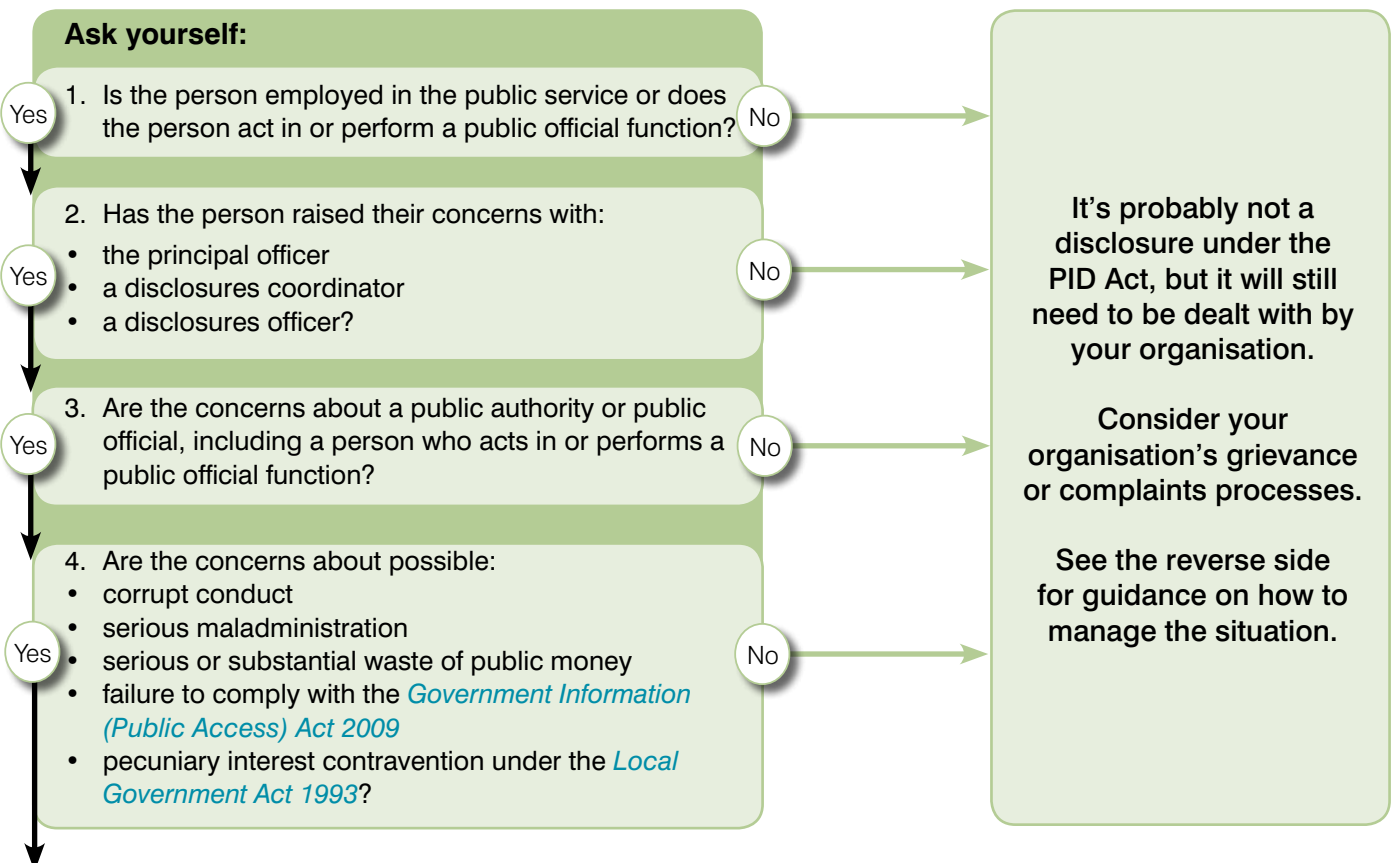


Am I dealing with a public interest disclosure?

This fact sheet sets out a simple step-by-step guide to deciding if the *Public Interest Disclosures Act 1994* (PID Act) applies when a staff member raises concerns and gives some practical tips on how to manage these situations. It is designed to be used by principal officers, general managers, senior managers and disclosures coordinators in NSW public sector organisations.

The scenario

A member of staff raises serious concerns with you.



It may be a public interest disclosure under the PID Act and by law your organisation must:

- acknowledge receipt of the public interest disclosure and provide the staff member with a copy of your internal reporting policy within 45 days (but preferably much sooner)
- assess the public interest disclosure and decide what action you will take
- keep details about the public interest disclosure confidential, where practical and appropriate
- tell the member of staff within six months what action your organisation will take or has taken
- report the matter to ICAC if you suspect on reasonable grounds that it concerns or may concern corrupt conduct
- keep full and accurate records.

Am I dealing with a public interest disclosure?

How do I manage this situation?

Whether or not it is a public interest disclosure, you should:

1 Support the staff member

If the member of staff genuinely believes there is something seriously amiss with your organisation and is sufficiently concerned to bring this to your attention, your organisation has a responsibility to:

- take them seriously and treat them with respect
- give the person support in what is commonly a stressful situation (this includes keeping them informed of what is being done)
- protect the person from suffering repercussions for coming forward (this includes dealing with the matter discreetly if not confidentially, and responding swiftly and fairly to any allegations that retribution against the person is threatened or has taken place).

2 Be fair to any person who has been accused of wrongdoing

The process of finding out the truth of allegations should be impartial. This means you should not take sides and should not have a preconceived outcome in mind.

Any person who has been accused of wrongdoing must be given an opportunity to put forward their response to any allegations made against them. However, he or she does not have a right to have any information about who has made the allegations (except where the matter results in disciplinary or criminal proceedings).

3 Remember the people involved are employees

Be mindful of your obligations under occupational health and safety legislation, your common law duty of care towards all employees, and your obligations to comply with principles of good conduct and administrative practice.

4 Don't forget bystanders

If a matter cannot be dealt with confidentially, be vigilant in preventing gossip, innuendo and paranoia amongst staff who find out that something is going on. Explain to potential witnesses why they are being interviewed or give them some information about the process to contain suspicion and fear.

Remember that retribution is sometimes taken against a person suspected of causing trouble, who may not be the person who raised their concerns.

5 Identify opportunities for improvement

Complaints from staff, just like those from outsiders, often contain valuable information that can be used to fix problems or improve the way your organisation operates.

Try to find out what's really going on. Do not be tempted to dismiss concerns from a disgruntled staff member who is perceived as a troublemaker. Often it is only the agitators who will speak out. Others may also see problems but have an interest in keeping the peace.

Deal with any problems that are identified.

6 Learn from this experience

Do you need to implement or improve your policies or procedures to make these situations easier to handle in the future?

Do you need to educate staff and management to prepare them for the challenges that these situations present and to deter people from taking retribution against people who report suspected problems?

Read the public interest disclosure guidelines, NSW Ombudsman.

Ask for help and support.

Contact the NSW Ombudsman:

- for advice and training for senior managers
- if you require assistance in developing in-house training programs for staff or managers on public interest disclosures.

Contacts

Independent Commission Against Corruption

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Email: icac@icac.nsw.gov.au

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NSW Ombudsman

Tel: 02 9286 1000 or 1800 451 524 (toll free)

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NSW Audit Office

Tel: 02 9275 7100

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Division of Local Government, Department of Premier and Cabinet

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Email: dlg@dlg.nsw.gov.au

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Office of the Information Commissioner (NSW)

Tel: 1800 463 626 (free call)

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