



## Managing a complaint investigated and referred by the Integrity Commission

A complaint has been made to the Integrity Commission that relates to your organisation. We have assessed and investigated it and are now referring it to your organisation for action.

### Investigation and referral

The Commission has investigated the complaint. You will have received our investigation report. The report will probably include findings of fact and supporting material.

### Why are we referring the complaint?

As a result of the investigation, we have decided that your organisation is best placed to manage the complaint and:

- ▼ take action if misconduct has occurred – we may have made factual findings that warrant further action, which may include a misconduct investigation by you, and
- ▼ take the necessary steps if the complaint highlights shortcomings in policies and procedures, or misconduct risks.

### What are our expectations?

You should read the referral letter and see if we have made any specific recommendations about how to manage the complaint and any actions you should take.

Unless indicated in our letter, we don't necessarily expect you to investigate the complaint. However, we do expect you to take appropriate action.

### Managing the complaint

Good practice does not usually involve going straight to the subject of the complaint (the 'respondent').

You should follow the *Guide to managing misconduct in the Tasmanian public sector*.

You should:

- ▼ consider whether whistle-blower legislation applies, and
- ▼ contact the complainant as soon as possible, and advise them of any action you plan to take.



If you investigate the complaint, make sure that you:

- ▼ collect enough evidence to make logical and defensible findings of fact
- ▼ test the evidence – including evidence from the respondent (don't just take their word for it), and
- ▼ consider all available evidence in making the decision.

You may be able to use the material we have sent you. If you do, you will still need to:

- ▼ come to your own conclusions
- ▼ comply with any necessary internal processes, and
- ▼ adhere to procedural fairness principles.

You can contact us for help if you need to.

## What if the complaint is anonymous?

You should handle anonymous complaints like any other complaint. Sometimes a complainant requests anonymity with the organisation but has made their identity known to us. If you need more information, we may be able to assist you by contacting the complainant.

## What happens next?

When you have finished dealing with the complaint, you should advise the complainant and the Commission of the outcome. Ensure you comply with any requirements set out in our referral letter about reporting, monitoring, or auditing your action.

The primary purpose of this oversight is to make sure that public sector organisations manage misconduct matters appropriately. We will be examining what action you took and looking for clear and sufficient information to support that action.

The material you produce is the property of your organisation. If you give us a copy of your investigation report, we will not send it to the complainant or anyone else involved without your permission.



### The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: [contact@integrity.tas.gov.au](mailto:contact@integrity.tas.gov.au) or 1300 720 289.

For more resources, go to [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)