

VCGLR Integrity Framework

Governance & Risk, Legal Services Division

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Victorian Commission for
Gambling and Liquor Regulation

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1 Background

1.1 Introduction

VCGLR employees are expected to take personal responsibility for their behaviours and to act with integrity by being honest and behaving with strong moral principles. The VPS Code of Conduct¹ and VCGLR integrity related policies, systems and structures clarify and support behaviours expected of all employees.

Behaviour that damages integrity includes misconduct and corruption. Corruption in the public sector is generally defined as the misuse of a person's position or power to obtain personal gain for either themselves or others.

Possible impacts of public sector misconduct and corruption include financial loss, damage to employee morale, an adverse effect on reputation, poor performance, inadequate stakeholder interactions and diversion of resources away from the delivery of core business and services.

Misconduct and corruption can have a detrimental impact on an employee's career such as disciplinary action, termination of employment and in some cases criminal charges.

Maintaining a workplace culture with strong ethics and integrity is fundamental to good organisational performance as is exposing and preventing misconduct, corruption, fraud and theft.

To better integrate activities and provide oversight the Integrity Compliance & Risk Forum [the Forum], has been formed. It comprises Director Legal Services and General Counsel, the Director Corporate Services and Chief Finance Officer and the People and Culture Manager. The VCGLR has developed an Integrity Framework [the Framework].

Corrupt conduct by a public officer or public body can take many forms including taking or offering bribes, dishonestly using influence, embezzlement, misuse of information, theft and fraud and can include collusion by external persons. The Framework also acts to prevent fraud and other losses by external persons acting alone.

The Framework is supported by the:

- **Integrity Framework Implementation Plan** which details the annual plan to implement and enhance the Integrity Framework and control corruption, fraud and other losses and is evaluated annually.
- **Integrity Oversight & Compliance Strategy** which provides an overview of VCGLR's process for the oversight of integrity related compliance.
- **Fraud, Corruption & Other Losses Policy** which articulates VCGLR's commitment to a culture of integrity and describes, at a high level, the requirements of the Directions 2018 under the *Financial Management Act 1994* (the Directions).

1.2 Responsibilities²

- The **Commission** has responsibility to promote public sector values and to ensure that there is a control system [the Integrity Framework] in place to expose and prevent misconduct, corruption, fraud and theft.
 - **Audit and Risk Management Committee (ARMC)** is responsible for endorsing the Integrity Framework and reviewing the performance management of integrity compliance and risk.

¹ Code of Conduct for Public Sector Employees, Victorian Public Sector Commission

² Refer the Integrity Oversight and Compliance Strategy for full list of responsibilities

- **People and Culture Committee** is responsible for the oversight of the development of a culture of integrity within the VCGLR.
- The **Chief Executive Officer** is responsible for ensuring that the Integrity Framework is developed, implemented, monitored and reported upon, that integrity risks are managed and a culture of integrity is developed.

2 Purpose

The Integrity Framework provides an integrated governance approach to protect VCGLR integrity and expose and prevent misconduct, corruption, fraud and theft by implementing best practice controls.

3 Integrity and Damaging Behaviours

Integrity is acting honestly and behaving with strong moral principles. The *Public Administration Act 2004* [PA Act] states that "integrity" is a public sector value and requires it to be demonstrated by staff.

Misconduct under the PA Act includes:

- contravention of the PA Act or the Code of Conduct for Victorian Public Sector Employees
- improper conduct in an official capacity
- contravention of a lawful direction given to an employee
- employees making improper use of their position for personal gain
- employees making improper use of information gained because of their position.

When misconduct becomes serious in nature it becomes corruption.

Corruption is the misuse of a person's position or power to obtain personal gain either for themselves or others. Under the *Independent Broad-based Anti-corruption Commission Act 2011*, corrupt conduct includes a public officer or public body who:

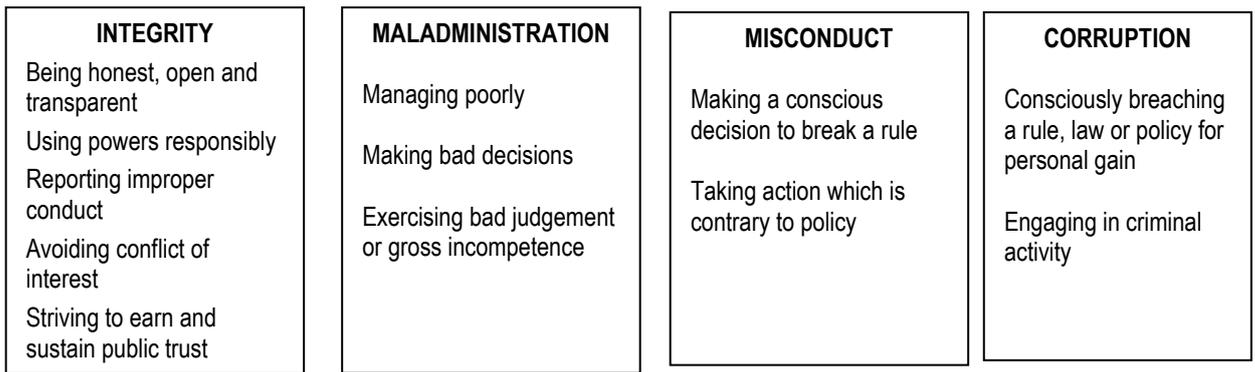
- performs their functions dishonestly
- knowingly or recklessly breaches public trust
- misuses information or material acquired in the course of doing their job for their own or someone else's benefit
- conspires or attempts to engage in corrupt conduct.

Corrupt conduct by a public officer or public body can take many forms including taking or offering bribes, dishonestly using influence, embezzlement, misuse of information, fraud and theft.

Integrity, maladministration, misconduct and corruption in the public sector can be described in terms of a spectrum of behaviours.³

³ Safeguarding integrity - A guide to the integrity system in Victoria, Independent Broad-based Anti-corruption Commission, November 2014 [IBAC]

Figure 1 Integrity behavioural spectrum

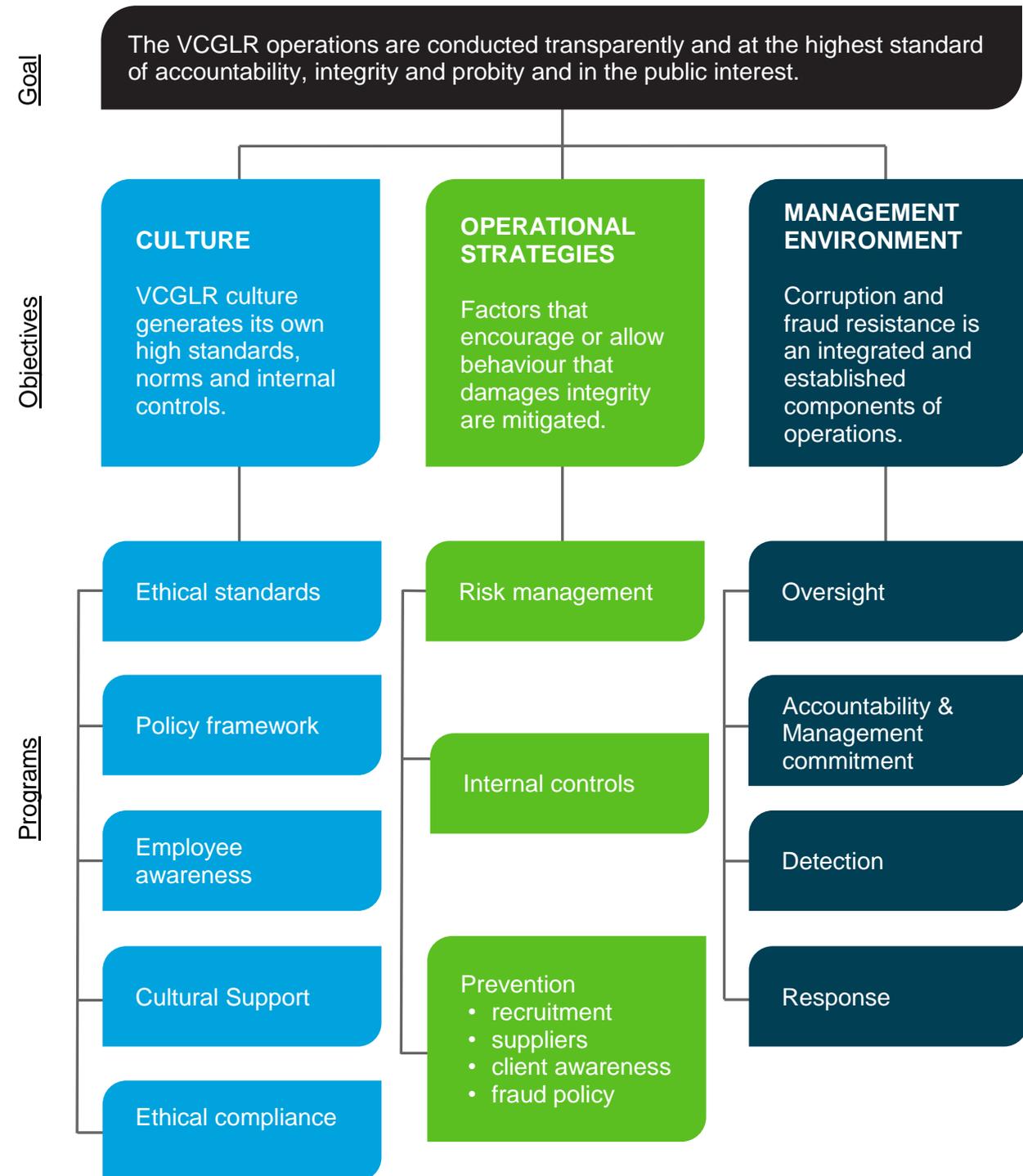


Note: The integrity behaviours are those defined in the PA Act.

4 Integrity Framework Overview

Figure 2 provides an overview of the Integrity Framework. The objectives are based on the outcomes for misconduct resistance promulgated by the Western Australian Corruption and Crime Commission⁴. The comprehensive list of activities is informed by a number of sources which are detailed in Section 8 References.

Figure 2 VCGLR Integrity Framework



⁴ Misconduct Resistance – An integrated governance approach to protecting agency integrity, Corruption and Crime Commission [CCC], Western Australia 2008

5 Culture

Objective: *VCGLR culture generates its own high standards, norms and internal controls.*

5.1 Ethical Standards

The standards that employees are expected to uphold are defined in codes of conduct and the VCGLR value statement.

- **Victorian public sector (VPS) code of conduct** The *Public Administration Act 2004* [PA Act] and the VPS Code of Conduct articulates public sector values. It is the responsibility of all VCGLR employees to ensure that their conduct demonstrates responsiveness, integrity, impartiality, accountability, respect, leadership and commitment to human rights.
- **Director's code of conduct** Commissioners are bound by the Director's Code of Conduct⁵ which is aligned to the public sector values and by the Disclosure of interest guidelines which are required under section 21 of the VCGLR Act 2011⁶.
- **VCGLR values** The VCGLR has articulated its values as '*work together*' '*act with integrity*' '*respect other people*' and '*make it happen*'. Compliance with VCGLR values and behaviours is embedded in Performance Development Plan (PDP) reviews. Employees' performance is reviewed biannually against the values.
- **VCGLR conduct and ethics** The VCGLR needs to also uphold VCGLR-specific conduct requirements for doing business in the industries it regulates. The VCGLR Conduct and Ethics Policy outlines the standard of behaviour expected of all employees and promotes adherence to public sector values. It is reviewed on a three-year cycle and reinforcement is embedded operationally.

5.2 Policy Framework

VCGLR has a comprehensive policy platform to provide a solid foundation to support the culture of integrity and to communicate the VCGLR's commitment, values and business practices including:

- **Conflict of Interest** All employees performing VCGLR duties are required to act in good faith towards the VCGLR. There is a policy and processes for declaring and managing conflicts of interest. Staff must disclose actual or potential conflicts of interest to their manager and stand down in any decision-making process where they may be compromised. A confidential register is kept of conflicts of interest. Commissioners are subject to specific declaration of interest requirements and Directors and staff make an annual full disclosure of private interests.
- **Gifts, Benefits and Hospitality** VCGLR has established and regularly reviews policies and processes to respond to offers and provision of gifts, benefits and hospitality. Processes are consistent with the Gifts, Benefits and Hospitality Policy Framework (the GBH Framework) issued by the Victorian Public Sector Commission. Awareness and compliance is established through communications and it is reinforced that a breach could constitute a breach of binding codes of conduct and result in disciplinary action. The recording of hospitality expenditure is compliant with government financial requirements.

A register of gifts offered is kept. VCGLR reports annually to ARMC on the administration and quality control of its gifts, benefits and hospitality processes and

⁵ Code of Conduct for Directors of Victorian Public Entities, Victorian Public Sector Commission

⁶ *Victorian Commission for Gambling and Liquor Regulation Act 2011*

register. The report includes an analysis of the VCGLR's gifts, benefits and hospitality risks, risk mitigation measures and any proposed improvements.

VCGLR publishes its gifts, benefits and hospitality policy and register on its website with the published register covering the previous and current financial year.

- **Outside Employment** There is a policy in place to manage outside employment. Outside employment is not permitted where the work arises from, or is associated with employee's official duties unless it is in the interests of the VCGLR (e.g. some lecturing activities). Employees who, in the course of their official duties, have access to information not available to the public are not permitted to engage in any outside employment to which this information might be used. Permission must be obtained prior to engaging in outside employment. A register is kept and there is a process of annual renewal of permissions.
- **Authorised Persons** Some VCGLR employees are subject to statutory restraints on their activities whilst and post being a 'restricted person' which includes all VCGLR Commissioners, all Gambling and Liquor Inspectors and all VCGLR employees designated by the Commission to be 'authorised persons' via an instrument of appointment. Restricted persons may not be employed by a key operative, a bookmaker or a commercial raffle organiser for two years.
- **Social Media for Employees** This policy provides guidance to employees and external contractors for the on their professional and personal use of social media. It is designed to sit under the framework for the *Guidance for the use of social media in the Victorian public sector* released by the Public Sector Standards Commissioner.

Policies and processes for recruitment and merit selection of employees are addressed in section 6.3.1. Policies and mechanisms addressing inappropriate behaviours are described in 7.4 section 7.4.

5.3 Employee Awareness

To provide a strategic approach to employee awareness and to strengthen compliance by employees, the annual **Integrity Training and Communication Plan** (the Plan) is developed. It is informed by the annual People Matter Survey.

The 2017-18 People Matter Survey did not identify integrity related priorities requiring remediation as in previous years. The 2018-19 Integrity Training and Communication Plan focusses on re-enforcement of values and policies.

All training is delivered on the VCGLR Nexus Learning Management System (LMS). All compulsory learning and development programs are monitored for implementation by the People and Culture Business Unit and reported to divisional Directors.

The programs will be reviewed on a three-year cycle to ensure they are meeting business needs unless there are changes in the operating or regulatory environment or significant changes in the risk profile.

All e-learning is mandatory within the induction process. The program includes:

- **Face-to face training** on preventing and responding to bullying and harassment in the workplace was rolled out to the organisation in March 2018. The content includes staff rights and responsibilities under legislation and VCGLR policies, staff contribution to a healthy and inclusive workplace and the benefits of respectful workplace behaviour.
- **Corruption and Fraud** This e-learning was rolled out to all staff in 2014. Refresher training is scheduled for 2018. The content includes expected behaviours, the definition of fraud and corruption, the consequences of such activity, controls in place and reporting responsibilities.

- **Code of Conduct** This e-learning applies to all employees. It was rolled out in 2016-17. The content includes the importance, responsibilities, identifying and applying the VPS Code of Conduct and responding to a breach.
- **VCGLR respect in the workplace** e-learning was rolled out in 2016-17 and applies to all employees. The content includes expected conduct of a VCGLR employee, responding to unacceptable behaviour and the support available.

5.4 Cultural Support

There are a number of support activities to a workplace culture which encourages staff to accept personal responsibility for behaving according to VCGLR values and in the public interest.

- **People matter survey** is conducted by the Victorian Public Sector Commission across the whole of the Victorian government. It allows employees to provide feedback to their organisation about perceptions of workplace culture and employee experiences. This information is used by the VCGLR in the measurement and improvement of organisational culture and action plans arise from the annual survey.
- **Benchmarking** Indicator/s in the People Matter Survey of staff perceptions on integrity issues are used as performance measures, benchmarked against similar organisations, to identify improvement over time.
- **Workplace Culture Committee** The core purpose of the Committee is to improve the workplace culture by collaborating with management and staff to support a working environment whereby staff feel engaged, motivated, appreciated and heard and to facilitate an improvement in the People Matter Survey.
- **Rewards and recognition** The purpose of the rewards and recognition program is to promote performance and reward the achievements of staff for customer service, leadership and business results. The program also aims at encouraging behaviour, that is reflective of the VCGLR's values and in turn achieve an increase in employee morale, job satisfaction and retention.

5.5 Ethical Compliance

Compliance with corporate policies and the VPS Code of Conduct is attested annually by employees and incorporated into annual conflict of interest and outside employment form.

6 Operational Strategies

Objective: *Factors that encourage or allow misconduct, corruption and fraud and identified and treated.*

6.1 Risk Management

Corruption, fraud and other losses risks [integrity risks] identification and assessment are part of the wider VCGLR Corporate Risk Management Framework which is consistent with ISO 31000: Risk Management – Principles and Guidelines and the Victorian Government Risk Management Framework.

The **Corruption and Fraud Risk Management Strategy** outlines the key elements to manage the impact of uncertainty [risks] associated with achieving the organisational goal for integrity and misconduct, corruption and fraud control.

An integrated organisational wide approach is used to manage the integrity risk profile through the Integrity Compliance and Risk Forum (the Forum).

High and very high risks are escalated to the Executive through the strategic risk register until treated. The reporting and review cycle requires the Forum to review the risk profile quarterly and the Executive, ARMC, and Commission receive a summary annual report.

The ICRF in the quarterly integrity risk review addresses reports issued by the Independent broad-based anti-corruption Commission (IBAC) and provides a report to the Executive.

6.2 Internal Controls

There are clear and documented procedures for those conducting activities that may be vulnerable to misconduct.

- The **VCGLR Procurement and Contract Management Framework** is based on high standards of probity and is consistent with the Victorian Government Purchasing Board [VGPB] principles and guidelines. There is an automated procure to pay and contract managements modules within the financial system, an Internal Purchasing Unit and as a mandated agency use of State Purchase Contracts and the Whole of Victorian Government Panels or Registers established by the VGPB.
- The **VCGLR Financial Management Framework** is consistent with the *Financial Management Act 1994* and the Directions. It documents roles and responsibilities, Governance, Service Delivery and Compliance/reporting.
- The VCGLR **Security Management (SM) Framework** is based on compliance with the 18 high level mandatory standards of the Victorian Protective Data Security Standards (VPDSS). The SM Framework details the controls systems for the five domains of Security Governance and Information, Personnel, ICT and Physical Security.
- There is **segregation of duties** for a number of functions including the purchasing and the accounts payable function and the payroll preparation and payroll authorisation function.

Internal Audit Reviews, which are undertaken according to the three year Internal Audit Strategic Plan, provides assurance on the operations of internal controls.

6.3 Prevention

Prevention measures are commensurate with the level and nature of risk identified in the integrity risk profile and include recruitment, suppliers, client awareness and the fraud & corruption policy.

6.3.1 Recruitment

- **Recruitment** The VCGLR aims to recruit and select the best possible applicants for positions at all levels ensuring transparency and consistency with the merit and equity employment principles in the *Public Administration Act 2004*. The **Recruitment Selection and Vacancy Policy** adopts the merit in employment principle under the Victorian Public Sector Commission (VPSC) guidelines. If a member of the selection panel has direct, personal interest or involvement they must declare any financial, family or other close personal relationship with any applicant for the position.
- **Pre-employment screening** is conducted and includes employment, qualifications and reference checks. The Probity Policy outlines the requirements for prospective employees to undergo a National Police Record Check (**NPRC**) and/or fingerprints and palm prints. More stringent and specific requirements regarding criminal history checks apply in relation to recruitment to a position as an 'Authorised Person' whether an internal or external applicant (refer section 5.3). Psychometric testing is required for selected positions.
- **New starter induction** To ensure that new employees understand the VCGLR policies discussions are held as part of induction with their manager on key areas including IT users policy, petty cash and records management as well as mandatory e-learning (refer section 5.3). Compliance to these requirements is monitored.
- **Protected information declarations** New employees, contractors and agency staff sign declarations about complying to protected information requirements under section 10.1.30 of the *Gambling Regulation Act 2003*.
- **Ongoing Employment** Policies related to vacancies, secondment and redeployment for employees support the merit in employment principles.

6.3.2 Client Awareness

- **Client and community awareness** is addressed within the Governance section of the VCGLR Website and information includes the VCGLR Integrity Framework, Corporate Governance Framework, VCGLR Charter, VCGLR's values, VPS Code of Conduct reporting corruption, conflict of interest and gifts, benefits and hospitality.

6.3.3 Suppliers

- **Supplier vetting and contracts** Suppliers are vetted during the procurement process. All suppliers agree to the standard terms and conditions prior to the delivery of services particularly to ensure confidentiality and privacy of information.

6.3.4 Fraud

- **Corruption and Fraud and Other Losses Control Policy** articulates VCGLR's commitment to a culture of integrity and the control of fraud, corruption and other losses. It details responsibilities, internal and external reporting requirements and investigation and recovery processes. It should be considered in conjunction with the VCGLR Integrity Framework.
- **Fraud Training** All new employees undertake fraud e-learning and refresher training is conducted on a three-year cycle.
- **Integrity Framework Implementation Plan** details the annual activities to implement and enhance the Integrity Framework and control of fraud, corruption and other losses.

7 Management Environment

Objective: *Misconduct, corruption and fraud resistance and response is an integrated and established component of VCGLR operations.*

7.1 Corporate Oversight

Misconduct, corruption and fraud resistance has high level ownership and corporate oversight. **Director Legal Services and General Counsel** is the owner of the Integrity Framework and is responsible for the coordination of integrity related compliance and risk management across the VCGLR in consultation with the **Integrity Compliance and Risk Forum**. The Forum comprises the Director Legal Services & General Counsel, the Director Corporate Services and CFO and the People and Culture Manager.

7.2 Accountability and Management Commitment

- **Line management accountability** is embedded as ethics and misconduct, corruption and fraud prevention goals are included in the performance measures against which managers are evaluated and are used to determine progression. Supervision capability is periodically strengthened through the Learning and Development Program.
- **Delegations** are detailed in instruments and registers:
 - The Commission exercises its powers under its establishing legislation, through delegations of some functions to a single Commissioner, a group of Commissioners or to various positions within the organisation. Powers are delegated to levels based on risk assessments.
 - The VCGLR Chair, under delegation from the Minister for Consumer Affairs, Liquor and Gaming Regulation, makes financial delegations allowing the Chief Executive Office [CEO], the Director Corporate Services and Chief Finance Officer and other nominated positions to authorise expenditure. A Financial Authorisation Policy outlines the accountabilities for VCGLR staff in exercising their delegated financial authorities.
 - The VCGLR Chair, who has employment powers conferred on him/her by enabling legislation, makes employment delegations to particular positions within the organisation.

The above Instrument of Delegations are easily accessible by staff via the Intranet. There is a searchable data base for statutory delegations. VCGLR Instruments of Delegations are reviewed annually.

Delegations training is provided through the induction process by the Manager. Higher duties processes include identification of delegations and training.

Licensing Division completes a monthly Quality Assurance (“QA”) review of licence applications determined, on a sample basis, to monitor the quality of decision making, compliance to delegations and to identify areas for improvement and efficiencies. Internal audit reviews the applications of delegations as part of its three year Strategic Internal Audit Plan.

- **Accountability** is defined in the VCGLR organisational structure with clear reporting lines, positions descriptions detail supervisory responsibilities and performance is assessed in reviews. Supervision training is periodically addressed through the Learning and Development Program.
- **Standard Operating Procedures** articulate work processes and include comprehensive recording of work activities, random checks by supervisors, staff

rotation of roles and the separation of regulatory scheduling from regulatory performance activities.

7.3 Detection

Ongoing corruption, fraud and other losses monitoring programs are encompassed into existing internal control and assurance programs.

- **Internal Processes** VCGLR utilises internal processes including post month end analysis, audit logs, reporting and reconciliations to manage the financial risk of corruption and fraud. Whilst it is acknowledged that there is a trend for data mining and real-time computer analysis to be used to identify suspected fraudulent transactions in Departments, it is management's opinion that VCGLR's size does not currently warrant automated data mining and analytics.
- **External Audit** The Victorian Attorney General's Office [VAGO] conducts an annual audit to provide assurance that the VCGLR's annual financial statements are free from material misstatement due to fraud or error. Control weaknesses are identified during the audit.
- **Internal Audit** The VCGLR has an independent audit function which:
 - conducts internal audits in accordance with fraud detection, prevention and response provisions of the Professional Practices Framework of the Institute of Internal Auditors
 - examines and evaluates the adequacy and effectiveness of the system of internal controls relating to areas of focus in the Strategic Internal Audit Plan [SIAP]
 - provides independent advice to management on control issues with implementation of agreed recommendations monitored by the ARMC.

7.4 Response

The VCGLR investigates all instances of suspected incidents and takes appropriate action including referral to Victoria Police and/or disciplinary action. All investigators (whether internal or external) are required to be suitably qualified with the investigation to be conducted consistently with the Independent Broad-based Anti-corruption Commission's (IBAC) "*Investigations Guide: Conducting internal investigations into misconduct (2016)*".

- **Corruption and fraud response** is incorporated into the Corruption and Fraud Policy
- **Misconduct processes** There are performance management processes including policies for misconduct and unsatisfactory work performance and grievance/review of action.
- **Protected disclosure procedures** detail how those who report corruption through the Independent Broad-based Anti-corruption Commission [IBAC] are managed.

8 References

- IA review of integrity frameworks in Victorian public sector agencies IBAC November 2014
- Corruption and misconduct risks associated with employment practices in the Victorian public sector IBAC August 2018
- Corruption risks associated with public regulatory authorities IBAC July 2018
- Controlling fraud and corruption: a prevention checklist IBAC November 2013
- Australian Standard AS 8001 Fraud and corruption control March 2008

- Misconduct resistance – An integrated governance approach to protecting agency integrity, Corruption and Crime Commission [CCC] Western Australia 2008
- Misconduct resistance – An integrated governance approach to protecting agency integrity- Integration Guide, Corruption and Crime Commission [CCC] Western Australia 2008
- Fraud and corruption control - guidelines for best practice, Crime and Misconduct Commission [CMC] Queensland, March 2005

9 Related Policies

- Code of conduct for Victorian public sector employees
- VCGLR conduct and ethics policy
- Conflict of interest policy
- Gifts benefits and hospitality policy
- Social media for employees policy
- Authorised persons policy
- Outside employment guidelines
- VPSC misconduct policy
- VPSC management of underperformance policy
- VPSC grievance policy
- Recruitment and selection policy
- VCGLR Procedures for protected disclosure management

Document Panel

Current Version number	V2.0
V1.0 Endorsed by Executive on	21/10/15
V1.0 Endorsed by Audit & Risk Management Committee on	09/11/15
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V2.0 Endorsed by the Integrity Compliance and Risk Forum	11/02/19
V2.0 Endorsed by the Executive	14/05/19
Business owner & author	Manager Governance & Risk,

Revision Panel

Version	Section	Change
V2.0	5. 1 Ethical Standards	Reference to Compliance with values embedded in PDP's moved to Values
	5.2 Policy Framework	Addition of Social Media Policy
	5.3 Employee Awareness	Inclusion of more detail on the Training and Communication Program
	5.5 Ethical Compliance	Replacement of ethical compliance program through the PDP process with ethical compliance attestation incorporated into annual conflict of interest and outside employment declarations.
	6.1 Risk Management	Inclusion of the reporting and review cycle for fraud and corruption risks and the oversight role of the ICRF
	6.2 Internal Controls	Further information on the Procurement Framework with reference to the Contract management and P2P modules in the financial system.
		Replacement of the Information Management Framework and the IT Security Framework with the VPDSS consistent Security Management Framework
		Update of the description of the Financial Management Framework to reflect the 2016 Directions.
	6.3 Prevention measures	Summary sentence of controls including recruitment, suppliers, client awareness and the fraud & corruption policy.
	6.3.2 Community Awareness	Reference to the integrity documentation on the website
7.3 Detection	Further information on Internal financial processes and policy on analytics	
7.4 Response	Reference to Investigations to be consistent with IBAC's Investigations guide	