

TIMEFRAMES

Misconduct matters should be dealt with as quickly as possible. This is important for all parties. An unreasonable delay may result in the decision being overturned.

Lack of timeliness may negatively impact on the welfare of the respondent. It is also frustrating for the source. In serious matters, it also has the potential to negatively impact on their welfare. For your organisation, the potential negative impacts include:

- wasted time and (human) resources
- poor public perceptions for externally raised complaints
- negative impacts on employees, which in turn causes them to have negative perceptions of the organisation, and
- less reliable outcomes, as records may be lost or destroyed, and memories become less dependable.

You should check if there are timeframes set in relevant industrial instruments, legislation, directions or policy. Your organisation may have indicative or mandatory timeframes for each stage of the misconduct process. It may also be a requirement, for example, for your organisation to commence or complete an investigation within a 'reasonable' timeframe.

If you are writing a misconduct policy, indicative timeframes – especially at the investigation stage – are generally to be preferred over mandatory timeframes. This is because the time taken to deal with a matter can vary greatly. It may also depend on external processes. For instance, you may be advised to suspend your investigation while the police investigate.

As a rough guide you should aim to meet the following timeframes.

Initial handling:	Three working days up to 1 week.
Preliminary assessment and decision on whether to investigate:	Up to 2 weeks (including approximately three working days for the preliminary assessment, and approximately three working days for the decision on whether to investigate).
Simple investigation:	Up to 3 months.
More serious or complex investigation:	Between 3 to 12 months – ideally not longer than 6 months.
Decision making and finalising the matter:	Ideally up to 2 months, depending on the seriousness and nature of the outcomes, and the number of parties involved.

The sooner you can finalise things the better. However, this should not be at the expense of due process. Processes that are likely to extend timeframes include:

- collecting all relevant evidence
- getting the correct delegate approval
- procedural fairness, and
- the availability of key persons such as the source, the respondent, witnesses, and the decision maker.

These are very important steps in the process, and should not be cut short for the sake of timeliness. Additional allegations or suspicions may emerge during the investigation process.

These also should not be ignored due to timeframe pressures.

If there are delays, you should communicate with the source and the respondent at regular intervals. This is to let them know that the matter is still under consideration. Some form of contact at least every month or two is best.