

	<p>POLICY</p>
<p>Reference</p>	<p>Public Interest Disclosures made to staff of the Adult Guardian by members of the public regarding danger to a person with a disability.</p>
<p>Version</p>	<p>1</p>
<p>Date effective:</p>	<p>1 January 2011</p>
<p>Circulation</p>	<ul style="list-style-type: none"> ▪ Office of the Adult Guardian ▪ General Public
<p>Application</p>	<p>This Policy applies to third party disclosures of substantial and specific danger to the health or safety of a person with a disability and the conduct of another person that could, if proved, be a reprisal against the third party discloser.</p>
<p>Published by</p>	<p>Policy, Communication and Training Unit Office of the Adult Guardian</p>
<p>Other governing source</p>	<ul style="list-style-type: none"> • <i>Public Interest Disclosure Act 2010 (Qld)</i> • <i>Public Service Commission Public Interest Disclosure Standard (1 January 2011)</i>

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1. Purpose

This Policy sets out the responsibilities of the Adult Guardian in relation to the *Public Interest Disclosure Act 2010*. In particular it focuses on promoting the public interest by protecting people who make **public interest disclosures** (PID) about “a substantial and specific danger to the health or safety of a person with a disability”¹.

2. Background

The *Public Interest Disclosure Act 2010* came into operation on 1 January 2011. The Public Service Commission administers the *Public Interest Disclosure Act 2010* (PID Act).

What constitutes a PID depends on who is making the disclosure. The PID Act distinguishes between disclosures made by a public officer and those made by anyone else.

PIDs made by public officers

A public officer may make a PID in relation to the following conduct of another person:

- (a) official misconduct or maladministration
- (b) substantial misuse of public resources or
- (c) conduct by a person causing danger to public health or safety.

A public officer who wants to make a PID of this nature should consult the Public Interest Disclosure Policy of the Department of Justice and Attorney-General. That policy may be viewed on the Department of Justice and Attorney-General website at:

http://www.justice.qld.gov.au/data/assets/pdf_file/0007/75391/Public-Interest-Disclosure.pdf.

PIDs made by any person

Any person may make disclosures about the following:

- (a) a substantial and specific danger to the health or safety of a person with a disability
- (b) a substantial and specific danger to the environment or
- (c) a reprisal taken against anybody as the result of a PID.

The Adult Guardian is a proper entity/authority to which a person may make a disclosure about a ‘*substantial and specific danger to the health and safety of a person with a disability*’.

3. Statement of Commitment

The Adult Guardian recognises that people with a disability are particularly vulnerable to abuse, neglect and exploitation.

The Adult Guardian is committed to protecting the rights and interests of adults with impaired capacity by ensuring the appropriate investigation or referral of

¹ Section 12 *Public Interest Disclosure Act 2010*

disclosures of a substantial and specific danger to the health or safety of a person with a disability.

The Adult Guardian is committed to the protection of individuals who make disclosures under the PID Act of a danger to the health and safety of a person with a disability. Individuals are more likely to disclose wrongdoing if they know their concerns will be appropriately handled and they have adequate protections available to them.

In order to meet this commitment, the Adult Guardian will undertake the following:

- educating the community about the role of the Adult Guardian in investigating allegations of abuse, neglect or exploitation of adults with impaired capacity
- educating and promoting awareness of the staff at the Office of the Adult Guardian about the policy and procedure in place to support them to recognise and handle a PID made to them by another public servant or member of the public
- monitoring to ensure that staff respond to a PID in accordance with the policy and procedure
- ensuring that the investigation of PIDs is undertaken by the investigations team within the Office of the Adult Guardian, in a manner which is consistent with the legislative authority, policy direction and discretionary power of the Adult Guardian
- establishing and maintaining clear referral pathways to other public sector entities for PIDs which the Adult Guardian cannot investigate or remedy, and for the referral of potential systemic issues which are more appropriately addressed by other agencies
- reporting on PIDs received by the Adult Guardian in its Annual Report and to the Public Service Commission.

4. Roles and responsibilities

The Adult Guardian

The Adult Guardian is a proper authority for a person to make a disclosure to in relation to a danger to a person with a disability (that is, impaired decision-making capacity) for the purposes of the PID Act. Under legislation:

The Adult Guardian may investigate any complaint or allegation that an adult with impaired capacity for a matter –

- (a) is being neglected, exploited or abused; or
- (b) has inappropriate or inadequate decision-making arrangements².

If the Adult Guardian receives a PID which does not relate to an adult with impaired capacity, the Adult Guardian will direct the referral to another appropriate public sector entity for further investigation or remedy.

The Adult Guardian has overall responsibility for the conduct and resolution of PIDs received by the Office of the Adult Guardian but may delegate the day to

² Section 180 *Guardianship and Administration Act 2000*

day duties for administering and monitoring PIDs to appropriately qualified staff. The Adult Guardian may be contacted in relation to a PID as follows:

By email: PIDadultguardian@justice.qld.gov.au

By telephone: 07 3234 0870

PID Officer

The PID Officer is the staff member nominated by the Adult Guardian as the person responsible for the statutory functions outlined in the PIDA. The PID Officer has the following responsibilities:

- monitoring to ensure that staff respond to a PID in accordance with the policy and procedure
- recording and reporting information in accordance with the Public Services Commission's "Public Interest Disclosure Standard"
- educating and promoting awareness of the staff at the Office of the Adult Guardian about the policy and procedure in place to support them to recognise and handle a PID made to them by another public servant or member of the public.

The PID Officer may be contacted as follows:

By email: PIDadultguardian@justice.qld.gov.au

By telephone: 07 3234 0870

Officers

Staff of the Office of the Adult Guardian may receive a PID during the course of their day to day work activities. Staff may be contacted directly by a discloser

Staff who receive a PID must notify the Director (Policy & Specialised Services), follow the policy and procedure and follow the directions of the Director (Policy & Specialised Services) in relation to dealing with the PID.

5. Monitoring

The Adult Guardian is required on a quarterly basis to report PID to the Public Service Commission. Collection of this information to form the report to the Public Service Commission will demonstrate monitoring of compliance of this policy.

6. Evaluation and Review

This policy will be reviewed one year after implementation by the Director (Policy & Specialised Services) to assess the effectiveness of the policy and procedures that relate to PID and compliance with internal policy and procedure and the Public Service Commission *Public Interest Disclosure Standard*.

7. Glossary

For purposes of this policy, the following definitions shall apply:

Term	Definition
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PID or PIDs	Public Interest Disclosure/s
PID Act	<i>Public Interest Disclosure Act 2010 (Qld)</i>
Discloser	The person who makes a PID.
Officer	Employee of the Office of the Adult Guardian

8. Version History

Version	Notes	Author	Date of change
1	First draft for discussion	Assistant Adult Guardian	20.12.2010
1	Further amendments	Manager Policy, Communication and Training Unit	21. 04 2011
1	Reviewed	Director (Policy & Specialised Services)	26.05.2011
1	Reviewed	Adult Guardian	01.08.2011
1	Amended in accordance with feedback from the Adult Guardian.	Director (Policy & Specialised Services)	31.10.2011 and 09.12.2011
1	Approved	Adult Guardian	12.12.2011