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## COMMUNICATING THE DECISION

There are a number of parties who need to be made aware of the decision.

### The respondent

If you have undertaken a disciplinary investigation, and the respondent is aware of that investigation, you should communicate the outcome of the investigation to the respondent in writing. You should do this even if you have not made any adverse findings.

You may want to tell the respondent about the investigation outcomes at a meeting. If you do, you should still give them a copy of the decision in writing.

### What to tell the respondent about the final decision

You should view the process as one of giving a 'statement of reasons'. The seriousness of the allegations and the outcomes for the respondent will impact on how formal and detailed these reasons need to be.

The respondent needs to be clear on why and how you made the decision you did. An independent person should also be able to see the reasons, logic and rationale behind your decision.

This process helps to instil confidence in your decision making process. It demonstrates transparency, fairness and accountability. It will make the outcomes easier to defend if they are challenged.

In writing, you should tell the respondent:

- the findings of fact, including the evidence used to come to these findings and the reasons (if you have given them a copy of the investigation report, you will not need as much detail) [\[FS20\]](#) [\[FS21\]](#)
- the misconduct findings, including what factors you took into account in making those findings and the reasons [\[FS22\]](#)
- the outcomes for the respondent (sanctions, professional development measures, management actions), including what factors you took into account in deciding on those outcomes and the reasons [\[FS23\]](#) and
- if adverse findings have been made:
  - appeal and review rights both internally (if applicable) and externally and
  - that the findings and outcomes may be relied on in the event of future misconduct.

You should also check on the respondent's welfare and offer them support options.

You may have given the respondent an opportunity to comment on the investigation report and the proposed misconduct findings and/or sanctions. [\[FS16\]](#)

If so, you should set out in the relevant sections of your letter why you did or did not take each aspect of any submission they made into account.

## The source

The source should be told when an investigation has come to an end. What you can and should tell the source will depend on your governing legislation, industrial instruments, and internal policies. [\[FS23\]](#)

You may or may not be able to tell the source exactly what action was taken by your organisation. In some organisations, it is mandatory to inform a complainant of disciplinary action that was taken in response to their complaint.

If possible, the information you give should provide the source with assurance that your organisation:

- has responded adequately to the allegations
- does not tolerate misconduct and
- has taken any steps necessary to remedy organisational deficiencies.

If the complaint is internal, consider steps you could take to ensure that the parties are able to work together after the matter has been finalised.

You should also tell them how they can have your decision reviewed. This includes both internally if applicable, and by taking the matter to external organisations such as the Ombudsman, the Integrity Commission, or Equal Opportunity Tasmania.

In most situations, it will be possible to give the source enough information about the way the matter was handled without breaching privacy or other legislation. You do need to be mindful of balancing the interests of your organisation, the public, the source, and the respondent.

## Other employees, witnesses and the public

Consider whether the misconduct warrants a communication to all or sections of your organisation. It may be a good idea to publicise the breach and the action taken as a warning or education to others. It may be an opportunity for management to communicate what they have done and what's expected of employees, and to reinforce ethical values and behaviours.

Employees and members of the public are also more likely to have confidence in your organisation, and report misconduct, if they have seen evidence of a fair process. Communication may also be necessary to clear the air of rumors and gossip.

Witnesses generally do not have a right to know the outcome of the matter. You may, however, consider whether this is worthwhile from an educational perspective for internal witnesses, or a customer service perspective for external witnesses. [\[FS18\]](#)

Publication of information about complaints and actions taken in response to misconduct allegations, for instance in an annual report, can increase public confidence in your organisation. Where the matter is in the public domain, it may be appropriate to consider a media release.

## Record keeping

Copies of all final, signed correspondence to both the source and the respondent should be kept and stored in accordance with legislation and policies. This includes the [Archives Act 1983 \(Tas\)](#). [\[FS7\]](#)

Make sure you store records of sanctions, professional development measures and management actions on the employee's personnel file as required. These will be particularly important if the employee comes under investigation again in the future. [\[FS23\]](#)