

Public Interest Disclosure Policy and Procedure

Responsible officer:
Director, Corporate Services



Version control

Version	Changes	Date	Amended by
1.0	Initial version	July 2014	Manager, Business Coordination
1.5	Rewritten to adopt standards and model procedures published by Queensland Ombudsman in March 2019	21/05/2019	Angus Aire
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Security

This document has been security classified using the Queensland Government Information Security Classification Framework (QGISCF) as PUBLIC and will be managed according to the requirements of the QGISCF.

Inquiries

Inquiries about this document should be directed to the Queensland Family and Child Commission, by email to info@qfcc.qld.gov.au or in writing to PO Box 15217, Brisbane City East Qld, 4002.

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Crime and Corruption Act 2001

Family and Child Commission Act 2014

Information Privacy Act 2009

Right to Information Act 2009

Public Interest Disclosure Act 2010

Public Records Act 2002

Ombudsman Act 2001

Public Interest Disclosure Standards [1/2019](#), [2/2019](#) and [3/2019](#) (Queensland Ombudsman)

Code of Conduct for the Queensland Public Service

Purpose

The Queensland Family and Child Commission (QFCC) is committed to fostering an ethical, transparent culture. In pursuit of this, the QFCC values the disclosure of information about suspected wrongdoing in the public sector so that it can be assessed and where necessary, investigated. The QFCC will provide support to an employee or others who make disclosures about matters in the public interest. This document is intended to comply with the requirements of the *Public Interest Disclosure Act 2010* (the PID Act) and the standards published by the Queensland Ombudsman in its capacity as oversight agency.

By complying with the PID Act, the QFCC will:

- Promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing
- Make sure that PIDs are assessed and, where appropriate, investigated and dealt with
- Appropriately consider the interests of subjects to PIDs
- Make sure protection from reprisal is given to persons making PIDs.

Scope

This policy applies to:

- All officers employed in the QFCC including temporary and contract staff
- Members of committees and advisory panels which operate under the *Family and Child Commission Act 2014*
- Other individuals engaged by the QFCC, including consultants and contractors.

This policy will be made available to all staff via the induction process, related training courses and the QFCC intranet site. Updates will be publicised as they occur, with formal reviews conducted annually to check for compliance with legislative changes and standards issued by the Queensland Ombudsman.

Code of Conduct

All QFCC employees are subject to the [Code of Conduct for the Queensland Public Service](#) (the Code of Conduct). The Code of Conduct outlines the standards of conduct the QFCC requires of its employees and provides guidelines to assist officers to comply with them. It addresses particular issues such as how and when to question an official instruction, how to deal with conflicts of interest, professional conduct, and use of official assets. This policy should be read in conjunction with the Code of Conduct.

Definitions

Term	Definition
Administrative action	<ul style="list-style-type: none">• Means any action about a matter of administration, including, for example:<ul style="list-style-type: none">○ A decision and an act○ A failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision○ The formulation of a proposal or intention○ The making of a recommendation, including a recommendation made to a minister○ An action taken because of a recommendation made to a minister.• Excludes an operational action of a police officer or of an officer of the Crime and Corruption Commission.

Confidential information	<ul style="list-style-type: none"> • Information about the identity, occupation, residential or work address or whereabouts of a person: <ul style="list-style-type: none"> ○ Who makes a public interest disclosure ○ Against whom a public interest disclosure has been made • Information disclosed by a public interest disclosure • Information about an individual’s personal affairs • Information that, if disclosed, may cause detriment to a person • Excludes information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.
Corrupt conduct	Refer to the QFCC Fraud and Corruption Management Policy and section 15 of the <i>Crime and Corruption Act 2001</i>
Detriment	Includes: <ul style="list-style-type: none"> • Personal injury or prejudice to safety • Property damage or loss • Intimidation or harassment • Adverse discrimination, disadvantage or treatment about career, profession, employment, trade or business • Financial loss • Damage to reputation, including personal, professional or business reputation.
Disability	Refer to section 11 of the <i>Disability Services Act 2006</i>
Investigation	For the purposes of this policy, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
Maladministration	As defined in schedule 4 of the <i>Public Interest Disclosure Act 2010</i> , maladministration is administrative action that was: <ul style="list-style-type: none"> • Taken contrary to law • Unreasonable, unjust, oppressive, or improperly discriminatory • 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 • Taken <ul style="list-style-type: none"> ○ For an improper purpose ○ On irrelevant grounds ○ Having regard to irrelevant considerations • An action for which reasons should have been given but were not • Based wholly or partly on a mistake of law or fact • Wrong.
Natural justice	<p>Natural justice or ‘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.</p> <p>The rules of natural justice make sure that decision-making is fair and reasonable, and require everyone dealing with a PID to:</p> <ul style="list-style-type: none"> • Avoid bias • Give a fair hearing

- Act only on the basis of logically probative evidence.

Organisational support	<p>For the purposes of this policy, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> • Providing moral and emotional support • 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 employee assistance program (EAP) 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 • 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.
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Proper authority	<p>A person or organisation that is authorised under the <i>Public Interest Disclosure Act 2010</i> to receive disclosures. This includes:</p> <ul style="list-style-type: none"> • A member of the Legislative Assembly (a Queensland MP) • Any public sector entity, if the disclosure relates to: <ul style="list-style-type: none"> ○ The conduct of the entity or an officer of the entity ○ Anything the entity has the power to investigate or remedy ○ A reprisal against a previous disclosure • The chief judicial officer of a court or tribunal if the disclosure relates to that court or tribunal or one of its judicial officers.
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Public officer	<p>An employee, member or officer of a public sector entity, including officers employed at the QFCC.</p>
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Reasonable belief	<p>A view which is objectively fair or sensible.</p>
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Reasonable management action	<p>Action taken by a manager in relation to an employee, including:</p> <ul style="list-style-type: none"> • Appraisal of the employee’s work performance • Requirement that the employee undertake counselling • Suspension of the employee from the employment workplace • Disciplinary action • Action to transfer or deploy the employee • Action to end the employee’s employment by way of redundancy or retrenchment • Action in relation to any of the above • Action in relation to the employee’s failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee’s employment. <p>If the action was reasonable in the circumstances.</p>
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Reprisal	<p>The term ‘reprisal’ is defined under the <i>Public Interest Disclosure Act 2010</i> as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> • Has made or intends to make a disclosure, or
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- Has been or intends to be involved in a proceeding under the PID 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.

Substantial and specific

These terms have their common sense meaning.

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 a detriment that can be identified or particularised as opposed to broad or general concerns or criticisms.

What is a Public Interest Disclosure?

QFCC employees are public sector officers and can make a disclosure about the following public interest matters:

- Corrupt conduct
- Maladministration that adversely affects a person’s interests in a substantial and specific way,
- A substantial misuse of public resources
- A substantial and specific danger to public health or safety
- A substantial and specific danger to the environment.

In addition, any person (including a public sector officer) can make a disclosure about:

- A substantial and specific danger to the health or safety of a person with a disability
- The commission of an offence, or contravention of a condition imposed under a provision of legislation mentioned in [schedule 2](#) of the PID Act, if the offence or contravention would be a substantial and specific danger to the environment
- A reprisal because of a belief that a person has made or intends to make a disclosure.

A discloser can have either a ‘reasonable belief’ that wrongdoing has occurred, or provide evidence which tends to show the wrongdoing has occurred.

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
- Makes the disclosure anonymously – the discloser is not required to give their name or any identifying information
- Has not identified the material as a PID – it is up to the QFCC to assess information received and decide if it is a PID
- Is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed to be a PID, whether or not it is subsequently investigated or found to be substantiated.

Why make a PID?

Employees and others who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration. The QFCC supports the disclosure of information about wrongdoing because:

- Implementing systems for reporting and dealing with wrongdoing contributes to the QFCC's integrity
- The outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss
- The community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.

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 the QFCC and employees of the QFCC as a result of making the PID,
- **Immunity from liability** – the discloser cannot be prosecuted for disclosing the information but is not exempt from action if they have engaged in wrongdoing,
- **Protection from defamation** – the discloser has a defence against an accusation of defamation by any subject officer.

PID Management Program

The Principal Commissioner has overall responsibility for ensuring that the QFCC develops, implements and maintains a PID management program. The QFCC PID management program encompasses:

- Commitment to encouraging the internal reporting of wrongdoing
- Senior management endorsement of the value of PIDs and their proper management
- A communication strategy to raise awareness among employees about PIDs and the QFCC'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, and 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 PID Coordinator to be responsible for issues related to the management of PIDs
- 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
- Regular review of the public interest disclosure procedure and evaluation of the effectiveness of the PID management program.

Roles and responsibilities

The Chief Executive Officer has designated the following roles and responsibilities for managing PIDs within the QFCC:

Role	Responsibilities in relation to PIDs	Officer
PID Coordinator	<ul style="list-style-type: none"> Principal contact for PID issues Document and manage implementation of PID management program Review and (if required) update PID procedure annually Maintain and update internal records of PIDs received Report data on PIDs to Queensland Ombudsman via RaPID Assess PIDs received Provide acknowledgment of receipt of PID to discloser Undertake risk assessments in consultation with disclosers and other relevant officers Liaise with other agencies about referral of PIDs Allocate Investigator and Support Officer to PID matter. 	<p>Lyle Gerbich Director, Corporate Services 07 3900 023 lyle.gerbich@qfcc.qld.gov.au</p> <p><i>In absence of the above officer, or if disclosure relates to them:</i> Karen Faux Principal Advisor, Human Resources 07 3900 6013 karen.faux@qfcc.qld.gov.au</p>
PID Support Officer	<ul style="list-style-type: none"> Provide advice and information to discloser on the QFCC 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. 	<p>Karen Faux Principal Advisor, Human Resources 07 3900 6013 karen.faux@qfcc.qld.gov.au</p> <p><i>In absence of the above officer, or if disclosure relates to them:</i> Helen Murray, Advisor, Human Resources 07 3900 6028 helen.murray@qfcc.qld.gov.au</p>
Investigator	<ul style="list-style-type: none"> Conduct investigation of information in PID in accordance with terms of reference Prepare report for Principal Commissioner. 	<p>An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations.</p>
Delegated decision-maker	<ul style="list-style-type: none"> Review investigation report and determine whether alleged wrongdoing is substantiated. 	<p>An appropriate decision-maker will be appointed for each PID investigated.</p>

How to make a disclosure

Once made, a disclosure cannot be withdrawn.

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, you are recommended to include:

- Contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number),
- As much information as possible about the suspected wrongdoing, including but not limited to:
 - 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.

If possible you should provide this information in writing to your supervisor. If you are not comfortable with this, you may make the disclosure directly to the Principal Commissioner as Chief Executive Officer of the QFCC. You should be clear that you wish to make a Public Interest Disclosure and reference this policy. A disclosure may be made inadvertently, or without being identified as a disclosure by the discloser.

However, if you wish to be sure you are protected by the PID Act you should clearly advise the person receiving the disclosure that it is a PID.

If you are concerned about the nature of your disclosure or how to make it, you may contact the PID Coordinator for guidance.

False or misleading information

Mere disagreements over policy do not meet the threshold for a PID under the PID Act.

It is an offence under the PID Act to intentionally give false or misleading information intending it be acted on as a PID, or during an investigation into a PID. This may also amount to corrupt conduct under the *Crime and Corruption Act 2001*. Employees may be subject to disciplinary action or prosecution for intentionally giving false or misleading information.

Protection for disclosers

Disclosers should not suffer any form of detriment as a result of making a PID. A discloser is not subject to any civil or criminal liability or any liability arising by way of administrative process, including disciplinary action, for making the disclosure. A discloser is also protected from liability for breaching any obligations relating to confidentiality when they make a PID, and has an absolute defence if action for defamation is taken against them. This is guaranteed by the PID Act.

Who can a PID be disclosed to?

A PID must be made to the 'proper authority' to receive disclosures of the type being made. Disclosers are encouraged to make a disclosure to an appropriate officer within QFCC first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Within QFCC

As an employee of the QFCC, you can make a disclosure to:

- The Attorney-General (as minister responsible for the QFCC),
- The Principal Commissioner,
- Your direct supervisor,
- A QFCC officer with responsibility for receiving or actioning the type of information to which your disclosure relates (e.g. if the information relates to a career impact, it may be disclosed to the HR unit).

External to QFCC

Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:

Type of disclosure	Proper authority
Corrupt conduct by a public service officer, including reprisal	▪ Crime and Corruption Commission
Maladministration	▪ Queensland Ombudsman
Substantial misuse of public resources	▪ Queensland Audit Office
Danger to the health and safety of a person with a disability	▪ Department of Communities, Disability Services and Seniors ▪ Office of the Public Guardian
Danger to the health and safety of a child or young person with a disability	▪ Department of Children, Youth Justice and Multicultural Affairs ▪ Department of Justice and Attorney-General (if the disclosure is in relation to a blue card holder)
Danger to the environment	▪ Department of Environment and Science
Any wrongdoing or danger	▪ A Member of the Legislative Assembly (MP)
Disclosure about wrongdoing by a judicial officer.	▪ The Chief Judicial Officer of the relevant court or tribunal

Journalists

A disclosure can also be made to a journalist if the following conditions have been met:

- A valid PID was initially made 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 action, or
 - failed to notify the discloser within six months of making the disclosure whether or not the disclosure was to be investigated or otherwise dealt with.

A person who makes a disclosure to a journalist in these circumstances is protected under the PID Act. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act.

To remove any doubt, a valid PID made to a journalist under the PID Act does not need to be authorised by the QFCC's media unit.

Responsibilities of employees receiving a disclosure

Any QFCC employee who receives a complaint or grievance must consider whether that complaint or grievance may in fact constitute a PID and should be treated accordingly. An employee who receives a public interest disclosure must make an accurate record of it and immediately refer the matter to the PID Coordinator. They must maintain strict confidentiality about the disclosure.

Assessing a PID

Deciding whether a matter is a PID

If there is any doubt as to whether a matter is a PID, further information may be obtained to inform the decision. This may include, but is not limited to:

- Interviewing the discloser, witnesses and other relevant persons
- Accessing and reviewing relevant documents
- Comparing disclosed conduct to best practice and industry standards.

If doubt remains, the matter should be considered and managed as a PID.

If the matter has been assessed as a PID, the QFCC will (if possible) advise the discloser in writing of the following:

- That their information has been received and assessed as a PID
- The action to be taken by the QFCC in relation to the disclosure, which could include referring the matter to an external agency, or investigating
- The likely timeframe involved
- The name and contact details of the QFCC support officer they can contact for updates or advice
- Of the discloser's obligations regarding confidentiality
- The protections the discloser has under the PID Act
- The commitment of the QFCC to keep appropriate records and maintain confidentiality, except where permitted under the PID Act

- How updates regarding intended actions and outcomes will be provided to the discloser
- Contact details for the QFCC's Employee Assistance Program.

Where a discloser states they are making a PID, but it is assessed that the matter is not a PID the QFCC will advise the discloser in writing of the following:

- That their information has been received but was not assessed as a PID,
- The reasons for the decision,
- The review rights available if the discloser is dissatisfied with the decision and how to request review,
- Any action the QFCC proposes to take in relation to the matter,
- Any other options the discloser has in relation to the matter.

In any case, the assessment process will be recorded in writing to meet QFCC's obligations under the PID Act.

Referring a PID

If the QFCC decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

- The PID concerns wrongdoing by that agency or an employee of that agency,
- That agency has the power to investigate or remedy the matter.

Before referring the PID to another agency, the QFCC will conduct a risk assessment, and will not proceed with the referral if there is an unacceptable risk of reprisal.

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 (as required by section 38 of the *Crime and Corruption Act 2001*).

The confidentiality obligations of the PID Act permit appropriate officers of the QFCC 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 the QFCC.

Declining to take action on a PID

Under the PID Act, the QFCC may decide not to investigate or deal with a PID in various circumstances, including:

- The information disclosed has already been investigated or dealt with by another process
- The information disclosed should be dealt with by another process
- The age of the information makes it impractical to investigate
- The information disclosed is too trivial and dealing with it would substantially and unreasonably divert the QFCC from the performance of its functions
- Another agency with jurisdiction to investigate the information has informed the QFCC that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID, the QFCC will give the discloser written reasons for that decision. If the discloser is not satisfied, they can request a review by writing to the Principal Commissioner within 28 days of receiving the written reasons for decision.

After a PID is Received

Upon receiving a PID, the PID Coordinator (in consultation with the PID Support Officer) will conduct a risk assessment to assess the likelihood of the discloser (or witnesses and affected third parties if applicable) suffering reprisal action as a result of having made the disclosure. This assessment will consider the actual and reasonably perceived risk of the person suffering detriment, including by consulting with the discloser.

What is reprisal?

A reprisal occurs when a person causes, or attempts or conspires to cause, detriment to another person because of a belief that any person has made or intends to make a public interest disclosure. Under definitions provided in the dictionary in the Act, detriment includes, but is not limited to:

- Personal injury or prejudice to safety
- Property damage or loss
- Intimidation or harassment
- Adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business
- Financial loss
- Damage to reputation, including, for example, personal, professional or business reputation.

Reprisal could be in the form of dismissal, demotion, any form of harassment, unfair or unreasonable treatment.

The PID Act makes it a criminal offence to take reprisal because a person has made or intends to make a PID. The Crime and Corruption Commission will investigate suspected reprisal on referral by the PID Coordinator.

Risk assessment and protection from reprisal

A risk assessment will be undertaken if the discloser is anonymous on the basis of information available in the PID. The risk assessment will also take into account the risk to persons who may be suspected of making the PID. Possible action may include (but is not limited to):

- Moving the discloser to a different team within QFCC
- Expediting the approval of leave for the discloser
- Standing down the subject officer on a temporary basis
- Arranging counselling or legal advice
- Making a personal security plan for the discloser, witnesses or other affected parties.

Consistent with the assessed level of risk, the QFCC will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the discloser (or witnesses or affected third parties). The HR unit and the PID Coordinator will take any action reasonably necessary to implement the risk management plan and account for the safety of the discloser.

The QFCC will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the discloser, and review the risk management plan if required. This reassessment must be proactive and focused on the wellbeing of the discloser.

In the event of reprisal action being alleged or suspected, the QFCC will:

- Attend to the safety of the discloser (or witnesses or affected third parties) as a matter of priority,
- Review its risk assessment, risk management plan and any protective measures needed to mitigate any further risk of reprisal,
- Manage any allegation of a reprisal as a PID in its own right under this policy.

Communication with disclosers

Under the PID Act, the QFCC must give reasonable information to a discloser.

The QFCC 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 which are offered under the PID Act to the discloser
- The confidentiality obligations of the discloser and the QFCC
- Any support arrangements required or requested by the discloser, including access to the Employee Assistance Program.

The QFCC will maintain contact with the discloser and provide regular updates during the management of the PID. In accordance with the PID Act, after finalising action in response to the PID, the QFCC will advise the discloser in writing of the action taken and the results of the action.

Confidentiality

While the QFCC will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed to:

- Provide natural justice to subject officers,
- Respond to a court order, legal directive or court proceedings.

QFCC officers will arrange discrete communication between parties to avoid identifying the discloser wherever possible. Disclosers should be aware that while the QFCC will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

Disclosers who make an anonymous PID should be aware that if attempts are made to identify them, this may constitute an act of reprisal and may itself require disclosure to the QFCC or another authority.

Investigating a PID

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
- Interests of subject officers.

The Principal Commissioner will nominate an internal investigator to assess the PID. This may be the PID Coordinator or any other officer whom is considered appropriate. If the Principal Commissioner in consultation with the PID Coordinator considers it necessary to do so to avoid any suggestion of bias or conflict of interest, an external investigator may be retained. The Ombudsman may be consulted for advice in such an eventuality.

The investigator will keep detailed written records of their investigation and present a report to the Principal Commissioner in a timely manner. Other officers must fully cooperate with the investigator. If as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken by the Principal Commissioner.

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

Any findings or fraud or corruption will be dealt with as described in the QFCC's Fraud and Corruption Management policy.

Support for disclosers

The QFCC recognises that providing appropriate support to a discloser is an important feature of effective PID management. An assessment will be undertaken to identify the support needs of the discloser and where appropriate, a PID Support Officer will be assigned to 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. This will be provided through the PID Support Officer, as it is preferable that the PID Coordinator and any investigator assigned to the matter remain at arm's length from the discloser.

Making a PID does not prevent a manager from taking reasonable management action. That means that the discloser will be continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

In order to pre-emptively protect the discloser from reprisal, the subject officer will be advised of the following by the PID Coordinator:

- What reprisal is
- What consequences of reprisal can be under the law

- That reasonable management action does not constitute reprisal
- That the discloser will be protected from acts of reprisal if necessary.

The discloser will also be advised that the subject officer has been spoken to regarding the above matters.

Rights of subject officers

The QFCC acknowledges that for officers who are the subject of a PID the experience may be stressful. The QFCC 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
- 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
- Referring them to the Employee Assistance Program for support.

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

Record Keeping

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, in accordance with the QFCC's Confidentiality policy.

In accordance with its obligations under the PID Act and the *Public Records Act 2002*, the QFCC will collect accurate data about the receipt and management of PIDs. The PID Coordinator is responsible for the reporting of anonymised data to the Queensland Ombudsman in its role as the oversight agency, through the online PID reporting database 'RaPID'.

Approval



Tony King
Senior Executive Director, Office of the Commissioners
Queensland Family & Child Commission

Approved on: 1 November 2021