QUEENSLAND OMBUDSMAN

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Discloser information and support

Public interest disclosures (PIDs) are an important way of helping to ensure public sector integrity and accountability. If you make a PID, you have a responsibility to provide honest, accurate and relevant information.

The *Public Interest Disclosure Act 2010* recognises the important role of a discloser and provides protections.

After you make a PID, you have a responsibility to maintain appropriate confidentiality about having made a PID, the information you disclosed in the PID and the identity of anyone referred to in the PID. By not disclosing information about the

PID to work colleagues and friends, you are helping to ensure the integrity of any investigative process and minimise the risks of reprisal against you or others.

What information can I expect?

After receiving a PID, the public sector entity has a responsibility to provide you with reasonable information about the disclosure. The entity should write to you to confirm the receipt of the PID and inform you of the action taken or proposed to be taken. If the entity believes no action is required, you are entitled to be informed of the reasons for that decision. If the matter is ongoing, you can ask the main person dealing with the PID to update you on its progress.

If the entity takes action in relation to the disclosure, you should be given a description of the results of that action. The entity may decide not to release information if it is likely to adversely affect anyone's safety, the investigation of the offence, or necessary confidentiality about an informant's existence or identity.

What kind of support can be provided?

As part of the PID assessment process, the entity must determine the level of protection and support appropriate for a discloser by conducting a risk assessment of reprisal (against the discloser and others associated with the disclosure).

Although the majority of people who disclose wrongdoing say that they do not experience any negative impacts, sometimes disclosers report feelings of frustration or increased stress.

If you are in any way concerned about possible reprisal, make this clear when you disclose.

The type of support and protection offered to you will depend on a range of factors such as the type of the suspected wrongdoing, the circumstances of your report, your connection with the subject officer and the workplace involved in the PID.

If you are a public officer, your direct manager is usually best placed to act as your contact officer for the PID process (unless your manager is excluded from this role because of their involvement in the PID or investigation). Alternatively, the organisation may appoint someone else as contact officer who is independent of the investigation and the resulting decision-making process.

Practical support offered by your contact officer may include:

- giving you information about the PID process and updating you about progress in relation to your disclosure
- helping you to manage your expectations and mentally prepare for stressful situations
- giving you information about external organisations and services that offer support – such as employee assistance services to help with stress management or other counselling services
- monitoring the workplace for possible reprisal or conflict.

Depending on your case, your organisation may decide to assign you a peer supporter. For example, a trusted and experienced colleague may help you through the process by acting as a sounding board and providing you with other forms of practical support. If you think you would benefit from having a

peer supporter, talk to your PID contact officer.

Investigators will be as supportive as they can be and they are often a good source of information about the PID processes but you should remember that their primary role is to objectively investigate the matter. Your organisation's PID coordinator helps the chief executive officer administer the organisation's PID management program, which includes monitoring of PID case management.

Public sector organisations, as employers, have a legal duty of care to support and protect employees who fulfil their obligations to report wrongdoing.

Your organisation should:

- assess the circumstances of the case
- take whatever action is practical to stop and correct the disadvantage that has occurred and prevent further disadvantage
- consider taking disciplinary action against the person(s) who committed a reprisal.

If you are a member of the public, the organisation should nominate a contact officer for the PID and ensure you are informed about the resolution of the matter and your rights as a discloser. The PID Act makes reprisal against any discloser an offence; it also makes a public sector entity vicariously liable if any of the entity's employees attempt or cause reprisal against a discloser (whether a public officer or a member of the public).

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