



## FACT SHEET



### Preparing a written response to disciplinary allegations

**Disciplinary processes should be conducted according to the principles of natural justice also known as procedural fairness. An investigation must observe these principles**

#### **THE RIGHT TO BE HEARD:**

Your employer has the right and obligation to investigate HOWEVER you must be given the opportunity to respond to any allegations made against you

If the allegations relate to something that happened some time ago, especially if the matters are serious, question why the matters have not been brought to your attention sooner.

You should be given sufficient notice to allow you to respond to the allegations. If there is a problem, ask for more time. Do this immediately, not when you have been asked to provide a response.

#### **THE RIGHT TO KNOW THE CASE AGAINST YOU**

You should be given sufficient information and detail of the allegations, and the evidence that this is based on to enable you to adequately respond to the issue that is the subject of the complaint. You should be told what conduct is the subject of allegations; what rule has been broken and what could happen

- You should be told the who, what, when where of any allegation: Identify where there is insufficient detail to respond adequately and identify what these are and ask for more detail
- Identify where there are subjective or unsubstantiated allegations
- Don't guess what you are being asked to respond to, respond to the matters that have been specifically raised
- If the allegations are factually correct explain the circumstances or identify where they are or are not factually incorrect

#### **ABSENCE OF BIAS**

The investigator and decision maker should be independent and free of bias.

Identify anything in the allegation that indicates that a view has already been formed.



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## What we can and can't do

You are best placed to know whether the allegations are accurate or unsubstantiated. We can review your submission and provide advice but are not able to write your submission.

This response is your chance to tell your side of the story by giving your version of events and explaining any relevant circumstances

### DO:

Be clear, complete and comprehensive

### DO NOT

Vent feelings Make assumptions

Make disparaging remarks or personal comments about others- the allegations concern YOU

## WHEN YOU CONTACT THE PSA

Remember to include advice about when your response is to be submitted; and relevant documentation about what it is you are being asked to respond to, and provide sufficient time for this to be considered