



Procedure

Complaints involving the ‘public official’ (Director-General) procedure

Version: 2.2 | Version effective: 17/07/2024

Audience

Department wide

Purpose

This procedure sets out responsibilities and processes for raising, and dealing with, a complaint (or information or matter) that involves, or may involve corrupt conduct by the Director-General of the Department of Education (the Department).

Overview

Section 48A of the [Crime and Corruption Act 2001 \(Qld\)](#) (the Act) requires the Department to have a policy about how the Department will deal with complaints that involve or may involve corruption of the Director-General. Under the Act, the policy may nominate a person other than the Director-General to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint. The provisions of the Act that regulate how the Director-General as the public official of the Department is to notify or deal with a complaint also apply to the nominated person.

The Deputy Director-General, People, Information and Communication Services (DDG PICS) is the person nominated by the Department to deal with complaints of this nature, as authorised under section 48A(2) and (3) of the Act. They are supported in undertaking this function by the Director, Intake, Referrals and Partnerships, who is the Department's CCC liaison officer. In the event that a complaint is devolved to the Department by the CCC, the matter will be managed in accordance with the Public Sector Commission's Framework for oversight of senior public service employee complaints devolved by the Crime and Corruption Commission (CCC) (the Framework).

This procedure assists the Department to comply with requirements under, and in accordance with the Act and the Framework, and:

- promotes public confidence in the way suspected corrupt conduct by the Director-General of the Department of Education is dealt with, under section 34(c) of the Act, and,
- promotes accountability, integrity and transparency in the way the Department deals with a complaint that may involve, or is reasonably suspected to involve corrupt conduct by the Director-General of the Department of Education.

For complaints about the suspected fraud, corruption or misconduct by any employee other than the Director-General, refer instead to the [Reporting fraud and corruption procedure](#).

This procedure should be read in conjunction with the [Complaints and grievances management policy](#).

Responsibilities

Employees

- understand and fulfil their obligation to identify and report allegations of suspected wrongdoing (that is, fraud, corrupt conduct and other misconduct) in accordance with the [Code of Conduct for the Queensland Public Service](#) and the Department's [Standard of Practice](#)
- maintain confidentiality of information of complaints/reports made under this procedure
- complete [mandatory training](#) (DoE employees only) and role-specific education and training consistent with fraud, corruption and misconduct prevention matters in their area of responsibility and relevant [delegation/s](#) (DoE employees only)
- report complaints of suspected corrupt conduct or misconduct by the Director-General without unreasonable delay
- participate in [workplace investigations](#) (DoE employees only) where they have been lawfully and reasonably directed to do so.

Public Sector Managers

- ensure employees are aware of what constitutes corrupt conduct under the Act
- ensure their employees are aware of the process for identifying and reporting on complaints of corrupt conduct or misconduct by the Director-General
- escalate complaints of suspected corrupt conduct or misconduct by the Director-General
- ensure duty of care to employees under their supervision, by facilitating support appropriate to the circumstances (for example, the [Employee Assistance Program](#) (DoE employees only))
- ensure appropriate confidentiality of information received through complaints made under this procedure.

Integrity and Employee Relations

- assess and escalate complaints made using this procedure
- provide advice and direction to employees on the correct procedure for reporting complaints of corrupt conduct or misconduct by the Director-General
- maintain and secure records in the Department's complaints management system (Resolve) in accordance with the [Information asset and recordkeeping procedure](#) and the [Queensland Ombudsman – Good decision making guide](#)
- deal with any complaints of corrupt conduct or misconduct by the Director-General in accordance with instructions received from the DDG PICS.

Director, Intake, Referrals and Partnerships

- provide advice and guidance to employees involved in these processes

- ensure that records are appropriately secured and retained to meet reporting obligations to the CCC and the Queensland Ombudsman
- assist the DDG PICS to undertake their functions under this procedure
- consider human rights when managing a complaint and make decisions that are compatible with the *Human Rights Act 2019* (Qld).

Deputy Director-General, People, Information and Communication Services (DDG PICS) (nominated person)

- receive complaints of suspected corrupt conduct or misconduct by the Director-General
- as the nominated person for dealing with any complaint they reasonably suspect involves, or may involve, corrupt conduct by the Director-General, notify the CCC in accordance with sections 38 and 48A(2) and (3) of the Act
- deal with any complaint of corrupt conduct in accordance with any advice received from the CCC
- deal with any complaint of corrupt conduct by the Director-General where a matter is devolved back to the Department, in accordance with the Framework
- ensure that records are maintained of complaints received and dealt with in accordance with this procedure
- maintain appropriate confidentiality of complaints made and dealt with under this procedure
- consider human rights when managing a complaint and make decisions that are compatible with the *Human Rights Act 2019* (Qld).

Director-General

- inform the CCC and the nominated person of the Director-General's contact details
- inform the CCC of the nominated person's contact details
- refer any complaint received about their corrupt conduct to the DDG PICS without unreasonable delay
- ensure sufficient resources are available to deal with complaints made under this procedure
- consult with the CCC when proposing any policy changes about how the Department will deal with a complaint that involves or may involve corrupt conduct of the Director-General.

Process

1. Identify and report suspected corrupt conduct or misconduct

Employees and members of the public can report suspected corrupt conduct or misconduct of the Director-General. Members of the public may use the options below that are not restricted to DoE employees.

Employees are to complete annual mandatory training which outlines their obligations to report. If an employee becomes aware of information suggesting corrupt conduct or misconduct of the Director-General, they must immediately report to one of the following:

- DDG PICS, as the Department's nominated person, by email to DDG.PICS@qed.qld.gov.au OR
- Intake, Referrals and Partnerships unit, by:

- using the Department's electronic complaints lodgement system [iRefer](#) (DoE employees only) OR
- email to intake@qed.qld.gov.au OR
- telephone to 1800 INTAKE (468 253) OR
- post to The Director, Intake, Referrals and Partnerships, PO Box 15033, City East, 4000 OR
- anonymous [online form](#) (DoE employees only) (note: this does not support attachments and is only available for employees working on departmental premises connected to the Department's network).
- The CCC, for corrupt conduct, by email mailbox@ccc.qld.gov.au
- Public Sector Commission Chief Executive, for misconduct, by:
 - email to commission.psc@psc.qld.gov.au OR
 - telephone to (07) 3003 2800.

If an employee is unsure whether the information suggests misconduct or corrupt conduct by the Director-General, they may seek advice from:

- their public sector manager (supervisor)
- another senior leader within the Department
- relevant [Human Resource Business Partner](#) (DoE employees only)
- the Intake, Referrals and Partnerships unit.

2. Registration and assessment

Complaints involving the Director-General that are received by the Department using the different reporting mechanisms will be registered, communicated and appropriately secured. If the complaint is received by:

- the DDG PICS, who may receive a report from the Director-General, any other employee or a member of the public:
 - the DDG PICS will liaise with the Director Intake, Referrals and Partnerships to register the complaint within the Department's case management system (Resolve), who will ensure it is appropriately secured.
- the Intake, Referrals and Partnerships unit, who may receive a report from an employee or a member of the public:
 - the Intake, Referrals and Partnerships unit will register the complaint within the Department's case management system (Resolve), ensure it is appropriately secured and report the complaint to the DDG PICS without delay.

In the event that a complaint is received directly by the Director-General, the Director-General:

- must report the complaint to the DDG PICS as soon as practicable
- may additionally notify the CCC of the complaint
- must not take further action to deal with the complaint unless requested to do so by the nominated person or another agency that is investigating or managing the investigation of the complaint.

The Director, Intake, Referrals and Partnerships will assist the DDG PICS in assessing whether the complaint involves, or may involve corrupt conduct, including requesting further information from the complainant to assist in the assessment of the complaint. Further information cannot be sought from an anonymous complainant and will not be sought from a person who states they do not want to be contacted with respect to the complaint.

The DDG PICS and the Director, Intake, Referrals and Partnerships

- must consider human rights and document their assessment of whether the complaint engages or limits any human rights by examining the following questions:
 - Are any human rights engaged or impacted by the decision or action complained about?
 - If so, will the decision or action complained about limit those human rights?
 - If so, is the limitation lawful, justified and reasonable in the circumstances?
- must ensure the assessment of human rights considerations is saved in the Department's records managements system
- must not commence investigating the complaint
- must maintain the integrity of any possible evidence
- may implement public interest discloser protection, where applicable
- must meet any other statutory obligation under another Act, including the referral of criminal conduct or allegations to the Queensland Police Service.

The Intake, Referrals and Partnerships team will acknowledge the complaint in writing to the complainant in accordance with internal guidance materials, except where:

- the complainant is anonymous
- a complainant states they do not want to be contacted with respect to the complaint.

3. Report suspected corrupt conduct to the Crime and Corruption Commission (CCC)

A complaint involving the Director-General may not involve corrupt conduct. The DDG PICS is only required to notify the CCC about allegations of misconduct by the Director-General if they form a reasonable suspicion that the matter involves corrupt conduct.

Where the DDG PICS reasonably suspects that a matter does involve corrupt conduct by the Director-General, they must notify the CCC without unreasonable delay, in accordance with section 38 of the Act and the Directions issued by the CCC to the Department under section 40 of the Act.

Should the DDG PICS decide that a complaint, or information or matter, about alleged corrupt conduct by the Director-General is not required to be notified to the CCC under section 38 of the Act, the DDG PICS must make a record of the decision that complies with section 40A of the Act.

The DDG PICS may choose to notify the CCC in accordance with other business processes in the Intake, Referrals and Partnerships unit or another method, at their discretion. A record of the referral must be saved within the Department's case management system (Resolve).

4. Deal with allegations of corrupt conduct or misconduct

Where, in accordance with section 46 of the Act, the CCC refers a complaint back to the nominated person to deal with, or in accordance with the Directions issued to the Department under section 40 of the Act, the DDG PICS is entitled to commence dealing with the complaint:

- the DDG PICS, as the Department's nominated person must:
 - *not commence* investigating the complaint
 - advise the Director-General of the Department of Premier and Cabinet about the referral and/or complaint so a delegation from the Premier to deal with the complaint can be sought
 - cooperate with any requests for assistance made by another agency that is investigating or managing the investigation of the complaint.
- the Department must ensure the DDG PICS, as the nominated person:
 - has sufficient resources to enable them to perform their functions under this procedure
 - is delegated the same authority, functions and powers as the Director-General to direct and control staff of the Department as if the nominated person is the Director-General of the Department for the purpose of dealing with the complaint.

The DDG PICS is responsible for ensuring that appropriate confidentiality is maintained while dealing with the complaint and records are maintained in the Department's complaints management system (Resolve) in accordance with the [Information asset and recordkeeping procedure](#) and the [Queensland Ombudsman – Good decision making guide](#).

5. Closure

While maintaining appropriate confidentiality, the DDG PICS will communicate the PSC outcomes to relevant parties appropriate to the circumstances of the matter, including avenues for appeals.

The delivery of an outcome should be provided to the complainant once the complaint has been finalised. This outcome may advise of:

- the final outcome of any investigation or management enquiry
- reasons for this outcome
- external rights of review to the CCC (for complaints of corrupt conduct) or Minister (for complaints of misconduct).

An outcome is not required to be provided to an anonymous complainant or a person who states they do not wish to be contacted in this matter.

The DDG PICS will communicate outcomes of investigations where complaints of alleged misconduct and/or corrupt conduct have been substantiated against the Director-General to the CCC and Minister in accordance with the [Public Sector Act 2022 \(Qld\)](#).

The closure of matters being dealt with by the Department may be subject to external review or involve other external agencies (for example, the CCC, Queensland Police Service, Queensland Ombudsman, Queensland Human Rights Commission or Public Sector Commission).

Definitions

Term	Definition
Complainant	A person, organisation or their representative or advocate making a complaint.
Complaint	A concern or report of wrongdoing. For the purpose of this policy, complaint includes 'information or matter' in accordance with section 48A of the Crime and Corruption Act 2001 (Qld) (the Act).
Corrupt conduct	<p>Corrupt conduct is defined in section 15 of the Act. It includes conduct by a person that adversely affects, or could adversely affect a unit of public administration or a person holding an appointment within that unit in a way that:</p> <ul style="list-style-type: none"> • is not honest or impartial • knowingly or recklessly involves a breach of trust placed in the person holding an appointment; or • involves the misuse of official information or material. <p>The conduct must also be serious enough that, if proved, it would constitute a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services.</p> <p>Corrupt conduct includes an attempt or a conspiracy to engage in the conduct, as well as neglect, failure or inaction that adversely affects a public agency or official in the ways described above.</p>
Crime and Corruption Commission (CCC)	A designated statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland. The CCC, established under section 220 of the Act, has primary responsibility for the achievement of the Act's purposes.
Deal with (a complaint)	<p>Dealing with a complaint involving corruption is defined at Schedule 2 of the Act and includes the following:</p> <ul style="list-style-type: none"> • investigate the complaint, information or matter • gather evidence for prosecutions for offences or disciplinary proceedings • refer the complaint, information or matter to an appropriate authority to start a prosecution of disciplinary proceeding • start a disciplinary proceeding • take other action, including managerial action, to address the complaint in an appropriate way.

Term	Definition
Employees	Persons currently employed as public sector employees (see sections 12 and 13) of the Public Sector Act 2022 (Qld) (PS Act), including general employees, fixed term temporary employees, casual employees, public service officers, senior officers, senior executive officers and the chief executive.
Framework	The Public Sector Commission's "Framework for oversight of senior public service employee complaints devolved by the CCC" published on the CCC website (and varied from time to time).
iRefer	iRefer (DoE employees only) is the Department's electronic complaints lodgement system. Complaints can be made on iRefer about employee fraud, corruption and misconduct.
Misconduct	As defined in Section 91 (5), Grounds for discipline, in the PS Act, misconduct means: (a) inappropriate or improper conduct in an official capacity; or (b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public sector entity in which the employee is employed. Example of misconduct—victimising another public sector employee in the course of the other employee's employment in the public sector
Public Sector Manager	Under Schedule 2 (Dictionary) of the PS Act a public sector manager means a public sector employee whose duties involve or include managing other public sector employees in the carrying out of their duties.

Legislation

- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Industrial Relations Act 2016 \(Qld\)](#)
- [Public Interest Disclosure Act 2010 \(Qld\)](#)
- [Public Records Act 2002 \(Qld\)](#)
- [Public Sector Act 2022 \(Qld\)](#)

Delegations/Authorisation

- [HR Delegations Manual](#) (DoE employees only)

Policies and procedures in this group

- [Complaints and grievances management policy](#)

- [Complaints and appeals – subclass 500 \(schools\) visa procedure](#)
- [Customer complaints management - Internal review procedure](#)
- [Customer complaints management procedure](#)
- [Individual employee grievances procedure](#)
- [Information privacy breach and privacy complaints procedure](#)
- [Making and managing a public interest disclosure procedure](#)
- [Managing unreasonable complainant conduct procedure](#)
- [Reporting fraud and corruption procedure](#)

Supporting information for this procedure

- Nil

Other resources

- [Code of Conduct for the Queensland Public Service](#)
- [Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector](#)
- [Department of Education – Standard of Practice](#)
- [Framework for oversight of senior public service employee complaints devolved by the CCC](#)
- [Integrity framework and annual action plan](#) (DoE employees only)
- [Management Foundations program](#) (DoE employees only)
- [Mandatory All-Staff Training program](#) (DoE employees only)
- [Prevention in focus case studies and Corruption Prevention Advisories, Queensland Crime and Corruption Commission](#)
- [Queensland Ombudsman – Good decision making guide](#)

Contact

For further information, please contact: Intake, Referrals and Partnerships

Email: intake@qed.qld.gov.au

Telephone: 1800 INTAKE (468 253)

Mail: PO Box 15033, City East Qld 4002

Review date

17/04/2025

Superseded versions

Previous seven years shown. Minor version updates not included.

1.0 Complaints involving the 'public official' (Director-General)

2.0 Complaints involving the 'public official' (Director-General)

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