



## GLEN INNES SEVERN COUNCIL

### Internal Reporting Policy - Public Interest Disclosures

<b>RESOLUTION NUMBER:</b>	<b>5.02/20</b> 17.02/17 15.02/15 19.02/13 10.03/09	<b>MEETING:</b>	<b>27 February 2020</b> 23 February 2017 26 February 2015 28 February 2013 26 March 2009
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### INTRODUCTION

Under section 6D of the *Public Disclosures Act 1994* (the *PID Act*), public authorities are required to have a policy and procedures for receiving, assessing and dealing with protected disclosures. The definition of public authorities includes Councils. This policy has been developed from guidelines provided by the NSW Ombudsman to ensure compliance and commitment to the legislation.

### AIMS OF THE POLICY

The aims of the Internal Reporting Policy are to:

- Establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention and Local Government pecuniary interest contravention;
- Provide a system to enable such disclosures to be made to the General Manager, the Mayor (for disclosures involving the General Manager), the Disclosure Coordinator or Nominated Disclosure Officers;
- Provide support to persons who make disclosures and actively protect them from victimisation, harassment or any other form of reprisal;
- Complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy;
- Demonstrate Council's commitment to high standards of ethical and accountable conduct and confirm a zero tolerance for any form of wrongdoing;
- Complement Council's Code of Conduct and provide a mechanism for reporting and recording of wrongdoing;
- Ensure that staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management within the Council.

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Glen Innes Severn Council is strongly committed to the principles underpinning the *PID Act* and commits itself to:

- Creating a climate of trust, whereby staff are comfortable and confident about reporting a wrongdoing;
- Encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the Council;
- Keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate;
- Protecting staff who make disclosures from any adverse action motivated by their report;
- Dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it;
- Keeping staff who make reports informed of their progress and the outcome;
- Encouraging staff to report wrongdoing within the Council, but respecting any decision to disclose wrongdoing outside the Council – provided that disclosure outside the Council is in accordance with the provisions of the *PID Act*;
- Ensuring managers and supervisors at all levels understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of the needs of those who report;
- Providing adequate resources, both financial and human, to:
  - encourage reports of wrongdoing;
  - protect and support those who make them;
  - provide training for key personnel;
  - investigate allegations; and
  - properly manage any workplace issues that the allegations identify or create.

## **ROLES and RESPONSIBILITIES**

### **Employees and Councillors**

Employees and Councillors are encouraged to report known or suspected incidences of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention and Local Government pecuniary interest contravention in accordance with the Policy.

All employees and Councillors of Glen Innes Severn Council have an important role in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of persons who make protected disclosures. Further, they should protect / maintain the confidentiality of persons they know or suspect to have made disclosures.

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## Disclosure Officers

*(For the current Disclosure Officers' details, refer to Appendix A of the PID Guidelines and Procedures)*

Disclosure Officers are responsible for receiving, forwarding and or acting upon disclosures in accordance with the Policy. Disclosure Officers will:

- clearly explain to persons making disclosures what will happen in relation to the information received;
- when requested, make arrangements to ensure that disclosures can be made privately and discreetly (if necessary away from the workplace);
- reduce to writing and date any disclosures received orally (and have the person making the disclosure sign the document);
- deal with disclosures impartially;
- forward disclosures to the Disclosure Coordinator or General Manager for assessment;
- take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons who are the subject of disclosures, are kept confidential; and
- support persons who make disclosures and protect them from victimisation, harassment or any other form of reprisal.

## Disclosure Coordinator

*(For the Disclosure Coordinator's details, refer to subclause 6c of the PID Guidelines and Procedures)*

The Disclosure Coordinator has a pivotal position in the internal reporting system and acts with the utmost confidentiality and impartiality. The Disclosure Coordinator will:

- provide an alternative internal reporting channel to Disclosure Officers and to the General Manager;
- impartially assess each disclosure to determine:
  - whether the disclosure appears to be a protected disclosure within the meaning of the *PID Act*; and
  - the appropriate action to be taken in relation to the disclosure, for example:
    - no action / decline;
    - the appropriate person to take responsibility for dealing with the disclosure;
    - preliminary or informal investigation;
    - formal investigation;
    - prosecution or disciplinary action;
    - referral to an investigating authority for investigation or other appropriate action; or
    - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- consult with the General Manager;

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- be responsible for carrying out or coordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager;
- report to the General Manager on the findings of any investigation and recommended remedial action;
- take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and persons the subject of the disclosures, are kept confidential;
- support persons who make disclosures and actively protect them from victimisation, harassment or any other form of reprisal; and
- report actual or suspected corrupt conduct to the General Manager in a timely manner to enable that officer to comply with the *ICAC Act*.

### General Manager

Disclosures may be made direct to the General Manager. The General Manager will impartially assess each disclosure to determine:

- whether the disclosure appears to be a protected disclosure within the meaning of the *PID Act*;
- the appropriate action to be taken in relation to the disclosure, for example:
  - no action / decline;
  - the appropriate person to take responsibility for dealing with the disclosure;
  - preliminary or informal investigation;
  - formal investigation;
  - prosecution or disciplinary action;
  - referral to an investigating authority for investigation or other appropriate action; or
  - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).

### RELATED DOCUMENTS and LEGISLATION

- *Glen Innes Severn Council Code of Conduct for Council Staff*;
- *Glen Innes Severn Council Code of Conduct for Councillors*;
- *Glen Innes Severn Council Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers*;
- *Glen Innes Severn Council Grievance Resolution Policy*;
- *Glen Innes Severn Council Workplace Discrimination and Bullying / Harassment Policy*;
- *Public Interest Disclosure Act 1994*;
- *Government Information (Public Access) Act 2009*;
- *Local Government Act 1993*;
- *Independent Commission Against Corruption Act 1988*.

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## APPLICABILITY

This policy will apply to:

- Council staff and Councillors;
- permanent employees, whether full-time or part-time;
- temporary or casual employees;
- consultants; and
- individual contractors working for the Council.

The policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for the Council.

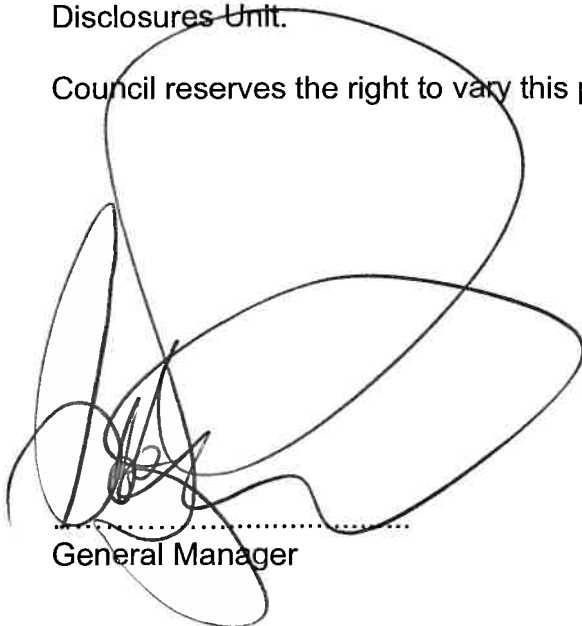
## IMPLEMENTATION / COMMUNICATION

This Policy and associated Guidelines and Procedures will be communicated to all new staff as part of their induction. Revised versions of the Policy and Procedures that contain significant changes will be communicated to all relevant staff by the Human Resources section. New versions that contain only minor or inconsequential changes will be distributed by the Manager of Administration and Human Resources to managers for highlighting at team meetings. The Disclosure Coordinator will monitor overall compliance across Council to ensure correct implementation.

## VARIATION AND REVIEW

This policy shall be reviewed every three (3) years or earlier if required. Advice or guidance about reviews may be obtained from the NSW Ombudsman's Public Interest Disclosures Unit.

Council reserves the right to vary this policy at its discretion.



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General Manager

23/6/20  
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Date

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