

Attachment D3: INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and evidence gathered. An investigation helps determine the facts relating to the incident, as well as possible findings and recommendations. Any investigation that we conduct will be fair to all people involved and will be undertaken by an unbiased person.

If HA decides that a complaint should be investigated, the following steps will apply.

1. HA will provide directions in writing to the investigator that sets out the terms of engagement and his or her roles and responsibilities. The investigator will:
 - 1.1 Interview the Complainant and record the interview in writing.
 - 1.2 Provide full details of the complaint and attached/accompanying documentation to the Respondent (s) so that they can respond.
 - 1.3 Interview the Respondent(s) to allow them to answer the complaint and record the interview in writing.
 - 1.4 Obtain statements from witnesses and collect other relevant evidence if there is a dispute over the facts. All persons bound by this Policy shall comply with all reasonable requests by the Investigator for requests of copies of documentation and need to cooperate in the conduct of the Investigation.
 - 1.5 Make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue.
 - 1.6 Provide a report to the MPIO documenting the complaint, investigation process, evidence, finding/s and any recommendations.
2. HA will provide a report to the Complainant and the Respondent(s) documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
3. The Complainant and the Respondent(s) will be entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).
4. The Complainant and the Respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment D5.
5. If it is the view of the Investigator that the Respondent/s have lied or deliberately withheld information or documentation, they shall recommend that this matter be referred to the Tribunal.

Please note: it is not the role of the investigator to seek to resolve the matter, nor to impose a penalty. Any determination, finding or recommendation arising out of the investigation will be referred in the first instance to the MPIO for consideration.