



## 1. Purpose

The West Coast District Health Board (WCDHB) is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice of illegal acts or omissions by its staff members or ex-staff members.

## 2. Application

This Procedure is to be followed by all staff throughout the WCDHB.

## 3. Definitions

For the purpose of this Procedure:

**staff member** is taken to mean:

- a current or former employee;
- a homemaker (within the meaning of the Employment Relations Act);
- an individual seconded to the WCDHB;
- an individual who is engaged or contracted under a contract for services to do work for the WCDHB;
- an individual concerned in the management of the WCDHB.

**appropriate authority** is taken to mean:

- the Commissioner of Police; or
- the Controller and Auditor-General; or
- the Director of the Serious Fraud Office; or
- the Inspector-General of Intelligence and Security; or
- an Ombudsman; or
- the Parliamentary Commissioner for the Environment; or
- the Police Complaints Authority; or
- the Solicitor-General; or
- the State Services Commissioner; or
- the Health and Disability Commissioner;

but does not include:

- a Minister of the Crown; or
- a Member of Parliament.

**serious wrongdoing** is taken to mean:

- an unlawful, corrupt, or irregular use of public funds; or
- an act, omission or course of conduct that constitutes a serious risk to public health, public safety or the environment; or
- an act, omission or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation and detection of offences and the right to a fair trial; or
- an act, omission or course of conduct that constitutes an offence; or
- an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.



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### 4. Responsibilities

For the purposes of this Procedure:

the **Chief Financial Officer** is required to:

- be the first point of contact for all staff members;
- determine if there is a case to be answered and make recommendations to the Chief Executive Officer.
- offer to keep the staff member informed about the investigation and its outcome

the **Staff Members** are required to:

- raise concerns they may have under the provisions of this Procedure to the Chief Financial Officer.

### 5. Resources Required

This Procedure requires no specific resources.

### 6. Process

- 1.00 Making a protected disclosure is regarded an exceptional measure to assist staff members when they regard other Procedures ineffective or inappropriate in reporting an incident. Every effort should be made to resolve concerns firstly through line managers or the appropriate General/Senior Manager.
- 1.01 Making a protected disclosure must not be used as part of a strategy in any political campaign nor in respect of personal disputes or grievances. Abuse of this Procedure in such ways may result in disciplinary action.
- 1.02 A staff member may make a protected disclosure in the manner prescribed by this Procedure if:
  - (i) the information relates to serious wrongdoing in or by the WCDHB; and
  - (ii) the staff member believes on reasonable grounds that the information is true or likely to be true; and
  - (iii) the staff member wishes the serious wrongdoing to be investigated; and
  - (iv) the staff member wishes the disclosure to be protected.
- 1.03 A staff member making a protected disclosure is protected from retaliatory actions so long as they have not acted maliciously, even if after investigation there proves to be no serious wrongdoing.
- 1.04 This Procedure does not replace the obligation for staff members to comply with “incident reporting” in relation to clinical issues (staff and patient) and health and safety issues in the workplace.
- 1.05 The following staff members have been nominated and agreed by the WCDHB as designated officers for concerns under this procedure for concerns under this Procedure. They will have direct access to the Chief Executive Officer and the WCDHB Chairperson:
  - Chief Financial Officer or Director of Nursing



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- 1.06 The Chief Financial Officer will be the first point of contact for staff members who wish to make a protected disclosure
- 1.07 The Chief Financial Officer will arrange an initial interview, which will be confidential, to ascertain the area of concern.
- 1.08 At this stage, the staff member will be asked whether they wish their identity to be disclosed and will be reassured by the Chief Financial Officer about protection from possible reprisals or victimisation. However, disclosure of the staff member's identity may be made if the Chief Financial Officer believes that disclosure is essential:
  - (i) to ensure the effective investigation of the allegations in the protected disclosure; or
  - (ii) to prevent serious risk to public health, public safety or the environment; or
  - (iii) having regard to the principles of natural justice.
- 1.09 The Chief Financial Officer will write a brief summary of the interview, which shall not identify the staff member, which will be agreed to and signed by the staff member and the General Manager Corporate Services.
- 1.10 The Chief Financial Officer will report to the Chief Executive Officer who will be responsible for the commission of any further investigation. This report will be restricted to a brief summary for the purpose of determining if an investigation is required. It will at all times protect the identity of the staff member requested in their discussions with the Chief Financial Officer
- 1.11 The Chief Executive Officer will determine if there an investigation is required. The staff member concerned will be informed of this decision.
- 1.12 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the protected disclosure until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of ill treatment of patients or other health and safety matters, suspension from work may have to be considered immediately. Protection of patients and staff members is paramount in all cases.
- 1.13 The Chief Financial Officer will offer to keep the staff member informed about the investigation and its outcome.
- 1.14 If the result of the investigation is that there is a case to be answered by any staff member, then the WCDHB Staff Discipline Procedure will be followed.
- 1.15 Where there is no case to answer, but the staff member held a genuine concern and was not acting maliciously, the Chief Financial Officer is to ensure that the staff member who made the protected disclosure suffers no reprisals.
- 1.16 Only where false allegations are made maliciously, will it be considered appropriate to act against the staff member who made the protected disclosure under the terms of the WCDHB Staff Discipline Procedure.



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- 1.17 All responses to the staff member who made the protected disclosure will be in writing, and sent to his/her home address. The Chief Financial Officer will immediately send a written acknowledgement of the concern to the staff member and, thereafter, report back to him/her, in writing, the outcome of the investigation, and on the action that is proposed. If the investigation is a prolonged one, the Chief Financial Officer will keep the concerned staff member informed, in writing, as to the progress of the investigation, and as to when it is likely to be concluded. Staff members will be told, as far as is possible and subject to third party rights, what the outcome of their concern is.
- 1.18 The Chief Financial Officer will be briefed as to the outcome of the investigation and will then arrange a meeting with the staff member to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned). The feedback will be provided within the time limits agreed as appropriate, given the nature and complexity of the investigation.
- 1.19 If the staff member who wishes to make the protected disclosure believes that on reasonable grounds that:
- (i) the Chief Financial Officer is or may be involved in the serious wrongdoing alleged in the protected disclosure; or
  - (ii) the Chief Financial Officer, by reason of any relationship or association with a person who is or may be involved in the serious wrongdoing alleged in the protected disclosure; the staff member may make the protected disclosure directly to the Chief Executive Officer.
- 1.20 If the staff member who wishes to make the protected disclosure believes that on reasonable grounds that:
- (i) the Chief Executive Officer may be involved in the serious wrongdoing alleged in the protected disclosure; or
  - (ii) the matter to which the protected disclosure relates is serious in nature to warrant urgent action; or
  - (iii) the staff member has made a protected disclosure as per Sections 1.05 – 1.18 and there has been no action within 20 working days after the date on which the protected disclosure was made;
- then the staff member may make the protected disclosure directly to an appropriate authority.
- 1.21 If the staff member who made the protected disclosure is not satisfied with the outcome of the investigation, and they believe on reasonable grounds that:
- (i) the Chief Financial Officer and/or the Chief Executive Officer have not discharged their responsibilities contained within this Procedure and have decided not to investigate the matter; or
  - (ii) the Chief Executive Officer has decided to investigate the matter but has not made progress with the investigation within a reasonable time after the date on which they were informed of the protected disclosure; or



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- (iii) the Chief Financial Officer and/or the Chief Executive Officer have investigated the matter but have not taken any action in respect of the matter nor recommended the taking of action in respect of the matter, as the case may require; and they continue to believe on reasonable grounds that the information disclosed is true or likely to be true, then they may make a protected disclosure to the Ombudsmen or a Minister of the Crown.

### 7. Precautions And Considerations

- The staff member will be protected from reprisals so long as they have a genuine concern and have not acted maliciously, even if there proves to be no case to answer.
- Making a protected disclosure is regarded an exceptional measure to assist staff members when they regard other Procedures ineffective or inappropriate in reporting an incident.

### 8. References

There are no references associated with this Procedure.

### 9. Related Documents

WCDHB Staff Discipline Procedure

<b>Revision History</b>	<b>Version:</b>	6
	<b>Developed By:</b>	Corporate Services: HR
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