

Overview of serious misconduct

Quarter four 2021/22



Summary

In quarter four of 2021/22, the Corruption and Crime Commission received 696 reports and notifications of serious misconduct, identifying 1,535 allegations relating to 42 public authorities and 36 Local Government Authorities (LGAs).¹

- Almost three-quarters (495) of all reports and notifications were from notifying public authorities.
- Just over a quarter of all allegations (189) arose from reports made by members of the public.
- The Public Sector Commission's notifications represented the remainder (12).

WA Police Force (WAPF)

- The WAPF are required to notify incidents of minor and serious misconduct to the Commission. This impacts the number of allegations identified, with the WAPF accounting for fifty-five per cent (849) of all allegations identified in quarter three.
- Consistent with the previous quarter (Q3), around sixty percent of all WAPF allegations were from notifications by the WAPF and the other forty percent from members of the public.
- The top three allegation categories are generally the same for each quarter, although the order may change across quarters. In this quarter the allegation category of Neglect of Duty accounted for almost half of the total allegations for the top three categories with Breach of Procedure/Policy and Unprofessional Conduct sharing equally the remainder.
- These top three allegation categories account for half of all police misconduct allegations identified during the quarter.
- The top three allegation categories total allegation counts were below (trending downwards) the quarterly rolling average.

WA Public Sector (excluding WA Police Force)

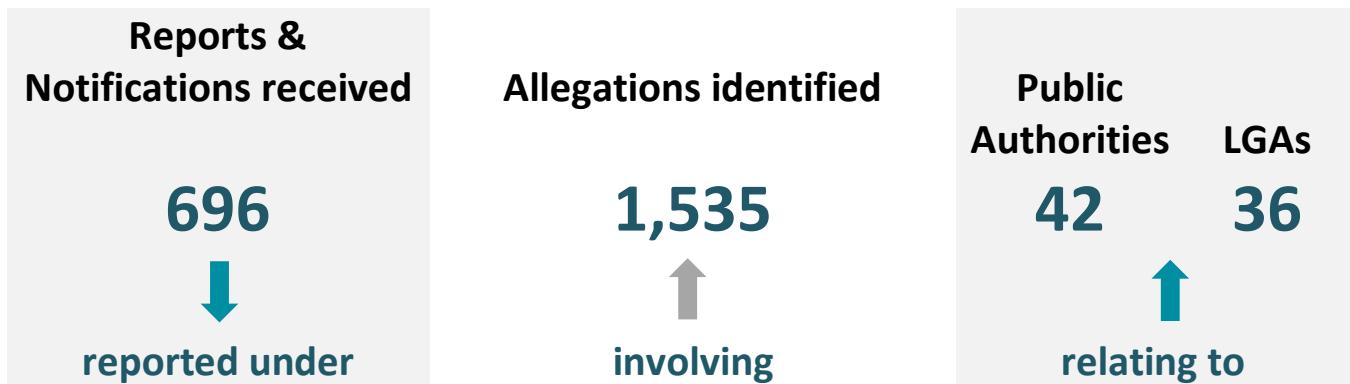
- Excluding allegations assessed as out of jurisdiction, the top three allegation categories were benefit/detriment, assault and corrupt conduct, similar to Q3. They accounted for half (341) of all allegations received for the WA public sector (686).
- Three quarters of the assault allegations related to mandatory reporting by the Department of Education (DoE) of incidents involving the alleged physical contact by staff during the supervision of students.
- Allegations about public officers corruptly using their positions for benefit or detriment, as with Q3, accounted for one quarter of all allegations across the WA public sector.
- A quarter of all allegations received and identified during the quarter were assessed as 'out of jurisdiction.' These include those where the relevant public authority is within the Commission's jurisdiction, but the person involved is either not a public officer, or engaging in conduct that does not meet the definition of serious misconduct within the meaning of the [Corruption, Crime And Misconduct Act 2003](#).

WA Public Sector Spotlight

- The subject of this quarterly report's spotlight section is the Department of Education which, outside of WAPF, provided the most notifications this quarter resulting in 10% of all assessed allegations.

¹ Statistical data is accurate at the time of publishing. Slight variations between published statistics may occur due to system processing rules.

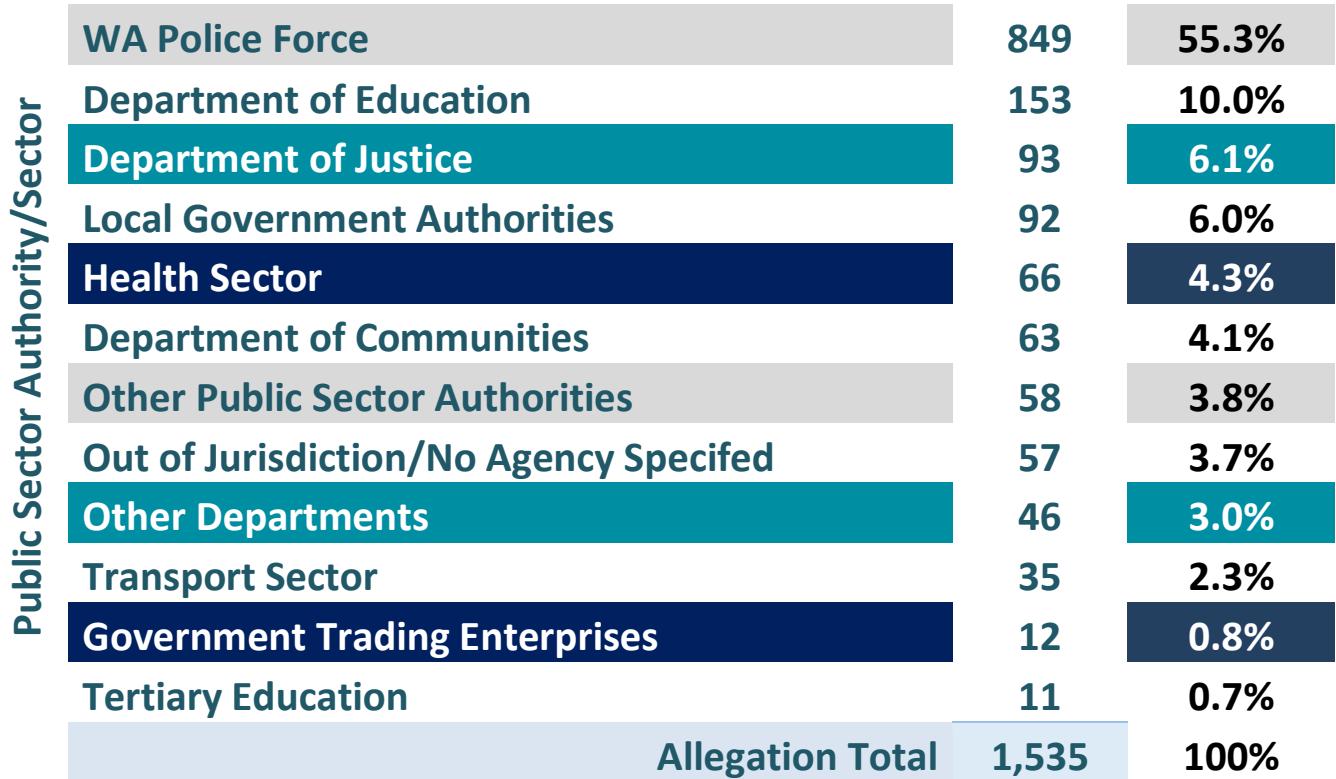
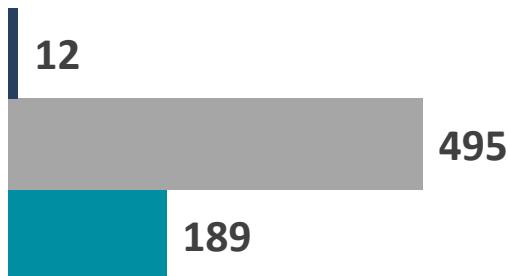
Overview: Q4 2021/22



■ s 45M(d) - Public Sector Commission

■ s 28 - Certain officers obliged to notify misconduct

■ s 25 - Any person may report misconduct



WA Police Force - top three allegation categories

1



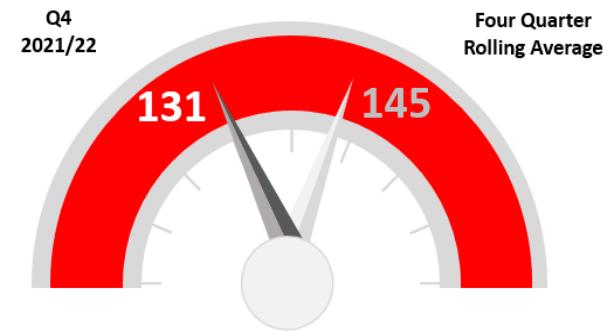
- Neglected their duty by failing to search person in custody
- Failed to record details on computer system
- Neglected their duty by failing to store and record property

2



- Made inappropriate comments towards another recruit
- Failed to return complainant's calls
- Behave in an inappropriate manner towards member of public

3

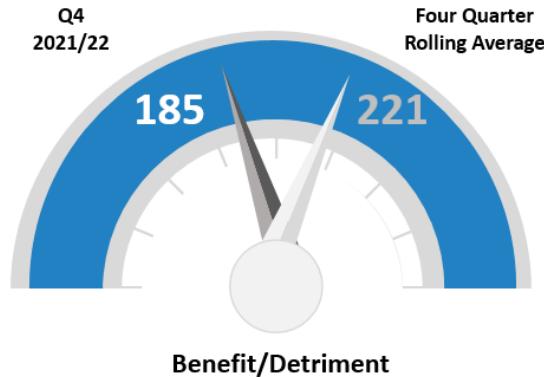


- Breached emergency driving procedure
- Failed to contact the Custody Notification Service
- Engaged in secondary employment without approval

The **four quarter rolling average** is the average allegation category count for the preceding four quarters across FYs 2020/21 and 2021/22

WA public sector (excluding the WA Police Force) - top three allegation categories

1



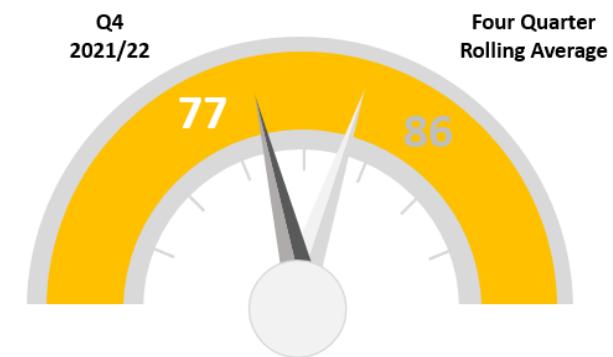
- Failed to declare financial or impartiality interest
- Used their position to benefit a friend/family member
- Used their position to circumvent procurement processes

2



- Prison officer indecently assaulted a prisoner
- Teacher physically assaulted a student
- Clinical staff member assaulted a patient

3



- Corruptly signed off and remunerated work not done
- Corruptly instructed a payment to be made
- Corruptly mislead the executive committee and board

The **four quarter rolling average** is the average allegation category count for the preceding four quarters across FYs 2020/21 and 2021/22

Authority/Sector top five allegation categories

Table 1. WA Police Force

Allegation category	Q1 2021/22		Q2 2021/22		Q3 2021/22		Q4 2021/22	
	No.	No.	%	No.	No.	%	No.	%
Neglect of duty	262	25.1%	197	23.6%	230	21.3%	190	22.4%
Breach of procedure or policy	155	14.8%	116	13.9%	138	12.8%	131	15.5%
Unprofessional conduct	186	17.8%	140	16.7%	187	17.3%	122	14.4%
Assault	127	12.2%	79	9.4%	139	12.9%	104	12.3%
Benefit/detriment - 4(b)	45	4.3%	73	8.7%	103	9.5%	64	7.5%
Total	775	74.2%	605	72.4%	797	73.8%	611	72.1%

Table 2. Local Government Authorities

Allegation category	Q1 2021/22		Q2 2021/22		Q3 2021/22		Q4 2021/22	
	No.	No.	%	No.	No.	%	No.	%
Benefit / Detriment - 4(b)	61	44.5%	91	44.6%	47	34.0%	42	45.6%
Out of Jurisdiction	27	19.7%	28	13.7%	34	24.6%	12	13.0%
Computer - Unlawful Use (s. 440A)	4	2.9%	4	2.0%	2	1.5%	10	10.9%
Corrupt Conduct - 4(a)	16	11.7%	33	16.2%	17	12.3%	7	7.6%
Fraud / Falsification	8	5.8%	11	5.4%	2	1.4%	5	5.5%
Total	116	84.7%	167	81.9%	102	73.9%	76	82.6%

Table 3. Department of Communities

Allegation category	Q1 2021/22		Q2 2021/22		Q3 2021/22		Q4 2021/22	
	No.	No.	%	No.	No.	%	No.	%
Benefit / Detriment - 4(b)	76	41.5%	103	41.5%	69	33.0%	61	39.4%
Out of Jurisdiction	33	18.0%	42	16.9%	47	22.5%	38	24.5%
Computer - Unlawful Use (s. 440A)	6	3.3%	7	2.8%	16	7.7%	15	9.7%
Corrupt Conduct - 4(a)	23	12.5%	41	16.6%	21	10.0%	10	6.4%
Assault	4	2.2%	3	1.2%	1	0.5%	6	3.9%
Total	142	77.6%	196	79.0%	154	73.7%	130	83.9%

Table 4. Department of Education

Allegation category	Q1 2021/22		Q2 2021/22		Q3 2021/22		Q4 2021/22	
	No.	No.	%	No.	No.	%	No.	%
Assault	59	44.7%	57	36.7%	56	43.8%	69	45.1%
Out of Jurisdiction	19	14.4%	54	34.9%	24	18.8%	22	14.4%
Benefit / Detriment - 4(b)	23	17.4%	18	11.6%	14	10.9%	18	11.8%
Criminal Conduct	7	5.3%	4	2.6%	8	6.2%	15	9.8%
Fraud / Falsification	7	5.3%	11	7.1%	8	6.2%	14	9.2%
Total	115	87.1%	144	92.9%	110	85.9%	138	90.2%

Table 5. Department of Justice

Allegation category	Q1 2021/22		Q2 2021/22		Q3 2021/22		Q4 2021/22	
	No.	No.	%	No.	No.	%	No.	%
Benefit / Detriment - 4(b)	28	23.7%	24	22.9%	24	18.6%	23	24.7%
Corrupt Conduct - 4(a)	12	10.1%	15	14.2%	12	9.3%	23	24.7%
Out of Jurisdiction	38	32.2%	36	34.3%	48	37.2%	20	21.5%
Fraud / Falsification	6	5.1%	5	4.8%	14	10.8%	13	14.0%
Criminal Conduct	3	2.5%	6	5.7%	9	7.0%	5	5.4%
Total	87	73.7%	86	81.9%	107	82.9%	84	90.3%

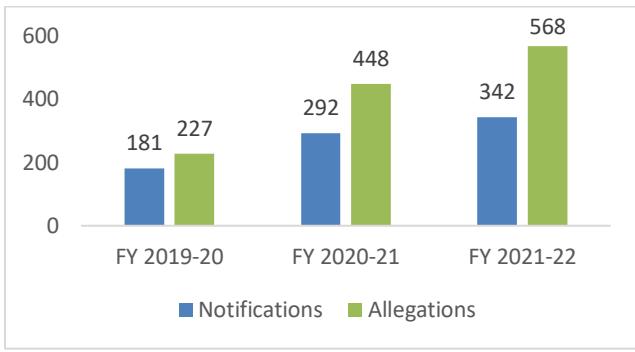
Table 6. Transport portfolio

Allegation category	Q1 2021/22		Q2 2021/22		Q3 2021/22		Q4 2021/22	
	No.	No.	%	No.	No.	%	No.	%
Computer - Unlawful Use (s. 440A)	3	13.6%	7	12.8%	7	24.2%	14	42.3%
Benefit / Detriment - 4(b)	7	31.9%	21	38.1%	7	24.2%	9	27.3%
Fraud / Falsification	2	9.1%	3	5.5%	2	6.9%	6	18.2%
Corrupt Conduct - 4(a)	4	18.1%	11	20.0%	2	6.9%	2	6.1%
Drugs (Illicit)	0	0.0%	0	0.0%	0	0.0%	1	3.0%
Total	16	72.7%	42	76.4%	18	62.2%	32	97.0%

Table 7. WA Health Sector

Allegation category	Q1 2021/22		Q2 2021/22		Q3 2021/22		Q4 2021/22	
	No.	No.	%	No.	No.	%	No.	%
Benefit / Detriment - 4(b)	29	30.3%	15	19.0%	29	25.9%	16	24.2%
Out of Jurisdiction	26	27.1%	17	21.6%	26	23.2%	10	15.2%
Computer - Unlawful Use (s. 440A, Serious Misconduct)	6	6.3%	14	17.7%	21	18.7%	8	12.1%
Unlawful Disclosure	6	6.2%	4	5.1%	4	3.6%	8	12.2%
Assault	4	4.2%	2	2.5%	5	4.5%	7	10.6%
Total	71	74.0%	52	65.9%	85	75.8%	49	74.3%

Spotlight on Department of Education

Sector	<p>The Department of Education (DoE) employs just under 58,000 people. This equates to around 36% of all employees in the public sector.</p> <p>DoE oversees 1134 schools. This includes 822 government (public) and 312 non-government (Catholic and independent schools) located across eight education regions. These schools cater for roughly 474,000 students: about 320,000 in public schools and 154,000 in non-government schools.² Approximately 96% of DoE staff are employed in the 822 public schools.</p> <p>Schools are funded by Federal and State Government and from private sources. The Federal Government is the major public fund source for non-government schools which can also receive state government and private funding. The State Government is the majority funder for all public schools. Irrespective of funding arrangements, Western Australia public sector standards apply to all DoE public sector employees.</p>																																	
Allegations identified	 <table border="1"> <thead> <tr> <th>Financial Year</th> <th>Notifications</th> <th>Allegations</th> </tr> </thead> <tbody> <tr> <td>FY 2019-20</td> <td>181</td> <td>227</td> </tr> <tr> <td>FY 2020-21</td> <td>292</td> <td>448</td> </tr> <tr> <td>FY 2021-22</td> <td>342</td> <td>568</td> </tr> </tbody> </table>	Financial Year	Notifications	Allegations	FY 2019-20	181	227	FY 2020-21	292	448	FY 2021-22	342	568																					
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Allegation Category Examples	<ul style="list-style-type: none"> <i>Assault</i>: teacher grabbed student and pushed them into a wall causing injury. <i>Benefit/detriment</i>: non-teaching staff member took Departmental equipment home to use in secondary employment. <i>Benefit/detriment</i>: used position to appoint relative to a position, bypassing recruitment processes. <i>Fraud/falsification</i>: teacher provided a falsified medical certificate. <i>Breach of Procedure/Policy</i>: employee failed to participate in training. 																																	
Other	<p>Corruption and misconduct risks in education can occur, among others, in the management of finances, procurement, academic standards, professional boundaries and duty of care. The majority of notifications made by DoE to the Commission relate to alleged common assaults that occur in the presence of other children.³ This is an offence punishable by 2 or more years' imprisonment and therefore, serious misconduct pursuant to the <i>Corruption, Crime and Misconduct Act 2003</i>, s 4(c). As referred to above, these assault allegations are also subject to mandatory reporting.</p>																																	

² Retrieved 18 August 2022 from DoE Website Annual Report [Executive summary - Annual Report - Department of Education](#)

³ *The Criminal Code*, s 221(1)(b), Chapter XXVI - Assaults and violence to the person generally: Justification, excuse & circumstances of aggravation.