

PUBLIC INTEREST DISCLOSURES AND MANAGEMENT PLAN

OBJECTIVES

Council encourages any person who considers they may have witnessed public sector misconduct, wastage of public funds, suspected unlawful activity, a danger to health and safety or the environment to come forward and make a Public Interest Disclosure (PID). Council believes that disclosing wrongdoing reflects Council's ethical culture, in particular, acting with integrity, and recognises the benefit to Council in encouraging employees to report wrongdoing.

This Procedure:

1. Encourages persons to make a PID by outlining Council's commitment to dealing appropriately and effectively with disclosures;
2. Provides a clear process for the receipt, management and investigation of PIDs;
3. Sets out the support and protections available to a person who makes a PID; and
4. Is designed to meet Council's obligations under the *Public Interest Disclosure Act 2010* (the Act) by setting out the procedure Council will follow in managing PIDs, and incorporates Council's PID Management Plan.

SCOPE

This Procedure applies to the Mayor, Councillors, Council employees, Council contractors, Council volunteers, other public officers who may make a PID, and members of the public.

PROCEDURE ACTIONS

1. Organisational Commitment Encouraging the Reporting of Wrongdoing

By complying with the PID Act, Council will:

- Promote the public interest by facilitating PIDs of wrongdoing;
- Ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with;
- Ensure appropriate consideration is given to the interests of persons who are the subject of a PID; and

- Ensure protection from reprisal is afforded to persons making PIDs.

As required under the PID Act and as a commitment to the ethical standards of the organisation, the Chief Executive Officer (CEO) will implement procedures to ensure that:

- Any public officer or Councillor who makes a PID is given appropriate support;
- PIDs made to Council are properly assessed and, where appropriate, properly investigated and dealt with;
- Appropriate action is taken in relation to any wrongdoing which is the subject of a PID;
- A management program for PIDs made to Council, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented; and
- Public officers who make PIDs are offered protection from reprisal by Council.

This Procedure will be reviewed annually and updated as required to ensure it meets the requirements of the PID Act, the standards issued by the Queensland Ombudsman and Council's Delegations Register.

2. Public Interest Disclosure Management

The CEO has overall responsibility for ensuring that Council develops, implements and maintains a PID management program. Council's PID management program encompasses:

- Commitment to encouraging the internal reporting of wrongdoing;
- Senior management endorsement and communication of the value of PIDs to Council and the proper management of PIDs;
- A communication strategy to raise awareness among employees about PIDs and Council's PID Procedure;
- A training strategy to give employees access to training about how to make a PID;
- Information on the support available to a Discloser;
- Advice on how PIDs will be managed;
- Specialist training and awareness about PIDs for senior management and other staff who may receive or manage PIDs, Disclosers or workplace issues relating to PIDs;
- The appointment of a specialist officer to be responsible for issues related to the management of PIDs;
- Maintaining accurate records of any PIDs received and participate in regular reporting to the oversight agency (Queensland Ombudsman Office);
- Ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls; and
- Regular review of the PID Procedure and evaluation of the effectiveness of the PID management framework.

3. What is a Public Interest Disclosure

Under the PID Act, a disclosure is the formal transfer of information from one person to another that can be classified as information meeting the below descriptions by any person or a public sector officer.

The PID Act allows for any person to make a disclosure about:

- Substantial and specific danger to the health or safety of a person with a disability;
- An offence, or contravention of legislation mentioned in Schedule 2 of the PID Act, which generally relates to a danger to the environment; and
- Reprisal because of a belief that a person has made, or intends to make a disclosure.

The Discloser can make a PID based on a reasonable belief without providing evidence, or can provide evidence that tends to show the relevant wrongdoing has occurred. Public sector officers (including an officer of another Public Sector Agency) can make a disclosure about the above matters and the following public interest matters:

- Corrupt conduct;
- Maladministration;
- A substantial misuse of public resources;
- A substantial and specific danger to public health or safety; and
- Substantial and specific danger to the environment.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- Discloser reports the information as part of their duties – such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach;
- Disclosure is made anonymously – the Discloser is not required to give their name or any identifying information;
- Discloser has not identified the material as a PID – it is up to Council to assess information received and decide if it is a PID; and
- Disclosure is unsubstantiated following investigation – the Discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently investigated or found to be substantiated.

4. Discloser Protections and Entitlements

When making a PID the Discloser receives the protections provided under the PID Act, including:

- Confidentiality – the Discloser's name and other identifying information will be protected to the extent possible;
- Protection against reprisal – the Discloser is protected from unfair treatment by Council and employees of Council as a result of making the PID. This protection is ongoing even after the conclusion of the PID investigation and outcome, however this protection does not provide immunity from reasonable and appropriate employee management including all aspects of employee performance management;
- Immunity from liability – the Discloser cannot be prosecuted for disclosing the information, but is not exempt from action if they have engaged in wrongdoing; and
- Protection from defamation – the Discloser has a defence against an accusation of defamation by any subject officer.

Council will acknowledge receipt of the PID in writing as soon as practicable. The Discloser will be provided with information that meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman, including:

- The action that will be taken in response to the PID;
- The protections under the PID Act;
- Confidentiality obligations of the Discloser and the Council; and
- Support arrangements.

Council will maintain contact with the Discloser and provide regular updates during the management of the PID and provide information at the conclusion of the PID process as indicated in the Procedure.

An assessment will be undertaken to identify the support needs of the Discloser. Where appropriate, a PID Support Officer will be assigned to the Discloser in consultation with the Discloser. The PID Support Officer will assist the Discloser to access information about PIDs, protections available under the PID Act and the PID management process. The PID Support Officer will proactively contact the Discloser to offer support.

Information and support will be provided to the Discloser until the matter is finalised. Where appropriate, additional support may be arranged for a Discloser who is a Councillor, Council employee, Council volunteer or Council contractor via Council's Employee Assistance.

Attachment A is a document to provide guidance and to assist in determining the risk of reprisal to the Discloser which forms part of the overall PID management process.

5. Whom to Make a Disclosure to

In order to be protected as a Discloser of a PID the information must be disclosed to a proper authority. A proper authority within Scenic Rim Regional Council is any person engaged to perform supervisory duties.

Who to contact with Council	Other agencies who can receive PID's
<ul style="list-style-type: none"> • The PID Coordinator; • An immediate supervisor; • The CEO; or • Any member of the executive leadership team. 	<p>Disclosures can be made to an agency that has the responsibility to investigate the information disclosed:</p> <ul style="list-style-type: none"> • Crime Corruption Commission for disclosures about corrupt conduct including reprisal; • Queensland Ombudsman for disclosure about maladministration; • Queensland Audit Office for disclosures about misuse of resources; • The Department responsible for investigations concerning children for disclosures about the health and safety of children; • The Department responsible for monitoring and regulating aged services or disability services with information about the health and safety of a person with a disability; • The Department responsible for the Environment for any disclosures about danger to the environment; • A member of the Legislative Assembly (MP) for any PID; or • The Chief Justice or Chief Magistrate in relation to a PID about a judicial officer.

6. Disclosure to a Journalist

If a person has made PID disclosure to a proper authority and the proper authority decided:

- Not to investigate or deal with the disclosure; or
- Investigated the disclosure but did not recommend taking any actions; or
- Failed to notify the Discloser whether or not the disclosure was to be investigated or otherwise dealt with; then

a person may make a disclosure to a journalist.

If a person chooses to make a disclosure to a journalist all the protections available under the PID Act remain activated; however, a journalist is not bound by the confidentiality provisions of the Act.

7. How to make a Public Interest Disclosure

A Discloser can make a PID in any way, including anonymously, either verbally or in writing. To assist in the assessment, and any subsequent investigation of a PID, Disclosers are requested to:

- Provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number);
- Provide the information in writing; and
- Provide as much information as possible about the suspected wrongdoing, including:
 - who was involved;
 - what happened ;
 - when it happened;
 - where it happened;
 - whether there were any witnesses, and if so who they are;
 - any evidence that supports the PID, and where the evidence is located;
 - any further information that could help investigate the PID.

Functional Assessment of a Public Interest Disclosure

8. Initial Assessment of the Public Interest Disclosure

An initial assessment is undertaken by the PID Coordinator to determine if the information provided is a PID. The PID Coordinator may contact the Discloser for further information to assist in this initial assessment. To remove all doubt, a disagreement about the way in which a policy is applied does not amount to a PID.

The initial assessment determines if the information can be classified as information that is a PID as outlined at section 3 above. The PID Coordinator will advise the CEO of the outcome of the initial assessment.

If there remains doubt about the matter meeting the definition of a PID then the matter will be dealt with as if the disclosure is a PID and thereby activating the protections available under the Act to the Discloser.

If a person makes a disclosure and specifically states that they believe they are making a PID and after the initial assessment it is determined that the disclosure is not a PID, the person is entitled to be provided with the following written advice from the CEO or delegated officer:

- That their information has been received but was not assessed as a PID;

- The reason for the decision;
- any review rights available if the Discloser is dissatisfied with the decision and how to request a review of the decision;
- Any action Council proposes to take in relation to the substantive issues disclosed; and
- Any other options the Discloser has in relation to the matter.

9. Assessing the Public Interest Disclosure

Once a disclosure is assessed as a PID, the PID Coordinator will assess the disclosure in accordance with the PID Act, the PID Standards as referred to in this Procedure and any other relevant Policies or Procedures. The PID Coordinator will advise the CEO and the Discloser will be advised by the CEO or delegate that:

- Their information has been received and assessed as a PID;
- The action to be taken by Council in relation to the disclosure, which could include referring the matter to an external agency or investigation body;
- The likely timeframe involved in resolving the matter, if known, or reasonably ascertainable;
- The name and contact details of the Council support officer they can contact for updates or advice;
- The Disclosers obligation regarding confidentiality;
- The protections the Discloser has under the PID Act;
- How updates regarding intended actions and outcomes will be provided to the Discloser but only in circumstance where it is possible to provide such information given that the person who may be the subject of the disclosure is entitled to confidentiality; and
- Contact details for Council's Employee Assistance Program.

If the disclosure was made anonymously the CEO or delegate is not required to comply with this part of the Procedure.

10. Referring a Public Interest Disclosure

It may also be necessary to refer the PID to another agency because of a legislative obligation. For example, refer a matter to the Crime and Corruption Commission where there is a reasonable suspicion that the matter involves or may involve corrupt conduct. Council would be obliged to refer this matter under legislation and this procedure cannot be used as a means to bypass or avoid a statutory obligation.

The confidentiality obligations of the PID Act permit appropriate officers of Council to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

The Discloser will be advised of the action taken by Council.

11. Declining to take Action on Public Interest Disclosure

After the completion of the investigation of a PID, Council may decide not to investigate or deal with the PID. The CEO will be informed and at their discretion determine not to deal with a matter. The decision to decline to deal with matters is to be based on sound evidence which is available to form a reasonable belief that action on a PID is not in the public interest.

Reasons for not further dealing with a PID include:

- The information disclosed has already been investigated or dealt with by another process;
- The information should be dealt with by another more suitable process;
- The age of information and loss of supporting information due to the effluxion of time;
- The information is trivial and dealing with it would substantially and unreasonably divert Council from its functions; and
- Another agency with jurisdiction to investigate the information has informed Council that an investigation is not warranted.

A Discloser will be provided a written statement for reasons outlining the decision and the reasons for the decision. If the Discloser is not satisfied with the reasons for decision the Discloser may request a review of the decision within 28 days of the date of the initial decision.

12. Investigating a Public Interest Disclosure

If a decision is made to investigate a PID, this will be done with consideration for the:

- Principles of natural justice;
- Obligation under the PID Act to protect confidential information;
- Obligation under the PID Act to protect officers from reprisal and it is noted that the obligation is ongoing even after the completion of the PID; and
- Protecting the interests of subject officers.

If as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken and Council will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

Where the investigation does not substantiate wrongdoing, Council will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

Council must meet its obligations under the *Information Privacy Act 2009* in relaying any information regarding the outcome of an investigation to the Discloser, including but not limited to information regarding decisions to take or not to take disciplinary action against subject officers. Under the Act, council is not able to apprise the Discloser of any personal information related to the subject officer.

13. Confidentiality of the Discloser

Council acknowledges that a Discloser has the right and expectation that their personal details will be kept strictly confidential. Council will make every attempt to protect confidentiality; however, a Discloser's identity may need to be disclosed to provide natural justice to subject officers or to respond to a court order or otherwise by being compelled by law.

Disclosers will be asked to consent to the release of this information as part of the acknowledgement of their PID and provided with information about Council's obligations under law and the principles of natural justice.

In conducting enquiries at all stages of the process, Council will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the Discloser wherever possible.

Disclosers should be aware that while Council will make every attempt to keep their details confidential and will not confirm any personal details unless compelled to do so, Council is not able to prevent any person from trying to deduce their identity.

14. Rights of Subject Officers

Council acknowledges that for officers who are the subject of a PID the experience may be stressful. Council will protect their rights by:

- Assuring them that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice;
- Maintaining strict confidentiality of the fact that the person is a subject officer;
- Confirming that the PID is an allegation only until information or evidence obtained through an investigation substantiates the allegation;
- Providing them with information about their rights and the progress and outcome of any investigation; and
- Referring them to the Employee Assistance Program for support.

Information and support will be provided to a subject officer until the matter is finalised.

15. Roles and Responsibilities

Role	Responsibility	Officer
PID Coordinator	<ul style="list-style-type: none">• principal contact for PID issues within Council;• document and manage implementation of PID management program;• review and update PID Procedure annually;• maintain and update internal records of PIDs received;• report data on PIDs to Queensland Ombudsman;• assess all PIDs received by Council;• provide acknowledgment of receipt of PID to Discloser;• liaise with other agencies about referral of PIDs;• allocate Investigator and Support Officer to PID matter;• Inform CEO on relevant matters; Providing appropriate disclosure information to the oversight agency.	Principal Specialist Governance and Assurance Email: integrity@scenicrim.qld.gov.au
PID Support Officer	<ul style="list-style-type: none">• provide advice and information to Discloser, subject officer or witness on Council's PID Procedure;• provide personal support and referral to other sources of advice or support as required;• facilitate updates on progress of investigation; and• proactively contact Discloser throughout PID management	All employees with supervisory responsibility are designated PID Support Officers. Note: PID Support Officers will be nominated with the assistance of the PID Coordinator.

	process.	
Investigator	<ul style="list-style-type: none"> conduct investigation of information in PID in accordance with terms of reference; and prepare report and correspondence for delegated decision maker. 	This person will be determined and appointed by the CEO arising from the content and circumstance of the PID and shall be of suitable seniority.
Delegated Decision maker	<ul style="list-style-type: none"> review investigation report and determine if wrongdoing has been established; determine to refer the matter to another agency; determine that the matter is a PID or not; and determine to appoint external investigators. 	CEO or delegated decision maker in each particular circumstance. The decision maker will be decided on a case by case basis and shall have sufficient seniority.

16. Record-keeping

In accordance with its obligations under the Act and the *Public Records Act 2002*, Council will ensure that:

- Accurate data is collected about the receipt and management of PIDs; and
- Anonymised data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.

Records about disclosures, investigations, and related decisions will be kept secure and accessible only to appropriately authorised people involved in the management of the PID.

The PID Coordinator will ensure that data recording and reporting complies with the minimum standards set out in Public Interest Disclosure Standard No.3/2019.

Further Information and Advice

Internal Contact

Governance Branch
Enquiries: integrity@scenicrim.qld.gov.au
Phone: 5540 5111

External Contact - the Queensland Ombudsman Advisory Service

The Queensland Ombudsman has been allocated responsibility for providing advice and guidance to public sector entities and officials to meet their responsibilities created from the *Public Sector Ethics Act 1994* and the *Public Interest Disclosure Act 2010*.

Enquiries: Monday – Friday from 8.30 am to 5.00 pm
Phone: 1800 068 908
Email: pidadmin@ombudsman.qld.gov.au

Additional Resources

Ethics in the Queensland Public Sector - <https://www.forgov.qld.gov.au/conduct-and-performance>

The following guidelines for Public Interest Disclosures and fact sheets on PIDs are available free from the Queensland Ombudsman's website at www.ombudsman.qld.gov.au:

- Blowing the whistle in Queensland;
- Thinking about blowing the whistle? (A guide for individuals);
- Has one of your staff blown the whistle? (A guide for managers); and
- Managing a public interest disclosure program (A guide for public sector organisations).

DEFINITIONS

Another Public Sector Entity means a Public Sector Entity as defined under s 6 of the PID Act which is not Scenic Rim Regional Council.

Council means Scenic Rim Regional Council.

Corrupt Conduct- As defined in the Crime Corruption Act 2001:

Meaning of *corrupt conduct*

- (1) **Corrupt conduct** means conduct of a person, regardless of whether the person holds or held an appointment, that—
- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - (i) a unit of public administration; or
 - (ii) a person holding an appointment; and
 - (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and
 - (c) would, if proved, be—
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
- (2) **Corrupt conduct** also means conduct of a person, regardless of whether the person holds or held an appointment, that—
- (a) impairs, or could impair, public confidence in public administration; and
 - (b) involves, or could involve, any of the following—
 - (i) collusive tendering;
 - (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—
 - (A) protecting health or safety of persons;
 - (B) protecting the environment;
 - (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;

- (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
 - (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
 - (v) fraudulently obtaining or retaining an appointment; and
- (c) would, if proved, be—
- (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Detriment includes –

- (a) personal injury or prejudice to safety; and
- (b) property damage or loss; and
- (c) intimidation or harassment; and
- (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and
- (e) financial loss; and
- (f) damage to reputation, including, for example, personal, professional or business reputation.

Disability is defined by the *Disability Services Act* as amended from time to time. At this Procedure's time of approval, the definition was contained in section 11 as follows:

- (1) A disability is a person's condition that—
 - (a) is attributable to—
 - (i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or
 - (ii) a combination of impairments mentioned in subparagraph (i); and
 - (b) results in—
 - (i) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management; and
 - (ii) the person needing support.
- (2) For subsection (1), the impairment may result from an acquired brain injury.
- (3) The disability must be permanent or likely to be permanent.
- (4) The disability may be, but need not be, of a chronic episodic nature.

Discloser is person who makes a disclosure in accordance with the *Public Interest Disclosure Act 2010*.

Employee of an entity, includes a person engaged by the entity under a contract of service and volunteer.

Investigation For the purposes of this Procedure, investigation includes any enquiry undertaken to establish whether the information provided in a Public Interest Disclosure can be substantiated, including a review or audit.

Maladministration has the meaning as defined by the *Public Interest Disclosure Act 2010*, as amended from time to time. At the time of approval of this Procedure, the definition was contained in schedule 4 of the Act as follows:

- (a) was taken contrary to law; or
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or

- (c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or
- (d) was taken—
 - (i) for an improper purpose; or
 - (ii) on irrelevant grounds; or
 - (iii) having regard to irrelevant considerations; or
- (e) was an action for which reasons should have been given, but were not given; or
- (f) was based wholly or partly on a mistake of law or fact; or
- (g) was wrong.

Member of the public any person, including public officials.

Natural justice, also referred to as 'procedural fairness' applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.

The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:

- avoid bias; and
- give a fair hearing.
- act only on the basis of logically probative evidence.

Organisational support means actions such as, but not limited to:

- providing moral and emotional support via Council's Employee Assistance Program;
- advising Disclosers about agency resources available to handle any concerns they have as a result of making their disclosure;
- appointing a mentor, confidante or other support officer to assist the Discloser through the process;
- referring the Discloser to the agency's Employee Assistance Program or arranging for other professional counselling;
- generating support for the Discloser in their work unit where appropriate;
- ensuring that any suspicions of victimisation or harassment are dealt with;
- maintaining contact with the Discloser; and
- negotiating with the Discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.

Proper authority is a person or organisation that is authorised under the *Public Interest Disclosure Act 2010* to receive disclosures.

Public Interest Disclosures are defined in the Act as a disclosure about a public interest matter made to a proper authority.

Public Officers of local governments include both Councillors and employees (including persons engaged under a contract of employment) and volunteers, and an employee of another public sector entity.

Proper authority is a person or organisation that is authorised under the *Public Interest Disclosure Act 2010* to receive disclosures.

Reprisal has the meaning as defined by the *Public Interest Disclosure Act 2010*, as amended from time to time. At the time of approval of this Procedure, reprisal was defined as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:

- Has made or intends to make a disclosure; or
- Has been or intends to be involved in a proceeding under the disclosure Act against any person.

Reprisal under the *Public Interest Disclosure Act 2010* is a criminal offence and investigations may be undertaken by the Queensland Police Service.

Subject officer is an officer who is the subject of allegations of wrongdoing made in a disclosure.

Substantial and specific is accorded a particular meaning by the *Public Interest Disclosure Act 2010* where:

- Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.
- Specific means "precise or particular". This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.

RELATED DOCUMENTS

Legislation

- *Public Interest Disclosure Act 2010*;
- *Crime and Corruption Act 2001*;
- *Local Government Act 2009*;
- *Local Government Regulation 2012*; and
- *Information Privacy Act 2009*.

Supporting Information

- Public Interest Disclosure Standard No. 1/2019 (Queensland Ombudsman);
- Public Interest Disclosure Standard No. 2/2019 (Queensland Ombudsman);
- Public Interest Disclosure Standard No. 3/2019 (Queensland Ombudsman);
- Disclosure Fact Sheet 1: What is a disclosure (Queensland Ombudsman);
- Disclosure Fact Sheet 2: Checklist for making a disclosure (Queensland Ombudsman);
- Disclosure Fact Sheet 3: Discloser information and support (Queensland Ombudsman);
- Code of Conduct for Councillors (Queensland Government); and
- Delegations Register.

Supporting Policies and Procedures

- Administrative Action and Competitive Neutrality Complaints Policy and Guideline;
- Staff Formal Disciplinary Policy;
- Employee Code of Conduct;
- Public Interest Disclosures Policy; and
- Risk Management Policy.

This Procedure supports the Scenic Rim Regional Council Corporate Plan 2018-2023, in particular the Theme - Open and Responsive Government.

Approved By:



Jon Gibbons
CHIEF EXECUTIVE OFFICER
15 September 2020

Version Information

Version No.	Date	Key Changes
1	18/01/2019	Procedure has been redrafted into the new Procedure template and adoption of new Policy. The Procedure has been drafted in accordance with the Ombudsman's Office Model Public Interest Disclosure Procedure.
2	15/09/2020	Policy was revised and Procedure has been amended to reflect Public Interest Disclosure Standards No.s 1/2019, 2/2019 and 3/2019.

Public Interest Disclosure Risk Assessment Management Plan Reference:



ALLEGATION

[insert summary of allegation]

ASSESSMENT – AFFECTED PARTIES

Discloser	
Discloser's view/assessment of likely reprisal	
How serious does the organisation view the reported wrongdoing?	Choose an item.
How vulnerable is the Discloser?	<p>May result in perceptions or actual harassment and/or bullying leading to:</p> <p><input type="checkbox"/> damage to reputation</p> <p><input type="checkbox"/> discrimination or disadvantage to career, employment or business</p> <p><input type="checkbox"/> financial loss</p> <p><input type="checkbox"/> intimidation or harassment</p> <p><input type="checkbox"/> isolation</p> <p><input type="checkbox"/> loss or damage to property</p> <p><input type="checkbox"/> physical or psychological injury</p> <p><input type="checkbox"/> refusal of access to training and professional development</p> <p><input type="checkbox"/> self-harm</p> <p><input type="checkbox"/> stress</p> <p><input type="checkbox"/> withholding of resources needed to perform role</p> <p><input type="checkbox"/> other, please specify: Click here to enter text.</p> <p><input type="checkbox"/> not applicable. State reasons why: Click here to enter text.</p> <p><input type="checkbox"/> unknown: Choose an item.</p>
Have there been threats or past experience to indicate concern?	Click here to enter text.
How will confidentiality be maintained during the investigation?	<p><input type="checkbox"/> Staff involved in the investigation to be made aware of the confidential nature of the investigation</p> <p><input type="checkbox"/> The PID is aware that confidentiality needs to be maintained (refer PID acknowledgement letter)</p>
Subject officer	
How many subject officers are involved?	<p>Number:</p> <p>Name/s:</p>
What is/are the subject officer's power or influence?	<p><input type="checkbox"/> negligible: the subject officer and Discloser do not work in the same area/vicinity</p>

CONFIDENTIAL (GOVERNANCE-IN-CONFIDENCE)

Uncontrolled if printed

	<input type="checkbox"/> negligible: the subject officer is the Disclosers direct/indirect report and; therefore, has limited influence over the Discloser <input type="checkbox"/> the subject officer is the Disclosers direct/indirect supervisor and; therefore, has influence over most aspects of the PIDs job <input type="checkbox"/> unknown: However, from the information provided the Discloser likely works in the same area as the subject officer <input type="checkbox"/> unknown: However, from the information provided the anonymous Discloser likely works in the Choose an item. which is under the leadership of Click here to enter text. as Choose an item.. The position of Choose an item. has decision making authority over a number of areas including recruitment and selection, performance management and promotion. <input type="checkbox"/> other, please specify: <input type="checkbox"/> not applicable. State reasons why:
Organisational environment	
How likely is reprisal?	<input type="checkbox"/> unlikely <input type="checkbox"/> possible <input type="checkbox"/> likely <input type="checkbox"/> unknown <input type="checkbox"/> other, please specify: Click here to enter text.
Is close monitoring of the Discloser's workplace possible?	<input type="checkbox"/> Yes – the Discloser works in close proximity to other officers <input type="checkbox"/> Yes – the supervisor is able to closely monitor behaviour <input type="checkbox"/> No – the Discloser works in isolation <input type="checkbox"/> Other, please specify: Click here to enter text.
What control measures are already in place? And, how effective are they likely to be?	<input type="checkbox"/> The subject officer and Discloser work in different work groups in separate locations <input type="checkbox"/> The branch has a special project that the Discloser or subject officer could be moved into <input type="checkbox"/> Negligible therefore the situation will need to be closely monitored <input type="checkbox"/> Other, please specify: e.g. all staff undergo Code of Conduct training upon induction and refresher training was undertaken in Click or tap to enter a date.. Therefore, all staff should be aware of their roles and responsibilities regarding workplace behaviour.
Is it a supportive environment? See the Queensland Ombudsman's 'Providing information and support to Disclosers' for more information.	<input type="checkbox"/> Yes – the PID management team are aware of the allegations and are taking appropriate actions to mitigate possible risks to individuals <input type="checkbox"/> Yes – For anonymous complaints: Scenic Rim Regional Council's policy is supportive of public interest Disclosers and take appropriate actions to mitigate possible risks to individuals
What are the consequences of any reprisal action?	<input type="checkbox"/> Disciplinary action under Council's Code of Conduct for Employees <input type="checkbox"/> Prosecution
Support officer assigned to Discloser?	<input type="checkbox"/> Yes <input type="checkbox"/> No – Discloser unknown

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ATTACHMENT A

<p>Note: Support officer should be independent of the investigation and the person should be agreed to by the Discloser. The role is to:</p> <ul style="list-style-type: none">• provide advice and information to Discloser on Council's PID procedure• provide personal support and referral to other sources of advice or support as required• facilitate updates on progress of investigation• proactively contact Discloser throughout PID management process	
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RISK ASSESSMENT AND ANALYSIS

	Consequence	Likelihood	Consequence-Likelihood risk matrix																																											
How likely is reprisal?	<div><input type="checkbox"/> Catastrophic – Action which is likely to have a severe impact on the person e.g. physical violence or denial of a promotion opportunity.</div> <div><input type="checkbox"/> Major – Sustained or one-off action which has a significant impact on the person e.g. consistently excluding the person from team discussions or imposing a negative performance assessment on the person</div> <div><input type="checkbox"/> Moderate – Repeated action which is likely to have an adverse effect on the person e.g. routinely failing to 'cc' the person on work-related emails.</div> <div><input type="checkbox"/> Minor – occasional or one-off action that is likely to have a relatively minor adverse effect on the person e.g. occasional exclusion of the person from a social activity.</div> <div><input type="checkbox"/> Insignificant - Discloser does not come into contact with the subject officer.</div>	<div><input type="checkbox"/> Almost certain - the event is expected to occur in most circumstances (greater than one or more per annum)</div> <div><input type="checkbox"/> Likely - the event will probably occur in most circumstances (20-90% probability the event will occur in the next year)</div> <div><input type="checkbox"/> Possible - the event might occur at some time (between 3-10 years)</div> <div><input type="checkbox"/> Unlikely - the event could occur at some time but is not considered likely to occur (between 10-50 years)</div> <div><input type="checkbox"/> Rare - the may only occur in exceptional circumstances (every 50-100 years)</div>	<table><tr><th>Likelihood</th><th colspan="5">Consequence</th></tr><tr><th></th><th>Insignificant</th><th>Minor</th><th>Moderate</th><th>Major</th><th>Catastrophic</th></tr><tr><th>Almost Certain (5)</th><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><th>Likely (4)</th><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><th>Possible (3)</th><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><th>Unlikely (2)</th><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><th>Rare (1)</th><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table>		Likelihood	Consequence						Insignificant	Minor	Moderate	Major	Catastrophic	Almost Certain (5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Likely (4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Possible (3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unlikely (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rare (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Likelihood	Consequence																																													
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Almost Certain (5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																									
Likely (4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																									
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Rare (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																									
Risk analysis:	<input type="checkbox"/> High risk of reprisal	<input type="checkbox"/> Significant risk of reprisal	<input type="checkbox"/> Moderate risk of reprisal	<input type="checkbox"/> Low risk of reprisal																																										

- In assessing the likelihood rating consider:
- the likelihood of the Discloser being identified, which may involve a consideration of:
 - the size of the work area in which the Discloser is located; and
 - the number of people who are aware of the information leading to the disclosure;
 - the number of people implicated in disclosure;
 - the subject matter of the disclosure;
 - the number of people who are aware of the disclosure or are likely to become aware of the disclosure (for example, through participation in the investigation as witnesses);
 - the culture of the workplace;
 - whether any specific threats against the Discloser have been received;
 - whether there are circumstances that will make it difficult for the Discloser not to discuss the disclosure in the workplace;
 - whether there are allegations about individuals in the disclosure;
 - whether there is a history of conflict between the Discloser and the subject of the disclosure; and
 - whether the disclosure can be investigated while maintaining confidentiality.

Adapted from the Department of Prime Minister and Cabinet's [PID Procedure](#)

Also consider:

- the potential impact of harm/s
- Whether the impact is limited and transitory with the party having the capacity to readily deal with it
- Whether the impact would have consequences for the party which will affect their work-like and potentially their personal wellbeing and home life, requiring proactive support to effectively manage
- Whether the consequences are short-term, medium-term or long-term in nature

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EVALUATION

What is the overall assessment of the level of risk?	Choose an item.
Are existing controls adequate or is additional action needed? Note: consider the holistic skill set of the parties involved if considering special projects	<input type="checkbox"/> No – recommend moving subject officer/Discloser to another work group or special project pending outcome of investigation <input type="checkbox"/> No – recommend suspension of subject officer pending outcome of investigation <input type="checkbox"/> Yes – existing controls are adequate. Subject officer and Discloser work in different branches/groups/work locations <input type="checkbox"/> Other – existing controls are adequate given that the Discloser is unknown <input type="checkbox"/> Other – please specify: Click here to enter text.
Do any risks require special consideration and action?	<input type="checkbox"/> No <input type="checkbox"/> Yes – notify Queensland Police (e.g. possible threat of violence or threat to important infrastructure/assets) <input type="checkbox"/> Yes – investigate the possibility of setting up a special project for secondment opportunities depending on subject officer's response to investigation <input type="checkbox"/> Yes – engage additional support if the Discloser's health becomes a concern <input type="checkbox"/> Other – please specify: Click here to enter text.
What risk treatments/action are recommended?	Weighing up facts it has been determined that the following action is reasonable: • Choose an item.
What are the proposed review points?	<input type="checkbox"/> Commencement of investigation <input type="checkbox"/> Commencement of interviews <input type="checkbox"/> Completion of interviews <input type="checkbox"/> Completion of investigation

DETERMINATION

Assessment recommendation				
Assessment completed by:	Signature:		Date:	Click here to enter a date.
	Name:		Position:	

Assessment endorsement

Recommendation endorsed by:	Signature:		Date:	Click here to enter a date.
	Name:		Position:	Principal Specialist Governance and Assurance