

# Protected Disclosures Policy and Procedure

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## Introduction

### Policy Context

TAFE Gippsland is committed to the aims and objectives of the Protected Disclosure Act 2012 (the Act) which are:

- a) To encourage and facilitate disclosures of improper conduct by public officers and public bodies; and
- b) To provide protection for:
  - (i) Persons who make those disclosures, and
  - (ii) Persons who may suffer reprisals in relation to those disclosures; and
- c) To provide for the matters disclosed to be properly investigated and dealt with.

### Policy Statement

TAFE Gippsland does not tolerate improper conduct by its employees or officers, or the taking of reprisals against those who come forward to disclose such conduct. The Act encourages and facilitates making disclosures of improper conduct by Public Bodies their employees, and protects persons who make those disclosures.

TAFE Gippsland supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

Disclosure can be made in accordance with this TAFE Gippsland's Protected Disclosure Policy and Procedure which is publicly available on the TAFE Gippsland website.

TAFE Gippsland will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure.

### Purpose

This procedure establishes a system for the protection of persons who make a protected disclosure under the Act from detrimental action by officers, members, employees and contractors of TAFE Gippsland, in accordance with section 58 (5) of the Act and ensures that all other requirements of the Act are met.

### Scope

This procedure covers all operations of TAFE Gippsland. This procedure does not apply to allegations of improper conduct, workplace grievances or complaints which are not within the scope of the Act, and which are dealt with under other TAFE Gippsland policies and procedures (see Supporting Documents: Internal Policy & Procedures).

Officers, members, employees and contractors of TAFE Gippsland, as well as members of the public, may make a disclosure of improper conduct or detrimental action under the Act to the Independent Broad-based Anticorruption Commission (IBAC), the Ombudsman and TAFE Gippsland Protected Disclosures Co-ordinator.

Disclosures of improper or corrupt conduct that do not meet the definition of a protected disclosure under the Act and are therefore not made to IBAC, will be investigated in accordance with TAFE Gippsland's Staff Grievance Procedure and TAFE Gippsland Fraud and Corruption Control Plan Policy and Procedure.

This procedure operates independently of TAFE Gippsland's specific policies, procedures and guidelines for the resolution of complaints against employees.

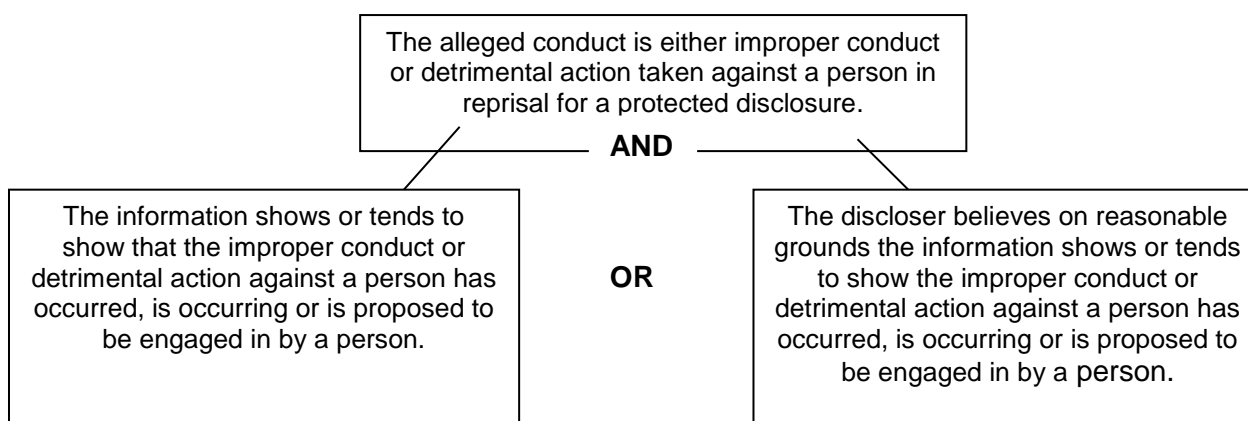
## Procedure

This procedure meets the requirements of section 58 (5) of the Act and other applicable sections of the Act.

### 1. Who can make a disclosure and what it may be about?

- a. Any person may make a disclosure about improper conduct by a public body or an officer of a public body which includes TAFE Gippsland. A disclosure can be verbal or in writing and can be anonymous, and
- b. Improper conduct is defined in the Definitions of this Procedure and in section 4 of the Act.

A disclosure must be about the conduct of a person, public officer or public body in their capacity as a public body or public officer as outlined in the following diagram:



Note: The term disclosure is interpreted under the Act in the ordinary sense of the word, for example, as a “revelation” to the person receiving it. The IBAC considers that a complaint or allegation that is already in the public domain will not normally be a protected disclosure. Such material would, for example, include matters which have already been subject to media or other public commentary.

### 2. How to make a disclosure?

A disclosure may:

- Only be made by a natural person (or a group of individuals making joint disclosures), disclosures cannot be made by a company or an organisation;
- Be made anonymously;
- Be made even where the discloser is unable to identify precisely the individual or the organisation to which the disclosure relates; and
- Also be a complaint, notification or disclosure (however described) made under another law.

A disclosure must be made in accordance with Part 2 of the Act.

Part 2 of the Act permits disclosures to be made anonymously, orally or in writing, and need not necessarily identify the person or organisation complained about.

### 3. To whom a protected disclosure can be made?

Persons can choose to make a protected disclosure to a range of bodies and persons depending on who is the subject of the disclosure.

#### **Written Disclosures**

A written disclosure to the IBAC and the Ombudsman can be made via an online form available at each of their respective websites:

- <https://www.ibac.vic.gov.au/report-corruption-or-misconduct/online-form:>
- <http://www.ombudsman.vic.gov.au/www/html/215-complaint-form:>

A written disclosure to TAFE Gippsland must be delivered to the Protected Disclosures Co-ordinator Jeff Pentney Director People and Culture | Human Resources  
PO Box 3279 GMC Morwell VIC 3841 Email: [jpentney@tafegippsland.edu.au](mailto:jpentney@tafegippsland.edu.au)

#### **Oral Disclosures**

An oral disclosure to the IBAC must be made in private and may be made:

- In person;
- By telephone, to 1300 735 135;
- By leaving a voicemail message on the telephone number of one of the specified individuals below to whom an oral disclosure may be made; or
- By some other form of non-written electronic communication.

The oral disclosure must be made to one of the following persons:

- The Commissioner of the IBAC;
- The Deputy Commissioner of the IBAC;
- The CEO of the IBAC;
- An employee referred to in s 35(1) of the IBAC Act; or
- Any staff referred to in s 35(2) of the IBAC Act.

An oral disclosure to the Ombudsman must be made in private and may be made:

In person;

- By telephone, to 9613 6222 or toll free to 1800 806 314;
- By leaving a voicemail message on the telephone number of any Ombudsman officer; or
- By some other form of non-written electronic communication.

An oral disclosure to TAFE Gippsland must be made in private and may be made:

- In person; or
- By telephone to one of the persons authorised to receive disclosures set out below, including by leaving a voicemail message on that telephone number.

The oral disclosure must be made to the Protected Disclosure Coordinator, Jeff Pentney, Director People and Culture | Human Resources Telephone – 03 5127 0142 / 0438 111 089

## IBAC Decisions

Disclosures made to IBAC - IBAC will make a determination as to whether the disclosure is in fact a protected disclosure. If it is determined that it is not a protected disclosure, the person who made the complaint will be notified of the decision. Advice may be that the complaint is reported to the appropriate body or through TAFE Gippsland's complaints process.

Once a disclosure has been notified to the IBAC, the IBAC must determine whether it is a protected disclosure complaint. Such a determination must be made within a reasonable time after the disclosure is notified to the IBAC.

The IBAC must inform TAFE Gippsland of its determination as to whether or not the disclosure is a protected disclosure complaint:

- In writing; and
- Within a reasonable time after making the determination.

## If IBAC Determines the Disclosure is a Protected Disclosure Complaint

### Notification to the Discloser

- If the IBAC determines the disclosure is a protected disclosure complaint, the IBAC must advise the discloser in writing and within a reasonable time after the determination is made, that:
  - The IBAC has determined that the disclosure is a protected disclosure complaint;
  - Regardless of the determination, the protections available to a discloser of a protected disclosure under Part 6 of the Act apply;
  - The discloser has rights, protections and obligations under the Act as contained in Sections 72, 74 and Parts 6 and 7 of the Act, including an explanation of the effect of those sections and Parts of the Act; and
  - It is an offence under Section 74 of the Act to disclose that the IBAC has determined that the disclosure is a protected disclosure complaint.

Whether or not IBAC determines the disclosure to be a protected disclosure complaint, the protections under Part 6 of the Act apply to the discloser.

Once the IBAC has determined that a disclosure is a protected disclosure complaint, the discloser cannot withdraw that disclosure. However, under the IBAC Act, the IBAC can decide not to investigate a protected disclosure complaint if the discloser requests that it not be investigated.

## Disclosures made to TAFE Gippsland

In assessing whether there is improper conduct or detrimental action, TAFE Gippsland will look critically at all available information about the alleged conduct and about the discloser.

Preliminary questions TAFE Gippsland may seek answers to, or consider, include:

- What is the discloser's connection to the alleged conduct – is the discloser a victim, a witness, or a participant in the conduct alleged about?
- How did the discloser come to know about the conduct – was or is the discloser directly involved in it, did the discloser observe it happening to another person or did someone else tell the discloser about it?
- How detailed is the information provided – is there sufficient information to enable TAFE Gippsland to consider whether there is improper conduct or detrimental action?

- How reliable is the information given to TAFE Gippsland – is it supported by other information?

## Assessing a Disclosure

If the disclosure satisfies the requirements of Part 2 of the Act, TAFE Gippsland is required to determine whether the disclosure may be a protected disclosure by going through the two step assessment process recommended by the IBAC as follows.

This will be the case even if the discloser does not refer to the Act or require the protections of the Act. The initial assessment is made on the nature of the information disclosed or on the belief that the discloser has about the nature of the information, and not the discloser's intention.

### *First Step*

The first question TAFE Gippsland must answer is whether the information disclosed shows, or tends to show, that there is improper conduct or detrimental action taken in reprisal for the making of a protected disclosure.

This requires TAFE Gippsland to ascertain whether the information satisfies the 'elements' of improper conduct or detrimental action, as defined in the Act and whether any of the relevant exceptions apply.

This may require TAFE Gippsland to:

- Seek further information;
- Conduct a discreet initial enquiry;
- Seek (further) evidence from the discloser, and
- Ascertain whether there is sufficient supporting material to demonstrate that the conduct or actions covered by the Act have occurred, are occurring or are likely to occur.

If it is not clear that the information disclosed does show or tend to show that there is improper conduct or detrimental action, then TAFE Gippsland will go on to the second step below.

### *Second Step*

This requires TAFE Gippsland to ask whether the discloser believes on reasonable grounds that the information shows or tends to show there is improper conduct or detrimental action. That is, does the person actually believe that the information shows, or tends to show, there is improper conduct or detrimental action? A reasonable belief requires the belief to be based on facts that would be sufficient to make a reasonable person believe there was improper conduct or detrimental action.

This reasonable belief does not have to be based on actual proof that the improper conduct or detrimental action in fact occurred, is occurring, or will occur, but there must be some information supporting this belief. The grounds for the reasonable belief can leave something to surmise or conjecture, but it must be more than just a reasonable suspicion, and the belief must be probable.

According to the IBAC, simply stating that improper conduct or detrimental action is occurring, without providing any supporting information, would not be a sufficient basis for having a reasonable belief. In the IBAC's view, a belief cannot be based on a mere allegation or conclusion unsupported by any further facts or circumstances.

## Assessment Decisions

At the conclusion of the assessment, TAFE Gippsland must decide whether it considers the disclosure to be a protected disclosure. If TAFE Gippsland decides it may be a protected



disclosure, it must notify IBAC of the disclosure. If TAFE Gippsland does not consider it to be a protected disclosure, then it may be a matter that TAFE Gippsland otherwise deals with through any other relevant internal complaint or grievance management processes.

## Notifications

### If TAFE Gippsland does not consider the Disclosure to be a Protected Disclosure

If TAFE Gippsland determines the disclosure is not a protected disclosure, and the discloser has indicated to TAFE Gippsland that the discloser wishes to receive the protections that apply to a protected disclosure under the Act, the discloser will be notified in writing, within 28 days of the TAFE Gippsland receiving the disclosure, that:

- TAFE Gippsland considers the disclosure is not a protected disclosure;
- The disclosure has not been notified to the IBAC for assessment under the Act; and
- Regardless of whether the disclosure is notified to the IBAC for assessment under the Act, the protections under Part 6 of the Act apply.

### If TAFE Gippsland Considers the Disclosure may be a Protected Disclosure

If TAFE Gippsland considers the disclosure may be a protected disclosure under the Act, TAFE will, within 28 days of receiving the disclosure:

- Notify the IBAC that:
  - TAFE Gippsland considers the disclosure may be a protected disclosure; and
  - TAFE Gippsland is notifying the disclosure to the IBAC for assessment under s 21 of the Act; and
- Notify the discloser that:
  - The disclosure has been notified to the IBAC for assessment under the Act; and
  - It is an offence under s 74 of the Act to disclose that the disclosure has been notified to the IBAC for assessment under the Act.

## Welfare Management

TAFE Gippsland is committed to the protection of genuine disclosers against detrimental action taken in reprisal for the making of protected disclosures.

The protection of persons making genuine protected disclosures about improper conduct or detrimental action is essential for the effective implementation of the Act. In addition, the Act extends the need for welfare management to people who have cooperated or intend to cooperate with an investigation of a protected disclosure complaint (“co-operators”). Persons who are the subject of allegations will also have their welfare looked after.

TAFE Gippsland must ensure disclosers and co-operators are protected from direct and indirect detrimental action being taken against them in reprisal for the protected disclosure. TAFE Gippsland will ensure its workplace culture supports disclosers and co-operators. Such support will extend to the relevant persons regardless of whether they are internal to the organisation (e.g., employees, other officers) or external members of the public.

Those derive from various legislative and administrative obligations to:

- Ensure the health and wellbeing of employees of a public sector body under laws including those relating to Occupational Health and Safety, the Charter of Human Rights and



Responsibilities Act 2006, the Public Administration Act 2004, and various Victorian Public Sector Codes of Conduct (as relevant); and

- Comply with various relevant laws, policies and practices when making administrative and other decisions or taking particular actions affecting a customer, client or user of the public body's services.

## Support Available to Disclosers and Co-operators

TAFE Gippsland will support disclosers and co-operators by:

- Keeping them informed, by providing:
  - confirmation that the disclosure has been received;
  - the legislative or administrative protections available to the person;
  - a description of any action proposed to be taken;
  - if action has been taken by TAFE Gippsland, details about results of the action known to TAFE Gippsland;
- Providing active support by:
  - acknowledging the person for having come forward;
  - assuring the discloser or co-operator that they have done the right thing, and TAFE Gippsland appreciates it;
  - making a clear offer of support;
  - assuring them that all reasonable steps will be taken to protect them;
  - giving them an undertaking to keep them informed as far as TAFE Gippsland is reasonably able to;
- Managing their expectations by undertaking an early discussion with them about:
  - what outcome they seek;
  - whether their expectations are realistic;
  - what TAFE Gippsland will be able to deliver;
- Maintaining confidentiality by:
  - ensuring as far as is possible that other people cannot infer the identity of the discloser or co-operator;
  - reminding the discloser or co-operator not to reveal themselves or to reveal any information that would enable others to identify them as a discloser or co-operator;
  - ensuring that hardcopy and electronic files relating to the disclosure are accessible only to those who are involved in managing disclosures in TAFE Gippsland;
  - proactively assessing the risk of detrimental action being taken in reprisal (rather than reactively waiting for a problem to arise and a complaint made by the discloser or co-operator), that is, actively monitor the workplace, anticipating problems and dealing with them before they develop as far as is possible;
- Protecting the discloser or co-operator by:
  - examining the immediate welfare and protection needs of the person and seeking to foster a supportive work environment;
  - listening and responding to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions;
  - assessing whether the concerns the person may have about harassment, intimidation or victimisation might be due to other causes other than those related to the protected disclosure;

- preventing the spread of gossip and rumours about any investigation into the protected disclosure; and
- keeping contemporaneous records of all aspects of the case management of the person, including all contact and follow-up action.

## Appointment of a Welfare Manager

In appropriate circumstances, the TAFE Gippsland will appoint a suitable welfare manager to protect a discloser or a co-operator. The following matters will be taken into consideration by TAFE Gippsland when deciding whether to appoint a welfare manager in a particular case:

- Are there any real risks of detrimental action against the discloser or co-operator, taking into account their particular circumstances?
- Whether TAFE Gippsland can will take the discloser or co-operator seriously and treat them with respect?
- Whether TAFE Gippsland will give the discloser or co-operator effective support, including keeping the discloser informed of the status of the disclosure?
- TAFE Gippsland protects the person from suffering repercussions, by dealing with the matter discreetly and confidentially, and responding swiftly and fairly to any allegations that the discloser or co-operator has in fact suffered retribution?

If the answer to the first question is 'yes' then the IBAC recommends the appointment of a dedicated welfare officer. If the answer to the first question is 'no' and TAFE Gippsland can meet the needs set out in the remainder of the questions, the IBAC suggests there may be no need for a dedicated welfare officer to be appointed for that particular case.

In most circumstances, a welfare officer will only be required where a protected disclosure complaint proceeds to investigation, but each protected disclosure received by TAFE Gippsland will to be assessed on its own merits. In particular, a Welfare Manager will be appointed where TAFE Gippsland believes that one is required to ensure that the appropriate support can be provided to the discloser or co-operator.

If appointed, the Welfare Manager will, in addition to providing the general support set out above will:

- Examine the immediate welfare and protection needs of a discloser who has made a disclosure and seek to foster a supportive work environment;
- Advise the discloser or co-operator of the legislative and administrative protections available to him or her, including providing practical advice;
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure;
- Not divulge any details relating to the protected disclosure to any person other than the Protected Disclosure Coordinator or the Chief Executive Officer;
- Ensure all meetings between the Welfare Manager and the discloser or co-operator are conducted discreetly to protect the person from being identified as being involved in the protected disclosure; and
- Ensure the expectations of the discloser are realistic and reasonable, and that the discloser or co-operator understands the limits of the support TAFE Gippsland is able to reasonably provide in the particular circumstances. This is particularly the case where a Welfare Manager has been appointed in relation to an external discloser or co-operator.

## Natural Justice

TAFE Gippsland will afford natural justice to the subject of a disclosure prior to any decision being made about the allegations. If the matter has been investigated by an investigative entity, then the investigative entity will be responsible for ensuring consultations with the subject include the provision of natural justice to him or her. The IBAC has noted that affording a subject of a disclosure natural justice in this context means that if a decision is to be made about their conduct this person has the right to:

- Be informed about the substance of the allegations against them;
- Be given the opportunity to answer the allegations before a final decision is made;
- Be informed about the substance of any adverse comment that may be included in any report arising from an investigation; and
- Have his or her defence set out fairly in any report.

## If the Allegations are Wrong or Unsubstantiated

TAFE Gippsland will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are wrong or unsubstantiated. In those circumstances, TAFE Gippsland and any investigative entity involved will ensure that there are no adverse consequences for this person arising out of the disclosure or its investigation. This is particularly crucial in a situation where there has been publicly disclosed information identifying the subject, but also where such information has become well-known across TAFE Gippsland and the subject is an employee, or staff of TAFE Gippsland.

## If Detrimental Action is Reported

If any person reports an incident of harassment, discrimination or adverse treatment that may amount to detrimental action apparently taken in reprisal for a disclosure, the Welfare Manager or Protected Disclosure Coordinator must record details of the incident and advise the person of their rights under the Act.

A person takes detrimental action against another person in reprisal for a protected disclosure if:

- The person takes, or threatens to take, detrimental action against the other person because, or in the belief that:
  - the other person or anyone else has made, or intends to make, the disclosure; or
  - the other person or anyone else has cooperated, or intends to cooperate, with an investigation of the disclosure; or
- For either of the reasons above, the person incites or permits someone else to take or threaten to take detrimental action against the other person.

All persons are reminded it is a criminal offence to take detrimental action against another person in reprisal for a protected disclosure under the Act. The penalty for committing such an offence in contravention of the Act is a maximum fine of 240 penalty units, (\$34,646.40 from 1 July 2013, usually increasing 1 July every year in accordance with arrangements made under the Monetary Units Act 2004) two years imprisonment or both.

## Protections for Persons Making a Protected Disclosure

### Part 6 Protections Available to Disclosers

Part 6 of the Act sets out the protections provided to persons who make a disclosure that is a 'protected disclosure', i.e., one that is made in accordance with Part 2 of the Act. In summary, they are as follows:

- The discloser is not subject to any civil or criminal liability for making the protected disclosure;
- The discloser is not subject to any administrative action (including disciplinary action) for making the protected disclosure;
- By making the protected disclosure, the discloser is not committing an offence against the Constitution Act 1975 or any other law that imposes obligations of confidentiality or otherwise restricts the disclosure of information;
- By making the protected disclosure, the discloser is not breaching any other obligation (made by oath, rule of law or practice) requiring him or her to maintain confidentiality; and
- The discloser cannot be held liable for defamation in relation to information included in a protected disclosure made by him or her.

### Actions of Discloser Constituting Offences and Leading to Protections Being Lost

However, a discloser is not protected if they commit an offence under s 72 or s 73 of Act, as follows:

- Provide false or misleading information, or further information that relates to a protected disclosure, that the person knows to be false or misleading in a material particular, intending that the information be acted on as a protected disclosure (maximum penalty: a fine of 120 penalty units (\$17,323.20 from 1 July 2013), usually increasing 1 July every year in accordance with arrangements made under the Monetary Units Act 2004, 12 months imprisonment, or both);
- Claim that a matter is the subject of a protected disclosure knowing the claim to be false (maximum penalty: a fine of 120 penalty units, 12 months imprisonment, or both);
- Falsely claim that a matter is the subject of a disclosure that IBAC has determined to be a protected disclosure complaint (maximum penalty: a fine of 120 penalty units, 12 months imprisonment, or both).

Similar provisions set out in the IBAC Act, such as in s 184, also make it a criminal offence to disclose certain information received from the IBAC. The penalties for such offences are a fine of 60 penalty units, 6 months imprisonment, or both.

### Other Limitations on Protections Afforded to Disclosers

A discloser is not protected against legitimate management action being taken by TAFE Gippsland in accordance with the Act.

In addition, although the discloser of a protected disclosure is not subject to criminal or civil liability for making the disclosure, the Act specifically provides that a person remains liable for their own conduct even though the person has made a disclosure of that conduct under the Act. Therefore, the discloser will still be held liable for their own conduct that they disclose as part of making a protected disclosure.

*If the person making the disclosure is implicated in the improper conduct or detrimental action that is the subject of the disclosure.*

Where a discloser is implicated in improper conduct, the TAFE Gippsland will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the IBAC's guidelines and these procedures. TAFE Gippsland acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

The management of the welfare of a discloser may become complicated when that person is implicated in misconduct, whether or not that misconduct is related to the disclosure.

Taking disciplinary or other action against a person who has made a protected disclosure invariably creates the perception that it is being taken in reprisal for the disclosure. The Chief Executive Officer will make the final decision on the advice of the Protected Disclosure Coordinator as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with. In all cases where disciplinary or other action is being contemplated, any such action will not be taken without TAFE Gippsland's Chief Executive Officer ensuring that:

- The fact that a person has made a protected disclosure is not a substantial reason for TAFE Gippsland taking the action against the employee;
- There are good and sufficient grounds that would fully justify action against any other person in the same circumstances;
- There are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

TAFE Gippsland will take all reasonable steps to thoroughly document its decision-making process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not being taken in retribution against the discloser for making the disclosure, so that it will be able to clearly demonstrate that the disciplinary or other action was taken for the appropriate and permitted reasons under the Act.

The discloser will be clearly informed of any action proposed to be taken, be afforded natural justice, and inform and be informed of any mitigating factors that have been taken into account. Such communications with the discloser will be made in plain English and reasonable steps to provide appropriate support will be offered where appropriate.

## Roles and Responsibilities

### Employees, Staff, and Contractors

Employees, staff and contractors are encouraged to raise matters of concern in relation to TAFE Gippsland, including about any employee, staff or contractor. In particular, employees, staff and contractors are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures, whether such conduct or action has taken place, is suspected will take place, or is still occurring.

All employees, staff and contractors of TAFE Gippsland have an important role to play in supporting those who have made a legitimate disclosure in accordance with the Act. All persons must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

## Direct and Indirect Supervisors and Managers

Employees of TAFE Gippsland who wish to make a protected disclosure may make that disclosure to their direct or indirect supervisor or manager.

If a person wishes to make a Protected Disclosure about an employee of TAFE Gippsland, that person may make the disclosure to that employee's direct or indirect supervisor or manager.

The supervisor or manager receiving the disclosure will:

- Immediately bring the matter to the attention of the Protected Disclosure Coordinator for further action in accordance with the Act;
- Commit to writing down any disclosures made orally;
- Take all necessary steps to ensure the information disclosed, including the identity of the discloser and any persons involved, is secured, remains private and confidential; and
- Offer to remain a support person for the discloser in dealing with the Protected Disclosure Coordinator.

## Protected Disclosure Coordinator

TAFE Gippsland has appointed a Protected Disclosure Coordinator (available on the TAFE Website) to receive disclosures and be a contact point for general advice about the operation of the Act for any person wishing to make a disclosure.

The Protected Disclosure Coordinator is available to receive disclosures made internally within TAFE Gippsland or from external sources. For internal staff and employees, they provide a confidential avenue of advice about the Act where staff or employees wish to raise a concern about their line managers, colleagues or supervisors.

The Protected Disclosure Coordinator will:

- Be a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- Make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;
- Receive any disclosure made orally or in writing from internal or external sources;
- Commit to writing any disclosure made orally;
- Take all necessary steps to ensure the information disclosed, including the identity of the discloser and any persons involved, is secured, remains private and confidential;
- Impartially assess the allegation and consider whether it is a disclosure required to be notified to the IBAC for assessment under s 21 of the Act, and
- Where appropriate, undertake the role of the Welfare Manager to support a discloser and to protect him or her from any detrimental action taken in reprisal for making a Protected Disclosure.

## Supporting Documents

### External Legislative Context

- Protected Disclosure Act 2012 (Vic)
- Independent Broad-Based Anti-corruption Commission Act 2011 (Vic)
- Freedom of Information Act 1982 (Vic)

## Internal Policy and Procedures

- TAFE Gippsland Fraud and Corruption Policy
- TAFE Gippsland Fraud and Corruption Control Plan Policy and Procedure
- TAFE Gippsland Acceptance of Gifts, Benefits and Hospitality Policy
- TAFE Gippsland Staff Code of Conduct
- TAFE Gippsland Staff Discipline Procedure
- TAFE Gippsland Staff Grievance Resolution Procedure

## Related Web Resources

- IBAC Guidelines for making and handling protected disclosure 2016  
<https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-making-and-handling-protected-disclosures>
- IBAC Guidelines for protected disclosure welfare management 2016  
<https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-protected-disclosure-welfare-management>

## Responsibility

Chief Executive Officer

Document Name and No: Protected Disclosures Policy and Procedure CM 18		
Responsible Body: Board of Directors	Date Adopted by Board of Directors: 27/09/2017	Review Cycle: 5 Years
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