Factsheet

Protecting complainants and witnesses

Agencies should ensure they have measures in place for protecting complainants and witnesses from adverse consequences of coming forward with concerns or information, and should ensure complainants and witnesses are made aware of these, and of the support available to them.

## Anonymity and confidentiality

Some employees may be concerned that reprisal action will be taken against them as a result of raising concerns or reporting suspected misconduct. For this reason, they may make reports anonymously, or ask that their identity be kept confidential.

**Anonymous reports**

Agencies are encouraged to provide avenues for anonymous reporting, as this can bring to light behavioural concerns that might not otherwise become apparent.

There may be limits to the extent to which anonymous reports can be investigated and addressed, and agencies should explain this to anonymous complainants where possible.

Agencies should carefully consider how an anonymous complaint can be considered or investigated, including the available relevant information and avenues of inquiry.

Avenues for anonymous reporting

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**Confidentiality**

In some cases, a complainant will make their identity known to the agency, but request that it not be disclosed further.

While agencies may undertake to maintain confidentiality to the extent possible, it can often be necessary to reveal the identity of the complainant or a witness in order to provide the person under investigation with the information they need to respond fully to the allegations. In some cases, identities may become apparent simply by virtue of the nature of the complaint.

## Protection from reprisal

Employees who make allegations of misconduct are protected from reprisal. Retaliation against someone who has made a complaint in good faith could be a potential breach of a number of elements of the APS Code of Conduct, including the requirements to:

* behave with integrity in connection with employment
* comply with all applicable Australian laws
* treat everyone with respect and courtesy, and without harassment.

In general, these protections also extend to witnesses in misconduct investigations.

Further information can be found in **Chapter 3** of **Handling Misconduct.**