VCAA Public Interest Disclosure Procedures

1. Purpose

The purpose of the *Public Interest Disclosures Act 2012* (Vic) (the **Act**) and these Procedures is to encourage and facilitate the reporting of improper conduct and detrimental action taken in reprisal for making a public interest disclosure. The Act aims to achieve this by providing certain protections for people who make reports of improper conduct or detrimental action, as well as people who cooperate or intend to cooperate with an investigation into a public interest disclosure. An essential component of this protection is to ensure that information connected to a public interest disclosure, including the identity of a discloser and the contents of that disclosure, is kept confidential.

The Victorian Curriculum and Assessment Authority (**VCAA**) is required to establish procedures under s.58(5) of the Act to protect persons from detrimental action taken in reprisal for making a public interest disclosure. This includes managing the welfare of persons who are connected to a public interest disclosure. These procedures have been prepared in accordance with the Act and Regulations and Guidelines issued by the Independent Broad-based Anti-corruption Commission (**IBAC**) under s.57 of the Act which are available online at [http://www.ibac.vic.gov.au/.](http://www.ibac.vic.gov.au/)

1. Scope and application

The VCAA is not a body that may receive public interest disclosures. A disclosure about the VCAA or VCAA Staff should be made directly to IBAC.

These procedures apply to all VCAA Staff and other persons connected with a public interest disclosure who are entitled to protections and welfare management by the VCAA under the Act. Persons connected with a public interest disclosure include the discloser, any witnesses to an investigation and the subject of an investigation.

These procedures apply to any complaint, concern, matter, allegation or disclosure (however described) purported to be made in accordance with Part 2 of the Act. A person who makes a public interest disclosure or cooperates with a public interest disclosure investigation may be a public sector employee or a member of the public. The VCAA has an obligation to protect both employees and the public from detrimental action being taken against a person in reprisal for making a disclosure.

1. Policy statement

The VCAA does not tolerate improper conduct by VCAA Staff nor the taking of reprisals against those who come forward to disclose such conduct.

The VCAA supports the making of disclosures that reveal improper conduct or reveal detrimental action taken in reprisal against persons who have reported improper conduct.

The VCAA will take all reasonable steps to protect people who make disclosures from any detrimental action in reprisal for making the disclosures. The VCAA will also afford natural justice to the person or body who is the subject of the disclosures.

1. Definitions

The following abbreviations and key terms are used in these procedures:

| Term | Definition |
| --- | --- |
| Act | *Public Interest Disclosures Act 2012* |
| co-operators | Persons who cooperate or intend to cooperate with an investigation into a public interest complaint |
| detrimental action | As defined in section 3 of the Act |
| discloser | A person who (purports to) make(s) a complaint, allegation or disclosure (however described) under the Act |
| disclosure | Any complaint, concern, matter, allegation or disclosure (however described) purported to be made in accordance with Part 2 of the Act |
| Guidelines | The Guidelines published by IBAC under s.57 of the Act available from [http://www.ibac.vic.gov.au](http://www.ibac.vic.gov.au/report-corruption-or-misconduct/protected-disclosure) |
| IBAC | Independent Broad-based Anti-corruption Commission |
| IBAC Act | *Independent Broad-based Anti-corruption Commission Act 2011* |
| investigating entity | Any of the bodies authorised to investigate a public interest complaint, being the IBAC, the Victorian Ombudsman, the Chief Commissioner of Police, the Victorian Inspectorate, the Judicial Commission, the Chief Municipal Inspector, the Racing Integrity Commissioner and the Information Commissioner. |
| improper conduct | As defined in section 4 of the Act |
| Procedures | This version of the procedures of the VCAA, as established under s.58 of the Act |
| public body | As defined in section 3 of the Act. Includes the VCAA and the Department of Education and Training |
| public officer | As defined in section 3 of the Act. Includes VCAA staff and employees of the Department of Education and Training |
| public interest discloser | A person who makes a disclosure of improper conduct or detrimental action in accordance with the requirements of Part 2 of the Act |
| public interest complaint | A public interest disclosure which has been determined and assessed by the IBAC to be a public interest complaint under s 26 of the Act |
| Regulations | *Public Interest Disclosures Regulations 2013* |
| VCAA | Victorian Curriculum and Assessment Authority |
| VCAA Staff | Anyone engaged by the VCAA (whether paid or unpaid, employee, honorary or volunteer), DET staff undertaking work or activity for the VCAA, consultants and contractors, VCAA members |

1. Roles and responsibilities under these Procedures
	1. Roles and responsibilities

| Roles and responsibilities | Position |
| --- | --- |
| * To report known or suspected incidences of improper conduct or detrimental action to IBAC.
* To protect and maintain the confidentiality of any person who they know or believe has made a disclosure to IBAC. This includes refraining from discussing the disclosure with internal and external persons, unless expressly authorized or permitted in accordance with the Act.
* To not undertake any activity that may be considered as detrimental action in reprisal for making a public interest disclosure.
* To not undertake any activity against a person involved in a disclosure that is or could be perceived to be victimisation, harassment or bullying.
* To not discuss the disclosure or the content of the disclosure to any other person except IBAC or the Public Interest Coordinator if the VCAA has been asked to assist in IBAC’s investigation, unless expressly authorized or permitted in accordance with the Act.
 | All VCAA Staff |
| * To act as the contact person for integrity agencies such as IBAC and for general enquiries about the operation of the Act as it applies to the VCAA.
* To ensure that the VCAA carries out its obligations under the Act and Regulations and any guidelines issued by IBAC.
* To take all reasonable steps to ensure information received or obtained in connection with a disclosure, including the identities of the discloser, co-operators and the person who is the subject of the disclosure, , remain private and confidential. This includes ensuring the information is stored securely to the extent that only the Public Interest Disclosure Coordinator (and appointed Welfare Manager) can access information relating to the disclosure.
* To arrange any necessary and appropriate welfare support for the discloser, co-operators and the person who is the subject of the disclosure, including appointing a Welfare Manager to provide welfare support and protection from detrimental action to any person who is entitled to be protected under the Act.
* To collate statistics required to be reported by the VCAA in its annual report under the Act.
 | Public Interest Disclosure Coordinator |
| * To provide welfare support and protection from detrimental action to the discloser, co-operator or the person who is the subject of the disclosure.
 | Appointed Welfare Manager  |
| * To make decisions regarding the transfer of employees who have made a public interest disclosure.
* To make decisions regarding legitimate management action against employees who have made a public interest disclosure.
 | Chief Executive Officer |

1. Procedures
	1. What is a disclosure?

A disclosure under the Act is a report made by a person about:

* the **improper conduct** of public bodies, public officers or a person whose conduct is adversely affecting the honest performance of a public body or public officer, or is intended to adversely affect their effective performance; or
* **detrimental action** that a public officer or public body takes, or threatens to take, against a person in reprisal for having made a public interest disclosure, or a person who has cooperated with the investigation of a public interest complaint.

The conduct or action may have already occurred, be occurring at the time of the disclosure, or may happen in the future.

If a disclosure is made in relation to conduct or action that is already in the public domain, it is unlikely to be a *public interest disclosure* within the meaning of the Act.

* 1. What is improper conduct?

Improper conduct is defined in section 4 of the Act as:

* corrupt conduct as defined in the IBAC Act;
* conduct of a public officer or public body engaged in their official capacity that constitutes:
	+ a criminal offence
	+ serious professional misconduct
	+ dishonest performance of public functions
	+ intentional or reckless breach of public trust
	+ intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body
	+ substantial mismanagement of public resources
	+ substantial risk to health or safety of one or more persons
	+ substantial risk to the environment;
* conduct of any person that adversely affects the honest performance by a public officer or public body of their public functions;
* conduct of any person that is intended to adversely affect the effective performance or exercise by a public officer or public body of their functions and results in the person, or their associate, obtaining:
	+ a licence, permit, approval, authority or other entitled under any Act or subordinate instrument
	+ an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument
	+ a financial benefit or real or personal property
	+ any other direct or indirect monetary or proprietary gain

that the person or their associate would not have otherwise obtained;

* conduct of any person that could constitute a conspiracy or attempt to engage in any of the above conduct.

Conduct that is trivial does not constitute improper conduct.

* 1. What is detrimental action taken in reprisal for a public interest disclosure?

Detrimental action is defined in section 3 of the Act as including:

* action causing injury, loss or damage;
* intimidation or harassment;
* discrimination, disadvantage or adverse treatment in relation to a person’s employment, career, profession, trade or business, including the taking of disciplinary action.

It is a criminal offence to take or threaten to take detrimental action against another person because, or in the belief that:

* a person has made, or intends to make, a disclosure;
* a person has cooperated, or intends to cooperate, with an investigation of the disclosure.

A public officer or public body will still be guilty of an offence if they have incited or permitted someone else to have taken or threatened to take the detrimental action.

The taking of detrimental action in reprisal for making a disclosure can be grounds for a person to make a further disclosure with respect to that conduct. The disclosure of this allegation should be made to IBAC as a new disclosure under Part 2 of the Act. Where the detrimental action is of a serious nature likely to amount to a criminal offence, the VCAA will also consider reporting the matter to the police.

Significant penalties apply under the Act for taking or threaten to take detrimental action against another person in reprisal for a public interest disclosure. A person may also take civil action against a person and/or the VCAA for detrimental action taken against them in reprisal for a disclosure.

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 Public Interest Disclosure Coordinator or Welfare Manager must record details of the incident and advise the person of their rights under the Act to make a disclosure to IBAC.

* 1. How does someone make a disclosure about improper conduct or detrimental action about the VCAA and VCAA Staff?

The VCAA is not a body that may receive public interest disclosures. A disclosure attempted or purported to be made to the VCAA will not be a disclosure because the Act does not permit the VCAA to receive disclosures.

Any person who wishes to make a disclosure about improper conduct or detrimental action regarding the VCAA or VCAA Staff must submit their disclosure directly to IBAC.

If the VCAA receives a disclosure, the person who has made the disclosure will be advised that they must submit the disclosure to IBAC.

Postal address: IBAC
GPO Box 24234
Melbourne, VIC 3001

Office address: Level 1, North Tower
459 Collins Street
Melbourne, VIC 3000

Online: <https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form>

Telephone: 1300 735 135

Email: info@ibac.vic.gov.au

Any person who wishes to make a disclosure is encouraged to refer to [IBAC’s Guidelines](https://www.ibac.vic.gov.au/publications-and-resources#Guideline) for handling public interest disclosures, which is available on IBAC’s website.

For information about how to make a disclosure about the Department of Education and Training (DET) and DET employees, contractors and consultants, please visit the DET website:

[Making, handling and managing public interest disclosures](https://edugate.eduweb.vic.gov.au/edrms/keyprocess/integrity/Documents/Making%2C%20handling%20and%20managing%20public%20interest%20disclosures%20-%20procedures.DOCX)

* 1. Confidentiality

Part 7 of the Act protects disclosers and other persons involved in disclosures by prohibiting:

* the disclosure by any person or body of the content, or information about the content, of a disclosure; and
* the disclosure by any person or body of information that would be likely to lead to the identification of a person who has made a public interest disclosure.

The penalties for breaching these confidentiality requirements under the Act include imprisonment, financial payments or both.

The VCAA and VCAA Staff must comply with the confidentiality requirements under the Act, except where any of the following exceptions apply:

* to exercise functions under the Act;
* for the purpose of a proceeding or for a disciplinary process under a relevant Act;
* for the purpose of obtaining legal advice or representation;
* it is necessary for the discloser to obtain legal advice or representation, interpretative services, the advice of a parent or guardian (for disclosers under 18 years), the advice of an independent person (for disclosers who are illiterate or have mental or physical impairments);
* for the purpose of assisting the discloser to seek advice or support from a registered health practitioner, trade union or employee assistance program;
* the disclosure is to WorkCover for a workers compensation claim or to the Fair Work Commission for an application;
* the discloser has provided his/her written consent to disclose his/her identity;
* in accordance with a direction or authorisation from the investigating entity that is investigating the disclosure;
* it is necessary for taking lawful action in relation to the conduct that is the subject of the disclosure.

Where the disclosure is dismissed or investigations do not substantiate the allegations made against the person, the fact that the investigation was undertaken, its results, and the identity of the person subject of the disclosure (to the extent that the VCAA has been provided that information by an investigating entity) must still be kept confidential.

The *Freedom of Information Act 1982* (Vic) (FOI Act) provides a general right of access for any person to seek documents in the possession of the VCAA. However, the FOI Act excludes access to:

* any information relating to a disclosure made in accordance with the Act; and
* any information that is likely to lead to the identification of a discloser.

The VCAA is required to contact IBAC prior to providing any document originating from IBAC or relating to a public interest disclosure, if that document is sought under the FOI Act.

* 1. Notice by IBAC of a public interest complaint to the VCAA

IBAC may need to contact the VCAA when investigating a public interest complaint. The VCAA will not be in breach of the confidentiality requirements of the Act if it responds to a request from IBAC to provide information about the disclosure for the purpose of IBAC’s investigation.

Where IBAC discloses to the VCAA the identity of the discloser and the content of the disclosure, the VCAA must comply with the confidentiality requirements of Part 7 of the Act. =

* 1. Welfare management and support
		1. **Public Interest Disclosure Coordinator**

The VCAA has appointed a Public Interest Disclosure Coordinator to receive notice from IBAC of a public interest complaint relating to the VCAA or VCAA Staff. The Public Interest Disclosure Coordinator is responsible for assisting IBAC with its investigations, ensuring confidentiality is maintained, and providing welfare support to affected persons.

If the VCAA is advised of the identity of a discloser or co-operator, the VCAA must look after the welfare of the discloser or co-operator and provide protection against possible detrimental action.

Where the VCAA is advised of the identity of the discloser or co-operator, the Public Interest Disclosure Coordinator will maintain confidentiality by:

* + ensuring as far as is possible that other people cannot infer the identity of the discloser, co-operator or person who is the subject of the disclosure;
	+ 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, except under circumstances permitted by the Act;
	+ ensuring that hardcopy and electronic files relating to the disclosure are kept securely and are only accessible to the Protected Disclosure Coordinator and Welfare Manager;
	+ ensuring that all meetings between any relevant persons are conducted discreetly to protect the confidentiality of all persons involved in a disclosure.

Where the VCAA is advised of the identity of the discloser or co-operator, the Public Interest Disclosure Coordinator will support disclosers and co-operators by:

* keeping them informed of the progress of the investigation;
* advising them of their legislative and/or administrative protections;
* providing a description of any action taken, or proposed to be taken, by the VCAA;
* providing assurance that all reasonable steps will be taken to protect them, including the protection of their identity;
* managing their expectations by undertaking an early discussion with them about what outcomes they seek and what the VCAA will be able to deliver;
* proactively assessing the risk of detrimental action being taken in reprisal (rather than reactively waiting for a problem to arise and a complaint to be 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;
* 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 public interest disclosure;
* preventing the spread of gossip and rumours about any investigation into the public interest disclosure where the VCAA is aware of any investigation being undertaken or about to be undertaken;
* keeping contemporaneous records of all aspects of the case management of the person, including all contact and follow-up action; and
* appointing a Welfare Manager where appropriate.

The Public Interest Disclosure Coordinator will also provide support and advice to a person who is the subject of a disclosure, particularly in relation to their rights and obligations under the Act, these procedures, and any other relevant law or code of conduct. Matters will be assessed on a case-by-case basis by the Public Interest Disclosure Coordinator, taking into account the information provided by IBAC and the person’s particular circumstances. A person the subject of a disclosure who is made aware of their status as such may have a Welfare Manager appointed by the VCAA or be referred to the VCAA’s Employee Assistance Program for welfare assistance.

The VCAA Public Interest Disclosure Coordinator is:

Barbara Elvin

Acting Executive Director, Infrastructure and Business Services

Level 7, 2 Lonsdale Street Melbourne, VICTORIA 3000

Telephone: 03 9032 1623

Email: Barbara.Elvin@education.vic.gov.au

* + 1. **Appointment of a Welfare Manager**

The Public Interest Disclosure Coordinator shall appoint a suitable Welfare Manager to coordinate welfare support for a discloser or a co-operator in instances where the Public Interest Coordinator believes there is a real risk of detrimental action against a discloser or co-operator. In most circumstances, a Welfare Manager will only be required where a public interest complaint proceeds to investigation. However, the Public Interest Coordinator may decide to appoint a Welfare Manager at any stage during the public interest disclosure process. A Welfare Manager may be an internal person or a person engaged as a contractor to provide welfare support.

The Public Interest Disclosure Coordinator may also decide to appoint a Welfare Manager to:

* ensure the person receives effective support;
* protect the person from suffering repercussions by dealing with the matter discreetly and confidentially;
* ensure any allegations of retribution are responded to swiftly and fairly; and
* ensure the person feels they are being taken seriously and treated with respect.

A Welfare Manager will:

* 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 public interest disclosure to any person other than the Public Interest Disclosure Coordinator;
* 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 public interest disclosure;
* ensure the expectations of the discloser or co-operator are realistic and reasonable, and that the discloser or co-operator understands the limits of the support the VCAA 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.
	+ 1. **Welfare management of persons who are the subject of a disclosure**

The VCAA will also meet the welfare needs of a person who is the subject of a public interest disclosure. It is important to remember that until a public interest complaint is resolved, the information about the person is only an allegation. A person who is the subject of a disclosure may need welfare support if they become aware an allegation has been made against them.

The Public Interest Disclosure Coordinator may only give information about the disclosure to the person who is the subject of the disclosure where directed or authorised by IBAC, or for the purpose of taking action with respect to the conduct alleged, including disciplinary action. Information that would be likely to identify the discloser may not be disclosed.

It is possible that the subject of the disclosure may never be told about the disclosure if it is not determined to be a public interest complaint, or if a decision is made to dismiss the disclosure. This may also depend on the stage at which IBAC actually informs the VCAA of the identity of the subject of a disclosure.

Investigating entities may also inform the subject of the public interest complaint in the course of their investigation for the purposes of conducting that investigation, or any actions that they propose to take as a result of the investigation.

**6.7.4 Where allegations contained in a disclosure are wrong or unsubstantiated**

The VCAA 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 these circumstances, the VCAA and any investigating 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 the VCAA and the subject is an employee, member or staff of the VCAA.

Further, if the matter has been publicly disclosed by the VCAA, the CEO will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated or for compensation or additional supported needs.

* 1. Further protections for disclosers and co-operators
		1. **Detrimental action**

The VCAA must, where it is aware of or has been provided the identities of disclosers or co-operators, ensure they are protected from direct and indirect detrimental action being taken against them in reprisal for the public interest disclosure. The VCAA will ensure its workplace culture supports disclosers and co-operators. Such support will extend to affected persons regardless of whether they are internal to the organisation (ie. VCAA Staff) or members of the public. However, different legislative responsibilities (including those external to the Act) apply to VCAA Staff, and to persons who may be clients or users of the VCAA’s services. These responsibilities 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. As an example, a member of VCAA staff might disclose that a fellow staff member has leaked details of a VCE examination prior to the examination period. The VCAA has legislative and administrative obligations to meet in handling the welfare of the discloser.

For VCAA Staff, the VCAA will ensure a supportive work environment and respond appropriately to any reports of intimidation or harassment. For external persons, the VCAA will take reasonable steps to provide appropriate support. The VCAA will discuss reasonable expectations with all persons receiving welfare management in connection with a public interest disclosure.

* + 1. **Protections to disclosers under Part 6 of the Act**

A discloser is not subject to any civil or criminal liability or any administrative action (including disciplinary action) for making a disclosure.

By making a disclosure, a 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;
* breaching any other obligation (made by oath, rule of law or practice) requiring him or her to maintain confidentiality.

A discloser cannot be held liable for defamation in relation to information included in a public interest disclosure made by him or her.

These protections apply even where IBAC has determined that the public interest disclosure is not a public interest complaint.

* + 1. **Transfer of employees**

Where there is a reasonable belief that detrimental action will be, is being, or has been taken against a discloser, the CEO may decide to transfer the discloser internally within the VCAA or externally to another public service body or public entity on similar terms and conditions of the discloser’s current employment.

The discloser must either make the request or consent to the transfer. Disclosers are to make their request for transfer through the Public Interest Disclosure Coordinator who will then refer the request to the CEO.

The CEO can only transfer a discloser where:

* there is reasonable grounds to suspect detrimental action will be, is being, or has been taken against the discloser;
* it is considered that the transfer will avoid, reduce or eliminate the risk of detrimental action; and
* if it is proposed to transfer the discloser to another public body, the head of that public body consents to the transfer.

A transfer may be temporary or permanent. If the discloser is transferred externally, their service in the new public body is regarded as continuous with their pre-transfer service.

* 1. Limitations on protections
		1. **Protections lost if discloser provides false or misleading information**

A discloser is not protected if they:

* provide false or misleading information, or further information that relates to a public interest disclosure, that the person knows to be false or misleading in a material particular, intending that the information be acted on as a public interest disclosure;
* claim that a matter is the subject of a public interest disclosure knowing the claim to be false;
* falsely claim that a matter is the subject of a disclosure that IBAC has determined to be a public interest complaint.

Significant penalties apply, including imprisonment, if a discloser is found guilty of committing any of the above offences.

* + 1. **Legitimate management action**

A discloser is not protected against legitimate management action being taken by the VCAA in accordance with the Act. To ensure management action against a discloser or co-operator is not being taken in reprisal for making a disclosure, the CEO shall make the final decision on the advice of the Public Interest Disclosure Coordinator as to whether disciplinary or other action will be taken against a discloser or co-operator.

In all cases where disciplinary or other action is being contemplated, any such action will not be taken without the CEO ensuring that:

* the fact that a person has made a public interest disclosure is not any part of the reason for the VCAA 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.

In instances 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.

The CEO will take all reasonable steps to thoroughly document the 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.

The discloser or co-operator will be clearly informed of any action proposed to be taken, be afforded natural justice, and be informed of any mitigating factors that have been taken into account. Reasonable steps to provide appropriate support will be offered where appropriate.

* + 1. **Discloser is implicated in improper conduct or detrimental action**

If a person making a disclosure is implicated in the improper conduct or detrimental action that is the subject of the disclosure, they remain liable for their own conduct.

Where a discloser is implicated in improper conduct, the act of disclosing does 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.

* 1. Staff training and awareness

The VCAA will:

* ensure that all VCAA staff have access to a copy of these procedures in hard or soft copy;
* incorporate into its induction procedures training about the VCAA’s general obligations under the Act and the rights and obligations of all VCAA staff;
* introduce periodic refresher courses for existing VCAA staff about their rights and obligations under the Act;
* raise staff awareness about the protections available under the Act and VCAA’s commitment to protect disclosers and co-operators during staff meetings;
* provide additional training and assistance to:
	+ any VCAA staff with specific responsibilities and functions to handle and manage public interest disclosures under the Act, including the Public Interest Disclosure Coordinator and people involved in welfare management; and
	+ any VCAA staff with functions and duties under the FOI Actor with responsibilities for information management, to ensure that no prohibited information is disclosed under the Act and to ensure there is appropriate liaison with IBAC or other investigating entity or regulatory body where required in response to a request for access under the FOI Act.
	1. Reporting obligations

The VCAA is required to include information about how these procedures may be accessed in its annual reports.

The Act prohibits the inclusion of any details, in any report or recommendation that is likely to lead to the identification of a discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report or any reports to Parliament.

1. Managing these procedures
	1. Authorisation

These procedures are issued under the authority of the Chief Executive Officer.

* 1. Accountability for these Procedures

The Owner of these Procedures is the Executive Director, Infrastructure and Business Services.

The Executive Director, Infrastructure and Business Services reports to the Chief Executive Officer on the management of these procedures.

The Executive Director, Infrastructure and Business Services is responsible for:

* development and regular review of these Procedures;
* implementation of these Procedures, staff training and awareness as set out in these Procedures, and development of protocols, processes and guidelines to support implementation; and
* monitoring compliance of applicable staff, organisational units, and/or locations.
	1. Important dates

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| --- | --- |
| Date of adoption: | February 2021 |
| Date of last amendment: | N/A |
| Date of next review: | March 2023 |

1. Related documents
	1. Related VCAA policies and guidelines

Complaints Handling Policy and Procedure

Conflict of Interest Policy and Procedure

Fraud, Corruption and Other Losses Policy and Procedure

Gifts, benefits and hospitality Policy and Procedure

Reportable conduct Policy and Procedure

* 1. Other relevant material

(Victorian legislation is available online free of charge at www.legislation.vic.gov.au)

*Charter of Human Rights and Responsibilities Act 2006* (Vic)

*Freedom of Information Act 1982* (Vic)

*Independent Broad-based Anti-corruption Commission Act 2011*

*Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independent) Act 2019* (Vic)

*Occupational Health and Safety Act 2004* (Vic)

*Public Administration Act 2004* (Vic)

*Public Interest Disclosures Act 2012* (Vic)

*Public Interest Disclosures Regulations 2013* (Vic)

Code of Conduct for Victorian Public Sector Employees

Guidelines for handling public interest disclosures 2020 (IBAC) available at www.ibac.vic.gov.au

Guidelines for public interest disclosure welfare management 2020 (IBAC) available at www.ibac.vic.gov.au