operational policing) and provide regular updates to complainants on the progress of their files.
6. Develop a specialist internal team of investigators, trained in employment law, to undertake formal investigations into disciplinary matters and ensure members work to consistent processes and timelines. Support these teams with consistent moderation and quality assurance mechanisms, perhaps provided by external advisors.
7. Agree the governance and accountability arrangements for actioning these recommendations, including a single Executive sponsor.

Once again, these suggestions will require significant implementation effort, which should be properly projectised to ensure systematic and carefully monitored execution.

Concluding remarks

In summary, while operational policing has successfully moved, over the last decade, from a prosecutorial focus and offender centred mindset, to a prevention focussed, victim centred mindset characterised by high trust problem solving, this has not always been matched by an internal shift in the same direction.

Police need to bring their Prevention First operating model indoors and behave the same way inside their organisation that they do outside it. Problems need to be resolved early, at the lowest level and with the central focus being the needs of the people harmed by bullying or other inappropriate behaviour.

Given their success with the operational embedding of Prevention First, their commitment to ongoing improvements in culture and the positive relationships in place with the IPCA and the Police unions, I have every confidence that this can be done.

Appendix 1: Terms of Reference

Terms of Reference

Independent review



NEW ZEALAND
POLICE
Nga Pirihirangi o Aotearoa

Systems and processes that prevent and respond to bullying

Context

New Zealand Police has commissioned an independent external review of its systems and processes to address complaints of bullying. The review is expected to provide a clearer picture of what is working well, and to identify any areas where improvements may be needed, benchmarked against positive workplace standards which apply across the public service.

Objective

The review's objective is to check whether New Zealand Police has appropriate systems and processes in place to prevent and respond to bullying.

Background

Police's vision is that it has the trust and confidence of all. It is critical that we uphold our values and expectations and adhere to the standards of behavior set out in our *Code of Conduct*.

New Zealand Police's culture has changed significantly over the last 10 years in response to changes implemented as a result of the Commission of Inquiry into Police Conduct (COI). The COI provided the catalyst for significant reform. A comprehensive programme of change was launched that touched almost every aspect of policing - from policy and training, through to staff behaviour, performance management and leadership, and the need for a more diverse, inclusive and healthy Police culture.

Health and safety legislation places duties on employers to eliminate or minimize health and safety risks in the workplace. This includes bullying. Bullying at work is repeated and unreasonable behaviour directed toward a worker or a group of workers that can lead to physical or psychological harm.

Bullying can have significant negative outcomes for individuals and can affect well-being, performance, staff turnover and relationships with colleagues, friends and family. Financial impacts may also result from bullying.

Scope and approach

The scope of this external review includes:

- Assessing Police's systems and processes against the State Services Commission's model standards for positive and safe workplaces, and Worksafe New Zealand's good practice guidelines on preventing and responding to bullying at work
- Benchmarking against other public sector agencies
- Reviewing relevant Police Instructions, policies, procedures and training
- Identifying any themes or patterns in Police's handling of bullying complaints.

The review will not investigate or make findings about any specific allegations of bullying or individual incidents. Rather, the focus is on assessing systems and processes.

Process and timing

The review will be conducted independently by an experienced consultant. Police will support the review by making documents, data and personnel available to the external reviewer.

Coordination and support for the review will be provided by Police's Assurance Group.

A written report will be made publicly available at the conclusion of the review.

While the aim is to have the review completed as soon as possible, this will be a matter for the independent reviewer.

The deliverable

A written report, detailing key findings and any improvement opportunities, will be provided to Police.

Mike Bush MNZM
Commissioner of Police

25 / 10 / 2019

Debbie Francis
Independent reviewer

25 / 10 / 2019

