

Reporting Wrongdoing Policy

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1. Purpose

At icare we take the reporting of wrongdoing seriously. We are committed to building a 'speak up' culture where people are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of our icare and the schemes it operates relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of serious wrongdoing.

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the Public Interest Disclosure Act 2022 (PID Act). The purpose of this policy is to incorporate icare's PID Policy together with icare's approach to reporting wrongdoing more generally.

This policy sets out:

- how we will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you, including those that may be required under the PID Act.

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

- protecting those who speak up from detrimental action
- making sure that appropriate actions to investigate or deal with reports appropriately are taken by icare.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with the policies and procedures listed in Section 8 Related Policies and Procedures of this policy.

Who can I talk to if I have any questions or concerns?

If you have any questions or concerns about how a PID will be handled, you can:

- contact a Disclosure Officer within icare, who will keep the information confidential. Contact details of icare's disclosure officers are set out in Appendix 1
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- access the NSW Ombudsman's PID guidelines, which are available on its website.

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

2. Scope

This policy applies to and, in relation to procedures relating to PIDs set out herein, is for the benefit of, all public officials in NSW. You are a **public official** if you are:

- an icare employee or otherwise in the service of icare, including permanent, temporary, casual and seconded employees and icare's board and committee members
- a person providing services or exercising functions on behalf of icare, including a contractor, subcontractor, volunteer, and each of their employees, partners or officers involved in those

functions (for example, our Claims Service Providers for the Nominal Insurer and the Treasury Managed Fund)

- any other type of “public official” listed in the PID Act, which includes:
 - an individual in the service of the Crown
 - a statutory officer
 - a judicial officer
 - a Member of Parliament, including a Minister
 - a person employed under the Members of Parliament Staff Act 2013.

icare’s Chief Executive Officer, together with other nominated disclosure officers, disclosure coordinator and icare managers have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for icare may use this policy if they want information on who they can report wrongdoing to within icare.

This policy **does not** apply to:

- people who have received services from icare and want to make a complaint about those services
- people, such as contractors, who provide services to icare. For example, employees of a company that sold computer software to icare.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see [Section 3.3.7](#) of this policy for more information). However, you can still make a complaint to icare. This can be done by:

- providing us with details of your complaint using the link made available on our website at the following address (www.icare.nsw.gov.au/contact-us/raise-a-complaint) or using the link provided here: [Complaints and Feedback](#)

- For icare employees, the **Speak Up Hotline**:

Phone: 1800 950 625

Website or QR code: www.qrs.ly/icare.speakup

Email: icare.speakup@coreintegrity.com.au

Snail mail: PO Box 895, Darlinghurst NSW 1300

QR Code:



What is contained in this policy that relates to the PID Act?

This policy incorporates icare’s PID Policy, including information on the following:

- ways you can report a serious wrongdoing to icare, including making a voluntary PID under the PID Act
- contact details for icare’s nominated disclosure officers are listed in Appendix 1
- the roles and responsibilities of icare employees who hold particular roles under the PID Act
- what information you will receive once you have made a voluntary PID

- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- icare's procedures for dealing with disclosures
- icare's procedures for managing the risk of detrimental action and reporting detrimental action
- icare's record-keeping and reporting requirements
- how icare will ensure it complies with the PID Act and this policy.

3. Public Interest Disclosures (PIDs)

3.1 What is serious wrongdoing?

To be a voluntary PID under the PID Act, reports must be of one or more of the following categories of **serious wrongdoing** (in addition to having the other features set out here). **Serious wrongdoing** is defined in the PID Act as:

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

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

3.2 How to make a report of serious wrongdoing

Reports, complaints and grievances

If a public official reports suspected or possible wrongdoing (including internal complaints and grievances) in the public sector to icare, we will treat it as a PID if it has certain features that are set out in the PID Act. If it is a PID, we will deal with it in the manner set out in this policy.

3.3 When will a report be a PID?

3.3.1 Types of PIDs

There are 3 types of PIDs in the PID Act:

1. **Voluntary PID:** This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

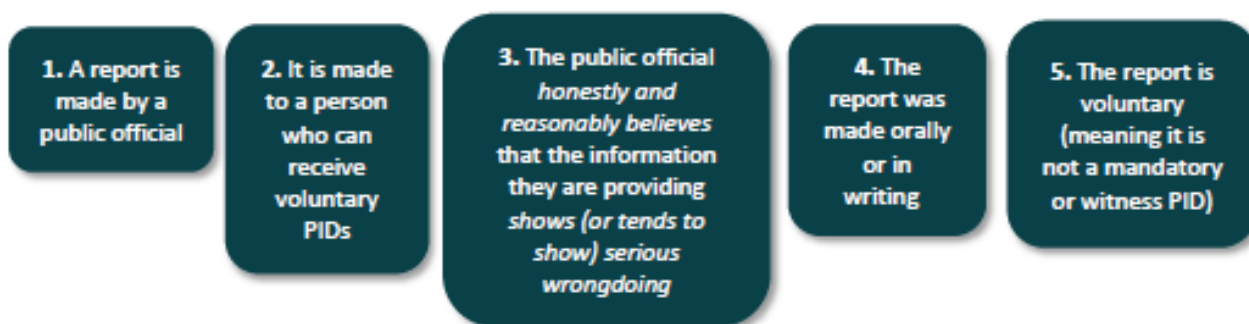
3. **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in [Section 3.4 of this policy](#).

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines [‘Dealing with mandatory PIDs’](#) and [‘Dealing with witness PIDs’](#).

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’. PIDs involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following 5 features, which are set out in sections 24 to 27 of the PID Act:



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

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You **do** have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

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

If you believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a Disclosure Officer or Disclosure Coordinator allocated to your report. If you are still not satisfied with the outcome, you can seek an internal review, or we may seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and dispute resolution can be found in [Section 5](#) of this policy.

3.3.2 Who can make a voluntary PID?

Any public official as defined in Section 2 Scope can make a voluntary PID.

A public official can make a PID about serious wrongdoing relating to **any** agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (**ICAC**) and the NSW Ombudsman. [Appendix 2](#) of this policy contains a list of integrity agencies.

3.3.3 Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials, or it is deemed to be a voluntary PID using the deeming power described in Section 3.3.7.

Making a report to a public official who works for icare:

You can make a report inside icare to:

- icare's Chief Executive Officer
- a disclosure officer for icare — contact details of icare's disclosure officers can be found at Appendix 1 of this policy
- your **icare manager*** — this is the person who directly, or indirectly, supervises you, such as your people leader or the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a Disclosure Officer on your behalf or may accompany you while you make the report to a disclosure officer.

*For public officials providing services or exercising functions on behalf of icare (including a contractor, subcontractor or volunteer) and their employees, partners or officers, your **icare manager** is taken to be the icare employee that oversees the services or functions you are performing, or who manages the contract or arrangement under which you, or the entity you work for, has been engaged.

Making a report to a recipient outside of icare:

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

- *the head of another agency* — this means the head of any public service agency
- *an integrity agency* — a list of integrity agencies is located at [Appendix 2](#) of this policy
- *a Disclosure Officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- *a Minister or a member of a Minister's staff* but the report must be made in writing
- *our externally managed Speak Up Hotline* with contact details listed in Appendix 1.

If you choose to make a disclosure outside of icare, it is possible that your disclosure will be referred back to icare so that appropriate action can be taken.

Making a report to a Member of Parliament or journalist:

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

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

Investigation period means:

- after six (6) months from the previous disclosure being made, or
- after twelve (12) months if you applied for an internal review of the agency's decision within six (6) months of making the disclosure.

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

3.3.4 What form should a voluntary PID take?

You can make a voluntary PID:

- **in writing** — this could be an email or letter to a person who can receive voluntary PIDs or our externally managed Speak Up Hotline **orally** — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually (for example, using the Speak Up Hotline). If made orally, the person receiving the report must make a comprehensive, accurate record of the report and ask the person making the report to acknowledge the record by signing it. The signed record will be provided to the person making the report.
- **anonymously** — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for icare to investigate the matter(s) you have disclosed if we cannot contact you for further information.

For contact details of icare's disclosure officers and the Speak Up Hotline, see [Appendix 1](#).

3.3.5 What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. If you don't have all of the details listed below, supply what you have. The type of information you should include is:

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

3.3.6 What if I am not sure if my report is a PID?

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

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations or complaints.

3.3.7 Deeming that a report is a voluntary PID

Either the Chief Executive Officer or the Group Executive, Risk & Governance 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'.

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

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to either the Chief Executive Officer or the Group Executive, Risk & Governance to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of either the Chief Executive Officer or the Group Executive, Risk & Governance. In deciding whether to deem a report a voluntary PID, the circumstances set out in the Ombudsman's guideline '[Deeming that a disclosure is a voluntary PID](#)' will be taken into consideration.

3.4 Protections that apply to Public Interest Disclosures

3.4.1 How is the maker of a voluntary PID protected?

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

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

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

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

- **Protection from detrimental action**

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

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

- **Immunity from civil and criminal liability**

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

- **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.

- **Protection from liability for own past conduct**

The Attorney General can give the maker 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.

3.4.2 Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **A mandatory PID:** This is a PID where the public official has made the 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.
- **A witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person, for example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> • breaching a duty of secrecy or confidentiality, or • breaching another restriction on disclosure. 	✓	✓

3.4.3 Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to icare’s disclosure officers listed in Appendix 1, or to an integrity agency. A list of integrity agencies is located at Appendix 2 of this policy.

Those reports can be made to a disclosure officer either in writing by email or letter, or orally by phone or in person.

3.4.4 General support

Upon receipt of a report of serious wrongdoing, icare will allocate a Disclosure Officer and/or a Disclosure Coordinator who will be your key contact person(s) and who will take steps to protect you from detrimental action and confirm the support services available to you, if you are risk of detrimental action.

If you are an icare employee, you can access wellbeing support services through the Employee Assistance Program (details available on icare’s intranet, HUGO). Alternatively, employees can

contact icare's Group Executive, People & Culture team, who can initiate and coordinate wellbeing support such as stress management, counselling services or career advice.

For additional information, you may also contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au.

4. How we will deal with voluntary PIDs

4.1 How icare will acknowledge that we have received a report and keep the reported informed

All reports will be promptly and thoroughly assessed to determine whether it has the features of a voluntary PID or another type of disclosure, so we can make sure that the right steps are followed and that we comply with the requirements in the PID Act.

When a Disclosure Officer receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgment will:
 - state that the report will be assessed to identify whether it is a PID
 - state that the PID Act applies to how icare deals with the report
 - provide clear information on how you can access this PID policy, and
 - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
 - that we are investigating the serious wrongdoing
 - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral.
 - if we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing:
 - we will provide you with updates on the investigation at least every three (3) months. During this time, if you would like more frequent updates, you should contact the person who was nominated when you made the report.
- We will provide you with the following information once the investigation is complete:
 - the outcome of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
 - information about any corrective action taken as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
- Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

4.2 How icare will deal with reports of serious wrongdoing, including voluntary PIDs

Report is not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Complaints Policy, Grievance Handling Policy/Grievance and Dispute Settling Procedures, Incident Management and Reporting Policy, Managing Misconduct Policy, Fraud and Corruption Control Policy or any other relevant icare policy and procedure.

icare may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID). If the report is not a voluntary PID, we will let you know that:

- the PID Act does not apply to the report
- the reasons for the decision
- the review rights available if you are not happy with the decision or otherwise disagree with it or request that the matter be conciliated
- how we will deal with the concerns raised in the report, and
- any other options you may have in relation to the matter

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. See Section 5 'Review and Dispute Resolution' of this policy. icare can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Where the report is a voluntary PID

If the report is a voluntary PID:

- in most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- there may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. This may be because:
 - the report concerns possible corrupt conduct that may be required to be reported to ICAC under section 11 of the *Independent Commission Against Corruption Act 1988*.
 - the voluntary PID concerns wrongdoing by that other agency or an employee of that other agency
 - that other agency has the power to investigate or remedy the matter.

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

If we decide not to investigate a report or not refer the matter to another agency, we must also notify the NSW Ombudsman.

The confidentiality obligations of the PID Act permit appropriate icare officers to communicate with the agency about the referral of a voluntary PID to another agency.

4.3 How icare will protect the confidentiality of the maker of a voluntary PID

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

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

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

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

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

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. We will do this by:

- limiting the number of people who are aware of the maker's identity or information that could identify them
- ensuring that any person who knows the identity of the maker of a PID or is involved in the investigation is reminded that they have a legal obligation to keep their identity confidential
- ensuring that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker
- undertaking 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
- providing information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other employees
- ensuring that our external disclosure Speak Up Hotline is contractually subject to these same confidentiality obligations, and any information shared between icare and Speak Up Hotline is shared through confidential means.

If confidentiality cannot be maintained or is unlikely to be maintained, icare will:

- advise the person who has made the PID that their identity may become known
- provide additional support to the maker of the PID
- update the agency's risk assessment and risk management plan relating to the report
- implement strategies to minimise the risk of detrimental action
- 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.

4.4 How icare will assess and minimise the risk of detrimental action

icare will 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.

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:

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

Detrimental action does not include:

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

icare 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. In conducting that assessment, the following process will be adopted:

- **Communicate and consult** – what does the maker of a voluntary PID expect and do they have any concerns about reprisal or conflict?
- **Identify the risks** – are reprisals or related workplace conflict problems in the workplace, or do they have the potential to be problems?
- **Risk analysis and evaluation** – what is the likelihood and consequence of detrimental action or related workplace conflict?
- **Risk treatment** – what strategies should be put in place to prevent or contain reprisals or related workplace conflict?
- **Monitor and review** – have the strategies been implemented and were they effective in preventing or containing reprisals or workplace conflict?

For each voluntary PID received, icare will develop and implement a risk management plan based on the assessed level of risk of detrimental action and will arrange any reasonably necessary support or protection for the maker of the voluntary PID (or witnesses or affected third parties). The risk management plan will be approved by the Disclosure Officer. icare will take into consideration any factors set out in relevant guidance (if any) from the NSW Ombudsman when assessing the risk of detrimental action.

icare will continue reassess the risk throughout the process, in consultation with the maker of a voluntary PID.

Regardless of the outcome of the risk assessment, icare will take all reasonable steps to protect public officials who have made a PID from detriment or threats of detriment relating to the PID. This may include taking one or more of the following actions:

- appointing a support person to assist the maker of a voluntary PID, who is responsible for checking on the wellbeing of the maker of a voluntary PID regularly;
- informing the maker of a voluntary PID of the progress of the investigation;
- advising the maker of a voluntary PID of the availability of the Employee Assistance Program;
- where there are any concerns about the health and wellbeing of the maker of a voluntary PID, liaising with officers responsible for work health and safety in icare;
- transferring the maker of a voluntary PID to a different area within the workplace or approving remote/teleworking (with the consent of the maker of the voluntary PID); or
- approving leave for the maker of a voluntary PID.

4.5 How icare will deal with allegations of a detrimental action offence

If icare becomes aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- conduct an investigation and ensure the investigation is conducted by a senior and experienced employee
- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, you can contact the NSW Ombudsman or an integrity agency (depending on the type of wrongdoing you reported). Contact details for integrity agencies are included in [Annexure 3](#).

If you believe that detrimental action has been or is being taken against you or someone else, you should immediately contact the Disclosure Officer or other person who is your nominated icare contact person.

icare managers must notify the Disclosure Officer if they suspect that a detrimental action offence is occurring or has occurred, or if any such allegations are made to them.

4.6 What icare will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, icare will take appropriate corrective action in response to recommendations and other matters contained in the investigation report. This is also known as **corrective action**.

Corrective action can include:

- making a formal apology
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)

- referring the matter to the police or an integrity agency
- conducting an internal audit or other review of an issue or the operations of a particular business unit
- implementing or changing policies, procedures or practices
- conducting training and awareness sessions for staff
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

5. Review and Dispute Resolution

5.1 Internal review

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

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

icare will ensure internal reviews are conducted in compliance with the PID Act.

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

To request an internal review, you should notify the Disclosure Coordinator at pid@icare.nsw.gov.au or GPO Box 4052, Sydney NSW 2001 which should be marked "*Private and Confidential*".

The Disclosure Coordinator will acknowledge your request and let you know who will conduct the internal review and the timeframes for completion.

5.2 Voluntary dispute resolution

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

6. Other agency obligations

6.1 Record-keeping requirements

icare must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that icare complies with its obligations under the *State Records Act 1998*.

icare will ensure that when a voluntary PID is made:

- all records and communications will be marked in accordance with the NSW Government *Information Classification, Labelling and Handling Guidelines*

- a written record will be made of any verbal statements or conversations, and where possible the person making a voluntary PID will be asked to sign a record of their verbal report
- Disclosure Officers must ensure full and accurate records relating to a PID and its investigation are maintained, including initial reports, risk assessments, risk management plans, investigation materials and correspondence with the maker of the PID. All such records and information are to be maintained and captured in a restricted secured file (established by the Disclosure Coordinator) in order to maintain confidentiality and to ensure that only persons involved in the investigation have access to the file
- where any Disclosure Officer ceases to be a disclosure officer, the records relating to any PID they have received or handled will be securely transferred to another Disclosure Officer in icare
- records related to a PID shall be factual and free from unnecessary statements such as personal opinion.

6.2 Reporting of voluntary PIDs and icare annual return to the Ombudsman

icare provides an annual return to the NSW Ombudsman which includes:

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

The Disclosure Coordinator is responsible for:

- collecting information about voluntary PIDs from disclosure officers and the other information to be captured in the annual return. All information collected is stored securely through control mechanisms to prevent unauthorised access, use, modification, disclosure or removal, and
- preparing the annual return to the NSW Ombudsman.

The Disclosure Coordinator will also provide regular de-identified reports to icare's Group Executive and to icare's Board in relation to disclosures received under the PID Act.

6.3 How icare will ensure compliance with the PID Act and this policy

Compliance with the requirements of this Policy will be assessed as follows:

- The Group Executive, Risk and Governance is responsible for monitoring the operating effectiveness of this Policy and reporting to the Board Risk Committee on the results of all testing conducted in respect of this Policy; and
- The Second Line Risk Team will undertake regular assurance on behalf of the Group Executive, Risk and Governance as part of icare's Second Line Assurance Framework.

7. Governance

This Policy will be reviewed by its Owner every two (2) years and will be provided to the Board Risk Committee for endorsement and Board for approval.

8. Related Policies and Procedures

This policy should be read in conjunction with other icare policies such as:

- Code of Conduct

- Complaints Policy
- Fraud Corruption and Control Policy
- Grievance Handling Policy/Grievance and Dispute Settling Procedures
- Respectful Behaviour Policy
- Conflicts of Interest Policy
- Incident Management and Reporting Policy
- Managing Misconduct Policy /Managing Performance Policy

9. Accessibility

This policy is available on our website at www.icare.nsw.gov.au, and for icare employees is available on [HUGO](#).

A copy of this policy is made available to all icare staff upon their commencement. A hard copy of this policy can be made available by the Disclosure Coordinator upon request.

If you require further information about this policy, how PID will be handled and the PID Act you can:

- confidentially contact a nominated Disclosure Officer within icare,
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- access the NSW Ombudsman’s PID guidelines which are available on its website.

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

10. Roles and responsibilities

Role	Responsibilities
Chief Executive Officer	<ul style="list-style-type: none"> • Fostering a workplace culture where reporting is encouraged. • Receiving disclosures from public officials. • Ensuring there is a system in place for assessing disclosures. • Ensuring that the icare has appropriate systems for: <ul style="list-style-type: none"> - 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. • Discretion whether to use “deeming power” in relation to a report that doesn’t have the necessary features of a PID. • The responsibilities of a Disclosure Officer set out below.

Role	Responsibilities
Board Risk Committee	<ul style="list-style-type: none"> • Receive reporting on the design and operating effectiveness of this policy across icare and provide oversight of the control framework for compliance with this policy. • Receive and consider reporting on reports of wrongdoing and provide advice as appropriate. • Review and endorse this policy for approval by the Board annually. • Escalate any material matters relating to wrongdoing to the Board as necessary.
Board	<ul style="list-style-type: none"> • Approve this policy annually. • Receive any escalation of material matters from the Board Risk Committee and take appropriate action.
Group Executive, Risk and Governance	<ul style="list-style-type: none"> • As Policy Owner, monitor and oversee internal compliance with this policy. • Develop and facilitate any required training (including training to specified roles under this policy on their responsibilities, as well as training to all employees). • Provide support to the Chief Executive Officer, Disclosure Coordinator and Disclosure Officers on assessment of reports, determination as to whether a report is a PID, actions to be taken on the report and actions to manage the risk of reprisal for employees. • Escalate any relevant material matters to the Board Risk Committee (including the Chair). • Discretion whether to use “deeming power” in relation to a report that doesn’t have the necessary features of a PID. • The responsibilities of a Disclosure Officer set out below.
Disclosure Officers	<ul style="list-style-type: none"> • Receiving reports from public officials. • Receiving reports when they are passed on to them by icare managers. • Deciding how each report will be dealt with, including assessing reports to determine whether or not a report should be treated as a voluntary PID. • Acting as the primary contact for the maker of a voluntary PID, including providing information, updates, feedback and notifications of decisions. • Acknowledging receipt of reports and providing relevant information to the person making the report. • Approving (in consultation with the maker of the voluntary PID) the risk management plan in response to the assessment of risk of detrimental action. • Taking all reasonable steps to ensure protection of the maker of a voluntary PID from detriment or threats of detriment relating to the PID. • Ensuring that any oral reports that have been received are recorded and acknowledged in writing. • ensuring full and accurate records relating to PIDs and its investigation are maintained in a secure and confidential manner. • Attend any training required in relation to PID and their role as a Disclosure Officer.

Role	Responsibilities
Disclosure Coordinator	<ul style="list-style-type: none"> • Receiving reports from public officials. • Receiving reports when they are passed on to them by icare managers. • Acknowledging reports and providing relevant information to the person making the report. • Where nominated in respect of a PID, act as the primary contact (together with the Disclosure Officer) for the report, including providing updates every 3 months to the reporter. • Deciding how each report will be dealt with, including assessing reports to determine whether or not a report should be treated as a voluntary PID. • Provide advice and consult with CEO, Disclosure Officers and icare Managers on appropriate action to be taken in relation to reports under this policy (whether or not they are PIDs). • Coordinating icare’s response to a report. • Receive and acknowledge requests for any internal review and coordinate that internal review. • Receive notices of any actual or potential determinantal action. • Coordinating the assessment of risk of detrimental action and workplace conflict and development of a risk management plan in response to the assessment. • Collecting information to be captured in the annual return. • Set up secure file for each voluntary PID received, and establish controls to prevent unauthorised access, use, modification, disclosure or removal. • Prepare the annual return to the NSW Ombudsman. • Provide regular de-identified reports to icare’s Group Executive and to icare’s Board in relation to disclosures received under the PID Act. • Attend any training required in relation to PID and their role as a Disclosure Officer.
icare Managers	<ul style="list-style-type: none"> • Receiving reports from persons that report to them or that they supervise, or external parties that they supervise and manage the contract for. • Passing on reports they receive to a Disclosure Officer.
All employees	<p>All employees must:</p> <ul style="list-style-type: none"> • report suspected serious wrongdoing or other misconduct • use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of icare • treat any person dealing with or investigating reports of serious wrongdoing with respect. <p>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.</p>

11. Version Control and Document History

Document Name & Version	Reporting Wrongdoing Policy v.4.0
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Document owner	Group Executive, Risk and Governance
Approving Authority	Board
Approval Date	25 September 2023
Review Frequency	Every 2 years

Version	Author	Change Summary	Approved by and approval date
1.0	Chief Risk Officer	New policy	Risk, Compliance and Audit Committee May 2016
2.0	Chief Risk Officer	Minor revisions to policy	Audit and Risk Committee February 2019
3.0	Chief Risk Officer	Material revisions to the policy including: <ul style="list-style-type: none"> • New policy document format. • Combining policy principles with information previously in the Reporting Wrongdoing Policy Fact Sheet for clarity. • Aligning policy principles with recent guidance from NSW Ombudsman issued July 2020. • Adding reporting channel through the new externally and independently managed Speak Up Hotline. • Clarifying how to report an issue; • Adding sections on how reports will be managed and process for keeping disclosers informed. • Clarifying steps to determine a Public Interest Disclosure and protections afforded to disclosers from reprisal. • Adding sections on treatment of persons who are the subject of a report. • Clarifying methods for external reporting. • Clarifying and updating scope, monitoring, reporting and roles and responsibilities. • Updating consequences of false reporting. 	Board 26 February 2021

Version	Author	Change Summary	Approved by and approval date
3.1	Group Executive, Risk and Governance	<p>Minor revisions to the policy as a part of annual review:</p> <ul style="list-style-type: none"> Update to change in roles – Chief Risk Officer to GE, R&G; update to references to HR; and General Manager, Internal Audit to Head of Conduct and Integrity and PID Officers. Clarification to role of People Leaders Update to “Related Policies and Procedures”. 	<p>CEO and Group Executive Risk and Governance (for minor changes)</p> <p>11 May 2022</p>
3.2	General Manager, Risk Management	<p>Minor updates to amend and update examples and further clarification in sections:</p> <ul style="list-style-type: none"> 3.1 What is wrongdoing? 3.3 What is corrupt conduct? 3.4 What is maladministration? 4.2 Assessment of reports 4.6 Managing the risk of reprisal and workplace conflict 	<p>CEO and Group Executive Risk and Governance (for minor changes)</p> <p>18 August 2022</p>
4.0	General Manager, Risk Management	<p>The NSW Ombudsmen released a new model public interest disclosure policy to assist agencies in the transition to the PID Act 2022 on 17 July 2023.</p> <p>The existing policy Reporting Wrongdoing was replaced with the Model Policy; however, the policy name has remained, and where applicable, relevant wording from the existing policy has been incorporated.</p>	<p>Board</p> <p>25 September 2023</p>

Appendix 1 – Who can receive a Public Interest Disclosure?

A PID can be reported using icare’s **Speak Up Hotline**:

QR Code



Phone: 1800 950 625

Website or QR code: www.qrs.ly/icare.speakup

Email: icare.speakup@coreintegrity.com.au

Snail mail: PO Box 895, Darlinghurst NSW 1300

Role	PID role
Chief Executive Officer and Managing Director	Head of Agency
Group Executive, Risk & Governance	Nominated Disclosure Officer
Group Executive People & Culture	Nominated Disclosure Officer
Group Executive, Lifetime Schemes	Nominated Disclosure Officer
Group Executive, Digital and Transformation	Nominated Disclosure Officer
Chief Financial Officer	Nominated Disclosure Officer
Group Executive, Strategy and Customer	Nominated Disclosure Officer
Group Executive, TMF General Lines & HBCF (Interim)	Nominated Disclosure Officer
Group Executive, Workers Compensation & TMF WC	Nominated Disclosure Officer
Conduct and Integrity Lead	Disclosure Coordinator
General Manager, Strategic Delivery and Operations	Nominated Disclosure Officer
Manager Premium Services (Gosford)	Nominated Disclosure Officer
Business Insights Lead (Gosford)	Nominated Disclosure Officer
Operational Support Manager (Newcastle)	Nominated Disclosure Officer
Business Operations Manager (Newcastle)	Nominated Disclosure Officer
Manager, Wellbeing, Safety & Security (Parramatta)	Nominated Disclosure Officer

Role	PID role
Manager Claims Operations (Wollongong)	Nominated Disclosure Officer
People and Culture Partner (Wollongong)	Nominated Disclosure Officer

Appendix 2 — List of integrity agencies

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