

Public interest disclosure policy

Commitment to public interest disclosures

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The Queensland Curriculum and Assessment Authority (QCAA) is committed to creating and maintaining an organisational climate that encourages and facilitates the disclosure of unlawful, corrupt, negligent or improper conduct or maladministration.

When people come forward with information about wrongdoing, we commit to:

- protecting the integrity, wellbeing, career interest and good name of all persons involved
- protecting the discloser from any adverse action as a result of making the disclosure
- treating any bullying, harassment, unfair treatment, victimisation or discrimination that results from a disclosure being made as a breach of our disciplinary procedures
- responding to the disclosure thoroughly and impartially
- where some form of wrongdoing has been found, taking appropriate action to deal with it
- keeping the discloser informed of the progress and outcome.

Value of public interest disclosures to the QCAA

The benefits to the QCAA of encouraging public interest disclosures (PID) include:

- identifying wrongdoing as early as possible
- exposing weak or flawed products or services that make the QCAA vulnerable to loss, criticism or legal action
- avoiding financial loss and inefficiency
- maintaining a positive corporate reputation
- reducing the risks to the health and safety of employees, clients, or stakeholders
- improving accountability
- deterring employees from engaging in improper conduct.

Communication, awareness and training strategy

The PID policy and procedures will be published on the QCAA internet and intranet.

An initial training session will be given to all staff about the PID policy and procedures, with subsequent new staff being told about the policy and procedures as part of the induction process. The training will address: the identification of wrongdoing, how to make a PID, the support and protection afforded to disclosers, and how PIDs will be managed.

This training will be included as part of the broader training on ethics.

Reminder information will be given to all staff on at least an annual basis.

Specialist training

Designated staff within the QCAA will receive additional specialist training in relation to the management of PIDs. These will include senior managers and other staff who may receive or manage PIDs, disclosers or workplace issues relating to a PID.

Delegated authority for managing PIDs

The Director, Strategy, Planning and Corporate Support has the delegated authority to manage PIDs.

In the event that a person wishes to make a PID that implicates the Director, Strategy, Planning and Corporate Support, the PID will be managed by the Chief Executive Officer, QCAA.

Responsibilities of the delegate include:

- applying consistent and appropriate assessment procedures to determine which complaints meet the requirements of the Act for treatment as a PID
- monitoring the investigation and resolution of PIDs
- managing or coordinating the support and protection offered to disclosers
- collecting, reporting and reviewing data about PIDs received
- providing clear guidance to staff about how to make a PID.

Procedures and review

The QCAA will publish procedures for managing PIDs. Those procedures will be reviewed following each of the first five PIDs received (to assess the effectiveness of these new procedures) and then annually thereafter.

Public interest disclosure procedures

Introduction

The following public interest disclosure (PID) procedures should be read in the context of the QCAA's *Public interest disclosure policy*.

These procedures are intended to complement the requirements detailed in the *Public Interest Disclosure Act 2010* (Qld), referred to in the following as 'the Act'.

Who is covered by the procedures?

For the purposes of the PID policy and these procedures, an officer of the QCAA will include:

- all employees, whether they be permanent, temporary or casuals
- members of the Board.

Consultants and contractors are not officers of the QCAA.

An officer of the QCAA may make a PID if they have information about:

- the conduct of another person, that could, if proved, be:
 - official misconduct
 - or
 - maladministration that adversely affects a person's interests in a substantial and specific way
 - or
- a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure)
- or
- a substantial and specific danger to public health or safety
- or
- a substantial and specific danger to the environment.

Any person, whether an officer of the QCAA or not, may make a PID if they have information about:

- a substantial and specific danger to the health and safety of a person with a disability
- or
- the commission of an offence against a provision mentioned in schedule 2 of the *Public Interest Disclosure Act 2010*, if the commission of the offence is or would be a substantial and specific danger to the environment
- or
- the conduct of another person that could, if proved, be a reprisal.

Encouraging the reporting of wrongdoing

The QCAA encourages any person who considers they have witnessed wrongdoing to come forward and report it.

The QCAA is committed to protecting any person who raises concerns about wrongdoing.

How a person may lodge a PID

A person may make a PID in any way, including anonymously.

Disclosers are urged, but not obliged, to:

- outline their concerns in writing in a concise manner as this assists those conducting the assessment of the PID claim
- specifically state whether they are claiming to have made a PID.

The person may make the PID to:

- the Chief Executive Officer
or
- the delegate, i.e. the Director, Strategy, Planning and Corporate Support
or
- a member of the QCAA Board
or
- if the person is an officer of the QCAA, another person who, directly or indirectly, supervises or manages the person.

Any QCAA officer who receives a PID should bring it to the attention of the delegate, unless the PID implicates the Director, Strategy, Planning and Corporate Support, in which case the PID should be brought to the attention of the Chief Executive Officer.

The delegate's contact details are:

Director, Strategy, Planning and Corporate Support
QCAA
PO Box 307
SPRING HILL QLD 4004
Director-Corporate@qcaa.qld.edu.au
Ph. (07) 3864 0427

Any written PIDs, whether supplied as hard copy or in electronic form, should be clearly marked as being CONFIDENTIAL.

If a person holds any concerns about the manner in which the QCAA may address their disclosure, potential PIDs, depending on their nature, may also be made directly to external bodies including the:

- Crime and Corruption Commission (CCC)
- Queensland Ombudsman
- Queensland Audit Office (QAO)
- Public Service Commission (PSC).

Roles and responsibilities in the management of PIDs

The delegate will have primary responsibility for managing PIDs, including:

- receiving a PID on behalf of the QCAA
- assessing a PID
- referring a PID to another agency
- assessing the risks of reprisal
- putting in place means to monitor for any signs of reprisal
- taking action on a PID, which may involve making recommendations to the Chief Executive Officer for the appointment of an investigator
- informing the discloser of reasonable information
- identifying how issues raised by PIDs can be used to inform improvements
- recording and reporting on PIDs.

Assessing a disclosure

All disclosures made to the QCAA or referred to it by another entity or Member of the Legislative Assembly will be assessed by the delegate.

In assessing a disclosure, the delegate will determine if:

- The person making the disclosure is able to receive the protection of the Act;
- The disclosure concerns a matter about which a PID can be made;
- The disclosure meets either the subjective or objective test set out in the Act;
- The disclosure has been made to an individual or entity who may receive a PID;

and

- The disclosure has been made in accordance with the agency's procedure or to a person listed in the Act.

If there is doubt whether a disclosure is a PID, the delegate should assume the disclosure is protected by the Act and manage the disclosure as if it is a PID.

Each separate allegation will be reported as a separate PID, unless the matters are clearly linked and it would be reasonable to view them as a single disclosure.

The QCAA cannot decline to receive and/or assess a disclosure as a PID.

Taking action on a PID

Upon receiving a PID, the delegate must first determine whether it is to be referred to another entity. If it is, the referral must be done in accordance with legislative and administrative requirements, including that the delegate will not refer a PID to another agency if there is an unacceptable risk that a reprisal would happen because of the referral. In considering whether there would be an unacceptable risk, the delegate will, if practicable, consult with the person who made the PID.

Action must be taken in respect of the matters raised in a PID unless no action is to be taken under section 30 of the Act.

Anonymous disclosures will be received and managed in the same way as identified disclosures, and should not be rejected because they are anonymous.

Example 1

The QCAA receives a single anonymous statement which simply says: 'The manager of the XYZ branch is corrupt'. In the absence of any further information, or contact details for the discloser, the entity may decide to record the disclosure but not take any further action.

Example 2

The QCAA receives an anonymous statement which says: 'Contracts have been awarded by the XYZ Branch without any proper tendering process'. In this case, the entity may respond by conducting a small sample audit of recent contracts awarded by the branch to determine whether there is any substance to the disclosure.

A person making a PID is offered the protections covered by sections 36 to 45 of the Act.

Assessment of the risks of reprisal

As soon as possible after receiving a PID, the delegate will determine the level of protection and support appropriate for a discloser by conducting a risk assessment of a reprisal to the discloser and others associated with the discloser (including those who may wrongly be suspected of being a discloser). The entity must also take into account any consequences if reprisals do occur.

When assessing the risk, an assessment of the discloser's need for support will also be conducted.

The delegate will ensure protective measures are in place that are proportionate to the risk of reprisal, and the potential consequences of a reprisal. If the risk is assessed as sufficiently high, the delegate will prepare a protection plan to protect the discloser. Where feasible, this should be developed in consultation with the discloser and other relevant stakeholders.

If it has been determined that a discloser will require support, the QCAA will offer an appropriate level of support. This may include:

- acknowledging that making the PID was the right thing to do and is valued
- making a clear statement that the QCAA will support the discloser
- appointing an appropriate person (separate from the investigation function) with sufficient authority to ensure the discloser has appropriate support and protection from reprisals
- regularly checking on the discloser's wellbeing, where this is warranted
- advising the discloser of the availability of the employee assistance scheme
- where the health of the disclosure becomes a concern, liaising with officers responsible for occupational workplace health and safety.

Managing reprisals

The delegate will ensure effective systems and procedures are in place to monitor a discloser's workplace for any signs of reprisal action.

In the event of a reprisal being alleged or suspected, the QCAA will act in the interest of the discloser by:

- attending to the safety of the discloser/s or affected third parties as a matter of priority
- reviewing the risk assessment of reprisal and any protective measures needed
- managing any allegation of a reprisal as a PID in its own right.

Confidentiality issues

In handling a PID, confidentiality is important both for protecting the discloser from reprisal as well as to protect other persons affected by the PID.

The identity of the discloser, the nature of the disclosure, the subject matter of the disclosure and the identity of the subject officer is to be treated as confidential information. This information is not to be disclosed to another person, except in accordance with the Act or other legislation.

Informing the discloser

The Chief Executive Officer, through the delegate, will provide the discloser or the entity that referred the disclosure, reasonable information under section 32 of the Act. The delegate will also advise the discloser of:

- the likely timeframes
- their involvement in the investigation process
- the importance of maintaining confidentiality
- the protections under the Act that will apply
- that the entity will keep the information disclosed, including the discloser's identity confidential, except as allowed under the Act
- how they will be advised of progress and outcomes
- who to contact if they want further information or are concerned about reprisals.

Regular follow up with the discloser will be arranged by agreement to advise on the progress of resolving the PID (where this is desired by the discloser, and it is safe to do so).

Rights of subject officers

When assessing (and where necessary, investigating and taking action on) a PID, the delegate must be aware of the obligations to subject officers. The fact an entity is relying on information obtained through a PID for any subsequent disciplinary process does not exempt the entity from such obligations to subject officers (refer to section 65(4) of the Act).

Subject officers will be afforded natural justice.

Use of issues arising from PIDs

The delegate will identify what issues arising from PIDs may be used to inform improvements to service delivery, business processes, internal controls, policies, and procedures.

Recording and reporting

The record of the PID will include:

- the name of the person making the PID (if known)
- the information disclosed
- any action taken on the PID
- any other information needed to comply with the reporting requirements of the *Public Service Commission*.

The QCAA will use the database supplied by the Public Service Commission (PSC) to record the receipt and management of PIDs as required by the Act.

The QCAA will provide the PSC with the following information about PIDs in electronic form as agreed by the PSC:

- the date the disclosure was received, and from where it was received
- the status of the discloser (e.g. entity staff, staff from another entity, member of the public, anonymous)
- the gender and status of the subject officer (staff member, non-staff member)
- the relationship between the discloser and the subject officer
- the location of the subject officer (geographical region)
- a summary of the allegation/information received
- the involvement of an external agency/party
- the action taken to minimise any risk of reprisal
- the date inquiry/investigation commenced and was completed
- the outcome of the assessment, inquiry/investigation
- the date the PID was resolved or closed
- when the outcome was advised to the discloser
- if no action was taken, the reason for the decision
- other legal processes associated with the disclosure.

Definition and terms

Discloser	The person who makes a PID
Entity	Public sector entities, corporate entities and government-owned corporations
PID	Public Interest Disclosure
PSC	The Public Service Commission
Subject officer	The person about whom a PID is made

References

Managing a Public Interest Disclosure Program — a guide for public sector organisations, Crime and Corruption Commission, 2009.

Public Interest Disclosure Act 2010 ('the Act') (Qld).

Public Interest Disclosure Standard No. 1, Queensland Ombudsman, January 2013.