



Service Standard 1.1.30

Public Interest Disclosures

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| Version | 4.0 |
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| Policy Owner | Executive Director People and Strategy |
| Policy Contact | Director People and Culture |
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1. Purpose

- 1.1. The integrity of our agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of serious wrongdoing. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.
- 1.2. The purpose of this Service Standard is to establish an internal reporting system for public officials to report serious wrongdoing without fear of detrimental action and sets out who the report can be made to, what can be reported, how reports will be dealt with and what protections and supports are available.

2. Policy

- 2.1. The RFS has a responsibility to establish and maintain a working environment that encourages public officials to report serious wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where appropriate and taking steps to protect reporters from detrimental action and manage workplace conflict.
- 2.2. RFS public officials are encouraged to raise matters of concern at any time with their manager, but also have the option of making a report about possible serious wrongdoing in accordance with the PID Act and this Service Standard.
- 2.3. The RFS will assess all reports of alleged serious wrongdoing received from public officials and deal with them appropriately. Once a public official reports alleged serious wrongdoing, the

RFS will take steps to assess the report, and if the assessment indicates that it meets the criteria of a PID, the RFS will take necessary actions in accordance with the PID Act.

- 2.4. The RFS must report on its obligations under the PID Act, by providing information about public interest disclosures in its annual report, and to the NSW Ombudsman every twelve months.

Who does this Service Standard apply to?

- 2.5. This Service Standard applies to public officials as defined under the *Public Interest Disclosures Act 2022* and described in clause 3.1(f) of this Service Standard.

Who does this Service Standard not apply to?

- 2.6. This Service Standard does not apply to people who have received services from the RFS and want to make a complaint about those services; or people, such as contractors, who provide services to the RFS.
- 2.7. This means that if you are not a public official, this policy does not apply to your complaint, however there are some circumstances where a complaint can be deemed to be a voluntary PID (see clauses 3.30 to 3.32 of this policy).
- 2.8. If you are not a public official you can make a complaint to the RFS by completing a [complaint form](#).

Roles and Responsibilities

- 2.9. SOP 1.1.30-2 provides details on the respective responsibilities of RFS public officials, the Commissioner as head of the agency, Disclosure Coordinators, Disclosure Officers, and managers with regard to public interest disclosures.

Types of PID

- 2.10. There are three types of PID in the PID Act. These are:
- a. **Voluntary PID:** a report made by a public official because they decided, of their own accord, to come forward and disclose what they know.
 - a. **Mandatory PID:** a 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.
 - b. **Witness PID:** a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.
- 2.11. This Service Standard mostly relates to making a voluntary PID and how RFS will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are entitled to the same protections as those who make voluntary PIDs. More information about protections is available in clause 2.46 of this Service Standard.

What should be reported?

- 2.12. Any actual or suspected serious wrongdoing within the RFS that is observed or identified should be reported.
- 2.13. Serious wrongdoing under section 13 of the PID Act is one or more of the following:
- a. corrupt conduct
 - b. government information contravention
 - c. local government pecuniary interest contravention
 - d. serious maladministration
 - e. a privacy contravention
 - f. a serious and substantial waste of public money.

When will a report be treated as a voluntary public interest disclosure?

- 2.14. A report is a voluntary PID if:
- it is made by a public official (see clause 2.1(f) of this Service Standard)
 - it is made to a person who can receive a voluntary PIDs (clauses 3.18 to 3.20)
 - the public official making the disclosure honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing
 - it is made orally or in writing
 - the report is voluntary (i.e. not a mandatory or witness PID).

What is not a PID?

- 2.15. Reports are not public interest disclosures if the information disclosed:
- relates only to a disagreement with a government policy, including a government decision concerning amounts, purposes or priorities of public expenditure, or a policy of the governing body of a local government authority.
 - concerns only a grievance about a matter relating to the employment or former employment of an individual, and either:
 - does not have significant implications beyond matters personally affecting or tending to personally affect the individual, or
 - relates to a disagreement with the taking or proposed taking of reasonable management action.
- 2.16. Even if a report does not meet the threshold of a public interest disclosures, the RFS recognises such reports may raise important issues. The RFS will respond to all reports and make every attempt to ensure confidentiality is maintained and to protect the public official making the report from detrimental action.

Who can receive a voluntary public interest disclosure within the RFS?

- 2.17. Public officials have multiple avenues available to them to report serious wrongdoing, and disclosures can be made verbally or in writing.
- 2.18. Public officials can report serious wrongdoing to their manager or to a Disclosure Officer. If the manager receives a report of serious wrongdoing from a public official who reports to them, they are obliged to ensure that the report is communicated to a Disclosure Officer or Coordinator, or to support the person to make a report to a Disclosure Officer or Coordinator. However, the PID Act requires that, for a report to be accepted as a public interest disclosure, it must be received by certain public officials identified below.
- 2.19. Public officials can also make a report directly to the Commissioner, a Disclosure Officer or a Disclosure Coordinator, as listed below:

Positions responsible for receiving voluntary PIDs

The RFS Commissioner

Disclosure Coordinators

Director People and Culture

Manager Performance and Conduct

Principal Investigator Performance and Conduct

Disclosure Officers

Deputy Commissioners and Executive Directors

Directors

Area Commanders

District Managers

Principal Advisor Workplace Conduct (Area Operations)

- 2.20. The most senior ongoing public service employees at permanently maintained work sites are also Disclosure Officers under the PID Act and are accordingly authorised to receive a public interest disclosure. This provision does not apply to non-public service employees in the RFS.
- 2.21. Area Commanders or District Managers can be contacted through the relevant Area Command or Fire Control Centre, respectively. Contact details of any Disclosure Officer or Coordinator can also be found by contacting RFS HQ Headquarters on 02 8741 5555.
- 2.22. Public officials should refer to SOP 1.1.30-3 prior to making a disclosure.

Making a report to a recipient outside of the RFS

- 2.23. You can make a PID to a public official in another agency besides the RFS, including an integrity agency, by contacting the head of any public service agency or 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 list of integrity agencies and their contact details is included at Appendix 1.
- 2.24. A public interest disclosure can also be made to a Minister or a member of a Minister's staff, but the report must be made in writing.
- 2.25. Public officials should be aware that if you make a disclosure outside of the RFS, it is possible that your disclosure will be referred back to the RFS so that appropriate action can be taken.

Reports to Members of Parliament or journalists

- 2.26. Disclosures to MPs or journalists are different to other reports. Public officials can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:
- a. The public official must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
 - b. The previous disclosure must be substantially true.
 - c. The public official did not make the previous disclosure anonymously.
 - d. The public official did not give a written waiver of their right to receive information relating to their previous disclosure.
 - e. The public official did not receive the following from the RFS:
 - i. notification that the RFS will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - ii. the following information at the end of the investigation period:
 - notice of the RFS 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.
- 2.27. Investigation period means:
- a. after six months from the previous disclosure being made, or
 - b. after 12 months if the public official applied for an internal review of RFS's decision within six months of making the disclosure.

2.28. If all the above requirements are met, the public official's disclosure to an MP or journalist may be a voluntary PID.

Other external reporting

2.29. If a public official reports wrongdoing to a person or authority that is not listed above, or makes a report to an MP or journalist without meeting the conditions outlined in clauses 3.26 to 3.28, the public official will not be protected under the PID Act. This may mean they will be in breach of legal obligations or Service Standard 1.1.7 Code of Conduct and Ethics by, for example, disclosing confidential information.

Deeming that a report is a voluntary PID

2.30. The RFS Commissioner can, in certain circumstances, determine that 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'.

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

2.32. A decision to deem a report to be a voluntary PID is at the discretion of the RFS Commissioner.

Maintaining confidentiality

2.33. The RFS understands that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

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

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

- a. where the person consents in writing to the disclosure
- b. where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- c. when the public official or RFS reasonably considers it necessary to disclose the information to protect a person from detriment
- d. where it is necessary the information be disclosed to a person whose interests are affected by the disclosure (for example to enable procedural fairness in any investigation)
- e. where the information has previously been lawfully published
- f. 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
- g. when the information is disclosed for the purposes of proceedings before a court or tribunal
- h. when the disclosure of the information is necessary to deal with the disclosure effectively
- i. if it is otherwise in the public interest to disclose the identifying information.

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

2.37. We will put in place steps to keep the identifying information of the maker 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 not unnecessarily disclose information from which the maker of the report can be identified.

2.38. To maintain the confidentiality of disclosers, the RFS may adopt one of more of the following steps, depending upon the circumstances:

- a. limit the number of people who are aware of the maker's identity or information that could identify them

- b. ensure that any person who knows the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential
 - c. ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker
 - d. undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- 2.39. If confidentiality cannot be maintained or is unlikely to be maintained, RFS will:
- a. advise the person whose identity may become known
 - b. update the agency's risk assessment and risk management plan
 - c. implement strategies to minimise the risk of detrimental action
 - d. provide additional supports to the person who has made the PID
 - e. remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.
- 2.40. If a public official reports serious wrongdoing, it is important for the protection of their identity that they only discuss their report with those responsible for dealing with it. The fewer people who know about the report, before and after it is made, the more likely it will be that the reporter can be protected from any detrimental action.
- 2.41. Any staff involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

Detrimental action

- 2.42. The RFS does not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.
- 2.43. Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:
- a. injury, damage or loss
 - b. property damage
 - c. reputational damage
 - d. intimidation, bullying or harassment
 - e. unfavourable treatment in relation to another person's job
 - f. discrimination, prejudice or adverse treatment
 - g. disciplinary proceedings or disciplinary action, or any other type of disadvantage.
- 2.44. Detrimental action does not include:
- a. lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
 - b. the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
 - c. the lawful making of adverse comment, resulting from investigative action
 - d. the prosecution of a person for a criminal offence
 - e. 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 maker's work performance.
- 2.45. The RFS will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

How are makers of PIDs protected?

2.46. When a public official makes a voluntary, witness or mandatory PID they receive special protections under the PID Act:

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.
- Once the RFS becomes aware that a voluntary PID by a person employed or otherwise associated with RFS that concerns serious wrongdoing relating to the RFS has been made, it 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.
- 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.

Immunity from civil and criminal liability

- Some public officials are 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.

Protection from liability for own past conduct

- The Attorney General can give the maker of the PID 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.

Confidentiality

- Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act. Further information about maintaining confidentiality is including in **clauses 3.33 - 3.41**.

Corrective action

2.47. Following an investigation, if it is found that serious wrongdoing or other misconduct has occurred, the RFS will take the most appropriate action to address that serious wrongdoing or misconduct. This is known as 'corrective action' and can include:

- a. a formal apology
- b. improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- c. providing additional education and training to staff where required
- d. taking employment action against staff members involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- e. taking disciplinary action against volunteers involved in the wrongdoing (such as suspending, reprimanding, demoting the member, or removing them from the brigade register)
- f. payment of compensation to people who have been affected by serious wrongdoing or other

misconduct.

2.48. The most senior person (usually an Executive Director) dealing with a PID will determine what corrective action may be applicable in the circumstances.

Support for those reporting serious wrongdoing

2.49. The RFS will make sure that public officials who have reported serious wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support services they may need as a result of the reporting process.

2.50. Access to support may also be available for other public officials involved in the internal reporting process where appropriate. Reporters and other public officials involved in the process can discuss their support options with their manager and/or nominated Disclosure Officer or Coordinator.

2.51. Support services available include:

- Critical Incident Support Services (CISS): provides critical incident support services to all members of the RFS experiencing critical incident stress and traumatic reactions during or after an operational of RFS related incident;
- Member Assistance Program (MAP): supports members (volunteers and staff) who may be affected by situations or circumstances, either directly or indirectly related to their RFS membership or operational activities. In these cases, information and referral assistance is available, which helps members and their families identify options to address their needs; and
- Chaplaincy Services and Family Support Program: Dedicated chaplains help with many pressures that may affect the spiritual, physical, emotional and personal wellbeing of RFS members. Chaplains provide care at the scenes of fire or disasters, and by visiting brigade stations, workplaces, homes and hospitals.

Making false or misleading statements

2.52. It is important all public officials are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Significant penalties accompany the offence and include a substantial financial penalty and/or a term of imprisonment.

2.53. Such conduct may also be a breach of Service Standard 1.1.7 Code of Conduct and Ethics, resulting in disciplinary action.

The rights of persons who are the subject of a report

2.54. The RFS is committed to ensuring public officials who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person who is the subject of a report confidential, where this is practical and appropriate.

Internal review of RFS decisions: Voluntary PIDs

2.55. Public officials who make voluntary PIDs can seek internal review of the following decisions made by the RFS:

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

2.56. The RFS will ensure internal reviews are conducted in compliance with the PID Act.

2.57. To make an application for an internal review, a public official must apply in writing to the Director, Legal and Assurance within 28 days of being informed of the RFS's decision. The

application should state the reasons why the public official considers the decision should not have been made. Other relevant material may be submitted with the application.

3. Definitions

- 3.1. For the purpose of this Service Standard the following definitions apply:
- a. **Disclosure Coordinator:** a person responsible for coordinating the assessment and management of PIDs on behalf of the agency
 - b. **Disclosure Officers:** a person responsible for receiving voluntary public interest disclosures on behalf of the agency and forwarding them to a Disclosure Coordinator
 - c. **Member:** RFS staff members and volunteers
 - d. **Manager:** The person who directly or indirectly supervises a staff member, or in the case of a volunteer, their district manager
 - e. **PID Act:** the *Public Interest Disclosures Act 2022*.
 - f. **Public official:** an individual having public official functions or acting in a public official capacity. In accordance with the PID Act and for the purpose of this Service Standard, public officials in relation to the RFS include, but are not limited to:
 - Salaried staff members whether full time or part-time, temporary or casual who are employed by the RFS under the *Government Sector Employment Act 2013*
 - Volunteer members of a rural fire brigade who are listed on the Brigade's register in accordance with Service Standard 2.1.3 Brigade Registers
 - Contractors and subcontractors who provide services or exercise functions on behalf of the RFS
 - An employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions
 - A public official or any agency within the NSW Public Sector or an individual having public official functions or acting in a public official capacity (whether or not they have ever worked for the RFS).

4. Document control

Release history

| Version | Date | Summary of changes |
|---------|------------------|--|
| 1.0 | 19 March 2013 | Initial release |
| 1.1 | 19 December 2013 | Repealed and remade SS 1.1.30 v1.0 Reviewed to incorporate amendments as a result of the <i>Public Interest Disclosures Amendment Act 2013</i> |
| 2.0 | 2 May 2016 | Repealed and remade SS 1.1.30 v1.1 Updated to reflect organisational alignment Amendments made to the positions authorised to receive public interest disclosures Updated to reflect the NSW Ombudsman model policy |
| 3.0 | 19 July 2019 | Repealed and remade SS 1.1.30 v2.0 |

| Version | Date | Summary of changes |
|---------|----------------|---|
| | | New SOP 1.1.30-2 Roles and Responsibilities, and renumbering of previous SOPs |
| 4.0 | 5 October 2023 | Repealed and remade SS 1.1.30 v3.0 Comprehensive review in line with <i>Public Interest Disclosures Act 2022</i> |

Approved by

| Name | Position | Date |
|------------------------|--------------|----------------|
| Rob Rogers AFSM | Commissioner | 5 October 2023 |

Related documents

| Document name |
|---|
| <u>Public Interest Disclosure Act 2022</u> |
| <u>Government Information (Public Access) Act 2009</u> |
| <u>Government Information (Information Commissioner) Act 2009</u> |
| <u>State Records Act 1998</u> |
| <u>Policy P5.1.6 Records Management</u> |
| <u>Policy P7.1.2 Public Complaints Management</u> |
| <u>Service Standard 1.1.32 Fraud and Corruption Prevention</u> |
| <u>Service Standard 1.1.7 Code of Conduct and Ethics</u> |
| <u>Service Standard 2.1.3 Brigade Registers</u> |
| <u>Service Standard 7.1.1 Chaplaincy and Family Support</u> |
| <u>Service Standard 7.1.2 Critical Incident Support Services (CISS)</u> |

APPENDIX A: CONTACT DETAILS FOR INTEGRITY AGENCIES

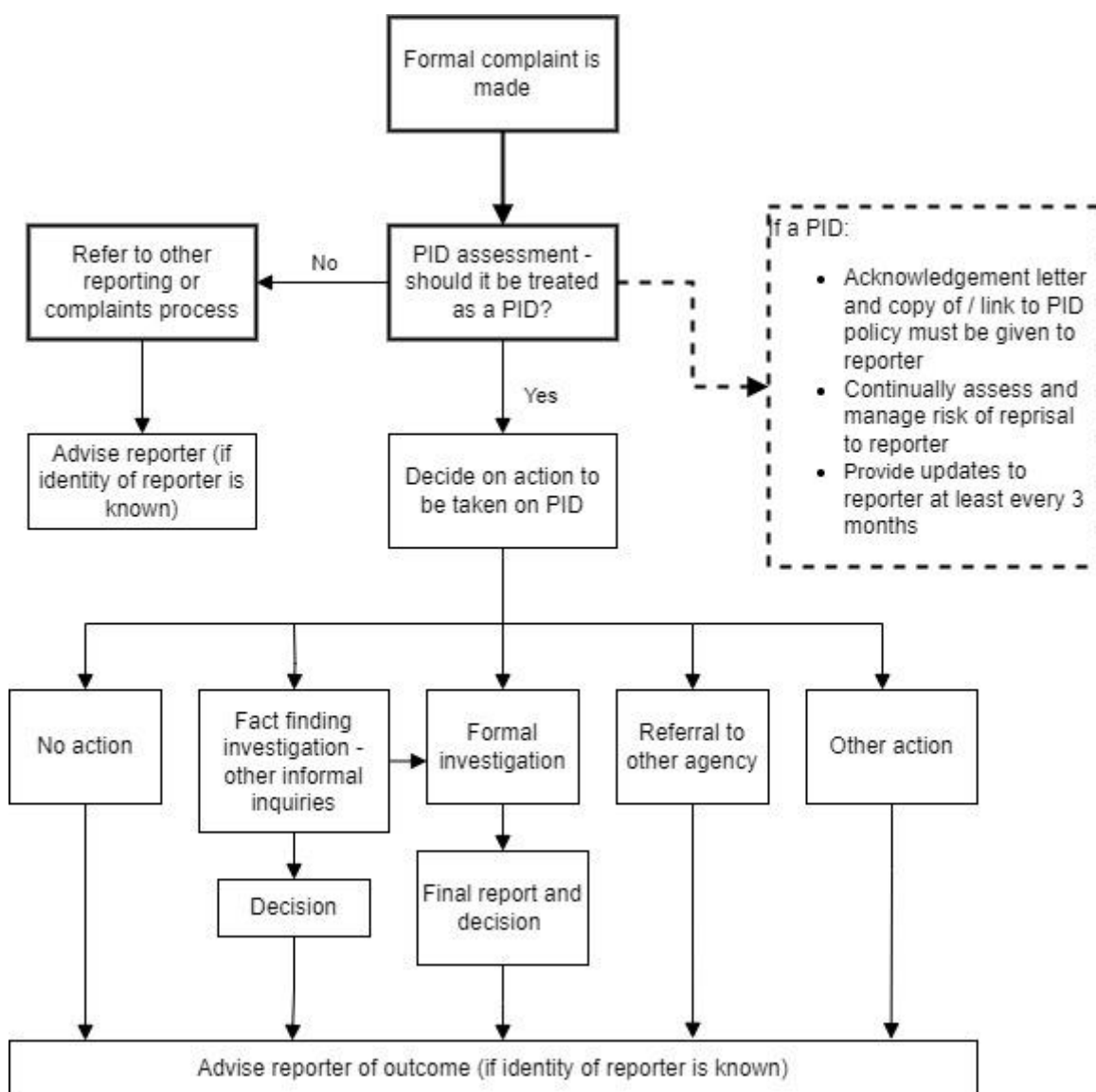
| Integrity agency | What they investigate | Contact information |
|--|--|--|
| The NSW Ombudsman | Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs) | Phone: 1800 451 524 9am to 3pm M- F Writing: Level 24, 580 George Street Sydney NSW 2000 Email: info@ombo.nsw.gov.au |
| The Auditor-General | Serious and substantial waste of public money by auditable agencies | Phone: 02 9275 7100 Writing: GPO Box 12 Sydney NSW 2001 Email: governance@audit.nsw.gov.au |
| Independent Commission Against Corruption | Corrupt conduct | Phone: 02 8281 5999 or 1800 463 909 9am to 3pm M- F Writing: GPO Box 500 Sydney NSW 2001 Fax: 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 | Phone: 02 9228 3023 Writing: PO Box 5341 Sydney NSW 2001 Email: oicac_executive@oicac.nsw.gov.au |
| The Law Enforcement Conduct Commission | Serious maladministration by the NSW Police Force or the NSW Crime Commission | Phone: 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 | Phone: 02 9228 3023 Writing: GPO Box 5341 Sydney NSW 2001 Email: oilc_executive@oilc.nsw.gov.au |
| Office of the Local Government | Local government pecuniary interest contraventions | Email: olg@olg.nsw.gov.au |
| The Privacy Commissioner | Privacy contraventions | Phone: 1800 472 679 Writing: GPO Box 7011 Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au |
| The Information Commissioner | Government information contraventions | Phone: 1800 472 679 Writing: GPO Box 7011 Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au |

SOP 1.1.30-1

Internal Reporting Process for PIDs

1. Purpose

1.1. This Standard Operating Procedure (SOP) outlines the internal reporting process for PIDs.



SOP 1.1.30-2

Roles and Responsibilities

1. Purpose

- 1.1. The purpose of this SOP is to provide details on the responsibilities that public officials and certain individuals within the RFS have in regard to public interest disclosures.

2. Procedures

RFS public officials

- 2.1. Public officials play an important role in contributing to a workplace where known or suspected serious wrongdoing is reported and dealt with appropriately. All public officials must:
 - a. report suspected wrongdoing or other misconduct
 - b. if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
 - c. treat any person dealing with a report of wrongdoing with courtesy and respect
 - d. respect the rights of individuals who are the subject of reports.
- 2.2. All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

Commissioner (Head of Agency)

- 2.3. The Commissioner is responsible for:
 - a. fostering a workplace culture where reporting of serious wrongdoing is encouraged
 - b. receiving disclosures from public officials
 - c. ensuring there is a system in place for assessing disclosures
 - d. ensuring the RFS complies with this Service Standard and the PID Act
 - e. ensuring that the RFS 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.

Disclosure Coordinators

- 2.4. Disclosure Coordinators have a central role in the RFS' internal reporting system. A Disclosure Coordinator can receive and assess reports. Disclosure Coordinators are responsible for:
 - a. assessing reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with
 - b. nominating the primary point of contact for the report
 - c. coordinating the response to a report
 - d. assessing whether it is possible and appropriate to keep the reporter's identity confidential

- e. assessing the risk of detrimental action and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risks identified
- f. where required, providing or coordinating support to public officials involved in the reporting or investigation process, including protecting the interests of any officer who is the subject of a report.

Disclosure Officers

2.5. Disclosure officers are responsible for:

- a. receiving reports from public officials
- b. receiving reports when they are passed on to them by managers
- c. ensuring reports are dealt with appropriately, including by referring the matter to a Disclosure Coordinator
- d. ensuring that any oral reports that have been received are recorded in writing and signed and dated by the reporter.

Managers

2.6. Managers play an important role in managing the immediate workplace of those involved in or affected by a public interest disclosure. Managers should be aware of this Service Standard and are responsible for:

- a. creating a local work environment where public officials are comfortable and confident about reporting wrongdoing, including serious wrongdoing
- b. receiving reports from persons that report to them or that they supervise
- c. making a record of these reports and passing them on to a disclosure officer.

SOP 1.1.30-3

Making an Internal Report

1. Purpose

- 1.1. The purpose of this SOP is to provide guidance to public officials wishing to make an internal report.

2. Procedures

- 2.1. Voluntary PIDs can be made:
 - a. in writing - this could be an email or letter to a person who can receive voluntary PIDs.
 - b. orally - have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
 - c. anonymously - an email, letter or call to a person who can receive PIDs can be done without providing a name or anything that might identify 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. Anonymous reporters are still protected under the PID Act. It may be difficult, however, for the RFS to investigate the matter(s) disclosed if there is no way of contacting the reporter for further information.
- 2.2. A report can be made to the staff member of choice as identified in clauses 3.17 to 3.21 of this Service Standard.
- 2.3. As much information as possible should be provided so that the report can be handled effectively, including:
 - a. the date, name and contact details of the person making the report (not required if the report is being made anonymously)
 - b. a description of the wrongdoing, including the date, time and location of key events
 - c. the names and positions of the people involved in the wrongdoing
 - d. your relationship with the person/s involved (e.g. whether you work closely with them)
 - e. how you became aware of the matter you are reporting
 - f. the names and positions of any person who may have additional information (possible witnesses) and
 - g. any supporting or relevant information, documents or materials, or details of how these might be obtained.
- 2.4. Where possible, a record of a verbal report will be made, which the reporter will be asked to sign. A copy of the record will be provided to the reporter, unless the reporter wishes to remain anonymous.
- 2.5. Upon receipt of an internal report the Disclosure Officer should discuss with the public official making the report:
 - a. any concerns they may have about possible detrimental action
 - b. who else knows the report has been made
 - c. what professional relationship the reporter has with any subject/s of the report
 - d. that their report will be passed on to a Disclosure Coordinator to be assessed.

Acknowledgement

- 2.6. When a public official makes a report, a Disclosure Coordinator will contact them to confirm that their report has been received and to advise:
 - a. the timeframe within which they will receive further updates, and how the updates will be provided (e.g. by email, by phone discussions or virtually via Teams)
 - b. the name and contact details of the people who can provide updates or handle any concerns they may have.
- 2.7. After a decision is made about how the report will be dealt with, the RFS will send the reporter correspondence providing:
 - a. information about the action that will be taken in response to their report
 - b. the likely timeframes for any investigation or other action
 - c. information about the internal and external resources or services available that they can access for support.
- 2.8. The Disclosure Coordinator will also advise if the RFS decides to treat the report as a public interest disclosure and the reporter will be provided with a copy of this policy at that time, as required by the PID Act.
- 2.9. If a public official makes a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of the public official's day to day functions, they will not receive an acknowledgement letter or a copy of this policy.
- 2.10. Information about how a report will be dealt with is included in SOP 1.1.30-4.

Progress updates

- 2.11. While the report is being dealt with, such as by investigation or making other enquiries, the reporter will be given:
 - a. information about the progress of the investigation or other enquiries and reasons for any delay
 - b. advice of any decision by the RFS not to proceed with the matter
 - c. advice if the reporter's identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

Feedback

- 2.12. Once the matter has been finalised, the reporter will be given:
 - a. enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to the disclosure and any problem that was identified
 - b. advice about whether the reporter is likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.
- 2.13. If the report is not a voluntary PID, the reporter will be advised that the PID Act does not apply to the report and how the concerns raised will be dealt with.

SOP 1.1.30-4

Assessment of Internal Reports

1. Purpose

- 1.1. The purpose of this SOP is to provide guidance to staff members authorised to assess PIDs.

2. Procedures

- 2.1. All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

Disclosure Coordinators

- 2.2. Disclosure Coordinators are responsible for assessing reports, in consultation with the RFS Commissioner, where appropriate. All reports will be assessed on the information available to the Disclosure Coordinator at the time.
- 2.3. It is up to the Disclosure Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report, the Disclosure Coordinator may decide to:
 - a. conduct an investigation
 - b. determine that the report should be referred elsewhere, or
 - c. determine that no action should be taken.
- 2.4. Where the matter is determined to be a public interest disclosure, the Disclosure Coordinator will assess on its merits the seriousness of the allegations within the report to:
 - a. decide whether the matter can be investigated within the RFS and if so what investigation processes are to be followed
 - b. decide whether the report requires referral to an external agency for investigation and for compliance with external reporting requirements. Before referring a matter, the referral will be discussed with the other agency and the public official making the report will be provided with details of the referral and a contact person within the other agency.
 - c. analyse the risk to the RFS of the issues raised within the report and what needs to be done to address those risks
 - d. consider the potential for detrimental action and ensure strategies are in place to protect and support the public official who made the report. Any evidence of detrimental action is to be referred to the Commissioner of NSW Police or the ICAC.
- 2.5. The Disclosure Coordinator will ensure that the public official making the report is given the appropriate information and support. This will include:
 - a. acknowledgement of the report being received
 - b. a copy of this Service Standard
 - c. contact details of the Director People & Culture
 - d. an overview of the assessment and investigation process
 - e. details of support services available internally, and assistance in obtaining that support if required
 - f. the support systems available to protect against detrimental action
 - g. updates at least every three months

- h. information about how to report possible detrimental action
 - i. advice of any actions taken or proposed to be taken in response to the report.
- 2.6. These requirements do not apply in the case of:
- a. a report made by a public official in performing his or her day-to-day functions as that public official; or
 - b. a report made by a public official, under a statutory or other legal obligation.

SOP 1.1.30-5

Managing the Risk of Detrimental Action

1. Purpose

- 1.1. The purpose of this SOP is to provide guidance on how the RFS will manage the risk of detrimental action for reporters.

2. Procedures

- 2.1. The RFS will not tolerate any detrimental action against a public official who reports wrongdoing or is believed to have reported wrongdoing.

Managing the risk of detrimental action and workplace conflict

- 2.2. When a public official reports wrongdoing, the RFS will undertake a thorough risk assessment to identify the risk of detrimental action, as well as indirect but related risks of workplace conflict or difficulties, or commercial disadvantage for contractors. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.
- 2.3. The RFS will take steps to assess and minimise the risk of detrimental action, including:
 - a. explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
 - b. providing details of the unit/role that will be responsible for undertaking a risk assessment
 - c. explaining the approvals for risk assessment and the risk management plan, that is, rank or role of the person who has final approval
 - d. explaining how the RFS will communicate with the reporter to identify risks
 - e. explaining the protections that will be offered - that is, the RFS will discuss protection options with the reporter which may including remote working or approved leave for the duration of the investigation
 - f. outlining what supports will be provided.
- 2.4. Depending on the circumstances, the RFS may, in consultation with the reporter, take one or more of the following actions to mitigate the risk of detrimental action being against the reporter:
 - a. relocate the reporter or the public official who is the subject of the allegation within the current workplace
 - b. transfer the reporter or the public official who is the subject of the allegation to another position for which they are qualified
 - c. grant the reporter or the public official who is the subject of the allegation leave of absence during the investigation of the disclosure
 - d. allocate another public official to manage commercial business operations in respect of a contractor.
- 2.5. These actions do not represent corrective actions within the meaning of section 66 of the PID Act 2022.

Protection against detrimental action

- 2.6. The PID Act provides protection for public officials who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in response to that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.
- 2.7. A person who is found to have committed a detrimental action may face criminal penalties such as imprisonment and/or fines and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action is also misconduct which may result in disciplinary action.
- 2.8. It is important for public officials to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects public officials from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect staff from disciplinary or other management action where the RFS has reasonable grounds to take such action.
- 2.9. If a public official has reported wrongdoing and is experiencing detrimental action which they believe is not being dealt with effectively, they may contact an integrity agency. Contact details for integrity agencies are included in Appendix 1 of this Service Standard.

Responding to allegations of detrimental action

- 2.10. If a public official believes that detrimental action has been or is being taken against them in response to reporting serious wrongdoing, they should tell their manager, a Disclosure Officer or a Disclosure Coordinator immediately.
- 2.11. The manager must notify a Disclosure Coordinator if they suspect that detrimental action against a public official is occurring or has occurred, or if any such allegations are made to them.
- 2.12. If the RFS becomes aware of or suspects that detrimental action is being or has been taken against a person who has made a disclosure, the RFS will:
 - a. assess the report of detrimental action to decide whether the matter warrants investigation or if other action should be taken to resolve the issue
 - b. if the detrimental action allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff or external investigator
 - c. if it is established that detrimental action is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
 - d. take appropriate disciplinary action against anyone proven to have taken detrimental action, and/or
 - e. refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police.
- 2.13. If a reporter alleges detrimental action, they will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.
- 2.14. Experiences of adverse treatment or detrimental action can also be reported to an integrity agency. A list of integrity agencies is located at Appendix A.

SOP 1.1.30-6

Record Keeping for Voluntary PIDs

1. Purpose

- 1.1. The purpose of this SOP is to provide guidance on how the RFS will discharge its record keeping obligations under the PID Act with regard to public interest disclosures.

2. Procedures

- 2.1. The RFS must keep full and accurate records with respect to all information received in connection with the PID Act. This is to ensure that we comply with our obligations under the Act as well as the State Records Act 1998.

Storage of PIDS on Complaint Management System

- 2.2. PIDs will be stored in the RFS Complaint Management System.
- 2.3. Appropriate security access will be put in place to protect records relating to PIDs, and only authorised staff will be able to access them.

SOP 1.1.30-7

Public Interest Disclosures – Reporting Obligations and Internal Oversight

1. Purpose

- 1.1. The purpose of this SOP is to provide guidance on how the RFS will discharge its reporting and internal oversight obligations under the PID Act with regard to public interest disclosures.

2. Procedures

- 2.1. The reporting period is defined as the 12-month period ending 30 June and is referred to as the return period. Under the PID Act, annual returns must be provided within 30 days of the end of the return period.
- 2.2. The RFS Is required to report the following to the NSW Ombudsman each year:
 - a. voluntary public interest disclosures received by the agency during the return period, and
 - b. action taken by the agency to deal with voluntary public interest disclosures during the return period, and
 - c. measures taken by the agency during the return period to promote a culture in which public interest disclosures are encouraged.
- 2.3. The Director, People & Culture is responsible for collecting information about voluntary PIDs and the other information captured in the annual report, and for preparing the report.
- 2.4. Annual returns will comply with sections 5 and 6 of the Public Interest Disclosures Regulation 2022, which forms Schedule 3 to the PID Act.