

PROTECTED DISCLOSURE POLICY & PROCEDURE

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| Policy Name | GRLC Policy and Procedure - Protected Disclosure |
| Version Number | 1 |
| Approval Date: | April 2018 |
| Approval Authority | CEO |
| Advisory Committee | Staff Consultative Committee |
| Responsible Person: | CEO |
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1. INTRODUCTION

The Geelong Regional Library Corporation (GRLC) is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles). Employees are expected to cooperate with GRLC in maintaining legal and ethical operations, if necessary by reporting non-compliant actions by other people.

2. PURPOSE

The purpose of these policy and procedures is to:

- encourage the reporting of matters that may cause harm or loss to GRLC or damage to its reputation;
- enable GRLC to assess and deal with reports from whistleblowers and provide for the secure storage of the information provided;
- establish the policies and procedures for protecting whistleblowers against reprisal;
- provide for the appropriate infrastructure and procedure;
- help to ensure GRLC maintains the highest standards of ethical behaviour.

3. POLICY

Concerns regarding illegal or corrupt behaviour

Where an employee of GRLC or member of public believes in good faith on reasonable grounds that another employee, volunteer, or contractor has breached any provision of the law that person must report their concern to

- the Protected Disclosure Coordinator (Corporate Services Coordinator – Finance and Remuneration); or

- their supervisor: or,
- if they feel that their supervisor may be complicit in the breach, the CEO: or,
- if they feel that the CEO may be complicit in the breach,
- independent person/office nominated to receive such information (IBAC) or,
- the relevant law enforcement officers such as the Victorian Police.

The person making their concern known shall not suffer any sanctions from GRLC on account of their actions in this regard provided that their actions

- are in good faith, and,
- are based on reasonable grounds, and,
- conform to the designated procedures.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by GRLC.

Disclosures can be made directly to IBAC or the Victorian Ombudsman.

Concerns regarding improper or unethical behaviour

Where an employee of GRLC or member of the public believes in good faith on reasonable grounds that another employee, volunteer, or contractor has breached any provision of GRLC's policies, or its code of conduct, or generally recognised principles of ethics, that employee or member of public may report their concern to

- the Protected Disclosure Coordinator (Corporate Services Coordinator); or
- their supervisor: or,
- if they feel that their supervisor may be complicit in the breach, the CEO: or,
- if they feel that the CEO may be complicit in the breach,
- an independent person/office nominated to receive such information (IBAC).

The person making their concern known shall not suffer any sanctions from GRLC on account of their actions in this regard provided that their actions

- are in good faith, and,
- are based on reasonable grounds, and,
- conform to GRLC's designated procedures.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness. Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by GRLC.

4. RESPONSIBILITIES

GRLC's CEO is responsible for adopting and implementing this policy. All board members, staff and volunteers are responsible for reporting breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to take action on such breach.

5. DEFINITIONS

A whistleblower is a person (being a board member, manager, employee, member of public or contractor of GRLC) who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with reportable conduct and wishes to avail themselves of protection against reprisal for having made the report.

Breaches of general law, organisational policy, or generally recognised principles of ethics include:

- corrupt conduct,
- fraud or theft,
- official misconduct,
- maladministration,
- harassment or unlawful discrimination,
- serious and substantial waste of public resources,
- practices endangering the health or safety of staff, volunteers, or the public,
- practices endangering the environment.

Complaints regarding occupational health and safety should where possible be made through GRLC's occupational health and safety procedures.

Examples of improper conduct include:

- (a) A staff member receiving payment in exchange for the discharge of a public duty.
- (b) A staff member selling confidential information.
- (c) A staff member favours unmeritorious applications for jobs or engagement for goods and services by friends and relatives.

The Protected Disclosure Coordinator (Corporate Services Coordinator) is nominated to receive and notify IBAC of potential protected disclosures. They foster a supportive work environment and manage the impact of any investigation.

Where urgent action is required while an assessment is still being made

In some circumstances, the disclosure may be about improper conduct that may pose an immediate threat to health and safety of individuals, preservation of property, or may consist of serious criminal conduct. In these cases GRLC can take immediate action. It may also be necessary to report criminal conduct to Victoria Police for immediate investigation, or take management action against an employee to prevent future conduct.

6. Anonymity

If the complainant wishes to make their complaint anonymously, their wish shall be honoured unless overridden by due process of law.

Where anonymity has been requested the complainant is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

7. Making a protected disclosure

If you want to make a disclosure about GRLC or its staff, and want that disclosure to be protected, you must make the disclosure to IBAC. IBAC's contact details are:

Level 1, North Tower
459 Collins Street
Melbourne VIC 3001
GPO Box 24234
Phone: 1300 735 135
www.ibac.vic.gov.au

A protected disclosure must be made in private, and may be made:

- (a) in person
- (b) by phone
- (c) by leaving a voicemail message
- (d) in writing by post, personal delivery or email
- (e) by any other form of electronic communication
- (f) anonymously.

8. What could a protected disclosure be about?

A protected disclosure could be about information that a person believes, on reasonable grounds, demonstrates or tends to demonstrate that a person, public officer or public body is engaging in, or proposing to engage in, improper conduct and/or detrimental action.

9. 'Reasonable grounds'

Reasonable grounds requires the belief that improper conduct or detrimental action has occurred, is occurring, or will occur. A mere suspicion, allegation or conclusion that is unsupported by further information, facts or circumstances is not protected. You must have information that would lead a reasonable person to believe that the information shows, or tends to show, improper conduct or detrimental action.

10. Offences under the Act

It is an offence to take detrimental action against another person in reprisal for a protected disclosure. To disclose the content, or information about the content of a disclosure that has been notified to IBAC or information that is likely to lead to the identification of the person who made that disclosure.

11. Procedure for dealing with detrimental action

GRLC is required to establish and publish procedures under s 58 of the Act and in accordance with the Guidelines of the IBAC published under s 57 of the Act. The GRLC is required to ensure these procedures are readily available to members of the public as well as internally to all staff of the GRLC.

These procedures are a resource for disclosers and potential disclosers, whether an internal GRLC member, employee or staff or an external member of the public; essentially, any individual who wants to find out how to make a disclosure, receive the protections available under the Act, and how the discloser and their disclosure may be managed and handled by the GRLC.

These procedures cover:

- how disclosures may be made to the GRLC;
- how the GRLC manages the receipt of disclosures;
- how the GRLC assesses disclosures it is able to receive under the Act;
- notifications the GRLC is required to make about disclosures, to both disclosers and to the IBAC;
- how the GRLC protects certain people, including from detrimental action being taken against them in reprisal for making a protected disclosure, namely:
 - protected disclosers;
 - persons who are the subject of protected disclosures and protected disclosure complaints; and
 - other persons connected to protected disclosures, such as witnesses or persons cooperating with an investigation.

These procedures form an essential part of the GRLC's commitment to the aims and objectives of the Act. GRLC does not tolerate improper conduct by the organisation, its employees nor the taking of reprisals against those who come forward to disclose such conduct.

GRLC recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal improper conduct or the taking of detrimental action in reprisal against persons who come forward to report such improper conduct.

GRLC will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person or body who is the subject of the disclosure.

GRLC, together with the nominated Protected Disclosure Coordinator, will take precautions to prevent staff from taking detrimental action in reprisal for a protected disclosure by identifying, assessing, controlling and monitoring risks of reprisals faced by disclosers and witnesses. The Protected Disclosure Coordinator will assess the individual circumstances of each case, and the disclosers and witnesses will, where possible, be consulted about any action that is taken.

A disclosure of detrimental action is itself a protected disclosure and should be made to IBAC. IBAC will assess it as a new disclosure according to its own guidelines and processes. Where the detrimental action is of a serious nature that is likely to amount to a criminal offence, GRLC may consider reporting the matter to the police. If the Protected Disclosure Coordinator receives a disclosure, the details of the incident should be recorded and the discloser must be advised of their rights under the Act to make a disclosure to IBAC.

Examples of detrimental action include:

- (a) GRLC refuses a deserved promotion of a person who makes a disclosure.
- (b) GRLC demotes or isolates a whistleblower due to them making a disclosure.
- (c) GRLC discriminates against the whistleblower or their family and associates in subsequent applications for jobs, permits or tenders.

12. Transfer of employees

A staff member who has made a disclosure and believes on reasonable grounds that detrimental action is being taken against them may request a transfer of employment. A staff member may be transferred internally to a different area of GRLC on similar terms and conditions of employment. This can only happen on request or by consent to a transfer.

The following conditions apply to transfers:

- (a) The CEO must have reasonable grounds to suspect detrimental action will be, is being, or has been taken against the employee.
- (b) The CEO must consider that the transfer will avoid, reduce or eliminate the risk of detrimental action.

13. Welfare Services

GRLC recognises that the welfare and protection from detrimental action of persons making genuine protected disclosures is essential and forms part of GRLC's obligation to create a safe working environment under legislation including the *Occupational Health and Safety Act 2004*, the *Charter of Human Rights and Responsibilities Act 2006*, the *Public Administration Act 2004* and the common law.

GRLC will take reasonable steps to provide welfare support to a discloser or a witness in an investigation, or persons who are the subject of the protected disclosure, or those who have cooperated or intend to cooperate with an investigation of a protected disclosure complaint, as the circumstances require. GRLC provides an independent Employee Assistance Program (EAP) to staff. Contact Verve Psychology Services on 5223 8948. More information is available through the Corporate Services Coordinator – People and Culture or on the Intranet.

14. ANNUAL REPORTING OF STATISTICS

GRLC is required to publish statistics about the Protected Disclosures Act in its annual reports. That information relates to how these procedures may be accessed and the number of disclosures notified to the IBAC for assessment during the financial year.

15. Review

This policy and procedure will be reviewed to ensure that they meet the objectives of the Act and are in accordance with guidelines published by IBAC.

RELATED DOCUMENTS

- GRLC's Managing Issues, Concerns and/or Complaints Policy
- GRLC's Code of Conduct Policy

RELEVANT LEGISLATION

- Protected Disclosure Act 2012 (Vic)
- Victorian Ombudsman Investigations Guidelines 2016
- Occupational Health and Safety Act 2004
- Charter of Human Rights and Responsibilities Act 2006
- Code of Conduct for Victorian Public Service Employees