



Witness Wellbeing

1. Purpose

The purpose of this policy is to set out for Independent Broad-based Anti-corruption Commission's (IBAC) officers, IBAC's expectations concerning the psychological wellbeing of witnesses, persons of interest and other persons subject to or impacted by the exercise of IBAC's duties, functions and powers. The application of this policy and related documents seeks to ensure risks to psychological wellbeing are, so far as reasonably practicable, eliminated, reduced or managed.

IBAC's primary role in relation to witness wellbeing is to provide liaison and referral support within the lifecycle of an operation. Where a risk to a person's psychological wellbeing arises at any time, such as a risk of suicide, self-harm, harm to others, extreme distress or anxiety or makes a family violence disclosure, IBAC Officers must escalate immediately.

IBAC's psychological wellbeing support extends to immediate family members and dependents as required/appropriate.

2. Context

IBAC's primary statutory function is to expose and prevent serious and systemic corrupt conduct and police personnel misconduct. Witnesses, persons of interest and other persons subject to the exercise of IBAC's duties, functions and powers may experience a level of stress, discomfort or emotional turmoil. This policy operates to ensure that risks to the psychological wellbeing of individuals are, so far as reasonably practicable, eliminated, reduced or managed, having regard to IBAC's purpose and function, and in accordance with relevant legislation.

The *Independent Broad-based Anti-corruption Commission Act 2011 (Vic)* (IBAC Act) contains specific obligations and requirements relating to the safety and wellbeing of others. In exercising certain powers under the IBAC Act, IBAC Officers are required to have regard to whether undertaking such activities would cause unreasonable damage to a person's reputation, safety and wellbeing. The IBAC Act contains additional protections for witnesses with a mental, physical or other impairment.

The *Occupational Health and Safety Act 2002 (Vic)* (OHS Act) and *Charter of Human Rights and Responsibilities Act 2006 (Vic)* (Charter) impose additional obligations upon IBAC.

The OHS Act (s23) imposes upon IBAC, as an employer, a duty to ensure, as far as is reasonably practicable, that persons other than employees are not exposed to risks to their health and safety because of IBAC's conduct. IBAC is required to eliminate or reduce risks to health and safety, to the extent that is reasonably possible.

The Charter requires IBAC Officers to act compatibly with, and to give proper consideration to, human rights when making a decision. The Charter recognises that legislation, such as the IBAC Act, may mean IBAC is required to act in a way, or make a decision that limits a human right.

Consideration should also be given to the **Public Interest Disclosures Act 2012 (Vic)** (PID Act) and IBAC's Guidelines for **Public Interest Disclosure Welfare Management** (see supporting information) to the extent that there are concerns about the psychological wellbeing of a PID complainant (PID Act, s54).

The **Privacy and Data Protection Act 2014 (Vic)** governs the collection, use and disclosure of individuals' personal information. However, disclosure of personal information is permitted in certain circumstances, for example, where there is a reasonable belief that there is a serious threat to a person's life, health, safety or welfare (Information Privacy Principle 2.1).

3. Scope

This policy sets out IBAC's expectations concerning the psychological wellbeing of witnesses, persons of interest and other persons subject to the exercise of IBAC's duties, functions and powers.

In line with this policy and supporting documentation, IBAC Officers are required to identify, assess and manage risks to psychological wellbeing of witnesses, persons of interest and other persons subject to the exercise of IBAC's duties, functions and powers throughout the lifecycle of an operation, including:

- during investigations and examinations
- when developing reports and recommendations
- preparing for prosecutions.

This policy does not apply to managing the psychological wellbeing needs of complainants or public interest disclosers, unless the relevant person is also a witness, person of interest or other person subject to the exercise of IBAC's duties, functions and powers.

The policy requirements for managing the psychological wellbeing of complainants and public interest disclosers are set out in the **Welfare Management for Complainants policy** and the **Guidelines for Public Interest Disclosure Welfare Management** respectively (see supporting information).

4. Policy statement

This policy outlines IBAC's responsibilities and commitment to managing the psychological wellbeing of persons involved in or subject to the exercise of IBAC's duties, functions and powers, in accordance with legislative requirements.

IBAC's practices are designed to:

- ensure witnesses, persons of interest and others involved in IBAC activities are treated with respect, dignity and fairness
- ensure the health, safety and psychological wellbeing of witnesses, persons of interest and others subject to the exercise of IBAC's duties, functions and powers, are identified, assessed and managed at all stages of its operations
- balance the psychological wellbeing of witnesses and persons of interest with IBAC's mandated purpose to identify, investigate, expose and prevent serious and systemic corrupt conduct and police misconduct

- provide a systematic approach to identify, assess and manage risks to the health, safety and psychological wellbeing of witnesses and persons of interest subject to the exercise of IBAC's duties, functions and powers, so far as is reasonably practicable
- meet all relevant obligations under the IBAC Act, OHS Act, Charter and applicable subordinate instruments.

5. Policy principles

Table 1 outlines the key principles that underpin this policy.

Table 1: Policy principles

Principle	Description
Respect, Dignity and Fairness	<ul style="list-style-type: none"> • IBAC Officers are required to treat all persons they engage with in the course of their duties with respect, dignity and fairness, consistent with IBAC's values.
Care and Support	<ul style="list-style-type: none"> • IBAC provides information to people about the psychological wellbeing support services and resources available to them, and provides reminders about the availability of these services at key points throughout an investigation • IBAC provides witnesses with access to specialist witness support through its outsourced provider of professional psychological services. This service is confidential and funded by IBAC • IBAC Officers consider and review the psychological wellbeing of persons subject to the use of its powers and escalate issues as required, including notifying relevant psychological wellbeing support services • Where specific psychological wellbeing concerns are identified, IBAC implements appropriate measures to manage the person's psychological wellbeing throughout an operation, relevant to the needs and circumstances of the individual • An individual psychological wellbeing plan may be developed in consultation with advice from healthcare professionals if appropriate.
Guidance	<ul style="list-style-type: none"> • IBAC provides training and guidance to IBAC Officers on identifying, assessing and managing psychological wellbeing risks to witnesses, persons of interest and others involved in IBAC's operations • IBAC provides guidance to IBAC Officers on expectations and requirements for responding to, and escalating, identified psychological wellbeing concerns • Escalation means referral to a health professional, notification to the Witness Liaison Officer and the relevant Executive Director.
Risk-based approach	<ul style="list-style-type: none"> • IBAC, through its policies and processes will appropriately identify, assess and manage psychological wellbeing risks for witnesses, persons of interest and other persons subject to the exercise of IBAC's duties, functions and powers • Where reasonably practicable, prior to the use of IBAC powers and throughout an Operation, IBAC Officers must:

	<ul style="list-style-type: none"> - conduct operational risk assessments - consider the potential risks to the health, safety and psychological wellbeing of persons affected by the use of powers, and - identify and implement any available means of eliminating or reducing those risks.
Continuous improvement	<ul style="list-style-type: none"> • IBAC strives for continuous improvement in its psychological wellbeing management practices, by reviewing and improving on relevant resources, materials and processes where practicable • IBAC undertakes quality assurance activities, including operational debriefs and audits of its operational risk assessments of witness psychological wellbeing, to monitor performance and identify training needs • IBAC seeks feedback and guidance from its regulatory oversight bodies, external consultants, and the practices of other agencies and jurisdictions.

6. Witness psychological wellbeing model

IBAC's investigators and witness liaison officers work together to develop a planned approach to communicating with witnesses throughout the lifecycle of an operation.

Support (from IBAC's external psychological wellbeing provider) is available to witnesses, persons of interest and other persons subject to the exercise of IBAC's duties, functions and powers throughout the lifecycle of an operation.

Immediate family members may also be offered access to IBAC's external psychological wellbeing provider.

IBAC officers escalate concerns about changes in the behaviour of witnesses, persons of interest and other persons subject to the exercise of IBAC's duties, functions and powers, which could indicate signs of mental health deterioration.

Where a risk to a person's psychological wellbeing arises at any time, such as a risk of suicide, self-harm, harm to others, extreme distress or anxiety or makes a family violence disclosure, IBAC officers must escalate immediately.

Where necessary, officers may refer individuals to IBAC's external psychological wellbeing provider, their own treating health practitioner or emergency services.

Witness liaison officer(s) do not provide counselling or have a therapeutic relationship with witnesses, persons of interest and other persons subject to the exercise of IBAC's duties, functions and powers.

A **Witness wellbeing procedure** has been developed to support implementation of the model (see supporting information).

7. Escalation

Concerns about changes in the behaviour of witnesses which could indicate signs of mental health deterioration must be escalated to a senior officer and a Witness Liaison Officer.

Psychological distress may be managed by ensuring an immediate referral and scheduled appointment with a person's own treating health practitioner or IBAC's provider of psychological wellbeing services.

Where an urgent risk to a person's psychological wellbeing arises, such as a risk of suicide, self-harm, harm to others, extreme distress or anxiety, or family violence, IBAC officers will escalate to emergency services immediately and contact 000.

All referrals to treating health practitioners, IBAC's provider of psychological wellbeing services and emergency services will be notified to a Witness Liaison Officer and the relevant Executive Director.

Where there is a reasonable belief that there is a serious threat to a person's life, health, safety or welfare, disclosure of relevant personal information is permitted.

8. Complaints about IBAC or an IBAC Officer

If an IBAC Officer receives a complaint from a witness about their conduct or about the conduct of another IBAC Officer or IBAC, the officer must immediately notify the Executive Director, Legal, Assessment, Review & Compliance. Where the complaint requires notification to the Victorian Inspectorate, the Executive Director will make that notification.

9. Definitions

Table 2 describes definitions for this policy.

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Term	Definition
Witness	<ul style="list-style-type: none">For the purposes of this policy, a witness is inclusive of witnesses, persons of interest and other persons subject to or impacted by the exercise of IBAC's duties, functions and powers.

10. Breaches

Any breach of this policy must be reported to a Witness Liaison Officer as soon as the breach is discovered. The Witness Liaison Officer will escalate to the relevant Executive Director as appropriate.

Serious instances of failing to comply with this policy may be referred to the CEO for further action.

11. Supporting information

The following suite of documents support this policy:

- Policy – Welfare management for Complainants
- Policy – Incident management and reporting
- Procedure – Witness wellbeing
- Guideline - Public Interest Disclosure welfare management (in development)

12. Document History

Version	Date approved	Major change description
1		<p>A 2022 internal review of IBAC's current witness wellbeing practices identified opportunities for improvement, including:</p> <ul style="list-style-type: none">• clearer communication with witnesses and persons of interest during the non-investigative phase• currency and consistency of policies, procedures and other supporting documentation• support and advice for front-line IBAC Officers when the needs of witnesses are complex or escalate unexpectedly. <p>This policy supersedes Welfare Management for IBAC investigations – Policy</p>