



'SPEAK UP' INDEPENDENT REVIEW PROCESS

The NSW RFS has engaged independent experts, Clayton Utz, to carry out an external review process of serious misconduct complaints.

This independent review process is open, from 31 May 2021, to current and former NSW RFS members seeking a review of past matters of serious misconduct that they have reported.

You should consider the following:

- › **Review** the eligibility criteria for reviews to be conducted
- › **Gather** any information to support your application for a review, such as previous documents or supporting material
- › **Submit** your application through the online portal

Eligibility criteria

To be eligible to apply for a review, you must meet the criteria.

Matters that will be considered

- ✓ A current or former NSW RFS member
- ✓ A complaint about another NSW RFS member (current or former)
- ✓ Reported the original complaint to NSW RFS brigade management or chain of command above
- ✓ Reported the original complaint within the last 3 years, i.e. no earlier than 3 years before the independent review process commencement date of 31 May 2021
- ✓ Relates to serious matters, such as sexual harassment / assault, bullying, discrimination, violence and intimidation.
- ✓ Valid cause for review of the original complaint:
 - the complainant does not believe that the appropriate process was followed;
 - the complainant does not believe that the action taken / penalty imposed was appropriate; and/ or
 - no action taken in respect of the complaint.

Matters that won't be considered

- ✗ A member of the public
- ✗ A complaint about a member of the public or other agency
- ✗ A complaint not previously reported
- ✗ Reported more than three years ago from 31 May 2021
- ✗ A personal work related grievance and low level matters that would not ordinarily be reported to the district and / or local area
- ✗ If the original complaint was about a staff member and was managed under the misconduct provisions of section 69 of the Government Sector Employment (GSE) Act, it is not eligible for review. These are subject to existing review processes under legislative arrangements. A matter is likely to have been managed under the misconduct provisions if:
 - a) the complainant was issued with correspondence that references that the matter was dealt with under the misconduct provisions of the GSE Act;
 - b) a formal investigation was undertaken; and/ or
 - c) the matter was dealt with centrally by the PSU.

Note: It is expected that very few matters will be excluded from review due to being managed under GSE section 69. Each year, on average, we are made aware of 25 complaints of bullying, harassment and discrimination overseen by the Area Commands and/or the Professional Standards Unit that may have been managed under GSE section 69.

[Access the online portal here](#)
or access it through MyRFS

Frequently Asked Questions

How do I request a review?

You can submit your review request directly to Clayton Utz through their [secure online portal](#). Clayton Utz will carry out reviews on all requests from current or former NSW RFS members who meet the eligibility criteria. They may seek any and all relevant information from a member requesting the review, and the NSW RFS. You will be asked to provide any documents or records evidencing details of your original complaint.

How do I know my matter will be treated in the strictest confidence?

All applications for review will be treated confidentially, with strict rules in place on how sensitive information can be shared. You will submit your review request directly online to Clayton Utz where you will be informed of their confidentiality and privacy agreement.

The NSW RFS Professional Standards Unit(PSU) will be the primary point of contact for Clayton Utz to obtain information or records held by the Service relating to your claim review.

How can I be assured the review will be independent?

The impartiality, genuinely independent and truly arm's length process of this review is of paramount importance. For this reason NSW RFS's involvement will be limited to providing Clayton Utz with requisite background information and documents to assist with the review as required.

Clayton Utz is an approved provider on the NSW Government Legal Services Panel and has been expressly engaged to provide an independent and external analysis of past claims raised by members. No person of the NSW RFS is authorised to vary the terms of the engagement.

Clayton Utz has the appropriate structures in place to manage any actual or perceived conflict of interest that may arise, by way of rigorous confidentiality arrangements and information barriers, in line with their professional obligations.

What can I expect from the review?

Clayton Utz will review the process undertaken in regard to your original claim, and determine the appropriateness of the claims handling process, outcome and any management action taken.

After conducting its own inquiries, Clayton Utz will report on its findings, recommendations and suggested remedial actions directly to you (as the eligible person asking for the review), and the NSW RFS PSU.

Each matter will be assessed on its individual merits. NSW RFS has committed to action the outcomes of these independent reviews.

Information about review applications and outcomes will be collated for anonymised reporting to the NSW RFS, and to inform lessons learned and improvements to the NSW RFS grievance and discipline processes.

How long will the independent review process be in place?

The NSW RFS is currently undertaking a review of our grievance and discipline processes, in consultation with members, to establish a new approach which is reflective of modern community expectations and standards. This review is expected to be completed by June 2021, followed by the development of a new approach by the end of the year, to be in place at the beginning of 2022.

As such, this 'Speak Up' Independent Review process will be available to members until the new NSW RFS grievance and discipline processes have been implemented, after which new processes will take over.

What information is required to lodge an application?

When you access the online application portal, you will be asked to provide information including personal contact details and the history of your matter.

You may also wish to provide additional material in support of your application, such as documents. You should gather these and upload them as part of the application process.

If you need any support or need to speak to someone about your wellbeing, please reach out to the Member Assistance Program (1300 360 364).