



Public Interest Disclosures (PID) Policy and Procedure

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1. Purpose

All agencies in NSW are required to have a Public Interest Disclosures (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act) found at <https://legislation.nsw.gov.au>.

At NSW SES we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct they reasonably believe involves serious wrongdoing.

The integrity of our agency relies upon our members, volunteers, contractors and subcontractors speaking up when they become aware of serious wrongdoing.

The purpose of this Policy is to ensure reports of serious wrongdoing are managed fairly, according to legislation and in line with the public interest. The Policy achieves this by setting out:

- how NSW SES will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you under the PID Act.

This Policy also documents our commitment to building a speak up culture. Part of that speak up culture is having a framework that facilitates public interest reporting of serious wrongdoing by:

- protecting those who speak up from detrimental action
- ensure those who receive reports of serious wrongdoing take appropriate action to investigate or otherwise deal with them.

This policy is designed to be read in conjunction with NSW SES complaint management processes.

2. Who this Policy applies to

This Policy applies to all public officials in NSW SES. A public official is an individual having public official functions or acting in a public official capacity that is an officer, temporary employee, or is a member of a public authority. In NSW SES this includes all members, including staff and volunteers who are operating under NSW SES policies and procedures, and contractors who provide services on behalf of NSW SES.

Certain members have specific additional responsibilities under this Policy. This includes the Commissioner, Disclosure Coordinator, nominated Disclosure Officers and Supervisors/People Managers. Other public officials who work in and for the public sector, but do not work for NSW SES, may use this Policy if they wish to report serious wrongdoing.

This Policy does **NOT** apply to:

- people who have received services from NSW SES and want to make a complaint about those services
- people who have provided services to NSW SES. For example, employees of a company that sold computer software to an agency.

However, you can still make a complaint to NSW SES. This can be done by logging a complaint on our website using the contact form on the 'Contact Us' page, by calling 132 500 or by sending an email to professionalstandards@ses.nsw.gov.au

3. General support for people who report serious wrongdoing

The NSW SES will make sure that Members who have reported serious wrongdoing are given access to appropriate professional support services, regardless of whether they have made a public interest disclosure.

3.1 Internal support

Members who make a complaint will be offered an internal support person to assist them through the process. A support person can be nominated by each person who reports wrongdoing. This person is responsible for providing and organising additional support, particularly to those who are suffering any form of reprisal.

If you are an NSW SES member and are experiencing personal difficulties, you can get 24/7 free help by calling the following helplines:

- NSW SES Member Assistance Program (MAP), a free and confidential counselling service available 24/7 on 1300 361 008
- Peer Support Program, which provides confidential support to members and their families by other SES members through shared experience - 1800 626 800
- Chaplaincy Program, provides confidential spiritual support and leadership - 1800 626 800

3.2 External support

The following external support is also available:

- Lifeline on 13 11 14 or www.lifeline.org.au
- Beyondblue on 1300 22 4636 or www.beyondblue.org.au
- Kids Helpline (5-25 years) on 1800 55 1800
- Indigenous Disability Advocacy Service (IDAS) Phone: 02 4722 3524 Fax: 02 4722 6126 Email: idas@idas.org.au Web: www.idas.org.au
- Blind Citizens Australia Toll free: 1800 033 660 Phone: 03 9654 1400 Fax: 03 9650 3200 Email: bca@bca.org.au Web: www.bca.org.au
- Multicultural Disability Advocacy Association Phone: 02 9891 6400 Toll free: 1800 629 072 TTY: 02 9687 6325 Fax: 02 9897 9402 Email: mdaa@mdaa.org.au Web: www.mdaa.org.au

The NSW SES also recognises that Members may wish to obtain external advice. A *List of Integrity Agencies* can be found at [Appendix B](#).

4. Reporting wrongdoing

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for NSW SES to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures.

It is important we quickly recognise we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections; also we have certain decisions to make on how we will deal with the PID and protect and support the person who made the report.

4.1 What is “serious wrongdoing”?

Serious wrongdoing is defined in the PID Act as:

- **corrupt conduct** — such as a public official accepting a bribe.
- **serious maladministration** — such as an agency systemically failing to comply with proper recruitment processes when hiring staff.
- **a government information contravention (other than a trivial failure)** — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application.
- **a local government pecuniary interest contravention** — such as a senior staff member recommending a family member for a contract and not declaring the relationship.
- **a privacy contravention** — such as unlawfully accessing a person’s personal information on an agency’s database.
- **a serious and substantial waste of public money** — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make a report, you do not need to state to NSW SES what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

For more information about categories of serious wrong doing visit:

<https://www.ombo.nsw.gov.au/guidance-for-agencies/pid-act-2022/what-is-serious-wrongdoing>"

4.2 When a report of serious wrongdoing is a PID

When a public official reports suspected or possible serious wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

There are three types of PIDs in the PID Act. These are:

1. **Voluntary PID** - This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know about serious wrongdoing.
2. **Mandatory PID** - This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. **Witness PID** - This is a PID where a person discloses information during an investigation of serious wrongdoing, following a request or requirement of the investigator.

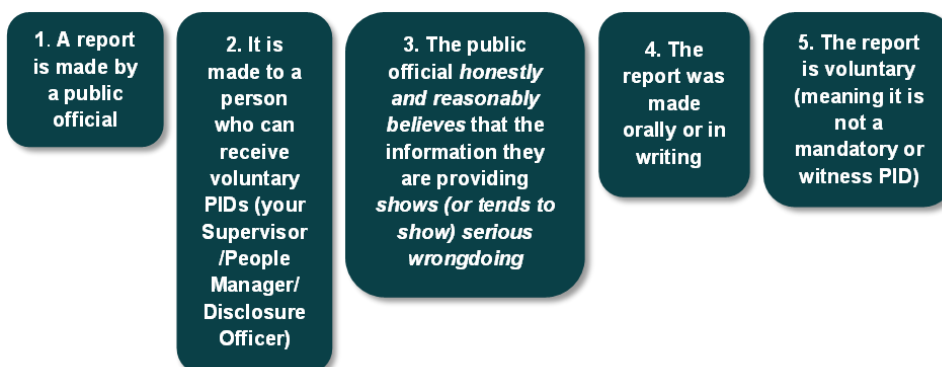
This Policy primarily relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in *section 6.1 Protections for the reporter of a voluntary PID* of this Policy and the NSW Ombudsman’s guidelines: ‘Dealing with mandatory PIDs’ found at <https://www.ombo.nsw.gov.au/guidance-for-agencies/pid-act-2022/dealing-with-a-mandatory-pid> and ‘Dealing with witness PIDs’ found at <https://www.ombo.nsw.gov.au/guidance-for-agencies/pid-act-2022/dealing-with-witness-pids>.

4.2.1 Voluntary PID

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’.

They involve a public official making a report because they have information they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in *sections 24 to 27* of the PID Act:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, 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.

If we make an error and do not identify you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying you have made a voluntary PID, you should raise this with the Disclosure Officer. If you are still not satisfied with this outcome, you can seek an internal review. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in *section 5.6 Review and dispute resolution of this policy*.

4.2.2 Deeming that a report is a voluntary PID

The Commissioner can, in certain circumstances, determine a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming a report is a voluntary PID, it ensures Reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the Commissioner to request your report is deemed a voluntary PID.

For more information about the deeming power, see the NSW Ombudsman's guideline '<https://www.ombo.nsw.gov.au/guidance-for-agencies/pid-act-2022/deeming-that-a-disclosure-is-a-voluntary-pid>'.

4.3 Who can make a voluntary PID

Any public official can make a voluntary PID. You are a public official if:

- you are a member of NSW SES (staff or volunteer)
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of NSW SES or
- you work for an entity (such as a non-government organisation) who is contracted by NSW SES to provide services or exercise functions on behalf of NSW SES — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (**ICAC**) and the NSW Ombudsman. A *List of Integrity Agencies* can be found at [Appendix B](#).

4.4 How to make a voluntary PID

You can make a voluntary PID:

- **in writing** — this could be an email or letter to a person who can receive voluntary PIDs such as your Supervisor/People Manager or Disclosure Officer.

You can submit a PID in writing by using the *PID Internal Reporting Form* at [Appendix D](#).

- **orally** — this could be a private discussion with a person who can receive voluntary PIDs, face-to-face, via telephone or virtually (for example, over MS Teams). If the report is made verbally, the person receiving the report will use the *PID Internal Reporting Form* at [Appendix D](#) to record the report and ask the Reporter to sign the report.

You can make a report **anonymously** — this could be an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for NSW SES to investigate the matter(s) you have disclosed if we cannot contact you for further information or protect you from detrimental action.

4.4.1 What to include in a 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:

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

4.4.2 Who to make a voluntary PID to within the NSW SES

Public officials have multiple avenues available to them to report serious wrongdoing.

For a report to be a voluntary PID, it must be made to certain public officials. In NSW SES you can make a report to:

- the Commissioner
- a Disclosure Officer – a list of Disclosure Officers and how to contact them can found at [Appendix A](#)
- your Supervisor/People Manager — this is the person who directly, or indirectly, supervises you. It can also be the person to whom you directly, or indirectly, report. You may have more than one Supervisor/People Manager. For a public official who provides services or exercises functions on behalf of an agency (including a contractor, subcontractor or

volunteer) or an employee, partner or officer of an entity that provides services on behalf of an agency or exercises functions of an agency — their Supervisor/People Manager is taken to be the public official in that agency who oversees those services or functions, or who manages the relevant contract or volunteering arrangement.

In the first instance we encourage you to make a voluntary PID to your Supervisor/People Manager. If your Supervisor/People Manager is not a Disclosure Officer, they will make sure the report is communicated to a Disclosure Officer on your behalf. This person will ensure your report is documented in the *PID Internal Reporting Form* at [Appendix D](#) and ask you to sign to confirm it has been captured correctly.

If you do not feel comfortable approaching your Supervisor/People Manager or would like to make a confidential complaint that relates to your Supervisor/People Manager, please contact any of the Disclosure Officers listed at [Appendix A](#).

4.4.3 Making a report to a recipient outside of NSW SES

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* - this means the head of any public service agency
- an *integrity agency* - a list of integrity agencies is located at [Appendix B](#)
- a *Disclosure Officer for another agency* - ways to contact Disclosure Officers for other agencies is located in an agency's PID Policy which can be found on their public website
- a *Minister or a member of a Minister's staff* - this report *must be made in writing*.

If you choose to make a report outside of NSW SES, it is likely your report will be referred back to NSW SES so appropriate action can be taken.

4.4.4 Making a report to a Member of Parliament or journalist

Disclosures to Members of Parliament (MPs) or journalists are different to other reports. You can only disclose a report of serious wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from NSW SES:
 - notification that NSW SES will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - information at the end of the investigation period that included:
 - notice of NSW SES decision to investigate the serious wrongdoing
 - a description of the results of an investigation into the serious wrongdoing
 - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

- Investigation period means:
 - after six months from the previous disclosure being made, or
 - after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

5. How reports and voluntary PIDs will be managed

PIDs will be managed according to the *PID Process Flow* found at [Appendix C](#).

5.1 Registration and acknowledgement

- Within 5 working days of the report being received by a Supervisor/People Manager or Disclosure Officer, they will acknowledge the report using the *Letter of Acknowledgment of Internal Report* found at [Appendix E](#) and:
 - state the report will be assessed to identify whether it is a PID, and if yes,
 - state the PID Act applies to how NSW SES deals with the report
 - provide clear information on how you can access this PID Policy
 - provide you with details of a contact person and available supports.

5.2 Assessing your report to determine if it is a voluntary PID

5.2.1 Initial Assessment

The person who receives a Report (Supervisor/People Manager or Disclosure Officer) will conduct within 10 working days, an initial assessment using the PID *Initial Assessment Checklist* at [Appendix F](#), to determine if it has the features of a voluntary PID.

If the initial assessment was completed by a Supervisor/People Manager the Report and *PID Initial Assessment Checklist* will be referred to, reviewed and approved by a Disclosure Officer who will then undertake the next steps.

Where a Supervisor/People Manager or Disclosure Officer has received a complaint directly from a member, the relevant commander, manager or supervisor will be informed, unless the report is related to them.

The assessment process will be supported by the Disclosure Coordinator and Professional Standards.

When the initial assessment has been completed, the Disclosure Officer will send advice of the outcome of the assessment to the Disclosure Coordinator for annual reporting to the NSW Ombudsman.

5.2.2 Where the report is not, or ceases to be, a voluntary PID

If the report is not assessed a voluntary PID, you will be advised the reasons for the decision and that the concerns raised in the report will not be dealt with under the PID policy and rather be dealt

with under our complaint management processes or other relevant processes. The report may also be referred to an appropriate unit, if required.

If you disagree with this assessment, you can raise it with the person who has communicated the outcome with you, or the Disclosure Coordinator, and request an internal review. The internal review will be undertaken by the Disclosure Coordinator. NSW Ombudsman may also be requested to conciliate the matter.

5.2.3 Where the report is a voluntary PID

If the information in the Report has the features of a PID the Disclosure Officer will advise you that further assessment will be undertaken and by whom, including a risk assessment and recommendations for next steps.

If an investigation is recommended your Report will be referred to either the Business Unit or Professional Standards to develop an investigation plan and undertake or refer the investigation. They will inform you as soon as possible how we intend to deal with the report. This may include advice that:

- we are investigating the serious wrongdoing
- we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
- we have decided to not investigate the report and to not refer it to another agency and the reasons for this decision. We will also notify the NSW Ombudsman of this decision.

If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the Disclosure Officer.

If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:

- A description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
- Information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person/s who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what corrective action we have put in place to address that serious wrongdoing.
- Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you, for legal reasons. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.

If you have made an anonymous report, we may not be able to provide this information to you.

5.3 Managing your report when it is assessed a voluntary PID

5.3.1 Undertaking further Assessment

If your Report has been assessed as a PID a Disclosure Officer:

- Conducts a risk assessment for detrimental action using the [PID Risk Assessment of Detrimental Action Guide](#) and *NSW Ombudsman Guideline for Assessing and Managing the Risk of Detrimental Action* <https://www.ombo.nsw.gov.au/Find-a-publication/publications/guidelines/public-interest-disclosures-2022/assessing-and-managing-the-risk-of-detrimental-action>
- Completes the [PID Risk Assessment of Detrimental Action Form](#)
- Prepares relevant risk management plans to minimise the risk of detrimental action being taken against a person as a result of a report of serious wrongdoing
- Identifies support strategies for you in line with the Risk Assessment
- Prepares recommendations for progress, including recommendations for:
 - An investigation if required and by whom
 - Implementation of the risk management plan.

5.3.2 Review of PID assessment by the Disclosure Coordinator

Once completed, the Disclosure Officer will provide to the Disclosure Coordinator the assessment documentation for review. Upon review the Disclosure Coordinator will either:

- return the documents and tell the Disclosure Officer more information is needed or
- decide that sufficient information about serious wrongdoing and recommended next steps has been provided and refer the matter to the Business Unit or Professional Standards to deal with the complaint.

5.3.3 Referral of PID to Business Unit or Professional Standards

Once the Report has been referred to a Business Unit or Professional Standards, they will advise you as soon as possible that your report has been assessed as a PID and:

- what the next steps will be and who will be involved in the process and how and when you will be provided with regular updates.
- this will include managing any risk of detrimental action (Risk Management Plan),
- contact person, including who to contact if Reporter is not happy with the outcome of the investigation, support services available to the Reporter, including support person.

They will notify the Respondent that a report has been made involving them.

They will develop an investigation plan and either conduct an investigation or nominate another person to conduct the investigation into what occurred, who was involved, and whether it was serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.

There may also be circumstances where Professional Standards decides that the report should be 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 section 11 of the *Independent Commission Against Corruption Act 1988*.

Before referring a matter, the Professional Standards Team will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.

If Professional Standards decides not to investigate a PID report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

5.3.4 Concluding a PID

Whoever has been dealing with the PID will close the investigation and take appropriate action, in line with the complaints management processes. They will:

- send a summary of the outcome and advice of closure of the PID process to you and the Respondent
- ensure that any requests for internal review and conciliation have been dealt with appropriately
- advise the Disclosure Coordinator of the outcome for reporting.

The Disclosure Coordinator will take any actions regarding:

- Guidance and advice on the process to the Disclosure Officer
- Reporting to the NSW Ombudsman (and any other reporting required).

5.4 Risk assessments and mitigating the risk of detrimental action

Detrimental action taken against a person who has made a PID, investigators, witnesses, or a person the report is about is prohibited under the PID Act.

We will assess and take steps to mitigate detrimental action from being taken against the Reporter of a voluntary PID, a person whose conduct is the subject of a PID, investigators and witnesses.

NSW Ombudsman has provided more detailed guidance about how to assess and manage this issue. We will take steps to assess and minimise the risk of detrimental action by:

- The Disclosure Officer (supported by Professional Standards and the Disclosure Coordinator) completing the [PID Risk Assessment of Detrimental Action Form](#) and establishing a risk management plan that will be maintained and reassessed throughout the matter.
- Key considerations in the risk assessment include whether:
 - the Reporter's expectations are reasonable.
 - the Reporter's identity is known or may become known.
 - the Reporter is at risk of detrimental action.
 - the subject(s) of the report of serious wrongdoing are at risk of adverse consequences.
 - there is a risk to the organisation's services, functions, and/ or reputation.

- there are known mitigating factors or potential risks in the workplace for the Reporter and/ or subject officer(s).
- Once these factors are considered, the Disclosure Officer must consider the potential impact of these risks to the Reporter, subject officer(s) and the organisation, and the likelihood of risks occurring, particularly if confidentiality cannot be maintained. Additional controls must be put in place to reduce the risk of reprisal action to be as low as reasonably practicable.
- Providing information to the Reporter of a PID about:
 - how the NSW SES will communicate with them to identify and manage risks of detrimental action.
 - what supports are available or will be provided.
- Implementing strategies to mitigate risks of detrimental action.

The Disclosure Officer will prepare the [PID Risk Assessment of Detrimental Action Form](#) and any risk management plan for review by the Disclosure Coordinator.

If you believe detrimental action is occurring, refer to *section 6.4 Reporting detrimental action* of this policy for information about how to report it and how the Department will deal with allegations of a detrimental action offence.

5.5 Where an investigation finds that serious wrongdoing has occurred

Following an investigation into serious wrongdoing Professional Standards will determine:

- what steps will be taken to address any recommendations in the findings,
- who will be responsible for ensuring any corrective action takes place, and
- how the Reporter of a voluntary PID will be notified of the corrective action.

The decision maker will be determined on the severity of the matter under investigation.

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, NSW SES will take the most appropriate action to address that serious wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of serious wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the serious wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.
- revoking volunteer membership.

The Reporter will be advised by Professional Standards the outcome of the investigation and what corrective action has been taken or will be taken.

5.6 Review and dispute resolution

5.6.1 Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by the Disclosure Officer:

- that NSW SES is not required to deal with the report as a voluntary PID
- to stop dealing with the report because NSW SES decided it was not a voluntary PID
- not to investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

The Disclosure Officer will refer the review requests to the Disclosure Coordinator who will conduct the review and ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing to the Disclosure Officer within 28 days of being informed of the decision. The application should state the reasons why you consider the decision should not have been made. You may also submit any other relevant material with your application.

The internal review will be dealt with by a Disclosure Coordinator, a person (the reviewer) who was not substantially involved in making the decision or dealing with the report. Internal reviews will be completed within 20 working days of the reviewer receiving all information supplied by the applicant.

The Disclosure Coordinator will notify the applicant of their decision, and the NSW SES will give effect to that decision.

5.6.2 Voluntary dispute resolution

If a dispute arises between NSW SES and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where NSW SES and the Reporter of the report are willing to resolve the dispute.

6. Protections

6.1 Protections for the reporter of a voluntary PID

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The Reporter of a voluntary PID is protected in the following ways:

6.1.1 Protecting the confidentiality of the reporter of a voluntary PID

Public officials and agencies must not disclose information tending to identify a person as the Reporter of a voluntary PID unless doing so is permitted by the PID Act.

We understand people who make voluntary PIDs may want their identity, and the fact they have made a report, to be confidential.

Under the PID Act, information tending to identify a person as the Reporter of a voluntary 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 public official or NSW SES reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when 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.

We will not disclose identifying information unless it is necessary and/or authorised under the PID Act.

We will put in place steps to keep the identifying information of the Reporter and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to protect information which identifies the Reporter. We will do this by:

- Limiting the number of people who are aware of the Reporter's identity or information that could identify them.
- If we must disclose information that may identify the Reporter of the PID, we will only do so if we have their consent.
- Ensuring that any person who knows 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 people have access to emails, files or other documentation that contain information about the identity of the Reporter.

- Undertaking a risk assessment to determine who is aware of the Reporter's identity and the likelihood of detrimental action against the Reporter or impede the progress of the investigation and put in place steps to prevent this
- Providing information to the Reporter of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity.

If confidentiality cannot be maintained or is unlikely to be maintained, the Disclosure Officer will:

- advise the person whose identity may become known
- update the agency's risk assessment and risk management plan
- implement strategies to minimise the risk of detrimental action
- provide additional supports to the person who has made the report
- remind people who become aware of the identifying information of the consequences for failing to maintain confidentiality, for example, that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

6.1.2 Protection from detrimental action

- A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
- Once we become aware that a voluntary PID has been made, NSW SES will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
- It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

6.1.3 Immunity from civil and criminal liability

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

6.1.4 Protection from liability for own past conduct

The NSW Attorney General can give the Reporter an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

6.2 Protections for people who make mandatory and witness PIDs

Protections for Reporters of mandatory and witness PIDs are detailed below:

- **Detrimental action** — it is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.
- **Right to compensation** — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.
- **Ability to seek injunction** — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.
- **Immunity from civil and criminal liability** — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for:
 - breaching a duty of secrecy or confidentiality, or
 - breaching another restriction on disclosure.

6.3 What is detrimental action

Detrimental action is defined in the PID Act as an act or omission that causes, comprises, involves, or encourages detriment to a person or a threat of detriment to a person (whether expressed or implied). Detriment to a person includes:

- injury, damage, or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice, or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID Reporter's work performance.

6.4 Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to a Disclosure Officer, or to an integrity agency. A list of *Integrity Agencies* is located at [Appendix B](#) of this Policy.

Within NSW SES you can contact any of the *Disclosure Officers* listed at [Appendix A](#) by email.

For information on reporting detrimental action please refer to the NSW Ombudsman resource *Detrimental action offences and how to refer evidence of detrimental action offences* found at https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0011/144875/Detrimental-action-offences-and-how-to-refer.pdf

6.5 How we will deal with allegations of a detrimental action offence

If NSW SES becomes aware of an allegation that a detrimental action offence has occurred or may occur, the Disclosure Officer will:

- acknowledge the report of alleged detrimental action.
- inform the person who the alleged action has been taken against about how they will be updated and what supports will be offered.
- determine whether detrimental action is occurring, and if so, take all steps possible to stop the action and protect the person(s).
- consider whether disciplinary action should be taken against anyone that has taken detrimental action.
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

The Disclosure Coordinator will be responsible for overseeing compliance with the above actions.

7. Roles and Responsibilities

Certain people within NSW SES have responsibilities under the PID Act. The PID Policy also forms part of the complaint management processes.

7.1 Commissioner

The Commissioner is responsible for:

- fostering a workplace culture where reporting is encouraged
- ensuring there is a system in place for assessing disclosures
- ensuring the NSW SES complies with this Policy and the PID Act
- ensuring that the NSW SES has appropriate systems for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
 - implementing corrective action if serious wrongdoing is found to have occurred
 - complying with reporting obligations regarding allegations or findings of detrimental action
 - complying with yearly reporting obligations to the NSW Ombudsman.
- receiving reports of serious wrongdoing from public officials and passing on to a Disclosure Officer in a timely manner
- maintaining confidentiality of PIDs and supporting the person who has made a report
- completing mandatory training in relation to their responsibilities under the PID Act.

7.2 Disclosure Coordinator

The Disclosure Coordinator is responsible for:

- preparing the annual return to the NSW Ombudsman
- provide support and advice to Disclosure Officers (alongside Professional Standards)
- reviewing *PID Initial Assessment Checklist* at [Appendix F](#) and [PID Risk Assessment of Detrimental Action Form](#) and Risk Management Plan ensuring compliance with policy and procedures (alongside Professional Standards)
- receive and process internal review and conciliation requests
- receiving reports of serious wrongdoing from public officials and if appropriate referring them to a Disclosure Officer in a timely manner
- maintaining confidentiality of PIDs and supporting the person who has made a report
- completing mandatory training in relation to their responsibilities under the PID Act.

7.3 Disclosure Officers

Disclosure Officers are responsible for (with guidance and support from the Disclosure Coordinator and Professional Standards):

- receiving reports of serious wrongdoing from public officials
- ensuring any oral reports received are captured in the *PID Internal Reporting Form* at [Appendix D](#) and either signed by the Reporter or if the Reporter is remote have them confirm via email you have captured their complaint correctly
- acknowledging within 5 working days reports of serious wrongdoing made under this policy using the *PID Letter of Acknowledgement of Internal Report* at [Appendix E](#)
- completing the *PID Initial Assessment Checklist* at [Appendix F](#) within 10 working days of whether a report is a PID or not, investigating or making recommendation for referring them to the people within the NSW SES who can deal with them or;
- receiving, reviewing and approving any *PID Initial Assessment Checklist* referred to them by a Supervisor / People Manager
- advising Reporter of initial assessment outcome
- preparing the [PID Risk Assessment of Detrimental Action Form](#) and risk management plans to minimise the risk of detrimental action, other than reasonable management action, being taken against a person as a result of a report of serious wrongdoing
- refers recommendations to Disclosure Coordinator for review
- receiving and managing allegations or evidence of a detrimental action offence appropriately
- ensuring that requests for internal review and conciliation are dealt with appropriately
- implementing this policy and maintaining the Department's systems to comply with this policy and the PID Act
- informing the Disclosure Coordinator of any reports received
- providing updates to the Reporter of a voluntary PID about how their report is being dealt with, including providing updates during an investigation at intervals of not more than 3 months
- referring reports of serious wrongdoing that require investigation to Professional Standards, if appropriate
- completing mandatory training in relation to their responsibilities under the PID Act.

7.4 Supervisors/People Managers

The responsibilities of Supervisors/People Managers include:

- encourage members to report known or suspected serious wrongdoing within NSW SES and support members when they do

- identify reports made to them in the course of their work which could be a public interest disclosure, and assist the member make the report to an officer authorised to receive public interest disclosures under this policy
- ensuring any oral reports received are captured in the *PID Internal Reporting Form* at [Appendix D](#) and either signed by the Reporter of serious wrongdoing or if the Reporter is remote have them confirm via email you have captured their complaint correctly
- acknowledging within 5 working days reports of serious wrongdoing made under this policy using the *PID Letter of Acknowledgement of Internal Report* at [Appendix E](#)
- completing the *PID Initial Assessment Checklist* at [Appendix F](#) within 10 working days of whether a report is a PID or not; and refer form to a Disclosure Officer for approval in a timely manner;
- if assessed not a PID, inform the Reporter of serious wrongdoing of assessment outcome and reasons for decision and report will be dealt with under the internal complaint management processes
- maintaining confidentiality of PIDs and supporting the person who has made a report
- completing mandatory training in relation to their responsibilities under the PID Act.

7.5 Professional Standards

Under the PID Policy all staff in Professional Standards are Disclosure Officers.

They are also responsible for:

- providing expert advice and guidance to Supervisors/People Managers, Disclosure Officers and the Disclosure Coordinator on the PID initial assessment and assessment process
- providing expert advice and guidance to Supervisors/People Managers, Disclosure Officers and the Disclosure Coordinator on the NSW SES internal complaint management processes
- assessing, developing investigation plan and undertaking investigation or referral of investigation of a PID
- providing oversight of the implementation and the application of the NSW SES internal complaint management processes
- reporting on complaint trends to the senior leadership team.

7.6 All members

All members must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

Members must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

8. Other agency obligations

8.1 Record-keeping requirements

NSW SES must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that NSW SES complies with its obligations under the *State Records Act 1998*. All information will be handled in accordance with the Records Management Policy and Guidelines.

8.2 Reporting of voluntary PIDs and NSW SES annual return to the NSW Ombudsman

Each year NSW SES provide an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by NSW SES during each return period (yearly with the start date being 1 July)
- action taken by NSW SES to deal with voluntary PIDs during the return period
- how NSW SES promoted a culture in the workplace where PIDs are encouraged.

8.3 How NSW SES will ensure compliance with the PID Act and this Policy

The Policy Owner is responsible for reviewing this policy and for amending the Policy in relation to issues raised across the NSW SES.

This Policy will be reviewed in accordance with the policy review schedule and at other times if any significant new information or legislative or organisational change warrants a change in this document. Reviews will be completed in consultation with the appropriate stakeholders for relevance and effectiveness.

9. Advice, questions and concerns

If you have any questions or concerns or require further information about this Policy, how public interest disclosures will be handled and the PID Act you can confidentially speak with your Supervisor/People Manager or any of the *Disclosure Officers* listed at [Appendix A](#).

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

10. Related Documents

This Policy should be read in conjunction with the Public Interest Disclosures Act 2022 found at <https://legislation.nsw.gov.au> and the following relevant policies, procedures and supporting documents:

NSW SES – INTERNAL USE

- Code of Conduct and Ethics
- Bullying and Harassment Policy
- Social Media Policy
- Donations, Fundraising and Sponsorship Policy
- Fraud and Corruption Control Policy and Plan
- Gifts, Benefits and Hospitality Procedure
- Procurement Policy
- Internal Grievances Policy and Procedure
- Internal Complaint Management Processes
- PID Process Flow
- PID Internal Reporting Form
- PID Letter of Acknowledgement of Internal Report
- PID Initial Assessment Checklist
- PID Mandatory Training Instructions
- [*PID Risk Assessment of Detrimental Action Guide*](#)
- [*PID Risk Assessment of Detrimental Action Form*](#)

NSW Ombudsman – EXTERNAL LINKS

- Detrimental Action Offences and How to Refer Evidence of Detrimental Action Offences
https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0011/144875/Detrimental-action-offences-and-how-to-refer.pdf
- Deeming that a Disclosure is a Voluntary PID
<https://www.ombo.nsw.gov.au/guidance-for-agencies/pid-act-2022/deeming-that-a-disclosure-is-a-voluntary-pid/Detrimental-action-offences-and-how-to-refer.pdf>
[\(nsw.gov.au\)](https://www.ombo.nsw.gov.au)
- Guideline for Assessing and Managing the Risk of Detrimental Action
<https://www.ombo.nsw.gov.au/Find-a-publication/publications/guidelines/public-interest-disclosures-2022/assessing-and-managing-the-risk-of-detrimental-action>

11. Definitions

Term	Definition
Report	In this policy means any disclosure under the PID Act
Reporter	A public official who comes forward to report/disclose what they believe is suspected or possible serious wrongdoing in the public sector.
Staff	A person employed in ongoing, term, temporary, casual or other employment, or on secondment, in a Public Service agency.
Disclosure Officer	Identified in the policy at Appendix A
Supervisor/People Manager	A person who is <u>not</u> a Disclosure Officer but who is a supervisor or manager of a member. This person varies depending on the local organisational structure. In the case of a volunteer, this is the Deputy Zone Commander, Unit Commander or Deputy Unit Commander, or Local Commanders.
Member	NSW SES staff and volunteers. All NSW SES members are public officials.
Public Official	An individual having public official functions or acting in a public official capacity that is an officer, temporary employee, or is a member of a public authority. In NSW SES this includes all members, volunteers and contractors who provide services to NSW SES

Appendix A: Public Interest Disclosure (PID) Officers

<p>Disclosure Officers</p>	<ul style="list-style-type: none"> • Commissioner • Deputy Commissioners • Assistant Commissioners/Directors • Zone Commanders (11/12) • Chief of Staff (11/12) • Managers Business Services Support (9/10) • All staff in Professional Standards • The most senior ongoing public service staff at permanently maintained work sites are also Disclosure Officers under the PID Act and are accordingly authorised to receive a public interest disclosure. 	<p>Email: commissioner@ses.nsw.gov.au</p> <p>←</p> <p>Contact details available on mySES</p> <p>←</p>
<p>Disclosure Coordinator</p>	<ul style="list-style-type: none"> • Chief of Staff (the policy owner) 	<p>Contact details available on mySES</p>
<p>Professional Standards</p>	<ul style="list-style-type: none"> • Senior Manager • Senior Professional Standards and Case Manager • Professional Standards Officer 	<p>Email: professionalstandards@ses.nsw.gov.au.</p>

Note: For public officials outside the NSW SES who would like to make a voluntary PID/Report to NSW SES you can make a report to:

- NSW SES Professional Standards - Senior Manager - professionalstandards@ses.nsw.gov.au
- NSW SES Commissioner - commissioner@ses.nsw.gov.au

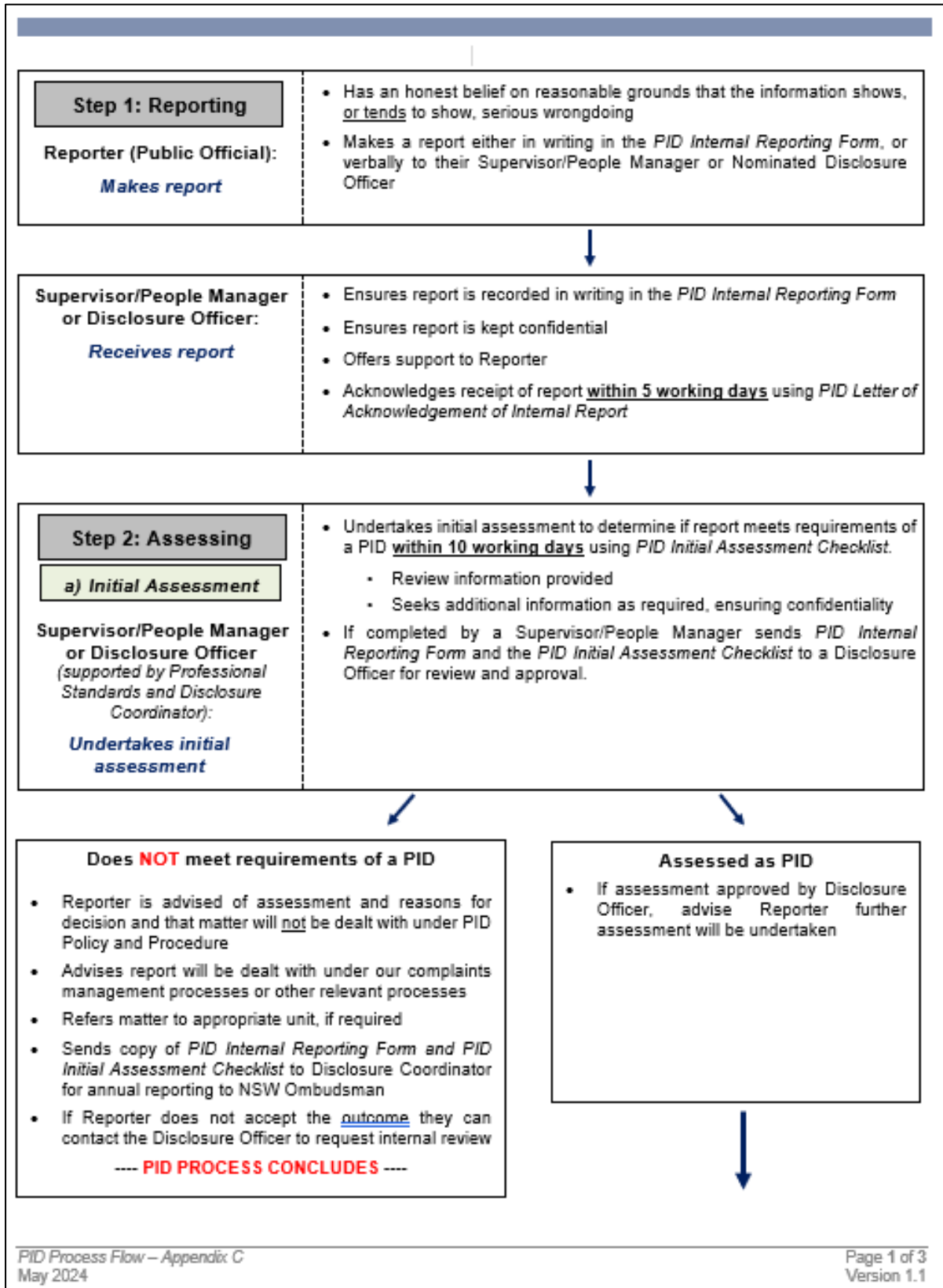
Appendix B: List of Integrity Agencies

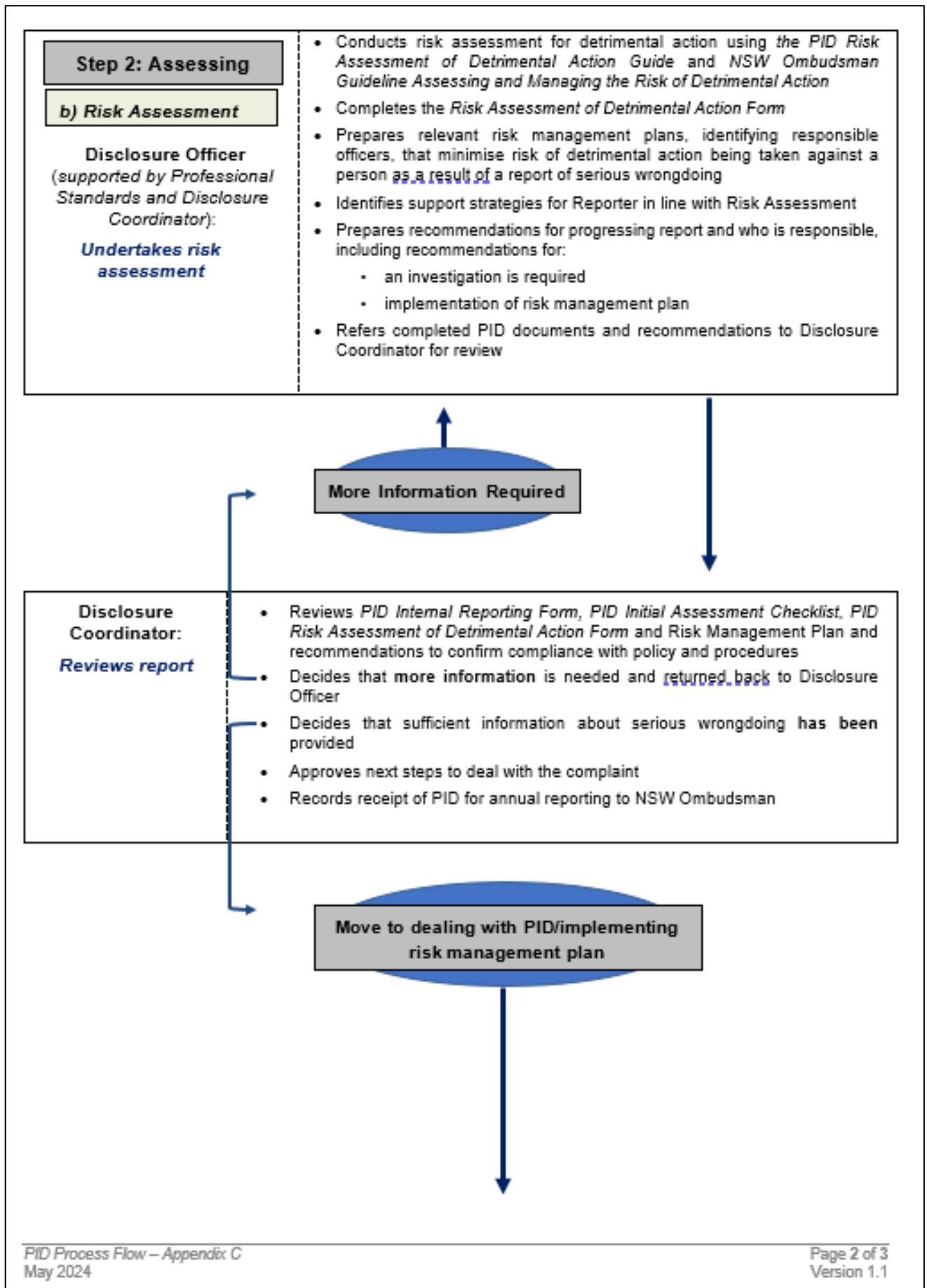
Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: oiiecc_executive@oiiecc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
NSW Public Service Commission	Supports NSW government sector strategic leadership and development; promotes and maintains the government sector core values and provides advice and guidance on workforce planning.	Telephone: (02) 9272 6000 http://www.psc.nsw.gov.au/

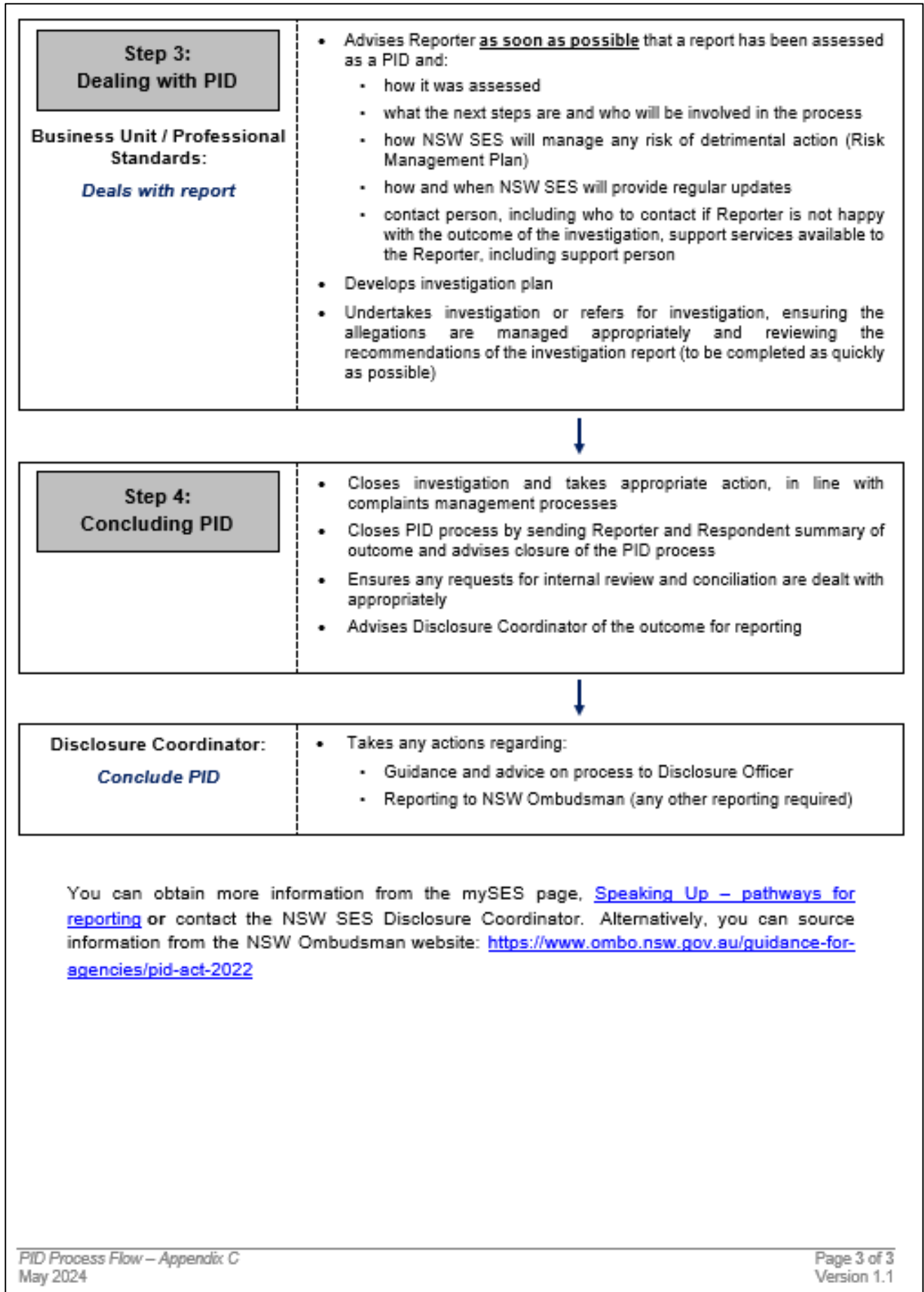
Appendix C: PID Process Flow

Members can access the document at this link – [PID Process Flow](#)

SAMPLE BELOW







Appendix D: PID Internal Reporting Form

Members can access the form at this link – [PID Internal Reporting Form](#)

SAMPLE BELOW

Date of Lodgement			
<input type="text"/>			
Personal Details of Reporter <small>(You can make an anonymous report by leaving this section blank)</small>			
Family Name (your last name)		<input type="text"/>	
Given Name/s (your first and middle name/s)		<input type="text"/>	
Position		<input type="text"/>	
Branch/Unit		<input type="text"/>	
Contact Details			
Contact Number	<input type="text"/>		
Email address	<input type="text"/>		
Postal address	<input type="text"/>		
Preferred Contact Method	<input type="text"/>		
Would you like additional support to help you with your report? <small>For example: National Relay Service (NRS), Translating and Interpreting Service (TIS), scribing of your complaint, support person, counselling services</small>	<input type="text"/>		
Details of the wrongdoing you are reporting			
Description (please be as specific as you can):		<input type="text"/>	
What happened?			
Where did this happen?			
When did this happen (date and time)?			
Is it still happening?			
How did you become aware of this?		<input type="text"/>	
Name, position and your relationship with the people involved in the wrongdoing:	Name	Position	Your relationship with the people involved in the wrongdoing
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>

PID Internal Reporting Form – Appendix D
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Attach any additional relevant information or indicate where supporting evidence may be found	<i>Supporting evidence</i>	<i>Attached</i>
	█	<input type="checkbox"/>
	█	<input type="checkbox"/>
█	<input type="checkbox"/>	
Are there any other people who may have additional information or be possible witnesses to this specific event?	<i>If yes, please provide their names and if possible, contact details</i>	
	█	
Please provide any other relevant details you would like to include.	█	
Have you lodged a report about this issue before?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
	<i>If yes, when did you lodge the report:</i>	█
Is the person aware you have raised this issue?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
What outcome would you like to see?	█	
Acknowledgment		
<i>I declare that the information provided in this internal reporting form is true and correct to the best of my knowledge. I am willing to cooperate fully in providing information about my report. I acknowledge that the information provided in this internal reporting form may be used by NSW SES for reporting purposes, monitoring and evaluation, in accordance with privacy laws.</i>		
Reporter Signature	█	Date █
<i>If this complaint was raised verbally, and this form is being completed on behalf of another member</i>		
Name of member completing form:	█	
Signature:	█	
Date complaint received verbally:	█	

Appendix E: PID Letter of Acknowledgement of Internal Report

Members can access the form at this link – [PID Letter of Acknowledgement of Internal Report](#)

SAMPLE BELOW

NSW STATE EMERGENCY SERVICE

— Delete this box in your draft document —
- Press F11 to fill in form fields -

PID Letter of Acknowledgement of Internal Report

To be completed by a Supervisor/People Manager or Disclosure Officer

Insert date

First Name Surname
Address 1
Address 2
Suburb State Postcode

email

Dear **First Name Surname**

Internal report of suspected serious wrongdoing

I am writing in relation to your **letter/email** addressed to **Officer's Name**, received **date**. You reported **brief description of report**.

[or]

I am writing in relation to your conversation with **Officer's Name**, on **date**. I understand that you reported **brief description of report**.

Thank you for coming forward to bring to our attention suspected serious wrongdoing in the NSW SES.

I am enclosing a copy of our *PID Public Interest Disclosures Policy and Procedure* for your reference.

What we will do with your report

We are now assessing the information you have provided to us and whether it meets the requirements of the PID Act. We may require your assistance in this process to provide further information.

Once we have completed this assessment, we will advise you of what action we intend to take.

Protection from reprisal

As you may be aware, under Section 33 of the PID Act it is a criminal offence for

someone to take detrimental action against another person which is substantially in reprisal for that person having made a public interest disclosure.

NSW SES will take appropriate steps to help protect you from reprisal action that may result from having made a report. If practicable, we will make every effort to keep your identity confidential. Please be aware however that this may not be possible or appropriate in some circumstances.

To minimise the risk of your identity being disclosed it is important that you only discuss this matter with me, or an officer authorised to deal with the matter. [redacted], particular, do not inform any person involved in the alleged serious wrongdoing that you have made a report about them.

Failure to maintain confidentiality may limit NSW SES's ability to protect you from reprisal action and could be detrimental to any investigation.

Please contact me immediately if you believe someone has taken, or intends to take, detrimental action against you in reprisal for making this report.

Support options

NSW SES acknowledges that making a report in the workplace can be difficult, and we appreciate that you have brought this to our attention.

If you are experiencing difficulties or require support you can contact:

- NSW SES **Member Assistance Program (MAP)**, a free and confidential counselling service available 24/7 on 1300 361 008
- NSW SES Peer Support and Chaplaincy Program, which provides confidential support to members and their families by other SES members through shared experience – 1800 626 800

You are welcome to contact me on Add Contact Number if you have any questions about this letter or would like further information about how NSW SES will be dealing with your report.

Yours sincerely

Receiving Officer

Attachment: PID Public Interest Disclosures Policy and Procedure


— Delete this box in your draft document —
Letter of Acknowledgement of Internal Report – Appendix E
May 2024 Version 1.1

Appendix F: PID Initial Assessment Checklist

Members can access the form at this link – [PID Initial Assessment Checklist](#)



SAMPLE BELOW

PID Initial Assessment Checklist



Refer to - [PID Public Interest Disclosures Policy and Procedure](#)

This initial assessment checklist is to be completed and signed by the person assessing a report of serious wrongdoing to determine whether it is to be treated as a PID under the *Public Interest Disclosures Act 2022* and *PID Policy and Procedure*.

	If completed by a Supervisor/People Manager, complete Section 1 and send to Disclosure Officer to complete Section 2 for review and approval.
	If completed by a Disclosure Officer, all sections to be completed and signed.

- Section 1 -

Element	Yes	No / Unsure	Set out evidence and supporting information
Has the <i>PID Internal Reporting Form</i> been received and all relevant information captured? <i>If not, arrange for it to be completed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the report of serious wrongdoing made by a Public Official (eg staff member, volunteer or contractor from any agency)? <i>If the Reporter is not a public official the report is not a PID - refer the matter to the complaints management process.</i> <i>If the Reporter chooses to remain anonymous assume they are a public official unless there is evidence to indicate they are not.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the report based on the Reporter's honest belief on reasonable grounds that the information shows or tends to show serious wrongdoing?	<input type="checkbox"/>	<input type="checkbox"/>	
Is the report voluntary? <i>If it is a mandatory or witness PID refer to the PID Policy for further guidance</i>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the report about "serious wrongdoing", as defined in section 4.1 of the PID Policy?	<input type="checkbox"/>	<input type="checkbox"/>	For more information about each category of serious wrongdoing visit: https://www.ombo.nsw.gov.au/guidance-for-agencies/pid-act-2022/what-is-serious-wrongdoing
IF YES, tick all the categories below that might apply:			
<input type="checkbox"/> Corrupt conduct – such as a public official accepting a bribe (refer to the ICAC Act).			

PID Initial Assessment Checklist – Appendix F
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Version 1.1

Element	Yes	No / Unsure	Set out evidence and supporting information
<p><input type="checkbox"/> Serious maladministration – such as an agency systemically failing to comply with proper recruitment processes when hiring staff.</p> <p><input type="checkbox"/> A government information contravention – such as destroying, concealing or altering records to prevent them from being released under a GIPA application (Refer to GIPA or SRA).</p> <p><input type="checkbox"/> A local government pecuniary interest contravention – such as a senior staff member recommending a family member for a contract and not declaring the relationship.</p> <p><input type="checkbox"/> A privacy contravention – such as unlawfully accessing a person’s personal information on an agency’s database (Refer to PPIP Act, HRIP Act).</p> <p><input type="checkbox"/> A serious and substantial waste of public money – such as an agency not following a competitive tendering process when contracting with entities to undertake government work (Refer to LG Act).</p> <p><i>If the report is not about one of these categories it is not a PID and should be managed in accordance with the complaint management processes.</i></p>			
<p>Does the report require referral to another Agency? <i>This could include ICAC, Ombudsman, NSW Police</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	█
<p>Does the report require a brief to the Commissioner? <i>Note: if the Report alleges corruption a report to ICAC under s11 ICAC Act may be required – refer to Fraud and Corruption Policy</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	█
Details of Reporter (if anonymous leave blank)			
Family/Given Name/s:	█		Preferred method of contact
Contact Number:	█		<input type="checkbox"/> Phone
Email:	█		<input type="checkbox"/> Email
Postal Address:	█		<input type="checkbox"/> Post
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Assessment and comments		
Based on this initial assessment, could this report be a Public Interest Disclosure PID?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Note: Reasons for this initial assessment and Record the Next Steps sections below MUST be completed for both Y/N outcome		
Reasons for this initial assessment: <div style="background-color: #cccccc; height: 20px; width: 100%;"></div>		
Record the Next Steps here (Refer to PID Process Flow): <div style="background-color: #cccccc; height: 20px; width: 100%;"></div>		
OPTIONAL – fill in details <u>ONLY</u> if the form has been completed by a People Manager/ Supervisor. (If completed by Disclosure Officer leave blank and continue to Section 2)		
Name of People Manager/ Supervisor completing form:	<div style="background-color: #cccccc; height: 20px; width: 100%;"></div>	
Position:	<div style="background-color: #cccccc; height: 20px; width: 100%;"></div>	
Signature:	<div style="background-color: #cccccc; height: 20px; width: 100%;"></div>	
Date:	<div style="background-color: #cccccc; height: 20px; width: 100%;"></div>	
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**- Section 2 -
- DISCLOSURE OFFICER USE ONLY -**

DISCLOSURE OFFICER - REVIEW AND APPROVAL

This section to be completed by a Disclosure Officer.

Please choose **ONE** of the following responses:

- I have assessed the information I have received and confirm the assessment and next steps set out above.
- I have reviewed the information provided to me by the Supervisor/People Manager and approve the assessment and next steps set out above.
- I have reviewed the information provided to me by the Supervisor/People Manager and **DO NOT** approve the assessment and next steps set out above.

I recommend the following actions be taken:

█

- *Eg more information is requested from the reporter.*
- *Eg the evidence does not support assessment as a PID and the matter should be managed in accordance the complaints management processes.*

Name of Disclosure Officer	█
Position	█
Signature	█
Date	█

All assessments of the report and the reasons for it are to be retained electronically and securely in line with the Records Management Policy, ensuring the confidentiality of the matter.

Refer to PID Process Flow for guidance and recommended next steps.

Document Control Sheet

Title	PID Public Interest Disclosures Policy and Procedure
Current Version	1.1
Directorate	Office of the Commissioner
Policy Owner	Chief of Staff
Policy Sponsor	Commissioner
Effective date	24/05/2024
Next Review Date	24/05/2027
Rescinds	Public Interest Disclosures (PID) Policy and Procedure v1.0 PID Initial Assessment of Internal Report v1.0, PID Assessment Checklist v1.0
Topic	Workplace Culture, Misconduct and Compliance
Function	Governance, Legal Activities, Risk management
Key Words	Public Interest Disclosures, PID, Policy, Corrupt Conduct, Maladministration, Serious and Substantial Waste, Government Information Contravention

Version History

Version #	Creation Date	Author	Summary of changes
6.0	June 2023	Chief of Staff	Administrative changes
1.0	February 2024	Chief of Staff	Updated to reflect model Policy following PID Act 2022. Document name change. Consolidation of supporting documents.
1.1	28 May 2024	Chief of Staff	Appendices C to F updated. Combined F and G (<i>G superseded</i>). Name change to align in mySES library to commence with PID. Reference and links to new documents added, to support completion of risk assessments. Includes <i>PID Risk Assessment of Detrimental Action Form</i> and <i>PID Risk Assessment of Detrimental Action Guide</i> . Links added to NSW Ombudsman's resources.

Approval

Title		Date	Version signed off
Chief of Staff	Document Owner	24/05/2024	1.1
Carlene York	Commissioner	28/02/2024	1.0