



Public Interest Disclosure Internal Reporting Policy

This policy applies to:

- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for TAFE NSW
- employees of contractors providing services to TAFE NSW
- other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

This policy does not apply to students, who should refer to TAFE NSW's complaint management system.

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Author:	Chief Audit Executive			
Responsible Branch/ Unit:	Governance, Legal & Risk / <i>Audit and Risk</i>			
Supporting documents, procedures & forms of this policy:	Public Interest Disclosure Procedure			
Relevant Legislation & External Documents:	Code of Conduct and Ethical Practices Fraud and Corruption Control Australian Standard AS8001-2008 <i>Public Interest Disclosures Act 1994 (NSW) (PID Act)</i> <i>Independent Commission against Corruption Act 1988 (ICAC Act)</i> <i>Government Information (Public Access) Act 2009 (GIPA Act)</i> <i>Ombudsman Act 1974</i> <i>Public Finance and Audit Act 1983</i> ICAC Section 11 Report Guidelines for Principal Officers			
Audience:	All employees			

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Message from the Managing Director

This *Public Interest Disclosure Internal Reporting Policy* has been developed in accordance with the provisions of the *Public Interest Disclosures Act 1994 (NSW)* and provides an effective framework for the making and management of disclosures and the protection and support for people who make them.

The reporting of suspected wrongdoing by employees is vital to the integrity of the public sector. Employees who are prepared to raise their concerns about corrupt conduct, maladministration or other serious wrongdoing are one of the most important and accurate sources of information for identifying and addressing serious problems within an organisation.

Manager and supervisors are responsible for establishing and maintaining a positive reporting environment that encourages employees to adopt and 'if in doubt, report' approach. Employees should feel that it is a part of their job to report wrongdoing and they will not suffer reprisals for reporting incidents.

An ethical work environment gives people confidence that allegations will be taken seriously and receive the appropriate response.

TAFE NSW is committed to protecting employees who make disclosures concerning corrupt conduct, maladministration, serious substantial waste of public money and government information contraventions.

Steffen Faurby

Managing Director, TAFE NSW

1. Purpose

- 1.1 Building an organisation which has the trust of the NSW Government and community takes a considerable amount of time and effort by ethical and professional employees. One unethical employee however can bring the whole organisation into disrepute.
- 1.2 The purpose of this Policy, together with the Public Interest Disclosures (PID) Procedure, is to provide guidance and instruction to everyone working in or for TAFE NSW, on how to report wrongdoing, including those that qualify for protection under the [Public Interest Disclosures \(PID\) Act 1994 \(NSW\)](#). It explains the responsibilities of TAFE NSW and the reporter in processing these reports fairly, according to legislation and in line with the public interest.
- 1.3 This Policy establishes the commitment and framework to support and protect employees who report wrongdoing.
- 1.4 This Policy will refer to the NSW Public Interest Disclosure Act as the *PID Act*.

2. Scope

- 2.1 This is a TAFE NSW wide policy that includes permanent, temporary and casual employees of TAFE NSW, employees seconded from another organisation and contingent workers including labour hire, professional services contractors and consultants.

3. Mandatory requirements

TAFE NSW encourages employees to report any suspected wrongdoing, however for a report to be considered a PID, it has to meet all of the requirements under the PID Act, which are:

- 3.1 The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show:
 - Corrupt conduct;
 - Maladministration;
 - Serious and substantial waste of public money; or
 - Breach of *Government Information (Public Access) Act 2009* (GIPA Act).

The report is to be submitted regarding serious wrongdoing in public interests. Examples include: suspected fraud, corrupt conduct, questionable accounting practices, illegal activities, and conflict of interest. Concerns that relate to the effect of an individual's behaviour are more appropriately dealt with through a grievance process.

- 3.2 The report is made to one (or more) of the following:
 - Managing Director;
 - Public Interest Disclosures (PID) Coordinator, being the Chief Audit Executive;
 - Nominated Disclosures Officers (NDOs), being all members of the Executive Leadership Team (ELT), ELT direct reports and Business Partners, People and Safety; and
 - External investigating authorities.

Further details are noted in the PID Procedure.

- 3.2.1 If TAFE NSW receives a report made by an employee of another agency, regarding that agency, the report will not be considered a PID as the report has not been made by a TAFE NSW employee, however TAFE NSW will encourage the reporter to contact their home agency, as well as the relevant investigating authority, and follow the relevant agency's policies and procedures.
- 3.2.2 Once an internal report is classified as a PID, the employee will be given:
- An acknowledgement that their disclosure has been received;
 - A copy of this Policy and the PID Procedure;
 - The timeframe for when they will receive further updates; and
 - The name and contact details of the people who can keep them informed.
- 3.2.3 TAFE NSW will endeavour to provide this information within seven (7) working days from the date the report is made.
- 3.2.4 If a reporter makes their disclosure directly to a Member of Parliament or a journalist without first reporting the matter to the persons or entities named above, the reporter will not be offered protection under the PID Act, unless certain conditions are met, per Section 19, *Public Interest Act 1994 (NSW)*. Reports to a Member of Parliament or a journalist are protected only if the report has already been made to personnel or authorities listed in point 2 in this section, and have decided not to investigate or have not completed the investigation within 6 months, or have not recommended any action after investigating, or have not told the reporter the outcome of the investigation. The report must also be substantially true.
- 3.2.5 TAFE NSW will ensure that officials who have reported wrongdoing, regardless of whether they have made a PID, are provided with access to any professional support they may need as a result of the reporting process, such as stress management and counseling services.
- 3.2.6 TAFE NSW is committed to ensuring employees who are the subject of a report of wrongdoing are treated fairly and reasonably. They will be:
- Treated fairly and impartially;
 - Told their rights and obligations under our policies and procedures;
 - Kept informed during any investigation (when and where appropriate);
 - Given the opportunity to respond to any allegation made against them; and
 - Told the outcome of any investigation.
- 3.2.7 While employees are encouraged to report wrongdoing within TAFE NSW, internal reporting is not the only option. An employee may make a PID to an external investigating authority as outlined in the TAFE NSW PID Procedure.

4. The procedure

The PID Procedure provides employees:

- An overview of their responsibility and accountability in the PID process at TAFE NSW.
- The details on how and to whom in TAFE NSW a public interest disclosure can be made.
- Link to the templates to use for employees seeking to report a matter and Nominated Disclosure Officers who receive a matter and assist in the reporting process.
- Details on other options to report a matter.

5. Breaches of this policy

- 5.1 TAFE NSW will not tolerate any reprisal action against employees who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Reprisal action is also misconduct that justifies disciplinary action. A person who takes detrimental action against someone for making a disclosure can also be required to pay damages for any loss suffered by that person.
- 5.2 TAFE NSW may commence applicable disciplinary action if a person to whom this Policy applies breaches this Policy (or any of its related Procedure), including and up to termination of employment.

6. Attachments and related links

The following documents relating to this Procedure can be found on the internet at the following locations:

1. [*Public Interest Disclosures Act 1994 \(NSW\)*](#)
2. [*Independent Commission Against Corruption Act 1988*](#)
3. [*TAFE NSW Public Interest Disclosure Policy*](#)
4. [*List of Nominated Disclosure Officers*](#)
5. [*Government Information \(Public Access\) Act 2009*](#)

7. Definitions

Definitions of key terms are noted in the PID Procedure.

8. Document history

Policy #	Approved By	Approval Date
WDCSG220170011	TAFE NSW Executive Leadership Team	13 June 2017

END