

Integrity Spotlight

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Advisory

Many public officers who suspect wrongdoing in their workplace are faced with tension between doing the right thing and overcoming apprehensions about reporting.

Managing anonymous complaints

Public authorities should be equipped to receive and address complaints of alleged wrongdoing by their staff. From time to time, those complaints will be made anonymously.

The Commission has observed a number of occasions where public authorities have not accepted or acted on anonymous complaints. This poses a risk that serious allegations, including allegations of corruption, will not be addressed.

It is important that public authorities understand the reasons why people make anonymous complaints and have processes in place to address those complaints in an appropriate way.

Why do people make anonymous complaints?

In the Commission's experience, very few complaints are made for improper purposes, even when they are made anonymously.

Many public officers who suspect wrongdoing in their workplace are faced with tension between doing the right thing and overcoming apprehensions about reporting.

Those apprehensions can arise because a public officer:

- does not want to be labelled a trouble maker
- feels a sense of loyalty towards the agency and their colleagues
- does not understand the way in which complaints are addressed, or the protections which are available to them
- lacks confidence that the complaint will be properly addressed, or that protections will actually be afforded
- does not wish to jeopardise their current employment or future opportunities
- does not feel safe reporting because they might otherwise be victimised.

Reporting anonymously can provide a means to resolve those tensions.

In response to the Commission's 2021 Public Integrity Survey, 82.6% of respondents indicated they would prefer to have the option to remain anonymous if they made a complaint. Many participants explained that the inability to remain anonymous was a major barrier to reporting impropriety in the workplace.

Misconceptions about anonymous complaints

It is sometimes thought that an anonymous complaint is more likely to be vexatious. In the Commission's experience, this is rarely the case.

Although a complainant may not be privy to all relevant information, they usually report their suspicions in good faith. It is more often one of the reasons outlined above which causes someone to make their complaint anonymously.

There is also the misconception that an anonymous complaint cannot be pursued without knowing the complainant's identity because the person alleged to have engaged in improper conduct cannot be afforded procedural fairness. In many cases, a complainant's identity is immaterial to the investigation or any disciplinary process which might follow.

For example, an anonymous complaint alleging a public officer has misused their purchase card could be investigated by obtaining and reviewing their purchase card statements, together with other relevant material. If evidence of impropriety was found, procedural fairness could be afforded to the public officer under investigation without knowing the complainant's identity.

How can anonymous complaints be addressed?

All complaints of alleged wrongdoing should be carefully assessed to determine whether or not further action is required.

Consideration should be given to:

- The nature and seriousness of the allegations raised in the complaint
- The credibility of the information provided
- Whether the allegations can be reasonably tested or verified without the complainant's identity.

While anonymous complaints should be accepted and considered, they will not always require formal action.

At times, the allegations raised in an anonymous complaint might be too broad or vague for any meaningful inquiries to be made. Without being able to contact the complainant for further information, there may be no other avenues available to progress the matter.

In other cases, the complainant's identity may be critical to the investigation. For example, if an anonymous complainant alleges they have been the subject of workplace bullying, it would be difficult to pursue an investigation without knowing who they are.

Public authorities must not tolerate, or be seen to tolerate, acts of victimisation against people who come forward to report their suspicions.

In the event that an anonymous complaint cannot be formally pursued, a public authority should still consider whether other action is required. For example, an anonymous report may prompt:

- informal discussions with relevant staff or managers
- education or training initiatives
- staff reminders relating to behavioural standards or relevant policies
- the review of relevant workplace practices, policies or procedures
- a workplace 'culture check'
- the monitoring or surveying of particular areas of the workplace.

What can public authorities do?

Public authorities that receive a high proportion of anonymous complaints should consider why that is the case.




The desire to report anonymously can be reflective of broader agency culture. It is important that public authorities actively encourage their staff to report suspected wrongdoing and protect those who do. Public authorities must not tolerate, or be seen to tolerate, acts of victimisation against people who come forward to report their suspicions.

Public authorities should be mindful that staff in junior positions often feel less empowered to report suspected wrongdoing than those in senior roles. It is important to acknowledge that the views of senior management might not be reflective of those held by other staff.

Public authorities should ensure they have a complaint handling process which contemplates the receipt, assessment and investigation of anonymous complaints. They should also educate staff on the *Public Interest Disclosure Act 2018*.

If staff have confidence in the public authority and the reporting process, they are more likely to come forward.

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