FLOWCHART OF STEPS INVOLVED IN THE FORMAL MISCONDUCT PROCESS

The Secretary's delegate or the Employee Conduct and Ethics Section receives allegations of misconduct. Delegate considers options for handling the allegations. Delegate may decide not to institute a formal misconduct process but take instead other management action.

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Delegate decides to institute a formal misconduct process pursuant to section 15(3) of the *Public Service Act 1999*.

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Delegate considers whether to suspend the employee (with or without pay) or temporary re-assign the employee to other duties.

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Delegate appoints a decision-maker whose role is to determine whether the employee has breached the APS Code of Conduct. Delegate may also appoint a separate investigator whose role is to conduct an investigation into the allegations and make findings of fact.

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Delegate writes to the employee advising of the decision to institute a formal misconduct process, the identity of the investigator and decision-maker, details of the allegations and the sanctions that may be imposed if the employee were found to have breached the Code of Conduct. Delegate also advises the employee of any proposal or decision to suspend them or temporarily re-assign them to other duties.

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Decision-maker conducts an investigation themselves. Employee invited to participate in an interview and/or provide a written statement.

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Following an investigation, decision-maker prepares a report making findings of fact.

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Investigator assists decision-maker by conducting an investigation. Employee invited to participate in an interview and/or provide a written statement.

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Following an investigation, investigator prepares a report making findings of fact. Investigator provides report to decision-maker.

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Decision-maker writes to the employee advising them of the findings of fact made.

If the findings of fact do not make out any alleged breach of the APS Code of Conduct, decision-maker will advise the employee and write to the Delegate, recommending the conclusion of the formal misconduct process.

If the findings of fact may amount to a breach of the APS Code of Conduct, decision-maker advises the employee of the relevant provisions of the Code of Conduct and invites the employee to comment on the findings of fact and the relevant provisions of the Code of Conduct.

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Following receipt of any employee comments, decision-maker considers whether, on the findings of fact, the employee has breached the APS Code of Conduct. Decision-maker provides the employee with their preliminary determination and invites the employee to comment.

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After consideration of any employee comments, if decision-maker determines that the employee has breached the APS Code of Conduct, decision-maker provides the employee with their final determination and sends a copy to the Delegate.

Employee may exercise any rights of review.

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Secretary or delegate decides which person should consider imposing any sanctions, and subdelegates that power if necesary. Delegate writes to employee advising of identity of the sanction delegate (which could be the delegate themselves).

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Sanction delegate informs the employee of the proposed sanctions, if any, being considered and of the factors under consideration in proposing the sanctions and invites the employee to comment.

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Following receipt of any employee comments, sanction delegate makes a decision on the sanctions to be imposed and the date on which the sanctions will take effect.

Employee may exercise any rights of review.

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Sanctions take effect. Formal misconduct process concludes.

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After consideration of any employee comments, if decision-maker determines that the employee has not breached the APS Code of Conduct, decision-maker provides the employee with their final determination and sends a copy to the Delegate.

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Delegate writes to employee advising of the conclusion of the formal misconduct process.