

Public Interest Disclosure Procedure: PRO-ICO-003

1. Related Policy

Public Interest Disclosure Policy

2. Purpose

The purpose of the Public Interest Disclosure Procedure is to provide, based on the Public Interest Disclosure Act 2012 (“the Act”), clear direction to members of the public. BHI Board members, staff, students, employees and contractors of BHI who wish to make a Public interest disclosure, and to ensure those wishing to make a Disclosure are protected from detrimental action being taken against them in reprisal.

3. Scope

This Policy applies to all BHI Board members, staff, students, employees and contractors of BHI.

4. Procedure

4.1. Determine whether a disclosure can be made by reviewing the disclosure against the following criteria:

Item	Action	Officer responsible
4.1.1	A disclosure may be made about information that shows, tends to show, or that the person making the disclosure reasonably believes shows or tends to show: that the public officer or public body has engaged, is engaging or proposes to engage in improper conduct or detrimental action.	Person making the Disclosure
4.1.2	The conduct or action being disclosed about may be one which has taken place, is still occurring, or is believed is intended to be taken or engaged in. Disclosures may also be made about conduct that occurred prior to the commencement of the Act on 10 February 2013.	Person making the Disclosure
4.1.3	The following are not public interest disclosures under the Act: <ul style="list-style-type: none"> - a disclosure that has not been made in accordance with all of the procedural requirements of Part 2 of the Act and the prescribed procedures in the Regulations; - a disclosure made by a discloser who expressly states in writing, at the time of making the disclosure, that the disclosure is not a disclosure under the Act; - a disclosure made by an officer or employee of an investigative entity in the course of carrying out his or her duties or functions under the relevant legislation, unless the person expressly states in writing that the disclosure is a disclosure and the disclosure is otherwise made in accordance with Part 2 of the Act. Furthermore, the term disclosure is interpreted under the Act as a “revelation” to the person receiving it. The Independent Broad-based Anti-corruption Commission (IBAC) considers that a complaint or allegation that is already in the public domain will not normally be a public interest disclosure.	Person making the Disclosure
4.1.4	A disclosure may only be made by a natural person (or a group of individuals making joint disclosures). Disclosures cannot be made by a company or an organisation.	Person making the Disclosure

4.2. If the disclosure meets all relevant criteria, the disclosure may then be made as follows:

Item	Action	Officer responsible
4.2.1	<p>A disclosure may:</p> <ul style="list-style-type: none"> - be made anonymously; - be made even where the discloser is unable to identify precisely the individual or the organisation to which the disclosure relates; and - also be a complaint, notification or disclosure (however described) made under another law. 	Person making the Disclosure
4.2.2	A disclosure may be made orally or in writing, but not via fax.	Person making the Disclosure
4.2.3	<p>Disclosures can be made to BHI’s Public Interest Disclosure Coordinator, who will determine whether or not the disclosure is classified as a public interest disclosure. If not determined to be a public interest disclosure, the matter will be handled internally via BHI’s Fraud and Corruption Management policy and procedure; if determined to be a public interest disclosure, the Public Interest Disclosure Coordinator will refer the matter to IBAC. The person making the disclosure can alternatively make the disclosure directly to</p> <ul style="list-style-type: none"> - IBAC - Victorian Ombudsman - Victorian Inspectorate, or VI (in relation to IBAC and the Public Interest Monitor) - Victoria Police - Public Service Bodies (within the meaning of the Public Service Administration Act 2004) - Local councils - Judicial Commission of Victoria - Integrity and Oversight Committee, or IOC (in relation to the Victorian Inspectorate) <p>If a disclosure is made to any of the entities listed above except for IBAC, the matter will be directed to IBAC for assessment, as per section 4.3 of this procedure.</p> <p>It is the view of IBAC that BHI cannot receive disclosures, and therefore may not know that a person has made a public interest disclosure. Confidentiality obligations require a person who has made a public interest disclosure not to discuss the matter with any other person except with IBAC (or another investigative entity to which IBAC may have referred the disclosure). Therefore, BHI will only be made aware that a person requires protection under the Act if that information has been provided to BHI by IBAC or the VI (when assessing whether a disclosure is a public interest disclosure complaint), or by the investigative entity investigating a public interest disclosure complaint.</p> <p>The Public interest disclosure Coordinator is:</p> <ul style="list-style-type: none"> - the contact point for general advice about the operation of the Act and for integrity agencies such as IBAC; - responsible for ensuring that BHI carries out its responsibilities under the Act, regulations made pursuant to the Act and guidelines issued by IBAC; - BHI’s chief liaison with IBAC in regard to the Act; - to take all necessary steps to ensure information received or obtained in connection with a disclosure, including the identities of the discloser and the person(s) to whom the disclosure relate, are kept secured, private and confidential at all times; 	Person making the Disclosure / Public Interest Disclosure Coordinator

	<ul style="list-style-type: none"> - responsible for arranging any necessary and appropriate welfare support for the discloser, including appointing a Welfare Manager to support a person entitled to be protected and to protect him or her from any reprisals; and - to collate statistics required to be reported by BHI in its annual reports under the Act. <p>The Public interest disclosure Coordinator appointed by BHI is the Director Governance, Legal, Risk and Audit.</p> <p>It is important to note that IBAC is not required to contact BHI about any disclosure you make so you should not discuss with BHI any disclosure you make to IBAC unless you have first obtained the permission of IBAC to do so, or unless IBAC has directed you to do so, or IBAC has contacted BHI to provide it with information in order to allow BHI to provide you with any necessary welfare and support.</p>	
4.2.4	<p>A disclosure made to the wrong receiving entity can be redirected to another receiving entity without the discloser losing the protections of the protected disclosure scheme.</p>	
4.2.5	<p>A discloser may disclose the details of a public interest disclosure to an external person or body (who is not able to receive disclosures) if the assessing entity does not notify the discloser about any action taken in response to the original disclosure within six months and has not responded to a request for advice within 30 days.</p> <p>An external disclosure may also be made if the investigation of the original disclosure is not completed within 12 months, and the investigating entity has not responded to a request for advice within 30 days.</p> <p>Finally an external disclosure may be made where the investigation of the original disclosure was not completed within 12 months, the discloser has received an update within 30 days of requesting it, but the discloser has then not received any further update advising that the investigation has been completed within a further six months of that response.</p> <p>Some exemptions apply, for example, in relation to any information that may prejudice a criminal investigation or proceeding, or other legal proceeding, or information that is likely to lead to the disclosure of an investigative method.</p>	
4.2.6	<p>Complainants may always seek advice and support from specified categories of persons without seeking permission. These categories include</p> <ul style="list-style-type: none"> - Trade unions - Employee assistance programs - The Victorian WorkCover Authority - Fair Work Commission, for the purposes of an application <p>Recipients of confidentiality notices will be entitled to disclose restricted matters to certain categories or persons, unless the issuing agency makes a direction to the contrary.</p>	

4.3. Once the disclosure is made, it is assessed by IBAC.

Item	Action	Officer responsible
4.3.1	<p>If IBAC determines the disclosure is not a public interest disclosure complaint, IBAC must advise the discloser in writing and within a reasonable time after the determination is made, that:</p> <ul style="list-style-type: none"> - IBAC has determined that the disclosure is not a public interest disclosure complaint; and - as a consequence of that determination: <ul style="list-style-type: none"> o the disclosure will not be investigated as a public interest disclosure complaint; and o the confidentiality provisions under Part 7 of the Act no longer apply in relation to the disclosure; and <p>In addition, if IBAC is of the view that the disclosure, although not a public interest disclosure complaint, may be able to be dealt with by another entity, IBAC may advise the discloser that:</p> <ul style="list-style-type: none"> - the matter which is the subject of the disclosure may be able to be dealt with by that entity other than as a public interest disclosure complaint; and - if the discloser wishes to pursue the matter, make a complaint directly to that entity. <p>IBAC is also able to consider whether it wishes to treat the assessable disclosure as a notification made to IBAC under the IBAC Act.</p> <p>IBAC may refer a Public Interest Complaint (PIC) to another more appropriate body for investigation. IBAC will also be able to refer complaints back to agencies for action with the consent of complainants and agencies. Other bodies that may be brought in to investigate a public interest disclosure are:</p> <ul style="list-style-type: none"> - Victorian Ombudsman - Victoria Inspectorate - Chief Commissioner of Police - Judicial Commission of Victoria - Chief Municipal Inspector - Racing Integrity Commissioner 	IBAC
4.3.2	<p>If IBAC determines the disclosure is a public interest disclosure complaint, IBAC must advise the discloser in writing and within a reasonable time after the determination is made, that:</p> <ul style="list-style-type: none"> - IBAC has determined that the disclosure is a public interest disclosure complaint; - regardless of the determination, the protections available to a discloser of a public interest disclosure under Part 6 of the Act apply; - the discloser has rights, protections and obligations under the Act as contained in ss 72, 74 and Parts 6 and 7 of the Act, including an explanation of the effect of those sections and Parts of the Act; and - it is an offence under s 74 of the Act to disclose that IBAC has determined that the disclosure is a public interest disclosure complaint. <p>Whether or not IBAC determines the disclosure to be a public interest disclosure complaint, the protections under Part 6 of the Act apply to the discloser.</p>	IBAC

	<p>Once IBAC has determined that a disclosure is a public interest disclosure complaint, the discloser cannot withdraw that disclosure. However, under the IBAC Act, IBAC can decide not to investigate a public interest disclosure complaint if the discloser requests that it not be investigated.</p>	
<p>4.3.3</p>	<p>Under the IBAC Act, IBAC may dismiss, investigate, or refer a public interest disclosure complaint. IBAC may also conduct preliminary inquiries in accordance with Division 3A of Part 3 of the IBAC Act before determining whether to dismiss, investigate or refer a public interest disclosure complaint.</p> <p>If IBAC dismisses a public interest disclosure complaint, then it must do so on one of the grounds specifically set out in the IBAC Act. In particular, IBAC must dismiss a public interest disclosure complaint if the matter disclosed is a matter that neither IBAC nor an investigating entity may investigate.</p> <p>IBAC may choose to investigate the alleged conduct if it suspects on reasonable grounds that it constitutes ‘corrupt conduct’.</p> <p>IBAC may also choose to refer the public interest disclosure complaint to other appropriate and relevant investigative entities.</p> <p>Depending on the action IBAC decides to take, IBAC must also provide certain other information to the discloser. That information is set out at the chart on p 25 of IBAC’s Guidelines for Handling Public interest disclosures.</p>	<p>IBAC</p>
<p>4.3.4</p>	<p>If IBAC or another investigative entity is conducting an investigation of a public interest disclosure complaint, it may be in contact with BHI or a person about which the disclosure has been made. This will be for the purpose of conducting investigative enquiries.</p> <p>BHI or that person will be able to disclose information about the public interest disclosure complaint to the investigative entity without breaching the confidentiality requirements of the Act.</p> <p>The relevant investigative entity may also disclose the identity of the discloser and the content of the disclosure if necessary to do so for the purposes of their investigative action. If this is the case, then BHI or person to whom the information has been disclosed, is bound by the confidentiality requirements of Part 7 of the Act.</p> <p>In addition, if BHI is advised of the identity of the discloser, then it will be required to look after the welfare of the discloser and provide protection against possible detrimental action.</p> <p>At the conclusion of its investigation, the relevant investigative entity must generally provide the discloser with information about the results of its investigation, including any action taken by the investigative entity and any recommendation by the investigative agency that action or further action be taken.</p> <p>The investigative entity may provide written information about the commencement, conduct or result of an investigation, including any actions taken and any recommendation made that any action or further action be taken to the relevant principal officer. However, the investigative entity must not provide any information that is likely to lead to the identification of a discloser.</p> <p>The investigative entity does not have to provide this information to either the discloser or the relevant principal officer in specified circumstances set out in the IBAC Act or the Ombudsman Act 1973.</p>	<p>IBAC</p>

4.4. Confidentiality must be maintained at all times by following the below steps:

Item	Action	Accountability
4.4.1	<p>Once BHI has been made aware of the identity of a discloser, and any other relevant information about the public interest disclosure, BHI will keep all information it receives confidential, and will manage the welfare of any relevant persons in accordance with its obligations under the Act. Welfare officers will also maintain strict confidentiality, not divulging any details relating to the public interest disclosure to any person other than the Public Interest Disclosure Coordinator.</p> <p>BHI will take all reasonable steps to ensure the confidentiality of the subject of a disclosure at all times. Where the disclosure is dismissed or investigations do not substantiate the allegations made against the person, the fact that the investigation was undertaken, its results, and the identity of the person subject of the disclosure (to the extent that BHI has been provided that information by an investigative entity) will still be kept confidential by BHI.</p> <p>The Welfare Manager will not divulge any details relating to the disclosed matter to any person other than the Public Interest Disclosure Coordinator or an investigator appropriately authorised under the Act or the IBAC Act 2011. All meetings between any relevant persons, including Public Interest Disclosure Officers, the Welfare Manager and disclosers will be conducted discreetly to protect the confidentiality of the person making a public interest disclosure.</p>	COO
4.4.2	<p>BHI will ensure all files, whether paper or electronic, are kept securely, marked as related to Public Interest Disclosure material, and with information on penalties for unauthorised access. These files will be accessible only by the Public Interest Disclosure Coordinator or a Public Interest Disclosure Officer involved in a particular matter/and the Public interest disclosure Officers. Where necessary, a Welfare Manager may be able to gain access (where appropriate) to related welfare matters.</p> <p>The Institute will not use unsecured email or general faxes to transmit documents in connection with a disclosure and will ensure all telephone calls and meetings in connection to disclosures are conducted privately and in the strictest of confidence. Hard copy documents will not be delivered by internal mail to a generally accessible area and, where possible, will be delivered in person by authorised officers where possible.</p>	COO
4.4.3	<p>The Freedom of Information (FOI) Act provides a general right of access for any person to seek documents in the possession of BHI. However, the Act provides that certain information related to public interest disclosures will be exempt from the application of the FOI Act, such as:</p> <ul style="list-style-type: none"> - any information relating to a disclosure made in accordance with the Act; and - any information that is likely to lead to the identification of a discloser. <p>BHI is required to contact IBAC prior to providing any document originating from IBAC or relating to a public interest disclosure, if that document is sought under the FOI Act.</p> <p>The Act contains a number of offence provisions relating to unauthorised disclosure of information by either disclosers or persons who have received</p>	COO

	<p>disclosures. The relevant penalties include imprisonment, financial payments or both.</p> <p>The Act makes it a crime to disclose information connected with a disclosure made in accordance with the Act. Limited exceptions to the prohibition on disclosure are specified by the Act, include circumstances such as:</p> <ul style="list-style-type: none"> - where disclosure is required by BHI (or one of its officers) in the exercise of functions of BHI under the Act; - where necessary for the purpose of the exercise of functions under the Act; - by an investigative entity for the purpose of exercising that entity’s functions under the IBAC Act; - in accordance with a direction or authorisation given by the investigative entity that is investigating the disclosure; - to the extent necessary for the purpose of taking lawful action in relation to the conduct that is the subject of an assessable disclosure including a disciplinary process or action; - where IBAC or the VI has determined that the assessable disclosure is not a public interest disclosure and the discloser or BHI subsequently discloses the information; - when an investigative entity had published a report to Parliament, in accordance with its confidentiality obligations; - for the purpose of obtaining legal advice in relation to matters specified in the Act; - in order to enable compliance with the Act: <ul style="list-style-type: none"> o where a person does not have a sufficient knowledge of the English language, to obtain a translation from an interpreter; o where a person is under 18 years of age, to a parent or guardian; o where a person is suffering a disability and is not able to understand, to an independent person; - in disciplinary actions or legal proceedings for certain offences in the Act or other specified Acts. <p>The Act prohibits the inclusion of any details, in any report or recommendation that is likely to lead to the identification of a discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report or any reports to Parliament</p>	
4.4.4	All bodies to whom a public interest complaint is referred are permitted to disclose information necessary to perform their investigative functions.	COO

4.5. Support for disclosers, cooperators and subjects of disclosures must be provided by BHI

Item	Action	Accountability
4.5.1	<p>BHI must, where it is aware of or has been provided the identities of disclosers and cooperators, ensure they are protected from direct and indirect detrimental action being taken against them in reprisal for the public interest disclosure.</p> <p>Support for disclosers and cooperators will extend to the relevant persons regardless of whether they are internal to the organisation or external members of the public. However, different legislative responsibilities (including those external to the Act) apply to persons internal to the organisation, and to persons who may be clients or users of BHI’s services.</p>	COO

	<p>Generally, for internal persons, BHI will ensure a supportive work environment and respond appropriately to any reports of intimidation or harassment against these persons. For external persons, BHI will take reasonable steps to provide appropriate support. BHI will discuss reasonable expectations with all persons receiving welfare management in connection with a public interest disclosure.</p> <p>BHI will support disclosers and cooperators by:</p> <ul style="list-style-type: none"> - Keeping them informed of the progress of their disclosure - Assuring them that their disclosure is appreciated and they will be protected - Talking to them to understand their objectives and expectations - Assessing the risk of detrimental action being taken, monitoring the workplace and dealing with issues prior to them arising where possible - Listening and responding to the person’s concerns - Keeping records of case management - Appointing a welfare manager 	
4.5.2	<p>The following matters will be taken into consideration by BHI when deciding whether to appoint a welfare manager in a particular case:</p> <ul style="list-style-type: none"> - are there any real risks of detrimental action against the discloser or cooperator, taking into account their particular circumstances? - whether BHI can or will take the discloser or cooperator seriously and treat them with respect? - whether BHI will give the discloser or cooperator effective support, including keeping the discloser informed of the status of the disclosure (as far as BHI has been provided with such information by a relevant investigative entity)? - can BHI protect the person from suffering repercussions, by dealing with the matter discreetly and confidentially, and responding swiftly and fairly to any allegations that the discloser or cooperator has in fact suffered retribution? <p>If the answer to the first question is ‘yes’ then IBAC recommends the appointment of a dedicated welfare officer. If the answer to the first question is ‘no’ and BHI can meet the needs set out in the remainder of the questions, IBAC suggests there may be no need for a dedicated welfare officer to be appointed for that particular case.</p>	COO
4.5.3	<p>If appointed, the Welfare Manager will, in addition to providing the general support set out above:</p> <ul style="list-style-type: none"> - advise the discloser or cooperator of the legislative and administrative protections available to him or her, including providing practical advice; - listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure; - ensure all meetings between the Welfare Manager and the discloser or cooperator are conducted discreetly to protect the person from being identified as being involved in the public interest disclosure; - where relevant, adhere to the procedures outlined in BHI’s Prevention of Victimisation Policy; and - ensure the expectations of the discloser are realistic and reasonable, and that the discloser or cooperator understands the limits of the support BHI is able to reasonably provide in the particular circumstances. This is particularly the case where a Welfare Manager has been appointed in relation to an external discloser or cooperator. 	COO

<p>4.5.4</p>	<p>BHI will also meet the welfare needs of a person who is the subject of a public interest disclosure. It is important to remember that until a public interest disclosure complaint is resolved, the information about the person is only an allegation.</p> <p>BHI will make a decision about whether or when the subject of a disclosure will be informed about a public interest disclosure involving an allegation made against him or her. It is possible that the subject of the disclosure may never be told about the disclosure if it is not determined to be a public interest disclosure complaint, or if a decision is made to dismiss the disclosure. This may also depend on the stage at which the relevant investigative entity actually informs BHI of the identity of the subject of a disclosure.</p> <p>The Act limits the disclosure of information about the content of an assessable disclosure and the identity of the discloser to certain specified circumstances set out in Part 7 of the Act. BHI may give information about the disclosure to the subject of the disclosure if it is directed or authorised to do so by the investigative entity investigating the public interest disclosure complaint, or for the purpose of taking action with respect to the conduct alleged, including disciplinary action.</p> <p>Investigative entities may also inform the subject of the public interest disclosure complaint in the course of their investigation for the purposes of conducting that investigation, or any actions that they propose to take as a result of the investigation.</p> <p>A person the subject of a disclosure who is made aware of their status as such may have a welfare manager appointed by BHI or be referred to BHI's Employee Assistance Program for welfare assistance. Alternatively, the Public Interest Disclosure Coordinator will provide support and advice to a person the subject of a disclosure, particularly in relation to their rights and obligations under the Act, these procedures, and any other relevant law or code of conduct. BHI will consider each matter on a case by case basis, taking into account the information it has been provided by the investigative entity and the person's particular circumstances.</p> <p>BHI will afford natural justice to the subject of a disclosure prior to any decision being made about the allegations. If the matter has been investigated by an investigative entity, then the investigative entity will be responsible for ensuring consultations with the subject include the provision of natural justice to him or her. IBAC has noted that affording a subject of a disclosure natural justice in this context means that if a decision is to be made about their conduct this person has the right to:</p> <ul style="list-style-type: none"> - be informed about the substance of the allegations against them; - be given the chance to answer allegations before a final decision is made; - be informed about the substance of any adverse comment that may be included in any report arising from an investigation; and - have his or her defence set out fairly in any report. <p>BHI will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are wrong or unsubstantiated. In those circumstances, BHI and any investigative entity involved will ensure that there are no adverse consequences for this person arising out of the disclosure or its investigation. This is particularly crucial in a situation where there has been publicly disclosed information identifying the subject, but also where such information has become well-known across BHI and the subject is an employee, member or staff of BHI.</p>	<p>COO</p>
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	If the matter has been publicly disclosed, the CEO will consider a request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.	
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4.6. Detrimental action and protections for disclosers

Item	Action	Accountability
4.6.1	<p>If any person reports an incident of harassment, discrimination or adverse treatment that may amount to detrimental action apparently taken in reprisal for a disclosure, the Welfare Manager or Public interest disclosure Coordinator must record details of the incident and advise the person of their rights under the Act to make a disclosure to IBAC.</p> <p>All persons are reminded it is a criminal offence to take detrimental action against another person in reprisal for a public interest disclosure under the Act.</p> <p>In addition, the taking of detrimental action in reprisal for making a disclosure can be grounds for a person to make a further disclosure with respect to that conduct. The disclosure of this allegation should be made to IBAC as a new disclosure under Part 2 of the Act. Where the detrimental action is of a serious nature likely to amount to a criminal offence BHI will also consider reporting the matter to the police or IBAC.</p> <p>A discloser of a public interest disclosure may also:</p> <ul style="list-style-type: none"> - take civil action against the person who took detrimental action against the discloser and seek damages; - take civil action against BHI jointly and severally to seek damages if the person who took detrimental action against the discloser took that action in the course of employment with, or while acting as an agent of BHI; - apply for an order or an injunction from the Supreme Court. 	COO
4.6.2	<p>Part 6 of the Act sets out the protections provided to persons who make a disclosure that is a ‘public interest disclosure’</p> <ul style="list-style-type: none"> - the discloser is not subject to any civil or criminal liability for making the public interest disclosure; - the discloser is not subject to any administrative action (including disciplinary action) for making the public interest disclosure; - by making the public interest disclosure, the discloser is not committing an offence against the Constitution Act 1975 or any other law that imposes obligations of confidentiality or otherwise restricts the disclosure of information; - by making the public interest disclosure, the discloser is not breaching any other obligation (made by oath, rule of law or practice) requiring him or her to maintain confidentiality; and - the discloser cannot be held liable for defamation in relation to information included in a public interest disclosure made by him or her. <p>These protections apply even if IBAC has determined that the public interest disclosure is not a public interest disclosure complaint.</p> <p>The protections also apply to further information relating to a public interest disclosure made by the original discloser, if the further information has been</p>	COO

	provided, verbally or in writing, to IBAC or any investigative entity investigating the public interest disclosure.	
4.6.3	<p>An employee of BHI who has made a public interest disclosure and believes on reasonable grounds that detrimental action will be, is being, or has been taken against them may request a transfer of employment.</p> <p>After making a disclosure an employee can be transferred internally to another part of a public service body, or to another public service body or public entity on similar terms and conditions of employment. This can only happen if they request, or consent to, a transfer and the following other conditions apply:</p> <ul style="list-style-type: none"> - the head of BHI has reasonable grounds to suspect detrimental action will be, is being, or has been taken against the employee; - the head of the public body considers that the transfer will avoid, reduce or eliminate the risk of detrimental action; and - if transfer to another public body is proposed, the head of that public body consents to the transfer. <p>The transfer can be temporary or permanent, and if the employee is moved to another public body, the employee’s service in the new body is regarded as continuous with their pre- transfer service.</p>	COO
4.6.4	<p>A discloser is not protected if they commit an offence under s 72 or s 73 of the Act, as follows:</p> <ul style="list-style-type: none"> - provide false or misleading information - claim that a matter is the subject of a public interest disclosure knowing the claim to be false - disclose certain information received from IBAC. <p>Where a discloser is implicated in improper conduct, and an investigative entity has provided the necessary information to BHI, BHI will protect the discloser from reprisals in accordance with the Act, IBAC’s guidelines and these procedures. BHI acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.</p> <p>The management of the welfare of a discloser may become complicated when that person is implicated in misconduct, whether or not that misconduct is related to the disclosure.</p> <p>Taking disciplinary or other action against a person who has made a public interest disclosure invariably creates the perception that it is being taken in reprisal for the disclosure. The CEO, or if the disclosure relates to the CEO, the Board of Directors will make the final decision on the advice of the Public Interest Disclosure Coordinator as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with. In all cases where disciplinary or other action is being contemplated, any such action will not be taken without BHI ensuring that:</p> <ul style="list-style-type: none"> - the fact that a person has made a public interest disclosure is not a reason for BHI taking the action against the employee; - there are good and sufficient grounds that would fully justify action against any other person in the same circumstances; 	COO

	<ul style="list-style-type: none"> - there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action. <p>BHI will take all reasonable steps to thoroughly document its decision-making process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not being taken in retribution against the discloser for making the disclosure, so that it will be able to clearly demonstrate that the disciplinary or other action was taken for the appropriate and permitted reasons under the Act.</p> <p>The discloser will be clearly informed of any action proposed to be taken, be afforded natural justice, and inform and be informed of any mitigating factors that have been taken into account. Such communications with the discloser will be made in plain English and reasonable steps to provide appropriate support will be offered where appropriate.</p>	
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4.7. Other actions required by BHI

Item	Action	Accountability
4.7.1	<p>BHI will:</p> <ul style="list-style-type: none"> - ensure that officers, members, employees and contractors have access to a copy of these procedures in hard or soft copy; - incorporate into its induction procedures training about BHI’s general obligations under the Act and the rights and obligations of all employees, staff and members; - introduce periodic refresher courses for existing staff, employees and members about their rights and obligations under the Act; - provide additional training and assistance to: <ul style="list-style-type: none"> o its complaint handling staff to ensure that any complaints received will be dealt with consistently and in accordance with the Act as required; o any members of BHI with specific responsibilities and functions to handle and manage public interest disclosures under the Act, including the Public interest disclosure Coordinator and people involved in welfare management; and o any staff with functions and duties under the FOI Act or with responsibilities for information management, to ensure that no prohibited information is disclosed under the Act and to ensure there is appropriate liaising with the staff of IBAC or other investigative agencies where required in response to a request for access under the FOI Act. 	COO
4.7.2	BHI is required to publish information about how these procedures may be accessed in its annual reports.	COO

5. Context and related documents

5.1. External

5.1.1. Public Interest Disclosure Act 2012

- 5.1.2. IBAC What is a public interest disclosure, information sheet 2020
- 5.1.3. IBAC Guidelines for public interest disclosure welfare management 2020

5.2. Internal

- 5.2.1. Public Interest Disclosure Policy
- 5.2.2. Fraud and Corruption Management Policy and Procedure


6. Definitions

Term	Definition
Discloser	A person who (purports to) make(s) a complaint, allegation or disclosure (however described) under the Act.
Disclosure	Any complaint, concern, matter, allegation or disclosure (however described) purported to be made in accordance with Part 2 of the Act.
Investigative entity	Any one of the four bodies authorised to investigate a protected disclosure complaint, being IBAC, the Victorian Ombudsman, the Chief Commissioner of Police and the Victorian Inspectorate (VI).

7. Review

This procedure must be reviewed no later than two years from the date of endorsement. The procedure will remain in force until such time as it has been reviewed and re-approved or rescinded. The procedure may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

8. Originator

Name/Title	Date Endorsed	Signature
Matt Graver, CFO	04/12/2023	

9. Approver

Name/Title	Date Approved	Signature
Board	04/12/2023	

10. Document Control

Version	Date	Amended by	Changes made
1.0	July 2023	Senior Advisor Compliance and Assurance	Redrafted in line with new legislation and guidance materials