

Public Interest Disclosure Procedure

March 2025

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Public Interest Disclosure Procedure

Purpose

The Public Interest Disclosure Procedure (**PID Procedure**) sets out how a disclosure of serious wrongdoing should be reported and how a report will be assessed, reviewed and managed under the PID Act.

Scope

The PID Procedure should be read in conjunction with the Public Interest Disclosure Policy (**PID Policy**) and the *Public Interest Disclosures Act 2022* (NSW) (**PID Act**).

The PID Procedure provides information in two parts:

- Part A – How do I make a report of serious wrongdoing?
- Part B – How will a PID report be dealt with?

Who is covered by this procedure?

This procedure applies to:

- a public official who makes a report of serious wrongdoing
- a manager communicating reported serious wrongdoing to a disclosure officer
- a disclosure officer assigned to assess and review a report of alleged serious wrongdoing.

For the purposes of this procedure, a public official who makes a disclosure of serious wrongdoing is referred to as a reporter.

Part A – How do I make a report of serious wrongdoing?

What should be reported?

The PID Policy provides detailed information on the types of serious wrongdoing that may be applicable to the Council and Commissioner. Further information is available on the NSW Ombudsman's website (<https://www.ombo.nsw.gov.au/>).

You must honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing. Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

Who do I make a report of serious wrongdoing to?

For a report of serious wrongdoing to be considered a Public Interest Disclosure (**PID**), a disclosure must be reported to one of the following:

- the CEO/Commissioner
- a Policy Manager
- the Disclosure Officer
- externally to an integrity agency.

What are the available methods of reporting serious wrongdoing?

A report of serious wrongdoing can be made in any of the following ways:

- in writing, such as an email or formal correspondence
- by completing the form at **Attachment A**
- verbally (in person, by phone, video call)

- anonymously.

If you elect to make your report anonymously, it is important to consider:

- the review undertaken by the Disclosure Officer will be restricted to the information you make available in your report
- the Disclosure Officer will not be able to make inquiries with you to clarify any part of your report, or seek additional information
- the ability to provide you with protections under the PID Act may be limited
- it may be difficult for the Disclosure Officer to provide you with advice on the outcome of the review.

What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively.

The type of information you should include is:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, their title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information that supports your report.

What can I expect once I have made a report?

In making a report of serious wrongdoing, you can expect:

- your concerns to be taken seriously
- to be treated with dignity, and in a respectful and professional manner
- to be provided with protections under the PID Act (as relevant) to ensure you are not subject to any detrimental action
- a Policy Manager or the Disclosure Officer to respond to any questions or concerns you may have regarding your PID, or the process for reviewing your reported PID
- procedural fairness to be applied at each stage of review
- to receive regular communication on the status of the review
- action to be taken if you are subject to detrimental action as a result of having made a report or raised a PID
- to be advised of the outcome of the review of your disclosure.

What protections are available in making a disclosure?

The PID Policy provides information on what protections are available to you in making a report of serious wrongdoing. Some protections are limited to voluntary PIDs.

Part B – How will a report be dealt with?

What information will I receive after I make a PID?

When a report which is a PID, or looks like it may be a PID, is received, a Policy Manager or the Disclosure Officer will provide you with the following information:

- Written acknowledgment that the report has been received within 14 days of receipt. This acknowledgment will:
 - state the report will be assessed to identify whether it is a PID
 - state the PID Act applies to how we will deal with the report of wrongdoing
 - provide clear information on how you can access the PID Policy
 - provide you with details of a contact person and available supports.

- If the report is a PID, you will be informed as soon as possible how the report will be managed. This may include:
 - that a review/investigation of the alleged serious wrongdoing will be completed and by whom
 - that the report will be referred to a different agency (if appropriate) to deal with the PID – if this is relevant, you will be provided with details of the referral.
 - if it is decided that the report will not be investigated and/or not referred to another agency to be investigated, the Disclosure Officer will advise the reporter of the reasons for this decision. The Disclosure Officer will also notify the NSW Ombudsman of this decision.
- If it is determined that a review/investigation will be undertaken, you will be provided with updates at intervals of not more than three months. During this time, if you would like more frequent updates, you should advise the Disclosure Officer.
- If the serious wrongdoing is reviewed/investigated, you will be provided with the following information once the review/investigation is complete:
 - a description of the results of the investigation – this means you are informed whether the alleged serious wrongdoing took place
 - information about any corrective action resulting from any review/investigation – this means the action that was taken in relation to the person who was found to have engaged in the serious wrongdoing or, if the serious wrongdoing was by the Council/Commissioner, what measures have been put in place to address the reported serious wrongdoing.

Note: Corrective action could include taking action, including but not limited to, disciplinary action against someone or changing the practices, policies and procedures that we have in place, which led to the serious wrongdoing, training/re-training, formal apology.

- There may be instances where some details about both the findings made resulting from a review/investigation and the corrective action taken that cannot be revealed to you. All attempts will be made to balance the reporter's right to know the outcome of the report, with other legal obligations the Council and Commissioner have.

How will the Council/Commissioner assess and manage my PID?

Once a report that may be a PID has been taken by the CEO/Commissioner or a Policy Manager and reported to the Disclosure Officer, the Disclosure Officer will review the information contained in the report to see if it has the features of a PID. This assessment is undertaken to identify whether the report is a PID or another type of disclosure, and to make sure the right steps are followed.

If it is a PID, it is the role of the Disclosure Officer to ensure compliance with the requirements of the PID Act. The Disclosure Officer must document the outcome of their assessment using the initial assessment form at **Attachment B**. In the event of a conflict of interest, the assessment will be undertaken by a Policy Manager.

The Disclosure Officer may seek advice from the New South Wales Department of Communities and Justice (**NSW DCJ**) Professional Conduct and Standards Unit on how to assess and manage a reported PID.

In most cases, the Disclosure Officer will conduct an assessment and make a recommendation to the CEO/Commissioner about whether serious wrongdoing should be investigated or referred to another agency, such as an integrity agency. For example, reports

concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with s 11 of the *Independent Commission Against Corruption Act 1988* (NSW). Assistance may be sought from NSW DCJ or an external investigator.

In the event of a conflict of interest involving the CEO/Commissioner, alternative arrangements will be made in consultation with the Chair of the Council.

How will my confidentiality be protected?

It is acknowledged that people who report a PID may want their identity, and the fact that they have made a report, to be confidential.

Under the PID Act, information tending to identify a person as the reporter of a PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the reporter of the voluntary PID because of their voluntary self-identification as the reporter
- when the reporter or the CEO/Commissioner considers it necessary to disclose the information to protect a person from detriment
- where necessary information is disclosed to a person whose interests are affected by the disclosure
- where the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

The Council and Commissioner will not disclose identifying information unless it is necessary and authorised under the PID Act.

The Council and Commissioner will put in place steps to keep the identifying information of the reporter, and the fact a report has been made, confidential.

However, it may not always be possible for the CEO/Commissioner to maintain complete confidentiality, as a review/investigation progresses. All measures as far as practical will be taken to ensure information provided is de-identified and is not unnecessarily disclosed. These steps may include:

- limiting the number of people who are aware of the reporter's identity or information that could identify them
- obtaining consent from a reporter if the reporter of the PID or information that may identify a reporter of a PID must be disclosed
- ensuring that any person who does know the identity of the reporter of a PID is reminded that they have a legal obligation to keep their identity confidential
- ensuring that only authorised persons have access to emails, files or other documentation that contains information about the identity of the reporter
- undertaking an assessment to determine if anyone is aware of the reporter's identity and if those persons have motive to cause detrimental action to be taken against the reporter or impede the progress of the investigation
- providing information to the reporter of a PID emphasising the importance of maintaining confidentiality and providing advice or practical suggestions for protecting their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, the CEO/Commissioner will:

- advise the person whose identity may become known
- update the risk assessment and risk management plan
- implement strategies to minimise the risk of detrimental action
- provide additional supports to the person who has reported the PID, reminding persons who became aware of the identifying information of the consequences for failing to maintain confidentiality, and that engaging in detrimental action is a criminal offence and may be a disciplinary matter.

How will the Council and Commissioner assess and minimise the risk of detrimental action?

The Council and Commissioner will not tolerate detrimental action being taken by any person against a reporter who has reported a PID, investigators, witnesses, or the persons the report is about.

The CEO/Commissioner will assess and take steps to mitigate detrimental action from being taken against the reporter of a PID, the person whose conduct is the subject of a PID, investigators and witnesses.

The CEO/Commissioner will take steps to assess minimise the detrimental action as follows:

- undertaking and consistently reviewing risks assessments, including the creation of a risk management plan
- communicating with the reporter of the PID to identify and proactively manage risks
- advising the reporter of the PID of the protections and support that will be offered.

How will the Council and Commissioner respond to any allegation of detrimental action?

The CEO/Commissioner will act to protect a reporter who makes a disclosure of serious wrongdoing from detrimental action:

- When a report is received, we will ensure that a thorough risk assessment is conducted using the risk assessment form at **Attachment C**. This will identify any risks to the reporter who made the disclosure of serious wrongdoing, as well as strategies to deal with those risks. The reporter may participate in this assessment process.
- If you believe that detrimental action has been, or is being taken against you, or someone else who has reported wrongdoing in reprisal for making a report, you must tell your manager (if they know about the report) or alternatively the Disclosure Officer, or the CEO/Commissioner.
- Policy Managers must report to the CEO/Commissioner any suspicion they have that detrimental action against a reporter is occurring, or any reports of detrimental action made to them.

If a Policy Manager becomes aware of detrimental action against a person who has made a disclosure, they or a person who has knowledge of the matter will:

- consult and co-ordinate with the CEO/Commissioner who has not been involved in dealing with the initial disclosure to undertake a preliminary review of the alleged suspected detrimental action
- submit the results of the preliminary review to the CEO/Commissioner for a decision

If it has been established that detrimental action is occurring against the reporter, the CEO/Commissioner will:

- take all steps possible to stop that activity and protect the reporter

- arrange for misconduct and/or criminal action to be taken against anyone proven to have taken or threatened detrimental action in reprisal for making a disclosure
- keep the reporter of detrimental action informed of the progress of any investigation process and the outcome.

The CEO/Commissioner can issue specific directions to help protect against detrimental action, including:

- issuing warnings to those alleged to have taken detrimental action against the reporter
- relocating the internal reporter or the subject individual within the workplace
- transferring the internal reporter, or the individual who is the subject of the allegation, or assigning them to another appropriate role
- granting the internal reporter or the subject individual special leave of absence during the investigation of the disclosure.

If you have reported wrongdoing and feel that the reported detrimental action is not being dealt with effectively, you may contact the Ombudsman or the ICAC, depending on the type of wrongdoing you reported.

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations, and you will have the defence of absolute privilege in defamation.

What if my report is deemed not to be a PID?

The Council and Commissioner may stop dealing with a PID because it is not actually a PID (meaning it does not have all the features of a PID).

Even if the report is not a PID, it will still need to be dealt with in a manner consistent with other organisational processes, or through an alternate process or mechanism.

If the report is not a PID, a Policy Manager or the Disclosure Officer will inform you that the PID Act does not apply to the report and how the concerns raised in the report will be dealt with.

If you disagree with the assessment, you can:

- raise it with the person who communicated the outcome to you or the Disclosure Officer
- request an internal review, or
- request that the matter be conciliated – the CEO/Commissioner can, but does not have to, request the NSW Ombudsman to conciliate the matter.

You can seek an internal review of:

- a decision not to deal with your disclosure as a PID
- a decision to cease dealing with a disclosure as a PID
- a decision neither to investigate a disclosure nor refer the disclosure
- a decision to cease investigating the serious wrongdoing without either completing the investigation or referring the disclosure.

A request for review must:

- be made within 28 days after the date on which the applicant (reporter) is informed by the agency's decision, and
- be in writing and state the reasons the applicant (reporter) considers the decision should not have been made.

The review will be dealt with by a person who was not substantially involved in making the decision or dealing with the disclosure.

Are there sanctions for making a false or misleading PID?

It is important to note that you may be subject to misconduct action if evidence is found to substantiate that you have wilfully made any false statement, in order to mislead or attempt to mislead, when reporting serious wrongdoing.

A breach of the PID Act is a criminal offence and can attract a maximum penalty of 100 penalty units or imprisonment for a maximum of two years, or both.

Document endorsed by the Council: 22 May 2025

Attachment A – Public interest disclosure form

Public officials seeking to report allegations of serious wrongdoing can complete and submit this form to the CEO of the Legal Services Council / Commissioner for Uniform Legal Services Regulation, a Policy Manager, or the Disclosure Officer.

This form may also be used by the CEO/Commissioner, Policy Managers and the Disclosure Officer to record receipt of a verbal disclosure.

Details of reporter						
[If a voluntary PID, you can make an anonymous report by leaving this section blank]						
Name						
Role						
Role type	<input type="checkbox"/> GSE Act Ongoing	<input type="checkbox"/> GSE Act Non-Ongoing	<input type="checkbox"/> GSE Act Casual	<input type="checkbox"/> Contractor	<input type="checkbox"/> Sub-Contractor	<input type="checkbox"/> NGO / service provider
	<input type="checkbox"/> Judicial officer	<input type="checkbox"/> Statutory appointment	<input type="checkbox"/> Volunteer	<input type="checkbox"/> Student placement / Work experience	<input type="checkbox"/> Board, Committee or Council Member	
Agency or organisation						
Division					Preferred method of contact	
Telephone					<input type="checkbox"/>	
Email					<input type="checkbox"/>	
Postal address					<input type="checkbox"/>	
Details of alleged serious wrongdoing being reported						
Type of serious wrongdoing	<input type="checkbox"/> Corrupt conduct		<input type="checkbox"/> Serious maladministration		<input type="checkbox"/> Serious and substantial waste of public monies	
	<input type="checkbox"/> Privacy contravention		<input type="checkbox"/> Government information contravention			
Description: <ul style="list-style-type: none"> • What happened? • Where did this happen? • When did this happen? • Is it still happening? [Attach additional page(s) if required]						
How have you become aware of the serious wrongdoing?						

Name and role of person(s) involved in the serious wrongdoing	Name	Role
How have you become aware of their involvement?		
Name and role of any other person(s) who may have information	Name	Role
Supporting information		
Add any documentary information [as relevant] (Attach or, indicate where it may be found)		Attached
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
Other considerations		
Is anyone aware that you have made this report? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details: <ul style="list-style-type: none"> • Who? • What is their role? • How have they been made aware? 		
Is the subject of your report your manager or the CEO? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details.		

Do you have any reservations in making this report? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details.		
Declaration [Reporter]		
I am providing this information under the honest belief that the above information shows or tends to show, serious wrongdoing. I am aware that providing false or misleading information under s 84 of the <i>Public Interest Disclosures Act 2022</i> (NSW) is a criminal offence and may attract maximum penalty of 100 penalty units or, imprisonment of 2 years, or both.		
Signature of reporter		Date report submitted
Declaration [CEO / Policy Manager / Disclosure Officer]		
The information recorded in this form is a true and accurate account of the allegations of serious wrongdoing submitted by the Reporter. I have explained to the reporter that providing false or misleading information under s 84 of the <i>Public Interest Disclosures Act 2022</i> (NSW) is a criminal offence and may attract maximum penalty of 100 penalty units or, imprisonment of 2 years, or both.		
Signature of CEO / Policy Manager / Disclosure Officer		Date of report
Submission method		

In person: Manager of a Public Official or PID Disclosure Officer

By email: Manager of a Public Official or PID Disclosure Officer

By post: **[Marked Strictly Confidential]**
 Legal Services Council
 Attn: PID Disclosure Officer
 PO Box H326, Australia Square NSW 1215

Attachment B – Initial assessment of public interest disclosure

To be completed by the Disclosure Officer on receipt of a public interest disclosure.

Contact details of reporter (if provided)			
Name		Preferred method of contact	
Telephone		<input type="checkbox"/> Telephone	
Email		<input type="checkbox"/> Email	
Postal address		<input type="checkbox"/> Post	
Internal report			
Report received by			
Date report received		<input type="checkbox"/> Verbal	<input type="checkbox"/> Written
If the report was made verbally, the report has been documented in writing and signed		<input type="checkbox"/> Yes	<input type="checkbox"/> No
The reporter has been thanked for coming forward with their concerns		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Public interest disclosures – General criteria		Comments	
1	Is the reporter a public official? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Anonymous	Under the <i>Public Interest Disclosures (PID) Act 2022</i> (NSW), a public official includes employees, volunteers, individual contractors, statutory officers, certain employees of contracting companies and any other person performing public official functions and/or services to, for and/or on behalf of an agency. If the reporter is not a public official the report is not likely to be a PID. If the reporter is anonymous, the content of the report may tend to indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official until there is evidence to indicate the reporter is not a public official.	
2	Is the report about the conduct of a public official or a public sector agency/authority? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report is not about the conduct of a public official or public authority the report is not likely to be a PID.	
3	Does the report relate to functions and/or services provided to and/or behalf of Legal Services Council or Commissioner for Uniform Legal Services Regulation? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	If the report does not provide sufficient information or you require assistance, contact the NSW DCJ Conduct and Professional Standards Unit for advice.	
4	Is the report about one of these categories of serious wrongdoing? <input type="checkbox"/> Corrupt conduct <input type="checkbox"/> Serious maladministration <input type="checkbox"/> Substantial waste of public money <input type="checkbox"/> Government information contravention <input type="checkbox"/> Privacy contravention	<input type="checkbox"/> Yes <input type="checkbox"/> No	Generally speaking, a grievance, such as a complaint about bullying, is not about one of these categories of serious wrongdoing. If the report is not about one of these categories, it is not likely to be a PID. PIDs must be made to a person authorised to receive PIDs under the PID Policy. If you are not authorised to receive PIDs, but suspect the report could be a PID, you should direct the reporter to the Disclosures Officer or show support and go with them.

5	What type of PID is the report? <input type="checkbox"/> Mandatory <input type="checkbox"/> Voluntary <input type="checkbox"/> Witness		Further information about types of PIDs is available in the PID Policy or on the NSW Ombudsman's website. Understanding the PID type will assist with determining applicable protections that may be available to the reporter.
6	Has sufficient information, facts, supporting materials, witnesses been provided to progress review of any of the alleged serious wrongdoing reported?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, is there any preliminary information you can obtain with appropriate delegation and/or approval without disclosing that you have received a suspected PID and without making those that may be involved aware? For an example: <ul style="list-style-type: none"> ▪ System audit information for a breach of privacy ▪ Contracts ▪ Receipts ▪ Emails ▪ MWZ etc If you are unsure, contact the NSW DCJ Conduct and Professional Standards Unit for assistance.

Confidentiality / risk of detrimental action

Is the reporter concerned their identity will become known in the workplace, or have they disclosed their report to others?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, provide details:
Is the reporter concerned that they may suffer detrimental action for making the report if their identity becomes known?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, provide details:
Does the reporter have a connection with any of the subject(s) of the report, outside of their professional relationship/work environment?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, explain the nature of the connection?
Has a conflict-of-interest been declared disclosing the any relationship outside of the professional relationship/work environment?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, when? do they have a copy of the completed form?
Has a PID Risk Assessment Form been completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, why not?

Previous reporting

Has the reporter raised this matter with another person in the organisation or externally?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, who was it reported to, when was it reported, what action was/is being taken or what is the status?	

Reporter expectations

What does the reporter expect from this process?
What does the reporter expect will happen to any subject(s) of allegations?

Support

Has the reporter been provided with any support and / or advice on the NSW DCJ employee assistance program [EAP]?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide details of support provided.	

If no, why not?

If yes, what support is required?

Additional information the recipient of a report may be aware of

Is the reporter currently and/or previously been the subject of performance issues?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the reporter currently and/or previously been the subject of disciplinary proceedings related to this matter?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the reporter currently and/or previously been the subject of a criminal investigation related to this matter?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the reporter raised a current and/or previous grievance about this matter?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If relevant, provide information to support responses.

Assessment and comments

Based on this **initial assessment**, could this report be a PID?

☐ Yes ☐ No

Reasons for this initial assessment:

Action options	Provide supporting information as relevant/as advised:
<input type="checkbox"/> Further preliminary fact finding/assessment required	
<input type="checkbox"/> Matter is not a PID and referred for alternative action, outcome to be communicated to reporter verbal and in writing.	
<input type="checkbox"/> Further advice/engagement with NSW DCJ Conduct and Professional Standards Unit required	

PID administration

Have you communicated the outcome to the reporter formally, including reasons as to how you have arrived at the assessment decision.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If yes, what date did you formally advise the reporter of the outcome (verbal and confirmed in writing):	Click or tap here to enter text.
Are you forwarding the PID and Assessment to CEO and/or other relevant area for review:	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please ensure, the following forms are attached <input type="checkbox"/> Public Interest Disclosures Form <input type="checkbox"/> PID Risk Assessment Form <input type="checkbox"/> Any supporting materials you have received and/or materials you are in possession of	
I declare I have completed this assessment to the best of my knowledge, ability and factually, based on the available information and materials sourced, provided and/or reported/disclosed to me.	

Signature of Disclosure Officer

Date

Attachment C – Public interest disclosure risk assessment

The Public Interest Disclosure Risk Assessment Form is to be completed by the Disclosure Officer on receipt of a public interest disclosure (**PID**).

A key responsibility of the Disclosure Officer is to assess risk to the reporter of a PID and any other involved parties, as well as to the delivery of services or the performance of functions.

In completing this form, the risk matrix below should be considered by the Disclosure Officer. The prompt questions are designed to assist the Disclosure Officer identify any actual or potential risk, as well as assess and evaluate appropriate and/or relevant controls to eliminate or mitigate risk to individuals or service delivery.

Low risk	<p>The reporter's identity can be confidentially maintained, or the reporter's identity is known, and the reporter and assessor are confident that no reprisals will be taken against the reporter in response to having made a PID.</p> <p>The subject officer is unaware that a PID has been made/an investigation is progressing.</p> <p>The Council and Commissioner are compliant with the internal reporting policy and their obligations under the PID Act.</p>
Medium risk	<p>The reporter's identity cannot be confidentially maintained.</p> <p>Potential for low level reprisals against the reporter, workplace conflict or other difficulties in response to making a PID.</p> <p>Concerns about the conduct of the parties involved.</p> <p>Possibility the Council and Commissioner are not compliant with the internal reporting policy and their obligations under the PID Act.</p>
High risk	<p>Detrimental action against the reporter that is substantially in reprisal for the reporter making a PID is highly likely. Detrimental action means causing, comprising, or involving any of the following (PID Act, s 32(1)):</p> <ul style="list-style-type: none">(a) injury, damage, or loss caused to the person(b) damage caused to the person's property(c) damage caused to the person's reputation(d) intimidation, bullying or harassment(e) unfavourable treatment in relation to the person's career, profession, employment, or trade(f) discrimination, prejudice, or adverse treatment, whether in relation to employment or otherwise(g) disciplinary proceedings or disciplinary action. <p>Conflict involving the reporter and the subject officer(s).</p> <p>The reporter will not comply with the internal reporting policy.</p> <p>The Council and Commissioner are not compliant with the internal reporting policy and their obligations under the PID Act.</p>

Details of reporter

Reporters name:	
Role title:	
Role type: [GSE, Statutory Officer, Volunteer, NGO/Service Provider, Contractor/Sub-Contractor, Student Placement, PSSE]	
Manager name and role title:	
Agency and/or organisation:	
Date report made / received:	

Details of Disclosure Officer

Reviewers name	
Role title	
Date(s) of review	

SIGNATURE

Risks may need to be reviewed at various points in the process. I have completed this risk assessment based on the information made available to me at the time of completion.

Signature of assessor:		Date:	/ /
------------------------	--	-------	-----

Stage 1 – Identify risk

To identify any actual or potential risk(s), consider the questions below, and mark any applicable responses.

Based on your responses, use the principles of the risk matrix detailed in the instructions to apply a risk rating for each question.

You will be required to review risk holistically when considering appropriate and / or relevant controls.

Q1 Is the reporter's identity known, or can their identity be determined from information supplied in the disclosure, or likely become known?

- ☐ Yes ☐ Not known and cannot identify from information provided

The PID Act recognises that there are circumstances where it may be necessary for information to be disclosed that may identify the person who has reported wrongdoing.

If the identity of a reporter is known, this information may be disclosed by an investigating authority, public authority or public official who receives a PID if:

- ☐ The person consents in writing to the disclosure of the information.
- ☐ It is generally known that the person has made the PID as they have voluntarily identified themselves as the person who made the PID.
- ☐ It is essential for the identifying information to be disclosed to a person to satisfy the principles of natural justice.

<input type="checkbox"/> It is necessary for the information to be disclosed for the effective investigation of the matter. <input type="checkbox"/> It is otherwise in the public interest to do so. <input type="checkbox"/> The report is a mandatory disclosure of serious wrongdoing?	
Consequence	What is the potential impact if confidentiality to the reporter cannot be maintained?
	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High
Likelihood	What is the likelihood of the detrimental action occurring, particularly if confidentiality cannot be maintained?
	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High
Q2 Is the reporter at risk of detrimental (reprisal) action? <input type="checkbox"/> Has the reporter expressed fear of detrimental action? <input type="checkbox"/> Has the reporter received a threat or experienced recent bullying or harassment in the workplace? <input type="checkbox"/> Does the reporter work at the same location as the subject officer(s) who are alleged to have engaged in serious wrongdoing? <input type="checkbox"/> Is the reporter employed in a small team and / or worksite? <input type="checkbox"/> Has the subject officer(s) (respondents) previously engaged in detrimental action or poor conduct? <input type="checkbox"/> Is the subject officer(s) (respondents) the reporter's manager or the CEO? <input type="checkbox"/> Are there effective supervisory arrangements to monitor the conduct of the subject officer(s) (respondents)? <input type="checkbox"/> Is the reporter employed as part-time, casual, non-ongoing, contract, advisory committee/board, volunteer, student placement, non-government organisation or other type of engagement that could compromise their continued engagement?	
Consequence	What is the potential impact if confidentiality to the reporter cannot be maintained?
	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High
Likelihood	What is the likelihood of the detrimental action occurring, particularly if confidentiality cannot be maintained?
	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High
Q3 Is there a risk to delivery of services to clients or performance of functions? <input type="checkbox"/> Are there services or functions that may or are impacted by the serious wrongdoing reported (if applicable)?	

<input type="checkbox"/> Is the Council or Commissioner's reputation likely to be impacted by the serious wrongdoing reported?	
<input type="checkbox"/> Are any of the client's vulnerable persons?	
<input type="checkbox"/> Would the risk to delivery of services or performance of functions compromise the safety of stakeholders or employees?	
<input type="checkbox"/> Can alternative supports, providers or arrangements be offered, or be put in place to support stakeholders?	
<input type="checkbox"/> Could there be media interest in the allegations raised?	
Consequence	What is the potential impact if confidentiality to the reporter cannot be maintained?
	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High
Likelihood	What is the likelihood of the detrimental action occurring, particularly if confidentiality cannot be maintained?
	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High
Q4 Are any other persons at risk of detrimental (reprisal) action, such as any identified or potential witnesses and/or subject officers responding to the allegations?	
<input type="checkbox"/> Are they a witness?	
<input type="checkbox"/> Are they a subject officer, likely to have to respond to allegations of serious wrongdoing?	
<input type="checkbox"/> Are the witness(s) or subject officer(s) aware of the reported allegations?	
<input type="checkbox"/> Is there a history of conflict in the workplace, particularly involving the reporter or subject officer(s)?	

Consequence	What is the potential impact if confidentiality to the reporter cannot be maintained?
	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High
Likelihood	What is the likelihood of the detrimental action occurring, particularly if confidentiality cannot be maintained?
	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High

Stage 2 – Risk analysis and evaluation

Analyse any risk identified in Stage 1 and determine what controls can be put in place to eliminate or reduce the likelihood or consequences of any identified risk (actual or potential) from occurring.

In circumstances where the identity of the reporter is known, control mechanisms should be discussed, and feedback obtained from the reporter.

Confidentiality of reporter / witnesses / subject officers / other persons			
<input type="checkbox"/>	Low risk	<input type="checkbox"/>	Medium risk
<input type="checkbox"/>		<input type="checkbox"/>	High risk
<p>Sample strategies for managing risks:</p> <ul style="list-style-type: none"> • Keep identity of the reporter and subject officer(s) confidential • Communicate with managers about keeping the identity of the reporter confidential, monitoring, and managing workplace risks • Communicate with the reporter and/or subject officers at regular intervals to monitor situation 			
<p>Actions taken to address and manage identified risks:</p>			
Risks of detrimental action to reporter and/or witnesses			
<input type="checkbox"/>	Low risk	<input type="checkbox"/>	Medium risk
<input type="checkbox"/>		<input type="checkbox"/>	High risk
<p>Sample strategies for managing risks:</p> <ul style="list-style-type: none"> • Take proactive management action by cautioning the subject officers about taking detrimental (reprisal) action and the criminality of doing so • Consult with HR and the reporter about available employment arrangements e.g. working hours/roles/work locations/flexible work options etc • Change supervisory arrangements • Notify health and safety • Discuss with NSW DCJ Conduct and Professional Standards Unit 			
<p>Actions taken to address and manage identified risks:</p>			
Risks to service delivery or performance of functions			
<input type="checkbox"/>	Low risk	<input type="checkbox"/>	Medium risk
<input type="checkbox"/>		<input type="checkbox"/>	High risk
<p>Sample strategies for managing risks:</p> <ul style="list-style-type: none"> • If appropriate, broadly flag with service delivery area who may be able to assist with putting corrective actions or alternative supports in place e.g. switching client contacts/locking specific information/files down/using an alternative support/service provider • Monitoring or peer review • Notify health and safety • Discuss with NSW DCJ Conduct and Professional Standards Unit 			
<p>Actions taken to address and manage identified risks:</p>			