



Local Government Inspectorate

## **POLICY**

### **Witness welfare management**

<b>Date approved</b>	
<b>Version</b>	1.0
<b>Responsible Officer</b>	Chief Municipal Inspector

## **1. Preliminary matters**

- 1.1. Welfare includes the physical health, mental health, wellbeing, and safety of peoples.
- 1.2. This policy applies to employees and contractors of the Local Government Inspectorate (Inspectorate) who are employed or engaged by the Chief Municipal Inspector ('Inspectorate personnel').
- 1.3. This policy is to be read in conjunction with the Inspectorate's Witness Welfare Management Guidelines.

## **2. Purpose**

- 2.1. The purpose of this policy is to consolidate for Inspectorate personnel key expectations for supporting the welfare of people other than Inspectorate personnel, arising from the exercise of the Inspectorate's functions and powers. The accompanying guidelines provide practical guidance on how to meet these expectations.
- 2.2. The application of this policy and the associated guideline will assist in welfare risks being reduced or eliminated, where reasonably practical.

## **3. Policy statement**

- 3.1. Inspectorate personnel engage with complainants, subject people, witnesses, and other people in the course of carrying out their duties and functions under the *Local Government Act 2020 (Vic)* (the Act).
- 3.2. The Act gives the Chief Municipal Inspector and Inspectors of Municipal Administration certain powers. For example, they may require people to:
  - 3.2.1. produce any document;
  - 3.2.2. appear for examination on oath or affirmation and to answer questions; and
  - 3.2.3. give all reasonable assistance in connection with an investigation.
- 3.3. The Inspectorate recognises the people it deals with:
  - 3.3.1. have varied welfare needs based on factors such as their age, mental health, physical health, educational background, language skills, and cultural background;
  - 3.3.2. may experience stress, anxiety, or other risks to their welfare as a result of dealing with our office.
- 3.4. Inspectorate personnel are expected to support the welfare of all people they deal with by:
  - 3.4.1. demonstrating a regard for their welfare;
  - 3.4.2. actively identifying risks to their welfare; and
  - 3.4.3. eliminating or reducing risks to their welfare.

#### **4. Legal context**

- 4.1. Section 23 of the *Occupational Health & Safety Act 2004* (Vic) (OH&S Act) imposes upon the Inspectorate, as an employer, a duty to ensure, so far as is reasonably practicable, that people other than employees are not exposed to risks to their health and safety because of the Inspectorate's conduct.
- 4.2. Section 20 of the OH&S Act provides that employers such as the Inspectorate are under a duty to eliminate or reduce risks to health and safety, to the extent that is reasonably practicable.
- 4.3. The *Equal Opportunity Act 2010* (Vic) ensures service providers, including the Inspectorate, make reasonable adjustments for people with a disability and do not discriminate against people on the basis of protected attributes such as age, gender identity, race, sexual orientation, and religious belief.
- 4.4. Section 38(1) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) obliges Inspectorate personnel to act in a way that is compatible with human rights, and to give proper consideration to human rights when making decisions.
- 4.5. The Act also contains specific obligations relating to the safety and wellbeing of others. For example, section 190 of the Act requires that in the course of investigating a public interest complaint, the Chief Municipal Inspector must not disclose any information where that disclosure would put a person's safety at risk.
- 4.6. In accordance with the Information Privacy Principles contained in Schedule 1 of the *Privacy and Data Protection Act 2014* (Vic) and the Health Privacy Principles contained in Schedule 1 of the *Health Records Act 2001* (Vic), Inspectorate personnel are permitted to use or disclose personal information about a person if they reasonably believe that the use or disclosure of the information is necessary to lessen or prevent a serious threat to a person's life, health, safety, or welfare.

#### **5. Welfare support**

##### **(a) Guidance**

- 5.1. The Inspectorate provides Inspectorate personnel with Witness Welfare Guidelines to guide them in managing the welfare of people they deal with in the course of their duties.

##### **(b) Training**

- 5.2. Welfare management training is made available to Inspectorate personnel.

##### **(c) Communication**

- 5.3. Where practicable, the Inspectorate modifies its communication style and methods to meet individual needs.
- 5.4. The Inspectorate offers and makes reasonable adjustments for people to access and use our services, regardless of whether they identify as having a disability.

- 5.5. The Inspectorate provides information to people about our processes and their rights and responsibilities.
- 5.6. Inspectorate personnel provide regular updates to people, and where possible and practicable, foreshadow potential next steps or outcomes.
- 5.7. Inspectorate personnel consider timing when providing potentially adverse outcomes to people.
- 5.8. Inspectorate personnel take reasonable steps to engage directly with affected parties, provide reasons for decisions, and explain avenues for review of Inspectorate decisions.

**(d) Welfare risk assessment and monitoring**

- 5.9. Inspectorate personnel will consider potential risks to the welfare of persons they deal with in the course of their work and identify any available means of eliminating or reducing those risks.

**(e) Use of reasonable assistance provisions**

- 5.10. The Inspectorate only uses the powers in section 183 of the Act where necessary and proportionate.
- 5.11. An Inspector’s use of the powers in section 183 of the Act must be approved by the Chief Municipal Inspector.

**(f) Welfare services**

- 5.12. The Inspectorate makes its Employee Wellbeing and Support (EWS) service available to people other than Inspectorate personnel as appropriate.
- 5.13. Inspectorate personnel advise people involved in the exercise of the Inspectorate’s duties and functions of the welfare support resources available to them, as appropriate.

**(g) Responding to threats of suicide or self-harm**

- 5.14. Where a serious threat to a person’s life, health, safety, or welfare is identified, Inspectorate personnel will share information with relevant people, bodies (for example, Victoria Police), or authorities to prevent or lessen the risk of harm to that person.

**6. Roles and responsibilities**

- 6.1. The following table outlines the key roles and responsibilities for this policy:

Role	Responsibility
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Chief Municipal Inspector	<ul style="list-style-type: none"> <li>• To ensure witness welfare is appropriately managed.</li> <li>• To approve this policy.</li> <li>• To maintain this policy.</li> </ul>
Inspectorate personnel	<ul style="list-style-type: none"> <li>• To act in compliance with this policy.</li> </ul>

**7. Review**

7.1. This policy will be reviewed on an annual basis.

**8. Related documents**

8.1. Local Government Inspectorate Guidelines: Witness welfare management