**Important Information:**

The Western Australian Reportable Conduct Scheme (**Scheme**) requires the head of an organisation covered by the Scheme to provide subject employees with procedural fairness.

Section 19X(2)(a) of the *Parliamentary Commissioner Act 1971* (**the Act**) requires that before any adverse finding is made, the head of the organisation must inform the employee that they are the subject of an investigation, inform the employee of the reportable allegation or conviction investigated, and give the employee the opportunity to make submissions responding to the allegation or conviction.

The template Letter of Allegation below is a useful guide for organisations covered by the Scheme and may be used when submitting documents to the Ombudsman to evidence compliance with section 19X of the Act. Please note, use of the template is not required and is intended to reflect a ‘best practice’ approach.

**Letter of Allegation (Example)**

***Private & Confidential***

[Name of Subject Employee]

[Subject Employee Address]

[Date]

Dear [Name of Subject Employee]

**Letter of Allegation**

This letter is to notify you that we have been informed of alleged incident(s) you may have been involved in, namely that at [Organisation/Location of Alleged Incident] –

[Outline Allegation Details]

As a result, we will be conducting a disciplinary investigation into this matter.

If substantiated, the allegations may breach the following policies:

* [List relevant policies]

**Our Reporting Obligations**

Due to the nature of the allegations, this matter has also been notified to the Ombudsman Western Australia (**Ombudsman**) as an allegation of [Type of Reportable Conduct alleged].

The notification to the Ombudsman has been made as part of the Reportable Conduct Scheme, under the *Parliamentary Commissioner Act 1971*. If the above allegation(s) are substantiated, your conduct may meet the definition of reportable conduct. At the end of this investigation, we will report our findings to the Ombudsman.

The Ombudsman may advise the Working with Children Screening Unit if a substantiated reportable conduct finding is made. For further information about the Reportable Conduct Scheme, see the Ombudsman’s Information Sheet 7, available online at:

<https://www.ombudsman.wa.gov.au/Reportable_Conduct/RCS-Info.htm>**.**

**Your Right to Respond**

In accordance with our policies, you have the right to procedural fairness. This means that, before any adverse finding or adverse action can be taken against you, you have the right to:

* Be advised of the details of any allegation(s) made against you, notified that you are the subject of an investigation and be provided an opportunity to respond to the allegation(s);
* Have any response(s) you provide properly considered and after considering your response(s), be advised of any proposed adverse findings or actions that may be taken against you and be provided another opportunity to respond to any proposed adverse findings and/or actions; and
* Be provided in writing, the outcome of our investigation and the reasons for our findings.

Your first opportunity to provide a response to these allegations is by attending a **meeting scheduled for [Outline Details of Meeting]** and/or by providing a written response. **Any written response is due by close of business, [Written Response Due Date]**.

You are entitled to bring a support person with you to the meeting. If you believe that any person may have information relevant to the investigation please let me know.

**Confidentiality**

To facilitate the investigation, we ask that you keep this matter confidential. This means you should not discuss or disclose any matter relating to this investigation with any person, other than me, your representative or your support person. You should also ask them to keep this matter confidential. If you become aware of any breach of confidentiality regarding the investigation, please contact me immediately.

**Harassment**

It is against the [Organisation’s name] policies for any person to victimise, harass or retaliate against you as a result of your involvement in this matter. You should immediately contact me if you think this has occurred. Likewise, it is against our policies for you to victimise, harass or retaliate against any person or witness involved in this matter. If you do so, you may be subject to disciplinary action, up to and including termination of your employment.

**Next Steps**

[Name and Title of Investigator], from [Investigator Organisation] has been appointed as the independent investigator to this matter. If you decide to bring a support person with you to the investigation meeting, I ask that you provide [Name of Investigator] with advance notice of who that person will be.

Once [Name of Investigator] has concluded their investigation, they will compile an Investigation Report. I will then decide what (if any) further steps may be undertaken in accordance with the Reportable Conduct Scheme.

[Name of Investigator] will be your contact person during the course of this investigation process. Please do not hesitate to contact them in the meantime with any questions, or if you require any additional support during this time.

[Name of Investigator] can be contacted by email at: [Investigator Contact Details].

**Employee Assistance Program**

[Outline Details of any Employee Assistance available (if applicable)].

Yours sincerely,

[Signature]

[Name of Decision Maker]

[Title of Decision Maker]

[Contact Details of Decision Maker]