

Procedure

Effective from: November 2013

Review due: November 2016

Public Interest Disclosure

Purpose of this procedure

This procedure aims to assist employees of Metro North Hospital and Health Service (MNHHS) and the public to understand their obligations in reporting wrongdoing that concerns staff members of the Service. This includes reporting corruption, maladministration, misuse of public funds or a substantial danger to public health, safety and environment.

This document also outlines the legislative provisions and procedures that are in place to protect people who make a public interest disclosure (PID) under the *Public Interest Disclosure Act 2010* (PID Act).

Scope and target audience

The legislated obligations under the PID Act for MNHHS have been delegated to the Principal Advisor - Crime and Corruption (PID Coordinator). This position is responsible for the assessment of information relating to suspected corruption and public interest disclosures within MNHHS.

This document applies to:

- All employees of MNHHS, whether full-time, part-time, temporary or casual.
- Any external person (member of the public) who is making a PID to MNHHS, in accordance with the PID Act.

This document does not apply to:

- Employee or workplace complaints or grievances when the disclosure relates to activity that is primarily harassment, bullying or interpersonal conflict. These should be reported to a line manager, supervisor or Executive Management in the first instance (see *Workplace Harassment HR Policy E13* or *Grievance Resolution HR Policy E12*).

Principles

MNHHS is committed to eliminating wrongdoing from the workplace and encourages any staff member who has knowledge about wrongdoing to make a disclosure. The Service aspires to having an organisational culture where employees feel supported about making a disclosure of wrongdoing. MNHHS believes employees who come forward with disclosures of wrongdoing are acting as exemplary organisational citizens by promoting openness, accountability and good management.

Glossary/definition of terms

For a complete glossary / definition of terms, please see [Appendix 1](#).

Roles and responsibilities

For a complete summary of individual roles and responsibilities for all MNHHS staff, see [Appendix 2](#).

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What is a public interest disclosure?

A PID is a category of complaint consisting of an appropriate disclosure of public interest information made directly to MNHHS or an appropriate authority (see Table 3) that results in the discloser receiving protection and support under the PID Act.

For a complaint to be relevant under the PID Act, one of the following two conditions must be met:

- The discloser must honestly believe on reasonable grounds that their information tends to show the conduct or danger. In this case, even if the information provided turns out to be incorrect, or the allegation is unable to be substantiated, the person will still receive protections under the Act provided they thought the information was true; or
- That the information tends to show the conduct or danger, regardless of whether the discloser believes the information shows the conduct or danger. This test enables the focus to be placed onto the substance of the disclosure, not necessarily the person's motivation.

What constitutes a PID depends on who is making the disclosure, with the PID Act distinguishing between disclosures made by **any person** (see Table 1) and those made by a [public officer](#) (see Table 2).

Table 1: PID's from **any person**

PIDs from any person
(Section 12 of the PID Act)

Any person (member of the public) can make a disclosure about:

- a) A substantial and specific danger to the health or safety of a person with a disability.
- b) A substantial and specific danger to the environment.
- c) The commission of an environmental offence (see Schedule 2 of the PID Act).
- d) The conduct of another person that could, if proven, be a reprisal.

Table 2: PID's from **public officers**

PIDs from public officers
(Section 13 of the PID Act)

In addition to the disclosures any person can make, a public officer can make a disclosure about:

- a) Suspected corruption, as defined in the Crime and Corruption Act 2001.
- b) Maladministration that adversely affects a person's interests in a substantial and specific way.
- c) A substantial misuse of public resources.
- d) A substantial and specific danger to public health or safety.

Table 3: **Appropriate Authority**

Appropriate authority

MNHHS is an appropriate authority under the PID Act and can receive disclosures that relate to:

- the conduct of MNHHS or any of its employees
- anything MNHHS has the power to investigate or remedy
- the conduct of an employee that could if proved be a reprisal.

If there is any doubt as to whether a disclosure is in fact a PID, MNHHS will deal with the matter as if it is, until otherwise confirmed.

If you are dissatisfied with how your disclosure has been assessed or managed you may request a review, either internally or externally (Refer to [Right of Review](#) section of this procedure).

MNHHS commitment

When employees report wrongdoing, MNHHS commits to:

- Protecting the dignity, wellbeing, career interests and good name of all persons involved.
- Protecting the discloser from any adverse action as a result of making the disclosure (reprisal).
- Treating any bullying, harassment, unfair treatment, victimisation or discrimination that results from a disclosure being made as a breach of discipline.
- Responding to the disclosure thoroughly and impartially.
- Taking appropriate action to deal with the wrongdoing, where some form of wrongdoing has been substantiated.
- Keeping the discloser informed of the progress and outcome in a timely manner.
- Maintaining confidentiality.

Making a PID (internal reporting options)

Employees can make a disclosure to:

- a manager or supervisor
- HR Services of your particular facility
- the Principal Advisor - Crime and Corruption (PID Coordinator) (Staff and members of the public).

Disclosures can be made:

- in person
- in writing - by letter, email or memo
- by telephone.

If a disclosure is received orally, it will be immediately recorded in writing, dated and signed by the person receiving the disclosure and forwarded to the Principal Advisor - Crime and Corruption (PID Coordinator) or local HR Services.

Note: you do not need proof, as long as you have reasonable grounds to believe that the wrongdoing has occurred.

Where possible, the following information can assist:

- The name and job title of the person who is the subject of your disclosure ([subject officer](#)).
- Details of relevant events, dates and places.
- The names of people who may be able to support what you say (witnesses).
- Any other information or evidence that supports what you say.

Making a PID (external reporting options)

Employees are encouraged to disclose to someone in MNHHS, however MNHHS will respect and support a discloser who makes a disclosure to an appropriate external entity. This can be done as a first step or if a person is not satisfied with the response by the Service to their disclosure.

Disclosures may be made to:

- The Crime and Corruption Commission (CCC) if it concerns corruption.
- The Queensland Ombudsman if it concerns maladministration or a Public Interest Disclosure.
- A Member of Parliament.

If a disclosure is made to an external entity, it is very likely that the entity will discuss the case with MNHHS. MNHHS will make every effort to assist and cooperate with any entity dealing with a PID about MNHHS, to work towards a satisfactory outcome.

Note: be aware that if a disclosure is made to a person or an organisation other than one that can investigate and deal with the matter, the protections provided under the *PID Act* do not apply.

Advice and assistance

Staff seeking information about making a PID can contact the following areas for confidential advice:

- The Metro North Principal Advisor - Crime and Corruption (PID Coordinator)

 3647 9686

 Metro_North_Misconduct@health.qld.gov.au

 Chief Executive Office
Level 14, Building 7, RBWH
HERSTON Qld 4029

- The CCC's Complaints Services (in relation to suspected corruption)

 3360 6060

 mailbox@ccc.qld.gov.au

The Queensland Ombudsman (general PID enquires)

 1800 068 908

Confidentiality

MNHHS will endeavour to keep a discloser's identity confidential. However, in some circumstances the identity of a discloser or their information may be made known to a subject officer or relevant managers. MNHHS will advise a discloser if their identity needs to be revealed for any of the reasons listed below and seek consent, if possible;

- Providing natural justice to the subject officer.
- To provide protection.
- The involvement of an external party (e.g. AHPRA or Police).
- To enable a full investigation of the PID.
- Responding to a court order or legal directive (e.g. subpoena, notice to produce, direction by a parliamentary committee).
- In court proceedings.

Maintaining confidentiality is very important in the handling of a disclosure. Confidentiality not only protects the discloser against reprisals, but any other people affected by the disclosure. Confidential information can include:

- The fact a disclosure has been made.
- Any information that may identify you or any person who may be the subject of a disclosure.
- The actual information that has been disclosed.
- Information relating to the disclosure that, if known, may cause detriment.

MNHHS will take all steps necessary to protect the identity of the discloser; however a discloser does also have some obligations:

- The fewer people who know about the disclosure – both before and after it is made – the more likely it is that confidentiality can be maintained. This can assist to protect a discloser from reprisal.
- In some instances, a discloser's identity may become known when a subject officer or other staff member is able to infer who the discloser is, particularly if the discloser has previously indicated to colleagues an intention to disclose or they have previously complained about the issue.

- A discloser is reminded to be discreet about the information they have provided as part of their PID.
- Sharing information which forms part of the PID may breach confidentiality provisions, including divulging information about a subject officer to others.

To protect confidentiality, MNHHS will ensure that the details of a disclosure, the investigation and related decisions will be kept secure. All record keeping and reporting will be done in accordance with legislative and administrative requirements.

MNHHS will provide relevant information to the oversight agency (Queensland Ombudsman) through completion of the PID database which is managed by the oversight agency.

False or misleading information

It is an offence under the PID Act to intentionally make a false or misleading statement intending it be acted upon as a PID. It is an indictable offence which carries a maximum penalty of 2 years imprisonment or a fine of up to \$18,370. Any employee who makes a false or misleading statement may be subject to disciplinary action.

Anonymous disclosures

Anonymous disclosures can be made in writing or by telephone.

Anonymous disclosers will need to provide sufficient information for the matter to be dealt with. It may not be possible to take action if details cannot be clarified or there is insufficient detail provided. It may not be possible for an anonymous discloser to be provided with progress reports about the disclosure or outcome advice at the conclusion of the matter unless an anonymous email account is used.

If an anonymous complaint is made and enough information is provided for the organisation to act, MNHHS is obliged to act on the information.

Disclosure to a journalist

In limited situations, a discloser may receive protections under the PID Act if they chose to make a disclosure to a journalist. Protections may still apply if a person has made a disclosure of substantially the same information and the organisation to which the disclosure was referred:

- Decided not to investigate or deal with the matter.
- Investigated the disclosure but did not recommend the taking of any action in relation to the matter.
- Did not notify the person within six months after the disclosure was made, whether the matter would be investigated or not.

Assessment and notification

The MNHHS PID Coordinator will make an assessment of the information received to determine whether the disclosure amounts to a PID. In making this assessment, the PID Coordinator may obtain independent expert advice, seek additional information or consult with other internal units.

The PID Coordinator will notify the discloser, where appropriate, of the assessment outcome. If the disclosure is assessed as being a PID, information will be provided regarding confidentiality pursuant to the PID Act, the protections from reprisal that apply under the PID Act and employee assistance details if applicable. The PID assessment notification to the discloser will be in writing (letter or email).

Once it is determined that a PID has been made, the discloser will be considered an 'internal witness'. MNHHS will provide the discloser with advice in writing (letter or email) on the process. This will include information on the action taken or proposed as a result of the disclosure, the estimated timeframes, confidentiality, protections under the act and details of a contact person if applicable.

The contact details of the HR Services officer or a nominated support officer will be provided to the internal witness as the local first point of contact. The HR Services officer or nominated support officer is to initiate discussion with the internal witness to facilitate assistance that the internal witness may require at the local level and to provide advice about progress and outcomes.

PID management

A decision on how to deal with a disclosure will be made by the PID Coordinator in consultation with the appropriate HR Services, Patient Liaison Unit and/or management of the local work area.

Preliminary enquiries may result in a decision to not take the matter any further or it may be determined that an investigation, disciplinary process or review is the most appropriate way to deal with the disclosure. If another agency is deemed more capable of dealing with the investigation of a disclosure (e.g. Queensland Police Service) the discloser will be advised of this.

At the conclusion of the process, the discloser will be provided with outcome advice explaining what action was taken to address the disclosure.

Right of review

Under the PID Act, a discloser can ask the Chief Executive of MNHHS to review a decision made by MNHHS not to investigate or deal with a PID. Section 30 of the PID Act, requires MNHHS to give the discloser written rationale for not investigating or dealing with a PID. The discloser can apply to the Chief Executive within 28 days of receiving those written reasons seeking a review of that decision.

In the case where a discloser provides information and after formal assessment, MNHHS determines the information does not meet the threshold of the PID Act and therefore is assessed as not being a PID, the discloser can appeal that decision to the Queensland Ombudsman's Office.

Reprisal

The purpose of the PID Act is to promote the reporting of wrongdoing which is in the public interest and to protect those persons who make disclosures. This protection continues following the disclosure of information being dealt with or at the completion of any review or investigation.

MNHHS is committed to ensuring that no disciplinary or adverse action, including workplace reprisals by managers, occurs as a result of a person making a disclosure.

Any form of detrimental action by another employee as a result of making a disclosure should be reported to the person who is handling the disclosure immediately, to ensure that positive action is taken to protect the discloser. Detrimental action can include:

- unfair treatment
- harassment
- intimidation
- victimisation
- unlawful discrimination.

All managers or supervisors must notify their respective HR Services or the PID Coordinator of any allegations of reprisal action against a discloser, or if they suspect that reprisal action against a discloser is occurring.

Any allegation of reprisal against an internal witness will be taken seriously by MNHHS. Pursuant to Section 40 of the PID Act, “a person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that;

- *The other person or someone else has made, or intends to make, a public interest disclosure, or*
- *The other person or someone else is, has been, or intends to be, involved in a proceeding under the PID Act against any person.”*

In addition, Section 12(1) (d) of the *PID Act* provides for **any** person who has information about the conduct of another person that could, if proved, be a reprisal, can be regarded as a disclosure of information in the public interest.

A person found guilty of committing an act of reprisal commits an indictable offence which carries a maximum penalty of 2 years imprisonment or a fine of up to \$18,370. An employee may also face disciplinary action and/or a civil claim for damages.

Assessment of reprisal risk

Once a PID has been made (or will be made) and a (potential) internal witness is known to exist, the level of protection and support appropriate for the internal witness will need to be determined. An initial assessment will need to be undertaken by the relevant HR Services officer or Patient Liaison officer at the time of becoming aware of the potential PID, and prior to assessment by the MNHHS PID Coordinator. This can be achieved by conducting a risk assessment of reprisal, including consideration of the likelihood of a reprisal occurring and its consequences. The information obtained during the initial assessment is to be provided to the PID Coordinator for use during the formal assessment of the PID.

Pursuant to Section 6.6 of the *Public Interest Disclosure Standard No. 1*, implementing protective measures need only be proportionate to the risk of reprisal. If the risk is assessed as being sufficiently “High” by the division, a record of a protection plan is to be developed. Where feasible, this should be developed in consultation with the discloser and other relevant stakeholders, e.g. Occupational Health and Safety.

Risk assessments are to be conducted on a regular basis to ensure the risk of reprisal is being managed appropriately. There are a number of occasions when the risk of reprisal may change including, but not limited to:

- commencement of investigation
- change in personal circumstances of parties involved
- investigation findings being delivered to parties
- discipline process undertaken
- penalty delivered to subject officer.

A review of any reprisal protection plan should occur if the risk of reprisal changes. Reprisals may occur if a disclosure of information is not managed appropriately. MNHHS as the employer must demonstrate that they have taken reasonable steps to prevent reprisal occurring. Appropriate records must be maintained to demonstrate how reprisal risk was considered, assessed and managed.

Pursuant to Part 7 of the *Public Interest Disclosure Standard No. 1* and MNHHS’s reporting obligations to the Queensland Ombudsman, the PID Coordinator will report the actions that have been taken to assess and manage the risk of reprisal for an internal witness. The HR Services of each facility are to consider the following risk mitigation strategies and are to advise the PID Coordinator, as part of the above reporting requirements, which strategies are in place or have been considered at the local level:

- additional security
- discloser declined support / protection

- existing strategies considered sufficient
- monitoring / management of staff who may engage in reprisal
- protection of identity or existence of discloser
- tailored support for the discloser
- suspension of staff who may engage in reprisal
- transfer of discloser
- transfer of staff who may engage in reprisal.

Responding to reprisals

Once MNHHS becomes aware of allegations of reprisal against a discloser, immediate steps will be taken to investigate the allegation. The discloser will be kept informed of the progress of the investigation or process and any relevant outcome. Where it is established that reprisal action is occurring, immediate steps will be taken to stop that activity and protect those concerned. The nature of the action that MNHHS will take is dependent upon the circumstances and seriousness of the reprisal.

Any employee found to have engaged in reprisal will be the subject of disciplinary action and possible criminal prosecution.

Be aware that making a PID does not protect the discloser from being subject to [reasonable management action](#), disciplinary action or criminal prosecution in the event that the discloser's conduct or performance is unsatisfactory.

Support for disclosers

MNHHS will initiate and coordinate action to support a discloser, particularly if they are suffering detriment or are at risk of reprisal. Actions may include:

- Providing organisational resources to address concerns about making a disclosure.
- Appointing a mentor, confidante or other support officer to assist throughout the process.
- Referral to the Employee Assistance Program or arranging for other professional counselling.
- Generating support in the work unit (if appropriate).
- Ensuring that any suspicions of reprisal, victimisation or harassment are dealt with.
- Negotiating a formal end to a support program when it is agreed that assistance is no longer required.

All staff in supervisory roles in MNHHS are obligated to notify the HR Services and/or PID Coordinator if they believe any staff member is suffering detriment as a result of reporting a wrongdoing.

Reasonable management action

The PID Act recognises the need for supervisors and managers to be able to take reasonable management action with an employee even if they are protected under the PID Act. The reason for taking the management action **cannot** include the fact that a PID has been made. Existing HR policies and procedures must be considered when taking reasonable management action. It is suggested managers consult with their local HR Services or the PID Coordinator before any proposed action is undertaken.

The PID Act outlines reasonable management action, which can include:

- Appraisal of the employee's work performance and development, e.g. performance and development (PaD) process.
- A requirement of the employee to undertake/participate in a performance improvement processes (PIP).

- An action that requires the employee to respond to matters raised in relation to or against them, e.g. complaints or grievance matters, or when the discloser becomes the subject of a disclosure made by another person.
- An action or decision made about task allocation, workloads or access to training.
- An action or decision made about matters of operational requirement or need.
- A requirement that an employee undertakes counselling or participates in a rehabilitation / return to work process.
- Suspension of the employee from the employment workplace.
- Disciplinary action.
- An action to transfer or deploy the employee.
- Action to end the employee's employment by way of redundancy or retrenchment.
- Action in relation to the employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee's employment.

If action is contemplated against an internal witness, management must be able to demonstrate that:

- There are sufficient grounds (for taking the action).
- The action is reasonable, as well as proportionate, and consistent with similar cases (where known).
- They consider the action to be reasonable in the circumstances.
- It has taken into account the particular circumstances.

Rights of the subject officer

MNHHS is committed, and required to take action to address information that has been disclosed in the public interest to determine the substance of the disclosure. Any information received by MNHHS will be managed impartially, objectively and reasonably. The rights of any person who is the subject of, or is associated with a disclosure, are important. All employees are entitled to confidentiality and the presumption of innocence if a PID is made against them.

In most circumstances, preliminary inquiries will be undertaken to test the veracity of the disclosure and ensure the preservation of evidence. In a case where the information provided is incorrect, the subject officer may not be advised that allegations were received at all. Once the information is assessed and determined to amount to a PID, the subject officer will receive notification that allegations have been raised and will be provided with advice regarding the process, their rights and obligations.

Subject officers may seek assistance from their union, or engage their own legal representative at their own expense, during the process of the disclosure being dealt with or when allegations are raised.

A subject officer may, in certain circumstances be provided with information that will identify a discloser. These circumstances include providing natural justice to the subject officer when it is unlikely that reprisal action would be taken (Section 65(4) of the PID Act).

Subject officers are to remain cognisant of their own behaviour and obligations under the *Code of Conduct for the Queensland Public Service*. Any allegation of reprisal taken by a subject officer against a PID will be investigated and the subject officer may be the subject of disciplinary action and possible criminal prosecution.

Finalisation of PID matters

Once a decision is made regarding the action to be taken to deal with the PID, a HR Services officer, Patient Liaison officer or allocated support officer will maintain contact with the discloser and provide updates as they become available. The PID Coordinator may also provide updates to the discloser. Once the matter is concluded, outcome advice will be provided to the discloser identifying the following:

- what action was taken
- if the matter was substantiated or not
- if disciplinary action or managerial action is taken against a subject officer
- any systemic issues identified and proposed action to be taken to rectify.

The details of the penalty imposed or action taken against a subject officer cannot be provided due to privacy constraints. If requested, the PID Coordinator and/or the allocated HR Services officer can meet with the discloser to discuss the outcome further.

Legislation and other authority

Code of Conduct for the Queensland Public Service 2011

Crime and Corruption Act 2001

Environmental Protection Act 1994

Financial Accountability Act 2009 (September 2013 version)

Grievance Resolution HR Policy E12

Harassment HR Policy E13

Public Interest Disclosure Act 2010

Public Interest Disclosure Standard No. 1

Resource links

[*Corruption in Focus: a guide to dealing with corrupt conduct in the Queensland public sector*](#)
(Queensland Government, 2014)

[*Handling a Public Interest Disclosure: A guide for public sector managers and supervisors*](#)
(Public Service Commission/Crime and Misconduct Commission/Queensland Ombudsman, 2011)

[*Managing a Public Interest Disclosure Program: A guide for public sector organisations*](#)
(Public Service Commission/Crime and Misconduct Commission/Queensland Ombudsman, 2011)

[*Thinking about blowing the whistle? A guide for individuals*](#)
(Public Service Commission/Crime and Misconduct Commission/Queensland Ombudsman, 2011)

Appendix 1

Definition of terms

| Term | Definition |
|-----------------------|--|
| Administrative Action | Any action about a matter of administration, including, for example— <ol style="list-style-type: none"> a) a decision and an act; and b) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and c) the formulation of a proposal or intention; and d) the making of a recommendation, including a recommendation made to a Minister; and e) an action taken because of a recommendation made to a Minister. |
| Detriment | Includes – <ol style="list-style-type: none"> a) personal injury or prejudice to safety; and b) property damage or loss; and c) intimidation or harassment; and d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and e) financial loss; and f) damage to reputation, including, for example, personal, professional or business reputation. |
| Disability | Permanent disability or one likely to be permanent – <ol style="list-style-type: none"> a) that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of impairments; and b) that results in - <ol style="list-style-type: none"> (i) a substantial reduction of the person's capacity for communication, social interaction, learning or mobility; and (ii) the person needing support. |
| Discloser | A person who makes a public interest disclosure. |
| Environment | Includes – <ol style="list-style-type: none"> a) ecosystems and their constituent parts, including people and communities; and b) all natural and physical resources; and c) the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and d) the social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c). (<i>Environmental Protection Act 1994</i>) |
| Journalist | A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media. |

| | |
|---|---|
| Maladministration | Administrative action that: <ul style="list-style-type: none"> a) was taken contrary to law; or b) was unreasonable, unjust, oppressive, or improperly discriminatory; or c) was unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances even though it is within the law; or d) was taken for an improper purpose, or on irrelevant grounds, or having regard to irrelevant considerations; or e) was an action for which reasons should have been given, but were not given; or f) was based wholly or partly on a mistake of law or fact; or g) was wrong. |
| Misconduct | Inappropriate or improper conduct in an official capacity or inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service. |
| Protected Discloser | A person who makes a PID in accordance with provisions contained within the <i>PID Act</i> and who is granted protected status (previously known as “whistle-blower protection status”). |
| Public Funds | Funds available to, or under the control of, a public sector entity and include, for example, public moneys within the meaning of the <i>Financial Accountability Act 2009</i> . |
| Public Health or Safety | The health or safety of persons: <ul style="list-style-type: none"> a) under lawful care or control; or b) using community facilities or services provided by the public or private sector; or c) in employment workplaces. |
| Public Interest Disclosure | A disclosure of information specified in the <i>PID Act</i> (Sections 12 and 13) and made to an appropriate public sector entity that has the responsibility or power to take appropriate action about the information disclosed or to provide an appropriate remedy. |
| Public Officer | A public officer, of a public sector entity, is an employee, member or officer of the entity (Section 7 of the <i>PID Act</i>) |
| Reprisal | Causing, attempting to or conspiring to cause, detriment to another because, or in the belief that, they have made, or intend to make, a PID. |
| Subject Officer | An employee who has had allegations raised against them and is/might be the subject of a public interest disclosure. |
| Substantial and Specific (for example, describing danger to the environment) | While not defined in the <i>PID Act</i> , ‘ substantial ’ means “of a significant or considerable degree”. It must be more than trivial or minimal and have some weight or importance. ‘ Specific ’ means “precise or particular”. This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms. |

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Appendix 2

Roles and responsibilities of Metro North Hospital and Health Service employees

The Chief Executive

The Chief Executive is responsible for:

- Creating an ethical workplace culture where employees report suspected wrongdoing when they become aware of it and are supported when they do so (Code of Conduct for the Queensland Public Service).
- Ensuring reasonable procedures are in place to deal with a PID and that those procedures are published to enable members of the public and employees access to them.
- Ensuring that PIDs are properly assessed, investigated and dealt with, including appropriate action being taken in relation to any wrongdoing identified in a disclosure.
- Ensuring that employees making a PID receive support and protection from reprisal.
- Ensuring that all legislative obligations in relation to reporting and investigation are met.
- Ensuring that all matters involving suspected corruption are referred to the Crime and Corruption Commission (*Crime and Corruption Act, 2001*).

Executive Directors, Senior Directors, Managers and staff members holding supervisory roles

Executive Directors, Senior Directors, Managers and staff members holding supervisory roles are responsible for:

- Ensuring employees in their area are aware of their obligations in relation to the requirements of this procedure, which includes facilitating employees to make PID's or report corruption within their business areas about any matters which may be disclosed (under sections 12 and 13 of the *PID Act*).
- Facilitating members of the public to make a PID to MNHHS about:
 - A substantial and specific danger to the environment.
 - A substantial and specific danger to the health or safety of a person with a disability.
 - A reprisal because of a belief that a person has made or intends to make a PID.
- Ensuring reports of wrong-doing and potential PIDs are referred in the first instance to the HR Services (of your particular facility) or the PID Coordinator for assessment and action.
- Ensuring employees, managers and supervisors are trained in ethical decision-making, Code of Conduct for the Queensland Public Service, misconduct prevention and relevant MNHHS policies.
- Monitoring the workplace for any signs of reprisal or increased risk of reprisal against an employee making a PID.
- Taking reasonable action to protect an employee who makes a PID.
- Taking reasonable action to ensure an employee who is the subject of a PID receives fair treatment and has access to support and assistance.
- Ensuring that where allegations made in a PID are substantiated, that recommendations from the investigation are implemented as soon as practicable, with effective systems and processes put in place to reduce the likelihood of recurrence.

Principal Advisor - Crime and Corruption (PID Co-ordinator)

The legislated obligations under the PID Act have been delegated in the Human Resources Sub-Delegation manual for MNHHS, to the Principal Advisor - Crime and Corruption (PID Coordinator). Overall coordination of the Metro North Health PID process includes:

- Undertaking an initial risk assessment, taking into consideration the information received at the time of assessment and if necessary in consultation with appropriate positions.
- Ensuring employees are aware of the protection offered to members of the public as a protected discloser when making a PID to MNHHS under the PID Act.
- Providing advice in relation to the obligations under the PID Act.
- Development, maintenance and communication of the *MNHHS PID Procedure*.
- Review of the *MNHHS PID Procedure* at regular intervals.
- In certain circumstances, arranging for investigation or appropriate alternate action of matters alleged through a PID to be undertaken.
- Consulting with HR Services officers, Patient Liaison officers, line managers and supervisors about management of employees making a PID and employees who are the subject of a PID to ensure they receive fair treatment, have access to support and assistance and are safeguarded from reprisal.
- Ensuring legislative reporting obligations on PID issues are met, including maintaining and updating the relevant MNHHS entries in the PID data base (and reporting to the Ombudsman as Oversight Agency).
- Ensuring PID's are given appropriate notification of their PID status
- Ensuring that progress reports and outcome advice are provided to a PID (either directly or via the HR Services , Patient Liaison Unit officer or allocated support officer).
- Providing information concerning PIDs to the Chief Executive MNHHS, relevant senior executives and the MNHHS Board as required and authorised by the PID Act.

HR Services

HR Services officers are responsible for:

- Ensuring any reports of wrongdoing that could amount to suspected corruption and/or a PID are referred to the Principal Advisor - Crime and Corruption (PID Coordinator) for formal assessment.
- Managing and dealing with matters assessed as PID's through appropriate strategies including but not limited to investigation, discipline processes, system reviews or other relevant processes to deal with the PID.
- Assisting with reprisal assessment and ongoing risk management and mitigation of PID matters in consultation with relevant supervisors, allocated support officer, the PID Coordinator and disclosers.
- In the case of Moderate - Extreme Risk reprisal matters, undertake detailed assessment and planning in consultation with the discloser, the relevant executive and System Manager HR representative (if applicable) and implement risk mitigation strategies.
- Provide advice to line managers, supervisors and executive management with regard to case management of employees making a PID and subject officers to ensure they receive fair treatment, have access to support and assistance and are safeguarded from reprisal.
- Provide written outcome advice to the discloser and a copy to the PID Coordinator at the conclusion of the matter.

Patient Liaison or Patient Complaints Units

Patient Liaison Unit officers are responsible for:

- Ensuring any complaints received from patients or their advocates that relate to a substantial and specific danger to the health or safety of a person with a disability; or a substantial and specific danger to the environment; or the conduct of another person that could, if proven, be a reprisal, is referred to the Principal Advisor - Crime and Corruption for formal assessment.
- Managing and dealing with matters assessed as PID's through appropriate strategies including but not limited to investigation, discipline processes, system reviews or other relevant processes to deal with the PID in consultation with the local HR Services or other relevant area and the PID Coordinator.
- Provide written outcome advice to the discloser and a copy to the PID Coordinator at the conclusion of the matter.

Employees

All employees are responsible for:

- Being aware of and complying with all relevant Whole-of-Government and MNHHS policies and procedures, including the *Code of Conduct for the Queensland Public Service*, reporting of suspected corruption and PID's.
- Attending or undertaking training within MNHHS relating to ethical decision-making, Code of Conduct for the Queensland Public Service and misconduct prevention when offered.
- Being aware of the possibility that wrongdoing may exist in the workplace and reporting any concerns to their manager, a supervisor or an appropriate official.
- Being aware of what reprisal is and ensuring their actions towards a discloser or any person associated with a disclosure does not amount to a reprisal.

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Document history

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| Policy custodian | Metro North Principal Advisor - Crime and Corruption (PID Coordinator) |
| Risk rating | Low |
| Compliance evaluation & audit | Review of PID database trends in consultation with the Ombudsman’s Office. Liaise with the MNHHS Learning and Development Unit re orientation and induction training and ongoing opportunities to provide PID training to employees. Provide dedicated PID refresher information to managers/supervisors at training forums |
| Document replaced | New |
| Key Stakeholders | <ul style="list-style-type: none"> • MNHHS Chief Executive • MNHHS Learning & Development Unit • MNHHS Board of Directors • MNHHS Internal Audit • MNHHS Safety & Quality Committee • MNHHS ED Workforce & Organisational Development • Facility Safety and Quality Units |
| Key words | Whistle; Blower; Misconduct; PID; Public; Interest; Disclosure; Discipline; CMC; Crime; And; Corruption; Commission; Ombudsman; Wrongdoing; MNHHS; Metro; North; Procedure; Act; Health; Workplace; Complaints; |

AUTHORISATION

Signature..... Date.....

Director, Safety and Quality. Metro North Hospital and Health Service

AUTHORISATION

Signature..... Date.....

Chief Executive, Metro North Hospital and Health Service

The signed version is retained in the Office of the Chief Executive, Metro North Hospital and Health Service.