

INTERNAL REPORTING PROCEDURES

November 2018

- 1 Council's Disclosures Coordinator will maintain a Register of Disclosures pursuant to the PID Act and will record the date a Public Interest Disclosure (PID) was received, who made it and when the matter was finalised.
- 2 On receipt of a report, the person making the report will be given:
 - a) an acknowledgement letter that the disclosure has been received
 - b) a copy of Council's PID policy within 45 days after the report is made
 - c) the timeframe for further updates
 - d) the name and contact details of the people who can advise what is happening
- 3 After a decision is made about how a PID report will be dealt with, the person making the report will, within 10 working days of making the report, be given:
 - a) information about the action that will be taken in response to the PID report
 - b) likely timeframes for any investigation
 - c) information about the resources available within CCC to handle any concerns
 - d) information about external agencies and services you can access for support
- 4 During any investigation, the person making the report will be given:
 - a) information on the ongoing nature of the investigation
 - b) information about the progress of the investigation and reasons for any delay
 - c) advice if the identity of the person making the report needs to be disclosed for the purposes of investigating the PID report, and an opportunity to talk about this
- 5 At the end of any investigation, the person making the report will be given:
 - a) enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to the disclosure and any problem that was identified
 - b) advice about whether the person making the disclosure will be involved as a witness in any further matters, such as disciplinary or criminal proceedings
- 6 A register of disclosures will be kept by the Disclosures Coordinator and individual files for each disclosure made.
 - a) Access can only be gained to the register and the individual files by the Disclosures Co-ordinator and the Chief Executive Officer. Security will be set against View Metadata and View Document.
 - b) Entries to the Register will be made by the Disclosures Co-ordinator
 - c) CCC will collect information about each public interest disclosure received including the date received, who made it and when the matter was finalised.
 - d) CCC will report to the NSW Ombudsman a summary of statistical information about the public interest disclosures received during the six months from 1 January 2012

- e) CCC will report on its activities in implementing the public interest disclosures system, including statistical information about the disclosures it has received in its Annual Reports.

7 The Register will contain the following as a minimum:

- a) Date disclosure made and date disclosure received by the Co-ordinator
- b) Name of person making the disclosure;
- c) Name of person to whom the disclosure was made;
- d) Name of person against whom the disclosure was made;
- e) A brief but descriptive summary of the disclosure;
- f) If a disclosure is to be investigated a clear but brief statement of the grounds on which a decision to investigate was made, eg possible corruption, maladministration, serious and substantial waste, etc
- g) Details of the finding;
- h) Date of any advice or reports to outside authorities, where appropriate;
- i) Date of advice or report to the Chief Executive Officer;
- j) Date person making the disclosure advised;
- k) Date person the subject of the disclosure advised.

This Register will provide the source of the information required for the periodic review of the Disclosure Procedure.

8 Material to be placed on files will include:

- a) The original disclosure;
- b) File notes by the Disclosures Co-ordinator of any verbal inquiries made and the responses;
- c) Copies of hard copy inquiries and the responses;
- d) File notes and responses relating to any investigations made;
- e) Hard copy of any material relating to any investigation undertaken;
- f) Copy of the determination made;
- g) Copy of any report to an outside agency on the disclosure where appropriate;
- h) Copy of advices to the Chief Executive Officer, the person making the disclosure and the subject of the disclosure.

Internal Report Form

To be completed by an internal reporter and submitted to a nominated disclosures officer

(Refer to the Internal Reporting Policy for further details)

Details of reporter (You can make an anonymous report by leaving this section blank)		
Name:		
Position:		
Division/Unit:	Preferred method of contact <input type="checkbox"/> Telephone <input type="checkbox"/> Email <input type="checkbox"/> Post	
Telephone:		
Email:		
Postal address:		
Details of the wrongdoing being reported		
Description: <ul style="list-style-type: none"> • What happened? • Where did this happen? • When did this happen? • Is it still happening? <p>[Attach an additional page if required]</p>		
How did you become aware of this?		
Name and position of people involved in the wrongdoing:	Name Position	
Attach any additional relevant information or indicate where supporting evidence may be found:	Supporting evidence	Attached
		<input type="checkbox"/>
		<input type="checkbox"/>
Name and position of other people who may have additional information:	Name Position	
Statement		
I honestly believe that the above information shows or tends to show wrongdoing.		
_____	_____	
Signature of reporter (Do not sign if you want to make an anonymous report)	Date report submitted (Essential information)	

Checklist for recipient of internal report

To be completed by the recipient of an internal report

Internal report	
Report received by:	
Date report received:	<input type="checkbox"/> Verbal <input type="checkbox"/> Written <input type="checkbox"/> Anonymous
If the report was made verbally , the report has been documented in writing and signed:	<input type="checkbox"/> Yes <input type="checkbox"/> No
The reporter has been thanked for coming forward with their concerns:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Confidentiality / Risk of reprisal	
Who else knows that the report has been made?	
Is the reporter concerned their identity will become known in the workplace? Why?	
Is the reporter concerned that they may suffer reprisal action for making the report if their identity becomes known? From whom?	
What professional relationship does the reporter have with any subject(s) of the report?	
Previous reporting	
<input type="checkbox"/> Yes <input type="checkbox"/> No The reporter has raised this matter to another person within your organisation.	
If yes , who was it reported to, when was it reported, what action was/is being taken?	
Support	
<input type="checkbox"/> Yes <input type="checkbox"/> No The reporter has been advised of our employee assistance program.	
<input type="checkbox"/> Yes <input type="checkbox"/> No The reporter requires support.	
If the reporter requires support, what type of support?	
Reporter's expectations	
What does the reporter expect from this process?	
What does the reporter expect will happen to any subject(s) of allegations?	
Additional information the recipient of a report may be aware of	
<input type="checkbox"/> Yes <input type="checkbox"/> No The reporter is currently/has previously been the subject of performance issues.	
<input type="checkbox"/> Yes <input type="checkbox"/> No The reporter is currently/has previously been the subject of disciplinary proceedings relating to this matter.	
<input type="checkbox"/> Yes <input type="checkbox"/> No The reporter is currently/has previously been the subject of criminal investigation related to this matter.	
<input type="checkbox"/> Yes <input type="checkbox"/> No The reporter is currently/has previously been the subject of workplace changes.	
If yes to any of the above, provide any known details.	
_____ Signature of recipient	_____ Date

Initial assessment of internal report

To be completed by a nominated disclosures officer

Public Interest Disclosures – General Criteria		Comments
1	Is the reporter a public official? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Anonymous	Under the <i>Public Interest Disclosures (PID) Act 1994</i> , A <i>public official</i> includes employees, volunteers, individual contractors, certain employees of contracting companies and any other person performing a public official function for your public authority. If the reporter is not a <i>public official</i> the report is not likely to be a PID. If the reporter is anonymous, the content of the report may tend to indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official until there is evidence to indicate the reporter is not a public official.
2	Is the report about the conduct of a public official or a public authority? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report is not about the conduct of a <i>public official</i> or <i>public authority</i> the report is not likely to be a PID.
3	Is the report about one of these categories of conduct? <input type="checkbox"/> Maladministration <input type="checkbox"/> Waste of public money <input type="checkbox"/> Breach of the GIPA Act <input type="checkbox"/> LG pecuniary interest contravention <input type="checkbox"/> Corrupt conduct	Generally speaking, a grievance, such as a complaint about bullying, is not about one of these categories of conduct. If the report is not about one of these categories of conduct it is not likely to be a PID and does not need to be forwarded to the disclosures coordinator for assessment. For line managers/supervisors: PIDs must be made to a person authorised to receive PIDs under the public authority's internal reporting policy (for example a nominated disclosure officer). If you are not authorised to receive PIDs but suspect the report could be a PID, you should direct staff member to a nominated disclosures officer or show support and go with them.
Contact details of reporter		
Name:		Preferred method of contact <input type="checkbox"/> Telephone <input type="checkbox"/> Email <input type="checkbox"/> Post
Telephone:		
Email:		
Postal address:		
Assessment and comments		
Based on this initial assessment , could this report be a Public Interest Disclosure (PID)? <input type="checkbox"/> Yes <input type="checkbox"/> No Reasons for this initial assessment: Signature of nominated disclosures officer Date:	If yes , <input type="checkbox"/> Forward this report to the disclosures coordinator for formal assessment. Date forwarded:	
	If no , the following steps will be taken: <input type="checkbox"/> Referred to: For: Date referred: <input type="checkbox"/> Complainant notified. Date notified:	



Dear [Mr/Ms] Surname

Internal report of suspected wrongdoing

I am writing in relation to your [letter/email] addressed to [Officer's Name], received [date]. You reported [brief description of report].

[or]

I am writing in relation to your conversation with [Officer's Name], on [date]. I understand that you reported [brief description of report]

Thank you for coming forward to bring to our attention suspected wrongdoing in Central Coast Council.

I am enclosing a copy of our Internal Reporting Policy for your reference. As the Disclosures Coordinator I am responsible for dealing with reports of wrongdoing made by our staff.

I have assessed your report and decided to treat this matter as a public interest disclosure, in accordance with the requirements of the *Public Interest Disclosures Act 1994* (the PID Act).

What we will do with your report

Having received your report, it is now up to Central Coast Council to decide how to deal with this information and to take appropriate action. We expect you to assist us in this process and provide further information you may be aware of, if requested.

We will advise you of what action we have taken or intend to take by [date no later than six months after date received]. Please be aware, however, that we [may/will] not be able to provide you with personal or employment related information about those involved in the conduct you have reported.

Protection from reprisal

As you may be aware, under Section 20 of the PID Act it is a criminal offence for someone to take detrimental action against another person which is substantially in reprisal for that person having made a public interest disclosure.

Central Coast Council will take appropriate steps to help protect you from reprisal action that

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Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | **P** 02 4325 8222

E ask@centralcoast.nsw.gov.au | **W** www.centralcoast.nsw.gov.au | ABN 73 149 644 003

Internal Reporting Procedures

may result from having made a report. If practicable, we will make every effort to keep your identity confidential. Please be aware however that this may not be possible or appropriate in some circumstances. We will be in contact in the near future to discuss whether maintaining confidentiality is possible and appropriate in your case.

To minimise the risk of your identity being disclosed it is important that you only discuss this matter with me, the Principal Officer, or someone authorised to deal with this matter. In particular, do not inform any person involved in the alleged wrongdoing that you have made a report about them.

Failure to maintain confidentiality may limit Central Coast Council's ability to protect you from reprisal action and could be detrimental to any investigation.

*[Optional line where concerns reporter has intentionally breached confidentiality]:
Wilfully disregarding these instructions will be treated as a serious matter and may be a breach of the code of conduct.*

Please contact me immediately if you believe someone has taken, or intends to take, detrimental action against you in reprisal for making this report. My phone number is [direct phone number].

Support options

Central Coast Council acknowledges that making a report in the workplace can be difficult, and we appreciate that you have brought this to our attention.

If you are experiencing difficulties or require support you can contact [employee assistance program] on [phone number of employee assistance program]. If you require additional support throughout this process, please contact me to arrange a support officer.

You are welcome to call me on [direct phone number] if you have any questions about this letter or would like further information about how Central Coast Council will be dealing with your report.

Yours sincerely

[Disclosures Coordinator]

Assessment of an internal report against the criteria in the *Public Interest Disclosures Act 1994*

To be completed by the disclosures coordinator

Public Interest Disclosures Act Criteria		Comments
1	Is the reporter a public official? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Anonymous	If the reporter is not a <i>public official</i> , as defined in the PID Act the report is not a PID. If the reporter is anonymous, the content of the report may indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official unless there is evidence to indicate the reporter is not a public official.
2	Is the report about the conduct of a public official or a public authority? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report is not about the conduct of a <i>public official</i> or <i>public authority</i> , as defined in the PID Act, the report is not a PID.
3	Is the report about one of the categories of conduct in the PID Act? <input type="checkbox"/> Breach of the GIPA Act <input type="checkbox"/> Serious maladministration <input type="checkbox"/> LG pecuniary interest contravention <input type="checkbox"/> Corrupt conduct <input type="checkbox"/> Serious and substantial waste of public money	If the report is not about one of the categories of conduct in the PID Act it is not a PID. For more information about these categories of conduct see NSW Ombudsman PID Guideline B2. If you have answered no because you believe the maladministration or waste of public money was not <i>serious</i> or <i>substantial</i> enough, clearly record your reasons over the page.
4	Does the reporter have reasonable grounds to believe that the information they have reported shows or tends to show the alleged wrongdoing ? <input type="checkbox"/> Yes <input type="checkbox"/> No	Assume the reporter has an <i>honest belief</i> unless there is evidence to the contrary. If another person, given the same conditions, would take the same viewpoint, this is <i>reasonable grounds</i> . The reporter must be able to <i>show or tend to show</i> evidence of the alleged wrongdoing, i.e. they witnessed it or they have documentary or other evidence. It cannot be hearsay. If you have answered no, clearly record your reasons over the page.
5	Was the report made to the principal officer, or a public official nominated to receive disclosures in the public authority's Internal Reporting Policy? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report was not made to the <i>principal officer</i> or a <i>nominated disclosures officer</i> the report is not a PID. If the reporter has not made the report to an authorised person they should be redirected to one.
6	Does the report primarily question the merits of government policy? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report <i>primarily questions the merits of government policy</i> the report is not a PID.
7	Is there substantial evidence indicating that the report was made solely or substantially with the motive of avoiding dismissal or other disciplinary action? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report has been made <i>solely or substantially with the motive of avoiding dismissal or other disciplinary action</i> the report is not a PID. A high evidential threshold is required to conclude the reporter's motives were improper. If you have answered yes, you should have sound reasons and clearly record those reasons over the page.
Further comments		
<ul style="list-style-type: none"> The PID assessment should be based on the content of the disclosure, not the outcome of any investigation. An internal reporter does not have to explicitly indicate that they are making a PID or ask to be protected. If in doubt, err on the side of caution and interpret the PID Act broadly – i.e. assume that the PID Act applies and proceed accordingly. For further advice, please refer to the NSW Ombudsman's PID Guidelines at www.ombo.nsw.gov.au or contact the NSW Ombudsman PID Unit on pid@ombo.nsw.gov.au or 02 9286 1000. 		

Internal Reporting Procedures

Assessment

Based on this assessment, should the report be treated as a Public Interest Disclosure?

Yes No

If **yes**, was the PID made:

- incidental to the performance of reporter's day-to-day functions,
- under a statutory or other legal obligation on the reporter,
- otherwise.

Signature of disclosures coordinator

Date:

If **yes**, the following steps will be taken:

If **no**, the following steps will be taken:

Reasons for decision