

## Awareness and training

### 1. Objectives

- To outline strategies that public authorities can implement to raise staff awareness of making, receiving and dealing with reports of wrongdoing.
- To provide guidance on who should receive training on how to make, receive and deal with reports of wrongdoing.

### 2. Why is this important?

An effective internal reporting system requires staff to be aware of and have confidence in that system. Staff are more likely to report wrongdoing if they know who they should report to, trust that appropriate action will be taken in response and are confident that they will be supported for having raised their concerns. Staff awareness is therefore a vital element of an authority's commitment to reporting wrongdoing and assists with creating a positive reporting environment. It may also deter staff from engaging in wrongdoing in the first place.

By promoting greater awareness among managers of their obligations to support staff who report wrongdoing, authorities can increase the chance of the reporting process being handled well and reduce the risk of detrimental action in reprisal for reporting wrongdoing or related workplace conflict.

Experienced and skilled disclosures coordinators, disclosures officers and investigators can help authorities comply with the *Public Interest Disclosures Act 1994* (PID Act). Training for staff receiving, dealing with and investigating reports – and interacting with reporters – can help them manage public interest disclosures (PIDs) more effectively and provide them with strategies for supporting and protecting staff who report wrongdoing.

The *Whistling While They Work* (WWTW) research showed that:

- When staff were asked what could be changed within their organisation to ensure that wrongdoing is reported more often and dealt with more effectively, the most commonly mentioned issue was 'training and education', followed by 'communication'.
- Staff who were aware of their organisation's internal reporting policies or procedures were more likely to have positive attitudes towards reporting wrongdoing, have confidence in the relevant legislation and trust that reporting would be viewed positively by management than staff who were unaware.
- There is a strong relationship between the belief of staff that they are covered by relevant legislation and the likelihood that they would report wrongdoing.<sup>1</sup>

### 3. Legal and management obligations

#### 3.1 PID Act

Section 6E of the PID Act provides that the head of a public authority is responsible for ensuring that the:

- public authority has an internal reporting policy
- staff of the public authority are aware of the contents of the policy and the protections under the PID Act for people who make PIDs
- public authority complies with the policy and its obligations under the PID Act
- policy designates at least one staff member as being responsible for receiving PIDs.

#### 3.2 Local government requirements

The Standard Contract of Employment for general managers and senior staff of local councils in NSW requires these officers to facilitate Council staff awareness of the procedures for making PIDs and of the protection provided by the PID Act. General managers are also required to maintain satisfactory operation of Council's reporting systems, including PIDs.

### 4. What does this mean for public authorities?

#### 4.1 Internal reporting policy

A clear internal reporting policy is a critical starting point for raising staff awareness of reporting wrongdoing. See *Guideline A2: Internal reporting policy and procedures*. The policy should also be readily available to staff and members of the public. It is a public document under the *Government Information (Public Access) Act 2009* (GIPA Act) and should, at a minimum, be available on an authority's website.

Where relevant, references and links to the internal reporting policy should also be included in any:

- employee handbook
- published list of policies and procedures
- code of conduct
- employment contracts, awards or position descriptions.

## 4.2 Awareness strategies

An authority needs to develop a communication strategy for raising the awareness of staff about its policy and procedures for making, receiving and dealing with reports of wrongdoing. There should be a variety of ways to provide information to staff. If relying on electronic methods of communication, consider alternative methods for communicating with those staff who do not have regular access to a computer at work.

Research found that organisations that used more promotional mechanisms to raise awareness of their procedures had staff with more positive attitudes towards the reporting of wrongdoing generally and greater confidence that management would respond well to reporting if it occurred.<sup>2</sup>

Consider these strategies to raise awareness of internal reporting:

- Using existing communications such as email, intranet and internet sites, staff newsletters, circulars, bulletin boards, payslips or other publications.
- Making public statements of commitment from the head of the authority and other senior officers to give the internal reporting policy credibility and demonstrate the commitment to a positive reporting culture.
- Managers and supervisors briefing their employees on key points of the policy in staff meetings. This not only helps ensure that managers understand their own role in the arrangements, but also communicates the message from managers themselves that it is safe and acceptable for staff to report wrongdoing.
- Requiring all staff to sign an undertaking that they have read and understood the internal reporting policy.
- Providing opportunities – for example, at staff meetings – for staff to discuss with management reporting scenarios and practical situations relevant to their workplace.
- Developing and distributing themed brochures, posters, postcards, flyers, purse or wallet cards, computer wallpapers, mouse pads, notebooks, rulers or other office equipment. Use the PID poster to display where staff can find the internal reporting policy and who they can report wrongdoing to.
- If it is safe and appropriate to do so, finding constructive ways in which to openly acknowledge and discuss any wrongdoing reported, informing staff of changes that have resulted from reports being made, or – with their agreement – publicly acknowledging staff who have acted in the public interest by reporting.
- Liaising with unions or staff associations to develop joint awareness strategies.

## 4.3 Training

Authorities should deliver specialised training about the internal reporting policy, procedures and the importance of PIDs. Educating staff on internal reporting should also be a part of any induction program and other relevant training, such as ethical decision-making or code of conduct training. To be effective, such training should be continually reinforced in the workplace.

The NSW Ombudsman offers in-house training sessions on PIDs for public authorities, as well as open PID workshops at various locations at no cost. Our PID training provides an overview of public authorities' responsibilities under the PID Act and the roles and responsibilities of parties involved in reports of wrongdoing. We can tailor training content to meet an authority's training needs.

The dates and locations of the NSW Ombudsman's open workshops are on our website. You can register for PID training using the online training form or by contacting our Community Education and Training Unit on 02 9286 0900 or by email [training@ombo.nsw.gov.au](mailto:training@ombo.nsw.gov.au).

Our PID e-learning modules are available on our website and can also be used by authorities to help raise staff awareness about PIDs.

## 4.4 Different audiences

Awareness and training materials should be prepared for different audiences. While material for staff should be simple and easy to read and give them the confidence to report wrongdoing, staff involved in managing the reporting process might need to have separate material that is more detailed and procedural.

### a) All staff

An authority's message to staff should encourage them to report any behaviour they suspect is wrong. Staff should be advised:

- that the authority values and encourages reports of wrongdoing
- where they can access the internal reporting policy
- how to recognise wrongdoing
- that it is their responsibility to report wrongdoing
- how to report wrongdoing within the authority or externally to an investigating authority
- that the authority is committed to protecting and supporting those who report and that reprisals will not be tolerated..

However staff should understand that not all of the potential matters about which they have concerns will be PIDs. Raise awareness of the multiple avenues for reporting different types of concerns – for example, grievances, harassment or bullying concerns, and work health and safety concerns – and that each will be dealt with differently.

The credibility of the internal reporting system for PIDs also depends on staff understanding that it is an offence to make a false or misleading report. See *Guideline B3: What's not a public interest disclosure?*

### b) Managers and supervisors

All levels of management should fully understand and support the authority's commitment to the policies and procedures for reporting wrongdoing as well as the systems for dealing with them. This will help to ensure that they:

- demonstrate an active commitment to the internal reporting process
- have a positive attitude to their staff reporting wrongdoing and encourage them to do so

- are aware of their responsibilities to staff
- identify when a staff member reports wrongdoing that is covered by the PID Act and refer them to a person who can receive PIDs under the internal reporting policy
- offer genuine support to staff who report wrongdoing, including ensuring that they have access to any necessary professional support
- effectively manage the workplace if reprisals or related workplace conflict are threatened or take place.

All managers and supervisors should have training or at least be informed through other communication strategies, such as our *Fact sheet 2: Am I dealing with a public interest disclosure?*

Research found that:

- Managers were significantly more likely than non-managers to indicate that they required greater information and training about reporting legislation.
- When staff who had observed wrongdoing but not reported it were asked if anything could have been done to increase the likelihood that they would have reported, 'training managers to deal with reports' was rated the most likely strategy to increase reporting.<sup>3</sup>

## c) Staff with specific responsibilities

All staff with specific responsibilities under the internal reporting policy – including the head of the authority, managers and supervisors, disclosures coordinator, disclosures officers and support people – need to be appropriately trained in their responsibilities.

Disclosures coordinators and other staff who assess reports of wrongdoing under the internal reporting policy should be aware that staff who raise concerns that are not PIDs should be referred to other appropriate policies – for example, bullying and harassment, grievance or work health and safety policies.

Additionally, any investigations of reports of wrongdoing should be done by trained and experienced staff. When using external investigation resources, ensure the investigator is aware of their responsibilities under the PID Act.

Research found that almost a quarter of case handlers, managers and staff in internal investigation units indicated that they had no particular training in how to deal with reports of wrongdoing. Not surprisingly, staff with no training felt the least prepared for dealing with reports of wrongdoing. Those with training were more likely to recognise the value of internal reports of wrongdoing.

## 5. Additional resources

- *NSW Ombudsman's online training form*
- *NSW Ombudsman's Public Interest Disclosures e-learning modules*
- *Guideline A2: Internal reporting policy and procedures*
- *Guideline B3: What's not a public interest disclosure?*
- *Fact sheet 2: Am I dealing with a public interest disclosure?*
- *Government Information (Public Access) Act 2009*
- *Public Interest Disclosures Act 1994*
- *Public Interest Disclosures Internal Reporting A3 Poster*
- *Standard Contract of Employment for General Managers of Local Councils in New South Wales*
- *Standard Contract of Employment for Senior Staff (Other Than General Managers) of Local Councils in New South Wales*

## Endnotes

- 1 Brown, AJ (ed.) 2008, *Whistleblowing in the Australian public sector: Enhancing the theory and practice of internal witness management in public sector organisations*, ANU E Press, Canberra, p. 237; Roberts, P, Brown, AJ & Olsen, J 2011, *Whistling while they work: A good-practice guide for managing internal reporting of wrongdoing in public sector organisations*, ANU E Press, Canberra, pp. 28–29.
- 2 Brown, pp. 251–252.
- 3 Brown, pp. 75, 177.
- 4 Brown, pp. 192–195.

## Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

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