

# Draft Research Scientist Classification Policy and Guidelines (2020) for Consultation

## 1 Policy statement

### 1.1 General

The Research Scientist Classification recognises the importance of scientific research in the public service by providing a career structure for public service employees who mainly conduct and publish original research. The classification is used to develop and maintain the quality of scientific research and the resulting advice that is made available to the public service.

For the purpose of the classification, scientific research is interpreted broadly. It extends from traditional disciplinary areas – including the natural and physical sciences, statistics and economics – to emerging scientific areas. Methodologically, scientific research ranges from conventional laboratory or field-based experimentation to computer-assisted modelling of entire natural or managed environmental systems.

Any systematic research that is likely to lead to innovative changes and improvements to Government policy, programs and public services falls within the scope of the classification. This includes research that improves scientific understanding, the use and management of natural resources, education and extension, technology transfers and commercialisation.

It is recognised that disciplinary fields for scientific investigation are always changing. Entry to, and continuation and progression in the classification are therefore not limited to those engaged in traditional, established fields of science.

The classification has four levels: Research Scientist, Senior Research Scientist, Principal Research Scientist and Senior Principal Research Scientist. Entry to, and continuation and progression in the classification are open to all eligible full-time and part-time employees, subject to the committee's assessment. This ensures fair and comparable evaluations of applications across the public service.

### 1.2 Related documents

Other documents associated with the classification are:

- [Crown Employees \(Research Scientists\) Award 2007](#) (the Award)
- [Crown Employees \(Public Sector – Salaries 2019\) Award](#), as varied or renewed from time to time

## 2 Definitions

**Research Scientist Classification** – referred to as 'the Classification'.

**Public Service agency** – referred to as 'the agency', as defined in the *Government Sector Employment Act 2013*.

**Agency head** – matches the definition of 'head' in the *Government Sector Employment Act 2013*.

**Employee** – a person employed on an ongoing or temporary basis subject to Part 4 of the *Government Sector Employment Act 2013*.

**Public Service Commissioner** – referred to as ‘the Commissioner’, as defined in the *Government Sector Employment Act 2013*.

**Research Scientist** – an employee within the classification, in accordance with the Award.

**Research Scientist Classification Committee** – referred to as ‘the committee’, as described in clause 3.

### **3 Research Scientist Classification Committee**

#### **3.1 Role**

The committee assesses applications and makes recommendations to the Commissioner for approval. In addition to assessing applications to enter, or continue or progress along the levels of the classification, it also evaluates whether employees should regress or cease working under the classification. The committee makes these recommendations in accordance with these Guidelines.

#### **3.2 Structure**

The Commissioner appoints the committee members and the Chair. The committee does not convene with fewer than three members, and has a maximum of four members, including the Chair. Excluding exceptional circumstances, the Chair conducts all committee meetings. The Commissioner may appoint an additional committee member if specialist knowledge is required in a particular case.

The committee Chair is an independent eminent scientist. The Commissioner may approve a committee member to act as Deputy Chair, who deputises for the Chair in their absence.

Committee members have appropriate standing in the scientific community or are otherwise considered by the Commissioner to be qualified to consider the merits of applicants. Committee members may be independent or NSW Government employees.

The Commissioner is committed to promoting equity and diversity in the government sector workforce in relation to (but not limited to) gender, cultural and linguistic background, Aboriginal and Torres Strait Islander peoples, and people with disability. In appointing members to the committee, the Commissioner has regard to this commitment and aims for the committee membership to reflect the diversity of the wider community.

#### **3.3 Nominations**

The Commissioner may consult with participating agency, committee and other relevant experts, or call for public expressions of interest from suitably qualified, scientifically expert individuals, when appointing the committee Chair or committee members.

#### **3.4 Appointment, tenure and removal**

Initially, committee members may be appointed initially for up to five years. They may be considered for reappointment for further periods of up to five years. The Commissioner may appoint a person to the committee at any time required. The change of membership recognises the need to maintain continuity of the committee’s collective expertise and experience while undertaking an orderly renewal of membership over time. The Commissioner may terminate the membership of a committee member at any time.

### **3.5 Duties of committee members**

Committee members are required to assess the merit of each application and make a recommendation based on all the evidence. In doing so, committee members are to:

- apply the criteria relevant to the application
- exercise independent judgement
- rigorously evaluate all sources of evidence relied upon
- accord procedural fairness to applicants
- adhere to these Guidelines
- advise the Chair or Commissioner where there is an actual or perceived breach of these duties.

The committee has the discretion to employ any method required to best assess the merit of an application.

Committee members must sign the report to the Commissioner that contains its recommendations. The Commissioner relies on the report to support the decisions made. Where a committee member or members have a differing opinion to the majority, they may submit a minority report for the Commissioner's consideration.

#### ***The committee Chair***

The Chair leads the committee members in conducting the committee's business, including:

- convening the committee to review applications or undertake other business
- chairing all committee meetings
- ensuring the business and proceedings of the committee are conducted in an efficient and effective manner
- inviting applicants, agency representatives, experts in science and other individuals as appropriate to appear before the committee or to assist the committee in its deliberations
- representing the committee as required
- ensuring rigorous and consistent assessment of applications
- exercising a casting vote on split decisions of the committee.

If the Chair becomes aware of any concern on the part of any committee member about the operations of the committee, the Chair advises the Commissioner of the situation. The Chair may also recommend an appropriate course of action to deal with that concern.

### **3.6 Experts and observers**

The committee Chair, on behalf of the committee, may invite a scientist who is an expert in a particular field to help committee members judge an application. The expert is not a committee member.

The committee Chair, on behalf of the committee, may also invite any other visitor to sit with the committee as an observer or to help the committee members undertake their responsibilities.

An applicant may bring an independent observer from their union, or other observer of their choice, to an interview.

### **3.7 Conduct of committee members**

Committee members must demonstrate high levels of personal conduct that are consistent with the Ethical Framework outlined in Part 2 of the *Government Sector Employees Act 2013*. This includes committee members disclosing any real or reasonably perceived conflicts of interest.

## **4 Entry to the classification**

### **4.1 General**

The committee assesses applications for entry using the relevant criteria in these Guidelines. The committee approves entry into the classification where it is satisfied that all criteria for entry have been met. The committee also recommends the appropriate level within the classification to appoint an applicant, irrespective of the level requested by the applicant.

#### **Overview of requirements**

To enter the classification, an applicant must:

- be a public service employee
- meet service and academic requirements (clause 4.2)
- meet the criteria for entry (clause 4)
- make an application for entry (clause 9).

### **4.2 Criteria for entry**

#### **Service requirements**

To enter the classification, an employee must have completed 12 months of service in their current role. Undertaking scientific research must form the most significant part of their duties.

In special cases, entry may be available to employees who have not been in their current role for 12 months. The committee must be satisfied that the employee's current research program is established and can be sustained at the appropriate level to justify entry into the classification.

#### **Academic requirements**

The minimum academic qualification for entry to the Research Scientist Classification is usually a PhD in a scientific or related field relevant to achieving the agency's objectives.

If an applicant does not hold a PhD, they must have a master's degree by research or an equivalent academic qualification in an appropriate discipline from a recognised university. They must also provide evidence of published research.

#### **Criteria for levels within the classification**

To enter the classification at any level, an applicant must be able to unequivocally demonstrate a currently active program of research, its related publications and its contribution to the agency's objectives. It is not sufficient for an applicant to demonstrate a willingness or capability to undertake research, a lapsed research career, or a career where management or administrative duties have overtaken research. The following criteria are specific to each level within the classification.

##### *Research Scientist*

The employee must provide evidence of originality in their approach to research and have prime responsibility, usually in consultation with more senior employees, for selecting the most appropriate line of investigation of a problem. Where appropriate, they must be able to explain and promulgate results within the agency and publish research results in appropriate scientific journals.

#### *Senior Research Scientist*

The employee must have considerable research experience, including undertaking research with a degree of independence – under only general direction – and achieving results. There must be evidence of a scientific leadership role that exceeds the efficiency barrier. The employee may also play a significant role in providing the scientific direction for other scientific staff and carry out performance assessments where appropriate.

A Senior Research Scientist is also expected to contribute to broader program planning in their area of expertise and to meet the agency's objectives.

#### *Principal Research Scientist*

The employee must have extensive research experience and a record of outstanding achievement in scientific research that has led to a continuing national and/or international reputation. Their contribution is expected to be at an advanced level, both as an individual and, where applicable, as leader of a research group. This contribution to knowledge must be sustained and have resulted in significant influence on a field of science.

The employee usually plays a major role in the scientific direction of other employees and carries out performance assessments where appropriate. A Principal Research Scientist is expected to make a significant contribution to developing the agency's strategies and to achieving its goals.

#### *Senior Principal Research Scientist*

The employee must have expert research experience and a track record of extensive, substantial and consistent publishing in peer-reviewed journals that are acknowledged to have a high international impact. They are expected to have made an expert-level contribution to research. They are also expected to have provided significant leadership and direction in their field. The employee will be able to identify emerging research and economic issues, and plan and implement research in anticipation of international scientific, economic and/or environmental change. The employee will have a sound understanding of other disciplines to create new research directions/hypotheses that challenge accepted theories and practice.

The employee's research outcomes must also make a significant contribution to commercialisation or provide an economically valuable return to their agency, or evidence-based policy where relevant. The employee is also primarily responsible for attracting research support through direct funding or funding in kind for their agency.

### **General scientific research activities**

General expectations relating to scientific research activities apply at all levels of the classification. The extent of each activity varies, depending on the level. General scientific activities that are expected across all levels include:

- undertaking scientific research involving problems and opportunities that align with the Government's and agency's objectives

- designing, performing and analysing experimental programs or projects, writing literature reviews, and making scientific observations to evaluate hypotheses or generate new knowledge
- providing supervision (including conducting performance assessments where appropriate) and scientific instruction in aspects of research programs, and leading and co-ordinating research activities
- ensuring that new knowledge and research results are known and applied throughout relevant areas of the agency and Government
- critically assessing the relevance of scientific information to agency objectives
- assessing the extent to which scientific research can contribute to solving problems or advancing understanding in a relevant discipline
- conceiving new ideas and selecting the appropriate research methodology to explore them
- evaluating known theoretical and practical research techniques, and developing new techniques where necessary
- collating, analysing, interpreting, evaluating, implementing and disseminating the results of research through publication, both in peer-reviewed scientific literature and through effective reporting and extension to the agency's clients
- ensuring, where appropriate, the development and application of research results and initiating patent action relating to those results.

### **4.3 Evidence of achievement**

#### **Assessing performance**

The main criterion for assessing an employee's performance is evidence of past and recent achievements, and the ability to continue pursuing research projects and bring them to a satisfactory conclusion. Whether working alone or as part of a team, research methods must be innovative and scientifically sound, and directed at meeting the agency's approved objectives. This ability will be reflected in the impact the employee's findings have on the work of the agency and on the course of ongoing research. It may also be reflected in the way Government and industry take up the employee's results.

#### **Other evidence of performance**

Other evidence of an employee's performance and standing could include, but is not limited to:

- having industry and/or Government implement the results or apply them in education, Government policies and strategies, public management or regulation
- making appropriate contributions to research undertaken by multidisciplinary teams
- showing evidence of demonstrable standing within the scientific community, by:
  - winning research funds
  - being an active member of scientific or related policy advisory committees
  - undertaking editorial roles with significant scientific journals
  - participating at an executive level in professional societies
  - being invited to present lead conference papers or write significant reviews in peer-reviewed journals or books
  - receiving awards or other forms of recognition by scientific bodies or societies, or other external bodies
- developing a biotechnological product or new industrial process
- disseminating results

- undertaking responsibility for directing, interacting with and training other scientific staff, and coordinating and overseeing their research activities
- participating in university-level collaboration that leads to supervising graduate students
- producing a definable outcome such as breeding a new variety of plant or animal or describing a new species of plant or animal
- patenting results of your work.

## **Publication**

Publishing research work in reputable refereed scientific journals and/or writing scientific books are widely accepted means of establishing a personal reputation as a scientist. They are also critical elements in demonstrating achievement.

Where an applicant relies on citations or other indices to illustrate the scientific impact of their publications, the committee expects them to provide a clear explanation for any claims made about their significance.

Publishing online is a valid medium for communicating scientific research to a relevant readership. However, when evaluating scientific papers and reports circulated on the internet, the committee seeks evidence of peer-level refereeing, comparable to that exercised by leading conventional journals. Similar considerations apply when assessing the significance of other publications such as conference papers, books and book chapters.

The committee also appreciates that using popular media and the internet to disseminate research results can provide a quick, broad impact for a Research Scientist. It can also expose the research work to further general scrutiny by the wider community, including those who may ultimately benefit from the work.

Whether an applicant uses scientific publications alone or combines them with other measures of scientific standing as the basis of evaluation, they must provide proof of rigorous scientific endeavour. This must result in successfully conducting a clearly defined, active research program.

## **Scientific leadership and individual performance**

It is recognised that Principal Research Scientists and Senior Principal Research Scientists may have to devote significant time to providing scientific direction and leadership, and maintaining and improving the scientific excellence of other scientists. These activities promote the agency's objectives, strategies and policies, and scientific administration is consistent with the agency's status. Due weight is given to an applicant's contributions to the publications of scientists they supervise. Nevertheless, personal involvement in successful research remains the most important criterion for continuation and progression within the classification. Refereed publications are significant indicators of such success. Evidence of significant intellectual contributions to these publications will be sought.

When evaluating an application, other relevant measures of research calibre are also taken into account. These include activities associated with research such as those oriented to industry, computing systems development, or confidential work in which the publication record may not adequately reflect research performance and achievements.

## **Part-time employees, secondment and leave**

In the case of part-time employees, or where employees have gone on secondment or taken approved leave (such as maternity, extended or leave without pay), the committee takes into

account the limitations this may place on their research. But the committee looks for evidence of the quality and impact of research that is appropriate to the level of the classification.

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## **5 Progression through the classification**

### **5.1 General**

#### **Overview of requirements**

Research Scientists must apply to either progress along or continue at their current classification at specified intervals, which are outlined in Schedule 1.

To progress through an efficiency or level barrier, a Research Scientist must:

- meet service requirements (Schedule 1)
- meet performance requirements (clause 5)
- apply to progress (clause 9).

#### **5.2 Performance requirements – progression through efficiency barriers**

Efficiency barriers exist in the following levels: Research Scientist, Senior Research Scientist and Senior Principal Research Scientist. Progression through an efficiency barrier or to a higher level is determined by the Research Scientist's performance against factors as they apply to the relevant level and area of science. These include:

- demonstrated research ability
- scientific rigour when performing research
- results achieved
- dissemination of results, including showing ongoing and increasing output to scientific publications
- work's relevance to achieving the agency's objectives, and successful knowledge transfer
- reputation and professional standing, including being invited to contribute to reviews and multidisciplinary studies, attend major conferences and supervise post-graduate students
- level of industry or other competitive funding received
- cooperation with other major research providers; for example, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and universities
- refereeing papers for internationally recognised journals
- meeting all, or a substantial majority of, the entry criteria to each level of the classification.

#### **5.3 Performance requirements – progression through level barriers**

To meet the performance requirements to progress to a higher level, the Research Scientist must present a compelling case for advancement. They must demonstrate to the satisfaction of the committee that their ability, achievements and standing have reached the standards expected for the level sought. A Research Scientist must meet all, or a substantial majority of, the relevant criteria for the level being sought.

#### **Progression to Senior Research Scientist**

Progression to the level of Senior Research Scientist is determined by:

- demonstrable increases in the level of scientific rigour, complexity and productivity of the research performed
- demonstrable increases in output to publications, particularly in peer-reviewed scientific journals

- the range, impact and extent of results achieved and the effective dissemination of those results
- evidence of a significant contribution to the agency's general scientific culture and objectives, program planning or project design
- demonstrable contributions to the scientific, social, industrial or economic development of the state
- the extent and level of scientific standing, leadership and supervision of other scientists, individually or as a group or team
- having attracted competitive funding, both for their own and their agency's research program.

### **Progression to Principal Research Scientist**

Progression to Principal Research Scientist is assessed on the basis of expanded scientific achievement and leadership. This will be at a demonstrably superior level to that of a Senior Research Scientist, and is determined by:

- high-level scientific rigour, complexity and productivity, and the degree of difficulty of the research performed
- substantial, increasing and consistent output to publications, and the impact achieved in peer-reviewed scientific journals
- scientific results having a considerable impact, and the extent and nature of dissemination of those results
- a clearly demonstrated impact on the Senior Research Scientist's scientific discipline
- integration of the research into the agency's broader programs, and making a major contribution to the agency's objectives
- contributions to the scientific, social, industrial or economic development of the state
- having attracted a high level of competitive funding, both for their own and their agency's research program
- evidence of national and/or international standing, including being an invited keynote speaker to national and international conferences, serving on editorial boards of scientific journals, and reviewing proposals for national and/or international funding bodies.

### **Progression to Senior Principal Research Scientist**

Progression to Senior Principal Research Scientist is assessed on the basis of continuing scientific achievement and leadership at an expert level. It is determined by:

- having been a Principal Research Scientist within the classification for at least six years (except in exceptional circumstances, which are determined by the committee)
- having an extensive, consistent and substantial publication record, including publishing high-impact papers in leading peer-reviewed international journals. This includes providing evidence of standing; for example, through being invited to prepare lead review articles in their discipline for leading international journals
- evidence of outstanding innovation and/or originality in the development of their discipline
- formal recognition through a significant award by a relevant international or highly prestigious professional society of peers or the equivalent. The recognition should be based on the Principal Research Scientist's outstanding contribution to, or development of, their discipline

- research outcomes that have made a significant contribution to the public good or the commercialisation of science, or have earned economically valuable returns for their agency if the research is in an appropriate applied field. The applicant must provide evidence that, through their scientific creativity and leadership, they have achieved demonstrable and substantial scientific outcomes that have contributed to the agency achieving its strategic goals. These outcomes must also have contributed – in a consistently significant and constructive manner – to the leadership and culture of their agency
- evidence of primary responsibility for attracting research support in the form of direct funding or funding in kind for their agency. This is based on their scientific leadership and standing, and their ability to demonstrate their superior scientific standing to national and/or international funding agencies
- having established and successfully led research teams and networks of national and/or international significance, adding major value to their individual contributions. They must also provide evidence of contributing to the positive development and creative mentoring of university students and/or junior staff under their supervision.

*Note: The Senior Principal Research Scientist level is not to be regarded as an automatic career advancement for Principal Research Scientists. Rather, this level of the classification is only available to candidates who meet all, or a substantial majority of, the above criteria to a significant extent.*

#### **5.4 Accelerated progression**

Successful applications normally progress through an efficiency or level barrier to the next salary step. In exceptional circumstances where the committee assesses that a Research Scientist has satisfied all the criteria for progression – and has demonstrated sustained, substantial and outstanding performance in relation to their peers at the same level of the classification – it may recommend accelerated progression to a higher salary step or level. A decision to recommend accelerated progression will be based on the committee’s assessment alone. A Research Scientist cannot apply for it.

#### **5.5 Unsuccessful applications**

Unsuccessful applications to progress normally result in the committee recommending that the applicant continue at the same salary step and reapply after a specified period (see Schedule 1(3)). A recommendation to continue is determined against the criteria set out in clause 6. A recommendation of regression or cessation may only be made in accordance with clause 7.

### **6 Continuation in classification**

#### **6.1 General**

A fundamental feature of entry or continuation within each level of the classification is that it is not granted for previous performance, but for active and sustained research and performance in a current or related role. Therefore, Research Scientists must bring the achievements from their continuing research before the committee for assessment within specified time periods. It is not sufficient for an applicant to demonstrate a willingness or capability to undertake research, a past but lapsed research career, or that management or administrative duties have overtaken their research.

It is a requirement that to remain in the classification a person must be assigned to a role that has primary responsibility of conducting scientific research. Where a Research

Scientist's primary responsibility is no longer conducting scientific research, the matter is resolved by the agency. Being transferred to another agency (for example, because of machinery of government changes) will not affect the Research Scientist's continuation if the committee is satisfied that appropriate research is being undertaken in the new agency.

Unsuccessful applications for continuation may result in the committee recommending regression or cessation, in accordance with clause 7.

### **Overview of requirements**

Research Scientists are required to apply to either progress or continue at the specified intervals outlined in Schedule 1. A Research Scientist who fails to apply within the time limits required by these Guidelines may be removed from the classification. The Commissioner decides the matter, based on the committee's recommendation and in consultation with the head of the Research Scientist's agency. Before the committee makes a recommendation, the Research Scientist is given an opportunity to show cause as to why they should not be removed from the classification, and their response is taken into consideration.

Once reaching an efficiency or level barrier, a Research Scientist must:

- meet service requirements (Schedule 1)
- meet performance requirements (clause 6)
- apply to progress or continue (clause 9).

### **6.2 Performance criteria for continuation**

#### **Research Scientist**

To continue at this level, a Research Scientist's scientific performance must demonstrate an appropriate level of:

- research and publication output
- continuing high professional standing
- contribution to the agency's objectives.

#### **Senior Research Scientist**

To continue at this level, a Senior Research Scientist's scientific performance must meet the standard achieved when they progressed to this level. This means they must continue to demonstrate an appropriate level of:

- research and publication output
- scientific leadership and research direction, including, where appropriate, contributing to mentoring and assessment of other scientists
- continuing high professional standing
- significant contributions to the agency's objectives.

#### **Principal Research Scientist**

To continue at this level, a Principal Research Scientist's scientific performance must meet the standard achieved when they progressed to this level. This means they must continue to demonstrate an appropriate level of:

- research and publication output
- continuing evidence that they are passing skills on to other research staff where appropriate

- scientific leadership and direction, including, where appropriate, contributing to mentoring and assessment of other scientists
- impact in their field of science
- continuing high national and/or international standing, making a major contribution to the agency's objectives.

### **Senior Principal Research Scientist**

To continue at this level, a Senior Principal Research Scientist's scientific performance must meet the standard achieved when they progressed to this level. This means they must continue to demonstrate:

- extensive research and publication output on a national and international scale
- continuing evidence that they are passing on skills to other research staff
- high-level scientific leadership and direction, including providing direction to, mentoring and assessing other scientists
- an ongoing high impact on their field of science
- continuing outstanding national and international professional standing, and make substantial and consistent contributions to the agency's objectives
- if in an applied field, their ongoing contribution to the public good or the commercialisation of science, or that they have earned economically valuable returns for their agency.

## **7 Regression and cessation**

### **7.1 Procedure for regression or cessation**

The committee may recommend the regression of a Research Scientist to a lower salary step or level, or that they cease to be in the classification.

The committee may not recommend the regression or cessation of a Research Scientist unless it has:

- determined that the Research Scientist's performance does not meet the criteria at their current level
- advised the Research Scientist that their performance is unsatisfactory and given clear reasons for this finding
- advised the Research Scientist of actions that can be taken to rectify the identified performance deficiencies, specifying a time frame. If the Research Scientist fails to act in time, they should be given an opportunity to show cause as to why they should not be regressed or ceased
- considered the Research Scientist's response to the above.

## **8 Notification of decisions**

### **8.1 Notification of outcomes**

After taking into account the committee's recommendations, the Commissioner notifies the agency head of the outcome of an application. The agency head then notifies the applicant of the outcome, including the committee's supporting commentary.

## 8.2 Review of decisions

A recipient of an unsuccessful outcome can request a review of a decision by presenting a compelling case to the Commissioner:

- within 28 days of the written notice of the decision
- through their agency
- on the grounds of denial of procedural fairness

On receiving such a request, the Commissioner appoints an appropriate person (the reviewer) to review the process leading to the committee's recommendation.

If the reviewer is satisfied that the process was procedurally fair, they will confirm the decision. If the reviewer is satisfied that the process was not procedurally fair, the Commissioner will convene committee members who did not assess the original application. This new committee will assess the applicant's original application in accordance with these Guidelines, to provide a recommendation to the Commissioner for consideration.

## 9 Application procedures

### 9.1 Applicant's documentation

The committee calls for applications in mid-May each year by advertising on the Public Service Commission (PSC) [website](#). All applicants need to complete and submit an online application form via the [Research Scientist Classification page](#) on the PSC's website.

Applicants must ensure that all details on the application form are correct, including the contact details of their referees. The PSC website provides information for applicants, agencies and referees on the application process and time frames for submitting individual components.

Each application must contain the following elements.

- **A cover sheet**
- **A summary page** – *This should be a single page, with a maximum of 400 words in 12-point font.* It should include the applicant's claim to consideration for entry to, or continuation or progression in the classification.
- **A statement detailing the applicant's claim** – *The statement should be no more than eight pages long, excluding references, and with a maximum of 400 words per page in 12-point font.* In preparing the statement, applicants should clearly address each of the relevant criteria, as set out in the Guidelines. The statement should be set out in the following order:
  - **previous research** – a succinct account of research the applicant has been engaged in. New applicants should include research before entry. Current members should focus on research since their last interview, with scientific publications arising from the research cross-referenced to the publications list
  - **future research** – plans for the immediate future
  - **the impact of their research** – a summary demonstrating the real or potential value of past or proposed research that aligns with the agency's objectives and operations. It should include an outline of any cooperative group studies and/or knowledge transfer within the agency. This section should also clearly outline a plan showing how the applicant's research directly contributes to meeting the agency's objectives and priorities.

- **their standing** – this should be described by referencing other factors that demonstrate the applicant’s expertise and standing in the scientific community. It should include factors such as supervising students and other scientific staff, receiving invitations to prepare reviews or plenary papers, significant awards and research grants. Where it refers to several research grants, the applicant must append a table setting out details of each grant, including the role of the applicant in obtaining the grant. Similarly, they should use tables to summarise other key information in this section.
- **Publications** – This varies according to whether an applicant is seeking entry to the classification or is already in the classification.

Applicants seeking entry to the classification must list their publications, with the most recent listed first, following the outline in the first two categories shown below. This list should be attached as an appendix to the application.

Applicants already in the classification must list their publications by following the outlines in the first three categories and their subcategories.

- Publications released *since* the last interview, should be listed using separate subcategories for:
  - papers published in peer-reviewed scientific journals
  - books/book chapters
  - electronic publications
  - conference papers – either sought or contributed – to scientific proceedings and published in refereed proceedings
  - conference papers, posters or abstracts that were not refereed
  - technical leaflets and other publications; for example, reports.

Publications should be shown clearly as either ‘published’ or ‘in press’. Where a publication is ‘in press’, evidence must be provided to establish its acceptance.

- Publications being reviewed by a journal or prepared by an applicant should be listed separately using the same subcategories as above. The status of submitted publications should be clearly shown (for example, ‘accepted subject to minor revision’).
- Publications released *before* the last interview should include those relied upon but marked as ‘in press’ at that time. This list should cover the applicant’s career, using the same ordering and subcategories as above.

- **Reprints** – No more than two reprints of particularly relevant publications should be attached to each application. Applicants should provide a statement outlining the reason for selecting these publications. They are also asked to bring two other publications to the interview for the committee to consider, if necessary.

- **Supervisor’s report** – All applicants must ensure their immediate supervisor provides a succinct report endorsed by the agency, which they can submit with their application. It should outline the relevance and impact of their research to the agency’s objectives and related requirements. This report does not need to make an overall recommendation about whether the application should be granted, but it should include an assessment of the applicant’s performance.

- **Referees** – All applicants who seek to enter, progress through an efficiency or level barrier, or continue at their current level must nominate three independent referees (not including their immediate agency supervisor). The referees should be well positioned to comment on the applicant's current research achievements and standing among their peers in the scientific community. In nominating referees, applicants should include at least one person who can comment on their achievements from a position of genuine independence, free of conflicting interests, such as someone involved in extended periods of co-publication or joint investigations.

Applicants must ensure that referees are aware of, and agree to, their nomination, and are familiar with the Policy and Guidelines that direct the committee's deliberations. The applicant is responsible for ensuring that their nominated referees respond within the required time frame. If a referee's report has not been submitted, the applicant's written application is distributed to the interview panel without it, which may affect the outcome. In addition, the applicant should ensure that their referees know about their current research achievements and claims; for example, by providing the referees with a copy of their application.

The committee seeks reports from the nominated referees and relies on at least two of these. The committee reserves the right to consult with other referees if this is necessary to assist with their deliberations.

## 9.2 Agency documentation

Applicants must provide their agency contact with a copy of their application, with the cover sheet attached.

The agency then completes its online summary sheet (available on the [PSC website](#)) and attaches it to a copy of the application. It then sends an electronic copy of the application to the agency hosting the interview rounds that year.

## 9.3 Annual review

The committee reviews applications annually, following advertising in mid-May on the [PSC website](#). Interviews take place in August every year. Applicants should ensure that they are available for interview on the day advised.

The initiative for making an application rests with the Research Scientist. Employees already within the classification must ensure they apply for continuance or progression, as required by the Guidelines.

In special circumstances, the Commissioner may consider a request for an extension from a Research Scientist's agency. Special circumstances may include, but would not be limited to, personal circumstances or other situations outside the Research Scientist's control that have caused them to fail to meet the due date set for the agency to receive applications.

# 10 Agency obligations

## 10.1 Agency documentation

The agency must maintain the employment records of any Research Scientist who enters the classification, to allow quick access to historical information about their entry, continuation, progression, regression or removal, as appropriate. The agency is responsible for ensuring the accuracy of its summary sheet. It must also check that applicants are entitled to apply for entry,



progression or continuation, by checking factors such as qualifications and required periods of service (see Schedule 1).

Because each Research Scientist is paid on an individual basis and for a specified period (in accordance with these Guidelines or as otherwise approved), the agency must ensure that they are notified at the appropriate time of their review date and any obligations they have regarding their continuation in the classification.

## **10.2 Assistance with applications**

An agency may, at its discretion, assist a Research Scientist in preparing an application.

## **11 Salary structure**

### **11.1 Salary on entry**

Entry to the classification is at the first-year rate for the relevant salary scale at each level. The committee has the discretion to recommend otherwise and does so based on its assessment of the applicant's level of achievement relative to the criteria set out in the Guidelines. The committee may recommend appointment at a salary that is lower than what the applicant currently receives in their substantive role. In this case, the applicant's agency maintains the applicant's current substantive salary and any increments that would have applied until the applicant progresses to a level within the classification that has a higher salary. That salary then applies.

### **11.2 Progression by increment**

A Research Scientist may progress through the structure by the increments shown in Schedule 1. This progression is to be in accordance with the *Increments and Progression* clause in the Award and the progression requirements in these Guidelines. The Award specifies that payment of increments is subject to the Research Scientist's satisfactory performance and conduct, as determined by their agency head.

### **11.3 Salary rates**

Salary rates for Research Scientists are contained in the Award, or any replacement award. Salary rates in this award are adjusted by the *Crown Employees (Public Sector – Salaries 2019) Award*, or any replacement award.

## **12 Review of Guidelines**

The PSC will review these Guidelines in consultation with the Public Service Association of NSW.

## Schedule 1: Service requirements

Classification level	Salary step	When a Research Scientist reaches this barrier for the first time, an application for:
Research Scientist	Year 1	
	Year 2	
	Year 3	
	Year 4	progression or continuation may be made after 12 months, but no later than 24 months
	<i>Efficiency barrier</i>	
	Year 5	
	Year 6	
	Year 7	progression or continuation may be made after 12 months, but no later than 24 months
<i>Level barrier</i>		
Senior Research Scientist	Year 1	
	Year 2	
	Year 3	progression or continuation may be made after 12 months, but no later than 24 months
	<i>Efficiency barrier</i>	
	Year 4	
	Year 5	progression or continuation may be made after 12 months, but no later than 24 months
<i>Level barrier</i>		
Principal Research Scientist	Year 1	
	Year 2	
	Year 3	continuation must be made after 36 months, and every 36 months after that. An application for progression can only be made after 72 months as Principal Research Scientist
	<i>Level barrier</i>	
Senior Principal Research Scientist	Year 1	
	Year 2	progression or continuation may be made after 12 months, but no later than 24 months.
	<i>Efficiency barrier</i>	
	Year 3	

1. When a Research Scientist reaches an efficiency or level barrier for the first time, they must apply for progression or continuation within the time frame specified above.
2. Where a Research Scientist applies for continuation and is successful, they must apply for either progression or continuation within 36 months.
3. Where a Research Scientist applies for progression and is unsuccessful, but is approved to continue at their current salary step, they may apply for continuation or progression 24 months after the unsuccessful application but no later than 36 months after. They can only submit an earlier application if the committee has recommended they do so.
4. All time frames specified above apply to all Research Scientists, whether they are full-time or part-time employees. Research Scientists are responsible for ensuring that they always submit their application within the time limit.

5. Where an employee is absent on approved leave – such as parental leave, extended leave, leave without pay or secondment – the period away from normal duties is taken into consideration in determining the entitlement to apply for progression, or to continue in the classification.

**DRAFT**

**Draft 2019 Research Scientist Classification Award Guidelines****Key Summary of changes**

<b>Subject</b>	<b>Recommendation</b>	<b>Response</b>
Award arrangements	<b>Recommendation 1</b> - The arrangements contained in the Award should be retained with suggested improvements to the operation of the RSC effected through changes to the Guidelines.	No change to the Award is required.
Commissioner responsibilities	<b>Recommendation 2</b> - The Public Service Commissioner should retain the decision-making responsibilities detailed in the Award in relation to the appointment of the Committee, issuing of the Guidelines and the powers under clauses 3 and 5 of the Award to approve decisions recommended by the Committee.	The Public Service Commissioner retains the decision-making responsibility assigned under the Award.
Administration processes	<b>Recommendation 3</b> - In the interests of greater efficiency, the current involvement of the PSC in obtaining referees reports through a purpose-built IT system hosted by Department of Premier and Cabinet (DPC) should be rationalised by incorporating the process into a unified electronically-based system which covers the entire application process.	PSC will work with the agencies to streamline the RSC application process and digitise the whole RSC application process.
Administration processes	<b>Recommendation 4</b> - The PSC, Department of Industry and Department of Planning and Environment should work together to consolidate all routine administrative functions under one agency (potentially the Department of Industry) and implement this as soon as practicable.	PSC will discuss with the agencies to confirm the ongoing administrative functions.
Role of the Committee	<b>Recommendation 5</b> - The role of the Committee should be refined to emphasise that its recommendations are effectively decisions and that these relate both to: <ul style="list-style-type: none"> <li>a. the assessment of the merit of an applicant's submissions as meeting the requirements set out in the Guidelines in all respects</li> </ul>	The draft clarifies the role of the Committee to better align it with the Award and practical functions of the Committee.

Subject	Recommendation	Response
	b. the assessment's adherence to process (clause 4.1).	
Role of the Committee	<b>Recommendation 6</b> - The current role of the Committee in deciding the outcome of applications should be retained as providing the most unbiased, rigorous assessment of the merit of the candidate.	The draft retains the current role of the Committee as providing the most unbiased, rigorous assessments of the merit of the candidates.
Duties of the Committee	<b>Recommendation 7</b> - The Guidelines should make it clear that the Committee is to assess an application against the relevant criteria for which a person has applied and that points (a) to (d) in clause 4.5 should align with such criteria. The Committee should rigorously evaluate all sources of evidence relied on by it in reviewing applications to ensure their validity and that a compelling case is made by each applicant.	The draft clearly explains that committee members are to assess each application against the relevant criteria and should rigorously evaluate all sources of evidence relied upon.
Composition of the Committee	<b>Recommendation 8</b> - The Guidelines should be changed to specify that the composition of the Committee is to have a majority of independent members and that consideration is given to gender balance in the Committee membership. This will help to enhance the independence and diversity of the Committee with peer review remaining a central feature of the RSC (clause 4.2).	PSC has consulted with Committee members about this recommendation. Attracting independent members has proven to be difficult in the past due to the amount of time needed to assess applications and very modest fees. Data shows increasing numbers of women entering the classification and in future this may lead to higher number of women being available to become Committee members.
Composition of the Committee	<b>Recommendation 9</b> - Input should be sought from the NSW Chief Scientist & Engineer on Committee membership to assist the Commissioner in appointing well-qualified, independent and diverse Committee members (clause 4.2).	The PSC and/or the Chair of the Research Scientist Classification Committee will seek input where relevant from NSW Chief Scientist & Engineer when appointing Committee members.

Subject	Recommendation	Response
Criteria and decision-making processes	<b>Recommendation 10</b> - The current requirement that an applicant for entry to the RSC should have served a minimum period of 12 months in their current role should be retained to ensure that they can maintain a sustainable, productive research program after entry and that they are an appropriate fit to do scientific research in the NSW government context (clause 5.1). Similarly, the Commissioner should retain the discretionary power to approve, in special cases, entry to the RSC where there has been less than 12 months service undertaking scientific research in a departmental position.	The current requirement that an applicant for entry to the RSC should have served a minimum period of 12 months in their current role has been retained.
Criteria and decision-making processes	<b>Recommendation 11</b> - Greater emphasis should be placed on an applicant's contribution to departmental objectives in the criteria contained in the Guidelines for entry, progression, regression, continuation and removal to enable a clearer assessment to be made by the Committee of the relative significance of the applicant's research to their department. The basis for this should be an unambiguous, departmentally endorsed report.	The draft places greater emphasis on contributions to agency's objectives by clearly expressing it as criterion for entry, progression and continuation.
Criteria and decision-making processes	<b>Recommendation 12</b> - To improve the value of referees' reports the current system should be revised to provide more critical advice from the referees. This could be achieved by requesting only comments against relevant criteria and abandoning the current scoring system. In addition reports should normally be sought for entry and progression to a new level, and for continuation only after each 6 years instead of 3 years.	Once the guidelines have been finalised the PSC will work with the Chief Scientific Officer and the Chair of the Research Scientist Classification Committee to improve the referee reporting system.
Criteria and decision-making processes	<b>Recommendation 13</b> - The criteria for regression within a level and removal or cessation from the RSC should be clearly set out in the Guidelines based on the recommendations contained in the Crown Solicitor's Office advice of November 2015 (Clause 7.1) to ensure that an applicant is notified if they are at risk of regression or removal from the RSC, advised of the key reasons and given	The draft aligns regression and cessation procedures with the requirements for dealing with unsatisfactory performance in <i>the Government Sector Employment Rules 2014</i> .

Subject	Recommendation	Response
	the opportunity to present their case based on the principle of affording procedural fairness.	
Appeals	<b>Recommendation 14</b> - The Commissioner should continue to have responsibilities in the process for determining appeals by unsuccessful applicants. This would provide independent assurance that procedural fairness was followed during the assessment process.	The Commissioner continues to have the responsibility for determining appeals by unsuccessful applicants.
Appeals	<b>Recommendation 15</b> - The Guidelines should include a separate section on appeals which contains: <ul style="list-style-type: none"> <li>a. a protocol setting out the allowable grounds for appeal as being on the basis of procedural fairness (i.e. that the whole or part of the process concerned was irregular or improper)</li> <li>b. details of who the Commissioner may appoint to review a decision and that this should not involve Committee members individually or as a group</li> <li>c. the process to be followed by the applicant, department and Commissioner in considering the appeal (revising clause 8.2).</li> </ul>	The draft contains a section adopting this recommendation.
Structure of the Guidelines	<b>Recommendation 16</b> - A revised policy statement should be introduced into the Guidelines as follows: <ul style="list-style-type: none"> <li>a. stating that the purpose of the Classification is “To develop and maintain the quality of science and the advice derived from it available to the public service”.</li> <li>b. specifying that it is a requirement that to remain in the classification a person must be assigned to a role that has the primary responsibility of conducting scientific research and that they should notify their HR team should their circumstances change.</li> </ul>	The Policy Statement has been revised to incorporate the recommendation.  The general section in continuation clearly states that it is a requirement that to remain in the classification a person must a person must be assigned to a role that has primary responsibility of conducting scientific research. where a Research Scientist’s primary responsibility is no longer conducting

Subject	Recommendation	Response
		scientific research, the matter is to be resolved within the Agency.
Structure of the Guidelines	<b>Recommendation 17</b> - Restructure the Guidelines so that they are in a more logical order.	The guidelines have been structured in a more logical order – the salary structure clause has been moved towards the end.  Unnecessary repetition of guidance has been removed and some subject matter has been moved to more appropriate clauses.
Structure of the Guidelines	<b>Recommendation 18</b> - Ensure language and terminology in the Guidelines is up to date, accurate and consistent taking account of the CSO's advice of November 2015.	The terminology is now consistent throughout the guidelines and is also aligned with the terminology of the GSE legislative framework.
Promotion of the RSC and work done by research scientists	<b>Recommendation 19</b> - A program should be developed and implemented to increase the public profile of the RSC. This program should be conducted both within departments and across the public service more widely.	The agencies may wish to at some stage consider increasing the public profile of the RSC and promote the work of research scientists employed within the classification.
Linkages with the Chief Scientist & Engineer	<b>Recommendation 20</b> - A closer linkage should be explored between the RSC and the Office of the Chief Scientist & Engineer to ensure better knowledge of and access to the capabilities of scientists within the RSC at a high level within government.	The Committee Chair has initiated contact with the Chief Scientist and Engineer to this end.
Implementation schedule	<b>Recommendation 21</b> - Subject to approval by the Commissioner the recommendations of this Review should be developed and implemented following an agreed schedule as per <u>Attachment 5</u> .	As per the implementation schedule the revised Guidelines should be available before the application process opens in July 2020.



REVIEW OF THE RESEARCH SCIENTIST CLASSIFICATION  
AWARD AND GUIDELINES

Dr Alastair Grieve

November 2018

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## Introduction

The NSW Public Service Commissioner engaged me to review the operation of the NSW Crown Employees (Research Scientists) Award 2007 ('the Award') and the Research Scientist Classification: Policy and Guidelines ('the Guidelines') ('the Review').

The Research Scientist Classification ('RSC') has been in operation for more than 50 years. The original and over-riding purpose of the RSC was to develop and maintain the quality of scientific research and knowledge in the NSW the public sector and to use this as an evidence-base to advise the government. In this respect, the emphasis on scientific quality and achievement which is central to the Award is different from the sole pursuit of academic scientific excellence as applies elsewhere, such as in universities. The introduction of the RSC also helped to reduce the gradual migration of talented research scientists from the NSW public sector to more highly paid roles in universities and other organisations such as the Commonwealth Scientific and Industrial Research Organisation (CSIRO).

The RSC continues to be relevant today. The Award provides a defined career structure and financial incentives for employing existing government sector employees as research scientists. Original research is undertaken and published by those employed under the Award. This provides an evidence base for decision-making and helps the government to achieve its objectives in diverse scientific disciplines, particularly primary industries and environmental science. The Award provides a graded salary structure through which successful candidates can enter and progress subject to regular demonstration of their merit against the Guidelines.

The RSC operates through an annual process of peer review of employees who apply for entry and for research scientists already covered by the Award who are interviewed at specified intervals to be considered for progression beyond efficiency barriers. Interviews are conducted by the Research Scientist Classification Committee ('the Committee') which is comprised of suitably qualified and scientifically expert members who are appointed by the Public Service Commissioner ('the Commissioner'). The Chair of the Committee is an independent, eminent scientist while other Committee members include representatives from departments.

Under the Award the Commissioner is responsible for issuing the Guidelines and approving recommendations made by the Committee affecting all scientists in the RSC. The Public Service Commission (PSC) administers the RSC, with inputs from the Industry and Planning and Environment clusters, having taken over this function from the Department of Premier and Cabinet when the PSC commenced operation in 2012.

This Review examines the following main issues:

- the operation of the Award and its alignment with contemporary workforce management practices
- the appropriateness of the decision making responsibilities assigned to the Commissioner under the Award
- the effectiveness of the Guidelines and the efficiency of criteria and processes outlined within them
- areas for improvement in the operation of the RSC.

The full scope of the Review is set out in the Terms of Reference at [Attachment 1](#).

In conducting the Review I was ably assisted by Public Service Commission staff who provided guidance and direction. In addition I am grateful for the willing and insightful input of the many people who were interviewed and otherwise contributed during the Review.

## Review process

The Review was conducted in three stages between May and November 2018:

1. A preliminary scoping study with a summary report of initial findings. This included:
  - engaging in detailed discussions with the PSC
  - reviewing documentation on the RSC, particularly the Award and Guidelines
  - considering Crown Solicitor's Office advice on potential improvements to the Classification
  - acquiring data on the current and historic scale and grade profile of the RSC as well as on the frequency and outcomes of appeals
  - examination of similar awards and the employment of scientific researchers in other jurisdictions
2. A further period of investigation involving:
  - refinement of thinking based on feedback on the initial findings
  - consultation with:
    - relevant staff in the PSC
    - the Department of Industry and Department of Planning and Environment (i.e. the NSW government agencies that participate in the scheme)
    - Committee members
    - research scientists currently in the RSC
    - Office of the NSW Chief Scientist and Engineer
3. The delivery of this report which encapsulates my examination of the operation of the Award and Guidelines.

In arriving at the findings and recommendations contained in this report it has been my aim to ensure that the RSC should function in an efficient and effective manner and should meet the core objectives of providing government with reliable access to high quality, independent and verifiable advice on scientific issues, including those affecting policy development. Detailed staffing data drawn from the PSC's Workforce Profile were provided by the PSC. In addition relevant documents regarding other jurisdictions were accessed via the internet or from PSC files.

The major component of the Review involved comprehensive consultations with selected individuals either directly associated with or knowledgeable of the RSC. All consultations were conducted by telephone or face-to-face interviews with relevant individuals, usually of one hour duration. Lists of individuals consulted are at [Attachment 2](#). A questionnaire covering the salient issues was developed and used to guide these discussions ([Attachment 3](#)). Research Scientists were surveyed by email using an internet-based variation on the same questionnaire ([Attachment 4](#)).

During the process of consultation, I was focused on testing both the specific issues in the terms of reference and any other matters which I considered had the potential to improve the functional operation of the RSC.

All results obtained from these investigations were critically analysed and discussed in detail with the PSC through regular weekly meetings which were used to guide the direction of the Review.

## Key findings

### Award

The original aim of the RSC was to give a career structure for scientists employed in the NSW public sector who execute and publish original scientific research and this remains highly relevant today.

The Award sets the framework for employing research scientists by:

- specifying the role of the Commissioner and the Committee
- setting the salary rates for the different levels of research scientists
- enabling the payment of increments and progression beyond efficiency barriers
- establishing the Guidelines that set out the practical aspects for the operation of the RSC.

The Award is closely aligned with current workforce management practices set out in the Government Sector Employment Act 2013 with an emphasis on merit, workforce management and leadership.

Approaches to achieving the aims of the RSC were researched and evaluated for possible adoption in the NSW public sector as an alternative to the current Award structure and operation. Consideration was given to the use of enterprise agreements which are used by other research institutions such as the CSIRO, the Australian Nuclear Science and Technology Organisation (ANSTO) and universities. However, they do not appear to provide a superior option. In particular, the emphasis of the RSC on external independent peer review of scientific performance is unique within Australia. Other science-focused organisations, including universities, rely on internal assessment/performance review procedures.

In addition, many aspects of the systems of performance appraisal used by those organisations examined have strong similarities with the processes which apply to the RSC. For example, the assessment of an employee's demonstrated achievements, publication output and impact on organisational goals are a core part of the performance review process of these organisations. They do not differ significantly from the RSC and did not appear to offer superior outcomes to the detailed assessment of applications done by the Committee.

Overall, I consider that the Award should be kept in its current form and do not propose changes to it in relation to the responsibilities of the Commissioner (see below under 'Role of the Public Service Commissioner'). I have, however, made a series of recommendations to revise the Guidelines to improve the operation of the RSC and retain its relevance in the modern public service.

### Role of the Public Service Commissioner

I examined alternative arrangements for shifting the decision making responsibilities assigned to the Commissioner under the Award. These responsibilities include convening the Committee, issuing the Guidelines and approving the recommendations of the Committee. The first option I looked at was to devolve the Commissioner's responsibilities to another statutory office holder. The other option was for the Commissioner to use the general power of delegation conferred by section 17(2) of the Government Sector Employment Act 2013 to delegate the responsibility for approving recommendations of the Committee to secretaries of departments who either employ scientists under the RSC or have some relationship with workforce management across public sector.

As part of my review, I considered whether there were any statutory officer holders in the NSW public sector who could potentially take on the Commissioner's responsibilities. I found that the NSW Chief Scientist and Engineer was the most appropriate amongst these office holders to be

considered for involvement in the RSC. However, closer examination showed this is a ‘figure-head’ role that has the following responsibilities:

- to foster and encourage a lively state innovation system, particularly by promoting productive links between business, the professions, universities and government
- to provide independent advice on how to address difficult policy problems that involve engineering or science. Examples include coal seam gas, sea level rise, road tunnel air quality and coal dust emissions.

These responsibilities do not fit closely with the decision-making responsibilities assigned under the RSC and devolution to the Chief Scientist and Engineer is not recommended.

I also examined the possibility of assigning the appeal function to the Industrial Relations Commission. However, I concluded that this could give greater and perhaps inappropriate emphasis to the appeals mechanism and was not a desirable outcome. A further possibility was for the responsibilities to be vested with the Industrial Relations Secretary (i.e. the Secretary of NSW Treasury). The industrial focus of the role could conceivably be expanded to include the RSC but it would be a less comfortable fit than the current arrangement, given the wider workforce management role the Public Service Commissioner.

Finally, I considered the option of delegating the Commissioner’s responsibilities to those department secretaries who have employees appointed to the RSC. While it is possible for the Commissioner to delegate responsibilities to approve decisions made by the Committee as defined in clause 3 and clause 5 of the Award, I formed the view that such delegation was undesirable for the following reasons:

- the Commissioner is responsible for workforce management across the sector and for promoting merit-based employment which are key aspects of the RSC
- delegation does not substantially reduce the Commissioner’s responsibilities in administering the RSC
- the RSC would lose the independence and higher profile afforded to the Award by the Commissioner.

In conclusion I am of the view that the Commissioner should continue to carry out the functions that are assigned under the Award.

## Guidelines

The Guidelines in their current form define the policy and procedures for how the RSC operates in practice. Key areas covered in the Guidelines include the composition, role and duties of the Committee, the criteria for entry, progression, regression, continuation and removal from the RSC and other procedural matters such as notification of decisions and information on the application process.

While the Guidelines provide a solid structure to support the operation of the RSC, a detailed examination of the Guidelines, consideration of Crown Solicitor’s advice and consultation with Committee members, departmental staff and RSC employees suggest that there are a number of areas where these could be improved. I have therefore suggested a series of changes to clarify certain issues, particularly around criteria, provide guidance where a gap has been identified and to simplify processes where possible. The implementation of these changes should assist with greater understanding by Committee members and employees and will bring the Guidelines up to date with contemporary workforce management practices.

## Criteria

I have made a number of recommendations for changes to the criteria contained in the Guidelines to make these clearer for Committee members and employees alike. They include to:

- define the criteria for regression within a level and removal/cessation from the classification to make it clearer to all involved the requirements that apply in such cases where regression or removal are being considered
- embed the principle of procedural fairness in the Guidelines both in relation to informing an applicant if they are at risk of continuation, regression or removal from the RSC and as the basis for making an appeal
- create a distinct section on the appeals process that expands on the information already set out in clause 8.2 and specifying that appeals can only be made on the basis of procedural fairness
- ensure language and terminology is appropriate and consistent, particularly in relation to the core elements of the RSC such as 'level', 'grade' and 'classification'.

A number of discussions I have had with departmental staff and Committee members highlighted that the value of the work done by RSC employees in supporting the provision of high quality scientific advice to government should be a central focus of the assessment process. I have therefore made recommendations to strengthen the framework for obtaining information from referees that focuses on this work and to emphasise that departmental and government objectives are the driving force for work done by those employed in the RSC.

## Committee

The role of the Committee is central to the successful operation the RSC and Committee members do a thorough job in examining the many applications that are received in the annual process and, when required, in considering appeals. The changes I suggest seek to clarify the role, duties and composition of the Committee to bring about efficiencies for carrying out this very important function.

In relation to the role of the Committee it should be emphasised in clause 4.1 of the Guidelines that the recommendations of the Committee are effectively decisions and relate both to its assessment of the merit of an applicant's case as complying with the Guidelines in all respects and the assessment's adherence to process.

There are opportunities to enhance the composition of the Committee by increasing the number of independent members and bringing greater diversity to Committee membership (for example, by improving gender balance). This would help to reinforce the independent nature of the RSC. In addition, the Commissioner could benefit from inviting suggestions from the Chief Scientist and Engineer to identify suitable, distinguished and independent scientists who could be considered for membership of the Committee.

## Implementation of recommendations

The implementation of the recommended changes to the Award and Guidelines identified in this Review will require a further body of work to be carried out. Ideally this will be completed in time for the commencement of the 2020 round of interviews. A suggested list of tasks and associated timetable is set out in [Attachment 5](#).

# Recommendations

The following recommendations are made based on the findings of the review:

## Operation of the Award

### Arrangements contained in the Award reflecting contemporary workforce management practice

1. The arrangements contained in the Award should be retained with suggested improvements to the operation of the RSC effected through changes to the Guidelines.

### Responsibilities of the Commissioner

2. The Public Service Commissioner should retain the decision making responsibilities detailed in the Award in relation to the appointment of the Committee, issuing of the Guidelines and the powers under clauses 3 and 5 of the Award to approve decisions recommended by the Committee.

## Operation of the Guidelines

### Administration processes

3. In the interests of greater efficiency, the current involvement of the PSC in obtaining referees reports through a purpose built IT system hosted by DPC should be rationalised by incorporating the process into a unified electronically-based system which covers the entire application process.
4. The PSC, Department of Industry and Department of Planning and Environment should work together to consolidate all routine administrative functions under one agency (potentially the Department of Industry) and implement this as soon as practicable.

### Role of the Committee

5. The role of the Committee should be refined to emphasise that its recommendations are effectively decisions and that these relate both to:
  - a. the assessment of the merit of an applicant's submissions as meeting the requirements set out in the Guidelines in all respects
  - b. the assessment's adherence to process (clause 4.1).
6. The current role of the Committee in deciding the outcome of applications should be retained as providing the most unbiased, rigorous assessment of the merit of the candidate.

### Duties of the Committee

7. The Guidelines should make it clear that the Committee is to assess an application against the relevant criteria for which a person has applied and that points (a) to (d) in clause 4.5 should align with such criteria. The Committee should rigorously evaluate all sources of evidence relied on by it in reviewing applications to ensure their validity and that a compelling case is made by each applicant.



## Composition of the Committee

8. The Guidelines should be changed to specify that the composition of the Committee is to have a majority of independent members and that consideration is given to gender balance in the Committee membership. This will help to enhance the independence and diversity of the Committee with peer review remaining a central feature of the RSC (clause 4.2).
9. Input should be sought from the NSW Chief Scientist & Engineer on Committee membership to assist the Commissioner in appointing well-qualified, independent and diverse Committee members (clause 4.2).

## Criteria and decision making processes

10. The current requirement that an applicant for entry to the RSC should have served a minimum period of 12 months in their current role should be retained to ensure that they can maintain a sustainable, productive research program after entry and that they are an appropriate fit to do scientific research in the NSW government context (clause 5.1). Similarly, the Commissioner should retain the discretionary power to approve, in special cases, entry to the RSC where there has been less than 12 months service undertaking scientific research in a departmental position.
11. Greater emphasis should be placed on an applicant's contribution to departmental objectives in the criteria contained in the Guidelines for entry, progression, regression, continuation and removal to enable a clearer assessment to be made by the Committee of the relative significance of the applicant's research to their department. The basis for this should be an unambiguous, departmentally endorsed report.
12. To improve the value of referees' reports the current system should be revised to provide more critical advice from the referees. This could be achieved by requesting only comments against relevant criteria and abandoning the current scoring system. In addition reports should normally be sought for entry and progression to a new level, and for continuation only after each 6 years instead of 3 years.
13. The criteria for regression within a level and removal or cessation from the RSC should be clearly set out in the Guidelines based on the recommendations contained in the Crown Solicitor's Office advice of November 2015 (Clause 7.1) to ensure that an applicant is notified if they are at risk of regression or removal from the RSC, advised of the key reasons and given the opportunity to present their case based on the principle of affording procedural fairness.

## Appeals

14. The Commissioner should continue to have responsibilities in the process for determining appeals by unsuccessful applicants. This would provide independent assurance that procedural fairness was followed during the assessment process.
15. The Guidelines should include a separate section on appeals which contains:
  - a. a protocol setting out the allowable grounds for appeal as being on the basis of procedural fairness (i.e. that the whole or part of the process concerned was irregular or improper)
  - b. details of who the Commissioner may appoint to review a decision and that this should not involve Committee members individually or as a group
  - c. the process to be followed by the applicant, department and Commissioner in considering the appeal (revising clause 8.2).

## Structure of the Guidelines

16. A revised policy statement should be introduced into the Guidelines as follows:
  - a. stating that the purpose of the Classification is “To develop and maintain the quality of science and the advice derived from it available to the public service”.
  - b. specifying that it is a requirement that to remain in the classification a person must be assigned to a role that has the primary responsibility of conducting scientific research and that they should notify their HR team should their circumstances change.
17. Restructure the Guidelines so that they are in a more logical order.
18. Ensure language and terminology in the Guidelines is up to date, accurate and consistent taking account of the CSO’s advice of November 2015.

## Other issues arising from the Review

### Promotion of the RSC and work done by research scientists

19. A program should be developed and implemented to increase the public profile of the RSC. This program should be conducted both within departments and across the public service more widely.

### Linkages with the Chief Scientist & Engineer

20. A closer linkage should be explored between the RSC and the Office of the Chief Scientist & Engineer to ensure better knowledge of and access to the capabilities of scientists within the RSC at a high level within government.

## Implementation schedule

21. Subject to approval by the Commissioner the recommendations of this Review should be developed and implemented following an agreed schedule as per Attachment 5.

## Operation of the Award

### Operation of the Award in reflecting contemporary workforce management practices

The Award is unusual in that it applies to staff across a number of agencies and requires a person to be employed under the Government Sector Employment Act 2013 before they can apply for entry to the RSC. The Award sets the basic framework for employing research scientists. It provides for a system of assessment by a Committee appointed by the Commissioner. The Commissioner approves the classification of government sector employees as research scientists based on recommendation of the Committee. The Award also sets the salary rates for the different levels of research scientists and enables the payment of increments and for progression beyond efficiency barriers. Importantly, the Award specifies that the Commissioner may make Guidelines. These Guidelines set out the practical aspects of the operation of the RSC.

The Award provides for regular performance assessment to determine initial appointment, subsequent progression and continuation within a salary structure which is separate from the substantive roles occupied by research scientists. Progression of research scientists and payment of increments are subject to the satisfactory conduct and satisfactory performance of duties by the employee as per clause 14 of the Government Sector Employment Regulation 2014. These features are all consistent with contemporary workforce management practices.

### Comparison with other Australian jurisdictions

Investigation of employment agreements and awards from other state jurisdictions and the Commonwealth Government suggests that the RSC is unique within Australia in its emphasis on external independent peer review of scientific performance. Other science-focused organisations including universities rely on internal assessment procedures. This reflects the fact that research is usually the major if not the only purpose of the organisation and hence evaluation of research performance by staff is embedded within the industrial arrangements of the organisation. This does not apply in the NSW Public Service departments covered by the Review.

The RSC Committee comprises a Chair and committee members appointed by the Commissioner. Under the Guidelines, the Chair is an independent eminent scientist and committee members have appropriate standing in the scientific community. Committee members usually include those who are independent (usually selected on the advice of the Chair) and department committee members who are representatives from departments participating in the RSC. Committee members must ensure that each applicant's case is evaluated rigorously and impartially, on the basis of scientific and public service merit, and within the normal bounds of natural justice and equity. They are also required to exercise independent judgement and declare any potential or actual conflict of interest.

In recent years the proportion of departmental members has increased and they are now in the majority. In the interests of maintaining the independence of the Committee it was the view of the majority of those consulted that efforts should be made to attract a greater proportion of independent committee members. This issue is considered further in my consideration of the composition of the Committee.

In NSW and most other public sectors individuals are usually employed as a research scientist in a role specifically designated for that purpose. Progression and incremental salary increases rely on annual performance appraisals conducted through internal processes. These may contain provisions for approving additional increments, although normally these are only applicable within the individual's current grade. Promotion to a higher grade usually requires a vacancy to exist, a demonstrated need for such a role and for an application to occur.

ANSTO, for example, has a salary category called the 'Researcher Merit Salary Increase' which has some similarity to the RSC. This assessment process uses internal assessment panels with comparable criteria for success to those used by the RSC. However, while the increase can be made permanent (subject to sustained performance) in other cases re-application is required every two years and is always subject to continuing successful performance. Assessment panels do not include independent members, nor is there an interview.

Both the CSIRO and Australian universities operate internal promotion systems using similar criteria to the RSC. The emphasis in universities is predominantly on scientific achievement (publication) while the CSIRO also takes into account industry impact. In the CSIRO reclassification to the higher levels within the Enterprise Agreement requires a demonstrated need for the higher graded role as well as the establishment by the applicant of an appropriate level of performance and contribution to the organisation.

Many aspects of the systems of performance appraisal used by the jurisdictions examined have strong similarities to the processes which apply under the Award. For example, the assessment of merit based on application, use of publication output as a metric and consideration of impact on organisational goals. The actual processes followed do not differ significantly from the RSC and do not appear to offer superior outcomes.

The Award provides general, high level guidance in the operations and intentions of the RSC. The core decision-making functions of the Award rest on recommendations by the Committee and rely on the interpretation placed on the criteria set out in the Guidelines. Given the complex nature of assessing specialised and diverse scientific disciplines, the flexibility which this allows in evaluating applicants drawn from a very wide range of scientific disciplines is essential to the effective functioning of the RSC. This does, however, highlight the importance of ensuring that the Guidelines provide a clear, consistent and balanced direction to the overall operation of the RSC. For this reason a number of suggested improvements to the Guidelines are outlined in the following sections.

## Summary

The broad aims of the RSC are considered to remain highly relevant to the provision of high quality scientific advice to government. Its reliance on regular, rigorous performance assessment is consistent with contemporary workforce management practice. Alternatives to the Award and the operation of the RSC were considered but these do not appear to provide a superior option.

The Award should therefore be retained in its current form as it provides a framework for the operation of the RSC with the Guidelines setting out the practical considerations under this framework.

## Recommendation

1. The arrangements contained in the Award should be retained with suggested improvements to the operation of the RSC effected through changes to the Guidelines.

## Commissioner decision making responsibilities under the Award

Under the Award, the Public Service Commissioner is assigned certain responsibilities. These include:

- convening the Committee
- approving the classification of government sector employees as research scientists based on recommendation by the Committee
- approving entry to, continuation in, progression and regression in and cessation from the levels of research scientists based on recommendation by the Committee
- approving the progression of research scientists beyond efficiency barriers on recommendation by the Committee
- issuing the Guidelines.

The Guidelines give the Commissioner the authority for:

- determining the composition of the Committee and appointing Committee members
- deciding the criteria for entry to, continuation in, progression and regression in, and removal/cessation from the levels within the Classification
- requesting the Committee or external parties to review a request for further consideration for an employee to enter, remain in or progress through the Classification
- making other discretionary decisions, usually based on special circumstances that do not necessarily meet certain criteria set out in the guidelines (for example, allowing for accelerated progression or fast-tracked entry into the RSC).

### Analysis of responsibilities

The Award assigns responsibility to the Commissioner for the approval of recommendations by the Committee for entry to, continuation in, progression and regression in, and cessation from the levels within the Classification. The Commissioner has no direct supervisory or employer relationship with the applicants and does not necessarily have expertise in the various disciplines of scientific research. The RSC came to reside with the Commissioner and, before that, the Department of Premier and Cabinet and the Public Service Board, when each had responsibility for workforce management across the NSW public sector. However, the previous Commissioner questioned whether the decision making responsibilities conferred under the Award were suitably positioned.

In March 2016, the PSC sought advice from the Crown Solicitor's Office (CSO) on whether the Award permitted the then Commissioner to devolve his powers to the heads of one or more relevant agencies to address this issue. In the CSO's view devolution is not possible under the Award in its current form. However, in the same advice the CSO concluded that the Commissioner may use the general power of delegation conferred by section 17(2) of the Government Sector Employment Act 2013 to, for example, delegate the approval of decisions to secretaries of departments who employ scientists under the RSC. The CSO recommended that should a decision to use this delegation function be made that it should be included in the Award.

### Devolution of responsibilities

An alternative option is to devolve the responsibilities of the Commissioner to the NSW Chief Scientist & Engineer, noting that this would require that the Award be amended. The Chief Scientist & Engineer is appointed by the NSW Premier to ensure scientific knowledge and research can be adapted and used to benefit NSW. In what is fundamentally a figure-head role, the Chief Scientist & Engineer is responsible for:

- fostering and encouraging a lively state innovation system, particularly by promoting productive links between business, the professions, universities and government

- providing independent advice on how to address difficult policy problems that involve engineering or science. Examples include coal seam gas, sea level rise, road tunnel air quality and coal dust emissions.

While embedded in the scientific research field and the perception of independence would be satisfied, the responsibilities of the Chief Scientist and Engineer do not fit closely with the decision-making responsibilities assigned under the RSC. Devolution of the Commissioner's responsibilities to the Chief Scientist & Engineer is therefore not recommended.

Notwithstanding this, a closer involvement of the Office of the Chief Scientist & Engineer with the RSC was considered by many of those consulted as a desirable development. This could include providing input to the selection of Committee members and an improved awareness of the range of expertise and excellence in public service science.

A review was done of the list of Public Office Holders, which is available on the NSW Remuneration Tribunals website, ([www.remtribunals.nsw.gov.au/statutory-and-other-offices/current-soort-determinations](http://www.remtribunals.nsw.gov.au/statutory-and-other-offices/current-soort-determinations)) to determine whether the Commissioner's decision making responsibilities could be devolved to another independent and appropriately qualified person. It is clear that none of the offices listed would have a remit that could lend itself to undertaking the decision making responsibilities currently allocated to the Public Service Commissioner.

### Delegation of responsibilities

#### Industry Relations Secretary

I considered the option of delegating the Public Service Commissioner's decision making responsibilities to the Industrial Relations Secretary. This possibility arises from the historical background that prior to the establishment of the PSC, the RSC was managed through the industrial relations function within the Department of Premier and Cabinet. Administratively, the industrial relations function now resides within NSW Treasury. The Industrial Relations Secretary function is established under the Government Sector Employment Act 2013. The Secretary is taken to be the employer of Public Service employees in industrial proceedings, may enter industrial agreements and may fix certain conditions of employment. The industrial focus of the role could conceivably be expanded to include the RSC but it would be a less comfortable fit than the current arrangement, given the wider workforce management role the Public Service Commissioner.

#### Department secretaries

Another option I explored was for the Commissioner to delegate the approval powers in clauses 3 and 5 of the Award to department secretaries. The Committee's recommendations are effectively a decision on each application and the Commissioner's role is to approve the recommendation. It would be unlikely for the Commissioner to overturn a decision based on an incorrect assessment of the scientific merit of an application without relevant knowledge of the particular scientific discipline which the Commissioner does not usually have. Neither would department secretaries generally have this expertise. Hence the Commissioner's approval is in effect an endorsement of the process followed by the Committee rather than a judgement on the subject matter or content of the recommendation.

In correspondence on this matter in 2013 between the PSC and relevant agencies, the heads of those agencies indicated their willingness to become delegates. However, most of the senior departmental staff and Committee members consulted during the current Review considered that delegation of this responsibility presented various issues. These arise for a number of reasons:

- Independence – there is a strongly held, widespread perception of a need for independence from direct departmental influence in the approval process. A major feature of the RSC is

the reliance on independent, peer-reviewed assessment. Rather than the role of the Commissioner being seen as inappropriate because of their lack of subject matter knowledge and direct responsibility for research scientists, this independence was seen as a positive demonstration of the value of the RSC within the public sector. It was also perceived by members of the Committee as a key aspect of the Classification: “Involvement of the Commissioner and the PSC gives the Classification a higher profile and importance. It puts it closer to the centre of the Public Service.”

- Central role of the Commissioner - the Commissioner is responsible for workforce management across the sector and embeds the principles that recruitment and promotion across the public sector are based on merit and active performance management processes. These responsibilities align closely with the intention of the RSC.

In view of these concerns, it is clear that delegation of the approval function to departmental secretaries would not maintain the desired independence of the approvals process.

#### Industrial Relations Commission

The final option examined was to delegate the appeal function currently held by the Public Service Commissioner under the Guidelines to the Industrial Relations Commission (IRC). The IRC deals with disciplinary appeals for non-executive Public Service employees and in the past has dealt with promotion appeals. It is likely transferring this role to the IRC would require a decision of Government, followed by legislative amendment and this would need to be carefully considered. Such a proposal could give greater and perhaps inappropriate emphasis to the appeals mechanism and, on balance, is not recommended.

#### Summary

For the reasons set out in the preceding discussion, the current role of the Commissioner in appointing the Committee, issuing the Guidelines and approving recommendations by the Committee should be continued to reinforce the RSC as an important, independent and highly valued aspect of public sector science.

It is also noted that there would be advantages in developing a closer involvement of the Chief Scientist & Engineer’s Office, such as seeking input into the process for nominating suitable independent Committee members.

#### Recommendation

2. The Public Service Commissioner should retain the decision making responsibilities detailed in the Award in relation to the appointment of the Committee, issuing of the Guidelines and the powers under clauses 3 and 5 of the Award to approve decisions recommended by the Committee.

## Operation of the Guidelines

In this section, evidence is provided which is derived from the extensive and detailed interviews with stakeholders. While the individual views of each interviewee are not included, an outline is provided where there was general agreement amongst interviewees.

There was agreement amongst those consulted that the current Guidelines, although lengthy and somewhat complex, are generally well understood by existing research scientists, Committee members and senior departmental managers directly involved with the operation of the RSC. At the same time it was acknowledged that the operation of the RSC at agency-level, in particular, did not always align with the Guidelines. A key issue identified by senior managers in the Department of Primary Industries was that research for the purpose of achieving departmental goals was not entrenched to the extent that it could be and that this was not necessarily a failure of the Guidelines. Senior managers also expressed the view that across some agencies and to varying degrees there was a lack of general understanding and support for the RSC and its aims, particularly among managers of those divisions that did not directly undertake research, but whose functions included acting as internal 'customers' for research services, suggesting the need for better internal communication and understanding.

Line managers of scientists in the RSC expressed the strong view that the RSC provides a valuable stimulus and personal satisfaction to their staff, as well as a rigorous quality assurance process that ensured public service science was maintained at a high level. The majority of current research scientists who responded to the survey considered that the RSC's purpose (and value) is in providing a career structures for scientists employed in the public sector with many recognising that it also promotes retention of research scientists.

Most stakeholders were of the view that the Guidelines did not inhibit suitable candidates from applying for entry into or progression through the RSC. This is evidenced by the number of new entrants to the RSC with around 25% of the respondents to the survey of current research scientists having been in the RSC for 5 years or less. Nonetheless respondents identified the need for better communication of the expectations for entry and progression to potential and participating scientists. Examples of the wide range of views included:

“It is not clear what the requirements for entry are”

“I think it's currently satisfactory”;

“(There should be) more stringent requirements around entry”

Although the criteria were generally seen as stringent, this was viewed as a positive aspect, guaranteeing quality. Some managers commented however, that on occasion, existing research scientists were reluctant to provide insight into the RSC entry requirements and encouragement to more junior scientists with potential to enter the Classification. Collaboration and collegiality were seen as aspects that should be valued, rather than competitive individualism, and the RSC should, where possible, encourage these attributes.

Notwithstanding the general satisfaction amongst both managers and research scientists with the Guidelines' overall requirements there is a need to communicate these more effectively to potential entrants. Some managers expressed uncertainty regarding the expectations of the Committee and felt unable to provide clear advice to potential applicants. This problem was also commented on by research scientists. For these and other reasons discussed below, the Guidelines would benefit from a thorough revision, including restructuring the contents into a more logical sequence, incorporating



significant changes to some procedures and editing the text as necessary to improve clarity, consistency and impact.

In addition there is a need for an increased commitment on the part of the PSC, the Committee and departmental management to develop and maintain more frequent and effective communication channels regarding operation of the RSC. The aim of this would be to ensure that a clear understanding of the Classification's objectives and requirements was widely shared among the relevant participating agency staff and managers. This could be achieved by regular information sessions at suitable intervals, perhaps conducted jointly by the Committee and departmental managers.

Specific efforts should be made by departments to ensure that more relevant and critical reports are provided to the Committee regarding the performance of individuals to enable the most comprehensive and rigorous evaluation of each applicant's claims. This aspect was widely endorsed by research scientists. Comments made in response to the question "How do you think the contribution of your research to department/government goals should be assessed?" included:

“Impact to industry or addressing state priorities should be given a higher priority;

By assessing how my research supports the Strategic/Business and State plans”.

## Administrative arrangements

The operation of the RSC entails the calling for applications on an annual basis which are subjected to a process of independent peer review by the Committee. The administration of the RSC currently operates through a cooperative process, involving the PSC and the Department of Primary Industries (DPI) whose staff comprise around 75% of the current members of the RSC. The two participating agencies (DPI and the Department of Planning and Environment (DPE)) and the PSC cooperate with the Chair of the Committee to conduct the annual call for applications, seek referees reports, arrange interviews and prepare recommendations to the Commissioner for approval. The process involves a substantial workload for applicants, departments and the Committee. There is a degree of unnecessary complexity about this process which should be removed if possible. This would also help to remove any unnecessary delays in communicating the outcome of applications to the affected staff.

Most of the routine administrative functions connected with the Award were moved to agency level (i.e. DPI) some years ago. This includes the collation of applications and the distribution of papers or electronic copies of these to Committee members prior to interview. The process still relies on hard copies of applications and supporting papers. There seems no good reason why these could not be delivered electronically.

There is a residual or legacy involvement of the Department of Premier and Cabinet (DPC) in the process through the use of an IT application to obtain referees reports. Agencies also have responsibility for providing supervisor's reports for each applicant. In principle, all these activities could be combined into a single, electronically based system.

Referees reports are currently sought for all applications. There was general agreement on the part of Committee members that these reports were often unhelpful and perhaps not required at every interview. Routinely requiring these for entry, and for progression between levels only, could simplify the process.

Selection of Committee members, calling for applications for each annual round of interviews, general facilitation and hosting the round of interviews and the approval of recommendations subsequently made by the Committee rests with the PSC and the Commissioner. Following approval

by the Commissioner, the PSC advises the agencies of the approved decision and the agency advises their staff.

On occasion, receipt of advice of approval of the Committee's recommendations to departments from the Commissioner has been slow, leading to an undesirable delay in candidates being informed of the result of their application. For example, in the 2017 round applicants did not receive advice of their applications until early 2018, several months after interview. Given that the process of calling for applications, conduct of interviews and the preparation of Committee reports follows a very tight timeframe (mid-May to end-August), and that delays in communication of approvals also leads to delays in payment of any salary increases following successful applications, efforts should be made to avoid any unnecessary delay. Ideally advice of approval of the Committee's recommendations should be provided to the departments within one month of receipt by the Commissioner. If the responsibility for approvals is delegated to department secretaries, such delays could be minimised.

## Summary

The administration of the RSC involves several separate agencies at present. It also relies heavily on the use of paper-based documentation of applications. Aspects of the process appear to have worked fairly efficiently, although the communication of final decisions is frequently delayed. There is scope for further consolidation of the administrative functions and for simplification of the whole process. The evaluation of options for improvement should also examine whether applications and all other documents should be lodged and distributed electronically, rather than the current reliance on hard copies.

## Recommendations

3. In the interests of greater efficiency, the current involvement of the PSC in obtaining referees reports through a purpose built IT system hosted by DPC should be rationalised by incorporating the process into a unified electronically-based system which covers the entire application process.
4. The PSC, Department of Industry and Department of Planning and Environment should work together to consolidate all routine administrative functions under one agency (potentially the Department of Industry) and implement this as soon as practicable.

## Committee's role and duties

Under the Award the Committee is required to make recommendations regarding the entry to, continuation in, progression and regression in, and cessation from the levels within the RSC. The Committee makes these recommendations to the Commissioner in accordance with the criteria contained in the Guidelines.

In arriving at its recommendations the Committee considers the application made by each candidate and tests their claims against the criteria for the Classification level, as set out in the Guidelines, and the evidence provided by them. Additional weight is attached to the reports provided by referees and the applicant's supervisor.

In discharging these responsibilities the Committee members must ensure that each applicant's case is evaluated rigorously and impartially, on the basis of scientific and public service merit, and within the normal bounds of natural justice and equity. It is a matter for the Committee to determine collectively the method of appraisal which best satisfies the need for integrity of the RSC and eliminates bias. There is a need for the method chosen to be sufficiently flexible to accommodate the wide range of fields of the candidature.

Committee members are required to assess each written application and supporting papers, together with information gained during an interview with the candidate, in evaluating the case made for entry, continuation or advancement within the RSC. In order to recommend a successful outcome to an application, the Committee must ensure that all relevant criteria have been met, and that a compelling argument has been made by the applicant in terms of:

- (a) the quality and original nature of their research achievements;
- (b) their commitment and contribution to Departmental objectives;
- (c) written and/or oral communication of relevant research outcomes to appropriate readerships/audiences and;
- (d) where expected, intellectual leadership has been demonstrated.

Whether the work is of a fundamental, technological or applied nature, the principal criterion in assessing a staff member's performance is evidence of past and recent achievements and a continuing ability, either alone or as an active team member, to pursue and bring to a satisfactory conclusion, research projects in an innovative, scientifically sound way directed towards departmentally approved objectives. This ability will be reflected in the particular impact that the staff member's findings have had on the work of the department and on the course of ongoing research, or reflected in the way Government and industry take up his or her results. The Committee specifically looks for convincing evidence of the research scientist's impact and contribution to the department's objectives and policies.

Other evidence of a research scientist's performance and standing could consist of some or all of the following:

- implementation of results or application of work by industry and/or Government through education, Government policies and strategies, public management or regulation;
- appropriate contributions to research undertaken by multidisciplinary teams;
- evidence of demonstrable standing within the scientific community such as:
  - allocation of competitively available research funds;
  - active membership of scientific or related policy advisory committees;
  - editorial roles with significant scientific journals;
  - executive participation in professional societies; and/or
  - invitations to present lead conference papers or write significant reviews in peer-reviewed journals or books;
  - awards or other forms of recognition by scientific bodies or societies or other external bodies;
- development of a biotechnological product or a new industrial process;
- appropriate dissemination of results;
- level of responsibility for directing, interacting with and training other scientific staff and coordinating and overseeing their research activities;
- University-level collaboration leading particularly to supervision of graduate students;
- breeding of a new plant or animal variety; and/or a patent.

In some responses to the survey of research scientists it was suggested that there was a need to reduce the onerous nature of the application process, perhaps through the use of a standard template for applications which would then be scored by the Committee. While superficially attractive, the suggestion of a standardised template is not favoured as it would lead to a prescriptive approach to assessment which would be difficult to apply fairly to the wide range of disciplines and experience across the full contingent of applicants.

It will be clear from this analysis that there is a need for considerable flexibility in the Committee's approach in evaluating each candidate. For example a scientist employed as a palaeontologist or a botanist may have the opportunity to publish extensively in the peer-reviewed literature each year and could be expected to do so. Conversely, a plant breeder may carry out research for many years before releasing a new crop variety with little or no publishable scientific findings during that period. The value of the new variety to the State may however be very considerable, as well as the level of scientific expertise exercised. Similar considerations could apply to other disciplines, e.g. geological investigations, where a priority is placed on the acquisition of useful data which may not necessarily lend itself to publication in high quality scientific journals, but is nevertheless of great value, e.g. to the mining exploration of the State.

Whatever combination of scientific achievement measures is relied upon for evaluation, an applicant must provide proof of rigorous scientific endeavour resulting in the successful conduct of a clearly defined and currently active research program contributing effectively to departmental objectives. Equally, the Committee must ensure that all sources of objective evidence are fairly considered in arriving at its decision and that its considerations are against the criteria for the Classification level being considered. In this context the rigorous assessment of evidence of the impact of an applicant's research on departmental objectives is particularly critical. To ensure this is possible objective evidence of this contribution is required.

## Summary

The Committee's responsibilities involve a complex assessment of a range of scientific and other criteria guided by the need to balance purely scientific measures of achievement and other less quantifiable indicators. In performing this role, the Committee relies on a wide range of evidence. The following recommendations strike a balance between being overly prescriptive while addressing some of the ambiguities in the Committee's fulfilment of its duties.

### Recommendations

#### Role of the Committee

5. The role of the Committee should be refined to emphasise that its recommendations are effectively decisions and that these relate both to:
  - a. the assessment of the merit of an applicant's submissions as meeting the requirements set out in the Guidelines in all respects
  - b. the assessment's adherence to process (clause 4.1).
6. The current role of the Committee in deciding the outcome of applications should be retained as providing the most unbiased, fair assessment of the merit of the candidate.

#### Duties of the Committee

7. The Guidelines should make it clear that the Committee is to assess an application against the relevant criteria for which a person has applied and that points (a) to (d) in clause 4.5 should align with such criteria. The Committee should rigorously evaluate all sources of evidence relied on by it in reviewing applications to ensure their validity and that a compelling case is made by each applicant.

## Committee's composition

As the role of the Committee is to provide independent peer review of an applicant's case, it is important that there is a balance in the membership of the Committee as to specific scientific expertise, knowledge of departmental procedures and expectations and gender. At present, although there is a strong representation of experienced departmental members, independent members are in the minority and there is a gender imbalance.

While there was no suggestion from those consulted that the present Committee lacked the expertise or judgement to discharge its duties effectively, there was a strong view that the perception of independence would be stronger if there was a greater proportion of independent members, as well as more diversity. It would also present the opportunity to access a wider range of scientific expertise.

Membership of the Committee is based on the recommendation of the Chair to the Commissioner, in part through nominations by the participating agencies. In discharging this responsibility there may be scope for seeking additional input from the Chief Scientist & Engineer's Office to identify a wider range of independent expertise.

#### Recommendations

8. The Guidelines should be changed to specify that the composition of the Committee is to have a majority of independent members and that consideration is given to gender balance in the Committee membership. This will help to enhance the independence and diversity of the Committee.
9. Input should be sought from the NSW Chief Scientist & Engineer on Committee membership to assist the Commissioner in appointing well-qualified, independent and diverse Committee members.

## Assessment criteria for entry, continuation, progression and regression or removal

### Entry

A scientist seeking entry to the RSC is expected to have completed a minimum of 12 months service in their current departmental role undertaking scientific research as a significant part of the duties of the role. Some departmental managers commented that this prevented recently recruited and suitably qualified applicants from being considered for entry to the RSC soon after (or simultaneously with) their appointment. It was suggested by some that it should be possible to "fast-track" entry by waiving this requirement and requesting the Committee to consider the applicant out of session, possibly during the recruitment process. This would assist in attracting experienced scientists through the prospect of rapid access to the higher salary scales which apply to the RSC.

The views of the Committee were not supportive of this proposal. It was considered that the successful transition into a new public service scientific role and the establishment of a sustainable research program capable of supporting the levels of performance expected for entry and continuation in the RSC could not be satisfactorily demonstrated in less than 12 months. One Committee member expressed the view that: "a longer period was desirable (2 years)".

Notwithstanding this concern the Guidelines provide that:

The Public Service Commissioner may approve, in special cases, consideration being given to applications for entry to the Classification, including at the levels of Senior Research Scientist or Principal Research Scientist, where there has been less than 12 months service undertaking scientific research in a departmental position. In such cases, the applicant would need to demonstrate to the satisfaction of the Committee that their current research program was adequately established and capable of being sustained at the appropriate level to justify entry and continuation in the Classification. (pp.10-11)

In such exceptional instances, the required service period while less than 12 months would normally be long enough to satisfy this expectation.

If “fast-tracking” was accepted as a means of attracting more experienced scientists to apply for a role the approach appears to be contrary to the stated purpose of the RSC and is not favoured. The Guidelines state “The Classification is not available to Departments for the purpose of establishing a position that would require appointment based on competitive merit”, and elsewhere “The Classification is applied to a staff member on a personal basis”. Hence the scientist must always occupy a role to which he/she has been recruited by a competitive process. It is unclear how the recruitment of staff directly into the RSC could be accomplished in practice. Involvement of the Committee in recruitment activities seems both inappropriate and unwieldy.

It is suggested that where departments wish to recruit a more experienced scientist, e.g. to provide a leadership role or establish a new area of research, a more appropriate approach would be to establish a suitably graded role for this purpose and advertise it as such. A successful appointee to such a role would then be entitled to enter the RSC after satisfying the usual requirements.

### Departmental impact

While broadly supportive of the emphasis on scientific achievement as the basis for entry and, continuation and progression within the RSC, a number of departmental managers expressed the view that there was a need for a better assessment method of the contribution made by an applicant’s research towards departmental objectives. There is a perception that there is presently an over-emphasis in the assessment process on more readily-measured academic criteria such as scientific publication output and an inadequate process for assessing the departmental impact of a scientist’s research and its contribution to the public sector generally.

At present, the Committee relies for its assessment of departmental impact on two main sources:

- claims by the applicant in the application;
- a report by the applicant’s supervisor.

Reliance on these sources limits the capacity of the Committee to objectively assess the impact of an applicant’s research for the following reasons.

Firstly, to verify an applicant’s claims regarding impact the Committee must rely on the supervisor’s report. At present all applicants must ensure that their immediate department supervisor submits with their application a succinctly written report which has been endorsed by the department outlining the relevance and impact of their research to departmental objectives and related requirements. This report does not require an overall recommendation about whether the application should be granted or otherwise but should include an assessment of the applicant’s performance for the Committee’s information. In general supervisor’s reports are brief and often consist of a précis of the applicant’s claims, rather than focusing on providing a critical assessment of the contribution made by the applicant to the department and the alignment of their research with the department’s needs. There is a need for more critical and insightful supervisor’s reports to be provided.

Secondly, the report by the applicant’s supervisor cannot be investigated further during the interview. The presence on the panel of a Committee member from the applicant’s department can be of assistance, although the member may not be familiar with the applicant’s work.

One option to address the need for greater certainty of the impact of the applicant’s research could be to include the supervisor as an observer during the interview. Following completion of the interview the Committee could then question the supervisor on any aspects of the applicant’s performance that were unclear. This would also provide an opportunity for the supervisor to clarify anything which had not been elucidated during the interview. It would be critical for the supervisor

to avoid any attempt at embellishing the applicant's case and to provide a clear departmental opinion. A drawback of this option is the increased workload and cost entailed with bringing another officer to the interview, and making the interview more cumbersome. This option is not favoured.

Alternatively, the supervisor could communicate directly with the departmental member on the panel assigned to interview the applicant to provide a verbal amplification of the report which was then available to the panel during its deliberations. While this would ensure that the panel had further information available, it introduces a potential conflict of interest for the Committee member involved in discharging their responsibilities impartially.

A more acceptable and effective solution would be to require the departments to provide an official departmental report. This could be based on a report from the supervisor which was also endorsed by a more senior level of management. This extra step should ensure that the assessment of the contribution of the applicant's research to departmental objectives was thorough, unequivocal and endorsed by the department, and could be safely relied on by the Committee in arriving at its recommendation. Each department could introduce any necessary procedures to ensure that the report was appropriately reviewed prior to submission.

### Referees' reports

There was widespread dissatisfaction on the part of Committee members with the usefulness of referees' reports. The present system asks referees to score applicants against the criteria relevant to the level sought within the RSC. The option of providing comment also exists but is not always exercised. Many referees are uncritical in scoring so that frequently they allocate uniformly high scores thus rendering the assessment uninformative. In addition reports are often provided in the absence of specific knowledge of the applicant's claims either because the request for a report is despatched prior to the completion of the full application (a feature of the application system) or because the applicant does not provide a copy of the application to the referee as recommended in the Guidelines.

One option to improve this aspect would be to abandon the scoring system and to request written comments against each of the relevant criteria. In addition the system could be revised to provide a copy of the application to the referee at the time of the request for the report, rather than relying on the applicant to do this.

The value of obtaining referees' reports each time an application is made was also questioned. It may be preferable to confine requests for referees to entry or progression to a new level only. For applicant's seeking continuation, reports could be sought every 6 years rather than every 3 years, reducing the imposition on referees and providing the prospect of more critical and informative reports.

### Regression or removal from the Classification

When an applicant's performance is assessed as unsatisfactory, the Guidelines currently provide that the Committee may recommend the applicant's regression to a lower level or removal from the Classification. The process followed involves a number of steps. Where an applicant has been previously assessed by the Committee as failing to satisfy the criteria for progression or continuation as set out in the Guidelines they are then given clear advice as to the necessary actions that they must take in order to remain in the Classification, and when they must next present themselves for interview.

If at that subsequent application the applicant has been unable to demonstrate to the satisfaction of the Committee that they have fully addressed its concerns, the Committee may recommend that the

applicant should be either regressed to a lower level within the Classification, or be removed altogether.

While these potential outcomes of unsatisfactory performance are clear within the Guidelines, there is no specific direction as to the appropriate manner and extent to which these sanctions would be applied. To provide greater certainty to participants in the Classification it is proposed that the following protocol should be adopted and incorporated into the Guidelines:

- Where an applicant has been approved to be regressed within the Classification, other than in exceptional circumstances, they will not normally be regressed by more than an entire level (e.g. from Senior Research Scientist to Research Scientist).
- Where an applicant has been approved to be removed from the Classification, the applicant will normally revert to the appropriate salary step applicable to the substantive position to which they were originally appointed in their department.

### Criteria and grounds for appeal

In November 2015 advice from the Crown Solicitor's Office regarding an appeal against a determination by the Commissioner, the opinion was advanced that grounds for the particular appeal had arisen in part from a lack of clarity in the Guidelines regarding:

- the criteria, not only for entry, progression and continuation within the RSC but also to regression within a level or between levels and removal/cessation from the RSC
- procedural fairness issues so that an applicant for progression is notified of the risk of continuation, regression or removal resulting from unsatisfactory performance and given clear advice as to what actions are expected to address this
- the weight to be given by the Committee to various criteria in assessing applications;
- clarifying the appeals process as to whether it includes the right of the reviewing body to require the appellant to show cause why they should not be regressed or removed from the RSC, where this was the determination

These issues are proposed to be dealt with as follows:

- improved procedures to more effectively assess the contribution of an applicant's research to departmental objectives
- revision of the criteria for entry, progression and continuation within the RSC to reflect a consistent requirement for greater emphasis on the importance of a contribution to the department's objectives
- redrafting the sections in the Guidelines that deal with continuation, regression or removal to ensure internal consistency and to embrace procedural fairness issues especially where an application is assessed to be unsuccessful
- development of a consistent protocol setting out the allowable grounds for appeal and the process to be followed by both the applicant and the Commissioner in considering the appeal. The proposed protocol to be incorporated into the Guidelines is as follows:

Following the receipt of a decision where an application is unsuccessful, an applicant, giving substantial and comprehensive reasons, may submit a request to the Public Service Commissioner through their department for a review of the decision process. Appeals for review may only be made on the grounds of a demonstrated failure to provide procedural fairness in the applicant's evaluation. A request for review must be made by the applicant within 28 days from the date of the written notification of the decision.

In such circumstances the Public Service Commissioner will instigate a review of the applicant's appeal submission and determine whether any irregularity or unfairness has



occurred during the process of evaluation. This review will be conducted by a delegate of the Public Service Commissioner in conjunction with the applicant's department head.

Where the review determines that there are legitimate grounds for appeal, the Public Service Commissioner may convene a panel drawn from members of the Research Scientist Classification Committee who are independent of the original interview process and decision to assess the appellant's original application and any other relevant evidence and make a fresh recommendation. The Public Service Commissioner may also request assistance from external parties for the assessment.

Depending on the outcome of the review process, the Public Service Commissioner will determine what subsequent action is to be taken. Where an appeal against a decision is unsuccessful, but the applicant is approved to continue in the Classification, the Committee Chair will determine in which following year the applicant may submit any further application.

## Summary

A number of changes are proposed to be incorporated into the Guidelines to provide greater clarity and direction. These changes apply to various aspects of the criteria for entry, progression, continuation and regression or removal and which address the issues raised by the Crown Solicitor relating to these criteria.

### Recommendations

#### Criteria and decision making processes

10. The current requirement that an applicant for entry to the RSC should have served a minimum period of 12 months in their current role should be retained to ensure that they can maintain a sustainable, productive research program after entry and that they are an appropriate fit to do scientific research in the NSW government context (clause 5.1). Similarly, the Commissioner should retain the discretionary power to approve, in special cases, entry to the RSC where there has been less than 12 months service undertaking scientific research in a departmental position.
11. Greater emphasis should be placed on an applicant's contribution to departmental objectives in the criteria contained in the Guidelines for entry, progression, regression, continuation and removal to enable a clearer assessment to be made by the Committee of the relative significance of the applicant's research to their department. This should be based on an unambiguous, departmentally endorsed report.
12. To improve the value of referees' reports the current system should be revised to provide more critical advice from the referees. This could be achieved by requesting only comments against relevant criteria and abandoning the current scoring system. In addition reports should normally be sought for entry and progression to a new level, and for continuation only after each 6 years instead of 3 years.
13. The criteria for regression within a level and removal or cessation from the RSC should be clearly set out in the Guidelines based on the recommendations contained in the Crown Solicitor's Office advice of November 2015 (Clause 7.1) to ensure that an applicant is notified if they are at risk of regression or removal from the RSC, advised of the key reasons and given the opportunity to present their case based on the principle of affording procedural fairness.

## Appeals

14. The Commissioner should continue to have responsibilities in the process for determining appeals by unsuccessful applicants. This would provide independent assurance that procedural fairness was followed during the assessment process.
15. The Guidelines should include a separate section on appeals which contains:
  - a. a protocol setting out the allowable grounds for appeal as being on the basis of procedural fairness (i.e. that the whole or part of the process concerned was irregular or improper)
  - b. details of who the Commissioner may appoint to review a decision and that this should not involve Committee members individually or as a group
  - c. the process to be followed by the applicant, department and Commissioner in considering the appeal (revising clause 8.2).

## Structure of the Guidelines

### Policy statement

The policy statement at the beginning of the Guidelines gives specific direction about the intent and application of the Award by setting out the following:

- overall purpose and intended outcomes of the Classification
- definition of ‘scientific research’ and requirements for undertaking such work under the Classification
- levels as set out in the Award
- requirements for entry to and continuation in the Classification.

The policy statement sets the framework for the use of the Classification by outlining the principles for its operation.

It is suggested that the structure of the Guidelines could be improved by clearly defining those components that are requirements as part of the policy statement. For example to:

- state the overriding purpose of the Classification as being:

“To develop and maintain the quality of science and the advice derived from it available to the public service”. In this sense, the emphasis on scientific achievement differs from the sole pursuit of academic scientific excellence, as may apply elsewhere, e.g. in universities. It is unique amongst public service jurisdictions in Australia. The importance of a focus on scientific research which is measured against the highest national and international standards cannot be over-emphasised in the globally connected world of today. Scientific research which seeks out opportunities for collaboration, across jurisdictions and more widely, can significantly enhance the strategic directions and policies of the public service.
- clarify that a person must occupy, and continue to occupy, while they are employed in the Classification, a role that exists primarily to conduct scientific research and that the employee / HR / managers should advise of any changes to the purpose of the role or movement to another role that does not have this primary function.

### Structure and terminology

The Guidelines should be sequenced into a more logical order. For example, the salary structure currently sits after the policy statement but would be better placed towards the end of the Guidelines.

In addition, consideration should be given to the language and terminology to ensure it is up to date, accurate and consistent taking into account the advice from the CSO of November 2015.

### Recommendations

16. A revised policy statement should be introduced into the Guidelines as follows:

- a. stating that the purpose of the Classification is “To develop and maintain the quality of science and the advice derived from it available to the public service”.
- b. specifying that it is a requirement that to remain in the classification a person must be assigned to a role that has the primary responsibility of conducting scientific research and that they should notify their HR team should their circumstances change.

17. Restructure the Guidelines so that they are in a more logical order.

18. Ensure language and terminology in the Guidelines is up to date, accurate and consistent taking account of the CSO’s advice of November 2015.

## Other issues

### Current significance of the RSC

Data from the participating agencies show there are around 150 professional scientists who are presently members of the RSC. The numbers reflect a small proportion of the total staff in the relevant category of professionals across the Public Service (around 5,000-6,000), although many of these are in the medical sciences field employed within Area Health Services. In one agency (OEH), there are only 20 members of the RSC out of a total of 270 scientific staff, accounting for a view held by some departmental managers that the scheme is less effective in its impact on overall scientific achievement than it might be.

The RSC continues to attract new applicants, although total numbers have declined somewhat (at one time there were around 300 members), presumably in part due to reductions in overall staff numbers in key participating agencies during the past decade and the impact of the retirement of 'baby boomers'.

The majority view amongst senior managers, Committee members and current research scientists is very supportive of the continuation of the RSC. It was widely perceived that the opportunity to participate in a peer-review promotional process with rigorous requirements for a continuing high level of scientific achievement is a very positive means of ensuring staff commitment and to maintaining the scientific standing of the public service. The contribution of research scientists to the development of scientific culture within departments, providing leadership and role models to other scientific staff were all mentioned as important aspects of the RSC. However it was considered that better promotion was needed of the significance and contribution of the RSC both within departments and more widely in order to encourage others to seek entry to the RSC and to publicise the high quality of scientists in the Public Service.

Greater awareness of the specific skills and scientific achievements of participants in the RSC could be assisted by closer linkages with the Office of the NSW Chief Scientist and Engineer. Discussions with staff from that Office identified a number of useful areas for closer interaction. This could include assistance with identifying potential suitable independent members for appointment to the Committee.

### Summary

The significance and importance of the RSC should be more widely recognised across the public service and specifically within the participating agencies. This would encourage a wider participation by eligible staff, and better access to highly skilled scientists with expertise in areas of value to the government.

### Recommendations

#### Promotion of the RSC and work done by research scientists

19. A program should be developed and implemented to increase the public profile of the RSC. This program should be conducted both within departments and across the public service more widely.

#### Linkages with the Chief Scientist

20. A closer linkage should be explored between the RSC and the Office of the NSW Chief Scientist & Engineer to ensure better knowledge of and access to the capabilities of scientists within the RSC at a high level within government.

## Implementation schedule

The implementation of the recommended changes to the Guidelines identified in this Review will require a further body of work to be carried out. Ideally this will be completed in time for the commencement of the 2020 round of interviews. A suggested list of tasks and associated timetable is set out in [Attachment 5](#).

Recommendation

### Implementation schedule

21. Subject to approval by the Commissioner the recommendations of this Review should be developed and implemented following an agreed schedule as per [Attachment 5](#).

## Conclusion

This Review has established that the RSC continues to fulfil a valuable role in enhancing the scientific capability of the NSW Public Service through encouraging the pursuit of a high level of performance by aspiring research scientists in participating departments. For this reason the operation of the RSC should be kept in its current form, subject to improving aspects of its operation. In addition, the Commissioner should retain the decision making responsibilities assigned under the Award to appoint the Committee, issue the Guidelines and approve decisions recommended by the Committee.

A number of suggested improvements to the operation of the Guidelines have been developed through an extensive process of consultation with stakeholders: the PSC, senior managers in relevant departments, Committee members and participating research scientists. The proposed modifications address the issues raised in advice from the Crown Solicitor's Office and propose a more stringent process for determining appeals.

To assist the process of implementing these reforms, a draft revision to the Guidelines has been prepared and is separately attached to this report for consideration by stakeholders and amendment as necessary ([Attachment 6](#)).

# Attachment 1: Terms of Reference

## Review of the Research Scientist Classification

### Terms of Reference

#### Overview

The Public Service Commissioner has certain decision making responsibilities under the Crown Employees (Research Scientists) Award 2007 (the Award). The Commissioner is also responsible for issuing and updating the associated Research Scientist Classification Policy and Guidelines (the RSC Policy and Guidelines) which support the Award, and provides the administrative support for the application process.

The review will examine and make recommendations on the operation of arrangements contained in the Award to determine their ongoing relevance and that they reflect contemporary workforce management practice. The review will also consider whether the Public Service Commissioner, or another independent and appropriately qualified person, is best placed to approve the classification of public service employees as Research Scientists or whether some or all of these responsibilities should be able to be delegated (the Award does include a delegations power so the Commissioner is currently unable to delegate his decision making responsibilities as provided in the Award) by the Public Service Commissioner to a suitable delegate.

The review will examine and make recommendations on the RSC Policy and Guidelines so that they align with the Award and with the Government Sector Employment Act 2013 and give greater clarity to the Research Scientist Classification Committee (the RSC Committee) and applicants about the requirements for entry, progression, regression, continuation and removal under the Award.

#### Tasks

1. The Public Service Commission will:
  - in accordance with criteria described below, engage a service provider to undertake the review of:
    - the operation of arrangements contained in the Award
    - the RSC Policy and Guidelines
  - Support the service provider in undertaking the review, including by providing access to relevant materials and stakeholder contacts, as appropriate.
2. The service provider will:
  - in relation to the Award:
    - examine and make recommendations on the operation of arrangements contained in the Award to determine their practicability and that they reflect contemporary workforce management practice
    - consider whether the Public Service Commissioner's current decision making responsibilities under the Award should be undertaken by another independent and appropriately qualified person or whether some or all of these responsibilities should be able to be delegated by the Public Service Commissioner to a suitable delegate.
    - develop appropriate recommendations with advice on their implementation and the timeframe for this.
  - in relation to the RSC Policy and Guidelines:
    - examine and make recommendations on updating and improving the RSC Policy and Guidelines with regard to their currency and operation, and particularly:
      - whether the administration processes should be undertaken by one or all of the agencies that use the classification or by a different body

- the duties of the RSC Committee and any opportunities for clarifying these duties and the status of the Committee’s findings
- the criteria and processes for decision making and ways in which these can be updated and improved, including with regard to:
  - entry (and re-entry) of scientists to the RSC (at base entry or at other levels)
  - progression of scientists within the RSC
  - regression of scientists within the RSC
  - continuation of scientists at a level within the RSC
  - removal of scientists from the RSC
- consistency with the Award and any changes proposed as a result of the review of the operation of arrangements contained in the Award as they relate to the role of the Public Service Commissioner
- consistency with the Government Sector Employment Act 2013
- purpose and operation of the appeal processes and opportunities for clarifying criteria and processes for regression or removal from the RSC as part of these processes
- adequacy in communicating the RSC requirements to applicants and those already employed as research scientists
- consider any other relevant matters with regard to the RSC Policy and Guidelines
- develop appropriate recommendations with advice on their implementation and the timeframe for this.

### 3. Departments that employ staff under the Award will:

- be invited to participate in the review in an advisory capacity in relation to the Award and the Guidelines
- be asked to supply data to the Public Service Commission, as required
- be asked to support the review in any other way that is appropriate.

### Deliverables

The service provider is to produce:

1. a draft report with appropriate recommendations addressing the tasks set out in these Terms of Reference and including suggestions about appropriate phasing to implement the recommendations with a view to obtaining feedback from the Public Service Commissioner
2. a final review report with appropriate recommendations addressing the tasks set out in these Terms of Reference and including suggestions about appropriate phasing to implement the recommendations.

### Consultation

The Public Service Commission will consult with relevant stakeholders at appropriate stages throughout the process including, but not limited to, Departments that employ staff under the Award and with NSW Industrial Relations (within NSW Treasury).

The Public Service Commission will facilitate any consultation to be undertaken by the service provider, in particular with Departments that use the Research Scientist Classification. The service provider may be invited to participate in such consultations by the Public Service Commission.

### Timeframe

The final review report is to be completed by 31 March 2018.

### Confidentiality

The service provider must comply with the obligations of confidentiality and privacy as set out in the Consultant Engagement Agreement.



## Attachment 2: Consultations with stakeholders

Name	Role	Capacity
Dr Geoff Allan	DDG, Fisheries Division (including Forestry), Department of Industry	Departmental stakeholder
Ms Danielle Baker	Manager, Water Analytics, Land and Water Division Department of Industry	Departmental stakeholder
Dr Rebecca Johnson	Director, Australian Museum Research Institute, Planning and Environment Cluster	Departmental stakeholder and Committee member (Australian Museum)
Dr Natalie Moltshaniwskyj	Director Fisheries Research	Departmental stakeholder
Dr Brett Summerell	Director, Science and Conservation, Royal Botanic Gardens, Planning and Environment Cluster	Departmental stakeholder and Committee member (Royal Botanic Gardens)
Ms Lynn Tamsitt	Director, Water Science, Land and Water Division, Department of Industry	Departmental stakeholder
Dr John Tracey	DDG, Research excellence, DPI, Department of Industry	Departmental stakeholder
Dr Kate Wilson	Executive Director, Science Division, Office of Environment and Heritage	Departmental stakeholder
Dr Phil Wright	Group Director Science, Chief Scientist, Chief Scientist's Branch, DPI, Department of Industry	Departmental stakeholder and Committee member (independent)
Dr Chris Yeats	Executive Director, Division of Resources & Geoscience, Geological Survey of New South Wales	Departmental stakeholder
Suzanne Pierce	Director Science, Policy and Research, Office of Chief Scientist & Engineer	Office of Chief Scientist & Engineer stakeholder
Dr Bob Creese	Independent	Committee member (Chair)
Dr Paul Arthur	Primary Industries	Committee member
Dr Alison Bowman	Primary Industries	Committee member
Dr Deb Hailstones	Primary Industries	Committee member
Professor Robert King	Former Chair, RSC	Committee member
Dr Maurizio Rossetto	Royal Botanic Gardens	Committee member
Dr Glen Saunders	Independent	Committee member
Dr Greg Summerell	Office of Environment & Heritage	Committee member
Professor Ron West	Independent	Committee member

## Attachment 3: Questionnaire

An independent review is currently underway into the Research Scientist Classification (RSC). As important background input it is proposed to conduct several small group meetings of participating agency representatives, Committee members and research scientists who are members of the RSC. The purpose of these meetings is to determine participants' attitudes to and concerns regarding the current structure and operation of the RSC and to canvass alternative options for improvement. To ensure these meetings are conducted efficiently, attendees are requested to provide brief written responses to the questions listed below. Any other comments or queries would also be welcome.

### Questions for response

#### General

1. What do you consider to be the main purpose of the RSC? In what ways do you think it contributes to promoting scientific research in the NSW Government?
2. Do you consider that the RSC is still relevant to the pursuit of excellence in science in the Public Service?

#### Guidelines and operation of the RSC

3. Do you have any suggestions to improve the operation of the RSC by way of changes or additions to the Guidelines? Do the Guidelines give sufficient weight to assessing the contribution of scientific achievements to departmental goals? Please describe what, if any, improvements are needed.
4. To what extent do you think applicants and those employed under the Classification understand the requirements for entry, re-entry, progression, regression, continuation and removal? Are there areas where further clarification is needed? Is the entry requirement for the RSC set at a suitable and achievable level in your opinion?
5. In what other ways do you suggest the RSC's operations could be improved?

#### Appeals

6. Do you think the purpose and operation of the current appeals process is effective? If not do you have any suggestions for improvements?
7. Do you think applicants should be entitled to appeal decisions made by the Committee and endorsed by the Commissioner?

#### Committee

8. Are you satisfied with the current composition and responsibilities of the Research Scientists Committee as set out in the Guidelines? Please explain your response.

#### Public Service Commissioner

9. Do you consider that the Public Service Commissioner is the most appropriate person to approve recommendations of the RS Committee? Could this responsibility be exercised by someone else? If so, who?
10. Do you consider that the Public Service Commissioner should be able to delegate the RSC responsibility for approval?

## Attachment 4: Survey of employees in the RSC

### RESEARCH SCIENTIST CLASSIFICATION REVIEW – SURVEY FOR EMPLOYEES ON THE AWARD

Thank you for agreeing to participate in this survey.

The information given by respondents will be used by the Public Service Commission for the purposes of informing the 2018 review of the Research Scientist Classification Award and Policy and Guidelines.

#### INTRODUCTION

1. Please indicate how long have you been employed in the Classification
  - less than 2 years
  - 2-5 years
  - more than 5 years
  - I prefer not to say
2. Have you previously applied for progression to a higher level of the Classification?
  - Yes
  - No
  - I prefer not to say

#### PURPOSE OF THE RESEARCH SCIENTIST CLASSIFICATION

3. What do you think is the main purpose of the Research Scientist Classification?
  - To recognise the importance of science in the public service
  - To provide a career structure for scientists employed in the public service who execute and publish original scientific research
  - To allow departments to pursue scientific research that will benefit the citizens of NSW
  - To promote scientific research in the NSW Government
  - Other (please specify)

#### RSC POLICY AND GUIDELINES

4. To what extent are the requirements for entry into the Research Scientist Classification set at a suitable level?

Not at all	To a slight extent	To some extent	To a great extent	To a very great extent	N/A
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How this could be improved?

5. To what extent do the RSC policy and guidelines provide clear guidance on the following:

Not at all	To a slight extent	To some extent	To a great extent	To a very great extent	N/A
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Entry into the Classification  
 Re-entry into the Classification  
 Progression within the Classification  
 Regression within the Classification  
 Continuation in the Classification  
 Removal from the Classification  
 Appealing decisions

6. What additional information or changes would you like to see in the RSC policy and guidelines?

**SCIENTIFIC RESEARCH**

7. Who is primarily responsible for determining the scientific research you undertake in your role?

- My department is responsible for deciding the scientific research I do in my role
- My department collaborates with me about the scientific research I do in my role
- I submit proposals to my department for approving the scientific research I do in my role
- I prefer not to say

8. How do you think the contribution of your research to departmental/government goals should be assessed by the Research Scientist Committee in reviewing your achievements?

9. Please provide any other comments you have about the Research Scientist Classification

**SCIENTIFIC RESEARCH**

10. To what extent does the scientific research you do link to your department's goals?

Not at all	To a slight extent	To some extent	To a great extent	To a very great extent	N/A
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Please briefly outline any changes to the Guidelines that would ensure your scientific research is closely aligned with your department's goals

11. To what extent do you determine the scientific research you will undertake?

Not at all	To a slight extent	To some extent	To a great extent	To a very great extent	N/A
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12. Please provide any other comments you have about the Research Scientist Classification

## Attachment 5: Implementation schedule

Priority	Task	Responsibility	Start date	Completion date
1.	Consolidate administrative functions and transition to new IT platform	PSC, DPI, DPE, DPC	Feb18	June 19
2.	Revise the Guidelines to incorporate recommended improvements	PSC in consultation with agencies, Committee and PSA	Feb 18	August 19
3.	Increase profile of RSC	PSC, Agencies, Committee Chair, Chief Scientist & Engineer	Ongoing	
4.	Develop closer liaison with Chief Scientists Office	PSC, Chief Scientist & Engineer, Committee Chair, agencies	Feb 18	June 19