

ACT Ombudsman Practice Guide No.7

S17J Final Report

This practice guide aims to help employers understand what the ACT Ombudsman requires following an investigation or inquiry into allegations or convictions of a reportable allegation or conviction by an employee.

This guide is not a form but a template.

What is the final report

S 17J of the *Ombudsman Act 1989* (the Act) requires that the employer must provide the Ombudsman with a written report of; the results of the investigation, including statements and documents referred to; action taken as a result and; any other information thought relevant to the report.

The Ombudsman understands that employers may use their own reports for a range of purposes. The Ombudsman does not expect that these reports be reformatted to fit our reporting requirements. However, employers should be aware that some information and different determinations may need to be made under the scheme. This guide provides a template for employer's that may not already have reporting templates of their own.

Related guidance

The following Practice Guides provide information that should be considered when completing as 17J; *No 6: Making a finding of reportable conduct* and *No. 9: How the Ombudsman Assesses an Employer's Response/Investigation* available on our website.

s 17J Final Report—key required information

- Your reference number/ACT Ombudsman reference number
- Name of the employee who is the subject of the allegation
- Name of alleged victim
- Dates of allegations of reportable conduct
- Date that *s 17G Notification* was filed
- Allegation
- Sustained/not sustained/false/not reportable conduct
- Recommendations/Consequences/Action:

s 17J Final Report—example template, other formats are acceptable

Background: Include contextual information to assist the designated entity to fully consider the matter and recommendations including:

- how the complaint/allegation was made, the date and anyone consulted in Human Resources;
- any relevant information about the employee who is the subject of allegation
- relevant information about the alleged victim

Key Process Information including:

- date risk analysis completed
- any notifications to Child and Youth Protection Services (CYPS), ACT Policing or other regulator Include details such as when reported, to whom and what was the response.
- date the employee subject of the allegation was notified of the allegation.

Allegations:

Provide details of the allegations. It may be convenient to cut and paste detailed allegation(s) from the letter to the employee who is the subject of the allegation where possible:

How was the employee (subject of the allegation) informed of and asked to respond to the allegation:			
In writing <input type="checkbox"/>	Verbally <input type="checkbox"/>	Not informed <input type="checkbox"/>	Reason:
By what method did the employee (subject of the allegation) respond to the allegation/s?			
In writing <input type="checkbox"/>	Interview <input type="checkbox"/>	Did not provide response <input type="checkbox"/>	
If the employee (subject of the allegation) was interviewed, was the employee invited to have a support person?			
Yes <input type="checkbox"/>	No, why?		
Did the employee (subject of the allegation) opt for a support person?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>		

Allegation 1: Insert Complaint (Copy chart for each allegation)

Evidence from the alleged victim	
Name	<p>Insert summary of relevant information/relevant extracts from transcripts.</p> <p>Set out each piece of evidence separately under a clear heading.</p> <p>E.g.: Incident Report from John Smith dated 6 March 2013</p>
Evidence from the employee subject of the allegation	
Name	<p>Insert summary of relevant information/relevant extracts from transcripts</p> <p>Set out each piece of evidence separately under a clear heading</p> <p>E.g.: Incident Report from Julie Smith dated 8 March 2013</p>
Evidence from witnesses	
Name	<p>Insert summary of relevant information/relevant extracts from transcripts.</p> <p>Set out each piece of evidence separately under a clear heading.</p> <p>E.g.: Record of Interview from Michael Jones dated 8 March 2013</p> <p>Summary of interview conducted with witness Include any evidence supplied by witness (for example drawings)</p>
Analysis: Did the behaviour occur as alleged?	
<p>Weigh up the evidence, draw a conclusion on the balance of probabilities as to whether the conduct occurred as alleged.</p> <p>Make a determination: sustained, not sustained (insufficient evidence), not sustained (lack of evidence of weight), not sustained (false), not reportable conduct</p> <p>Provide reasons for findings.</p>	

Action Taken by the Employer (Designated Entity)		
Head of entity (employer)	Actions: Actions may include: <ul style="list-style-type: none"> • No action after the investigation process • A formal apology • Counselling (a file noted discussion about inappropriate behaviour) • Letter of warning • Training • Performance monitoring or managing • Transfer/demotion • Termination • Other forms of disciplinary action as per employer policy 	
Risk Assessment		
Risk Area	Assessment	
Alleged victim	Analysis:	Action:
Employee subject of the allegation	Analysis:	Action:
Other children	Analysis:	Action:
Workplace (including schools)	Analysis:	Action:
(Other)	Analysis:	Action:

Investigation Report prepared by:

Investigation Report reviewed by:

More information is available at ombudsman.act.gov.au

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the ACT Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to legislation.act.gov.au.