



ORANGE CITY COUNCIL

All policies can be reviewed or revoked by a resolution of Council, at any time.

PUBLIC INTEREST DISCLOSURES AND INTERNAL REPORTING

ST059

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OBJECTIVE

To establish an internal reporting system for the reporting of known or suspected wrong doing in accordance with the Public Interest Disclosures Act 1994.

APPLICABILITY

This policy applies to:

- Councillors and Council staff
- All permanent, temporary and casual employees
- Consultants working for Orange City Council
- Contractors working for Orange City Council
- Volunteers, including but not limited to volunteer rural fire fighters and SES Unit volunteers
- Work experience or work placement participants
- Accredited certifiers under the Environmental Planning and Assessment Act

PROCEDURE

The attached procedure incorporates the requirements of the Public Interest Disclosures Act 1994 and sets out Council’s internal reporting procedure.

RELATED POLICIES/DOCUMENTS

- Code of Conduct
- Grievance Policy
- Workplace Bullying Policy
- Customer Service Obligation Policy
- Complaints Management Policy
- Public Interest Disclosure Act 1994
- NSW Ombudsman’s Guidelines

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2006	06/685	5	August 2013	13/553
2	January 2007	07/207	6	October 2014	15/024
3	January 2009	09/453	7	17 Nov 2015	15/541
4	November 2011	11/517	8	5 June 2018	18/254

SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
March 2018	<ul style="list-style-type: none"> • Addition of 1.1.7 - The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through Council's grievance policy. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the grievance policy. • Police Integrity Commission (PIC) has been replaced by the Law Enforcement Conduct Commission (LECC) • Update to Public Interest Disclosure Officers • Removed reference to RSPCA Officers in applicability of Policy •
October 2015	<p>Formatting updates.</p> <p>1.1.6 – Include reference to Council's Complaints Management Policy. Additions throughout to include reports made by Councillors and how they will be dealt with.</p>
October 2014	<p>Minor amendments to identify and provide contact details for Disclosure Officers. Inclusion of details for Employee Assistance Program.</p> <p>Formatting updates.</p>
August 2013	<p>Minor amendments to bring Policy into line with <i>Model Internal Reporting Policy – Local Government</i>, Ombudsman NSW, July 2013, including insertion of:</p> <ul style="list-style-type: none"> - Clause 3.3, paragraph 2 - Clause 3.3.1, dot point 4 - Clause 3.6, dot point 2 - Clause 3.6.1, dot point 8



**PUBLIC INTEREST DISCLOSURES
AND
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PART 1 INTRODUCTION

1.1 PURPOSE

- 1.1.1 Orange City Council values integrity in public administration, and is committed to providing an ethical workplace.
- 1.1.2 The Public Interest Disclosures and Internal Reporting Policy establishes an internal reporting system for the reporting of known or suspected wrongdoing in the five categories covered by the Public Interest Disclosures Act 1994 (the PID Act), ie corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention and Local Government pecuniary interest contravention by Orange City Council Councillors and employees. Such reports will be dealt with as protected disclosures under the PID Act and in accordance with the provisions of this Policy.
- 1.1.3 It is the responsibility of all employees, managers, senior staff and Councillors, and is in the public interest, to report any known or suspected incidents. To do so is to help to promote integrity, accountability and good governance within Council.
- 1.1.4 This policy and associated procedure has been designed to assist Councillors and employees to report such instances and provides information on the protection they will receive under the PID Act.
- 1.1.5 This policy is also designed to complement normal communication channels between management and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors.
- 1.1.6 This policy is based on the Model Internal Reporting Policy issued by the NSW Ombudsman and updated on June 2014.July 2013. Reference should also be made to Orange City Council's Code of Conduct, Customer Service Obligation Policy and Complaints Management Policy, copies of which are available on Council's website at www.orange.nsw.gov.au.
- 1.1.7 The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through Council's grievance policy. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the grievance policy.

PART 2 WHAT SHOULD BE REPORTED?

2.1 WHAT SHOULD BE REPORTED?

You should report any suspected wrongdoing you see within Orange City Council. Reports about the five categories of serious wrongdoing – corrupt conduct; maladministration; serious and substantial waste of public money; government information contravention and local government pecuniary interest contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.

Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust.

Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application

Serious and Substantial Waste in Local Government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the Council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

Government Information Contravention

A government information contravention is a failure to properly fulfil functions under the Government Information (Public Access) Act 2009 (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them being released
- knowingly making decisions that are contrary to the GIPA Act
- directing another person to make a decision that is contrary to the GIPA Act

Local Government Pecuniary Interest Contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the Local Government Act 1993 relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at Council and Council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship
- a Councillor holding an undisclosed shareholding in a company tendering for a Council contract.

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on "what should be reported" at www.ombo.nsw.gov.au or contact Council's Manager Administration and Governance (also the Disclosures Coordinator) on 6393 8246.

Other Wrongdoing

Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to your supervisor or the Human Resources (HR) team. Reference should also be made to Council's Code of Conduct, Workplace Bullying Policy, available on Council's website, or by contacting the HR Team.

Even if these reports are not dealt with as public interest disclosures, Council will consider each matter and make every attempt to protect the person making the report from any form of reprisal.

PART 3 MAKING A REPORT

3.1 WHEN WILL A REPORT BE PROTECTED?

Orange City Council will support any person who reports wrongdoing. For a report to be considered a public interest disclosure, it has to meet all the requirements under the PID Act. These requirements are:

- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the report has to be made to one or more of the following:
 - a person nominated in this policy (see page 10)
 - the General Manager (or the Mayor in the case of Councillors making a report)
 - one of the investigating authorities nominated in the PID Act.

Reports by staff and Councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of Council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

3.2 HOW TO MAKE A REPORT

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The individual making the report should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

3.3 CAN A REPORT BE ANONYMOUS?

There will be some situations where you may not want to identify yourself when making a report. Although these reports will still be dealt with by Orange City Council, it is best to identify yourself. This allows Council to provide any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If Council does not know who made the report, it is very difficult to prevent any reprisal action.

3.4 MAINTAINING CONFIDENTIALITY

Orange City Council realises staff or Councillors may want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

Council is committed to keeping your identity, and the fact you have reported wrongdoing confidential. However there may be situations where this may not be possible or appropriate. Council will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, Council will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the Council's Code of Conduct.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the Disclosures Coordinator and the General Manager or Mayor if made by a Councillor. If you discuss your report more broadly, you may affect the outcome of any investigation.

3.5 WHO CAN RECEIVE A REPORT WITHIN ORANGE CITY COUNCIL?

You are encouraged to report general wrongdoing to your supervisor (or Mayor for Councillors). However the PID Act requires that for a report to be a public interest disclosure it must be made to a public official in accordance with Council's disclosure procedures. For Orange City Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the people listed on page 10. The broader responsibilities of these positions will be outlined in the procedures supporting this policy.

If you are a member of Council staff and your report involves a Councillor, you should make it to the General Manager or the Mayor. If you are a Councillor and your report is about another Councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within Orange City Council who can receive a public interest disclosure.

3.5.1 General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified ensuring there are systems in place in Orange City Council to support and protect people who report wrongdoing
- referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager can be contacted via 6393 8000.

3.5.2 Mayor

If you are making a report about the General Manager or a Councillor, you should make your report to the Mayor. The Mayor is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor can be contacted on 6393 8000.

3.5.3 Disclosures Coordinator

The Disclosures Coordinator has a central role in dealing with reports made by staff and Councillors. The Disclosures Coordinator receives, assesses and refers public disclosures to the people within Orange City Council who can deal with them appropriately.

The Disclosures Coordinator is Michelle Catlin, Council's Manager Administration and Governance, contactable on 6393 8246 or 0408280076, or by email on mcatlin@orange.nsw.gov.au

3.5.4 Disclosures Officers

Disclosures Officers work with the Disclosures Coordinator and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Disclosures Officers are:

Vacant, Manager Corporate Governance

Mrs Louise Geaghan, Community Services Manager, lgeaghan@orange.nsw.gov.au
telephone 6393 8605, mobile 0436 413 936

Mr Paul Johnston, Manager Development Assessments, pjohnston@orange.nsw.gov.au
telephone 6393 8264, mobile 0419 418 348

Mr Tim Mooney, Plant and Depot Manager, tmooney@orange.nsw.gov.au
telephone 6393 8054, mobile 0417 297 889

Mr Wayne Penrose, Safety Education and Liaison Officer, wpenrose@orange.nsw.gov.au
telephone 6393 8068, mobile 0407 267 894

3.6 WHO CAN RECEIVE A REPORT OUTSIDE OF ORANGE CITY COUNCIL

Staff and Councillors are encouraged to report wrongdoing within Orange City Council, but internal reporting is not your only option. If you follow the guidance below, you can still make a public interest disclosure to:

- an investigating authority. If your report is about the General Manager or the Mayor, you should consider making your report to an investigating authority
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

3.6.1 Investigating Authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) – for corrupt conduct
- the Ombudsman – for maladministration
- the Law Enforcement Conduct Commission (LECC) – for police misconduct
- the LECC Inspector – for disclosures about the LECC or its staff
- the Chief Executive of the Office of Local Government, Department of Premier and Cabinet – for disclosures about local government agencies
- the ICAC Inspector – for disclosures about the ICAC or its staff
- the Privacy and Information Commissioner – for disclosures about a government information contravention
- the Inspector of the Crime Commission – for disclosures about the NSW Crime Commission or its staff.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the Orange City Council. Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. Council will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

3.6.2 Members of Parliament or Journalist

To have the protection of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy (section 3.5.4)
- an investigating authority in accordance with the PID Act

Also, the Orange City Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Orange City Council Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside of Orange City Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

3.7 FEEDBACK TO STAFF OR COUNCILLORS WHO REPORT WRONGDOING

Staff or Councillors who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. Council will attempt to get this information to you as soon as possible from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Orange City Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Behaviour of all people involved in the PID process needs to adhere to Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

PART 4 PROTECTION AGAINST REPRISALS

4.1 WILL I BE PROTECTED?

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

Orange City Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justified disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

4.2 RESPONDING TO REPRISALS

Orange City Council will act to protect staff and Councillors who report wrongdoing from reprisals. When a report is received, Council will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff or Councillor who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or General Manager.

If the Disclosures Coordinator becomes aware of or reasonably suspects reprisal action is or has been taken against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. These may include (but are not limited to):

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure.
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosures agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

4.3 PROTECTION AGAINST LEGAL ACTION

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligation and you will have the defence of absolute privilege in defamation.

4.4 SUPPORT FOR THOSE REPORTING WRONGDOING

Orange City Council will make sure that staff or who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

Council will provide a member of staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing (refer also to part 5 for roles and responsibilities)

Council's Employee Assistance Program is available for all staff, contact can be made via 1300 687 327.

4.5 SANCTIONS FOR MAKING A FALSE OR MISLEADING DISCLOSURE

It is important that all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

Orange City Council will not support staff or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action.

4.6 SUPPORT FOR THE SUBJECT OF A REPORT

Orange City Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- advised of the details of the allegation
- treated fairly and impartially
- told your rights and obligations under the policies and procedures
- kept informed during any investigation
- given the opportunity to fully respond to any allegation made against you
- told the result of any investigation.

PART 5 ROLES AND RESPONSIBILITIES

5.1 ALL STAFF AND COUNCILLORS

The responsibilities include:

- reporting known and suspected wrongdoings within the organisation
- not making false or misleading reports of wrongdoing
- keeping the identity of internal reporters and anyone who is the subject of a report confidential
- assisting those dealing with a report, including supplying any information on request
- supporting staff or Councillors who report wrongdoing
- not taking reprisals against another staff member or Councillor that they suspect has reported wrongdoing
- notifying their manager or supervisor immediately of any suspicions they have that reprisal to an internal reporter is occurring or has been threatened.

5.2 STAFF OR COUNCILLORS REPORTING WRONGDOING

The responsibilities include:

- only discussing the matter with authorised people and not alerting anyone who is the subject of a report that a disclosure has been made
- when they report, raising any concerns that they have about reprisals or workplace conflict with the person assessing their report or the Disclosures Coordinator
- assisting those assessing and dealing with the report, including supplying any information on request
- if needed, seeking support from their support officer, manager or supervisor, the Disclosures Coordinator or any external organisations and services
- at any time after they have reported, notifying their manager or supervisor, the Disclosures Coordinator or General Manager/Mayor immediately of any suspicions they have that reprisal is occurring or has been threatened.

5.3 STAFF RECEIVING A REPORT (OR MAYOR)

The responsibilities of staff receiving a report – whether they are the General Manager, Mayor Disclosures Coordinator or Disclosures Officer – include:

- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- when requested by a person wishing to report wrongdoing, arranging to meet with them privately and discreetly – if necessary away from the workplace
- assisting the person to put their report in writing or ensuring that any reports received orally are documented, dated and signed by the person
- forwarding reports to the Disclosures Coordinator or principal officer for assessment
- advising the internal reporter to only discuss the matter with authorised people and not alert anyone who is the subject of a report that a disclosure has been made about them
- explaining to the internal reporter what will happen in relation to the information received
- advising the internal reporter to notify the Disclosures Coordinator or General Manager immediately of any suspicions they have that reprisal is occurring or has been threatened against them
- helping the internal reporter to communicate with the Disclosures Coordinator, General Manager or their support person if they are having difficulty doing this directly.

5.4 STAFF ASSESSING A REPORT

The responsibilities of staff assessing a report include:

- determining whether or not the report is a public interest disclosure
- deciding how the report should be progressed, whether it is a public interest disclosure or not
- providing the General Manager with written advice about the initial assessment and the decision about how the report is to be progressed
- ensuring that a written acknowledgement is given to the initial reporter as soon as possible after receiving the report
- in consultation with the internal reporter, assessing the likelihood of their identity remaining confidential in the workplace if the report is investigated
- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- if it is not possible to maintain confidentiality, developing a strategy for supporting the internal reporter and preventing reprisals – and giving the internal reporter an opportunity to discuss this proposal
- in consultation with the internal reporter, assessing the likelihood of them being exposed to reprisal or workplace conflict
- in consultation with the internal reporter, appointing a support person to assist them – someone who is not an investigator or someone with management responsibility for deciding the response to the report

- providing advice to the internal reporter's manager or the General Manager on the systems and strategies that should be established to minimise any risk of reprisal that the internal reporter faces
- reminding all managers that they have an obligation to notify the Disclosures Coordinator or General Manager immediately of any suspicions they have or allegations they receive that reprisal to an internal reporter is occurring or has been threatened.

5.5 GENERAL MANAGER

The General Manager, as principal officer, is responsible for:

- establishing and maintaining a working environment that encourages staff to report wrongdoing
- establishing an effective internal reporting system to appropriately deal with reports of wrongdoing, support staff who report, and ensure reprisals are not taken against them
- ensuring adequate resources, are dedicated towards achieving these outcomes.

If wrongdoing is reported to the General Manager under the PID Act, the General Manager has the responsibilities outlined for 'Staff assessing a report'. In addition to these general responsibilities, the General Manager must also refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).

The General Manager is responsible for assessing any reports that they receive in accordance with the responsibilities for 'Staff assessing a report'.

Irrespective of whether the General Manager receives or assesses a report, their responsibilities include:

- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- ensuring that they are advised when an assessment decision has been made about a report and, if further action is recommended, given regular progress updates and a report of the outcome
- providing adequate resources to any support person appointed to assist an internal reporter
- providing adequate resources to any person appointed to investigate a report
- ensuring that appropriate systems and strategies are established to minimise any risk of reprisal that the internal reporter faces
- effectively managing the workplace situation, or ensuring that the workplace situation is effectively managed, if reprisal is threatened or does take place
- taking appropriate action against anyone who threatens or takes reprisal against a person for reporting wrongdoing
- taking appropriate remedial action in response to any findings that substantiate the allegations in the report
- implementing any organisation reform that is necessary to address systemic issues identified following a report.

5.6 MANAGERS AND SUPERVISORS

Managers and supervisors play a key role in establishing and maintaining a working environment that encourages staff to report wrongdoing and supports those that do. If a staff member has a concern or a report of wrongdoing that may be a disclosure under the PID Act, managers and supervisors should advise them to raise the matter with a person nominated in Council's internal reporting policy to receive disclosures.

If a manager or supervisor is aware that one of their staff has made a report, their responsibilities include:

- keeping the identity of the internal reporter, including ensuring that they have access to any necessary professional support
- providing support to the internal reporter, including ensuring that they have access to any necessary professional support
- ensuring that appropriate systems and strategies are established to minimise any risk of reprisal that the internal reporter faces
- notifying the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing
- effectively managing the workplace situation if reprisal is threatened or does take place
- taking appropriate action against any person who threatens or takes reprisal against a person for reporting wrongdoing.

5.7 DISCLOSURES COORDINATOR

When a Disclosures Coordinator receives or assesses a report, their responsibilities are those for Staff receiving a report and Staff assessing a report

Irrespective of whether the Disclosures Coordinator receives or assesses a report, their responsibilities include:

- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- continually assessing the likelihood of the internal reporter being exposed to reprisal or workplace conflict
- ensuring that appropriate systems and strategies are established to minimise any risk of reprisals that the internal reporter faces
- ensuring that the internal reporter is kept regularly informed about the progress of the matter
- ensuring that the time frames promised in the acknowledgement letter are adhered to

If the Disclosures Coordinator becomes aware that reprisal against an internal reporter is threatened or is taking place or has taken place, their responsibilities include:

- taking all steps to enable the internal reporter to continue working without being subjected to reprisal, or changing the workplace so that their exposure to the detriment is minimised (for example, moving staff to a different location)
- ensuring a senior and experienced staff member, who has not been involved in dealing with the initial report, investigates the suspected reprisal
- ensuring that the results of that investigation and any arising recommendations – including that appropriate disciplinary action be taken against anyone proven to have taken any reprisal – are provided to the General Manager for decision
- referring any evidence of reprisals to the police, the ICAC or the Law Enforcement Conduct Commission (LECC) (depending on the subject matter of the allegation) to see if there are sufficient lines of inquiry to establish that a criminal offence has taken place.

The Disclosures Coordinator is also responsible for ensuring that your organisation meets its broader obligations under the PID Act, including:

- implementing an internal reporting policy that provides procedures for receiving, assessing and dealing with public interest disclosures
- reporting annually on the incidence and management of public interest disclosures within Council and providing a copy of the report to the Ombudsman.

5.8 SUPPORT PEOPLE

When staff report wrongdoing, a person will be appointed to provide support to the internal reporter. This person will be independent of the investigation and resulting decision making process.

The responsibilities of staff appointed to provide support include:

- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if that is possible and appropriate
- initiating and coordinating appropriate action to support internal reporters, particularly those who are suffering any form of reprisal
- advising internal reporters and anyone who is the subject of a report on the avenues available within your organisation to handle any concerns they may have arising out of the report
- advising internal reporters and anyone who is the subject of a report on the external organisations and services they can access for support – such as stress management, counselling services, legal or career advice
- ensuring the internal reporter and anyone who is the subject of a report has access to any necessary professional support
- monitoring the workplace situation for reprisal or conflict
- notifying the Disclosures Coordinator or General Manager immediately of any suspicions they have that reprisal to an internal reporter is occurring or has been threatened.

5.9 STAFF OR COUNCILLORS WHO ARE THE SUBJECT OF A REPORT

The responsibilities of staff or a Councillor who are the subject of a report of wrongdoing include:

- only discussing the matter with authorised people not seeking to identify the internal reporter
- assisting those dealing with the report, including supplying any information on request
- not taking reprisals against another staff member or Councillor whom they know or suspect has reported wrongdoing
- if necessary, seeking support from their manager or supervisor or Mayor or any available external organisations and services.

PART 6 REVIEW AND FURTHER INFORMATION

6.1 REVIEW

This policy will be reviewed by Council annually. For any advice or guidance about this review, contact the Manager Administration and Governance or NSW Ombudsman's Public Interest Disclosures Unit.

6.2 MORE INFORMATION

Advice and guidance is available from the Orange City Council Disclosures Coordinator, mcatlin@orange.nsw.gov.au and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

6.3 RESOURCES

The contact details for external investigating authorities that staff or Councillors can make a public interest disclosure to or seek advice from are listed below.

<p>For disclosure about corrupt conduct: Independent Commission Against Corruption (ICAC) Phone 02 8281 5999 Toll free 1800 463 909 Tel typewriter (TTY) 02 8281 5773 Facsimile 02 9264 5364 Email icac@icac.nsw.gov.au Web www.icac.nsw.gov.au Address Level 7, 255 Elizabeth Street, Sydney NSW 2000</p>	<p>For disclosures about maladministration: NSW Ombudsman Phone 02 9286 1000 Toll free (outside of Sydney metro: 1800 451 524 Tel typewriter (TTY) 02 9264 8050 Facsimile 02 9283 2911 Email nswombo@ombo.nsw.gov.au Web www.ombo.nsw.gov.au Address Level 24, 580 George Street, Sydney NSW 2000</p>
<p>For disclosures about breaches of GIPA Act: Privacy & Information Commissioner Toll free 1800 472 679 Facsimile 02 8114 3756 Email ipcinfo@ipc.nsw.gov.au Web www.ipc.nsw.gov.au Address Level 17, 201 Elizabeth Street, Sydney NSW 2000</p>	<p>For disclosure about Council: Chief Executive Office of Local Government Phone 02 4428 4100 Tel typewriter (TTY) 02 4428 4209 Facsimile 02 4428 4199 Email olg@olg.nsw.gov.au Web www.olg.nsw.gov.au Address 5 O'Keefe Avenue, Nowra NSW 2541</p>
<p>For disclosure about police misconduct Law Enforcement Conduct Commission (LECC) Phone 02 9321 6700 Toll free 1800 657 079 Facsimile 02 9321 6799 Email contactus@lecc.nsw.gov.au Web www.lecc.nsw.gov.au Address Level 3, 111 Elizabeth Street, Sydney NSW 2000</p>	<p>Disclosures Coordinator Michelle Catlin Manager Administration and Governance Orange City Council Phone 02 6393 8246 Mobile 0408 280 076 Email mcatlin@orange.nsw.gov.au</p>