QUEENSLAND OMBUDSMAN

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Implement a public interest disclosure management program

The *Public Interest Disclosure Act 2010* (PID Act) requires chief executive officers of public sector entities to establish procedures to ensure that:

- public officers of the entity who make Public Interest Disclosures (PIDs) are given appropriate support
- public officers are offered protection from reprisals
- the entity has a management program for PIDs, in accordance with the Public Interest Disclosure standards
- PIDs made to the entity are properly assessed and

investigated
- appropriate action is taken in relation to any wrongdoing that is the subject of a PID.

As the oversight agency under section 60 of the PID Act, the Queensland Ombudsman may make standards about the way in which public sector entities are to:

- facilitate the making of PIDs
- perform their functions under the PID Act
- protect people who make PIDs from reprisal.

Standards are binding on public sector entities.

On 1 March 2019 Public Interest Disclosure Standard No. 1/2019 - Public Interest Disclosure Management Program (PDF 168.4KB) (PID Standard 1/2019) came into effect.

PID Standard 1/2019 sets out the organisational systems and procedures that public sector entities should have in place to meet their obligations under the PID Act to develop, implement and maintain a PID management program.

Public interest disclosure management program

An agency's PID management program ensures a framework is in place to facilitate the receipt and management of PIDs when they are made. A PID management program encompasses organisational culture, policy and procedures, delegation of responsibilities, training and regular communication.

Each entity's PID management program will be influenced by its nature, size and geographic spread as well as the level of PID

management capacity that has been developed within the entity. There is no ‘one size fits all’ response. PID Standard 1/2019 provides details of what must be done but not how it may be achieved within an entity.

Actions an entity should to take include:

- demonstrate organisational commitment to encouraging the reporting of wrongdoing and supporting disclosers
- appoint a PID Coordinator for the entity with responsibility to the chief executive officer for the PID management program
- provide officers of the entity who may receive PIDs (referred to as a ‘proper authority’ under the PID Act) with information about their responsibilities
- ensure that officers of the entity who have responsibility for assessing, investigating or dealing with PIDs have appropriate delegations
- implement a communication strategy to ensure that employees receive information about the entity’s PID procedure and PID management program
- give all employees access to training about how to identify wrongdoing and how to make a PID
- arrange specialised training for the PID Coordinator and PID Support Officer/s (who plays a key role in supporting disclosers)
- analyse information obtained from PIDs to identify systemic issues and trends and inform improvements to service delivery, personnel management, business processes and internal controls.

It is essential that the entity:

- document the PID management program
- communicate the PID management program on a website

accessible to the public and in a manner accessible to all employees of the entity

- effectively oversee the PID management program to ensure consistent and fair application of the PID Act and management of PIDs.

In practice, an entity's systems for managing PIDs are usually part of the wider process of maintaining an ethical and effective workplace. PID management is closely connected with the entity's Code of Conduct, corruption prevention activities and the complaints management system.

Public interest disclosure procedures

The PID Act and PID standard 1/2019 require that entities have a PID procedure. The procedure must:

- be consistent with the principles in the PID Act
- commit the agency's management to acting on reports of suspected wrongdoing and providing support to disclosers
- set out the process for reporting wrongdoing
- explain how the entity will assess PIDs, communicate with disclosers and keep records
- give information about the support and protections available to disclosers, and in particular about how confidentiality will be managed
- link to other relevant policies and procedures
- identify rights of review.

For entities that have a legislative complaint management function, the PID procedure needs to set out how the entity will identify, assess and manage PIDs received in the course of exercising their statutory function, in addition to how the entity deals with PIDs made by employees and others about the

entity.

A Model Public Interest Disclosure Procedure (PDF 310.8KB) has been developed by the Office of the Queensland Ombudsman, that can be used as a guide or a template for developing a compliant procedure.

In addition, a self-assessment checklist (PDF 182.8KB) has been designed that will assist entities to evaluate their procedure against the requirements in PID Standard 1/2019.

In accordance with section 28(2) of the PID Act, entities are required to publish their PID procedures on a public-facing website. PID Standard 1/2019 provides guidance on ensuring an entity's PID procedure is accessible and visible.

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