

Public Interest Disclosure 005329



Policy statement

Metro North Hospital and Health Service (Metro North Health) recognises the importance of employees reporting misconduct within the organisation and the role they play in improving the functioning and integrity of the health service. All employees have an obligation to identify and report any wrongdoing by making a public interest disclosure (PID).

Metro North Health is committed to ensuring all complaints assessed as public interest disclosures are managed in accordance with the standards set out in the *Public Interest Disclosure Act 2010* (Qld) (PID Act).

Section 28 of the PID Act requires Metro North Health to establish reasonable procedures about how to deal with PIDs.

Purpose and intent

The purpose of this policy is to ensure Metro North Health complies with the PID Act, the Public Interest Disclosure Standards and to set out the roles and responsibilities regarding PIDs.

This policy works in conjunction with the Metro North Health Public Interest Disclosure Procedure which outlines the process for reporting a PID.

The intent of this document is to ensure that Metro North Health complies with the PID Act whilst also respecting the human rights of every individual in accordance with the *Human Rights Act 2019* (Qld).

Scope and target audience

This policy applies to all Metro North Health employees (permanent, temporary and casual including contractors and consultants) and all organisations and individuals acting as its agents (including visiting medical officers and other partners contractors, consultants, students / trainees and volunteers).

This policy does not replace the need to read or refer to the PID Act and the Public Interest Disclosure Standards.

Principles

Metro North Health's commitment to public interest disclosures

Metro North Health encourages any employee who believes they have witnessed wrongdoing to come forward and make a disclosure. Every employee has a responsibility to disclose wrongdoing under the [Code of Conduct for the Queensland Public Service](#) (Code of Conduct).

To eliminate such conduct, Metro North Health is committed to creating and maintaining an environment that encourages disclosure of information about wrongdoing or danger. This is achieved by:

- facilitating disclosures of information, or complaints, about wrongdoing or danger that relate to Metro North Health
- ensuring disclosures, including those made anonymously, are properly assessed and when appropriate, properly investigated or otherwise dealt with
- ensuring PID assessments, investigations and decision-making processes are completed within a reasonable timeframe
- affording appropriate and reasonable protection from reprisals, and support, for those who have made a PID
- ensuring appropriate consideration and natural justice is given to the interests of those who are the subject of a PID
- ensuring the human rights of those who are involved in a PID are considered in accordance with the *Human Rights Act 2019* (Qld). Relevant human rights may include right to privacy and reputation section 25, freedom of expression section 21, right to liberty and security section 29 and/or right to equality before the law section 15.

Roles and responsibilities in disclosure management

An organisational culture that encourages, values and supports making PIDs requires shared responsibilities for disclosure management across Metro North Health.

All levels of management within Metro North Health are responsible for:

- reporting information, or complaints, to the Metro North Health Ethical Standards Unit for PID assessment
- maintaining confidentiality about a potential PID and considering the risk of reprisal
- providing or facilitating support for a person who has made a PID
- providing or facilitating support for a person who is the subject of a PID and affording natural justice to them
- monitoring the workplace for signs of reprisal against a discloser, or any other person, where a PID has been made
- ensuring when allegations are substantiated and/or systemic recommendations are made, adopted recommendations are implemented
- as a result of a PID, determining whether any other change is needed to policy, procedure, other process or control measure, and escalating and monitoring through to implementation

Roles and Accountabilities

Role	Accountabilities
Chief Executive (CE), Metro North Health	<ul style="list-style-type: none"> Ensuring Metro North Health develops, implements and maintains a PID management program in accordance with the PID Act. The CE has sub-delegated the authority to make a determination if a disclosure of information is a PID pursuant to the PID Act to the Director, Metro North Health Ethical Standards Unit (PID Coordinator).
Senior Management and Supervisors (including decision-makers and delegates)	<ul style="list-style-type: none"> Being aware that certain types of conduct reported by employees, or members of the public, may be a public interest disclosure under the PID Act. Referring a potential PID, including information or complaint, to the Metro North Health Ethical Standards Unit for assessment. Immediately consider the risk of reprisal, and where required, implement reasonable procedures and a protection plan; review the procedures or protection plan (contact the Metro North Health Ethical Standards Unit for assistance if required). Take action on, or deal with, information and alleged conduct disclosed in a PID, or take no action on a PID in accordance with the PID Act, after referral and advice from the Metro North Health Ethical Standards Unit. Ensure PIDs are dealt with in a timely manner, subject to the complexity of the matter, alleged conduct disclosed, procedural fairness for any subject officer or any external agency involvement (e.g., Queensland Police Service). Provide or facilitate support, or develop a support plan, where required for the discloser (contact the Metro North Health Ethical Standards Unit for assistance if required). Provide the discloser with regular updates about progress of dealing with the public interest disclosure and/or nominate a suitable support or contact person for the discloser. Provide reasonable written outcome advice to a person who has made a public interest disclosure on the action taken, including a description of the results of the action. Advising the relevant Senior Executive when concerns arise in relation to non-compliance with Metro North Health's public interest disclosure policy. Ensuring employees in their area of responsibility are aware of their obligations in relation to the requirements of this policy, including obligations regarding confidentiality and reprisal under the PID Act. Ensuring employees in their area of responsibility are aware of, and have access to, mandatory PID training and PID information, including this policy.

	<ul style="list-style-type: none"> • Ensuring mandatory training records are maintained for their area of responsibility. • Maintaining locally held confidential PID records and information securely, including information on risk assessments, reprisal protection plans, or other information gathered when dealing with the disclosure, e.g., investigation reports, disciplinary files.
<p>Metro North Health Ethical Standards Unit</p>	<ul style="list-style-type: none"> • Providing advice on PIDs and the PID Act to the CE, Senior Executives, management, employees and members of the public who wish to make a disclosure. • Assessment of information, or complaints, to determine whether the information is a PID pursuant to the PID Act. • Advising a discloser when information is assessed as a PID. • Undertake risk assessments in consultation with disclosers and other relevant officers. • Ensuring PID Support Officers are assigned to the PID when necessary. • Providing information concerning a particular PID to the CE, Senior Executives or management as required and as authorised by the PID Act. • Communicating with the CE, Senior Executives, management and external agencies about PID case management, including on matters of taking action or no action to deal with a PID and timelines. • Advising management when a PID is subject to specific requirements of the Crime and Corruption Commission (CCC). • In certain circumstances, facilitate formal investigation of matters alleged in a PID. • In certain circumstances, correspond with a discloser after a PID has been dealt with. • Being the central contact point for Metro North Health on PIDs, including for the oversight agency; and reporting PIDs to the oversight agency. • Maintaining and updating internal records of PIDs received within Metro North Health. • Reporting data on PIDs to the Queensland Ombudsman. • Metro North Healths' HR policy and online information; and monitoring the effectiveness of Metro North Healths' policy and processes. • Advising the CE, or Senior Executive, when concerns arise in relation to non-compliance with Metro North Healths' PID policy. • Delivery of face-to-face PID training to work groups upon request.

<p>Patient Liaison or Patient Complaints Units</p>	<ul style="list-style-type: none"> • 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 PID Coordinator for formal assessment. • Managing and dealing with matters assessed as PIDs 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.
<p>People and Culture Partners</p>	<ul style="list-style-type: none"> • Ensuring any reports of wrongdoing that could amount to suspected corruption and/or a PID are referred to Metro North Health Ethical Standards Unit 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.
<p>Employees</p>	<ul style="list-style-type: none"> • Ensuring own awareness and compliance with this policy and relevant whole-of-Government and Metro North Health policies and procedures, including the Code of Conduct and Metro North Health Requirements for Reporting Corrupt Conduct procedure. • Attending mandatory training for Public Interest Disclosures; Code of Conduct; and Fraud Awareness. • Being aware of the possibility that corrupt conduct, maladministration, reprisal or a danger to public health and safety may exist in the workplace and reporting any concerns to their manager or supervisor.

	<ul style="list-style-type: none"> • Maintaining confidentiality to help ensure the integrity of the process of dealing with the PID, and mitigate the risk of reprisal, when involved in a PID process, either as a discloser or witness.
PID Support Officer	<ul style="list-style-type: none"> • Providing advice and information to the discloser on the department's PID procedure. • Providing personal support and referral to other sources of advice or support as required. • Proactively contact discloser throughout PID management process.

Partnering with consumers

Metro North Health considers the cultural needs and rights of Aboriginal and Torres Strait Islander peoples in accordance with section 28 of the Human Rights Act 2019 (Qld). Consultation and feedback has been sought from the Aboriginal and Torres Strait Islander Unit in preparing this document. Metro North Health is committed to protect the public from harm and to improve the quality of health service provision. The NSQHS Standards identify six actions specific to the provision of care for Aboriginal and Torres Strait Islander people. The attendance to these actions provides assurance that service provision is equitable, and that the needs drive the level and range of care that can be accessed.

See the [Australian Commission on Safety and Quality in Health Care for further information](#)

Metro North Health is committed to ensuring our staff have the knowledge and skills to deliver care in culturally capable ways and that our work environments are at all times culturally respectful and supportive of our Aboriginal and Torres Strait Islander staff as guided by the [Queensland Health Aboriginal and Torres Strait Islander Cultural Capability Framework 2010-2033](#) and [Metro North Health Equity Strategy 2022-2025](#).

Culturally and Linguistically Diverse (CALD) patients

Staff are to provide care that encompasses physical, social, emotional, spiritual and cultural wellbeing of the individual, in accordance with the [Metro North Collaborating in Health Strategy 2022 – 2024](#).

The Australian Charter of Healthcare Rights states that patients have a right to be informed about services, treatment, options and costs in a clear and open way. Wherever practical, healthcare providers should take steps to meet patient/consumer access, treatment, language and communication needs.

The principles of equity and cultural safety provide the guiding principles for implementing and maintaining health equity for our diverse communities, including CALD communities, people from refugee and asylum-seeking backgrounds, LGBTQI+ communities, people living with disabilities, rural and remote communities, people who are homeless or vulnerably housed who access health services. These principles are as follows:

Access

Individuals and groups within the organisation will take responsibility for providing a range of access options to health services that are culturally appropriate for CALD patients.

Safety

Patients and other individuals receive safe and high-quality health services, provided with professional care, skill and competence in an environment that makes them feel safe.

Respect

All individuals and groups are treated according to their unique cultural needs and differences with an understanding to not in any way diminish, demean or disempower individuals on the basis of perceived or actual differences.

Partnership

Individuals make decisions with their healthcare provider and are involved in honest and open communication, which includes choosing the people involved in planning and decision-making.

Information

Information is shared with Individuals and groups within the organisation, demonstrating service models that encompass health promotion, disease prevention, diagnostic, treatment, primary, acute, sub-acute and support services.

Privacy

Individuals' privacy will be respected, and their health information will be secure and confidential

Feedback

Individuals share experiences and participate to improve the quality of care and health services. Feedback or complaints will be provided and actioned without effecting the individual's treatment plan. Concerns will be addressed in a transparent and timely way.

Metro North respects, protects and promotes the cultural rights of Culturally and Linguistically Diverse (CALD) people. Please advise CALD patients, their families and/or substitute decision-makers of their cultural and language rights under Section 27 of the *Human Rights Act (2019)*. An interpreter may be booked to promote consumers' cultural right to communicate in a language of their choosing on the Metro North Intranet [Language Services](#) page.

Legislation and other authority

Anti-Discrimination Act 1991 (Qld)

Crime and Corruption Act 2001 (Qld)

Disability Services Act 2006 (Qld)

Environmental Protection Act 1994 (Qld)

Human Rights Act 2019 (Qld)

Industrial Relations Act 2016 (Qld)

Information Privacy Act 2009 (Qld)

Judicial Review Act 1991 (Qld)

Public Interest Disclosure Act 2010 (Qld)

Public Records Act 2002 (Qld)

Public Sector Act 2022 (Qld)

Public Sector Ethics Act 1994 (Qld)

Human Rights

There are no human rights engaged or limited by the processes outlined in this document as defined under the *Human Rights Act 2019 (Qld)*.

Related Documents

[Queensland Ombudsman Public Interest Disclosure Standard No. 1/2019](#)

[Queensland Ombudsman Public Interest Disclosure Standard No. 2/2019](#)

[Queensland Ombudsman Public Interest Disclosure Standard No. 3/2019](#)

Code of Conduct for the Queensland Public Service

Metro North Requirements for Reporting Corrupt Conduct

Metro North [Corrupt conduct complaints involving the Chief Executive](#)

Metro North Public Interest Disclosure Procedure 002088

Other PID resources available from the [Queensland Ombudsman PID Resources](#) webpage

Appendix 1 – Definition of terms

Term	Definition
Administrative action	Defined in Schedule 4 of the PID Act and means any action about a matter of administration, including, for example: <ul style="list-style-type: none">• a decision and an act; and• a failure to provide a written statement of reasons for a decision; and• the formulation of a proposal or intention; and• the making of a recommendation, including a recommendation made to a Minister; and• an action taken because of a recommendation made to a Minister. It does not include an operational action of a police officer or of an officer of the CCC.
Anonymous	Where the person disclosing information does not identify themselves at any stage, to anyone.

<p>Corrupt Conduct</p>	<p>Section 15 of the <i>Crime and Corruption Act 2001</i> (Qld) defines corrupt conduct for the purposes of the Act and this procedure.</p> <p>Type A – Section 15 (1)</p> <p>a) The conduct, adversely affects or could adversely affect (directly or indirectly), the performance or function of Metro North Health or Metro North Health employees;</p> <p>and</p> <p>b) The conduct is or could be (directly or indirectly)</p> <ul style="list-style-type: none"> • dishonest or is not impartial; or • a breach of the trust places in the employee (either knowingly or recklessly); or • a misuse of information or material acquired in, or in connection with the performance of their role in Metro North Health <p>and</p> <p>c) The conduct if proven would be:</p> <ul style="list-style-type: none"> • a criminal offence; or • a disciplinary breach providing reasonable grounds for termination of the person’s employment <p>Type B - Section 15 (2)</p> <p>a) The alleged conduct impairs, or could impair, public confidence in public administration;</p> <p>and</p> <p>b) Involves, or could involve, any of the following</p> <ol style="list-style-type: none"> i. Collusive tendering. ii. Fraudulent applications for licenses, permits and other authorities under an Act necessary to protect: <ul style="list-style-type: none"> • the health and safety of persons • the environment; and/or • the use of the State’s natural resources iii. dishonestly obtaining benefits from the payment or application of public funds or the disposition of state assets iv. evading States taxes, levies, duties or fraudulently causing a loss of State revenue v. fraudulently obtaining or retaining an appointment <p>and</p> <p>c) The conduct if proven would be:</p> <ul style="list-style-type: none"> • a criminal offence; or • a disciplinary breach providing reasonable grounds for terminating the person’s services if the person is or were the holder of an appointment
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Term	Definition
Danger	A threat or event that would cause harm or damage to both persons and/or property.
Detriment	<p>Defined in schedule 4 of the PID Act and “includes:</p> <ul style="list-style-type: none"> a) <i>personal injury or prejudice to safety; and</i> b) <i>property damage or loss; and</i> c) <i>intimidation or harassment; and</i> d) <i>adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</i> e) <i>financial loss; and</i> f) <i>damage to reputation, including, for example, personal, professional or business reputation.”</i>
Disability	<p>Pursuant to section 8 of the <i>Environmental Protection Act 1994</i> (Qld) Environment includes –</p> <ul 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).
Environment	<p>Pursuant to section 8 of the <i>Environmental Protection Act 1994</i> (Qld) Environment includes –</p> <ul 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).
Journalist	Pursuant to Section 20(4) of the PID Act “a <i>person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.</i> ”

Term	Definition
Maladministration	<p>Schedule 4 of the PID Act defines maladministration as administrative action that:</p> <ul style="list-style-type: none"> a) was taken contrary to law; or b) was unreasonable, unjust, oppressive; or improperly discriminatory; or c) was in accordance with a rule or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or d) was taken – <ul style="list-style-type: none"> i. for an improper purpose; or ii. on irrelevant grounds; or iii. 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.
Natural Justice	<p>Natural justice, also referred to as ‘procedural fairness’, applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> • avoid bias • give a fair hearing • act only on the basis of logically probative evidence.
Public health or safety	<p>Includes the health or safety of persons:</p> <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. <p>For example - a patient under the care or control of a doctor, nurse or other health professional at a public health facility.</p>

Term	Definition
Public Interest Disclosure	<p>A public interest disclosure is a disclosure about wrongdoing in the public sector that serves the public interest. For an allegation to be considered a public interest disclosure under the PID Act it must be:</p> <ul style="list-style-type: none"> • public interest information about serious wrongdoing or danger; • an appropriate disclosure; and • made to a proper authority.
Reprisal (and grounds for reprisal)	<p>Defined in section 40 of the PID Act as a person causing, attempting to conspiring to cause, detriment to another person because, or in the belief that:</p> <ul style="list-style-type: none"> • the other person or someone else has made, or intends to make, a PID; or • the other person or someone else is, has been, or intends to be, involved in a procedure under the PID Act against any person. <p>An attempt to cause detriment includes an attempt to induce a person to cause detriment.</p>

Document History

Author	Director, Ethical Standards Unit, Metro North Health
Custodian	Director, Ethical Standards Unit, Metro North Health
Consequence level	Likelihood – Possible Consequence – Minor Risk Rating – Medium (9)
Compliance evaluation and audit	Review of PID database trends in consultation with the Ombudsman’s Office. Liaise with Metro North Health 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.
Replaces Document/s	Policy 05329 Public Interest Disclosure V1.0 (2020)
Changes to practice from previous version	<p>Scheduled Review - minor</p> <ul style="list-style-type: none"> • No changes to practice/process • References to Integrity Unit changed to Ethical Standards Unit • Move to new Metro North template
Education and training to support implementation	Mandatory training on Public Interest Disclosure training required for all Metro North Health employees. (Available on TMS).
Consultation	<p>Key stakeholders</p> <p>Metro North Health Ethical Standards Unit</p> <p>Metro North Health Legal Services Unit</p>

	<p>Chief People and Culture Officer, People and Culture Metro North Health Workplace Relations</p> <p>Broad Consultation facilitated through the following:</p> <p>Metro North Health Aboriginal and Torres Strait Islander Leadership Team Metro North Health Clinical Governance Digital Metro North Metro North Health Medical Services Metro North Health Nursing and Midwifery Metro North Health Allied Health Metro North Health Communication Metro North Health Finance Metro North Health People and Culture Metro North Health Workplace Health and Safety Metro North Health Legal Unit Metro North Health Ethical Standards Unit Metro North Health Risk and Compliance Officer Metro North Health Clinical Streams Metro North Health Engage Health Excellence Innovation Unit Clinical Directorate Safety and Quality Units Clinical Skills Development Centre</p>
Marketing Strategy	<p>A Policy, Procedure and Protocol Staff Update will be published online each month to update staff of all new and updated policies, procedures and protocols. This update will be emailed to all Safety and Quality Units in each clinical directorate and a broadcast email sent to all Metro North Health staff with a link to the published update.</p>
Key words	<p>Misconduct; PID; Public; Interest; Disclosure; Discipline; CCC; Crime and Corruption; Commission; Ombudsman; Wrongdoing; Metro; North; Health; Procedure; Act; Health; Workplace; Complaints; 005329</p>

Custodian Signature

Date

Director, Ethical Standards Unit, Metro North Hospital and Health Service

Authorising Officer Signature Date
Chief Executive, Metro North Hospital and Health Service

AUTHORISATION

Signature Date
Chief Executive, Metro North Hospital and Health Service

The signed version is kept in file at Clinical Governance, Metro North Health.