



SERVICE STANDARD 1.1.30

PUBLIC INTEREST DISCLOSURES IN THE NSW RFS

ITEM	DESCRIPTION
Version Number	3.0
SOPs	<ul style="list-style-type: none">➤ SOP 1.1.30 - 1 Internal Reporting Process➤ SOP 1.1.30 - 2 Roles and Responsibilities➤ SOP 1.1.30 - 3 Making an Internal Report➤ SOP 1.1.30 - 4 Assessment of Internal Reports➤ SOP 1.1.30 - 5 Managing the Risk of Reprisals
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1 Purpose

- 1.1 The purpose of this Service Standard is to establish an internal reporting system for public officials to report wrongdoing without fear of reprisal and sets out who the wrongdoing can be reported to, what can be reported and how reports of wrongdoing will be dealt with.
- 1.2 This Service Standard is designed to complement normal communication channels between NSW Rural Fire Service (NSW RFS) members and their next in charge.
- 1.3 The internal reporting system established under this Service Standard is not intended to be used for NSW RFS member grievances, or complaints made by members of the public.
- 1.4 This Service Standard applies to public officials as defined under the *Public Interest Disclosures Act 1994* (PID Act), and described in clause 2.1(g) of this Service Standard.

2 Definitions

- 2.1 For the purpose of this Service Standard, the following definitions apply:
 - a. **Disclosure Coordinator:** The Director, Professional Standards.
 - b. **Disclosure Officers:** additional points of contact within the internal reporting system (see clause 3.24c).
 - c. **Member:** NSW RFS staff members and volunteers.
 - d. **Next in Charge:** The supervisor or manager directly in charge of a member:

- i. In the case of a staff member, their manager or supervisor; or
 - ii. In the case of a volunteer, their district manager.
- e. **PID Act:** *Public Interest Disclosures Act 1994*.
- f. **Principal Officer:** for the purposes of the PID ACT, the Principal Officer for the NSW RFS is the Commissioner.
- g. **Public official:** an individual having public official functions or acting in a public official capacity. In accordance with the PID Act and for the purpose of this Service Standard, public officials in relation to the NSW RFS include, but are not limited to:
- i. Salaried staff members whether full time or part-time, temporary or casual who are employed by the NSW RFS under the *Government Sector Employment Act 2013*;
 - ii. Volunteer members of a NSW RFS rural fire brigade, who are listed on the Brigade's register in accordance with Service Standard 2.1.3 Brigade Registers;
 - iii. Contractors and consultants who provide services to or on behalf of the NSW RFS;
 - iv. A public official or any agency within the NSW Public Sector or an individual having public official functions or acting in a public official capacity (whether or not they have ever worked for the NSW RFS); or
 - v. A public official who formerly was a member of the NSW RFS (but is now engaged with another agency).

3 Policy

- 3.1 The NSW RFS has a responsibility to establish and maintain a working environment that encourages public officials to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.
- 3.2 NSW RFS members are encouraged to raise matters of concern at any time with their next in charge, but also have the option of making a report about a public interest issue in accordance with the PID Act and this Service Standard.
- 3.3 The NSW RFS will assess all reports of wrongdoing received from public officials and deal with them appropriately. Once a public official reports wrongdoing, the NSW RFS takes 'ownership' of the matter. This means it is up to the NSW RFS to decide whether a report should be investigated, and if so, how it should be investigated and by whom.
- 3.4 The NSW RFS will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any members who are the subject of a report.
- 3.5 The NSW RFS must report on its obligations under the PID Act, by providing statistical information about public interest disclosures in its annual report, and to the NSW Ombudsman every six months.
- 3.6 To ensure the NSW RFS complies with the PID Act and deals with all reports of wrongdoing properly, all staff members with roles outlined in this Service Standard will receive training from NSW Ombudsman staff on their responsibilities.

Roles and Responsibilities

- 3.7 SOP 1.1.30-2 provides details on the respective responsibilities of NSW RFS members, the Commissioner as Principal Officer, the Disclosures Coordinator, Disclosure Officers, and the Next in Charge, with regard to public interest disclosures.

What should be reported?

- 3.8 Any suspected wrongdoing within the NSW RFS, or any activities or incidents observed and believed to be wrong, should be reported.
- 3.9 Reports about four categories of serious misconduct which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this Service Standard.

The four categories of serious misconduct

- 3.10 **Corrupt conduct** is the dishonest or partial exercise of official functions by a public official. Corrupt conduct can take many forms including but not limited to:
- a. Official misconduct;
 - b. Theft;
 - c. Fraud;
 - d. Unauthorised use of confidential information; or
 - e. Bribery and blackmail.
- 3.11 Examples of corrupt conduct could include:
- a. The improper use of knowledge, power or position for personal gain or the advantage of others;
 - b. Acting dishonestly or unfairly, or breaching public trust; or
 - c. A public official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.
- 3.12 **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.
- 3.13 Examples of maladministration could include:
- a. Making a decision and/or taking action that is unlawful;
 - b. Failing to make a decision in accordance with official policy for no appropriate reason; or
 - c. Refusing to grant someone a licence for reasons that are not related to the merits of their application.
- 3.14 **Serious and substantial waste of public money** is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.
- 3.15 Serious and substantial waste can be:
- a. Absolute - where the waste is regarded as significant;
 - b. Systemic – where the waste indicates a pattern that results from a weakness within an organisation's systems; or
 - c. Material – where the waste is about the authority's expenditure or a particular item of expenditure, or is to such an extent that it affects an authority's capacity to perform its primary function.
- 3.16 Examples of serious and substantial waste could include:
- a. Not following a competitive tendering process for a large scale contract;
 - b. Having bad or no processes in place for a system involving large amounts of public funds;
 - c. The purchase of unnecessary or inadequate goods and services; or
 - d. Programs not achieving their objectives.

Breach of the Government Information (Public Access) Act 2009 (GIPA Act)

- 3.17 A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.
- 3.18 Examples of a breach of the GIPA Act could include:
- a. Intentionally overlooking documents that are clearly covered by an access application;
 - b. Destroying, concealing or altering records to prevent them from being released;
 - c. Knowingly making decisions that are contrary to the legislation; or
 - d. Directing another person to make a decision that is contrary to the legislation.

Other wrongdoing

- 3.19 All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policy or service standard. This might include:
- a. Harassment or unlawful discrimination; or
 - b. Practices that endanger the health or safety of members or the public.

When will a report be treated as a public interest disclosure?

- 3.20 A report will be treated as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. The requirements are:
- a. The report must be about one of the four categories of serious wrongdoing, or a breach of the GIPA Act, described in clauses 3.10 to 3.18 of this Service Standard;
 - b. The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing; and
 - c. The report has to be made to either the Principal Officer, a position nominated in this Service Standard, an investigating authority or in limited circumstances to a Member of Parliament or journalist.
- 3.21 Reports are not public interest disclosures if they are:
- a. Mostly questioning the merits of government policy;
 - b. Made with the sole or substantial motive of avoiding dismissal or other disciplinary action;
 - c. Workplace disputes;
 - d. Grievance issues;
 - e. Complaints of bullying and harassment;
 - f. Complaints of unlawful discrimination; and/or
 - g. Health and safety concerns in the workplace.
- 3.22 Even if these reports are not dealt with as public interest disclosures, the NSW RFS recognises such reports may raise important issues. The NSW RFS will respond to all reports and make every attempt to ensure confidentiality is maintained and to protect the member making the report from reprisal.

Who can receive a report within the NSW RFS?

- 3.23 Members are encouraged to report general wrongdoing to their next in charge. However the PID Act requires that, for a report to be accepted as a *public interest disclosure*, it must be made to certain public officials identified in this service standard.
- 3.24 The following positions are the only positions which are authorised to receive a public interest disclosure. If the next in charge receives a report that they believe may be a public interest disclosure they are obliged to assist the public official to make the report to one of the positions listed below.
- a. The NSW RFS Commissioner
 - b. Disclosures Coordinator - Director, Professional Standards
 - c. Disclosure Officers
 - i. Director, Regions South/West
 - ii. Director, Regions North/East
 - iii. Director, Membership Services
 - iv. Director, Planning and Environmental Services
 - v. Director, Operational and Mitigation Services
 - vi. Regional Manager (East)
 - vii. Regional Manager (West)
 - viii. Regional Manager (South)
 - ix. Regional Manager (North)

Who can receive a report outside of the NSW RFS?

- 3.25 Members are encouraged to report wrongdoing within the NSW RFS, however internal reporting is not their only option. Members can also make a public interest disclosure to:
- a. An investigating authority; or
 - b. A Member of Parliament or a journalist, but only in the limited circumstances outlined in clauses 3.30 to 3.32 of this Service Standard.

Investigating authorities

- 3.26 The PID Act lists a number of investigating authorities in NSW that public officials can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances, it may be preferable to make a report of wrongdoing to an investigating authority.
- 3.27 The relevant investigating authorities for the NSW RFS are:
- a. The Independent Commission Against Corruption (ICAC) — for disclosures about corrupt conduct;
 - b. The Ombudsman — for disclosures about maladministration;
 - c. The Auditor-General — for disclosures about serious and substantial waste; and
 - d. The Information Commissioner — for disclosures about a breach of the GIPA Act.
- 3.28 The investigation authorities can be contacted for advice about how to make a disclosure to them. See the table on page 8 for contact details.
- 3.29 Members should be aware that the investigating authority may discuss any such reports with the NSW RFS. The NSW RFS 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. The NSW RFS will also provide appropriate support and assistance to public officials who report wrongdoing to an investigating authority, if it is made aware that this has occurred.

Members of Parliament or journalists

- 3.30 To have the protections of the PID Act, members reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:
- a. The NSW RFS Commissioner;
 - b. A person nominated in clause 3.24 of this service standard; or
 - c. An investigating authority.
- 3.31 In addition, the NSW RFS or the investigating authority that received your initial report must have either:
- a. Decided not to investigate the matter;
 - b. Decided to investigate the matter, but not completed the investigation within six months of the original report;
 - c. Investigated the matter but not recommended any action as a result; and/or
 - d. Not told the person who made the report, within six months of the report being made, whether the matter will be investigated.
- 3.32 Most importantly, to be protected under the PID Act if a member reports wrongdoing to an MP or a journalist, the member will need to be able to prove that they have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

Other external reporting

- 3.33 If a member reports wrongdoing to a person or authority that is not listed above, or makes a report to an MP or journalist without following the steps outlined above, the member will not be protected under the PID Act. This may mean they will be in breach of legal obligations or Service Standard 1.1.7 Code of Conduct and Ethics by, for example, disclosing confidential information.
- 3.34 For more information about reporting wrongdoing outside the NSW RFS, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit.

Maintaining confidentiality

- 3.35 The NSW RFS realises reporters may want their identity and the fact that they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.
- 3.36 Where possible and appropriate, steps will be taken to keep the reporter's identity, and the fact they have reported wrongdoing, confidential. Discussions will be held with the reporter as to whether it is possible to keep their identity confidential.
- 3.37 If confidentiality cannot be maintained, a plan will be developed to support and protect the reporter from reprisal, in consultation with the reporter.
- 3.38 If a member reports wrongdoing, it is important that they only discuss their report with those responsible for dealing with it. This will include the Disclosures Coordinator. The fewer people who know about the report, before and after it is made, the more likely it will be that the reporter can be protected from any reprisal.
- 3.39 Any staff involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

Managing the risk of reprisal and workplace conflict

- 3.40 The NSW RFS will not tolerate any reprisal against a public official who reports wrongdoing or is believed to have reported wrongdoing.
- 3.41 When a public official reports wrongdoing, the NSW RFS will undertake a thorough risk assessment to identify the risk of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties, or commercial disadvantage for contractors.
- 3.42 See SOP 1.1.30-5 for more details on the processes that will be followed to manage the risk of reprisals.

Protection against legal action

- 3.43 If a member makes a public interest disclosure in accordance with the PID Act, they will not be subject to any liability, and no action, claim or demand can be taken against them for having made the public interest disclosure. They will not have breached any confidentiality or secrecy obligations and will have the defence of absolute privilege in defamation.

Support for those reporting wrongdoing

- 3.44 The NSW RFS will make sure that public officials who have reported wrongdoing, regardless of whether their report is treated as 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 or counselling services.
- 3.45 Access to support may also be available for other members involved in the internal reporting process where appropriate. Reporters and other members involved in the process can discuss their support options with the Disclosures Coordinator.
- 3.46 Support services available include:
 - a. Critical Incident Support Services (CISS): provides critical incident support services to all members of the NSW RFS experiencing critical incident stress and traumatic reactions during or after an operational of NSW RFS related incident;
 - b. Member Assistance Program (MAP): supports volunteer members who may be affected by situations or circumstances, either directly or indirectly related to their NSW RFS membership or operational activities. In these cases, information and referral assistance is available, which helps members and their families identify options to address their needs;
 - c. Employee Assistance Program (EAP): supports staff members who may be affected by situations or circumstances, either directly or indirectly, related to their employment with the NSW RFS. In these cases, information and referral assistance is available, which helps members and their families identify options to address their needs; and
 - d. Chaplaincy Services and Family Support Program: Dedicated chaplains help with many pressures that may affect the spiritual, physical, emotional and personal wellbeing of NSW RFS members. Chaplains provide care at the scenes of fire or disasters, and by visiting brigade stations, workplaces, homes and hospitals.

Sanctions for making false or misleading statements

- 3.47 It is important all public officials are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.
- 3.48 The NSW RFS will not support members who wilfully make false or misleading reports. Such conduct may also be a breach of Service Standard 1.1.7 Code of Conduct and Ethics, resulting in disciplinary action.

The rights of persons the subject of a report

- 3.49 The NSW RFS is committed to ensuring members who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person who is the subject of a report confidential, where this is practical and appropriate.
- 3.50 If a member is the subject of the report, they will be advised of the allegations made against them at an appropriate time and before any adverse findings. At this time they will be:
- a. Advised of the details of the allegation;
 - b. Advised of their rights and obligations under the relevant related policies and procedures;
 - c. Kept informed about the progress of any investigation;
 - d. Given a reasonable opportunity to respond to any allegation made against them; and
 - e. Told the outcome of any investigation, including any decision made about whether or not further action will be taken against them.
- 3.51 Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by NSW RFS. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

4 Related documents

- > [Public Interest Disclosure Act 1994](#)
- > [Anti-Discrimination Act 1977](#)
- > [Crimes Act 1900](#)
- > [Government Information \(Public Access\) Act 2009](#)
- > [Government Sector Employment Act 2013](#)
- > [Independent Commission Against Corruption Act 1988](#)
- > [Industrial Relations Act 1996](#)
- > [Ombudsman Act 1974](#)
- > [Public Finance and Audit Act 1983](#)
- > [Rural Fires Act 1997](#)
- > [Work Health and Safety Act 2011](#)
- > [Policy P7.1.2 Public Complaints Management](#)
- > [Service Standard 1.1.2 Discipline](#)
- > [Service Standard 1.1.3 Grievances](#)
- > [Service Standard 1.1.7 Code of Conduct and Ethics](#)
- > [Service Standard 1.1.32 Fraud and Corruption Prevention](#)
- > [Service Standard 2.1.3 Brigade Registers](#)
- > [Service Standard 7.1.1 Chaplaincy and Family Support](#)
- > [Service Standard 7.1.2 Critical Incident Support Services \(CISS\)](#)

Contact Details for Investigation Authorities

Refer to clauses 3.26 – 3.29

ICAC	Address: GPO Box 500 Sydney NSW 2000	Phone: (02) 8281 5999 or 1800 463 909
	Email: icac@icac.nsw.gov.au	Web: www.icac.nsw.gov.au
NSW Ombudsman	Address: Level 24, 580 George St Sydney NSW 2000	Phone: (02) 9286 1000 or 1800 451 524
	Email: nswombo@ombo.nsw.gov.au	Web: www.ombo.nsw.gov.au
Auditor-General	Address: Level 15, 1 Margaret St Sydney NSW 2000	Phone: (02) 9275 7100
	Email: mail@audit.nsw.gov.au	Web: www.audit.nsw.gov.au
Information Commissioner	Address: Level 11, 1 Castlereagh St Sydney NSW 2000	Phone: (02) 8114 3756 or 1800 463 626
	Email: ipcinfo@ipc.nsw.gov.au	Web: www.ipc.nsw.gov.au

5 Amendments

AMENDMENT DATE	VERSION NO	DESCRIPTION
19 March 2013	1.0	Initial release
19 December 2013	1.1	<ul style="list-style-type: none"> ➤ Repealed and remade SS 1.1.30 v1.0 ➤ Reviewed to incorporate amendments as a result of the <i>Public Interest Disclosures Amendment Act 2013</i>
2 May 2016	2.0	<ul style="list-style-type: none"> ➤ Repealed and remade SS 1.1.30 v1.1 ➤ Updated to reflect organisational alignment ➤ Amendments made to the positions authorised to receive public interest disclosures ➤ Updated to reflect the NSW Ombudsman model policy
19 July 2019	3.0	<ul style="list-style-type: none"> ➤ Repeals and remakes SS 1.1.30 v2.0 ➤ New SOP 1.1.30-2 Roles and Responsibilities, and renumbering of previous SOPs

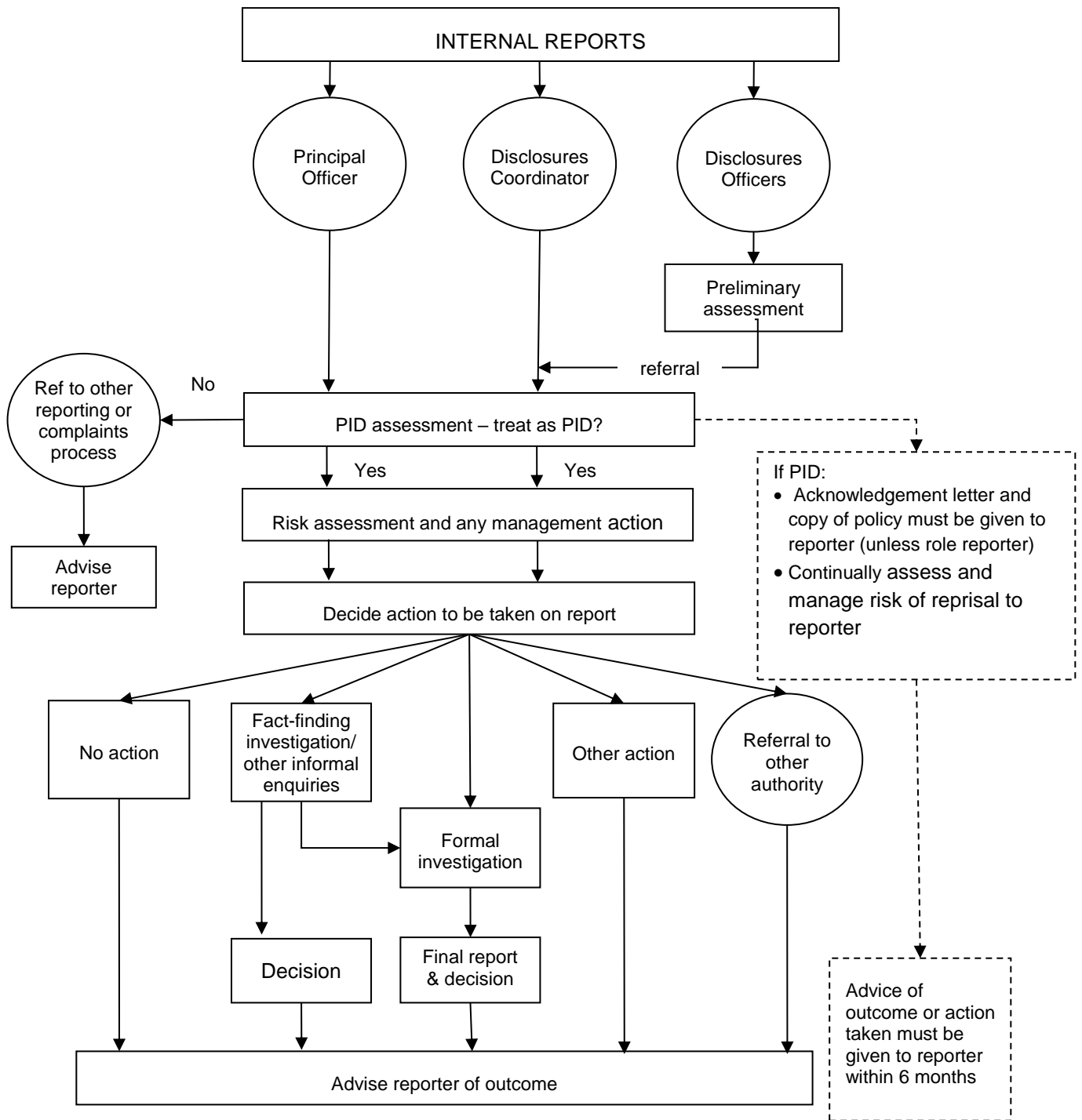
SOP 1.1.30 - 1

INTERNAL REPORTING PROCESS

1 Purpose

1.1 The purpose of this SOP is to demonstrate the internal reporting process.

2 Procedures



SOP 1.1.30 - 2

ROLES AND RESPONSIBILITIES

1 Purpose

- 1.1 The purpose of this SOP is to provide details on the responsibilities of roles within the NSW RFS, in regard to public interest disclosures.

2 Procedures

NSW RFS Members

- 2.1 Members play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All members are obliged to:
- Report all known or suspected wrongdoing and support those who have made reports of wrongdoing;
 - If requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
 - Treat any member or person dealing with a report of wrongdoing with courtesy and respect; and
 - Respect the rights of officers who are the subject of reports.
- 2.2 Members must not:
- Victimise or harass anyone who has made a report; or
 - Make false or misleading reports of wrongdoing.
- 2.3 The behaviour of all members involved in the internal reporting process must adhere to Service Standard 1.1.7 Code of Conduct and Ethics. A breach of Service Standard 1.1.7 Code of Conduct and Ethics could result in misconduct/disciplinary action.

Commissioner (Principal Officer)

- 2.4 As the Principal Officer, the Commissioner has the ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the NSW RFS complies with the PID Act. The Commissioner can receive reports from public officials and has a responsibility to:
- Assess reports received by or referred to him, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with;
 - Ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
 - Make decisions following any investigation or appoint an appropriate decision-maker;
 - Take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified;
 - Refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC); and
 - Refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Disclosures Coordinator

- 2.5 The Disclosures Coordinator has a central role in the NSW RFS' internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact for the reporter. The Disclosures Coordinator has a responsibility to:
- Assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with;
 - Coordinate the response to a report;

- c. Acknowledge reports and provide updates and feedback to the reporter;
- d. Assess whether it is possible and appropriate to keep the reporter's identity confidential;
- e. Assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;
- f. Where required, provide or coordinate support to public officials involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- g. Ensure the NSW RFS complies with the PID Act; and
- h. Provide six-monthly and annual reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

Disclosures Officers

- 2.6 Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and this Service Standard, receive reports of wrongdoing and assist public officials to make reports.
- 2.7 Disclosures Officers have a responsibility to:
- a. Document in writing any reports received verbally, and have the document signed and dated by the reporter;
 - b. Make arrangements to ensure public officials can make reports privately and discreetly when requested, if necessary away from the workplace;
 - c. Discuss with the reporter any concerns they may have about reprisal or workplace conflict;
 - d. Where applicable, make the reporter aware of the support services available to them; and
 - e. Carry out a preliminary assessment and forward reports to the disclosures coordinator for full assessment.

Next in Charge

- 2.8 The next in charge plays an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. The next in charge should be aware of this Service Standard and is responsible for creating a local work environment where public officials are comfortable and confident about reporting wrongdoing. They have a responsibility to:
- a. Encourage public officials to report known or suspected wrongdoing within the organisation and support that public official when they do;
 - b. Identify reports made to them in the course of their work which could be public interest disclosures, and assist the public official to make the report to an officer authorised to receive public interest disclosures under this Service Standard;
 - c. Implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report; and
 - d. Notify the Disclosures Coordinator or Principal Officer immediately if they believe a public official is being subjected to reprisal as a result of reporting wrongdoing.

SOP 1.1.30 - 3

MAKING AN INTERNAL REPORT

1 Purpose

- 1.1 The purpose of this SOP is to provide guidance to members wishing to make an internal report.

2 Procedures

- 2.1 A report of wrongdoing can be made in writing or verbally. Members are encouraged to make a report in writing, using the Internal Report Form, as this helps avoid confusion or misinterpretation.
- 2.2 There will be some situations where members may not want to identify themselves when making a report. Although these reports will still be dealt with by the NSW RFS, it is preferred that the reporter does identify themselves. This allows the NSW RFS to provide them with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.
- 2.3 It is important to realise that an anonymous disclosure may not prevent the reporter from being identified by the subjects of the report or colleagues. If the NSW RFS does not know who made the report, it is very difficult for it to prevent any reprisal should others identify the reporter.
- 2.4 If the report is made verbally or as a written report (for example a memo) the following information is required:
- a. The date, name and contact details of the person making the report (not required if the report is being made anonymously);
 - b. A description of the wrongdoing, the dates the wrongdoing occurred and the category of serious misconduct the wrongdoing relates to, as described in clauses 3.16 to 3.25 of this Service Standard;
 - c. How the reporter became aware of the wrongdoing;
 - d. The names and positions of the people involved in the wrongdoing;
 - e. The names and positions of any person who may have additional information; and
 - f. Any supporting or relevant information, documents or materials, or details of how these might be obtained.
- 2.5 Where a report is made in writing it should be submitted in a sealed envelope and clearly marked 'Private and Confidential' and addressed to a staff member of choice as identified in clauses 3.29 to 3.30 of this Service Standard.
- 2.6 A verbal report may be made to the staff member of choice as identified in clauses 3.29 to 3.30 of this Service Standard, over the phone or face to face.
- 2.7 Where possible, a record of a verbal report will be made, which the reporter will be asked to sign. A copy of the record will be provided to the reporter.

Feedback to members who report wrongdoing

- 2.8 Members who report wrongdoing will be told what is happening in response to their report.

Acknowledgement

- 2.9 When a member makes a report, the NSW RFS will contact them to confirm that their report has been received and to advise:
- a. The timeframe within which they will receive further updates; and
 - b. The name and contact details of the people who can tell them what is happening or handle any concerns they may have.

- 2.10 After a decision is made about how the report will be dealt with, the NSW RFS will send the reporter an acknowledgment letter, providing:
- a. Information about the action that will be taken in response to their report;
 - b. The likely timeframes for any investigation or other action; and
 - c. Information about the internal and external resources or services available that they can access for support.
- 2.11 The Disclosure Coordinator will provide this information to the reporter within 45 days from the date they make your report. The Disclosure Coordinator will also advise if the NSW RFS decides to treat the report as a public interest disclosure and provide the reporter with a copy of this policy at that time, as required by the PID Act.
- 2.12 If a member makes a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of the member's day to day functions, they will not receive an acknowledgment letter or a copy of this policy.

Progress updates

- 2.13 While the report is being dealt with, such as by investigation or making other enquiries, the reporter will be given:
- a. Information about the progress of the investigation or other enquiries and reasons for any delay;
 - b. Advice of any decision by the NSW RFS not to proceed with the matter; and
 - c. Advice if the reporter's identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

Feedback

- 2.14 Once the matter has been finalised, the reporter 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; and
 - b. Advice about whether the reporter is likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

3 Related forms

- Internal Report Form

SOP 1.1.30 - 4

ASSESSMENT OF INTERNAL REPORTS

1 Purpose

- 1.1 The purpose of this SOP is to provide guidance to staff members authorised to accept PIDs, in conducting an assessment on an internal report.

2 Procedures

- 2.1 All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

Disclosure Officer

- 2.2 Upon receipt of an internal report the Disclosure Officer must complete the Recipient of Report Checklist. In completing this checklist, the disclosures officer should discuss with the member making the report:
- Any concerns they may have about reprisal of workplace conflict;
 - Who else knows the report has been made;
 - What professional relationship the reporter has with any subject/s of the report;
 - Has the reporter raised this matter with other members within the organisation; and
 - What they expect from this process.
- 2.3 The Disclosure Officer should also make the reporter aware of the support services available, and have them complete the Support Networks Form.
- 2.4 Using this information, the disclosures officers must conduct a preliminary assessment of the report using the Preliminary Assessment of Internal Report form.
- 2.5 Once the Preliminary Assessment of Internal Report is completed, the disclosures officer is to forward this form, along with the Recipient of Report Checklist, Support Networks form and any other documentation associated with this internal report to the disclosures coordinator for a full assessment against the PID Act criteria.

Disclosure Coordinator

- 2.6 The Disclosures Coordinator is responsible for assessing reports, in consultation with the principal officer where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time.
- 2.7 It is up to the disclosures coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.
- 2.8 Where the matter is determined to be a public interest disclosure, the Disclosures Coordinator will assess on its merits the seriousness of the allegations within the report to:
- Decide whether the matter can be investigated within the NSW RFS and if so what investigation processes are to be followed;
 - Decide whether the report requires referral to an external authority for investigation and for compliance with external reporting requirements;
 - Analyse the risk to the NSW RFS of the issues raised within the report and what needs to be done to address those risks; and
 - Consider the potential for reprisals and ensure strategies are in place to protect and support the member who made the report. Any evidence of reprisals is to be referred to the Commissioner of NSW Police or the ICAC.

- 2.9 The Disclosures Coordinator will ensure that the member making the report is given the appropriate information and support. This will include:
- a. Acknowledgement within 45 days of the report being received;
 - b. A copy of this Service Standard;
 - c. Contact details of the Director Professional Standards;
 - d. An overview of the assessment and investigation process;
 - e. Details of support services available internally, and assistance in obtaining that support if required;
 - f. The support systems available to protect against reprisals;
 - g. Timeframes for expected updates about the action taken in relation to the report, and the progress of any investigation;
 - h. Information about how to report possible reprisal actions; and
 - i. Within six months of the report being made, advice of any actions taken, or proposed to be taken in response to the report.
- 2.10 These requirements do not apply in the case of:
- a. A report made by a public official in performing his or her day to day functions as that public official;
or
 - b. A report made by a public official, under a statutory or other legal obligation.

3 Related forms

- > Recipient of Report checklist
- > Preliminary Assessment of Internal Report Form
- > Support Networks Form

SOP 1.1.30 - 5

MANAGING THE RISK OF REPRISALS

1 Purpose

- 1.1 The purpose of this SOP is to provide guidance on how the NSW RFS will manage the risk of reprisals for reporters.

2 Procedures

- 2.1 The NSW RFS will not tolerate any reprisal against a public official who reports wrongdoing or is believed to have reported wrongdoing.

Managing the risk of reprisal and workplace conflict

- 2.2 When a public official reports wrongdoing, the NSW RFS will undertake a thorough risk assessment to identify the risk of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties, or commercial disadvantage for contractors. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.
- 2.3 Depending on the circumstances, the NSW RFS may:
- Relocate the reporter or the public official who is the subject of the allegation within the current workplace;
 - Transfer the reporter or the public official who is the subject of the allegation to another position for which they are qualified;
 - Grant the reporter or the public official who is the subject of the allegation leave of absence during the investigation of the disclosure; or
 - Allocate another public official to manage commercial business operations in respect of a contractor.
- 2.4 These courses of action are not punishment and will only be taken in consultation with the reporter.

Protection against reprisals

- 2.5 The PID Act provides protection for public officials who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.
- 2.6 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; and/or
 - Disciplinary proceedings.
- 2.7 A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also misconduct which may result in disciplinary action.
- 2.8 It is important for members to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects members from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect staff from disciplinary or other management action where the NSW RFS has reasonable grounds to take such action.

- 2.9 If a member has reported wrongdoing and is experiencing reprisal which they believe is not being dealt with effectively, they may contact the Ombudsman or the ICAC (depending on the type of wrongdoing reported). Contact details for these investigating authorities are included in Table 1 referred to in clause 3.28 of this Service Standard.

Responding to allegations of reprisal

- 2.10 If a member believes that detrimental action has been or is being taken against them or someone else in reprisal for reporting wrongdoing, they should tell their supervisor or the Disclosures Coordinator immediately.
- 2.11 The next in charge must notify the Disclosures Coordinator if they suspect that reprisal against a public official is occurring or has occurred, or if any such allegations are made to them.
- 2.12 If the NSW RFS becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the NSW RFS will:
- a. Assess the report of reprisal to decide whether it should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;
 - b. If the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff or external investigator;
 - c. If it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter;
 - d. Take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure; and/or
 - e. Refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.
- 2.13 If a reporter alleges reprisal, they will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.