# Template letter: Show cause notice on disciplinary finding (first show cause notice)

[Address]

Dear [insert name],

I have received [a report/an investigation report/a statement/information] dated [insert date], from [investigator/complainant/internal consultant/external consultant], concerning [insert high-level description of allegation[s].

The [allegation is/allegations are] that:

* [insert the specific description of the allegation. Include:
	+ particulars to support the allegation
	+ relevant parts of the report/evidence provided that the allegation is being relied upon
	+ insert the section of the *Public Sector Act 2022* (Act), Code of Conduct or policy which has allegedly been breached and how the allegation, if proven, would establish grounds for discipline under section 91 of the Act.
* [if relevant, repeat information above for each additional allegation].

[Must be included for each allegation]

The information to support [this allegation/these allegations] can be found in the [attached investigation report/witness statement, etc] in [include specific paragraph and page references for the information relied upon to form the allegation]*.*

A copy of [refer to all documents enclosed e.g. relevant provisions from chapter 3 of the Act, other relevant legislation, discipline directive, the Code of Conduct (or relevant extracts); the investigation report (or relevant extracts), witness statements, copies of relevant hard and electronic documents] are attached for your consideration.

Section 91 of the Act provides that a chief executive may discipline an employee if they are reasonably satisfied that a discipline ground has been established. In accordance with [insert description of delegation e.g. HR delegations of XX date] I have been delegated the functions of the chief executive for this matter.

You are invited show cause as to why a disciplinary finding should not be made against you on the ground of [insert specific section here e.g. section 91(1)(a)].

Your response should provide any explanation you believe is relevant.

In providing natural justice to you, no final decision will be made about [insert allegation/or allegations – number them if required] until you have had the opportunity to formally respond.

You are required to provide your response marked ‘private and confidential’ to me within [14 days] from the date of receipt of this letter.

If no response is received within this time, I will make a decision on your liability for discipline based on the material I currently have.

Please be aware that matters which are the subject of this disciplinary process are to remain confidential. This will safeguard the integrity of the process.

You are directed not to discuss this matter with work colleagues or any person likely to have information relevant to the allegation(s) against you.

You may discuss the matter with your union, legal representative or support person.

If you wish to approach specific colleagues to assist you in your response, please discuss this with your nominated contact officer, [name and contact], to determine appropriate arrangements.

You are further reminded that your obligations under the Code of Conduct continue to apply throughout and following the conclusion of the disciplinary process.

[Include this paragraph and the next only for matters that have not been assessed as corrupt conduct and subject to oversight by the Crime and Corruption Commission]

Most discipline processes are concluded promptly, however sometimes there are factors that may lead to delay. If this discipline process has not been finalised and an outcome provided to you by six months from the date of this letter, it will be the subject of an internal review as outlined in clause 11 of the Discipline directive (the directive).

Under clause 12 of the directive you have the right to seek a review of a procedural aspect of [insert department, agency or entity’s name] handling of this matter by the Public Sector Commission. I have attached information regarding your options to seek a review to this letter [Attachment one].

In making the decision to commence this discipline process, I have considered any potential limitations on your human rights under the *Human Rights Act 2019* including, [include each human right that is potentially limited e.g. right to take part in public life, right to privacy and reputation or right to freedom of movement].

I am of the view that any limitation of your human rights is justified [include rationale and what was considered, including risks and how this outweighs the potential impact on the employee’s human rights].

I have asked [name], [position] to act as a contact officer for you in this matter. [He/she/they] can be contacted by email at [email address] or by telephone on (07) [telephone].

Please be advised that the [insert name of department, agency or entity’s employee assistance service] is available to you. The service is a confidential counselling and support service and is available on [insert telephone number]. You may also wish to seek advice and assistance from your union.

If you have any questions about the contents of this letter please do not hesitate to contact [insert name of contact] on [insert telephone number].

Yours sincerely

Decision maker

[Address]

Attachments:

Attachment one – Discipline process procedural review information

Attachment two – Discipline directive [must be included]

Attachment three – sections 91–94 Act [must be included]

[All information that relates to each allegation must also be included as an attachment to this letter.]

**Attachment 1–Discipline process review [must be attached with a copy of the Discipline directive]**

In certain circumstances, you may request a review of this matter by the Public Sector Commission (the Commission).

Your right to request this review is outlined in clause 12 of the Discipline directive as follows:

* 1. This section applies to matters involving a public sector employee’s work performance or personal conduct, other than corrupt conduct matters.
	2. A subject employee may ask the Commission to conduct a review of a procedural aspect of the public sector entity’s handling of a work performance matter, provided:
		1. the subject employee reasonably believes the chief executive has not complied with this directive
		2. the subject employee has used internal review procedures under the directive on individual employee grievances
		3. having used the procedures in clause 12.2 (b) the subject employee is dissatisfied with a decision made following the internal review, and
		4. a decision has not been made for the work performance matter that the subject employee may appeal under chapter 3, part 10 of the Act.
	3. The subject employee must request the review in writing.
	4. The request under clause 12.3 must address the eligibility for review under clause 12.2 and include:
		1. a clear statement of how the employee believes the public sector entity has not complied with this directive, and
		2. the action the employee seeks from the review.
	5. On receiving the request, the Commission may, but is not required to, conduct a review of a procedural aspect of the public sector entity’s handling of a work performance matter contemplated in section 123 of the PS Act, and may but is not required to give the chief executive a report on the review.
	6. The Public Sector Commissioner (Commissioner) must provide a written decision to the subject employee, along with reasons for the decision, including when the Commissioner decides not to conduct a review under clause 12.5.

Your review request must follow the process outlined above and be made in writing to employeereview@psc.qld.gov.au