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# Follow-up Audit of the Military Police Complaints Commission

A Report by the Public Service  
Commission of Canada

October 2006



Canada

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*All of the audit work in this report was conducted  
in accordance with the legislative mandate and audit policies  
of the Public Service Commission of Canada.*

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## Summary

1. In October 2004, the Public Service Commission (PSC) released an audit report of the Military Police Complaints Commission's (MPCC) staffing and recruitment activities. The report outlined serious deficiencies in how staffing policies and practices were applied and in the exercise of staffing authority delegated by the PSC to the MPCC. As a result of the audit, the PSC retained all authorities for any executive (EX) staffing process or appointment and imposed conditions on the MPCC's delegated authorities for appointments to non-EX positions.
2. The objective of this follow-up audit was to determine whether the MPCC had adequately responded to our recommendations from the October 2004 PSC audit report. In addition, we wanted to determine whether the MPCC had met the essential elements identified by the PSC to support the implementation of the new *Public Service Employment Act* (PSEA), which came into force on December 31, 2005.
3. Our follow-up audit showed that the MPCC has made improvements in its staffing systems and practices over the last two years. We concluded that the MPCC has adequately responded to recommendations made in our 2004 audit report. However, we found that the PSC and MPCC's human resources provider, Shared Human Resources Services (SHRS) of Public Works and Government Services Canada, did not always fulfill their responsibilities and should have exercised their challenge function more extensively in some instances.
4. In preparation for the coming into force of the new PSEA, the PSC identified essential elements that must be in place for its implementation. Deputy heads were expected to address these requirements in order to conduct staffing within the new legislative context. In developing its plans and policies, the MPCC has met these essential elements, including phasing in formal sub-delegation to managers who have completed relevant staffing training, ensuring access to a human resources advisor whose expertise in the Appointment Framework has been validated by the PSC, and establishing a communication strategy, mandatory appointment policies, and developing a monitoring process.
5. In view of the actions taken by the MPCC over the last two years, the PSC has removed the conditions it imposed in 2004, and has established a standard Appointment Delegation and Accountability Instrument with the deputy head of the MPCC.

# Introduction

## Background

6. The Military Police Complaints Commission (MPCC) provides independent civilian oversight of the Canadian Forces Military Police. Created in 1998 in response to the federal government's commitment to modernize Canada's military justice system, the MPCC is mandated to monitor the investigation and disposition of complaints about military police, to investigate such complaints, as appropriate, and to investigate allegations of interference in military police investigations.
7. The current deputy head was appointed as Chair of the MPCC in December 2005. The current Executive Committee of the MPCC is composed of the Chair, his Chief of Staff and Special Advisor, the General Counsel and Secretary, and the Chief of Financial Services. During the last three years, the MPCC significantly downsized its workforce. Its population dropped from 21 as of March 2004 to 14 as of March 2005. As of May 2006, the MPCC had 13 employees appointed under the *Public Service Employment Act* (PSEA).
8. In October 2004, the Public Service Commission (PSC) released an audit report on the MPCC's staffing and recruitment activities that indicated there were serious deficiencies in applying staffing policies and practices. The report outlined weaknesses in the human resources services provider, communication, the processing of staffing transactions, and monitoring.
9. As a result, in 2004 the PSC retained all authorities for any executive (EX) staffing process or appointment and imposed conditions on delegation of staffing for non-EX positions. Thus, for EX staffing, the PSC was responsible for the entire process. For non-executive staffing, the conditions included PSC review and approval of any proposed selection tool and/or process prior to the proposed action, and PSC approval of any proposed appointment. These conditions were to continue to apply until such time that the PSC was satisfied that the MPCC had developed and implemented an adequate staffing management framework.
10. The new PSEA seeks to make the federal public service appointment system more flexible and efficient. The intention is to allow the system to be less rules-driven, while giving organizations with delegated authority greater scope to customize their appointment processes according to their current and future human resources requirements. At the same time, the legislation requires that those authorized to make appointment decisions ensure effective management accountability.

## Objectives and scope of the follow-up audit

11. The follow-up audit objectives were to determine whether the MPCC had responded adequately to the PSC's recommendations from the October 2004 PSC audit report, and to determine whether the MPCC had met the essential elements identified by the PSC to support the implementation of the new PSEA, which came into force on December 31, 2005.
12. The audit team reviewed and analyzed relevant MPCC documents on staffing practices and activities. We also conducted interviews with senior managers, human resources advisors, and one union representative. We examined all 10 staffing transactions carried out by the MPCC between April 2004 and May 2006.
13. For more information, see **About the Follow-up Audit** at the end of this report.



# Observations

## Roles and responsibilities are clearly defined

14. We expected the MPCC to have a signed Appointment Delegation and Accountability Instrument (ADAI) with the PSC and to have clearly defined staffing roles and responsibilities. We also expected individuals exercising these authorities to have been informed in writing of their roles and responsibilities.
15. The ADAI is the PSC's mechanism for delegating appointment authorities to deputy heads. In December 2005, the MPCC Chair signed a customized ADAI with the PSC for the new PSEA. This Instrument outlined the appointment authorities the Chair may sub-delegate, the conditions of delegation, the applicable conditions imposed resulting from the 2004 PSC audit report, and how the Chair will be held accountable. By accepting the ADAI in writing, the Chair committed to respecting all the terms and conditions of delegation. The Chair also committed to ensuring that all sub-delegated officials are competent and aware of these terms and conditions, and will adhere to them.
16. As many small federal organizations do not have their own human resources services, they must rely on services provided by a larger organization. For the MPCC, that organization is the Shared Human Resources Services (SHRS) of Public Works and Government Services Canada. In September 2005, a new Memorandum of Understanding (MOU) was signed for the period April 2005 to March 2008, which outlined the various human resources services the SHRS provides to the MPCC. Our follow-up audit showed that the MOU clearly defined and conveyed the staffing roles and responsibilities of the MPCC managers and SHRS human resources advisors. This was also confirmed through our interviews with managers and human resources advisors.
17. We noted that the MPCC had created an appropriate, written sub-delegation of appointment authorities instrument for the managers who exercise staffing authority. The MPCC's Chair sub-delegated staffing authority to two senior managers and communicated this sub-delegation in writing through a signed letter that included the ADAI, a list of delegated appointment and appointment-related authorities, applicable conditions, and a description of the sub-delegated manager's roles and responsibilities.
18. In our opinion, including these documents in the sub-delegation instrument was beneficial, as it further clarified how the sub-delegated managers should exercise their authorities and is a tool that can be used when applying these authorities. These key documents were also provided to SHRS human resources advisors for reference.

## Staffing training and access to validated human resources advisors are adequate

19. We expected that the MPCC would develop systems and practices to ensure continuous learning in the area of staffing for sub-delegated managers. We also expected SHRS human resources advisors to receive appropriate training to carry out their staffing responsibilities. Furthermore we expected the MPCC sub-delegated managers to have access to human resources advisors whose expertise in the Appointment Framework had been validated by the PSC.
20. In response to the 2004 PSC audit report recommendations, SHRS assisted the MPCC in developing a training plan for the sub-delegation of its managers. Current sub-delegated managers received training before receiving their sub-delegation. For instance, they attended a one-day session on staffing values and a two-day workshop for sub-delegated managers provided by the Small Agency Transition Support Team of the Public Service Human Resources Management Agency of Canada. The sub-delegated managers we interviewed told us that they felt they had received adequate and useful training that supports them in making sound staffing decisions. We encourage the MPCC to update, on an ongoing basis, this training plan in order to ensure that future sub-delegated managers receive the necessary training.
21. In 2005, the MPCC approved a new Policy on Learning for all employees and managers. The Policy on Learning recommends allotting a training investment per employee for continuous learning and development. In our view, the MPCC has made significant efforts to ensure mechanisms are in place to provide continuous learning in the area of staffing.
22. Our follow-up audit showed that SHRS human resources advisors had received staffing training through various fora, such as a course on human resources modernization and get ready sessions covering the new PSEA and the implications for staffing actions. The human resources advisors interviewed indicated that the training was useful, but they believed that additional training on the practical application of the new PSEA would be helpful as well.
23. We also noted that the MPCC managers do have access to a validated human resources advisor who has successfully completed the PSC Appointment Framework Knowledge Test for the new PSEA.

## Supporting plans and policies have been developed

24. We expected the MPCC to have developed and approved the mandatory appointment policies and criteria required by the PSC. During the period covered by our follow-up audit, we found a number of key documents supporting the MPCC's staffing activities.
25. The MPCC had developed a 2006–2007 Integrated Business and Human Resources Plan to address issues such as employee departures and to provide direction and focus to their operations. The plan includes strategic objectives and priorities, expected results and a work plan, a workforce analysis, and employment equity gaps. In our opinion, this plan should enable the organization to identify its current and future human resources needs. We encourage the MPCC to continue updating this document.
26. We noted that in 2005, the MPCC had developed and approved a series of policies to guide staffing activities and practices, which met the requirements established by the PSC. We found that the MPCC had consulted with its stakeholders on the development of these policies. Three of these policies covered the mandatory appointment policies and criteria required by the PSC for implementation of the new PSEA: area of selection, and corrective action and revocation; and the criteria for non-advertised processes. We found, however, that the MPCC's Policy on Area of Selection for external advertised appointment processes had not yet been updated to reflect national area of selection for officer-level positions, as required by the PSC since April 1, 2006.
27. The MPCC had developed other policies or guidelines to help direct staffing activities and practices. For instance, the MPCC developed Guidelines on Informal Discussion that should help sub-delegated managers, as the new PSC Policy on Informal Discussion requires managers to provide persons in an internal appointment process with an opportunity to discuss the decision to eliminate them. The MPCC's guidelines were clear and concise and included a set of questions and answers which will help employees understand the process.

## A communication strategy has been established

28. We expected the Chair to have established a communication strategy ensuring transparency, clarity, and ready access to staffing information. More specifically, we expected the MPCC to have informed its employees about legislated changes, organizational staffing policies, and how to participate in staffing and recourse activities.
29. The MPCC established a communication strategy and used a number of media to communicate with and seek feedback from employees, managers, and unions. We found that human resources management is a standing item on the agenda of a variety of MPCC committees, such as the Executive Committee and the Labour-Management Consultative Committee.

30. The MPCC union representative we interviewed indicated that the unions participated in various meetings, and were invited to provide their feedback on a range of human resources initiatives. For instance, in November 2005, the MPCC provided its union representatives with its draft mandatory appointment policies for comments. This represents a significant change in the communication approach reported in our 2004 audit.
31. During the period covered by our follow-up audit, we also found that human resources initiatives were on the agenda at regular staff meetings. Senior managers and the union representative interviewed confirmed that human resources initiatives were routinely discussed at staff meetings. In January 2006, with the coming into force of the new PSEA, MPCC employees were invited and attended an information session on the *Public Service Modernization Act*. Furthermore, in March 2005, MPCC employees attended a two-day retreat covering staffing, reorganization, and strategic planning.
32. In response to our 2004 audit, the MPCC now more widely distributes to employees information concerning appointment decisions and policies. In addition, we found that information on staffing activities is posted on the MPCC's Web site and updated every three months. In our opinion, by doing so, the MPCC respects the staffing value of transparency in communicating its staffing processes and ensures that employees have easy and timely access to such information.

## A monitoring process has been developed

33. Monitoring involves the ongoing review of activities in relation to plans, procedures, and performance standards to determine whether these activities are carried out or function as planned and whether they are producing the desired results. Monitoring enables the Chair to take early corrective action, if required, to manage and minimize risk and improve staffing activities.
34. We expected the MPCC to be able to monitor its staffing activities and systems so that it can identify staffing trends and practices, and make improvements where needed. However, since the MPCC is a very small organization, we did not expect it to have a sophisticated monitoring and control system.
35. In March 2006, the MPCC put in place its own management framework based on the Staffing Management Accountability Framework (SMAF). The SMAF is an instrument developed by the PSC that sets out the expectations for a well managed appointment system in delegated public service departments and agencies. The MPCC's SMAF includes mandatory elements and organizational staffing performance against PSC expectations. In our opinion, this document reflects the PSC's Appointment Policy, the ADAI, the foundations for appointment, and sound management practices.

36. In response to our 2004 audit, the MPCC committed to an independent review of its staffing activities for the next three years. In 2005, the MPCC conducted an internal audit of its 2004–2005 staffing activities. We strongly support the MPCC in its commitment to conducting an annual review of its staffing activities. The SHRS also supplied monthly reports to the MPCC on its staffing activities. These reports were tabled and discussed at Executive Committee meetings.
37. The MOU signed with SHRS describes services, staffing performance measures, and a Quality Assurance Program to ensure the tracking and monitoring of MPCC staffing activities. During the course of our follow-up audit, we noted that the MPCC and SHRS were in the process of implementing all components of their monitoring system. We support these ongoing efforts.

## Managers respect and apply staffing values

38. In response to our 2004 audit, new performance measures have been negotiated by the MPCC with SHRS to improve the challenge function and the quality of human resources advice. According to the MOU, SHRS provides advice and a challenge function to the MPCC's managers in order to ensure staffing decisions are appropriately conducted and values are respected.
39. We expected human resources advisors from SHRS to provide expert and appropriate advice and guidance to the MPCC managers throughout the staffing process. Our review of staffing transactions and our interviews with sub-delegated managers revealed that MPCC managers seek out advice and make a concerted effort to apply and respect the staffing values. MPCC managers are able to challenge advice given by human resources advisors for more appropriate courses of action.
40. Our follow-up audit revealed a few cases where SHRS human resources advisors provided guidance that, in other circumstances, could have had a negative impact on the staffing values, for instance, changing the pass mark of a test after the results were known. We also found files where the advisors did not provide adequate advice on issues, such as inappropriate questions to be used in rating guides and a missing qualification on a French Statement of Qualifications. The MPCC needs to continue its efforts to ensure that its human resources service provider offers appropriate advice and a challenge function.
41. As a result of the 2004 PSC audit report, conditions were placed on the MPCC's staffing delegation. These conditions included PSC review and approval of any proposed selection tool and/or process prior to the proposed action, and PSC approval of any proposed appointment for non-EX staffing.
42. We examined nine staffing transactions under the previous PSEA and one under the current PSEA. We expected that every MPCC staffing decision would be in compliance with the previous or the new PSEA and with the relevant staffing values, as applicable.

43. We found nine transactions out of 10 complied with the relevant legislation. However, we found that one staffing transaction under the previous PSEA did not comply. In this instance, the PSC human resources advisor recommended that the MPCC manager continue with the appointment of the remaining candidate prior to the completion of the reference check. Without verifying references as indicated in the rating guide, or the use of another assessment method, the evaluation of the person appointed was incomplete. In this case, the PSC human resources advisor gave inadequate advice.
44. As a result of our follow-up audit, the PSC has committed to ensuring that roles, responsibilities and conditions placed on staffing delegation are clearly understood and communicated within the PSC, and that appropriate quality assurance systems are put in place that respect the conditions placed on staffing delegation. The PSC has committed to developing a Service Protocol for situations where remedial measures are placed on the delegation of authority for appointments. The PSC has also committed to implementing mechanisms for quality control of its services and responsibilities specific to each remedial measure imposed.

## The MPCC needs to improve its file documentation

45. Appropriate documentation needs to be maintained to support appointment and appointment-related decisions during all stages of the selection process. Staffing files need to provide a fair and reliable representation of staffing activities and provide evidence that the staffing values and the foundations for expected results were respected in the selection process. We expected MPCC staffing files to be organized and to contain sufficient evidence to support appointment decisions. As per the MOU, SHRS is responsible for ensuring that all relevant documentation is placed in the staffing files.
46. In the 2004 PSC audit report, half of the competition files examined by the PSC were incomplete and there was insufficient justification for non-competitive processes. In our follow-up audit, our file review indicated that all 10 staffing files contained a checklist, which indicated the required documentation to be placed on file. We found, however, that in six staffing files, decisions taken throughout the process were not clearly documented. Documentation needs to be placed in the staffing files in an organized and timely manner, with enough evidence to assure that the rationale leading to the decision is understood. We strongly encourage the MPCC and SHRS to put an appropriate system in place that will ensure quality documentation at all stages of the staffing process.

## The MPCC is ready for the new PSEA

47. The PSC identified, for deputy heads, essential elements to support the implementation of the new PSEA. We found that in developing its staffing approach, plans, and appointment policies, the MPCC has met these essential elements.

## Conclusion

48. The MPCC has improved its staffing systems and practices over the last two years. We concluded that the MPCC has adequately responded to the recommendations made in our 2004 audit report and has demonstrated a strong commitment to the implementation of the new PSEA. Since the previous audit, the MPCC has demonstrated a focussed leadership in staffing.
49. The MPCC has taken actions to ensure that its managers and SHRS conduct and monitor staffing activities in compliance with federal public service staffing values and the PSEA. However, we found that the PSC and SHRS human resources advisors did not always fulfill their responsibilities and should have exercised their challenge function more extensively in some instances.

## The PSC has removed remedial measures

50. As a result of this follow-up audit, the PSC has removed the conditions it imposed in 2004 on the MPCC's delegated authorities for appointments to non-EX positions and has delegated to the deputy head the authority to make appointments to EX positions. The conditions for delegation and accountabilities are stated in the standard ADAI, which has now been established with the deputy head.

*The Military Police Complaints Commission (MPCC) Response. The follow-up audit makes several valuable observations and suggestions including those related to the Policy on Area of Selection, the file documentation, and the comprehensive monitoring system. The MPCC will implement these suggestions. The MPCC will also maintain its communications approach which proved to be timely, effective and efficient. In addition, the annual plans such as the training plan and the Integrated Business and Human Resources Plan will continue to be updated regularly. The MPCC is committed to its continuous learning program for staffing and other human resources activities. All these activities will take place with the aim of continuously improving performance in these areas.*

# About the follow-up audit

## Objectives

The objectives of the follow-up audit were to:

1. determine whether the Military Police Complaints Commission (MPCC) has responded adequately to the Public Service Commission's (PSC) recommendations from the October 2004 PSC audit report; and
2. determine whether the essential elements identified by the PSC to support the implementation of the new *Public Service Employment Act* (PSEA), which came into force on December 31, 2005, have been met.

## Scope and method

The follow-up audit covered the period from April 1, 2004 to June 30, 2006 to determine whether the organization has responded adequately to the PSC's recommendations as outlined in the October 2004 report, *Public Service Commission Audit of the Military Police Complaints Commission*. We also looked at the management framework for staffing and recruitment authorities.

Audit activities consisted of interviews with Shared Human Resources Services (SHRS) and PSC human resources specialists and the MPCC managers involved in staffing activities, and one bargaining agent representative. We also reviewed organizational documentation regarding plans, policies, programs, processes, communications, and reports with respect to staffing in the MPCC. We reviewed all the staffing activities carried out by the MPCC from April 2004 to May 2006 (see **Table 1**).



**Table 1: Overview of audited files**

Transaction type	Number
<b>Transactions under the previous PSEA</b>	
Closed competitions	3
Appointments without competition	2
Deployments	3
Term extension (administrative action)	1
<b>Total transactions under the previous PSEA</b>	<b>9</b>
<b>Transaction under the new PSEA</b>	
Deployment	1
<b>Total transactions under the new PSEA</b>	<b>1</b>
<b>Total transactions under the previous and the new PSEA</b>	<b>10</b>

Source: Audit Branch of the Public Service Commission of Canada

## Criteria

The following criteria are based on the recommendations of our 2004 audit of the MPCC and the essential requirements for coming into force of the new PSEA:

- The MPCC has a signed Appointment Delegation and Accountability Instrument with the PSC.
- Written sub-delegation of appointment authorities has been given to the managers and human resources advisors who will be exercising these authorities.
- Roles and responsibilities for staffing at the MPCC are communicated and well understood by managers and human resources advisors.
- Sub-delegated managers and human resources advisors have received the necessary values-based training and have the tools to take on this new authority.
- Sub-delegated managers and human resources advisors have access to human resources advisors whose expertise in the Appointment Framework has been validated by the PSC.
- The MPCC has approved its mandatory appointment policies for area of selection and corrective action and revocation, and the criteria for non-advertised processes.

- The MPCC has informed its employees about the legislated changes and organizational staffing policies, strategies, and approaches and how to participate in staffing and recourse activities.
- The MPCC has a process to track and monitor its staffing activities internally to meet set standards and respond to central reporting requirements.
- Staffing transactions comply with legislation and policy.

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# Glossary

## Appointment Delegation and Accountability Instrument (ADAI)

An instrument that outlines the specific authorities formally delegated by the PSC to deputy heads, as well as the delegation conditions. It also stipulates how deputy heads will be held accountable to the PSC for exercising their delegated authorities, which in turn is accountable to Parliament.

## Appointment without competition

An appointment made other than by open or closed competition. Managers may appoint a person without competition if they are satisfied that this person is qualified for appointment.

## Closed competition

A competition open only to persons employed in the public service.

## Deployment

The voluntary movement of an employee to a new position that does not constitute a promotion or a change in tenure.

## Informal discussion

The opportunity provided to a person eliminated from consideration during an internal appointment process to discuss the decision informally before an appointment is made.

## Non-advertised appointment process

An appointment process that does not meet the conditions for an advertised appointment process and is based on pre-established organizational criteria.

## Open competition

A competition in which persons not employed in the public service are eligible to be considered for appointment. Persons already employed in the public service may also apply.

## Staffing Management Accountability Framework (SMAF)

The SMAF sets out the expectations for a well-managed appointment system that complies with the new *Public Service Employment Act* (PSEA). It clarifies the roles and responsibilities of the PSC, and of departments and agencies to which staffing authority has been delegated.

## Staffing strategy

A staffing strategy is the organization's plan of attack to overcome the organizational human resources challenges that have been discovered through the planning process.