Public Interest Disclosure Policy

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1. Statement of the Principal Officer (CEO)

Dear Colleagues,

As a public sector agency HomeStart Finance is subject to the *Public Interest Disclosure Act 2018 (SA)* (**'the Act'**) and related Guidelines. This policy has been drafted to comply with the obligations set out in the Act.

I am committed to ensuring that HomeStart conducts its business activities in compliance with all relevant laws and in accordance with the highest ethical standards.

Through this policy I want to make it clear, that HomeStart encourage the appropriate disclosure of public interest information as a means of preventing or mitigating, risks to public health or safety, the environment, and the risks of corruption, misconduct, and maladministration impacting our business.

I am also committed to the protection of the people who make appropriate public interest disclosures. And I expect that public interest disclosures made under this policy will be given genuine and efficient consideration, with appropriate action taken in relation to any information provided.

Andrew Mills

Chief Executive Officer, HomeStart Finance

2. Objective

This Policy is designed to encourage and facilitate the disclosure, of public interest information about:

- substantial risks to public health or safety, or the environment,
- corruption, misconduct and maladministration in public administration,

and provide protection to the people who make appropriate public interest disclosures.

This Policy is intended to reflect the requirements of the Act, associated regulations and applicable guidelines and does not alter the rights of individuals to make reports to the Office for Public Integrity (OPI), the Independent Commission Against Corruption (ICAC) or any other relevant organisation.

In addition to meeting legal requirements the potential additional benefits of encouraging disclosures include:

- promoting a culture of transparency and accountability,
- increased compliance with relevant laws,
- effective compliance with internal policies and governance requirements,
- efficient fiscal management through the reporting of waste and improper practices,
- improved workplace morale and
- a healthier and safer working environment.

3. Scope

This Policy applies to HomeStart employees, the Executive Committee, the Board Members, former employees and associates of HomeStart (and the relatives of each of these), and members of the public who wish to make a disclosure. However, only those who fall within the definition of Public Officers in this policy are eligible for the protections found in the Act.

4. Roles & Responsibilities

Position Title	Responsibility
Chair of the Board of Directors	• Receive notification of disclosures in accordance with sections 5.4.1(c) and 5.4.3(b) of this policy (i.e. where Responsible Officers are conflicted). • To be the alternate recipient of investigation reports under section 5.7.2
Executive Committee	• Approve this policy • Be prepared to receive public interest disclosures

Co-ordination Officer
Chief Risk Officer
	• Provide the informant making a disclosure with information about their rights and the processes;
	• Receive and assess reports from 'YOURCALL' (the independent disclosure reporting service);
	• Take notes and maintain accurate records of disclosures and keep all information confidential;
	• Assess whether a disclosure of information should be:
	  ○ reported to a relevant authority; or
	  ○ constitutes a disclosure of public interest information and is a matter that should be dealt with in accordance with law and HomeStart's policies;
	• Receive and keep confidential all information, evidence and reports in relation to complaints of victimisation relating to disclosures and provide assistance in cases where the person reporting has concerns about victimisation;
	• Maintain the confidentiality of an Informant's identity, except so far as may be necessary to ensure that matters are properly investigated. The informant's consent to the disclosure of their identity must be obtained in writing;
	• Advise the person making a public interest disclosure of the progress and outcome of an investigation subject to considerations of privacy of those against whom allegations are made and any other issues of confidentiality.
	• Must provide OPI with information relating to the disclosure in accordance with any applicable guidelines prepared under section 14 of the Act where it is determined that the information disclosed justifies the taking of further action.

People & Capability Leader	• To receive disclosures in accordance with sections 5.4.1(c) and 5.4.3(b) of this policy (i.e. where Responsible Officers are conflicted). • Assist with investigations under section 5.6 and 5.7.1

	• To undertake the role of Co-ordination Officer when required and engage an independent service provider to undertake the role of Investigation Officer in relation to the relevant disclosures.
Investigation Officer General Counsel	• Receive and assess reports from 'YOURCALL' (the independent disclosure reporting service) in conjunction with or as an alternative to the Co-ordination Officer; • Conduct or procure investigations promptly and on a fair and impartial basis independently of the informant making a public interest disclosure or the person or persons the subject of the disclosure; • Ensure matters which are the subject of the investigation are made known to the person who is the subject of the disclosure and that person is given adequate opportunity to respond to the allegations; • Collaborate with HomeStart teams, if appropriate, and as required; • Keep accurate records of the conduct of the investigation, including notes of all conversations, phone calls and interviews, evidence collected and ensure the records (as well as the information provided by the Informant) remain confidential and are stored securely on HomeStart's document management system with appropriate access restrictions; • Determine if there is sufficient evidence to support the matters raised; • Keep the informant informed of the progress and outcome of the investigation subject to the law.

5. Disclosure Process

5.1 What is a Public Interest Disclosure?

5.1.1 A Public Interest Disclosure involves the disclosure of Public Interest Information, which is information that affects the wellbeing of the community. This information is divided into two categories:

(a) Environmental and health information – where there is a substantial risk to the environment or to public health and safety, and

(b) Public administration information – where there is potential corruption, misconduct, or maladministration in public administration.

5.1.2 Public Interest Information will generally show that an employee or director of HomeStart has been engaged in:

(a) illegal activity; or

(b) an irregular and unauthorised use of public money; or

(c) substantial mismanagement of public resources; or

(d) conduct that causes a substantial risk to public health and safety, or to the environment; or
(e) maladministration in or in relation to the performance of official functions.

5.2 Who can make a Public Interest Disclosure?

5.2.1 The following people can make Public Interest Disclosures:
(a) HomeStart employees,
(b) Members of the Executive Committee,
(c) Board Members,
(d) former employees of HomeStart
(e) the relatives of any of the people listed above, and
(f) members of the public who wish to make a disclosure.

5.3 What are the protections for Informants?

5.3.1 A person who makes a Disclosure of Public Interest Information:
(a) may elect to remain anonymous;
(b) is otherwise entitled to have their identity kept confidential; and
(c) will not be subject to any liability because of the disclosure.

5.3.2 Anonymity

Where an Informant who makes a Disclosure wants to remain anonymous, sufficient details must be provided in support of the disclosure to enable the matter to be properly investigated. The use of an identifier or password may be suitable identification.

5.3.3 Confidentiality of Informant and Information
(a) The identity of an Informant who makes a Disclosure of Public Interest Information needs to be protected. Confidentiality will be maintained in all circumstances, unless the Informant consents in writing to their identity being disclosed or disclosure is otherwise required so that the matter may be properly investigated.
(b) Information relating to the disclosure will be treated confidentially, except in circumstances where the investigation process requires the information to be disclosed. Such disclosure will be subject to all relevant laws and protections, including the principles of natural justice.

5.3.4 No liability

A person who makes an appropriate disclosure of environmental and health information, or a public officer (namely, HomeStart employees, Members of the Executive Committee and Board Members) who makes an appropriate disclosure of public administration information, is not subject to any liability civil or criminal liability because of that disclosure.

5.3.5 Victimisation

It is unlawful to victimise a person for disclosing information that is in the public interest:
(a) Complaints about victimisation, or a breach of confidentiality, must be reported to the Co-ordination Officer or 'YOURCALL' and will be investigated as a separate matter.
(b) An informant making a public interest disclosure who considers that they have been the subject of victimisation is entitled to have the victimisation dealt with by the Equal Opportunity Tribunal or in an appropriate civil court but not both.

The Responsible Officer must assess and manage the risk of detrimental action against those that make an appropriate disclosure. This may include assessing the risk of unnecessarily disclosing the informant's identity and the need to take appropriate action if the informant raises any fears or threats of victimisation.

5.3.6 False or misleading disclosures

Informants are not protected under the provisions of the *Public Interest Disclosure Act 2018,* and may be subject to additional penalties, if they make a disclosure knowing that the information is false or misleading in a material particular.

5.4 How to make a disclosure

5.4.1 A Disclosure of Public Interest Information may be made verbally or in writing as follows:

(a) where the information relates to a HomeStart employee – to the person responsible for the management or supervision of the employee or to one of the Responsible Officers;

(b) where the information relates to one of the Responsible Officers – to a Responsible Officer not implicated by the information;

(c) where the information relates to all of the Responsible Officers - to the People & Culture Leader who must then notify the Chair of the Board;

(d) where the information relates to a Member of the Board of Directors - to one of the Responsible Officers.

5.4.2 Disclosure to 'YOURCALL'

Public Interest Disclosures may also be made to the 'YOURCALL' service via the contact details in section 7.

5.4.3 Where a disclosure is made to the 'YOURCALL' service, a confidential report with recommendations for resolution/action will be referred to the Responsible Officers. However:

(a) if the report relates to one of the Responsible Officers, the report will not be referred to the Responsible Officer implicated; and

(b) if the report also relates to a disclosure about all of the Responsible Officers, the report will be referred to the People & Culture Leader who must provide the report to the Chair of the Board.

5.5 What do I do if I receive a Public Interest Disclosure?

5.5.1 If you are not a Responsible Officer and a person makes a report or disclosure to you that you reasonably believe is a Disclosure of Public Interest Information, you should consider the following options:

(a) encourage the person to make the report or disclosure directly to the Co-ordination Officer or one of the other Responsible Officers,

(b) encourage the person to make the report or disclosure to the 'YOURCALL' service, or

(c) if the subject matter is sufficiently serious or urgent consider making the report or disclosure yourself, and

(d) keep in mind the protections for Informants set out in section 5.3.

5.6 Consideration, Assessment, and Investigation.

5.6.1 The Co-ordination Officer will assess disclosures and determine whether they require investigation in accordance with this Policy or should be reported to a Relevant Authority. Whether a disclosure is an "appropriate disclosure" will depend on whether the requirements in the Act are satisfied. The Co-ordination Officer should make a note of their assessment and the reasons for it. That note should be retained securely in HomeStart's document management system.

5.6.2 The Investigations Officer will conduct a formal investigation and provide a report and recommendations to the Co-ordination Officer as required. The Investigation Officer may do this personally, with the assistance of the People & Culture Leader or they may engage an independent service provider to conduct the investigation.

5.6.3 The Co-ordination Officer will submit the report to the CEO for decision or action and the CEO must also consider whether the report should be referred to the Board, either to note for information purposes only or for decision/action.

5.6.4 The person making a Public Interest Disclosure will be kept informed as to the progress of the report and any subsequent investigation. They may choose to not be informed or kept up to date, particularly if the disclosure has been made anonymously. The Responsible Officer must take reasonable steps to notify the Informant, if their identity is known, that an assessment of the information has been made and the outcome of that assessment within 30 days of the disclosure being made. Where an Informant believes their disclosure is not being dealt with appropriately the Informant may raise their concerns with HomeStart's Chief Executive Officer.

5.7 Conflict of Interest Principles

5.7.1 Conflict of interest principles as they relate to the Co-ordination Officer and Investigation Officer are as follows:

(a) if the disclosure relates to the Chief Risk Officer the functions of the Co-ordination Officer will be performed by the People & Culture Leader,

(b) if the disclosure relates to the General Counsel the functions of the Investigations Officer will be outsourced to an independent service provider by the Chief Risk Officer, and if the disclosure also relates to the Chief Risk Officer, the People & Culture Leader will outsource the functions of the Investigations Officer,

(c) if the disclosure relates to both the Chief Risk Officer and the General Counsel the functions of the Co-ordination Officer will be performed by the People & Culture Leader, the functions of the Investigations Officer will be outsourced to an independent service provider, and the CEO will be confidentially briefed on the relevant circumstances and kept informed as to the progress and outcome of the investigation (if the CEO has a conflict of interest, the Chair of the Board must be notified instead).

5.7.2 In relation to reports to be submitted to the CEO under section 5.6.3, if a report relates to the CEO (either wholly or in part), the report must instead be referred to the Chair of the Board for decision or action and the Chair of the Board must also consider whether the report should be tabled at the next meeting of the Board, either to note for information purposes only or for decision/action.

5.8 Other ways of disclosing under the Act

5.8.1 The Act provides other ways of making disclosures in particular circumstances as follows:

(a) where the information relates to a public sector agency or public sector employee—
  (i) the Commissioner for Public Sector Employment; or
  (ii) the responsible officer for the relevant public sector agency; or
(b) where the information relates to an agency to which the Ombudsman Act 1972 applies—the Ombudsman; or
(c) where the information relates to a location within the area of a particular council established under the Local Government Act 1999—a member, officer or employee of that council; or
(d) where the information relates to a risk to the environment—the Environment Protection Authority; or
(e) where the information relates to an irregular and unauthorised use of public money or substantial mismanagement of public resources—the Auditor-General; or
(f) where the information relates to the commission, or suspected commission, of any offence—a member of the police force; or
(g) where the information relates to a judicial officer—the Judicial Conduct Commissioner;
(h) where the information relates to a member of Parliament—the Presiding Officer of the House of Parliament to which the member belongs; or
(i) where the information relates to a person or a matter of a prescribed class—an authority declared by the regulations to be a relevant authority in relation to such information; or
(j) a Minister of the Crown; or
(k) the Office of Public Integrity; or
(l) any other person identified for that purpose in the Act or Regulations.

6. Definitions

Term	Definition
Co-ordination Officer	means the Chief Risk Officer (subject to section 5.7).
Disclosure	means disclosure of information by a person who: • believes on reasonable grounds that the information is true; or • is not in a position to form a belief on reasonable grounds about the truth of the information but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated; and • the disclosure is made to a person to whom it is, in the circumstances of the case, reasonable and appropriate to make the disclosure.
Grievances	means complaints other than public interest disclosures.

	HomeStart's procedure relating to grievances are considered and managed in accordance with the *HomeStart Finance Enterprise Agreement,* Section 7. The grievance process is available to employees for the following types of matters: • inappropriate behaviour, including workplace bullying; • other unethical treatment; • breaches of the Code of Ethics for the South Australian Public Sector; or • unreasonable administrative decisions (decisions that impact on an employee's role) i.e. such as decisions made about working conditions or leave, disciplinary matters and performance management matters.
Informant	means any person who makes a Disclosure of Public Interest Information.
Investigations Officer	means the General Counsel (subject to section 5.7).
Maladministration	means conduct including impropriety or negligence by a Public Officer in the performance of an official function.
Public Interest Information	Public Interest Information affects the wellbeing of the community. There are two types: • Environmental and health information – where there is a substantial risk to the environment or to public health and safety. • Public administration information – where there is potential corruption, misconduct or maladministration in public administration. Generally this can relate to information that tends to show that HomeStart or one of its public officers has been engaged in: • illegal activity; or • an irregular and unauthorised use of public money; or • substantial mismanagement of public resources; or • conduct that causes a substantial risk to public health and safety, or to the environment; or • maladministration in or in relation to the performance of official functions.
Public Officer	For the purposes of this Policy includes: • A member of the HomeStart Board; or • A member of HomeStart's Executive Committee; or • A HomeStart employee.
Relevant Authority	means an appropriate person or authority and is dependent upon the disclosure being made. For example:

	• Maladministration – Commissioner for Public Sector Employment; Auditor General; Office of Public Integrity; ICAC • Council matter – a member, officer or employee of that council • Environmental issues – the Environment Protection Authority • Judicial officer – the Judicial Conduct Commissioner • Fraud or other illegal activity - SAPOL • Minister of the Crown • Office of Public Integrity • Ombudsman SA.
Responsible Officers	Chief Risk Officer, General Counsel
Victimisation	Means the act by one person that causes detriment to another on the ground, or substantially on the ground, that the other person or a third person has made or intends to make a Public Interest Disclosure.

7. Contact Details

Name	Contact Details
HomeStart Finance	Reception / Call Centre – 1300 636 878 Email: pid@homestart.com.au[1]
YOURCALL	1300 790 228 (7am to midnight AEST, Business Days Online – www.yourcall.com.au/homestart (use Organisation ID "HSRT0989") (open 24/7)
Office of Public Integrity	www.publicintegrity.sa.gov.au 1300 782 489

8. Reference Documents

- *Public Interest Disclosure Act 2018 (SA)*
- Public Interest Disclosure Guidelines
- Code of Ethics for the South Australian Public Sector
- *Independent Commission Against Corruption Act 2012* (SA)
- HomeStart Finance Enterprise Agreement
- www.yourcall.com.au

[1] Emails to this email address are received by the Responsible Officers. If the disclosure relates to one of those Responsible Officers, please see section 5.4 or use an alternate method.