**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) of the *Parliamentary Commissioner Act 1971* (**the Act**) requires that:

* **After considering the submission(s) made by the employee**, the organisation must inform the employee of the proposed adverse finding, and give the employee the opportunity to make submissions responding to the proposed adverse finding (section 19X(2)(b)); and
* **Before any disciplinary or other action is taken due to the findings**, the organisation must inform the employee of the proposed action to be taken and give the employee an opportunity to make submissions responding to the proposed action (section 19X(2)(3)).

The template Letter of Proposed Adverse Findings and Actions 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]

**Proposed Adverse Findings and Actions**

This letter relates to the following alleged incident(s), namely that at [Organisation/Location of Alleged Incident] –

[Outline Allegation Details]

In our letter to you dated [Date of Allegation Letter], we advised you that this matter was subject to a disciplinary and reportable conduct investigation and on [Date of interview], you participated in an investigative interview to provide your account.

We have considered the information provided during your interview, conducted on [Date of interview].

**Proposed Findings**

Having considered all the information available, we are proposing to ***[Substantiate or Unsubstantiate]*** both allegations as follows:

[Details of Allegations and relevant breaches to policies and/or whether conduct amounts to reportable conduct]

**Proposed Actions**

As a result of our proposed findings, we are also proposing to take the following action: [Details of Proposed Actions against Subject Employee]

**Your Right to Respond**

In accordance with our policies, you have the opportunity to provide a final response to these allegations in writing due by **[Date Final Response Due]**. Please provide any further responses to [Name and Contact Details of Investigator].

**Confidentiality**

As a reminder, this matter is 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] 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.

**Employee Assistance Program**

[Details of any Employee Assistance available]

**Next Steps**

Should you choose to provide a further response, we will consider the additional information. At the finalisation of this matter, you will be provided with a final Outcome Letter that will contain the findings and reasons for the findings. If you would like to discuss this matter further, please do not hesitate to contact me.

Yours sincerely,

[Signature]

[Name of Decision Maker]

[Title of Decision Maker]

[Contact Details of Decision Maker]