

Overview of serious misconduct

Quarter three 2020/21

5
Indicator 2



94%

ent 3

Summary

There has been a number of changes to the format of this overview for quarter three of the 2020/21 financial year. These changes include:

Revised allegation categories: the Commission is continually improving and developing methods of capturing allegation data. Previously, different types of assaults and excessive use of force matters were recorded as discrete allegation categories. *Assault* is now a single allegation category with four sub-categories. These include domestic violence (police), excessive use of force, physical and sexual/indecent assault. The information in respect of the 2019/20 financial year's data has been re-formatted for comparison purposes with the 2020/21 data.¹

Additional agency and sector: in previous Commission financial year quarterly overviews of serious misconduct, allegations were displayed for the WA Police Force, Local Government, Departments of Justice and Education and the Health sector.

The 2020/21 overviews now display allegations for the Department of Communities and the Transport sector. Both of these agencies provide critical services to the State combined with significant expenditure. Accordingly, the overview contains complaint data relating to:

1. The Department of Communities which includes the former Child Protection and Family Services, Housing Authority and Disability Services Commission.
2. The Transport portfolio which includes the Department of Transport, Main Roads WA and Public Transport Authority.

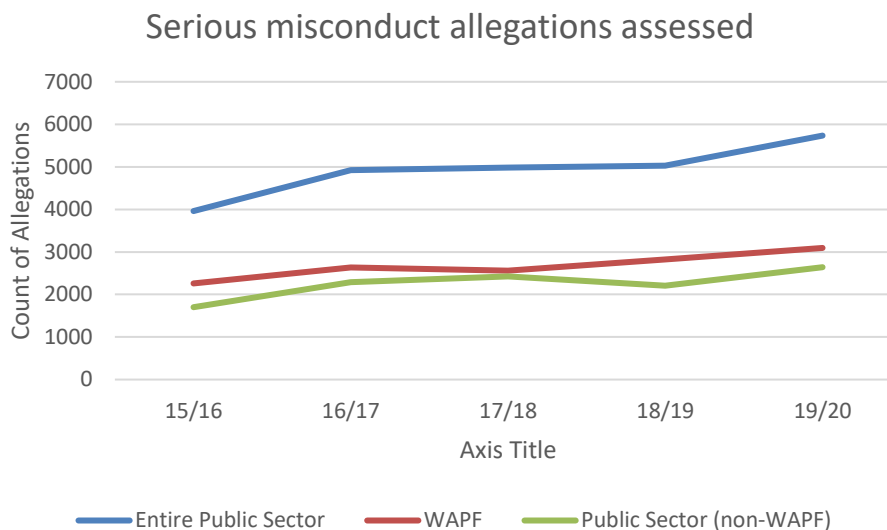
The Department of Communities and the Transport portfolio were previously included in the *Other* independent agencies/authorities category and consistently accounted for a fair proportion of allegations under this category. The *Other* independent agencies/authorities category contains allegations relating to, but not limited to, the tertiary sector, Government utilities, Ports, Treasury and Finance. It also includes allegations which are assessed as *Out of Jurisdiction* and include matters not meeting the criteria for serious misconduct and/or involving private and Commonwealth sector employees.

Four Quarter rolling averages for allegation categories: the top three allegation categories for the WA Police Force² and the remainder of the public sector now include four quarterly rolling averages to provide some context for the current quarter allegation numbers. A four quarter rolling average is the average allegation count of four consecutive quarters. Rolling averages help to remove distortions in data and can provide clearer views of any observable trends.

Further view of serious misconduct: the overview now includes a spotlight page on a particular sector/agency that provides an outline of the allegation data for the previous five financial years. For this quarter, the spotlight is on the Health sector.

¹ The allegation category data contained in this report cannot be compared to previous Overview of serious misconduct reports produced by the Commission and published on the Commission's website as they reflect the former allegation categories.

² The WA Police Force are separated from the rest of the public sector in this report as it is subject to broader reporting requirements and lower thresholds for serious misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.



The graph shows the overall trends for number of allegations of serious misconduct assessed by the Commission for each of the last five financial years. Factors which relate to the continued growth in these numbers include:

- Commission work in exposing and disrupting serious misconduct
- An increase in public confidence in reporting serious misconduct
- Improved public sector agency and WA Police Force capabilities in the management of integrity risks
- An increase in the number of public sector agency notifications
- Enhanced understanding of reportable matters and
- The work of the Public Sector Commission and other government oversight bodies.

The growth in allegation numbers can be viewed as characteristic of a public sector (including the WA Police Force) that is increasingly maturing in its approach to and reporting of serious misconduct and corruption.

During quarter three of 2020/21, the Commission received 695 reports and notifications of serious misconduct relating to 43 agencies, from which, 1,730 allegations were identified. Just over two fifths (44%) of these allegations were created from reports from members of the public. Notifications by authorities accounted for just over half (52%) of the overall allegations of the Public Sector Commission's notifications and the Commission's own propositions representing the remainder (2%).

The third quarter of the 2020/21 financial year has seen no change in the WA Police Force's top three allegation categories from the 2019/20 financial year. In respect of these categories: *Neglect of Duty*, *Unprofessional Conduct* and *Breach of Procedure and Policy*, the variance in the number of allegations for each category is seen as normal.

The top three allegation categories for the entire public sector (excluding the WA Police Force) are:

1. *Using position to gain a benefit/detriment* - this allegation category is continually represented in the top three allegation categories across financial years and is either the most frequent category assessed or the second most.
2. *Fraud/Falsification* - this category continues to remain in the top three allegation categories being the second most assessed category in each of the last three quarters for the 2020/21 financial year.
3. *Unlawful use of computer* - this allegation category remains in the top three allegation categories for the second quarter in a row. Notifications of this type of serious misconduct strongly correlate with authorities' audit schedules and findings relating to restricted-access computer systems.

Overview: Q3 2020/21

Notifications
received

695

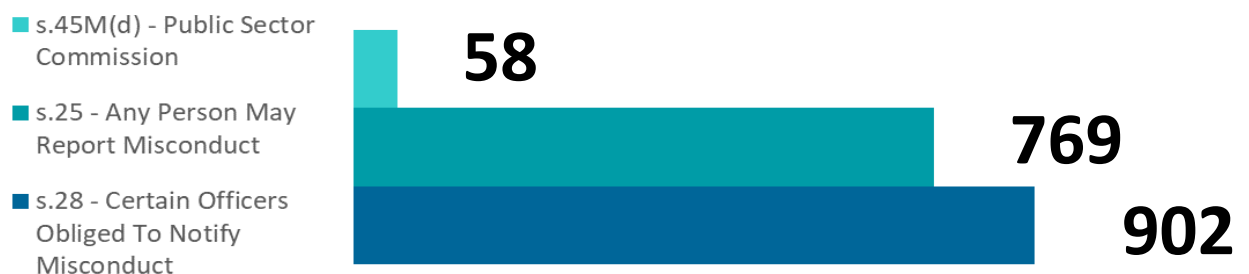
Relating to
Agencies

43

Allegations created

1,730

Allegation source



Public Sector Agency/Sector

WA Police Force

919

Department of Justice

160

WA Health sector

134

Local Government authorities

119

Other independent agencies/authorities

101

Department of Education

93

Subject agency not within jurisdiction

85

Department of Communities

73

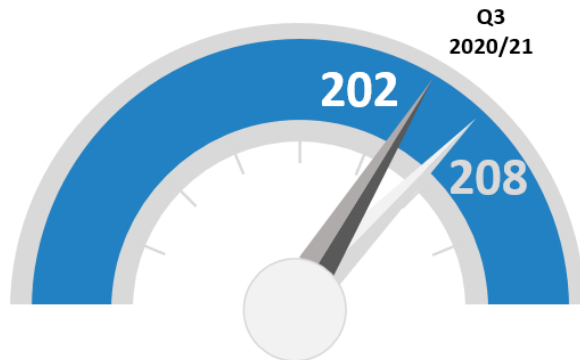
Transport portfolio

46

Total 1,730

WA Police Force - Count of top three allegation categories

1



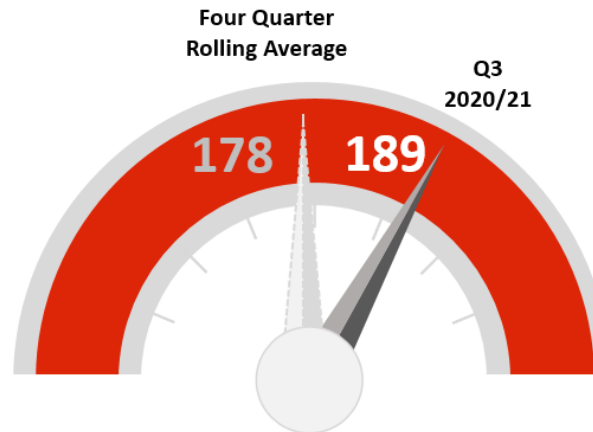
Neglect of Duty

- Neglected their duty by failing to investigate
- Failed to record details on computer system
- Neglected to prepare legal brief

Four Quarter
Rolling Average

The **four quarter rolling average** is the average allegation category count for the preceding four quarters: Q3/Q4 2019/20; Q1/Q2 2020/21

2



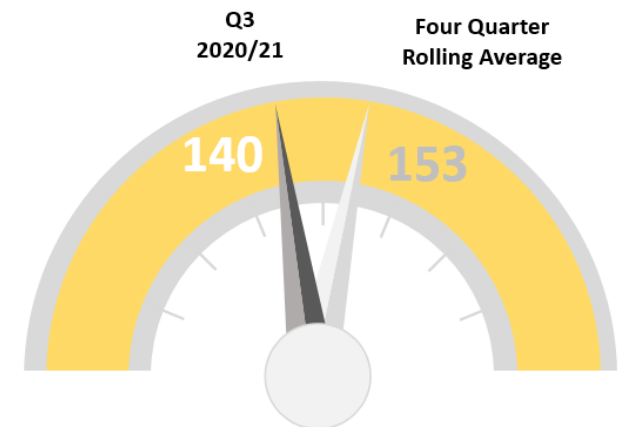
Unprofessional Conduct

- Made offensive comments
- Posted inappropriate material online
- Acted in an intimidating and threatening manner

Four Quarter
Rolling Average

Q3
2020/21

3



Breach of Procedure or Policy

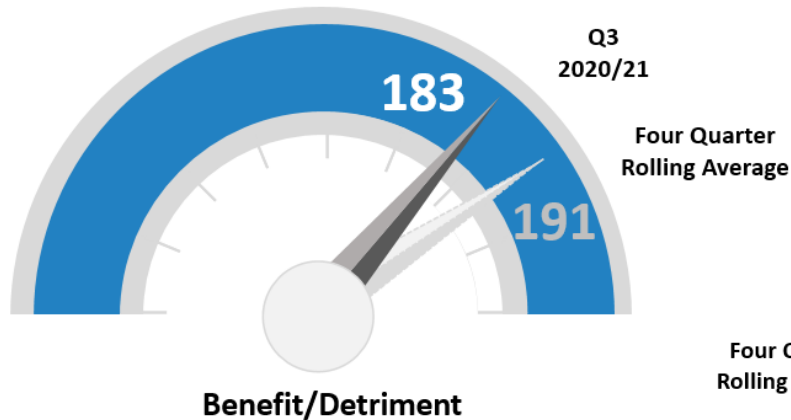
- Failed to activate Body Worn Camera
- Failed to contact the Custody Notification Service
- Failed to complete a use of force report

Four Quarter
Rolling Average

Q3
2020/21

Public sector (excluding the WA Police Force) - Count of top three allegation categories

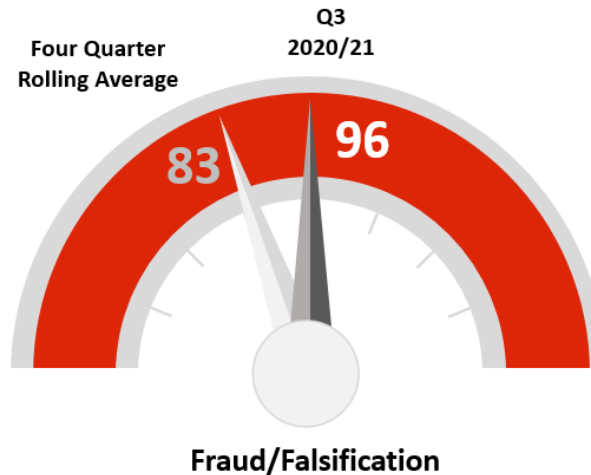
1



- Failed to declare financial or impartiality interest
- Used their position to benefit a friend/family member
- Used their position to circumvent procurement processes

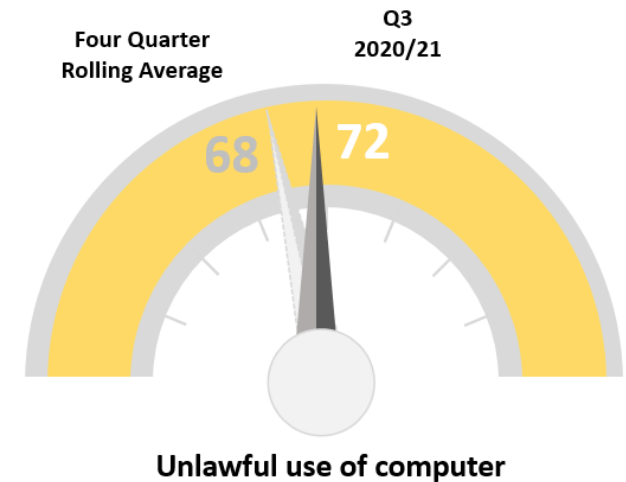
The **four quarter rolling average** is the average allegation category count for the preceding four quarters: Q3/Q4 2019/20; Q1/Q2 2020/21

2



- Claimed leave entitlements they were not entitled to
- Falsified a record
- Fraudulently charged for services not rendered

3



- Logged onto a computer using colleague's account
- Accessed database to view ex-partner's details
- Accessed database to view patient record with no authority

Table 1. Allegations: WA Police Force - Top five by category

Allegation category	Q4 2019/20		Q1 2020/21		Q2 2020/21		Q3 2020/21	
	No.	%	No.	%	No.	%	No.	%
Neglect of duty	226	25%	200	21%	202	21%	202	23%
Unprofessional conduct	163	18%	187	19%	173	18%	189	21%
Breach of procedure or policy	167	18%	152	16%	152	16%	140	16%
Assault	94	10%	118	12%	120	12%	131	15%
Unlawful arrest	32	4%	34	4%	37	4%	39	4%
Total	682	75%	691	72%	684	70%	701	78%

Table 2. Allegations: Local Government - Top five by category

Allegation category	Q4 2019/20		Q1 2020/21		Q2 2020/21		Q3 2020/21	
	No	%	No	%	No.	%	No.	%
Benefit/Detriment	29	26%	52	47%	61	34%	41	39%
Failure to lodge	0	0%	7	6%	14	8%	22	21%
Unlawful use of computer	0	0%	5	5%	24	14%	9	9%
Corrupt conduct	21	19%	13	12%	12	7%	9	9%
Fraud/Falsification	9	8%	14	13%	29	16%	7	7%
Total	59	54%	91	82%	140	79%	88	85%

Table 3. Allegations: Department of Communities - Top five by category

Allegation category	Q4 2019/20		Q1 2020/21		Q2 2020/21		Q3 2020/21	
	No	%	No	%	No	%	No.	%
Benefit/Detriment	11	23%	8	38%	27	38%	10	21%
Corrupt conduct	11	23%	7	33%	12	18%	9	19%
Fraud/Falsification	1	2%	2	10%	13	17%	9	19%
Unlawful disclosure	8	17%	0	0%	3	4%	6	13%
Unlawful use of computer	1	2%	0	6%	2	4%	5	10%
Total	32	67%	17	81%	57	95%	39	82%

Table 4. Allegations: Department of Education - Top five by category

Allegation category	Q4 2019/20		Q1 2020/21		Q2 2020/21		Q3 2020/21	
	No	%	No	%	No	%	No.	%
Assault	3	9%	29	36%	65	60%	41	59%
Fraud/falsification	2	6%	10	12%	8	7%	13	19%
Benefit/detriment	6	6%	20	25%	13	12%	6	9%
Criminal conduct	0	0%	6	7%	6	6%	4	6%
Drugs (illicit)	4	6%	4	5%	1	1%	2	3%
Total	16	27%	69	85%	93	86%	66	96%

Table 5. Allegations: Department of Justice - Top five by category

Allegation category	Q4 2019/20		Q1 2020/21		Q2 2020/21		Q3 2020/21	
	No	%	No	%	No	%	No.	%
Benefit/Detriment	13	11%	26	30%	28	35%	35	32%
Fraud/Falsification	6	5%	17	20%	11	14%	27	24%
Unlawful use of computer	8	7%	7	8%	7	9%	18	16%
Corrupt conduct	30	25%	4	5%	7	9%	10	9%
Assault	5	4%	5	6%	6	8%	9	8%
Total	62	58%	59	68%	59	75%	99	89%

Table 6. Allegations: Transport portfolio - Top five by category

Allegation category	Q4 2019/20		Q1 2020/21		Q2 2020/21		Q3 2020/21	
	No	%	No	%	No	%	No.	%
Unlawful use of computer	21	39%	14	32%	42	74%	24	62%
Benefit/Detriment	14	26%	13	30%	9	16%	8	21%
Fraud/Falsification	2	4%	3	7%	0	0%	2	5%
Corrupt conduct	8	15%	4	9%	1	2%	1	3%
Criminal conduct	0	0%	0	0%	2	4%	1	3%
Total	45	83%	34	77%	54	95%	36	92%

Table 7. Allegations: WA Health Sector - Top five by category

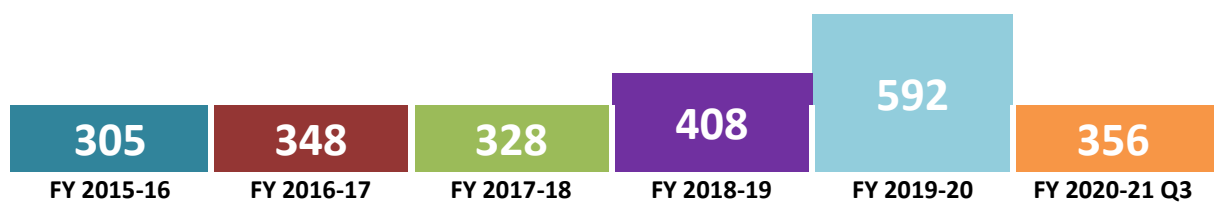
Allegation category	Q4 2019/20		Q1 2020/21		Q2 2020/21		Q3 2020/21	
	No	%	No	%	No	%	No.	%
Benefit/Detriment	11	9%	15	22%	29	31%	37	36%
Fraud Falsification	16	12%	16	24%	21	22%	30	29%
Unlawful use of computer	25	19%	7	10%	9	10%	12	12%
Criminal conduct	6	5%	6	9%	12	13%	7	7%
Assault	7	5%	8	12%	4	4%	4	4%
Total	65	50%	52	76%	75	80%	90	88%

Spotlight on the WA Health sector

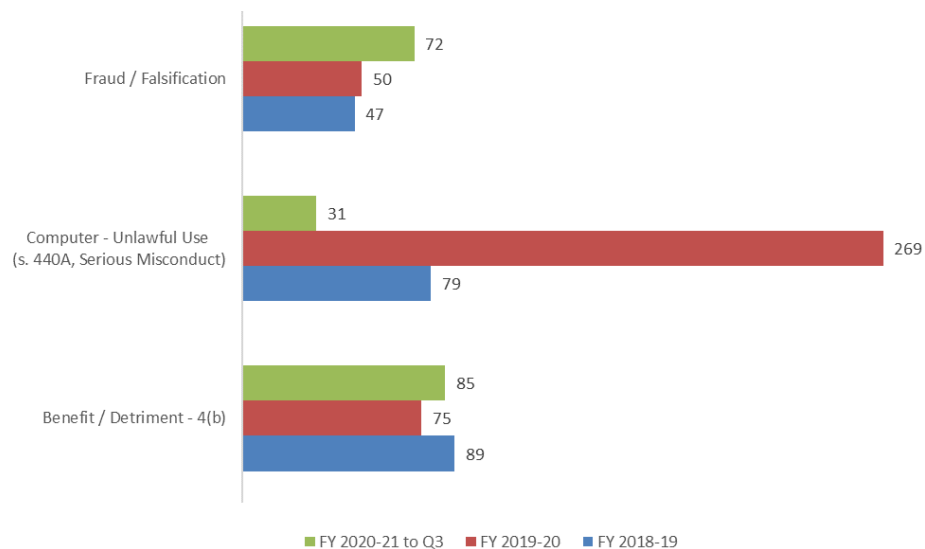
Sector

The WA Health Sector includes the Department of Health the Mental Health Commission and the following Health Service Providers (HSPs): North Metropolitan Health Service, South Metropolitan Health Service, East Metropolitan Health Service, WA Country Health Service, Child and Adolescent Health Service, Health Support Services, PathWest Laboratory Medicine WA and the Quadriplegic Centre. Each HSP manages serious misconduct and corruption risks through its respective integrity governance framework. The following complaint data information is aggregated for generic purposes.

Allegations created



Top three allegations



Allegation content examples

- *Unlawful use*: Unlawfully accessed and viewed a patient's record who was not in care of the hospital.
- *Unlawful use*: Unlawfully accessed and viewed a patient's record who was not under the direct care of practitioner.
- *Fraud*: Falsified entry in the Schedule 4 medication register.
- *Fraud*: Falsified leave records.
- *Benefit/Detriment*: Used their position to benefit a family member during a recruitment process.
- *Benefit/Detriment*: Failed to declare a direct financial interest in a company to obtain a benefit.

Other

Overall, the allegations reported for the WA Health sector are similar to that of the wider public service in terms of notification/report/allegation rates and numbers. For each of the last three years, the top three allegation categories for the WA Health sector have been the same three allegation categories, albeit not in the same ranked order. These categories are the same top three allegation categories across the wider public sector (excluding WA Police Force) for quarter three of 2020/21.