REPORTS OF WRONGDOING – INVESTIGATION PROCEDURES 2012

Issued by: **Director, Audit and Risk Management**

Date: **7 September 2012**

Signature:

Name: **Craig Prosser**

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1 Purpose and application

(1) These procedures are to give effect to the *Reporting Wrongdoing Policy 2012* ("the **policy**").

(2) These procedures apply to:

(a) all University staff and affiliates; and

(b) any investigation conducted under the policy.

2 Commencement

These procedures commence on 7 September 2012.

3 Interpretation

Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the policy.

4 Initial assessment

(1) The Director, Audit and Risk Management will make an initial assessment of each disclosure (report of wrongdoing) as soon as possible after it has been received in order to:

(a) determine if an investigation is required.

(b) determine if the disclosure is a public interest disclosure as defined in the Public Interest Disclosures Act 1994, and if so, comply with the requirements of the Act.

(2) The initial assessment may involve talking to the person who has made the disclosure and/or collecting background information.

(3) When the initial assessment is completed the Director, Audit and Risk Management will determine if there is sufficient evidence to warrant an investigation.

(4) If the Director, Audit and Risk Management is of the view that the Audit and Risk Management Unit has a conflict of interests in relation to a disclosure, then the Director will refer the matter to an external investigator for initial assessment and, if necessary, investigation.

(1) The Director, Audit and Risk Management will ensure that the Vice-Chancellor is regularly updated on the progress of matters.

5 Conduct of investigations generally

(1) The aim of an investigation is to determine the facts surrounding the matter that has been disclosed.

(2) An investigation will be conducted by means of interviews and/or examination of documents and records.

(3) As far as possible, an investigation should be completed within 6 months of the date of receipt of the original disclosure. If any investigation has not been completed within that time, the Director Audit and Risk Management will ensure that a letter is written to, or other appropriate communication made with, the person who made the disclosure informing them of the status of the matter and of the further steps to be taken in relation to it.

(4) Investigations must be conducted as discreetly as possible.

(5) The University, and in particular the investigator, must make every reasonable effort to ensure that the identity of the person the subject of a disclosure is kept confidential.

6 Persons the subject of disclosures

(1) A person the subject of a disclosure must be given full opportunity to put their case to the investigator.

(2) The investigator must inform the person the subject of the investigation of:

(a) the substance of the disclosure; and

(b) the outcome of the investigation.

7 Interviews

(1) Staff members and affiliates have the right to refuse to attend an interview with an investigator.

(2) All interviews with persons the subject of an investigation or significant witnesses will be electronically recorded. Refusal to consent to such recording will constitute refusal to attend the interview.

(3) If a staff member or affiliate refuses to attend an interview, the investigator may write to that person seeking a written response to questions.

(4) If a staff member or affiliate who attends an interview refuses to answer any or all of the questions at the interview, the investigator may write to that person seeking a written response to the questions.

(5) If a staff member or affiliate refuses to answer questions put to them in writing the University may consider disciplinary action.

(6) A person who is interviewed will usually be provided with a copy of the electronically recorded interview upon its completion. However, the investigator may (at the investigator's discretion) withhold a copy of the interview until all parties affected by the matter have been interviewed.

(7) Any person who believes they might require an interpreter should state this to the investigator at least 2 days prior to the interview.

8 Observers

(1) A person being interviewed may invite another person to be present at the interview as an observer.

(2) A person being interviewed will inform the investigator of the proposed observer's identity at least 2 days prior to the interview.

(3) The investigator may determine that a particular individual is unsuitable as an observer if the investigator believes that that person may have some direct involvement in the matter being discussed. In this case, the person being interviewed will be given the opportunity to nominate an alternative observer.

(4) Where an observer is present, the investigator may request an additional University representative to be present.

(5) An observer may only provide support to the person being interviewed. The observer must not:

   (a) act as an advocate for the person being interviewed;

   (b) halt the interview at any time;

   (c) seek to interfere with, or to suggest, answers of the person being interviewed;

   (d) restate the investigator's questions to the person being interviewed; or

   (e) restate the answers given by the person being interviewed.

(6) Prior to or at the commencement of the interview, the investigator will seek the observer's agreement to treat the content of the interview as confidential.

(7) If the observer does not agree to keep the interview confidential, that person may not attend the interview. In this case, the person being interviewed will be given the opportunity to nominate an alternative observer.

(8) If the investigator forms the view that the interview cannot be properly conducted because of inappropriate behaviour by an observer, the investigator will give the person being interviewed the choice of terminating the interview or continuing without the observer.

(9) If the person being interviewed elects to terminate the interview, the investigator may write to that person seeking a written response to questions.

(10) An individual observer may only act as an observer for one person in any investigation.

9 Investigation reports

(1) When an investigation is completed the investigator will prepare a written report.

(2) If the report recommends that disciplinary action should be considered, the member of staff who may be subject to the disciplinary action must be given the opportunity to respond to the report.

(3) In such circumstances, the Director Audit and Risk Management will write to the member of staff, provide a copy of the report, and seek their comments within a reasonable period of time.

(4) Once these comments are received the Director Audit and Risk Management will:

  (a) give due consideration to the staff member's comments; and

  (b) provide a written investigation report to the Office of General Counsel for consideration and action in accordance with relevant industrial instruments, University policies and legislation.

(5) If no disciplinary action is recommended, the Director Audit and Risk Management will provide a written report to the relevant Dean or Unit Head.

(6) A letter will be written to or other appropriate contact made with the person who made the disclosure advising them of the outcome.

(7) In the case of criminal matters, these investigation procedures may be varied at the formal direction of the police and consequent advice from the Office of General Counsel.

10 Serious Complaints Committee

The Director, Audit and Risk Management will ensure that all serious complaints are reported to the Serious Complaints Committee.

NOTES

Reports of Wrongdoing - Investigation Procedures 2012

Date adopted:

Date registered:

Date commenced:

Administrator:	Director, Audit and Risk Management
Review date:	23 January 2017
Related documents:	*Public Interest Disclosures Act 1994 (NSW)*
	Government Information (Public Access) Act 2009 (NSW)
	State Records Act 1998 (NSW)
	NSW Ombudsman's Guideline *What can be reported*
	www.ombo.nsw.gov.au

www.icac.nsw.gov.au

Code of Conduct: Staff

University Record Keeping Policy

Reporting Wrongdoing Policy 2012

Corruption Prevention Strategy

AMENDMENT HISTORY

Provision	Amendment	Commencing