

Procedures to Deal with Public Interest Disclosures

Public Interest Disclosure Act 2010, section 28

Non-State Schools Accreditation Board

(Includes Non-State Schools Eligibility for Government Funding Committee, other committees of the board, and authorised persons appointed by the board, under the *Education (Accreditation of Non-State Schools) Act 2001*)

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1. Definitions and terms

1.1 For the purposes of these procedures:

Accreditation Act means the *Education (Accreditation of Non-State Schools) Act 2001*.

authorised person means a persons appointed by the board under the Accreditation Act, s 144.

board means the Non-State Schools Accreditation Board established under the Accreditation Act, ch 1, pt 1, divs 1 and 2.

committee of the board means a board committee established under the Accreditation Act, ch 1, pt 1, div 4.

funding committee means the Non-State Schools Eligibility for Government Funding Committee established under the Accreditation Act, ch 1, pt 2.

member means a member of the board, the funding committee, or a committee of the board.

PID means a public interest disclosure under the PID Act, ch 2.

PID Act means the *Public Interest Disclosure Act 2010*.

procedures mean these *Procedures to Deal with Public Interest Disclosures* made by the board under the PID Act, s 28

standard means the *Public Interest Disclosure Standard (No. 1)* issued by the chief executive of the Public Service Commission under the PID Act, s 60.

subject officer means a member and an authorised person.

2. Commitment of the board

2.1 The board is committed to creating and maintaining an organisational climate that encourages and facilitates PIDs of wrongdoing in the public sector, ensuring that any disclosures are properly assessed and, when appropriate, properly investigated and dealt with, ensuring that appropriate consideration is given to the interests of persons who are the subject of a PID, and affording protection from reprisals to persons making a PID.

2.2 The board is committed to ensuring that members and authorised persons are given access to appropriate education and training relating to PIDs.

3. Legislative and policy basis for these procedures

3.1 The legislative and policy basis for these procedures follows:

- (a) the *Public Interest Disclosure Act 2010*;
- (b) the *Public Sector Ethics Act 1994*; and
- (c) the *Public Interest Disclosure Standard (No. 1)*.

4. Value of PIDs to the board

4.1 The benefits to the board of creating and maintaining an organisational climate that encourages and facilitates public interest disclosures is the early identification of any wrongdoing, which in turn assist in making high-quality and transparent decisions under the Accreditation Act.

5. Obligation to establish procedures

5.1 The chief executive officer of the board must, under the PID Act, establish reasonable procedures to ensure that:

- (a) the reporting of wrongdoing is facilitated;
- (b) appropriate action is taken in relation to any wrongdoing that is the subject of a PID made to the entity;
- (c) public officers of the entity who make a PID are given appropriate support;
- (d) a PID made to the entity is properly assessed and, when appropriate, properly investigated and dealt with;
- (e) a management program for PIDs made to the entity, consistent with any standard made under section 60, is developed and implemented;
- (f) public officers of the entity are offered protection from reprisals by the entity or other public officers of the entity; and
- (g) there are appropriate means in place for complying with the confidentiality requirements of the PID Act.

5.2 Also, the chief executive officer must ensure the procedures are published, as soon as practicable after the procedures are made, on a website that is maintained by the public sector entity and readily accessible to the public.

6. Periodic review of procedures

6.1 The board will review these procedures annually to assess their effectiveness.

7. Procedures to be read in context

7.1 These procedures are to be read in the context of the PID Act and standard.

7.2 The definitions and terms in the PID Act and standard apply to these procedures.

8. What the procedures cover

8.1 A member or an authorised person may make a PID if the member or authorised person has information about:

- (a) the conduct of another person that could, if proved, be:
 - (i) official misconduct; or

- (ii) maladministration that adversely affects a person's interests in a substantial and specific way; or
 - (b) a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or
 - (c) a substantial and specific danger to public health or safety; or
 - (d) a substantial and specific danger to the environment.
- 8.2 A member or an authorised person has information about the conduct of the member or authorised person or another matter if:
 - (a) the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or
 - (b) the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.
- 8.3 A person, who is not a member or an authorised person, may make a PID if the person has information about:
 - (a) a substantial and specific danger to the health or safety of a person with a disability; or
 - (b) the commission of an offence against a provision mentioned in the PID Act, schedule 2, if the commission of the offence is or would be a substantial and specific danger to the environment; or
 - (c) a contravention of a condition imposed under a provision mentioned in the PID Act, schedule 2, if the contravention is or would be a substantial and specific danger to the environment; or
 - (d) the conduct of another person that could, if proved, be a reprisal.
- 8.4 A person, who is not a member or an authorised person, has information about the conduct of the member or authorised person or another matter if:
 - (a) the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or
 - (b) the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.

9. How a member or an authorised person, or another person, may make a PID

- 9.1 A member or an authorised person, or another person, may make a PID in any way, including anonymously.
- 9.2 A member or an authorised person, or another person, may make a PID to:
 - (a) any member of the board; or

(b) the Director of the board's Secretariat.

9.3 The names of all current members of the board are shown on the board's website at <www.nssab.qld.edu.au>.

9.4 A member of the board may be contacted for the purposes of making a PID by writing to the member concerned, and marking the material clearly as confidential and as a PID, at the address shown below:

by letter posted to:

Non-State Schools Accreditation Board
PO Box 15347
CITY EAST QLD 4002

by letter sent by facsimile to:

(07) 3237 0004

by email to:

<admin@nssab.qld.edu.au>

9.5 The Director of the board's Secretariat may be contacted for the purposes of making a PID by writing to the member concerned, and marking the material clearly as confidential and as a PID, at the address shown below:

by letter posted to:

Director
Non-State Schools Accreditation Board Secretariat
PO Box 15347
CITY EAST QLD 4002

by letter sent by facsimile to:

(07) 3237 0004

by email to:

<enquiries@nssab.qld.edu.au>

9.6 A PID may be made in person at the board's place of business, that is: Level 18, Education House, 30 Mary Street, Brisbane.

9.7 The Director of the board's Secretariat may be contacted by telephone on (07) 3235 4729 for the purposes of making a PID orally.

10. How a PID is managed

10.1 The Chairperson of the board is responsible for managing a PID.

10.2 However, if the Chairperson is the subject of the PID, the Deputy Chairperson of the board is responsible for managing the PID.

11. How a PID is assessed

11.1 The Chairperson of the board, or as the case may be the Deputy Chairperson of the board, is responsible for assessing a PID under the PID Act.

11.2 In assessing a PID, the Chairperson or Deputy Chairperson is to determine:

- (a) if the member or an authorised person, or another person, making the PID is able to receive the protection of the PID Act;
 - (b) if the disclosure concerns a matter about which a PID can be made;
 - (c) if the disclosure meets the subjective or objective test set out in the PID Act;
 - (d) if the disclosure has been made to an individual or entity who may receive a PID; and
 - (e) if the disclosure has been made in accordance with the these procedures or the PID Act.
- 11.3 If there is doubt whether a disclosure is a PID, the Chairperson or Deputy Chairperson is to assume the disclosure is protected by the PID Act, and accordingly manage the disclosure as if it were a PID.
- 11.4 Each PID is to be recorded and reported as a separate PID, irrespective of whether two or more PIDs are made about an identical matter.

12. How a PID is actioned

- 12.1 The Chairperson of the board, or as the case may be the Deputy Chairperson of the board, is responsible for assessing a PID under the PID Act.
- 12.2 Upon receipt of a PID, the Chairperson or Deputy Chairperson must first determine if the PID is to be referred to another entity.
- 12.3 If so referred, the Chairperson or Deputy Chairperson must do it in accordance with the relevant legislative and administrative requirements, including that a PID will not be referred to another agency if there is an unacceptable risk that a reprisal would happen because of the referral.
- 12.4 Action must be taken in respect of the matters raised in a PID unless no action is to be taken under the PID Act, section 30.
- 12.5 Anonymous disclosures will be received and managed in the same way as identified disclosures, and will not be rejected because they are anonymous.
- 12.6 The member or authorised person, or another person, making the PID is offered the protections covered by the PID Act, ss 36 to 45.

13. Assessment of the risk of reprisal for making a PID, and support

- 13.1 As soon as possible after receiving a PID, the Chairperson of the board, or as the case may be the Deputy Chairperson of the board, will determine the level of protection and support appropriate for a discloser by conducting a risk assessment of a reprisal to the discloser and others associated with the discloser (including those who may wrongly be suspected of being a discloser).
- 13.2 In this determination, account is to be taken of any consequences if reprisals do occur.

- 13.3 The Chairperson or Deputy Chairperson will ensure protective measures are in place that are proportionate to the risk of reprisal, and the potential consequences of a reprisal. If the risk is assessed as sufficiently high, the Chairperson or Deputy Chairperson will prepare a protection plan to protect the discloser.
- 13.4 If the discloser is a member or authorised person, the Chairperson or Deputy Chairperson is to assess the discloser's need for support. Where feasible, this should be assessed in consultation with the discloser and other relevant stakeholders. If it has been determined that a discloser will require support, the board will offer an appropriate level of support. This may include:
- (a) acknowledging that making the PID was the appropriate course of action by the discloser, and is valued by the board;
 - (b) making a clear statement that the board will support the discloser;
 - (c) keeping the discloser informed, including likely timeframes and how the discloser may be informed of progress and outcomes;
 - (d) appointing an appropriate person (separate from the investigation function) with sufficient authority to ensure the discloser has appropriate support and protection from reprisals;
 - (e) regularly checking on the discloser's wellbeing, where this is warranted; and
 - (f) where the health of the disclosure becomes a concern, liaising with the appropriate health services.
- 13.5 The Chairperson or Deputy Chairperson is to ensure effective systems and procedures are in place to monitor for any signs of reprisal action.
- 13.6 In the event of a reprisal being alleged or suspected, the Chairperson or Deputy Chairperson is to act in the interest of the discloser by:
- (a) attending to the safety of the discloser or affected third parties as a matter of priority;
 - (b) reviewing the risk assessment of reprisal and any protective measures needed; and
 - (c) managing any allegation of a reprisal as a PID in its own right.

14. Confidentiality afforded concerning a PID

- 14.1 In handling a PID, confidentiality is important both for protecting the discloser from reprisal as well as to protect other persons affected by the PID.
- 14.2 The identify of the discloser, the nature of the disclosure, the subject matter of the disclosure and the identity of the subject officer is to be treated as confidential information.

14.3 This information is not to be disclosed to another person, except in accordance with the PID Act or other legislation.

15. Person who made a PID, or referring entity, to be informed

15.1 The Chairperson of the board, or as the case may be the Deputy Chairperson of the board, will give the person who made the disclosure, or the entity that referred the disclosure, reasonable information about the disclosure consistent with the PID Act, s 32.

16. Use of data arising from PIDs

16.1 The board is to take account of summary information about any PIDs provided when considering improvements to systems, service delivery, business processes, internal controls, policies and procedures.

16.2 The Chairperson of the board, or as the case may be the Deputy Chairperson of the board, is to provide sufficient summary information about any PIDs to the board to inform the board's consideration of improvements.

17. Giving of required information to oversight agency

17.1 On behalf of the board, the Director of the board's Secretariat is to give the information required by the PID Act and the standard to the oversight agency, *via* the PID database.

18. For more information about these procedures

18.1 For further information about PID's and these procedures, you may wish to contact the board's Secretariat on (07) 3237 9947.