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**RE: Reform of Australian Government Administration: Building the world's best public service – A Submission by the ANZSOG Institute for Governance *at the University of Canberra***

**Executive Summary**

This submission is the product of a series of deliberations within the Australia-New Zealand School of Government's (ANZSOG) Institute for Governance on the present state of Australian government administration. The submission addresses a number of general matters of broad principle which are of particular interest to the Institute in terms of its research on critical governance issues and provides specific comment on issues raised by the Advisory Group's discussion paper and the recently published KPMG *Benchmarking Australian Government Administration Performance* report.

It also provides some practical recommendations to underpin the reform process in its areas of expertise. Our comments are organised into six sections which correspond with different dimensions of reform: (1) embedding public service values in public administration; (2) strengthening integrity in public administration; (3) enhancing strategic policy capability; (4) fostering citizen-centred policy-making; (5) designing professional development for a professionalized public service; and (6), the role of the Australian Public Service Commission (APSC) in the reform process. A summary of our main observations and recommendations follow.

**(1). Embedding public service values in public administration**

It is observed that while the adoption of New Public Management was an important phase in the modernisation of Australia's public services, it is now simply unequal to the challenge of public service provision in an era of governance. This is because it privileges the role of technocrats, takes the politics out of public policy deliberation and its market orientation is at odds with the concept of public service sitting more easily with the language of the consumer rather the language of the citizen. In consequence, the success of public service reform rests on the development of citizen-centred governance structures which can meet the demands of both representative democracy and the efficient delivery of public goods. A set of recommendations are advanced for these purposes rooted in a 'maximalist' ('deep democratisation') conception of

public value and reflected in the creation of public service juries. This is the ‘Big Idea’ to lend principles, form and clarity to the administrative modernisation process.

## **(2). Strengthening integrity in public administration**

The Institute notes that while an emphasis on “core values” and a focus on codified standards of ethical conduct, have featured prominently in the APS’s programs and reports over the past decade, little attention has been paid to achieving ethical reliability as an element of “professionalism” among officials who exercise power on behalf of the state. In the absence of such reliability, “public trust” is unlikely to be sustained. *It is the Institute’s position that for today’s professional public service, this approach is fundamentally inadequate, even self-defeating.* To deliver integrity in public administration, APS officials need real skills, not just good intentions. Role-relevant skills should have to be developed and demonstrated by individuals before they can be considered eligible to be promoted to positions of responsibility. In the Institute’s view, the provision of formal professional training and development aimed at ensuring integrity in government administration and professionalism in the public service should be a first priority for any responsible government.

The Institute further identifies serious problems with both the APS’s Values Framework and its Code of Conduct and recommends the complete re-conceptualisation and redrafting of both documents as a matter of priority. The Australian government’s 2007 *Standards of Ministerial Ethics* provides an example of role-based specification of core values, which the Institute recommends be considered as a basis for the APS Values statement. The Institute also considers that the current APS Values and Code are deficient in their treatment of the disclosure of wrongdoing by APS officials, and contractors providing APS services. The Institute notes that Queensland’s path-breaking *Whistleblowers Protection Act 1994* is a key component of the integrity and accountability framework in Queensland and has provided a policy model which has influenced the development of policy and practice in numerous other Australian and overseas jurisdictions, notably the United Kingdom and various UN agencies. We recommend its adoption in Australia.

## **(3). Enhancing strategic policy capability**

Australia’s strategic policy capability is no worse than its international comparators; however, it requires strengthening in terms of: a) improving the planning nexus between policy and implementation; b) recruiting and retaining the best and the brightest; c) ensuring that a balance is struck between encouraging mobility of personnel, both within the public service and between other sectors and the public service and making sure that this does not lead to a lack of institutional memory and program specific expertise; d) creating mechanisms for more effective organizational learning by nurturing closer working relationships with academic researchers through action-based research programming which includes senior practitioners in both the production and the analysis of research findings, broader use of innovation intermediaries such as ANZSOG, the formalization of opportunities for secondments out of the public service for periods of learning and reflection on critical governance issues and the production of supply side incentives for academics to facilitate high quality public impact research.

#### **(4). Fostering citizen-centred policy making**

The starting point to the effective engagement of citizens in the policy process is to establish a new approach to public management that speaks the language of the citizen and makes a concerted attempt to understand and respond to the basic needs of the citizenry. In short, to practice public-value management at every level of the public service so that it becomes embedded in the norms and values of the service. It is argued that the creation of public service juries on the criminal jury model will go some way towards achieving this aim as long as they have genuine reach into decision-making. We identify three conditions for the successful creation of participatory policy mechanisms – strong leadership, trusting relationships and shared decision-making power. In addition, the submission outlines a range of other practical challenges which need to be overcome if effective partnering arrangements are to be secured between governmental and non-governmental organizations. As a parting shot, it is noted that fundamental lessons can be drawn from the *Young Foundation* in the UK on the role that social entrepreneurship can play in inspiring active citizen engagement in policy deliberation and delivery and from the comprehensive international research conducted by the UK think tank *Involve* on the various forms and methodologies of citizen engagement.

#### **(5). Designing professional development for a professionalized public service**

The ANZSOG Institute proposes the concept of ‘Professional Skills for Government’ (PSG) as a methodology for ensuring that the Australian Public Service (APS) is underpinned by world leading professional development programs in its areas of expertise. It further argues that the Executive MPA-model focuses on the provision of core generic professional skills for senior public managers and tends to forget that the public service is made up of both a broad complex of professions and a range of sectors with specific skills needs. Moreover, insufficient attention is paid to ethical training and integrity issues in public administration and to using professional development opportunities to promote shared learning across sectors (public, private, non-profit). In addition, the existing PSG approach has been the subject of considerable professional reflection at the middle-management level and above but there has been insufficient reflection of the APS’s skills needs from the entry level to the middle-management level. We therefore argue for a joined-up approach through: a) the development of an integrated accredited occupational skills qualification framework for all public servants from entry level to chief executive officer encompassing a work-based Foundation Degree in Government, a Graduate Certificate in Government, a Diploma in Government and an Executive MPA award; b) the opening-up of these courses to participants from other sectors to promote shared learning and a public value ethos; c) the integration of a professional ethics component within the generic PSG curriculum; and, d) the development of generic accredited PSG curriculum and sector specific curriculum at each level of the service.

#### **(6). The role of the Australian Public Service Commission in the reform process**

It is noted that effective public service reform will require strategic leadership from the centre. This is where the APSC could play an important new role. It would, however, require an upgrading of its existing powers and responsibilities to: oversee the implementation of public service reform decisions; empower it with the responsibility for getting as much consistency as is needed across the APS in the reform endeavor with the use of *Better Practice Guides* (BPG) and peer review mechanisms; assume responsibility for advising on systems that can best provide for an APS that learns and adapts, including citizen surveys; be a central repository for tapping into outside expertise for evaluating progress in the government initiatives including building an

evaluative culture and capacity across the APS to track results for continuous impact; and, be charged with the responsibility of convening a national forum to deliberate on and ultimately design a national PSG curriculum.

The APSC could also play a coordinating role in ensuring that all agencies commit to ensuring clarity of language and intent and avoidance of rhetoric into the future: terms such as “collaboration”, “partnership”, “citizen-centred” and “engagement” are fine but can easily disappoint and unduly raise expectations unless good communication and implementation of intent consistently and continuously occurs.

### **In Conclusion**

For forms of government let fools contest:  
What'er is best administered is best  
Alexander Pope, Essay on Man, Epistle 111, lines 303-4.

In conclusion, the crafting of an ethical, accountable, transparent, competent, reflexive and responsive public service, underpinned by the mutually reinforcing concepts of public integrity and public value appear to provide the best possible conditions for ‘building the world’s best public service’ in Australia.

## **Preamble**

This submission is the product of a series of deliberations within the Australia-New Zealand School of Government's (ANZSOG) Institute for Governance (hereafter 'the Institute') on the present state of Australian government administration. The Institute conducts interdisciplinary research and professional development in governance to deepen theory, advance knowledge and improve practice in a way that is of significance to scholars and practitioners in Australia and internationally. Indeed the establishment of the ANZSOG Institute in June 2009 at the University of Canberra reflects the commitment of both institutions to producing research and professional development which has broad social purpose and genuine public value. We understand governance as the methods by which societies determine and deliver public goods and our action-based research programs focus on the key governance dilemmas confronting ANZSOG's government partners in an era of collaborative governance. *We value this opportunity to comment on the reform process and view this exercise as an institutional expression of the strength of Australian democracy.*

The submission addresses a number of general matters of broad principle which are of particular interest to the Institute in terms of its research on critical governance issues and provides specific comment on issues raised by the Advisory Group's discussion paper and the KPMG *Benchmarking Australian Government Administration Performance* report. It also provides some practical recommendations to underpin the reform process in its areas of expertise. In particular, our comments focus on the reforms necessary to facilitate a new contract between government and citizen through the creation of: a) 'a values driven culture that retains public trust' (public service values and integrity in public administration); b) 'high quality forward looking and creative policy advice' (strategic policy capability); and c), 'high quality, effective programs and services focused on the needs of citizens' (citizens engagement). We further argue that the achievement of these reforms will require d) a 'professionalised' public service underpinned by an integrated occupational skills qualification framework for all public servants (professional development).

Our comments are organised into six sections which correspond with different dimensions of reform: (1) embedding public service values in public administration; (2) strengthening integrity in public administration; (3) enhancing strategic policy capability; (4) fostering citizen-centred policy-making; (5) designing professional development for a professionalized public service; and (6), the role of the Australian Public Service Commission in the reform process.

### **(1). Embedding public service values in public administration**

Although the adoption of New Public Management (NPM) was an important phase in the modernisation of Australia's public services, it is simply unequal to the challenge of public service provision in an era of governance. This is because it privileges the role of technocrats, takes the politics out of public policy deliberation and its market orientation is at odds with the concept of public service sitting more easily with the language of the consumer rather the language of the citizen. The introduction of "employment at whim" (contract employment, associated with varying degrees of precariousness), and the corresponding erosion of public service ethics and institutional memory are evident manifestations of the hollowing-out of 'government by the rules'. Indeed, as we shall argue in full later, an integrity paradox has emerged in which the quest for economy, efficiency and effectiveness through NPM, networked governance, and risk management, has increased rather than reduced the scope for maladministration and corruption. In consequence, the success of public service reform rests on

the development of inclusive governance structures which can meet the demands of both representative democracy and the efficient delivery of public goods. *We therefore challenge Prime Minister Kevin Rudd to take his commitment to citizenship once step further and embrace the concept of public value as the big idea which can lend clarity and purpose to the public service reform process.*

Many of the obstacles to representative and responsive governance identified in the burgeoning literature on governance can be overcome through the reformation of governance norms, values and operational rules aimed at achieving public value (see Evans, 2009). From the research findings outlined in the governance literature, it is possible to identify the key problems confronting public managers in an era of governance. These include: the problem of steering clusters of state and non-governmental organizations outside traditional organizational boundaries; the absence of operational rules (e.g. establishing lines of command through, for example, the establishment of publicly-driven performance targets); the lack of policy instruments for managing governance performance (e.g. monitoring and evaluation); the dangers of governance structures being subject to interest capture and the consequent risk of their ability to resist and/or dilute government aims; and, associated problems of weak democratic control and confused accountabilities.

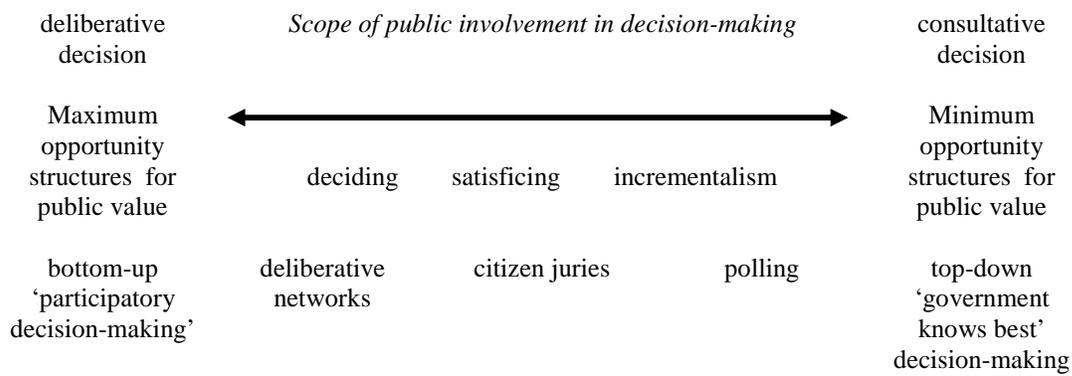
The emergence of public value management (PVM) is a direct response to the shift from government to governance and the limits of NPM in managing its inherent problems. Mark Moore (1995), who coined the phrase, basically argues that public services can add value to society in the same way that private for-profit organisations create value for their shareholders and other stakeholders. By implication, public intervention should be circumscribed by the need to achieve positive social and economic outcomes for the citizenry. What is and what is not public value should be determined collectively through inclusive deliberation involving elected and appointed government officials, key stakeholders and the public. Conceptually the notion of public value resonates with other modernisation discourses that seek to address the limits of the liberal democratic model in meeting the requisite needs of the citizenry such as the New Localism (Aldridge & Stoker 2002 & Goss, 2001), social capital (Putnam, 1995; Cabinet Office, 2002) and deliberative democracy (Fischer 1993 & 2003; Parkinson 2004).

In the same way that Christopher Hood (1995) identified the emergence of an international NPM movement in the mid-1990s; a similar observation can be made with regard to PVM in the new millennium. A small number of centrist UK think tanks such as the IPPR, the Work Foundation, Demos, Involve and the Young Foundation have adopted public value as their modernisation concept of choice for reinvigorating the public sector and bringing it closer to the people.<sup>1</sup> In addition, several state centred public value projects have emerged in Australia (e.g. the National Office of the Information Economy), Germany (e.g. the Civil Service commission and the 'Red Tape' movement), and, France (e.g. the ministry of state transformation and the French decentralisation process). Moreover, civil service training organisations such as the Australia-New Zealand School of Government, the Kennedy School at Harvard, the China National School of Administration and the National School of Government in the UK have all begun to integrate the concept of public value into their executive training courses.

There have already been several governmental flirtations with the concept of public value. For example, during the Blair premiership following the publication of *Creating Public Value* by Gavin Kelly and Stephen Muers in the Strategy Unit in 2002 several high profile government spokespeople included references to achieving public value in policy papers and public lectures (see Balls, 2002; Blunkett, 2003a&b & 2004, Raynsford, 2003 and Turnbull 2002). Indeed,

according to the Work Foundation several British public organisations have operated public value assessment frameworks since 2006 including the BBC, the Department for Culture, Media and Sport, the Victoria and Albert Museum, and several local authority recycling schemes such as the London Borough of Lewisham. However, on closer inspection it is evident that public value experiments tend to be characterised by different models of decision-making underpinned by different conceptions of democracy and reflecting different modes of public engagement. Figure 1 situates these models of decision-making along a continuum in which ‘bottom-up’ deliberative decision-making and ‘top-down’ ‘government-knows best’ consultative forms of decision-making can be found at each end of the spectrum. The further you move towards the deliberative end of the continuum, the greater the ability of the citizen to affect policy outcomes.

**Figure 1. The scope of public involvement in public value decision-making**



But what are the implications of PVM for public service reform? As Gerry Stoker (2006:16) observes, the public value paradigm demands a commitment to broader goals than those envisaged under traditional and NPM management regimes as managers are tasked with steering networks of deliberation and delivery as well as maintaining the overall coherence of the system. It offers a different narrative of reform in the sense that it centres:

...on a fuller and rounder vision of humanity than either traditional or NPM. People are, it suggests, motivated by their involvement in networks and partnerships, by their relationships with others formed in the context of equal status and mutual learning. Some will find its vision attractive but the realists or cynics may prefer to stick with traditional new public management or NPM.

Hence PVM reform would require new values and practices and in certain instances the rediscovery of old ones; for example, the notion of public service. So how could PVM reform be embedded in governance? Governance should become the instrument for the pursuit of public value through the reformation of governing norms, values and operational rules. This would require the adoption of at least four public value principles:

Proposition 1: the role of public organizations at all levels should be circumscribed by the search for public value and a commitment to a public service ethos.

Proposition 2: decision centres in governance structures should include a balance of forces (public service panels, political representatives, technical support).

Proposition 3: public managers should be neutral arbiters of public value.

Proposition 4: governance structures should use a participatory learning-based approach to the challenge of public service delivery.

These principles would help to bring the politics back into policy deliberation and operational delivery at a time when the public standing of governmental institutions has reached its nadir. They would help to foster problem-solving, reflexive public organisations committed to delivering public value.

The application of these principles would have dramatic practical implications for the work plans of public organisations. Six public value practices would be particularly important for governance:

Proposition 1: public managers need to understand the network environment through scoping the field of action, identifying all potential partners and their resources.

Proposition 2: public managers need to develop ‘smart partnerships’ through policy community-building.

Proposition 3: to ensure public value, public managers should establish clear deliberative rules and intelligent performance indicators linked directly to negotiated policy objectives.

Proposition 4: Monitoring systems should be designed to identify movements towards or away from achieving these objectives.

Proposition 5: Work plans should be subject to annual audits and evaluations with effective reporting systems both to politicians and to the public.

Proposition 6: Oppositionist networks should be allowed to form to ensure that all interests are given voice.

The obstacles to the effective application of PVM in Westminster models of representative democracy have been well documented elsewhere and include: professional and parliamentary resistance and path dependency; the lack of political will; resource constraints; and, issues of complexity (see: Gains and Stoker 2009 & Rhodes and Wanna, 2007). The notion of public value, so the argument goes, doesn’t sit easily with the Westminster model as it introduces a concept of public interest that is not determined by the government of the day, but by public servants in consultation with communities and providers. These factors, amongst others, have led Francesca Gains and Gerry Stoker (2009: 2) to conclude that, ‘this new “public service contract” is likely to be easier to adopt in a local setting than in the core executive although in neither case is the adoption of new modes of working between politicians, officials and citizens unproblematic’. It is noteworthy, however, that the majority of the criticisms advanced in critique flow from a minimalist conception of public value which views PVM as a method for privileging the role of bureaucrats in policy processes. This was not Moore’s intention.

Radical times require a radical rethink. The evidence suggests that governance has failed to transform itself into anything other than ‘the acceptable face of spending cuts’ (Stoker, 1998: 1) and is far from an efficient mode of governing. Moreover, evaluations of performance in government bemoan: the absence of citizen involvement in service delivery; low productivity and inefficiency; restricted choice and poor outcomes for the disadvantaged; the minimal spreading of best practice and innovation; and limited government responsiveness to public opinion (see, amongst others, Bichard, 2005). In sum, NPM is simply unequal to the task of managing public service production.

There are three potential new theatres for PVM which further bolster its claims to being both philosophically and practically attune with the needs of the citizenry. Firstly, it would be possible to circumvent criticisms that PVM would undermine the power of elected representatives through

the introduction of delegated decision-making on a devolved model operating within framework agreements established by the government of the day. Secondly, a public value approach could be integrated into a Comprehensive Performance Assessment process. Public service agreements could be established in high politics by the government of the day and Specially Responsible Officers accountable for delivering government priorities would then be required to call a public into being through the creation of public service juries with the task of monitoring and evaluating government performance alongside public servants and elected representatives. Public service juries would operate on the same basis as the criminal jury system. We trust citizens to make life and death decisions why not public value ones?

Timing is everything in politics and the time is ripe for a paradigm of public management that speaks the language of the citizen and makes a concerted attempt to understand and respond to the basic needs of the citizenry. The time for PVM has come.

## **(2). Strengthening integrity in public administration**

“Trust in government” is increasingly an issue of public concern. It is self-evident that such trust must be earned: governments, and those public officials who act in their name, must ensure that the public institutions through which ordinary citizens experience “government” are trustworthy. Officials who cannot reliably identify and deal with ‘the ethics problem’ appropriately constantly put their organisation (and their managers) at risk. Conflicts of interest, misconduct, abuse of position, breach of fiduciary duty, negligence, criminal acts, corruption, politicisation, and whistleblowing – these are just the starting point of a long list of risk-areas which must be managed effectively.

Further, public servants (like any professional), must be competent both to recognise when a given situation falls outside the scope of relevant rules and norms, and to understand the limitations of their role. However, while traditional ‘Core Values’ statements and Ethics Codes are now commonplace, these are not enough. As we already know from experience, codes of ethics, no matter how comprehensive, cannot provide guidance about all possible circumstances which might arise: interpretation and good judgment are usually necessary. And whereas all but the worst scandals used to be forgotten eventually, the Internet means that today’s scandals can be made available to the whole world, indefinitely.

While an emphasis on “core values” and a focus on codified standards of ethical conduct, have featured prominently in the Australian Public Service Commission’s programs and reports in the past decade, little attention has been paid to achieving ethical reliability as an element of “professionalism” among officials who exercise power on behalf of the state. In the absence of such reliability, “public trust” is unlikely to be sustained.

Australian citizens generally expect to be able to trust that their public officials will demonstrate professionalism and integrity – in short, will be reliable – in performing their roles. Thus APS officials are generally expected to do their professional duty diligently, obey the law, act fairly and honestly, respect the rights of individuals, and resist corruption. They are also expected to take responsibility for ensuring that their organisation’s integrity system functions effectively in preventing and detecting misconduct, waste, fraud, abuse of public office, maladministration, and poor resource-management.

Further, the discretionary exercise of state or institutional power, and trusteeship for public resources, are matters of central importance: while the focus of APS program-delivery activity (or much of it) is necessarily on delivering better standards of service to a wide range of interest-groups, actual and notional stakeholders, and ‘clients’, integrity in APS administration is concerned primarily with fundamental notions of duty, in particular fiduciary duty as a public official.

The universal requirement set out in the great majority of public sector ethics codes – that public officials minimize conflicting private interests which might adversely affect their integrity, and that of their organisation – arises precisely because unelected public servants participate in governing. The proper observance of the professional ethics standards traditionally expected of APS officials is therefore crucial to public confidence in the integrity of elected governments. This is no small matter in a democracy.

But unlike the established professions, entry to the profession of public service in Australia does not require demonstration of a mastery of, or even familiarity with, relevant ethical standards. For any public servant at any level, the competing and conflicting demands of law and policy, official duty, personal disinterestedness, procedural fairness, due process, efficient service delivery, and the proper exercise of discretionary judgment, can provide fertile ground in which ethical dilemmas may grow. Taking account of “the public interest” has long proved to be of great difficulty for officials at all levels, and “loyalty to the government of the day,” unexceptionable enough in principle, can seem to require “blind loyalty,” and suppression of dissent. Especially for senior managers, many views of what ‘integrity’ requires can jostle for attention, even if there is agreement about what the substantive issues are in a given case.

Dilemmas can arise when codified rules seem to conflict, or not to fit the case in hand, or seem likely to produce adverse unintended consequences in a given case. New situations emerge continuously, and by their nature, codes of ethics cannot prescribe actions for every possible case that might arise. In these circumstances, the individual decision maker’s personal moral intuitions alone will rarely, if ever, be sufficient to provide a reliable outcome.

It appears to be generally assumed by public sector management authorities that this situation is unproblematic: candidates for public service appointment are assumed to have either somehow learned how to reason about the application of the ‘core values’ of public service to specific cases before they enter public employment, or that they will not cause undue harm while they make the inevitable mistakes while ‘learning by doing.’

*It is the Institute’s position that for today’s professional public service, this approach is fundamentally inadequate, even self-defeating.* To deliver integrity in public administration, APS officials need real skills, not just good intentions. Role-relevant skills should have to be developed and demonstrated by individuals before they can be considered eligible to be promoted to positions of responsibility. As “*good judgment comes from experience: and experience comes from bad judgment,*” bad judgment in this crucially important area should as far as possible be confined to the relative privacy of the training room, rather than exposed to the public, or the workplace, or the Minister’s office. ‘Integrity amateurs’ can do enormous damage to public trust in the system of government.

As Confucius pointed out so aptly, ensuring ‘trust in government’ is more important than providing a disciplined army, or even sufficient food for all the people, since without it nothing can be achieved.

## **Ethical performance**

In the Institute's view, the provision of formal professional training and development aimed at ensuring integrity in government administration and professionalism in the public service should be a first priority for any responsible government. No organisation, public or private, can afford to have its staff trying to guess what its standards are.

Ethical decision-making is a practical skill which can be learned, taught, and managed: moral reasoning, and its application to ethical issues in professional life, including conflicts of interest, the relationship between ordinary and role morality, cross-cultural values, autonomy and paternalism, and privacy and confidentiality, can be 'designed in' to organizations, occupations etc. through such devices as Codes of Ethics, disciplinary processes and reward systems.

In all versions of what constitutes 'good' public sector leadership we find buried the key ethical notions of legitimacy, trusteeship and fiduciary duty: conflict of interests is the key concept. Public officials are expected to recognise that they exercise state power and manage state resources as trustees, by delegation or directly, for the general good. In so doing, public servants are required to respect multiple loyalties: to their employing institution; to the State; to their profession; to themselves; to due process, fairness and 'the public interest', however defined.

Public servants can determine the performance of state institutions, and thereby the electoral fortunes of Ministers and elected governments. Public servants are not usually directly accountable to the public for their exercise of power, whereas their Ministers are – no small matter in a democracy. In this context, Administrative Ethics (or alternatively – Public Sector Ethics) is concerned primarily with the notion of duty, and in particular fiduciary duty of various kinds.

Even this task is problematic: most scholars and professionals agree about the centrality of notions such as "duty," "rule of law," "transparency," "accountability," "disinterestedness," "continuity," "reliability," and "procedural fairness." However, many would agree to disagree over the relative significance, or indeed the meaning, of a host of other notions, such as (to name but a few) "diligence," "loyalty," "equity," "efficiency," "representativeness," "legitimacy," "responsibility," "responsiveness," and "integrity." What "the public interest" might require in a particular case, in terms of both outcomes and procedures, is always likely to be contested. As these terms stand for the central concepts embodied in modern integrity systems: this is, by any account, a problematic situation.

## **Core values in public administration and management**

In the context of people and organisations, a 'value' is an abstract idea – a concept – which is considered to be important to the identity, existence, strategies, or objectives of an organisation, or a person or group. Where the idea is valued in itself, rather than as a means to achieving some other end, it is often referred to as an 'absolute', 'intrinsic', or 'core' value: on this analysis, 'survival', 'freedom', 'health', 'legitimacy, and 'integrity' are examples of such values. 'Core Values' are always non-trivial, and linked to practices. Organizationally, you are what you value.

It is self-evident that values, as abstract ideas, cannot be observed directly: instead, we must find indicators which demonstrate genuine adherence (or failure to adhere) to a particular Core Value. Such lack of coherence may arise from lack of awareness, or lack of skills, or lack of incentives/presence of disincentives, or (as is often the case) internal conflict or competition between various values. Where indicators show a gap between 'espoused values', (those values

which are formally adopted or as important by an organisation), and ‘enacted values’ or ‘values in place’ (those values which are actually practised in the daily work of members of the organisation), research can help to identify causes and explanations for such gaps, and guide policy development. In this context, norms of workplace ‘Ethics’ may be consistent with an individual’s particular religious belief or philosophical tradition, general morality, or ‘community standards’, *but are not necessarily derived from such sources*. Ethical standards for APS staff are ultimately based on the obligations of role-based employment with the APS.

The major problem for implementing effective Codes of Ethics remains that no law or Code will be of much value if individual civil servants lack the technical competence to recognise an ethics problem for what it is, or if they do not know what standards their organisation expects of them, or (worst of all), if they consider it to be not in their interests, personally or professionally, to take a stand for integrity and against corruption.

Codes of Ethics – by themselves – are of little or no value in disciplinary matters, either because no manager will take the risk of making a disciplinary charge on the basis of vague general ethics principles in the absence of specific conduct standards, or if they do, because an appeal usually succeeds (and the manager’s reputation suffers accordingly). Where this happens, very soon managers will avoid taking disciplinary action, usually by deliberately ‘failing to see’ the disciplinary problem. In this way, an Ethics Code may actually *reinforce* misconduct and corruption. Conversely, a Code of Ethics/Conduct which concentrates on providing a firm basis for disciplinary action will only succeed in developing a workplace culture which focuses on narrow compliance with the rules so as to avoid punishment. Good public administration and effective public service reform cannot be maximised against a ‘compliance mentality’ background, and may not be achieved at all.

Most modern Civil Service Ethics laws, and Codes of Ethics for civil servants and public officials, endorse the following minimum set of principles:

### ***Serving the Public Interest***

*Civil servants and public officials are expected to maintain and strengthen the public's trust and confidence in government, by demonstrating the highest standards of professional competence, efficiency and effectiveness, upholding the Constitution and the laws, and seeking to advance the public good at all times.*

### ***Transparency***

*Civil servants and public officials are expected to use powers and resources for public good, under government policy. They should be accountable for the decisions they make, and prepared to justify their actions.*

### ***Integrity***

*Civil servants and public officials are expected to make decisions and act solely in the public interest, without consideration of their private interests. Public employment being a public trust, the improper use of a public service position for private advantage is regarded as a serious breach of duty.*

### ***Legitimacy***

*Civil servants and public officials are required to administer the laws, and to exercise administrative power on behalf of the Government, or the Parliament, or other such authority. That power and authority should be exercised legitimately, impartially and without fear or favour, for its proper public purpose as determined by the Parliament or their employer.*

### ***Fairness***

*Civil servants and public officials should make decisions and act in a fair and equitable manner, without bias or prejudice, taking into account only the merits of the matter, and respecting the rights of affected citizens.*

### ***Responsiveness***

*As agents and employees of the elected Government, Civil servants and public officials are required to serve the legitimate interests and needs of the Government, other civil servants, and all citizens, in a timely manner, with care, respect and courtesy.*

### ***Efficiency and Effectiveness***

*Civil servants and public officials are required to obtain best value for public assets deployed in or through public management, and to avoid waste and extravagance in expenditure and the use of public assets.*

It is important and encouraging that in a number of African countries where there is a significant Muslim tradition, other 'traditional' moral virtues such as '*Selflessness*' and '*Self discipline*', and '*Courage*' are being invoked in their civil service Codes of Ethics, specifically as a corrective to official corruption, abuse of office, and conflicts of interest.

Codes of Ethics and Codes of Conduct, as described above, have been implemented in various forms in most if not all western Civil Service systems. Almost irrespective of the particular content of such Codes, however, it is essential that ongoing professional training, effective institutionalisation by management, and committed leadership by political and administrative elites, be maintained or strengthened if such Codes are to be worth more than the paper on which they are printed.

### **The Australian Public Service Code and Values**

There are currently 15 APS Values promulgated by the Public Service Act 1999, as follows:

*'... the Australian Public Service:*

- 1. is apolitical, performing its functions in an impartial and professional manner;*
- 2. is a public service in which employment decisions are based on merit;*
- 3. provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves;*
- 4. has the highest ethical standards;*

5. *is openly accountable for its actions, within the framework of Ministerial responsibility to the Government, the Parliament and the Australian public;*
6. *is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs;*
7. *delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public;*
8. *has leadership of the highest quality;*
9. *establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace;*
10. *provides a fair, flexible, safe and rewarding workplace;*
11. *focuses on achieving results and managing performance;*
12. *promotes equity in employment;*
13. *provides a reasonable opportunity to all eligible members of the community to apply for APS employment;*
14. *is a career-based service to enhance the effectiveness and cohesion of Australia's democratic system of government;*
15. *provides a fair system of review of decisions taken in respect of employees.*

As has been identified by the present Review's consultation process, many APS respondents find the Values generally unproblematic in their scope and purpose – though there are many criticisms of the vagueness and generalisation of their drafting. Much more serious is the almost universal condemnation of APS managers, and a leadership which fails to comply with the Values, or worse, distorts the Values for personal gain, and is able to do so apparently without consequences. The Institute is often made directly aware of similar criticisms from many well-informed and often senior APS staff.

*In our view, this is an issue of absolutely central importance for the credibility of the APS Values Framework, and the APS itself. Values statements which do not link to institutional practice are worse than useless: they undermine the organisation's credibility in the most fundamental way. In particular, the APS Values list set out above is a confused and confusing mixture of implied aspirational norms and instrumental goods: in some instances the stated Value implies (but does not state) particular fundamental constitutive values (e.g. 1, 4, 6 above), but in other instances states instrumental or procedural values which are not constitutive of APS ethical standards (e.g. 6, 10, 11, 12 above). In other instances the 'Value' as stated is a combination of other instrumental values of differing significance, without any specific rationale (e.g. 5,7, 13, 14, 15.).*

In all cases the Values are drafted in a rhetorical style which appears to invite tie section to be read as a statement of fact. It is also uncertain as to how the Values underpin (if that is the intention) the APS Code of Conduct, and the connection to the APS Discipline and performance management processes.

These two aspects above all are a matter for concern on the part of APS staff, and in the Institute's view merit the complete re-conceptualisation and redrafting of the Values statement as a matter of priority.

### **The Australian Public Service Code of Conduct**

1. *An APS employee must behave honestly and with integrity in the course of APS employment.*
2. *An APS employee must act with care and diligence in the course of APS employment.*

3. *An APS employee, when acting in the course of APS employment, must treat everyone with respect and courtesy, and without harassment.*
4. *An APS employee, when acting in the course of APS employment, must comply with all applicable Australian laws.*
5. *An APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction.*
6. *An APS employee must maintain appropriate confidentiality about dealings that the employee has with any minister or minister's member of staff.*
7. *An APS employee must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment.*
8. *An APS employee must use Commonwealth resources in a proper manner.*
9. *An APS employee must not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's APS employment.*
10. *An APS employee must not make improper use of:*
  - o *inside information or*
  - o *the employee's duties, status, power or authority*
11. *in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person.*
12. *An APS employee must at all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS.*
13. *An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.*
14. *An APS employee must comply with any other conduct requirement that is prescribed by the regulations*

The principle comment on the APS Code of Conduct relates to its impracticability: this is generally the result of the use of undefined terms, such as in clauses 1, 2, 3, 8, 12. Of greater significance, however, is the criticism that the Code assumes that its strictures are to be treated individually, and that the world of decision-making is a simple and uncomplicated place in which the choice to be made by an APS official will not find that the Code's requirements are not in conflict or competition, and that the choice to be made is between good and evil, rather than between competing versions of what is required of them. Clause 12 is particularly problematic in this respect.

A further concern is the apparent unreasonableness of various requirements – in particular clauses 4, and 14, where it is explicitly required that APS officials must have up-to-date, comprehensive and expert knowledge of *all* the applicable laws. It is assumed that the applicable laws will be consistent and unproblematic, and that the onus is on the individual official to ensure that they do. At the minimum, this requirement makes it the responsibility of the APS and the government to ensure that adequate training on the applicable legislative and regulatory framework is provided, that adequate expert advice is available, and that such advice will give clear and certain guidance as to appropriate action. Each assumption is seriously problematic.

These matters are of serious public concern and in the Institute's view merit the complete re-conceptualisation and redrafting of the Code of Conduct statement as a matter of priority.

## **Alternative approaches to specifying core values**

The Australian government's 2007 *Standards of Ministerial Ethics* provide an example of role-based specification of core values, which the Institute recommends be considered as a basis for the APS Values statement. The Standards include the following:

### **1. Principles**

- 1.1. *The ethical standards required of Ministers in Australia's system of government reflect the fact that, as holders of public office, Ministers are entrusted with considerable privilege and wide discretionary power.*
- 1.2. *In recognition that public office is a public trust, therefore, the people of Australia are entitled to expect that, as a matter of principle, Ministers will act with due regard for integrity, fairness, accountability, responsibility, and the public interest, as required by these Standards.*
- 1.3. *In particular, in carrying out their duties:*
  - (i) *Ministers must ensure that they act with integrity – that is, through the lawful and disinterested exercise of the statutory and other powers available to their office, appropriate use of the resources available to their office for public purposes, in a manner which is appropriate to the responsibilities of the Minister.*
  - (ii) *Ministers must observe fairness in making official decisions – that is, to act honestly and reasonably, with consultation as appropriate to the matter at issue, taking proper account of the merits of the matter, and giving due consideration to the rights and interests of the persons involved, and the interests of Australia.*
  - (iii) *Ministers must accept accountability for the exercise of the powers and functions of their office – that is, to ensure that their conduct, representations and decisions as Ministers, and the conduct, representations and decisions of those who act as their delegates or on their behalf – are open to public scrutiny and explanation.*
  - (iv) *Ministers must accept the full implications of the principle of ministerial responsibility. They will be required to answer for the consequences of their decisions and actions – that is, they must ensure that:*
    - *their conduct in office is, in fact and in appearance, in accordance with these Standards;*
    - *they promote the observance of these Standards by leadership and example in the public bodies for which they are responsible; and*
    - *their conduct in a private capacity upholds the laws of Australia, and demonstrates appropriately high standards of personal integrity.*
- 1.4. *When taking decisions in or in connection with their official capacity, Ministers must do so in terms of advancing the public interest – that is, based on their best judgment of what will advance the common good of the people of Australia.*

Another worthwhile example may be found in Victoria's Public Administration Act 2004 which includes an outline of core public sector values. The values underpin the public sector and reflect the behaviours essential to the relationship between the public sector and the Government, the public sector and the community, and between those who work in the public sector. The values are outlined in section 7 of the Act, which states that public officials should demonstrate:

### ***Responsiveness***

*providing frank, impartial and timely advice to the Government*  
*providing high quality services to the Victorian community*  
*identifying and promoting best practice.*

### ***Integrity***

*being honest, open and transparent in their dealings*

*using powers responsibly  
reporting improper conduct  
avoiding real or apparent conflicts of interest  
striving to earn and sustain public trust at the highest level.*

***Impartiality***

*making decisions and providing advice on merit without bias, caprice, favouritism or self-interest  
acting fairly by objectively considering all relevant facts and applying fair criteria  
implementing Government policies and programs equitably.*

***Accountability***

*working to clear objectives in a transparent manner  
accepting responsibility for their decisions and actions  
seeking to achieve best use of resources  
submitting themselves to appropriate scrutiny.*

***Respect***

*treating others fairly and objectively  
ensuring freedom from discrimination, harassment and bullying  
using their views to improve outcomes on an ongoing basis.*

***Leadership***

*actively implementing, promoting and supporting these values.*

***Human Rights***

*Public Officials should also respect and promote the human rights set out in the Charter of Human Rights and Responsibilities Act 2006 by:  
making decisions and providing advice consistent with human rights  
actively implementing, promoting and supporting human rights.*

**Public interest disclosure of wrongdoing – ‘Whistleblowing’**

The Institute considers that the current APS Values and Code are deficient in their treatment of the disclosure of wrongdoing by APS officials, and contractors providing APS services. The Institute notes that Queensland’s path-breaking *Whistleblowers Protection Act 1994* is a key component of the integrity and accountability framework in Queensland, and has provided a policy model which has influenced the development of policy and practice in numerous other Australian and overseas jurisdictions, notably the United Kingdom and various UN agencies.

It is noted in particular that the Queensland model is based on the recognition that the protection of whistleblowers is properly seen as a means to an end – the objective being to encourage generally the disclosure of defined wrongdoing by officials and others who deliver services on behalf of government, to an agency which has some responsibility for remedying the situation.

The Institute agrees with the report of the recent collaborative research project ‘*Whistling While They Work*’ insofar as it broadly endorsed the Queensland model as effective in principle, while suggesting a number of improvements in its implementation. The Institute also endorses the report’s specific recommendations in relation to achieving more effective implementation of the legislation.

In addition, the Institute recommends that the legislation be amended in two additional respects. It is our view that it is in the public interest that the law recognises and protects ‘whistleblowing’ by

private citizens in respect of wrongdoing or misconduct (as currently defined in the law) by public officials. Secondly, it is our view that the current law should be amended to enable a public official who claims to have suffered reprisal (as defined) should have the additional option of pursuing a claim for protection and/or compensation through an action against the responsible agency for failure to maintain a safe workplace.

Permitting or failing to prevent reprisal should in principle be considered to be a failure by a responsible organisation to comply with applicable OH&S standards. The Institute is aware that this approach has been followed by the UK legislation since its inception in 1998, with positive results in terms of enabling complainants to pursue their claims otherwise than via a prosecution for a criminal offence.

### **Charters of Service as Ethics Standards**

Charters of service-delivery developed by civil service agencies increasingly emphasize service and accountability – the main aspects of civil service reform – and in so doing support a number of fundamental ethical principles and specific attitudes and practices:

- *Service:*

Citizens have rights to services of many kinds. Civil servants are expected to concentrate primarily on serving the community, and the government, and in so doing to put possibilities for personal advantage to one side. Unnecessary administrative impediments to effective service delivery, ('bureaucracy', or 'red tape-ism'), should be identified and removed;

- *Accountability:*

Decisions made by civil servants and public officials should be made as transparent and open as possible. Reasons must be given for official decisions.

- *Complaints:*

Civil servants on behalf of their agencies are expected to provide effective mechanisms whereby citizens, including the business community, can lodge complaints about the agency's performance, (or failure to perform) and receive appropriate remedies. Complaints processes should be internally monitored by each agency so as to ensure that systems are reviewed and performance is improved.

In other words, improving citizens' access to 'quality of service' by government agencies is likely to have the effect of making government and the civil service more transparent and accountable. In the same way, such *Charters* will also make Corruption and other forms of misconduct by officials easier to detect and correct, by making it easier to identify specific cases of poor performance, administrative obstruction, maladministration, and improper use of discretion in administrative decision-making.

### **Integrity testing**

Integrity tests are one measure for encouraging the observance of an organisation's Code of Ethics/Code of Conduct. It is our view that Integrity Testing should be explored as a possible mechanism for enhancing integrity in PAS management. Integrity testing is generally employed by the employee's agency or an anti-corruption body, to detect individuals who are prepared to

accept a bribe, or other inducement, to act corruptly by doing (or not doing) something that they are required to do in their position.

To be acceptable and credible, and fair, the ‘integrity test’ must be role-relevant and realistic, in that it must reflect the circumstances of the target officer’s position and responsibilities, and be carried out in such a way that the test does not amount to ‘entrapment’. This process is to be subject to independent review in every case, to prevent abuse, and may require legislative amendment and/or co-ordination with relevant law-enforcement authorities to permit the apparent offer of a bribe or other corruptive conduct in the limited circumstances of an integrity test.

### **Addressing the civics education challenge**

Connecting with the citizenry requires a strategic approach with integrity agencies playing a central role the delivery of comprehensive Civics education, to strengthen the ‘democratic literacy’ of Australian voters and those citizens-in-preparation who will gain the right to vote in the foreseeable future. Ultimately the health of our democracy depends on it.

It is the Institute’s view that the office of the Public Service Commissioner should be developed as a parliamentary integrity agency with a broader mandate than that which it pursues at present. APSC could appropriately undertake the broader role of sponsoring the collaborative development and delivery of a wide range of courses for a wide range of audiences. These could focus on strengthening citizens’ understanding of Australia’s democratic institutions, citizens’ rights and obligations, parliamentary government, the legal framework and related concepts such as the rule of law and the separation of powers, and accountability and integrity in public governance, among others. Such courses and materials would be delivered by schools, universities, public service departments and agencies, and other integrity agencies, and monitored, where appropriate, by the Commission.

It is the Institute’s concern that unless there is formalised responsibility and leadership in the provision of such offerings, the task of strengthening ‘democratic literacy’ in the APS community will be seen as the responsibility of no particular entity, and nothing will happen.

### **Summary**

The adoption of a ‘Systems-thinking’ approach to integrity in government and the APS will require effective leadership by the Commission and the government in at least three main areas of governance activity, where activity and achievement are currently limited. Firstly, anticipating specific threats to ethical standards and systemic integrity in the public sector; *attention needs to be paid to systemic threats that could weaken adherence to core public sector ethics values and practices, commitment to good governance by officials and citizens.* Secondly, strengthening the ethical competence of civil servants, and mechanisms to support “professional ethics”; *new techniques need to be undertaken to promote and institutionalise ethically competent decision-making, and an ‘ethical culture’ which supports professional responsibility, self-discipline, and the rule of law; training and development of ‘ethical competence’ by APS officials, and linkages to promotion and retention, must be developed and deployed as a matter of priority.* Thirdly, developing administrative practices and processes which promote systemic integrity; *new pro-integrity laws and practices will require effective implementation through, for example, effective performance management techniques including sanctions which support the ‘core values’ of democratic government.*

### **(3). Enhancing strategic policy capability**

The commentary in this section of our submission addresses two of the three areas which the KPMG *Benchmarking Australian Government Administration Performance* report identified as areas in which the Australian Public Service (APS) performs comparatively poorly or has an opportunity to strengthen:

- its capacity for coordinated, informed and strategic policy; and
- its tools, methods and institutions for integrating external expertise and the views of citizens into the policy development and service design process

The arguments which follow are organized around two areas of concern: a) identifying the barriers to the provision of high quality policy advice to government; and, b) making suggestions for enhancing strategic, innovative and outward-looking policy advice.

#### **Barriers to the provision of high quality policy advice**

The RAGA Discussion paper identifies a number of barriers “impeding the ability of the APS to develop and deliver high quality policy advice to government” (p.21). While there is considerable scope to strengthen the APS’s overall policy capability, what is not canvassed are some of the barriers to better using what strategic policy advice skills already exist within the APS. At the 2009 IPAA National Conference, the recently retired Departmental Head, David Borthwick informed the forum that a bigger question than that of the quality of policy advice provided by the APS is the quality of the decision making process itself. The possible reasons for the lower than desirable quality of decision making include:

- the sheer workload arising from many more cabinet submissions than in the past and frequent COAG meetings and consequent paper preparations and briefings taking key strategic thinkers away from their main game (the ‘crowding-out’ effect);
- the speed with which some policy decisions are made and which involve Ministerial policy advisers asking for short cuts in process which prevents a more strategic and evidenced-based policy approach being adopted. (the ‘hasty-decision’ effect);<sup>1</sup> and,
- insufficient understanding of government priorities (identified in the KPMG report as the third area of comparatively poor performance).<sup>2</sup>

In addition, the quality of the decision making process could reflect the fact that public servants in contact with ministers or their offices at the time the KPMG data was gathered (2005-07) frequently found it difficult to be apolitical, impartial, professional, accountable and at the same time to actively engage with government without facing potential or actual conflicts of interest (see: KPMG p.33; RAGA, p.15).

It should also be noted that the RAGA paper puts considerable emphasis on policy integration. Missing from this observation is recognition of the possible tension between different policy objectives, including the “core” objectives of a policy area and its impact on other policy objectives. For example, in social housing policy earlier this year we saw housing programs being used to achieve economic and employment objectives arising from the global economic crisis. This led to an emphasis on new construction. However objectives for social housing include

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<sup>1</sup> See also Submission 65 from DIISR.

<sup>2</sup> This was identified in the KPMG report as the third area of comparatively poor performance.

having housing well located in relation to transport, employment and services. Purchasing existing housing will often achieve these objectives better than new construction. Similarly concern with the environment can lead to requirements for housing to meet energy use requirements and so on, however these are likely to increase the cost of housing and thus may inhibit achieving the housing policy objective of providing affordable housing.

The above observation points to the need for a balance between achieving the “core” objectives of a policy area and integration with objectives from other areas. The RAGA paper’s suggestion of creating a “streamlined, unified leadership cadre at the pinnacle of the APS, with a clearly articulated role to consider and progress cross-government strategic priorities” (p.19) would not be likely to encourage the development of such a balance unless concerted attempts are made to identify potential unintended consequences of action.

### **Enhancing strategic, innovative and outward-looking policy capability**

Recruiting and retaining the brightest and the best is fundamental to enhancing strategic policy capability. However, this largely rests on improving employment conditions, providing internationally competitive salaries, empowering individuals in the workplace and ensuring that the public service commands social respect in society. The RAGA paper stresses the importance of mobility of personnel, both within the public service and between outside areas and the public service. Again a balance is needed, this time between a degree of mobility and an element of stability within an area. Too much mobility can lead to a lack of policy expertise for an area and a lack of corporate knowledge. Openness to new ideas and an understanding of relationships with other areas and organisations are valuable, but effective policy making also requires an in depth knowledge of the policy field. For in depth policy knowledge to exist some personnel need to have lengthy experience in the area. Such people, if they are to stay, need to have promotion opportunities within an area and feel that their expertise is valued and rewarded and this will not be the case if the appointment of outsiders (whether from outside the service or another area of the service) is preferred as a matter of policy.

Having staff with significant experience in a given area can also assist with citizen centred Government and the transition from policy to administration. The effective involvement of citizens in administration and policy requires that citizens deal with officers who can easily explain policy and procedures to the citizen and who understand the situation and concerns of the citizen – this will require that some of the staff in an area have reasonable experience in that area. Moreover, effective implementation of policy requires a detailed knowledge of how programs are administered in the area and the circumstances that can affect their implementation – this is unlikely without a proportion of staff having reasonable experience in the area.

A strengthening of strategic policy capability could be assisted in the ways suggested in the Discussion paper (p.25). There would appear much merit in trying out *Strategic Policy Hubs*, in particular:<sup>3</sup> the creation of a Charter of policy making principles including better practice approaches;<sup>4</sup> developing relevant learning and professional development arrangements; and, engaging in action based research activity which brings together the best of theory and the best of practice in a creative fusion.

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<sup>3</sup> However, see the DIISR submission for some essential conditions to be met, including the feedback loop to implementation.

<sup>4</sup> See below for greater detail on Better Practice Guides more generally.

What follows are a range of suggestions aimed at strengthening innovative strategic policy advice. Many of them would be particularly relevant for the ways in which ANZSOG and its academic researchers could assist the APS enhance its policy capability skills: university researchers are critical to public sector innovation and yet the relationship between policy and practitioner officials and academics is too often “fragile”. It can be too easy to paint a picture of the “ivory tower academic” on the one hand and the practical policy maker on the other, and bemoan the fact that their different perspectives make it difficult for the two to relate for any meaningful purpose. While these stereo-types can be exaggerated (see: Edwards 2004; ANZSOG 2007; CST 2008:3) they project prejudices on both sides which need to be confronted (Evans, 2007).

In the light of the finding that Australia ranked very poorly on the indicator of the influence of academics in the decision-making process in the KPMG assessment – 5/10 compared to 9/10 for New Zealand – there is a need to overcome the cultural barriers in this key relationship between public servants and academic researchers. These can be overcome through the following devices.

### *Interactions throughout the policy process – the popularity of roundtables*

Evidence is emerging about the considerable value of interactive mechanisms for enhancing the use of research in government. The traditional linear relationship of the separate processes of research and policy formulation is being seen as generally inferior to an interactive and ongoing relationship between policymakers and researchers covering both the production and take-up of knowledge. That is, research stands to be more effective when it is part of the decision-making process rather than a stand alone activity (see: ANZSOG 2007; Evans, 2007 & 2009; Nutley et al 2007, Edwards 2009a). And engaging with researchers at an early stage in the research process “...is a key factor in helping to ensure that the research findings are subsequently taken up and exploited” (British Academy 2008:44)

Recently senior officials across Australasian jurisdictions were interviewed about how best ANZSOG could communicate and engage with public servants to ascertain and provide for their research needs.<sup>5</sup> Perhaps not surprisingly, the main findings of the review were in line with the above findings about the value of interactive mechanisms. By far the most commonly favoured mechanism mentioned by senior officials was for ANZSOG to facilitate roundtables or workshops involving both public servants and expert academics. This was especially so for emerging and ‘wicked’ issues, and also wherever there was an interest in practices in other jurisdictions and an interest in the “how-to” questions, for example, jurisdictional comparisons of certain aspects of service delivery.

In this context, a recent UK Council for Science and Technology (CST) report on *How Academics and Government Can Work Together* addressed the ignorance of the benefits that interaction can deliver and concluded that:

A key problem appears to be the commissioning of academic work without academic input, meaning there is less understanding of the research, how to ask the right questions or how the response can be challenged and used. This can be especially important when addressing the big, cross-departmental questions where academics can have a vital role” (2008:9).

There are essentially two broad roles that academics can play to assist in the policy process: by “challenging, re-conceptualising and generally thinking innovatively about practitioner agendas” and “the more traditional role of the ‘expert’ offering advice on how to do things” (Pollitt

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<sup>5</sup> See ANZSOG 2007; [http://anzsogresearch.anu.edu.au/pdfs/ANZSOG\\_RRG\\_report.pfd](http://anzsogresearch.anu.edu.au/pdfs/ANZSOG_RRG_report.pfd).

2006:261). Some of Australia's most innovative policies have arisen from ideas and other input from academics (e.g. the Child Support Scheme and HECS).

### ***The use of 'Innovation Intermediaries'***<sup>6</sup>

#### *Knowledge Brokers*

Senior officials who were interviewed about the potential research role of ANZSOG also expressed considerable interest in using some form of "knowledge broker" linking the academic and government sectors. Four possible models were identified which could operate under the ANZSOG umbrella:

- (a) An academic working from a university who acts as a *collaborative research entrepreneur* (such as under the Emerging Issues Program in NZ (KPMG 2009:36) or the ANZSOG Institute for Governance at the University of Canberra).
- (b) A senior ex-public servant working within a university (*Executive in Residence*) who would have relevant government connections.
- (c) A "*Chief Government Social Researcher* (as in the UK) or *Chief Social Scientist* working from within government with similar functions as above.
- (d) An *Academic in Residence* attached to a central agency such as the Australian Public Service Commission.

A fifth additional model could be added here:

- (e) The establishment of An '*International Senior Practice Fellowship Scheme*' on the lines recently proposed by the ANZSOG Institute, in which senior practitioners from overseas would be invited to Australia on a six month secondment to support reform processes.

#### ***UK Knowledge Transfer Teams***

Not mentioned in the KPMG report is a range of knowledge transfer activities undertaken in the UK by the Economic and Social Research Council (ESRC) and the activities of its Knowledge Transfer Team (ESRC 2009). Their many linking activities would be worthy of study with a view to widening the influence of the ARC to include more dissemination and interactive activities (see Edwards 2009a). Since 2005, and following a pilot process, a unit was set up in Scotland with a "Knowledge Transfer Team" within the Office of Chief Researcher. The Chief Researcher is "head of profession" for all government social researchers and provides advice and support within the Scottish government on social research knowledge and transfer issues, with an impressive array of joint programs with the ESRC (ESRC 2009).

A key un-researched area is the issue of what type of broker in what type of setting and for what policy issue is likely to be most effective in encouraging research use (see: Nutley et al 2007:317). Because 'Knowledge Brokering' is in its infancy, much could be learnt through piloting different types of broker arrangement in different settings as has occurred, for example, in Scotland. One possibility which could be tried in Australia is the appointment of a Chief Social Scientist, to work alongside its Chief Scientist with the aim of assisting in leading whole of government and social and natural science perspectives on key policy priority issues.

#### ***Secondments out of the public service***

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<sup>6</sup> A term used by KPMG, 2009: 35.

Both the Discussion Paper and the KPMG report place much attention on various forms of secondment of non-government players into government. Of equal, if not more value, is to permit public servants time out of the public service to concentrate on key policy issues. An example is the arrangement the Treasury has with the ANU. The Child Support Scheme had its origins in the 1980s when a senior public servant was given six months paid leave (by the APS) to work at the ANU to research some complex and emotive issues around child support reform which led to a radical tax based solution collection/enforcement proposal. Indeed a paradigm shift in policy along those lines may not have been possible without prior deep research.

### ***Supply side incentives***

The suggestions so far have dealt with demand-side challenges that face policy makers in enhancing policy capabilities. There are also challenges facing policy makers in ensuring that researchers are able to participate and engage in policy processes.

A prominent issue in discussions with academic researchers interested in public policy processes is the lack of appropriate incentive structures to undertake this activity (ANZSOG 2007: 34-5). Currently in Australia and elsewhere, promotions and other rewards strongly favour publication for peer reviewed journals – particularly in prestigious international journals (e.g. Howard 2008:10). Winning grants from research funding bodies (such as the Australian Research Council (ARC) in Australia) is another and related strong motivation. There is obviously a significant tension here between the way in which universities are funded by government to reward researchers through publications and competitive research grants and governments wanting to encourage more policy-relevant research.

Government funded research bodies could be much more pro-active in encouraging processes and infrastructure to support linkage and exchange activities across both the academic and government sectors and across disciplinary areas (Howard 2008). The Australian government has recently announced “mission based compacts” with its universities to reward university collaboration and knowledge exchange (Department of Innovation, Industry, Science and Research 2009:63). This could well assist in gaining “whole of university” approaches to government policy priorities. If the Compact also included some form of acknowledgement by government of any “valued engagement” of researchers in non-traditional forms of research, as has been suggested for the UK, this could enhance researcher incentives to assist government achieve its policy agenda (British Academy 2008:36; CST 2008:21).

### ***The use of action-based research programs***

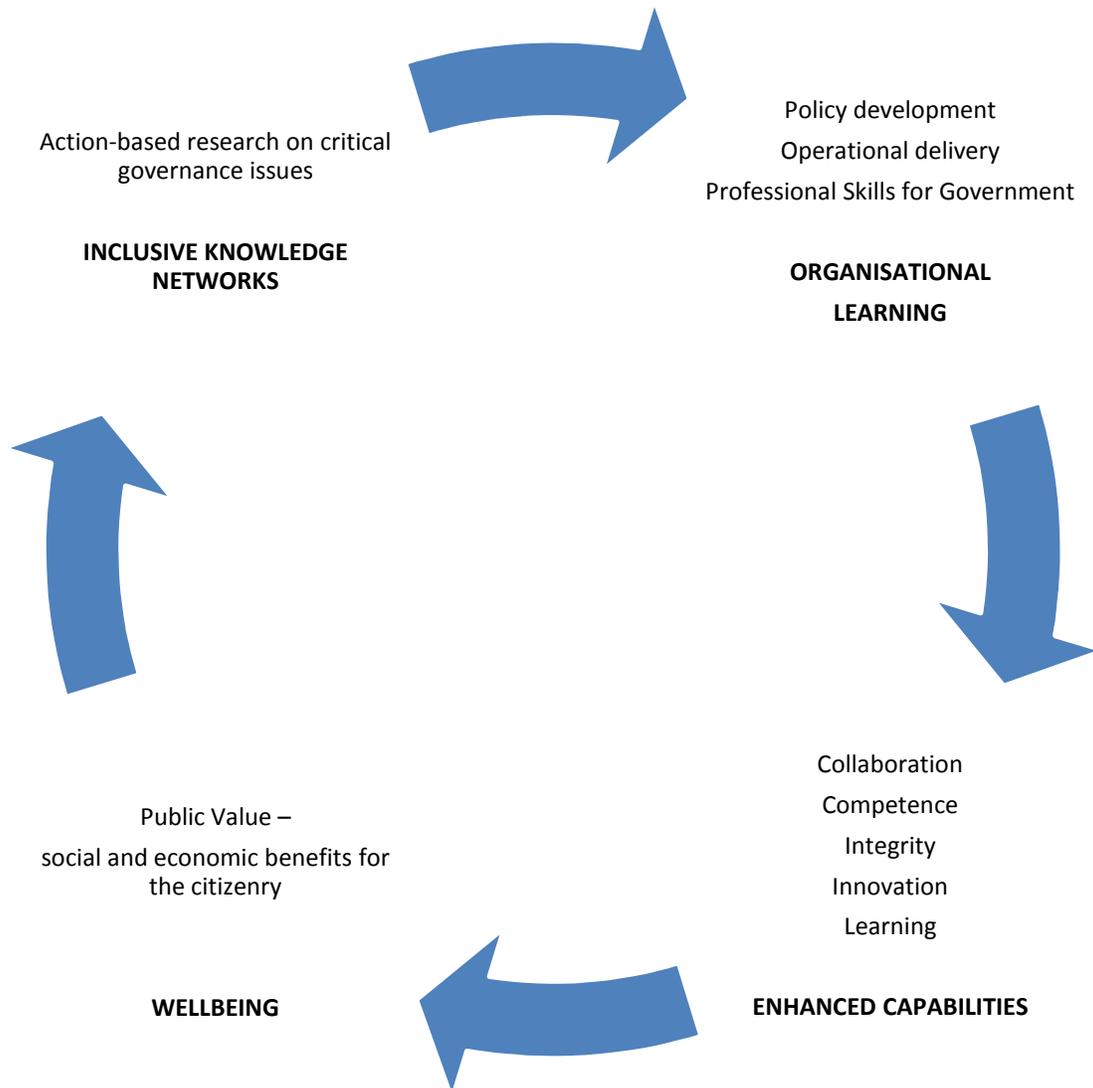
What do we mean by action-based research? The intellectual origins of the study of public administration and public policy lie squarely with the pioneering work of the English Fabian thinkers Sydney and Beatrice Webb in their classic studies of local government in England and poor law administration. The Webbs sought to combine rigorous social investigation with reformism based upon rational planning. The emphases that they gave to pragmatic ethical socialism and the importance of establishing a rational technocratic and meritocratic bureaucracy informed by social scientific reason as an instrument of social transformation was given institutional expression with the establishment of the London School of Economics (LSE) in 1895 as a centre for training a meritocratic administrative cadre for governing a new Britain. The pragmatic linkage in Fabian thought between social investigation and political action resonates strongly in this submission and is best captured in the following quotation from Benjamin Disraeli, 1804-1881, *Coningsby* (1844), ‘Conservatism discards Prescription, shrinks from Principle, disavows Progress; having rejected all respect for antiquity, it offers no redress for the present, and makes no preparation for the future.’ Disraeli’s scathing analysis of the plight of

Conservatism in 19<sup>th</sup> century Britain can be applied in equal measure to much of the present scholarship on the study of public administration and public policy in Australia – it discards prescription, shrinks from principle, disavows progress, offers no redress for the present and makes no preparation for the future. In so doing, the public standing of the subject has declined, disrespecting the legacy of the great public administration scholars of the 20<sup>th</sup> century who are rarely even cited in contemporary research. It has thus become only too easy for government to ignore the potential contribution of public administration scholarship to public action and institutional capacity development. This institutional fatalism is at odds with the political climate of our times. The Global Financial Crisis has discredited the neo-liberal model and heightened the importance of active government in advancing the wellbeing of the citizenry as the guardian of the good society. This is potentially a Golden Age for Public Administration both in the field of action and by implication for the field of theory.

The ANZSOG Institute for Governance addresses these academic and professional dilemmas through the development of a ‘reflexive’ approach to public administration which argues for the integration of the world of thought and the world of action through the creation of inclusive action-based research communities devoted to ‘enlightened’ prescription (see Figure 1). Action-based research refers to the production of research which has ‘explanatory’, ‘descriptive’ and ‘prescriptive’ objectives. It differs from applied research in two respects. *Firstly, it includes senior practitioners in both the production and the analysis of research findings.* Secondly, *it aims to produce research which can immediately be integrated within decision processes.* This approach recognises that academic knowledge about public administration should be used for its betterment not just because all that we do as scholars of public administration and public policy is rooted in practice but that because the defence of bureaucracy and the achievement of social progress demand it. Furthermore, engaging in ‘enlightened’ prescription founded on strong principles of inclusiveness, academic freedom and social scientific rigour helps to improve explanations and understandings of administrative subjects.

The above observations implies a government commitment to a fundamentally different relationship between research and policy activities with corresponding changes to cultures, structures and processes on both sides of the current “divide”.

**Figure 1. Action-based research communities**



**(4). Fostering citizen-centred policy making**

As noted in the first section of this submission, the starting point to the effective engagement of citizens in the policy process is to establish a new approach to public management that speaks the language of the citizen and makes a concerted attempt to understand and respond to the basic needs of the citizenry. In short, to practice public-value management at every level of the public service so that it becomes embedded in the norms and values of the service. It must also be noted that there is a fundamental tension in the RAGA between its espousal of the Westminster system and its support for citizen-centred government. The paper sees Westminster as the public service being accountable to ministers who are in turn accountable to parliament and the electorate. However, to be effective citizen involvement requires that citizens feel that they can influence the result by their involvement. This may not occur where decisions have to be made by ministers and parliament. One example here is of a welfare service where clients feel they are not receiving the type of service they require. No matter how much they are involved in how the service is

delivered, if what they want is outside the program guidelines, it cannot be granted. One solution is to define services very broadly, but this requires devolving decision making on the type of service provided to the level of the officers (or agency if it is through outside agencies) delivering the program.

This section surveys the challenges and possible ways of better engaging citizens in the policy and delivery processes. The literature here and overseas suggests several necessary (though perhaps not sufficient) conditions for the successful creation of participatory policy mechanisms. Three such conditions stand out:

- *Strong leadership* – attitudes espoused by leaders need to be reflected further down the hierarchy. A 2006 *State of the Public Service* report showed a relatively high proportion of public servants did not see the issue of consulting stakeholders as applicable to their agency and, where it did occur, was more common in the area of service delivery than policy development (APSC 2006:240).
- *Trusting relationships* – which essentially involves behaviour where the expectations of each party are clear and there is confidence that what is committed to will be delivered.
- *Sharing decision-making power* – this is so much easier said than done, especially for those officials who have been used to “managing” a consultation process and seeing it as a process under their control.

Even with strong leadership, trust and power-sharing arrangements, other more practical challenges remain to be overcome if effective partnering arrangements between government and non-government:

- reshaping *respective accountabilities* of the players – the challenge now is to reshape governance processes and practices so that the inevitable tension between vertical and horizontal accountabilities is minimized;
- paying attention to an *alignment of organisational structures* – a key implementation issue is to redesign public sector institutions and practices to align more with the new participatory and interactive framework;
- gaining and maintaining the *appropriate cultural environment* – this was found to be particularly relevant in the case studies analysed in the 2004 MAC report *Connecting Government*;
- ensuring *relevant skills and capacity* to engage with non-government players in the policy process – a question arises here in terms of the boundaries around the participatory activities of public officials: e.g. will officials be encouraged to be supporters, if not actual initiators, of citizen or community empowerment?;
- ensuring that those whom governments engage also have the necessary resources and capacity to participate fully – non-government bodies also need to assure government that they have the capacity to be responsive to broad consumer and community needs; and,
- undertaking *appropriate evaluation* of policy initiatives and their implementation –the OECD indicates that to date there has been little evidence of countries making progress in developing appropriate evaluation frameworks.

Fundamental lessons can be drawn from the *Young Foundation* in the UK on the role that social entrepreneurship can play in inculcating active citizen engagement in policy deliberation and delivery and from the comprehensive international research conducted by the UK think tank *Involve* on the various forms and methodologies of citizen engagement.

## **(5). Professional development for a professionalized public service**

For a government that is committed to “evidence-based” policy an obvious starting point is to ensure that their public officials have the relevant capabilities through professional development which allow them to realize their potential. In this section, the ANZSOG Institute proposes the concept of ‘Professional Skills for Government’ as a methodology for ensuring that the APS is underpinned by world leading professional development programs in its areas of expertise.<sup>7</sup>

The public/voluntary sector both in Australia and internationally is increasingly looking to ‘up skill’ and develop its workforce, with governments becoming more aware that managing in the public sector is as complex, turbulent and challenging as many of its private sector counterparts. Indeed, The Professional Skills for Government program was introduced in the UK to ‘enable staff to develop the skills and experience needed to design and deliver 21st century services.’ This is also a theme common to many international public service providers.

### **‘Professional Skills for Government’**

The dawn of a new millennium provided an opportune moment for civil services throughout the world to reflect on the capacity of their civil services to meet existing and new public sector challenges. In China this process of evaluation led to the creation of the China National School of Administration (CNSA) empowered with the responsibility of training junior ministers, senior civil servants in central government and Chief Executive Officers in provincial governments. The CNSA identified skills deficits, developed new training programs with the support of multi-lateral partners and embarked on a dynamic process of international lesson-drawing. Similar processes occurred in Japan, Korea, South Africa, Singapore and Thailand. In Australia, the establishment of ANZSOG may partly be viewed as a response to this modernisation agenda although the model of teaching and learning which it fostered was founded on establishing a creative union between academia and practice.

The British responded to the modernisation agenda in a typically idiosyncratic way. The retiring Head of the British Civil Service, Sir Richard Wilson, was asked by Tony Blair to conduct a state of the academy review. The findings were published in 1999 in the *Modernising Government* White Paper. It was promoted as a vital component of a broader programme for renewing Britain (Cabinet Office 1999: 4) and although the paper did create the platform for radical civil service reform it became hung-up with the drive for service improvement and the adoption of general New Public Management principles for ‘stronger, more purposeful leadership, improved business planning and sharper performance management’ (Bovaird and Russell, 2007 & Evans, 2009). Most significantly for our discussion, it did lead to the publication of the *Professional Skills for Government* (PSG) program aimed at improving the delivery competences of public managers.

The PSG initiative was designed to provide a structured framework for public service delivery in the 21<sup>st</sup> century with the aim of facilitating:

‘Stronger leadership with a clear sense of purpose’

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<sup>7</sup> The Institute provides a platform for the delivery of a broad range of MPA and professional development activities aimed at supporting the international modernising public services agenda in collaboration with ANZSOG university and government partners including collaborative provision with the Australian Public Service Commission and Chartered Secretaries Australia.

‘Better business planning from top to bottom’  
 ‘Sharper performance measurement’  
 ‘A service more open to people and ideas, which brings on talent’.  
 (Sir Gus O’Donnell, Head of the British Civil Service, 2005)

The purpose of PSG is to ensure that as public servants rise to senior positions in the organisation or the APS recruits people from outside, they will be much better equipped with key strategic skills, with in-depth knowledge of their own professional area, and with experience across different areas of the service.

PSG identifies three career families in the public service – policy production, operational delivery and corporate services (see Figure 1). It argues that public managers in all three career families should possess six overlapping skills sets: strategic thinking and management; the ability to analyse and use evidence in policy-making; financial management; communications and marketing; program and project management; and, people management. This is similar to the template of core generic skills deployed in ANZSOG’s Executive MPA program and by other key international MPA providers.

Why have these skills sets been identified to form the basis for generic Executive MPA training for public managers? As policy is made and remade in the process of implementation, it is of critical importance that managers in all the career families understand each other’s roles, organisational environments and challenges. Policy-makers need to be attentive to the problems of implementing as well as drafting their initiatives.

**Figure 1. Professional Skills for Government**



While a variety of approaches to implementation can be used, all contain dangers of significant slippage between the goals and values of the policy-makers who supposedly set policy and of the managers charged with implementing it. Implementation in the governance era involves a broad range of public, private and voluntary actors in the production of public services and by implication it requires negotiation as policy is not always clearly and precisely expressed and there are often steering difficulties. All of these factors suggest that policies are made and remade in a process of implementation and that implementation frameworks must be flexible in order to cope with unintended consequences of action. Hence, a broad understanding of the rudiments of policy, operational delivery and corporate services is essential to the development of all public managers. Moreover, in times of crisis when public managers are under greater pressure to deliver with fewer resources the ability to engage constructively with their authorising environment becomes more important than ever. This observation emphasizes the increasing importance of communication and marketing skills in public management (policy presentation, networking, deliberative management, partnership-building etc.).

Studying for an MPA therefore involves evaluating:

- the international drivers of administrative change and the key dimensions of change;
- the changing nature of governance;
- administrative trends in comparative perspective and issues of convergence and divergence;
- the challenges facing public organisations in the 21<sup>st</sup> Century; and,
- the generic applied skills which contemporary public managers require including the management of change, policy design and analysis, risk assessment, evidence-based policy-making, operational delivery, project management, monitoring and evaluation.

### **Sins of Omission or what is missing from existing provision?**

The Executive MPA-model focuses on the provision of core generic professional skills for public managers and tends to forget that the public service is made up of both a broad complex of professions and a range of sectors with specific skills needs. Moreover, insufficient attention is paid to ethical training and integrity issues in public administration and to using professional development opportunities to promote shared learning across sectors (public, private, non-profit). In addition, the existing PSG approach has been the subject of considerable professional reflection at the middle-management level and above but there has been insufficient reflection of the APS's skills needs from the entry level to the middle-management level.

We therefore argue for a joined-up approach through:

- a) the development of an integrated accredited occupational skills qualification framework for all public servants from entry level to chief executive officer encompassing a work-based Foundation Degree in Government, a Graduate Certificate in Government, a Diploma in Government and an Executive MPA award;
- b) the opening-up of these courses to participants from other sectors to promote shared learning and a public value ethos;
- c) the integration of a professional ethics component within the generic PSG curriculum; and,
- d) the development of generic accredited PSG curriculum and sector specific curriculum (e.g. pathways in Health or Educational Management, Strategic Procurement, Public Sector Accounting etc) at each level of the service.

The establishment of such an integrated approach will require a strong working relationship between ANZSOG, peak professional bodies, higher education providers and the Australian Public Service Commission (APSC). The APSC should therefore be charged with the responsibility of convening a national forum to deliberate on and ultimately design a national PSG curriculum.

It is to the role of the APSC in the reform process to which we will now turn our attention.

#### **(6). The Role of the Australian Public Service Commission in the Reform Process**

Effective public service reform will require strategic leadership from the centre. This is where the APSC could play an important new role. It would, however, require an upgrading of its existing powers and responsibilities to:

- oversee the implementation of public service reform decisions;
- be charged with the responsibility for getting as much consistency as is needed across the APS in those reform initiatives with the use of Better Practice Guides (BPG) and peer review mechanisms;<sup>8</sup>
- take responsibility for advising on systems that can best provide for an APS that learns and adapts, including citizen surveys;
- be a central place to tap outside expertise for evaluating progress in the government initiatives including building across the APS an evaluative culture and capacity to track results for continuous impact; and,
- as noted above, be charged with the responsibility of convening a national forum to deliberate on and ultimately design a national PSG curriculum.

The APSC could also play a coordinating role in ensuring that all agencies commit to ensuring clarity of language and intent and avoidance of rhetoric into the future: terms such as “collaboration”, “partnership”, “citizen-centred” and “engagement” are fine but can easily disappoint and unduly raise expectations unless good communication and implementation of intent consistently and continuously occurs.

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<sup>8</sup> This would include BPG’s such as the one suggested in the Discussion Paper on Policy making Principles together with guides on other topics such as: what is meant by citizen participation and ways to implement citizen engagement (e.g. why, how, when type issues); how to implement citizen-centred services; evidence-based policy processes, how to interact with researchers; “how to” issues in organizing interactive forums; and, the expertise required for knowledge brokering roles, etc.

## **In Conclusion**

For forms of government let fools contest:  
What'er is best administered is best  
Alexander Pope, Essay on Man, Epistle 111, lines 303-4.

In conclusion, the crafting of an ethical, accountable, transparent, competent, reflexive and responsive public service, underpinned by the mutually reinforcing concepts of public integrity and public value appear to provide the best possible conditions for 'building the world's best public service'.

We hope that this submission proves useful and helps to inform the Advisory Group's deliberations. If you require any further information on any aspect of this document please do not hesitate to contact me.

A handwritten signature in black ink. It consists of the initials 'M.C.' followed by a large, stylized cursive letter 'G' that loops around and underlines the initials.

Professor Mark Evans  
Director  
ANZSOG Institute for Governance

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<sup>1</sup> For example, for the Work Foundation see: <http://theworkfoundation.com/products/publicvalue.aspx> [accessed 3 October 2008] and for the IPPR see: <http://www.ippr.org.uk/research/teams/project.asp?id=876&pid=876> [accessed 3 October 2008].